

RAFAEL RENDON, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, AND INOCENCIA D. MAGRARE, RESPONDENTS.

G.R. No. 127089. November 19, 2004

Ponente: AZCUNA, J.

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AZCUNA, J.:

Assailed in this petition for review is the decision of the Court of Appeals dated October 7, 1996 affirming the conviction of petitioner herein Rafael Rendon for homicide in Criminal Case No. 4181.

Rafael Rendon, petitioner herein, and his wife Teresita, were charged with the crime of murder for the death of Rodolfo Magrare. The complaint, dated November 6, 1989, stated as follows:

That on or about 5:30 o'clock more or less in the afternoon of October 28, 1989, at Brgy. Bia-an, Municipality of Hamtic, Province of Antique, Philippines, and within the preliminary jurisdiction of this Honorable Circuit Trial Court, the above-named accused, conspiring, confederating and mutually helping one another, then and there wil[l]fully, unlawfully, and feloniously with intent to kill and with treachery, [grabbed], [and] grappled with the use of bolo and spear (Bangkaw), stabbed the victim, RODOLFO MAGRARE, and [as] a result thereof, said RODOLFO MAGRARE DIED instantaneously.

Contrary to law.[1]

After joint trial, the Regional Trial Court (RTC) of San Jose, Antique, Branch 11, found the spouses Rendon guilty only of homicide:

WHEREFORE in view of all the foregoing premises, accused Rafael Rendon and Teresita Rendon are hereby found guilty beyond reasonable doubt of the crime of homicide for the death of Rodolfo Magrare for which the penalty of reclusion temporal is imposed under Article 249 of the Revised Penal Code. [A]pplying the Indeterminate Sentence Law, and there being one mitigating circumstance of voluntary surrender and no aggravating circumstances to offset the former, accused are hereby sentenced to suffer an indeterminate prison term ranging from six (6) years and one (1) day of pris[i]on mayor, as minimum, to twelve (12) years and one (1) day of reclusion temporal, as maximum, and to indemnify, jointly and severally, the heirs of the deceased in the amount of P50,000.00 for the death of Rodolfo Magrare, and another sum of P15,470.00 spent in relation thereto.[2]

Rafael and his wife moved for the reconsideration of the above decision and on August 18, 1993, the trial court modified its ruling:

WHEREFORE, in view of all the foregoing premises, judgment is hereby rendered as follows:

Accused Rafael Rendon is hereby found guilty beyond reasonable doubt of the crime of homicide for the death of Rodolfo Magrare for which the penalty of reclusion temporal is imposed under Article 249 of the Revised Penal Code. Applying the Indeterminate Sentence Law, and there being one mitigating circumstance of voluntary surrender and no aggravating circumstances to offset the [same], accused is hereby sentenced to suffer an indeterminate prison term ranging from six (6) years and one (1) day of prision mayor, as minimum,

to twelve (12) years and one (1) day of reclusion temporal or maximum, to indemnify the heirs of the deceased in the amount of P50,000.00 for the death of Rodolfo Magrare, and another sum of P15,000.00 spent in relation thereto.

Anent accused Teresita Rendon, the [c]ourt finds her guilty beyond reasonable doubt of the crime of slight physical injuries and hereby sentenced to suffer a definite prison term of ten (10) days.[3]

From this judgment, Rafael appealed to the Court of Appeals. He was not joined, however, by his wife, Teresita. The Court of Appeals then rendered the questioned decision, the dispositive portion of which reads as follows:

WHEREFORE, we find no reversible error in the appealed Decision, which is hereby AFFIRMED in toto.

SO ORDERED.[4]

The conviction was based on the following facts as found by the Court of Appeals:

x x x The spouses Rodolfo and Inocencia Magrare and the couple Rafael and Teresita Rendon were neighbors in Bia-an, Hamtic, Antique. In the afternoon of October 28, 1989, Rodolfo Magrare and his wife sat on a pile of sand by the roadside in front of their house whiling away their time. By and by, Rafael Rendon with a sheathed bolo hanging by his side went directly to Rodolfo. Suddenly, the bolo was unsheathed and a struggle between the two ensued. The protagonists fell to the ground and rolled over a number of times. Then Rafael and rose left behind a totally wounded Rodolfo. Rodolfo sustained a stab wound at the left side of his neck, incised wound at the buttock and five (5) abrasions in different parts of his body. He died as a result of the wound in his neck. Rafael also suffered a lacerated wound in his left arm and four (4) incised wounds in his hands. He immediately went to the police station and voluntarily surrendered.[5]

In the instant petition, the main issues brought before this Court are:

WHETHER OR NOT THE JUDGMENT IS BASED ON A MIS- APPREHENSION OF FACTS;

WHETHER OR NOT THE FINDINGS OF FACTS ARE CONFLICTING;

WHETHER OR NOT SIMULTANEOUS HEARINGS ARE ALLOWED.[6]

At the outset, this Court notes that the petition is anchored on a plea to review the factual conclusions reached by the trial court. Such a task, however, is foreclosed by the rule that in petitions for certiorari as a mode of appeal, as in the present case, only questions of law distinctly set forth may be raised. These are the questions that do not call for any examination of the probative value of the evidence presented by the parties.[7]

Furthermore, petitioner claims self-defense. He argues that the evidence he presented to prove this claim was not taken into consideration by the trial court and the Court of Appeals. It is the rule that where the accused invokes self-defense, it is incumbent upon him to prove by clear and convincing evidence that he indeed acted in defense of himself. He must rely on the strength of his own evidence and not on the weakness of the prosecution.[8]

To prove self-defense, petitioner brought forward the witness Larry Sarion,[9] who testified that on the day the incident happened, he was at petitioner's house helping him saw some logs. According to Sarion, they stopped and rested at around 3:30 p.m., and walked to the house of petitioner's father, which was one kilometer away. At around 5:30 p.m., they proceeded back to petitioner's house and as they were walking, the victim Magrare blocked them and asked petitioner, "Why are you smiling?" Petitioner allegedly answered that he was not, but Magrare immediately grabbed petitioner's bolo. The bolo was in a sheath hung at the waist of petitioner. Magrare was not able to completely grab the bolo away from petitioner and the two men struggled for its possession. However, Magrare fell on the ground and was hit on the neck by the bolo. The witness further testified that the two men still continued to struggle for around fifteen minutes. He also saw petitioner's wife helping petitioner

strike Magrare.

On the other hand, the prosecution presented two witnesses: (a) Leticia Ferreras,[10] a neighbor of the Magrares, and (b) Inocencia Magrare,[11] the widow of the victim. Both witnesses testified that on that fateful day, at around 5:30 p.m., while they were sitting with the victim on a pile of sand in front of the house of the Magrares, petitioner came to them, unsheathed his bolo, and poised himself to attack Magrare. Petitioner, at first, was unable to hit the victim since the latter was able to grab the hand of the former. The two men then struggled for possession of the bolo, but Magrare fell and was hit on the neck by the bolo. Petitioner then called out to his wife for help. His wife came out carrying a spear and started thrusting the spear at the back of Magrare. The victim's wife also testified that petitioner and his wife dragged her husband a few meters away from where the fight began. The two then ran away after they saw that the victim had stopped moving.

This Court agrees with the Solicitor General's observation that there are diametrically opposed versions of how the event happened. When this Court is asked to go over the evidence presented by the parties, and analyze, assess and weigh the same to ascertain if the trial court, affirmed by the appellate court, was correct in according superior credit to this or that piece of evidence and, eventually, to the totality of the evidence of one party or the other, the Court will not do the same.[12] Moreover, the rule is that the conclusions of the lower court on the credibility of witnesses are entitled to great weight and respect. Unless there are substantial facts and circumstances that have been overlooked, which if considered might affect the result of the case, such findings are generally not disturbed on appeal.[13] In the present case, this Court finds no cogent reason to depart from the findings of the lower court, as affirmed by the Court of Appeals. When the trial court's factual findings have been affirmed by the appellate court, said findings are generally conclusive and binding upon the Court.[14]

Petitioner also claims that he was not physically fit enough to dare to attack a bigger and stronger man like the victim, Magrare. He further asserts that, in fact, he walks with a limp, a result of a past leg injury. To prove this, petitioner brought forward Dr. Sme Panes as witness.[15] Dr. Panes testified that he treated petitioner for a leg fracture from January 22, 1988 to February 28, 1988. Upon cross-examination, however, Dr. Panes admitted that such an injury may heal in only thirty days. This Court notes that the attack against Magrare happened on October 28, 1989, more than one year after petitioner allegedly suffered the alleged fracture.

Finally, this Court cannot give credence to the allegation of petitioner that the hearing on July 9, 1990 was held inside the chambers of the presiding judge, and not in open court. An examination of the records does not show that there was anything unusual by the way the trial was being held.[16] Furthermore, the transcripts do not show any objection from petitioner's counsel or any statement made on record that the manner by which the trial was held was highly unusual and directly infringed upon the rights of petitioner as the accused in the case.

WHEREFORE, the petition is DENIED, and the decision of the Court of Appeals is AFFIRMED.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Quisumbing, Ynares-Santiago, and Carpio, JJ., concur.

[1] Records, p. 3.

[2] Rollo, pp. 22-36.

[3] Records, pp. 215-218.

[4] Rollo, p. 21.

- [5] Decision of the Court of Appeals, p. 1; Rollo, p. 17.
- [6] Petition, p. 7; Rollo, p. 9.
- [7] *Cormero v. Court of Appeals*, 247 SCRA 291 (1995).
- [8] *People v. Mercado*, 159 SCRA 453 (1988).
- [9] Testimony of Larry Sarion, July 19, 1991.
- [10] Testimony of Leticia Ferreras, May 11, 1990.
- [11] Testimony of Inocencia Magrare, June 14, 1990.
- [12] *Elayda v. Court of Appeals*, 199 SCRA 349 (1991).
- [13] *People v. Baluarte*, 60 SCRA 356 (1974), *Cortez v. Court of Appeals*, 163 SCRA 139 (1988), *People v. Lapitaje, et al.*, 397 SCRA 674 (2003).
- [14] *People v. Castillo*, G.R. No. 118912, May 28, 2004.
- [15] Testimony of Dr. Sme Panes, August 28, 1998.
- [16] Records, pp. 55-56.

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