

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
EUFROCENIO LACESTE, CIPRIANO LACESTE, RIZALINO LACESTE,
EDDIE BAUSON, ARTHUR BAUSON, BONIFACIO SORIANO, AND JOHN
DOE, ACCUSE...**

G.R. No. 127127. July 30, 1998

Ponente: DAVIDE, JR., J.

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DAVIDE, JR., J.:

This case is before us for the automatic review of the judgment[1] of 28 June 1996 of the Regional Trial Court (RTC) of Dagupan City, Branch 41, in Criminal Case No. D-01053 convicting accused-appellant Eufrocenio Laceste (hereafter EUFROCENIO) of the crime of murder and sentencing him to suffer the penalty of death pursuant to Article 248 of the Revised Penal Code, as amended by R.A. No. 7659.

On 9 August 1995, an information[2] was filed with the RTC of Dagupan City charging EUFROCENIO, Cipriano Laceste, Rizalino Laceste, Eddie Bauson, Arthur Bauson,[3] Bonifacio Soriano, and one John Doe with the crime of murder committed as follows:

That on or about 9:30 o'clock in the evening of April 9, 1995 at barangay Longos Parac-Parac, municipality of San Fabian, province of Pangasinan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused armed with a fan-knife (29) with intent to kill, evident premeditation, treachery and taking advantage of superior strength, conspiring, confederating and mutually helping one another did, then and there wilfully, unlawfully and feloniously attack, hold and stab RUFO NARVAS, SR. inflicting upon him a stab wound which caused his instantaneous death to the damage and prejudice of his heirs.

CONTRARY to Art. 248, Revised Penal Code as amended by R.A. 7659.

It was Bonifacio Soriano who was first arrested; he was given a separate trial and found guilty of murder as an accessory.[4] EUFROCENIO and his brother Cipriano Laceste were arrested only on 1 May 1996; while accused Eddie Bauson, Arthur Bauson, and Rizalino Laceste have remained at large.[5]

EUFROCENIO and Cipriano Laceste were tried jointly after each entered a plea of innocence.

The witnesses presented by the prosecution were Orlando Dispo and Bernardo Raboy, who had earlier testified at the trial of Bonifacio Soriano. Counsel for EUFROCENIO and Cipriano Laceste agreed that the previous testimony of Bernardo Raboy on direct examination be deemed reproduced as Raboy's direct testimony against the said accused, and that he would just cross-examine said witness. He had a different stand, however, as to the previous testimony of Orlando Dispo, who was therefore presented again for direct and cross-examination.

The evidence for the prosecution as narrated by Orlando Dispo and Bernardo Raboy are as follows:

At 9:30 p.m. of 9 April 1995, Orlando Dispo, Bernardo Raboy, Rufo Narvas, Sr., and Edwin Genese were having a drinking spree in front of the store of Marta Dispo in Longos, Parac-Parac, San Fabian, Pangasinan. After they

had consumed one box of Gold Eagle beer, a tricycle driven by Bonifacio Soriano arrived and stopped near the store. Accused EUFROCENIO, Cipriano Laceste, Rizalino Laceste, Eddie Bauson, and Arthur Bauson immediately alighted from the tricycle and went toward Rufo Narvas, Sr. The last four accused held Rufo by the arms. EUFROCENIO forthwith stabbed Rufo at the abdomen with a “29 fan knife.” Rufo then fell down. Fearing for his own life, Orlando ran away; but the Laceste brothers chased him until about twenty meters away. Bernardo Raboy also broke into a run, but Cipriano Laceste and Eddie Bauson chased him and boxed him. Thereafter, EUFROCENIO and his companions boarded the tricycle of Bonifacio Soriano and then sped away.[6]

As to the civil liability, the prosecution manifested that it would prove that “the expenses incurred by the heirs [of Rufo Narvas, Sr.] is [sic] P41,000 and moral damages”; but if the defense would admit that, it would dispense with the presentation of the witnesses. Upon inquiry by the court, the defense admitted; thus:

Court:

In case of favorable judgment, you will admit that the deceased of the heirs here [sic] have [sic] been put to expense and also suffered loss in the amount of P60,000.00, total loss?

Atty. Gabat:

Yes, Your Honor.[7]

On the other hand, the witnesses presented by the defense were EUFROCENIO; Cipriano Laceste; their mother, Elena Laceste; and Cipriano’s wife, Mila Laceste. Their testimonies wove a different story. Between 9:00 and 9:30 p.m. of 9 April 1995, EUFROCENIO, Cipriano Laceste, Eddie Bauson, Arthur Bauson, and Rene Ramos were riding on a tricycle driven by Bonifacio Soriano. The tricycle stopped in front of the store of Marta Dispo because EUFROCENIO’s house was just at the back of the store. As they were alighting, Orlando Dispo and Rufo Narvas, Sr., threw stones at them. After Eddie Bauson alighted, Rufo remarked to him: “Vulva of your mother.” A fist fight ensued between the two. Meanwhile, Orlando Dispo got a “2 x 2 piece of wood,” and one Floro Dispo took hold of a chair. Sensing that they would be attacked, EUFROCENIO and his brother Cipriano ran toward the back of the store and eastward. Bernardo Raboy and Orlando Dispo chased them.[8]

EUFROCENIO and Cipriano did not testify how Rufo was stabbed. It was their mother, Elena Laceste, who did. According to her, at around 9:30 p.m. of 9 April 1995, she was in the store of Marta Dispo to buy kerosene. Just then, a tricycle stopped. Rufo Narvas, Sr., and Orlando Dispo, who were in front of the store, stood up and threw stones toward the tricycle. When Eddie Bauson alighted from the tricycle, Rufo remarked, “Vulva of your mother.” Thereupon, Eddie and Rufo had a fist fight; while Orlando Dispo, Bernardo Raboy, Floro Dispo, and Rufo Narvas, Jr., chased the Laceste brothers. Rufo Narvas, Sr., saw a knife on the table, got it, and tried to stab Eddie Bauson; but the latter was able to grab the knife and stabbed Rufo.[9]

To prove that it was indeed Eddie Bauson who stabbed Rufo, Mila Laceste testified that at around 9:45 p.m. of 9 April 1995, while she was at her restaurant in Cayanga, a tricycle stopped nearby. Bonifacio Soriano, Eddie Bauson, Arthur Bauson, and Rene Ramos alighted from the tricycle, entered her restaurant, and ordered one bottle of “beer grande.” She noticed that Eddie Bauzon was holding a knife and was wearing a bloodstained t-shirt. Eddie told her that he had stabbed Rufo Narvas, Sr.[10]

The trial court found the witnesses for the prosecution to be more credible in that their testimonies were “straightforward, firm and showed no signs of nervousness, fabrication or malice.” It found, as well, no reason for them to testify falsely against the accused.

As to the testimonies of the accused and their witnesses, the court considered the same unworthy of belief for being obviously biased and for lack of corroboration. Moreover, Elena’s behavior during the alleged fight

“appeared patently unnatural and defied logic, reason and rationality because when the stabbing was in progress three meters distant from her, she just stood by unperturbed” instead of running away as would any person of her sex under such circumstances. Even when her sons were allegedly chased, she never bothered to follow them and inquire why her sons were involved. Neither did she divulge to the policemen who came to the crime scene what she had witnessed.

The trial court also took note of the flight of EUFROCENIO and Cipriano Laceste. They left their place of residence immediately after the incident and were arrested by the police only on 1 May 1996 in La Trinidad, Benguet, where they went into hiding. Since they did not explain or give reason for their flight, the trial court concluded that they had a guilty conscience.

In convicting EUFROCENIO for murder, the trial court took into consideration the qualifying circumstance of treachery since he stabbed Rufo Narvas, Sr., when the latter was helpless and with no means of defending himself.

The trial court, however, acquitted accused Cipriano Laceste because “his only participation ... was his act of holding or grappling with the deceased” without any indication of conspiracy between him and EUFROCENIO.

Accordingly, the trial court rendered judgment, thus:

WHEREFORE, finding accused Eufrocenio Laceste guilty beyond reasonable doubt of the crime of murder defined and punished by Article 248 of the Revised Penal Code, he is hereby sentenced to suffer the penalty of death pursuant to Republic Act 7659.

In the case of accused Cipriano Laceste, he is hereby acquitted for failure of the prosecution to prove his guilt beyond reasonable doubt.

Both accused are hereby ordered to indemnify the heirs of the deceased in the amount of P100,000.00 as actual, moral, compensatory, and other consequential damages.

SO ORDERED.[11]

EUFROCENIO still filed a Notice of Appeal.[12] In his Appellant’s Brief he contends that the trial court erred in

I

... GIVING FULL WEIGHT AND CREDENCE TO THE TESTIMONIES OF THE PROSECUTION WITNESSES AND IN DISREGARDING THE THEORY OF THE DEFENSE.

II

... FINDING [HIM] GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF MURDER DESPITE THE INSUFFICIENCY OF THE PROSECUTION’S EVIDENCE.

III

... APPRECIATING THE EXISTENCE OF THE AGGRAVATING CIRCUMSTANCE OF TREACHERY DESPITE THE INSUFFICIENCY OF EVIDENCE TO PROVE IT.

EUFROCENIO argues that the testimonies of the witnesses for the prosecution were improbable, immaterial, contrary to human experience, and full of inconsistencies in material and major details. He characterizes as “very surprising and very unusual” the failure of said witnesses to prevent any of the accused from going near the victim. They did not throw to the accused the bottles on top of the table; neither did they push the table to the accused, nor did they smash the chairs on the latter. EUFROCENIO then concludes that the testimonies of the prosecution witnesses “were integral parts of a well thought and pre-fabricated story.”

As to the finding of treachery, EUFROCENIO argues that the existence of only one stab wound corroborated by the fact that the victim and the assailant were facing each other negates the existence of treachery.

The Office of the Solicitor General (OSG) is for the affirmance of the decision of the trial court. On the allegation that prosecution witnesses Bernardo Raboy and Orlando Dispo were not credible witnesses because of their failure to come to the aid of Narvas, it cites the suddenness of the attack as well as the fear the two felt upon the violence wrought by EUFROCENIO and his companions. As to the alleged contradictory statements made by the prosecution witnesses, the OSG quotes extensively their testimonies to prove congruence and credibility especially with regard to the suddenness of the attack on Narvas. Lastly, the OSG agrees with the trial court's finding that treachery attended the killing in that there was swift and unexpected attack by EUFROCENIO on the unarmed Narvas, who had not committed any slightest provocation and was totally unaware of EUFROCENIO's murderous design.

EUFROCENIO's conviction for the crime of murder under Article 248 of the Revised Penal Code, as amended by R.A. 7659, stands. We are however, modifying his sentence for reasons which we shall hereinafter discuss.

Witnesses' inaction is a common argument which has been received with reluctance. We have decreed that there is no standard form of human behavioral response when one is confronted with a strange, startling, or frightful experience.[13] In another case, we have ruled that the testimony of an eyewitness who, while the crime is taking place, made no outcry and exerted no effort in order to help the victim will not be rendered unbelievable by such fact alone. Witnessing a crime is an unusual experience which elicits different reactions from the witnesses and for which no clear-cut standard form of behavior can be drawn.[14] A statement of this Court in an earlier case seems apt although lifted from a different set of circumstances, that is, "Not everyone who passes on the road to Jericho is a clone of the Good Samaritan." [15]

In any event, the failure of Orlando Dispo and Bernardo Raboy to prevent the attack was due to their fear[16] and the suddenness of the attack.[17]

EUFROCENIO's sweeping charges of bias and contradictory statements against the prosecution witnesses are not supported by instances demonstrating such. In any case, our review of their testimonies fails to bear out contradictory statements on material points.

We must further reiterate that, ultimately, when the issue is one of credibility of witnesses, appellate courts will generally not disturb the finding of the trial court unless it has plainly overlooked certain facts of substance and value that, if considered, might affect the result of the case. This is so because the trial court is in a better position to decide the question, having heard the witnesses and observed their deportment and manner of testifying during the trial.[18] EUFROCENIO miserably failed to convince us that an application of such an exception is warranted.

It is likewise important to note that no dubious motive was shown on the part of the prosecution witnesses to implicate EUFROCENIO.[19] The latter, however, asserts that motive on his part to kill Rufo Narvas, Sr., was never proved by the prosecution. It is settled that motive is not essential for conviction for a crime when there is no doubt as to the identity of the culprit, and that lack of motive for committing the crime does not preclude conviction for such crime when the crime and participation of the accused are definitely proved.[20]

Finally, as correctly stressed by the trial court, EUFROCENIO and Cipriano Laceste fled from their residence immediately after the incident and went into hiding in La Trinidad, Benguet, where they were arrested only on 1 May 1996. The Old Testament says that "the wicked man flees though no man pursueth, but the righteous are as bold as the lion." [21] Therefore, flight, when unexplained, is a circumstance from which the inference of guilt

may be drawn.[22] Put in another way, unexplained flight evidences guilt or betrays the existence of a guilty conscience.[23]

We agree with the trial court and the OSG that treachery attended the killing of Rufo Narvas, Sr. After alighting from the tricycle, EUFROCENIO's companions suddenly approached and held the unsuspecting and unarmed Rufo; and without much ado, EUFROCENIO stabbed Rufo. There is at all no doubt in our minds that they deliberately and consciously employed means and method in the execution of the crime that tended directly and especially to insure its execution without risk to themselves arising from the defense which Rufo might make.[24] All the elements of treachery as defined in paragraph 16 of Article 14 of the Revised Penal Code are, therefore, present.

Under Article 248 of the Revised Penal Code, as amended by R.A. No. 7659,[25] the penalty for murder is reclusion perpetua to death. Since no mitigating or generic aggravating circumstances had been proved, the lesser penalty -- reclusion perpetua -- shall be applied pursuant to the second paragraph of Article 63 of the Revised Penal Code. The trial court then erred in imposing upon EUFROCENIO the death penalty.

We shall also modify the award of damages. It must be noted that the trial court awarded the heirs of the victim "in the amount of P100,000 as actual, moral, compensatory, and other consequential damages." In the first place, actual damages are not different from compensatory damages. Under Chapter 2, Title XVIII, Book IV of the Civil Code, actual and compensatory damages are synonymous; hence the title of the Chapter as well as Article 2199 thereof refer to them as actual or compensatory damages. They are, as well, different from moral damages under Article 2217 of the Civil Code. In every case then, courts must specify the award for each item of damages and make a finding thereon in the body of the decision.

In this case, apart from the indemnity for death under Article 2206 of the Civil Code, which current jurisprudence law has fixed at P50,000, the heirs of the victim are entitled to an award of actual damages in the amount of P60,000, which the defense had admitted during the trial. However, since they waived moral damages by agreeing to a limited and specific amount to be paid by accused-appellant, the award therefor was unwarranted.

IN VIEW OF THE FOREGOING, the decision of the Regional Trial Court of Dagupan City, Branch 41, in Criminal Case No. D-01053 finding accused-appellant EUFROCENIO LACESTE guilty beyond reasonable doubt as principal of the crime of murder as defined and penalized under Article 248 of the Revised Penal Code, as amended by R.A. No. 7659, is AFFIRMED, subject to modifications as to the penalty imposed and the award of damages. As modified, the penalty is changed from death to reclusion perpetua, with all its accessories; and the award of P100,000 for actual, moral, compensatory, and other consequential damages is substituted with the awards of P50,000 as civil indemnity for the death of Rufo Narvas, Sr., and P60,000 as actual damages, which accused-appellant shall pay to the heirs of the victim.

Costs against accused-appellant.

SO ORDERED.

Narvasa, C.J., Regalado, Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Martinez, Quisumbing, and Purisima, JJ., concur.

[1] Original Record (OR), 51-55; Rollo, 54-58. Per Judge Victor T. Llamas, Jr.

[2] OR, 1-2; Rollo, 6-7.

[3] Spelled with a Z in the stenographic notes of the testimonies of the witnesses.

[4] Second paragraph, first page of the challenged decision, OR, 51; Rollo, 54.

[5] Id.

[6] TSN, 13 June 1996, 3-10; TSN, 26 January 1996, 3-9.

[7] TSN, 18 June 1996, 8.

[8] TSN, 25 June 1996, 7-9, 12-13.

[9] Id., 2-3.

[10] TSN, 25 June 1996, 10.

[11] OR, 55; Rollo, 58.

[12] OR, 57.

[13] *People v. Dones*, 254 SCRA 696, 708 [1996].

[14] *People v. Escandor*, 265 SCRA 444, 451 [1996].

[15] *People v. Gecomio*, 254 SCRA 82, 106 [1996].

[16] TSN, 13 June 1996, 15-16.

[17] TSN, 13 June 1996, 6, 14-15; TSN, 18 June 1996, 5.

[18] *People v. Hubilla*, 252 SCRA 471, 478 [1996]; *People v. Cristobal*, 252 SCRA 507, 515 [1996].

[19] *People v. Leoterio*, 264 SCRA 608 [1996]; *People v. Balamban*, 264 SCRA 619 [1996].

[20] *People v. Devaras*, 205 SCRA 676, 692-693 [1992].

[21] Proverbs, 28:1.

[22] *U.S. v. Sarikala*, 37 Phil. 486, 487 [1918]; *People v. Garcia*, 209 SCRA 164, 177 [1992].

[23] *People v. Enciso*, 223 SCRA 675, 688 [1993].

[24] *People v. Tobias*, 267 SCRA 229 [1997]; *People v. Tabag*, 268 SCRA 115[1997].

[25] Entitled An Act to Impose the Death Penalty on Certain Heinous Crimes, Amending for that Purpose the Revised Penal Code, as Amended, Other Special Penal Laws, and for Other Purposes, which took effect on 31 December 1993 (*People v. Simon*, 234 SCRA 555, 569 [1994]).

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