

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DIONISIO GUANSON AND DANILO GUANSON, ACCUSED-APPELLANTS.

G.R. No. 130966. December 13, 2001

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

Accused Dionisio Guanson and Danilo Guanson were charged with murder in an Information[1] which reads, thus:

That on June 13, 1992 at about 6:00 o'clock in the afternoon, at Barangay Anopog, Municipality of Pinamungajan, Province of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, conspiring and confederating together and helping one another with intent to kill and with evident premeditation, attack, assault and use personal violence upon the person of one Francisco Pila by then and there shooting him with a .38 caliber gun and stabbing him with a hunting knife, thereby inflicting upon the said Francisco Pila mortal wounds which were the direct and immediate cause of his death thereafter.

Accused pleaded "not guilty" on arraignment.

Prosecution witness Silvestre Pila and accused Dionisio Guanson were both carpenters at the SM construction project in Cebu City. At around 7:00 in the evening of June 12, 1992, Silvestre and Dionisio were engaged in conversation inside their bunkhouse at the construction site. In the course of their conversation, Dionisio mentioned his plan to kill Francisco Pila because the latter supposedly caused his father's death through sorcery. Silvestre did not manifest any outward reaction to what he had just heard although he was alarmed for the safety of Francisco because the latter was his uncle. Apparently, Dionisio was not aware of their relationship.

At 3:00 in the afternoon of the following day, Silvestre went home to Pinamungahan, Cebu. He took a bus and alighted at Media Once and he walked towards his uncle's house in order to warn him. Not finding his uncle there, Silvestre proceeded to Bgy. Anupog where his uncle worked. On the way, Silvestre met his uncle and he immediately warned him about Dionisio's plan.

A few seconds later, Silvestre heard Francisco pleading for his life. He looked back and saw Dionisio aim and fire at Francisco's forehead. When Francisco fell to the ground, Danilo Guanson repeatedly stabbed him with a knife. Fearing for his life, Silvestre fled to his house. Silvestre witnessed the whole incident for he was only about seven (7) meters away from the scene of the crime.

Dr. Alfredo Soberano examined the body of Francisco and found the cause of death to be "massive cerebral hemorrhage secondary to gunshot wounds." [2] Dr. Soberano concluded that there were two (2) gunshot wounds, one on the right forehead with the exit wound at the back of the head, and the other on the right cheek. The right forehead wound was inflicted while the victim was standing and the right cheek wound was inflicted when the victim was already lying on the ground. There were also three (3) stab wounds.

Accused Dionisio and Danilo denied any participation in the crime and instead interposed the defense of alibi.

Dionisio claimed that on June 13, 1992, he was at a construction site in Cebu City working from 7:00 in the morning until 3:30 in the afternoon and did overtime work from 6:00 up to 9:00 in the evening. He presented an unauthenticated daily time record to support his claim. He insisted he could not have killed Francisco since he was at the construction site in Cebu City at the time the killing occurred.

On the other hand, Danilo claimed that on June 13, 1992 at 6:00 in the afternoon, he was at his house taking care of his father who was suffering from a boil. He maintained he was not in the company of Dionisio at the time the crime was committed. He admitted knowing Francisco and described his relationship with him as good. He alleged that he was only implicated in the killing because his mother, Consolacion, was accused by Juanita Piala, the wife of the deceased, of spreading rumors that the Pialas were witches.

The trial court gave credence to the version of the prosecution and rendered a decision,[3] the dispositive portion of which reads:

WHEREFORE, in view of the foregoing, this Court finds both accused GUILTY beyond reasonable doubt of the crime of Murder under Article 248 of the Revised Penal Code and hereby sentences both accused to the penalty of RECLUSION PERPETUA and to pay the heirs of the offended party actual damages P44,946.00, moral damages P10,000.00 and attorney's fees P10,000.00.

Accused however are given full credit of their preventive imprisonment.[4]

Hence, this appeal. Accused-appellants claim that the trial court erred:

- In totally disregarding the testimony of accused-appellant Dionisio Guanson and in declaring Exhibit "1" (The daily time sheet dated June 13, 1992, Saturday), as not having been authenticated;
- In giving full credence to Silvestre Piala, a biased and perjured witness, the prosecution's alleged sole eyewitness, whose testimony is not in accord with the ordinary course of nature, ordinary habits of life and is inconsistent with recorded evidence on material points;
- In not giving full credence to the evidence presented by accused-appellant Danilo Guanson;
- In convicting the accused-appellants based on the totality of the evidence presented which do not prove the guilt of the accused-appellants beyond reasonable doubt; and
- In ordering the accused-appellants to pay actual and moral damages as well as attorney's fees as part of the civil liability of the accused-appellants.

Accused-appellant Dionisio Guanson insists that the trial court erred in refusing to give probative value to the Daily Time Record on the ground that the same was not authenticated.

We do not agree.

A daily time record is a private document. As a prerequisite to its admission in evidence, its identity and authenticity must be properly laid and reasonably established.[5] To authenticate a private document means to prove its genuineness and due execution. When the law refers to "genuineness and due execution of the instrument" it means that the instrument is not spurious, counterfeit, or of different import on its face from the one executed.[6]

In the case at bar, the trial judge correctly found that the daily time record was not properly authenticated. The extent of the foundation for documentary proof lies in the discretion of the trial judge.[7] It appears from the evidence that it was only accused-appellant who attested to the genuineness and due execution of his daily time record by asserting that the signatures thereon were genuine. Said testimony is self-serving. Daily time records are

too unreliable an indicator of the whereabouts of employees at certain times within the working day.[8] It is noteworthy that the time keeper who prepared the daily time record was not presented to authenticate his own signature. Neither was the Project Manager presented to authenticate his own signature. Meanwhile, the testimony of the foreman whom the defense presented as one of the signatories in the daily time record carried no weight at all considering that his testimony was stricken off the records for failure to appear for the completion of his cross-examination.

The trial court found Silvestre to be a credible witness notwithstanding his relationship with the victim. Mere relationship with any of the parties does not disqualify one from being a witness. Neither could one be branded as biased just because he is related to one of the parties in the case.[9] Silvestre's relationship with Francisco does not disqualify him from taking the witness stand. Rather, his innate desire to bring to justice those whom he personally knew committed a crime against a close relative makes his identification of the accused all the more credible.[10]

Neither is Silvestre's credibility eroded by his reaction which are seemingly not in accord with the "ordinary course of nature or ordinary habits of life" as pointed out by accused-appellants. Different people react differently to a given situation, and there is no standard form of human behavioral response when one is confronted with a strange, startling or frightful experience. As a matter of common observation and knowledge, the reaction or behavior of persons when confronted with a shocking incident varies. Persons do not necessarily react uniformly to a given situation, for what is natural to one may be strange to another. Hence, placed under emotional stress, some people may shout, some may faint, and some may be shocked into insensibility, while others may openly welcome an intrusion.[11]

Accused-appellants could not even attribute a credible motive for Silvestre Pinala to testify falsely against them. Nevertheless, proof of motive is unnecessary in view of the positive identification of the accused-appellants.[12]

There exists no variance or inconsistency between Silvestre Pinala's testimony and the recorded evidence on material points. In fact, the medico-legal report corroborates Silvestre's testimony.

Ultimately, the issue here is the credibility of Silvestre Pinala. Well-entrenched in our jurisprudence is the doctrine that the assessment of the credibility of witnesses lies within the province and competence of trial courts. The matter of assigning values to declarations on the witness stand is best and most competently performed by the trial judge who, unlike appellate magistrates, could weigh such testimony in light of the declarant's demeanor, conduct and attitude at the trial and is thereby placed in a more competent position to discriminate the truth against falsehood. Thus, appellate courts will not disturb the credence, or lack of it, accorded by the trial court to the testimonies of witnesses, unless it be clearly shown that the latter court had overlooked or disregarded arbitrarily the facts and circumstances of significance in the case.[13] A careful review of the evidence on record shows that the trial court did not overlook or disregard any fact or circumstance of significance.

Suffice it to say that the cold pages of the records of this case do not graphically convey every minute detail that transpired in the lower court. Not every fearful glance or guilty sigh of the accused-appellants nor the resigned and restrained anguish of the victim's relatives is reflected and given life in the records. This is precisely the reason why this Court has often relied on the factual findings of the trial courts.[14]

Finally, accused-appellants' defense theory rests on alibi. Like denial, alibi was not looked upon favorably by the trial court. Not only is it one of the weakest defenses due to its being capable of easy fabrication, it also cannot prevail over witnesses' positive identification of accused-appellants as the perpetrators of the crime. In order for alibi to prosper, it is not enough that the accused can prove his being at another place at the time of the commission of the crime, it is likewise essential that he can show physical impossibility for him to be at the locus

delicti.[15] This, accused-appellants failed to do.

As regards the award of damages, it is noted that the trial court failed to award civil indemnity which is different and apart from moral damages. The amount of P50,000.00 as civil indemnity is therefore in order while the award of moral damages is increased to P50,000.00. Actual damages amounting to P44,946.00 is reduced to P6,000.00 covering the cost of the casket, which was the only expense duly substantiated by receipts.

WHEREFORE, the decision of the Regional Trial Court of Toledo City, Branch 29, finding accused-appellants Dionisio Guanson and Danilo Guanson guilty of murder and sentencing them to suffer the penalty of reclusion perpetua, is AFFIRMED with the MODIFICATION that accused-appellants are ordered to pay the heirs of Francisco Pinala the amount of P50,000.00 as civil indemnity, P50,000.00 as moral damages and P6,000.00 as actual damages.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Pardo, JJ., concur.

[1] Rollo, p. 8.

[2] Exh. "E", Records, p. 22.

[3] Records, p. 424.

[4] Decision penned by Judge Gualberto P. Delgado.

[5] Francisco, Evidence, Volume VII, Part II, 1997 ed., p. 335, citing 2 Jones on Evidence, 4th ed., p. 964, 32 C.J.S. 476.

[6] Ibid., p. 336, citing 20 Am. Jur. 766-767.

[7] Op. cit., note 5.

[8] Grefalde v. Sandiganbayan and People, G.R. No. 136505, December 15, 2000.

[9] Fernando v. Tan, 314 SCRA 413 [1999].

[10] People v. Gaviola, 327 SCRA 580 [2000].

[11] People v. Gonzales, 337 SCRA 169 [2000].

[12] People v. Bacunawa, G.R. No. 136859, April 16, 2001.

[13] People v. Gonzales, 337 SCRA 169 [2000].

[14] People v. Mallari, 310 SCRA 621 [1999].

[15] People v. Liwanag, G.R. No. 120468, August 15, 2001.

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