

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NOEL LEONARDO Y CASTUERA ALIAS GARY, JOMIE AND RONALD LEONARDO, ACCUSED,

G.R. No. 133109. May 31, 2000

Ponente: PUNO, J.

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PUNO, J.:

Accused-appellant, Noel Leonardo y Castuera alias Gary, together with his brothers, Jomie Leonardo and Ronald Leonardo, were charged with Murder before the Regional Trial Court of Siniloan, Laguna, for the fatal stabbing of Renato Bonsol in the evening of July 14, 1996. The Information stated:

"That on or about 7:15 o'clock in the evening of July 14, 1996 at Brgy. Natividad, Municipality of Pangil, Province of Laguna and within the jurisdiction of this Honorable Court[,] the abovenamed accused[,] without any justifiable cause and with intent to kill, with evident premeditation and while conveniently armed with deadly weapons[,] conspiring, confederating and mutually helping one another did then and there wilfully, unlawfully and feloniously attack, box, hit, assault and stab several times one Renato Bonsol by (sic) the said weapons[,] thereby inflicting upon him several stab wounds in the vital parts of his body which directly caused his death and to the damage and prejudice of the surviving heirs of the victim.

The qualifying and aggravating circumstances of treachery, evident premeditation and abuse of superior strength attended the commission of the crime.

CONTRARY TO LAW."[1]

Of the three accused, only Noel stood trial as Jomie and Ronald were at large.

The prosecution presented four (4) witnesses.

Emily Bonsol, widow of the victim, testified on the damages they incurred resulting from the death of her husband. She testified that her husband, Renato Bonsol, died on July 14, 1996 at Natividad Extension, Pangil, Laguna. He was stabbed but she did not see the incident as she was then at home. She was nonetheless informed that the assailants were Noel Leonardo, Jomel (sic) Leonardo and Leonard (sic) Leonardo. She also stated that before his death, Renato was employed as a curver (sic) with an average daily income of two hundred pesos (P200.00). He also earned an average of one hundred twenty pesos (P120.00) from farming. They have two children: Renante, two years old, and Ramil, two months old. They spend an average of one hundred pesos (P100.00) for their daily sustenance. Since the death of her husband, the burden of supporting their children has passed on to her and her parents. She further testified that they spent around ten thousand pesos (P10,000.00) for her husband's wake and funeral. She also stated that the death of her husband caused her emotional pain, but when asked to translate her pain to monetary terms, she left its determination to the court.[2]

Andres Diaz, a resident of Natividad Extension, Pangil, Laguna where the incident took place, was presented as an eyewitness. He testified that on July 14, 1996, at about 6:00 p.m., Renato Bonsol and several other men were in

his house having a drinking spree. At 7:00 p.m., Andres went out to buy cigarettes at a store near the health center. On his way, he saw the three accused standing by the road. He noticed Noel had a bladed weapon. Ignoring them, he continued to walk. After a few steps, he looked back and saw Renato following him. From a distance of about three arm's length, with light coming from an electric post and the surrounding houses, he saw the three accused suddenly box, hit and stab Renato. It was Noel who stabbed Renato while Jomie and Ronald boxed him and hit him with a piece of wood. Andres shouted to the assailants, "Walang hiya!" The three fled. Thereafter, he saw the victim cross the street and sit by the road. Andres' wife then pulled Andres into their house. He learned later that Renato died.[3]

Rolando Flores, one of Renato Bonsol's drinking companions on that fateful night, also testified for the prosecution. He stated that at about 7:15 in the evening of July 15 (sic) 1996, he was at Andres Diaz's house having a drinking session with Sherwin Peneule, Joni Galinato, Jun Huertasuela, Andres Diaz, Nilo San Antonio and Renato Bonsol. While they were drinking, Andres' son, Abner, stepped out of the house. When he returned, he related to the group that he was boxed ("sinapak") by the Leonardo brothers. Upon hearing the story, Andres and Renato ran out to the street. Rolando and the others followed after twenty (20) minutes. As they went out of Andres' house, they met an old man who told them that somebody was lying prostrate on the ground. It turned out to be Renato Rolando helped him get up and board a tricycle to bring him to his mother's house. The following day, he learned that the persons who stabbed the victim were Noel, Jomie and Ronald, all surnamed Leonardo.[4]

Dr. Susan Alcantara, Municipal Health Officer, Pangil, Laguna, testified on the injuries sustained by Renato and the cause of his death. She testified that she conducted an autopsy of the victim on July 15, 1996 and thereafter prepared a Necropsy Report. The Necropsy Report shows the postmortem findings and the cause of death of the victim, thus:

"POSTMORTEM FINDINGS:

1. Abrasion, Linear # 1, 3.0 cm. long located at the bridge of the nose.

2.

Stab wound, 1.0 cm. long located at the lower quadrant of the abdomen, right with a distance of 9.0 cm. from the umbilicus penetrating the abdominal cavity, right hitting the large intestine with evisceration.

3. Hemorrhage, Intraabdominal, Massive.

CAUSE OF DEATH: Shock, Hemorrhage secondary to Stab Wound, Abdomen."[5]

Dr. Alcantara explained that abrasion refers to an injury caused by a rough surface on the epidermis, the superficial layer of the skin. She stated that it is not possible that the abrasion on the victim's nose was caused by hitting a hard object. If it were, the wound should be deeper and lacerated. It is likewise impossible that said abrasion was caused by lightly hitting the skin with a piece of wood. As regards the stab wound, Dr. Alcantara stated it was fatal and could have been caused by a bladed weapon. She explained that the third postmortem finding means that there was massive bleeding inside the victim's abdomen. Dr. Alcantara did not find other injuries on the victim's body. She opined that based on the location of the injuries the victim sustained, the assailant was either in front or at the side of the victim. It was not possible for the assailant to be at the back of the victim.[6]

The defense likewise presented four (4) witnesses.

Antonio Agcol testified that on July 14, 1996, at about 7:00 in the evening, he was talking with Noel Leonardo and Jomie Leonardo in front of their house at Natividad Extension, Pangil, Laguna, when Abner Diaz came.

Abner who was then drunk shouted to Noel, "Gary, kumusta!" Jomie, Noel's brother, warned Abner to be careful with his words. Abner replied, "Why?" Jomie suddenly boxed Abner. Antonio held Jomie to restrain him while Noel blocked his way. Abner uttered, "Hintayin ninyo ako, kukuha ako ng baril." After Abner left, Antonio, Jomie and Noel continued their conversation. Abner returned carrying something and they ran to the Leonardos' house for safety. After a while, Noel's brother, Ronald, arrived from the river. Thirty (30) minutes later, the parents of Noel also came and they told them about the boxing incident. Then a police officer came and invited Noel to the municipal building. He was detained therein because Andres Diaz, the father of Abner, pointed to him as the killer of Renato. Antonio later learned from his grandmother that Renato was stabbed. Antonio belied the accusation against Noel as he was with him at the time of the commission of the crime.[7]

Gerald Icaro testified that on July 14, 1996, he had a drinking session with his friends, Ruel and Popong, at his house in Sitio Tawiran, Barangay Isla, Pangil, Laguna. When they were finished, he and Popong accompanied Ruel to his residence. Along the way, they met Ruel's parents, Mang Rudy and Lolet. Between 7:15 and 7:30 in the evening, while walking along Natividad Extension going to Sitio Piit, Pangil, Laguna, they heard someone shout, "Putang ina mo!" Popong retorted, "Putang ina mo rin!" Several persons with bladed weapons attacked them. They came from the house of Andres Diaz. He identified one of them as a certain Bingot who was armed with a jungle bolo. He told him, "Tol, hindi na kutsilyo yan, itak na yan." Bingot turned away. Gerald's other companions took Lolet away from the scene of the affray while Mang Rudy, who was a Barangay Tanod, tried to pacify the aggressors. Gerald helped Mang Rudy mollify them but he later advised him to flee as the men were beginning to get wild and have started throwing stones. As they were running, Gerald glanced behind and he saw one of the aggressors fall. He did not know who it was, but he learned the following morning that that person died.[8]

Rodolfo Fuentes corroborated the testimony of Gerald Icaro. He stated that in the evening of July 14, 1996, around 7:00 or 7:30, he and his wife, and the group consisting of his son, Ruel, Popong and Bumbay (Gerald) were on their way home. While they were walking, a commotion erupted. There were people shouting, running and throwing stones. They saw several persons armed with fan knives. They came from the house of Andres Diaz. He ordered his companions to run. Then he introduced himself as a barangay tanod and tried to pacify the hostile parties. When the hostilities died down, he went home to change into his barangay tanod uniform. When he returned, the brawlers were gone but he saw a drunken man by the road. He helped the man board a tricycle and he told the driver to take him home to allow him to rest. He did not see the accused that night. He also did not see Andres Diaz.[9]

Accused-appellant Noel Leonardo testified that on July 14, 1996, at around 7:00 in the evening, he and his brother, Jomie, were talking with Antonio Agcol in front of the latter's house when Abner Diaz appeared and greeted him, "Gary, kumusta ka?" He replied, "Abner, mukhang may tama ka na. Lasing ka na." Abner answered, "Nangugursunada ka 'ata." An exchange of heated words followed. Then Abner shouted, "Putchal!" Jomie told Abner, "Ayusin mo Abner and pagsasalita mo." Abner asked, "Why?" Jomie then boxed Abner. Noel restrained his brother. Abner said, "Teka lang, kukuha ako ng baril." The three continued their conversation after Abner left. Then Abner suddenly appeared carrying something. Fearing for their safety, Noel and his companions retreated to their house. After a while, Noel's brother, Ronald, arrived from the river. When their parents got home and heard about the boxing incident, they went to see Andres Diaz. Later that evening, police authorities came to their residence and invited Noel to the police station for investigation. Noel testified that the police did not investigate him regarding the stabbing of Renato. He denied any involvement in the stabbing of Renato because he was not present at the crime scene. He only came to know Renato when he was already in jail. Noel said Andres Diaz might have testified against him because of the boxing incident.[10]

The trial court convicted Noel Leonardo of the crime of murder and sentenced him to reclusion perpetua and ordered him to pay the heirs of the victim the total sum of one hundred ten thousand pesos (P110,000.00) as damages, plus costs. The dispositive portion of the decision reads:

"WHEREFORE, premises considered, judgment is hereby rendered finding accused NOEL LEONARDO y CASTUERA guilty beyond reasonable doubt of the crime of 'MURDER' qualified by treachery, absent any other aggravating or mitigating circumstance, accused NOEL LEONARDO Y CASTUERA alias GARY is hereby sentenced to RECLUSION PERPETUA. To pay the heirs of the victim: for the wake and funeral expenses the amount of P10,000.00; for the loss of earning capacity in the amount of P50,000.00; and for the death of the victim, the amount of P50,000.00. To pay the cost (sic).

Accused NOEL LEONARDO Y CASTUERA being a detained prisoner, it is hereby ordered that he be credited with the full length of his preventive imprisonment if he agrees voluntarily in writing to abide by the same disciplinary rules imposed upon convicted prisoner[s], otherwise, he shall be credited with 4/5 of the period he had undergone preventive imprisonment, in accordance with Art. 29 of the Revised Penal Code, as amended.

SO ORDERED."[11]

Noel Leonardo appealed from the judgment of the trial court, contending that:

1. The lower court erred in finding that it was the accused who stabbed Renato Bonsol.
- 2.

The lower court erred in its finding that there was treachery and convicting the accused of murder.

3. The lower court erred in holding accused civilly liable for damages.[12]

The general principle is that factual findings of the trial court should be accorded the highest degree of respect by the appellate court because it had the opportunity to observe intimately the manner by which the witnesses testified. This, however, does not preclude the appellate court from reviewing and reversing the conclusions of the trial court if it finds its decision tainted with arbitrariness or if the lower court overlooked significant facts or circumstances which, if properly considered, would affect the result of the case.[13] in the case at bar, we find that the trial court overlooked some relevant evidence that could acquit accused-appellant.

In convicting accused-appellant, the trial court relied solely on the testimony of prosecution witness Andres Diaz. It found accused-appellant guilty based on Diaz's testimony that he saw accused-appellant stab the victim. It rejected his defense of denial and alibi.

We, however, find upon close scrutiny of the records that Diaz's testimony is not the kind of evidence sufficient to convict accused-appellant. For testimonial evidence to be believed, it must proceed from the mouth of a credible witness and it must also be credible in itself such as the common experience and observation of mankind can approve as probable under the circumstances.[14]

We observe from the records that Diaz has not been truthful to the court. His testimony conflicts with that of another prosecution witness, Rolando Flores. In the direct examination, Diaz concealed the real reason why he and Renato were out on the street on the night the offense was committed. He testified that he went out to buy cigarettes at a store near the health center and Renato followed him. On the way to the store, Renato was beaten and stabbed by the three accused. Flores, however, testified that while they were drinking at Diaz's house, Diaz's son came and complained that he was mauled by the accused. Upon hearing the story, Diaz and Renato rushed to the street to settle the score. The other members of the group followed after twenty (20) minutes. They found

Renato lying prostrate on the road. Flores' testimony jibes with the testimony of Barangay Tanod Rodolfo Fuentes and Gerald Icaro who were passing Natividad Extension on the night of the incident. They both testified that they saw several men armed with bladed weapons come out of Diaz's house and create a stir in the street and they saw one of them fall to the ground. Diaz's falsehood is further unmasked in his cross-examination. When asked what he did upon learning that his son was boxed by the accused, he said that he did not do anything. He even claimed that he pacified his drinking companions and advised them to let the incident pass since his son did not suffer any serious injury. This again is inconsistent with the testimony of Flores whom we find more credible since he is a disinterested witness and his testimony is corroborated by other witnesses.

The falsehoods committed by Diaz in open court cast doubt on his credibility. They are not simply minor details that the Court can ignore. To our mind, this is an attempt by Diaz to shroud their participation in initiating the brawl which cost the life of Renato, or it could also be an effort to hide an ill motive to testify falsely against the accused.

Furthermore, we note that Diaz's account of how the accused-appellant battered and stabbed Renato is not supported by the postmortem findings of Dr. Susan Alcantara, the Municipal Health Officer who autopsied the victim. Diaz testified that Renato was boxed and hit by brothers Jomie and Ronald and then stabbed by Noel. However, the post mortem findings only showed that the injuries sustained by Renato were abrasion on the bridge of the nose, stab wound and hemorrhage resulting from the stab wound. If it were true that Renato was boxed and hit with a piece of wood, as reported by Diaz, the victim should have sustained other more serious injuries. But Dr. Alcantara found no other injuries on the victim. Dr. Alcantara also added that it is not possible that the abrasion on the victim's nose was caused by a piece of wood or other hard object.

The trial court should have been more cautious in adopting hook, line and sinker the testimony of Diaz considering that he had an axe to grind with the accused and there was no other evidence on record to support his story. As we held in *People vs. Manambit*:^[15]

"The trial court would have been properly guided in determining the culpability of the accused had it taken into account the prevailing highly charged situation. It should be remembered that, considering the feud between the families, any statement imputed by one family against a member of the other family was suspect, coming as it would from a 'polluted source.' The rule as to motive and how it affects the witness' credibility is: '(a)bsent evidence to show any reason or motive why witnesses for the prosecution should have testified falsely, the logical conclusion is that no improper motive existed and that their testimony is worthy of full faith and credit.' On the other hand, if for any motive there is a possibility that a witness might have been prompted to testify falsely, courts should be on guard in assessing the witness' credibility."^[16]

Aside from Diaz's doubtful testimony, there is no other evidence to prove that accused-appellant was the one who stabbed Renato. The testimonies of prosecution witnesses Rolando Flores and Emily Bonsol pointing to accused-appellant as the culprit cannot be given weight by the Court for being hearsay. It appears it was also Diaz who informed them that accused-appellant stabbed the victim. It is basic in criminal law that the prosecution has the obligation of proving beyond reasonable doubt the identity of the malefactor and his participation in the crime or offense charged.^[17] Unless his guilt is proven beyond reasonable doubt, the accused is entitled to an acquittal. Proof beyond reasonable doubt does not mean such a degree of proof as, excluding the possibility of error, produces absolute certainty. Only moral certainty is required, or that degree of proof which produces conviction in an unprejudiced mind.^[18] In other words, only when the conscience is satisfied that the crime has been committed by the person on trial should the sentence be for conviction.^[19] We are constrained in this case to acquit accused-appellant as the prosecution failed to prove beyond reasonable doubt accused-appellant's culpability.

IN VIEW WHEREOF, accused-appellant is ACQUITTED. The Director of the Bureau of Corrections is hereby ordered to immediately RELEASE accused-appellant unless he is being detained on other lawful grounds, and to REPORT to this Court compliance with this Decision within ten (10) days from its receipt. No costs.

SO ORDERED.

Kapunan, and Pardo, JJ., concur.

Davide, Jr., C.J., (Chairman), on official leave.

Ynares-Santaigo, J., no part.

[1] Original Records, p. 25.

[2] TSN, December 10, 1996, pp. 3-8.

[3] Id., pp. 14-21.

[4] TSN, January 9, 1997, pp. 4-9.

[5] Exh. "C", Original Records, p. 40.

[6] TSN, March 18, 1997, pp. 4-8.

[7] TSN, May 5, 1997, pp. 3-9.

[8] TSN, June 17, 1997, pp. 3-8.

[9] TSN, July 8, 1997, pp. 2-3.

[10] TSN, August 25, 1997, pp. 4-12.

[11] Decision penned by Judge Venancio M. Tarriela, p. 10.

[12] Appellant's Brief, pp. 5-6; Rollo, pp. 43-44.

[13] People vs. Ortiz, 266 SCRA 641 (1997); People vs. Cruz, 231 SCRA 759 (1994).

[14] Cosep vs. People, 290 SCRA 378 (1998).

[15] 271 SCRA 344 (1997).

[16] At p. 367.

[17] Santiago v. CA, 295 SCRA 334 (1998); People vs. Gomez, 270 SCRA 432 (1997).

[18] Section 2, Rule 233, Revised Rules of Court.

[19] People vs. Frago, 232 SCRA 653 (1994).

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