PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. RODULFO P. VILLARIN AND IÑEGO LARGO (AT LARGE), ACCUSED,

G.R. No. 136847. July 31, 2001

Ponente: PARDO, J.

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PARDO, J.:

The Case

The case is an appeal from the decision of the Regional Trial Court, Ormoc City, Branch 35,[1] finding accused Rodulfo Villarin y Pasana guilty beyond reasonable doubt of murder, sentencing him to reclusion perpetua and to pay the heirs of the victim in the amount of fifty thousand pesos (P50,000.00) as indemnity.

The Facts

On January 14, 1996, at around five o'clock in the afternoon, unidentified assailants stabbed and killed Juanito Bañez at a path near the Malbasag River in Zone 3, District 28, Ormoc City.

On January 16, 1996, a post-mortem examination was conducted[2] on his body and the following findings were reported:[3]

> "Findings:
>
> "1.
>
> Stab wound (L) upper quadrant abdomen 3 cm. length penetrating abdominal cavity with mental prelapse.
>
> "2.
>
> Stab wound back 6 cm. length at level of T7 along (7) posterior axillary line muscle deep.
>
> "3.
>
> Stab wound (L) forearm 4 cm. length through & through with exit at postero-lateral aspect of (L) forearm.
>
> "4.
>
> Stab wound (L) forearm 3 cm. length muscle deep.
>
> "Cause of Death: Irreversible hypovolrmic shock 20 Massive hemorrhage 20 Multiple stab wounds."

Subsequently, witnesses identified accused Rodulfo Villarin and Iñego Largo, neighbors of Juanito Bañez, as the perpetrators of the killing. On January 17, 1996, City Prosecutor Alberto L. Canopio filed with the Regional Trial Court, Branch 12, Ormoc City an information for murder against them. We quote:[4]

> "That on or about the 14th day of January 1996, at around 5:00 o'clock in the afternoon, in Zone 3, Malbasag Dike, Ormoc City, and within the jurisdiction of this Honorable Court, the above-named accused RODULFO VILLARIN and IÑEGO LARGO, conspiring together, confederating with and mutually helping and aiding one

> another, with treachery, evident premeditation and intent to kill, did then and there willfully, unlawfully and feloniously stab and wound the person of the victim herein, JUANITO BAÑEZ, without giving the latter sufficient time to defend himself, thereby inflicting upon him mortal wounds which caused his death. Post mortem examination is hereto attached.
>
> "In violation of Article 248, Revised Penal Code."

On August 6, 1996, the trial court arraigned accused Rodulfo Villarin for murder, to which he pleaded "not guilty."[5]

Trial ensued. Accused Iñego Largo remained at large.[6]

The prosecution's case was presented by witnesses Isabelo Jamile and Marilyn Bañez, widow of the victim. Both of them testified that they saw accused, Rodulfo Villarin and Iñego Largo at around five o'clock in the afternoon at the path near the river. The two were having an argument with a certain Conchita Lor. While this was happening, Juanito Bañez passed by. Juanito Bañez then gave Iñego Largo some advice. At this point, Iñego Largo held Juanito Bañez by the arms and Rodulfo Villarin stabbed him three times with a knife,[7] which he got from his waist. After the stabbing, Rodulfo Villarin and Iñego Largo ran away towards the direction of the highway.[8]

In his defense, accused Rodulfo Villarin testified that while he was crossing the Malbasag River in the company of Iñego Largo, he came across Juanito Bañez, who held him by the hand while Isabelo Jamile urged Juanito Bañez to attack.[9] Juanito Bañez poked a knife at his neck while Isabelo Jamile robbed him of his wallet and wristwatch. At this point, Rodulfo Canonigo, another one of accused's companions shouted to Iñego Largo for help. Iñego Largo came to his rescue and stabbed Juanito Bañez three times. As Juanito Bañez was falling to the ground, Isabelo Jamile struck accused with a piece of wood three times on the forehead. At this point, accused Rodulfo Villarin lost consciousness.[10]

Rodulfo Canonigo, neighbor of accused Rodulfo Villarin testified that he was with accused Rodulfo Villarin as they were walking by the riverside. They chanced upon seven persons who were having a drinking spree. Among them were victim Juanito Bañez, and prosecution witness Isabelo Jamile. At this point, the victim placed his arm around the neck of accused Rodulfo Villarin, with his right hand grasping a knife. The victim Juanito Bañez, then warned accused Rodulfo Villarin not to move as he was only after his money and wristwatch. The witness asked for the help of Iñego Largo who was walking ahead of them. Isabelo Jamile then struck accused Rodulfo Villarin with a piece of wood on the forehead twice. At this point, Iñego Largo came to Rodulfo Villarin's rescue and stabbed Juanito Bañez three times.[11]

After due hearing, the trial court rejected the defense's version of the event, ruling: First, the two witnesses for the defense, accused Rodulfo Villarin and Rodulfo Canonigo gave testimonies that conflicted with each other on material points. Second, the testimonies of the prosecution witnesses Marilyn Bañez and Isabelo Jamile were firm and unrebutted throughout the trial and were thus more credible. Third, since the prosecution was able to establish the elements of murder, the burden of evidence shifted to the defense, which it failed to discharge. Fourth, the prosecution presented in evidence an affidavit executed by PO2 Esmeraldo Mercado, where he stated that accused Rodulfo Villarin admitted having stabbed someone. This affidavit served to corroborate the prosecution's narration of facts and stood unrebutted by the defense. Fifth, accused Iñego Largo's flight makes the defense's version more dubious, for if it were true that Iñego Largo stabbed Juan Bañez in defense of accused Rodulfo Villarin, who was then being robbed, then he would not have fled but would have aided the court in arriving at the truth.[12]

On September 3, 1998, the trial court rendered a decision, the dispositive portion of which reads:[13]

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> "Wherefore, on the basis of all the foregoing, the Court finds the accused Rodulfo Villarin GUILTY beyond reasonable doubt of the crime of Murder and hereby sentences him to suffer imprisonment of FORTY (40) years reclusion perpetua and to pay the offended party the sum of P50,000.00 as indemnity.
>
> "If the accused is a detainee, the period of detention shall be credited to him in hull if he abides by the terms of convicted prisoners, if not, for only four-fifths (4/5) thereof.
>
> "SO PROMULGATED."

On September 15, 1998, accused RodulfoVillarin filed a notice of appeal to the Court of Appeals.[14]

The Court's Ruling

The appeal is meritorious. We resolve to acquit the accused Villarin on reasonable doubt.

The well-entrenched rule is that the assessment of the trial court on the credibility of witnesses is entitled to respect.[15] True, the trial court made a categorical statement that the "defense's principal witness, Rodulfo Canonigo suffers from a credibility crisis."[16] However, if we examine the reason behind the trial court's credulity, we find that such is not enough to reject his testimony. To our mind, the inconsistencies in his testimony are on minor matters. Whether or not Rodulfo Cononigo first went to the public market, or to the house of Iñego Largo for lunch is not important. The incident happened not at lunch time but at five o'clock in the afternoon. There is no dispute as to this, so anything that transpired before this is not material. To disregard Rodulfo Canonigo's testimony on this basis would result in injustice. Rodulfo Canonigo has no motive to falsely testify.

At this juncture, we explain why we cannot rely on the testimony of prosecution witness Isabelo Jamile. The oft-quoted rule is that a witness would not normally accuse another of such a grave offense if it were not true. The rule is that, if the accused were truly innocent, it would be against the natural order of human nature and the presumption of good faith for a witness to falsely testify against him.[17] However, we find that here the legal truism does not apply. Central is the testimony of Rodulfo Canonigo that Isabelo Jamile participated in the attempt to rob accused-appellant Rodulfo Villarin. Rodulfo Canonigo testified that Isabelo Jamile hit accused-appellant with a piece of wood twice on the forehead. If these were bare assertions, we would hesitate to accept this narrative. However, there is medical testimony that accused-appellant Rodulfo Villarin suffered injuries, specifically, "two multiple abrasions on the forehead," caused by the application thereto of a hard object.[18] The doctor who examined accused-appellant Rodulfo Villarin the day after the incident stated that the injuries he suffered could be "caused by one who is being mauled by several persons."[19] This corroborates the defense's version and gives us reasonable doubt of accused-appellant's guilt. When a circumstance is capable of two interpretations, one consistent with the accused's guilt, and one with his innocence, the latter must prevail.[20]

There is the theory that the injuries of accused-appellant Rodulfo Villarin were sustained after the incident, as he was mauled by nameless by-standers. We cannot believe this. The prosecution witnesses themselves testified that accused-appellant Rodulfo Villarin ran off towards the highway after the incident. Thus, if we accept the prosecution's version, accused-appellant was not in the immediate vicinity of the crime after the stabbing incident.[21]

Further, police officer Esmeraldo Mercado testified that he was told by accused-appellant Rodulfo Villarin that he was thereafter mauled by bystanders.[22]

This is hearsay evidence and while admissible carries little evidentiary weight. The rule is that "a witness can testify only to those facts which he knows of his personal knowledge; that is which are derived from his own perception."[23]

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Furthermore, while prosecution witnesses portray accused-appellant Rodulfo Villarin as a cold-blooded killer who fled the scene of the crime immediately after the stabbing incident, accused-appellant holds himself out to be the victim of robbery and violent mauling, having lost consciousness at the very scene of the crime itself.[24] The fact that accused-appellant lost consciousness at the scene of the crime is testified to by police officer Mercado.[25] Again, someone is lying and we have reason to mistrust the prosecution's version.

Right after the incident, on January 15, 1995, accused-appellant Rodulfo Villarin went to the police and reported that his money worth four thousand and fifty pesos (P4,050.00) and his Seiko wrist watch were stolen.[26] While accused-appellant failed to name his attackers, he sufficiently explained the omission in court by saying that it was only later that he came to know of Isabelo Jamile's identity.[27] This again corroborates the version of the defense. We do not think a man guilty of murdering another would so brazenly walk into a police precinct to report that he was a victim of a robbery. Again, we entertain reasonable doubt as to his guilt.

Further, while the Court frowns against Iñego Largo's flight, we do not find that it was totally unexplained. The defense's version is that Iñego Largo stabbed Juanito Bañez in defense of accused-appellant Rodulfo Villarin, who was then being robbed. Iñego Largo stabbed him three times. While this could be a plausible defense, it is still incomplete and could explain Iñego Largo's fear of going before the trial court. We do not think Iñego Largo's cowardice to face the authorities buttresses the theory that Rodulfo Villarin is guilty of murder.

Again, we reiterate the rule that in this jurisdiction, the foremost consideration is not whether the Court doubts the innocence of the accused, but whether it entertains a reasonable doubt as to his guilt. To justify a conviction there must be moral certainty of guilt.[28] In this case, there was none.

The Fallo

WHEREFORE, the decision of the Regional Trial Court, Branch 35, Ormoc City in Criminal Case No. 4750-0 is REVERSED.

Accused-appellant Rodulfo Villarin y Pasana is ACQUITTED of the charge of MURDER on REASONABLE DOUBT.

The Director of Corrections is directed to RELEASE him immediately, unless he is lawfully held for another case, and to inform the Court of the date of his release, or the reason for his continued confinement, within ten (10) days from notice.

Costs de oficio.

SO ORDERED.

Puno, Kapunan, and Ynares-Santiago, JJ., concur.
Davide, Jr., C.J., (Chairman), on official business.

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[1] In Criminal Case No. 4750-0, dated September 3, 1998, Judge Fortunato L. Madrona, presiding.

[2] By Medical Office IV Nelson M. Udjutan, M. D., Department of Surgery, Provincial Health Office, Ormoc District Hospital, Office of the Governor, Leyte.

[3] Regional Trial Court Record, p. 12.

[4] Information, Rollo, p. 7.

[5] Regional Trial Court Records, pp. 48, 55.

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[6] Decision, Regional Trial Court, Rollo, pp. 20-28, at p. 20.

[7] TSN, February 3, 1997, pp. 4-11.

[8] TSN, December 6, 1996, pp. 11-14.

[9] Isabelo Janile shouted, "Juan bati nana Juan!" which means "Juan attack him!"

[10] TSN, November 19, 1997, pp. 53-63.

[11] TSN, February 25, 1997, pp. 19-30.

[12] Decision, Regional Trial Court, Rollo, pp. 20-28, at pp. 22-27.

[13] Ibid., at p. 28.

[14] Notice of Appeal, Rollo, p. 29; Regional Trial Court Record, p. 401. This was an error. On June 23, 1999, the Court accepted the appeal, the records of the case having been forwarded to this Court (Rollo, p.35).

[15] People v. Cledoro, Jr., G.R. No. 11860, June 29, 2001; People v. Gonzales, G.R. No. 138402, August 18, 2000.

[16] Decision, Regional Trial Court, Rollo, pp. 20-29, at p. 26.

[17] People v. Lobrigo, G.R. No. 132247, May 21, 2001.

[18] TSN, March 17, 1997, p. 8.

[19] Ibid., p. 9.

[20] People v. Malapayon, G.R. Nos. 111734-35, June 16, 2000.

[21] TSN, February 4, 1997, pp. 30-45.

[22] TSN, November 19, 1997, p. 31.

[23] Revised Rules of Evidence, Rule 130, Sec. 36.

[24] TSN, November 19, 1997, p. 62; TSN, January 20, 1998, pp. 20, 27.

[25] TSN, November 19, 1997, pp. 7-9.

[26] TSN, March 17, 1997, pp. 16-17.

[27] TSN, January 20, 1998, pp. 17-18.

[28] Huang Chua v. People, G.R. No. 128095, January 19, 2001.

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