

**FEDIL URIARTE, MANOLITO ACOSTA AND JOSE ACOSTA,
PETITIONERS, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.***G.R. No. 137344. January 30, 2001*

Ponente: BELLOSILLO, J.

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One corpse. Two (2) versions of one death. Both backed by testimonies and supported by medical examinations. Each version professes to be true. But both trial court and appellate court sustained the version consistent with petitioners' guilt, not of murder but homicide. Such finding is stamped with the imprimatur of utmost respect, if not reverence, and may only be overturned upon the most cogent reason.

On 15 August 1992 one Reynaldo Lamera died under mysterious circumstances. Subsequently, for his death, petitioners Fedil Uriarte, Manolito Acosta and Jose Acosta alias "Otik" were charged with murder. However, for failure of the prosecution to indubitably prove the qualifying circumstances of evident premeditation and treachery, the trial court^[1] found petitioners guilty only of homicide and sentenced each of them to an indeterminate prison term of eight (8) years and one (1) day of prision mayor medium as minimum, to fourteen (14) years and ten (10) months of reclusion temporal medium as maximum, and to pay the heirs of the deceased P50,000.00 for civil indemnity and P20,000.00 for moral damages.

The evidence for the prosecution was principally culled from the testimonies of Ma. Remli Cabrera Lamera, the daughter of the deceased, Marina Lamera, widow, and Nicholas and Eric Pacheco, father and son, both residents of a neighboring sitio and who happened to be present when the killing took place.

On 15 August 1993, at around 7:00 o'clock in the evening, in Purok Napo, Bag-ong Lungsod, Tandag, Surigao del Sur, Ma. Remli Cabrera saw her father Reynaldo Lamera outside the house of a neighbor talking with a certain Dodong Fernandez, another neighbor. Remli asked her father to keep her company since she was alone in the house at the time. But Reynaldo told her just to stay home as he was still waiting for her mother to arrive from a Girl Scouts' seminar. Later, Remli noticed her father talking with a certain Munding Poria in the yard of another neighbor, Ernani Apacible. That was the last time she saw her father alive.

On that same day, 15 August 1993, Eric Pacheco happened to be in Purok Napo looking for his friend Diego. From an electric post some ten (10) meters away, he saw petitioners Fedil Uriarte, Manolito Acosta and Jose Acosta taking turns mauling Reynaldo Lamera. Jose Acosta punched Reynaldo several times in the back, then got a piece of wood one (1) meter in length and three (3) to four (4) inches thick and struck Reynaldo on the thigh. As a consequence, Reynaldo fell to the ground. Manolito and Jose propped him up and continued to maul him, with Manolito landing several fist blows in the stomach of Reynaldo and bashed him on the right side of the neck below the ear with the piece of wood Jose had used.

Again, Reynaldo fell helplessly to the ground. Not contented still, Manolito and Jose raised him up again. This time, Fedil Uriarte boxed Reynaldo several times in the back and hit him with the same piece of wood on the right side of his neck. Reynaldo fell for the third and last time. Eutiquia Acosta, mother of Manolito, shouted, "'Sakto

na! (That's enough!)," to which Manolito jestingly replied, "It was only a drama." Petitioners Fedil and Jose and their drinking buddies chorused in laughter and resumed their drinking and singing as if nothing happened.

Munding Poria, a neighbor, lifted the already lifeless body of Reynaldo and placed it on a coconut bench. Then, together with Rollie Olvida, Dodong Fernandez and Boy Tulang, Munding brought the body to the Lamera residence.

The incident was also witnessed by Nicholas Pacheco, Eric's father, who unknown to Eric was looking for him and was only ten (10) meters away from the mauling incident. In the trial, Nicholas confirmed the story of Eric and gave an identical narration of the events.

The following day, 16 August 1992, at the Mata Funeral Parlor, Dr. Jocelyn Laurente of the Provincial Hospital of Surigao del Sur examined the body of Reynaldo Lamera and concluded that he died of "cardio-pulmonary arrest secondary to CVA hemorrhage." [2] However, Dr. Laurente did not conduct an actual autopsy and her examination was limited to a visual inspection of the body. When the widow, Marina Lamera, pointed to the bruises at the back of her husband's body, the doctor explained that they were mere lividity or blood clots caused by the rupture of the veins, commonly seen in cardiac arrest cases.

Persons who witnessed the fatal mauling informed Marina Lamera of the incident but they were too scared to come out in the open. They were afraid of petitioners. Sensing that foul play attended her husband's death, Marina requested the Chief of the Provincial Hospital to conduct an autopsy. However, despite her pleas, the Chief of Hospital and the other resident physicians of the provincial hospital refused, claiming that the findings of Dr. Laurente were already enough. Marina then wrote a letter to the NBI Regional Office No. XI requesting for an autopsy. [3]

Three (3) months later, NBI Regional Director Sancho K. Tan ordered the exhumation and autopsy of the body of Reynaldo Lamera. Dr. Tammy Uy, medico-legal officer of the NBI, was assigned to conduct the autopsy, which was done on 3 December 1992 in the presence of other NBI staff members and the victim's family. The autopsy bore the following findings: Hematoma, subcutaneous and intramuscular, moderate, occupying an area of 10 x 7 cms, right thigh, middle third, posterior aspect; Hematoma, subcutaneous and intramuscular, moderate, occupying an area of 5.5 x 3 cms. located along the vertebral column, lumbar region; Hematoma, subcutaneous and intramuscular, massive, about 100 cc. of embalmed blood, occupying an area of 8 x 5 cms., located at the lower portion of the right mastoid region and upper postero-lateral aspect of the right side of the neck x x x Cause of death: Traumatic neck injury. [4]

On 1 April 1993 an Information for murder was filed against Fedil Uriarte, Manolito Acosta and Jose Acosta alias Otik alleging among others that at about 10:00 o'clock in the evening of 15 August 1992 in Purok Napo, Barangay Bag-ong Lungsod, Tandag, Surigao del Sur, the accused, conspiring with one another and with intent to kill, treachery and evident premeditation feloniously attacked, boxed and beat Reynaldo Lamera with a piece of wood, thereby inflicting upon the latter injuries on his body, particularly a "traumatic neck injury," which caused his instantaneous death, to the damage and prejudice of his heirs. [5]

At the trial, in addition to the testimonies of Remli and Marina Lamera, and Nicholas and Eric Pacheco, who all positively described how victim Reynaldo Lamera was killed, the prosecution also presented Dr. Tammy Uy, the medico-legal officer who conducted an autopsy on the body of Reynaldo Lamera. According to Dr. Uy, since the skin was already discolored when he exhumed the body, the only way that he could ascertain whether there were bruises on the body was to peel off portions of the overlying skin from the cadaver. He said that he found "subcutaneous hematoma" on the back of the neck and on the right thigh. He explained that subcutaneous hematoma were blood clots on the tissues under the skin. He opined that "on account of the absence of the open

wound of the skin above, the hematoma could have been caused by violent contact with a hard blunt object,"[6] and that the cause of death was "traumatic neck injury."

Petitioners denied the charge against them and set up their own version of the incident. According to defense witness Corazon Planas, on 15 August 1992 at about 8:00 o'clock in the evening she was in the veranda of her house. From there she saw petitioners with several other people drinking and singing in front of the house of Fedil Uriarte. She learned later that they were celebrating the completion and blessing of Uriarte's new house. Fedil Uriarte was singing Matud Nila, a popular Visayan song. Then Dodong Fernandez, Munding Poria and others arrived. They joined the party and drank liquor. They sat on the coconut bench under the jackfruit tree not far from the house of Uriarte and Planas.

At about 9:30 o'clock in the evening, Reynaldo Lamera arrived. He was drunk, as usual. He sat on the bench with Fernandez, Poria, Eloy Acosta and Boy Tulang. But, apparently, Reynaldo was too drunk to remain seated so he fell to the ground. This fall of Reynaldo momentarily interrupted the celebration as everybody's attention was diverted to the drunken Lamera. One of the guests asked what happened, and Dodong Fernandez replied that Lamera had fallen from the bench. Lamera's companions picked him up and laid him down on the bench. Lamera's legs from the knees down dangled as he lay down on the bench. Lamera fell from the bench again. This time, his fall broke up the party as his companions had to take him home.

Eleuterio Casera, a guest at Uriarte's party tried to corroborate the testimony of Corazon Planas. Casera testified that he was playing the guitar when the incident occurred. While he did not actually see Reynaldo fall from the bench, he saw him face up when he fell the first time, and lying on his side when he fell for the second time. On both occasions, he looked up and asked Dodong what happened, to which Fernandez replied that Reynaldo had slipped from the bench.

The trial court found petitioners Fedil Uriarte, Manolito Acosta and Jose Acosta guilty of homicide. They appealed to the Court of Appeals but the appellate court affirmed their conviction, hence, this petition for review under Rule 45 of the Revised Rules of Court.

The prosecution and the defense present two (2) diametrically opposed versions as to how Reynaldo Lamera died. The prosecution portrays a violent, senseless death where petitioners took turns savagely mauling the hapless Lamera to his death. The defense, on the other hand, posits a simple theory of a blameless death brought about by drunken stupor. Both sides produced their respective testimonies and attempted to explain the injuries of the deceased.

Indeed, the resolution of the mysterious death of Reynaldo Lamera ultimately boils down to the question of which of the conflicting versions of the events leading to the death of Reynaldo Lamera deserves greater weight and better entitled to the full credence. Whom to believe is a matter of credibility and is usually best ascertained by the trial court which had the opportunity to observe the witnesses directly and to test their credibility by their demeanor on the stand. Thus, the general rule is that factual findings of trial courts are accorded respect, and are not generally disturbed on appeal. And when such findings are affirmed in toto by the Court of Appeals, there is all the more reason for placing them beyond the ambit of review by this Court.

Prosecution witnesses Eric Pacheco and Nicholas Pacheco both positively declared that petitioners beat Lamera senselessly with a piece of wood one (1) meter long and three (3) to four (4) inches thick. According to them, the deadly weapon found its mark in Reynaldo's back and the right side of his neck.

The defense attempted to discredit the testimony of the two (2) prosecution witnesses claiming that (a) their presence at the locus criminis was highly improbable; (b) Nicholas Pacheco was an ex-convict, thus making his

testimony highly unreliable; and, (c) their story was not corroborated by the many residents of Sitio Napo who were present during the incident.

But, the presence of Nicholas and Eric in Sitio Napo during the startling occurrence was adequately explained. Eric was there looking for his friend Diego, while his father, Nicholas Pacheco, was in search of Eric whom his father thought had gone to Eric's sister-in-law's house. Considering that their house in Sitio Cabugan was only two hundred (200) meters away and that they were former residents of Sitio Napo, their presence thereat was not unlikely.

We agree with the trial and appellate courts that the mere fact that Nicholas Pacheco had been previously convicted of a crime did not ipso facto render his testimony dubious. When he testified Nicholas was already out of prison having served his sentence. Having experienced a difficult life in confinement, he would not readily fabricate a story that would cause the imprisonment of an innocent man unless as a witness he was ill-motivated. The defense has not shown that Nicholas was so motivated.

Neither was Eric Pacheco's credibility diminished by the fact that he had previously recanted his statement before the office of the Provincial Prosecutor. After all, he was able to satisfactorily explain the reason for his recantation, i.e., that he was threatened by petitioners that he would be killed if he did not withdraw.[7] And when asked who particularly threatened him, he readily answered, "Manolito Acosta, sir." For that reason, courts below properly disregarded the recantation as having been involuntarily executed.

The evidence for the defense, on the other hand, is based mainly on the testimony of Corazon Planas who claimed that she saw Reynaldo slip twice from the bench he was sitting on. She further claimed that on the first slip the deceased landed on his face. Then he was helped back to the bench by his companions who laid him in a prone position with his feet dangling from his knees. Again, from this position, Reynaldo slipped and landed on the right side of his body. This, the defense claims, explains the bruises on his back.

The trial court did not give much weight to the testimonies of defense witnesses Corazon Planas and Eleuterio Casera. If indeed Reynaldo did fall from his prone position, as Planas testified, and considering that his legs dangled, then it would be logical to surmise that the first part of his body to hit the ground would have been his right leg because that was the part of his body that was closest to the ground. The leg would then act as a buffer, breaking the full force of the impact. That, and the fact that the bench was merely two (2) feet high, the force of the impact would not be sufficient to kill an adult male. Also, the trial court ruled out Planas' testimony because it was improbable for the "back of his neck, right and lower portion of the right mastoid region (back of the lower portion of the right ear) to be injured unless, in the language of the private prosecution, he was able to turn a full 360 degrees before hitting the ground." [8]

The testimonies of the prosecution witnesses find ample support in the medico-legal examination conducted by Dr. Tammy Uy, Senior Medical Officer of the NBI. Dr. Uy testified that the victim died because of a violent blow from a hard blunt object to the right side of the neck. Dr. Uy had conducted more than 100 exhumations and performed more than 300 autopsies. He personally conducted the exhumation of Reynaldo Lamera and even related every painstaking detail of the process in his testimony. He had established his qualifications as an expert witness to the satisfaction of the courts below.

To counter the expert testimony of Dr. Uy, the defense presented a Post Mortem Report[9] signed by Dr. Jocelyn Laurente, the Medical Officer of the Regional Health Office. The report stated that the cause of death of Reynaldo was "cardio pulmonary arrest secondary to CVA hemorrhage." The defense asserted that since Dr. Laurente examined the victim only a day after he died, her findings should have been given more weight than those of Dr. Uy.

But the trial court did not sustain the defense in this regard -

It is apropos to note in this respect that unlike Dr. Jocelyn Laurente, Dr. Uy performed an autopsy of the cadaver of the deceased-victim. Between, therefore, the contrasting findings of the two doctors, that of Dr. Uy is decidedly more reliable. This is not to mention the fact that there was no attempt whatsoever on the part of the defense to qualify Dr. Laurente as a Medico-Legal expert -- a matter the Court cannot seriously assume, without running afoul of the Rules.[10]

The Court of Appeals made a similar finding. It also gave an authoritative explanation of how Dr. Laurente might have overlooked the signs of violent death and concluded that the victim died of natural causes -

Subcutaneous wounds are very deceptive on surface examination. There may be a large ecchymosis, a black and blue spot, and but little injury to deeper tissues, as there may be a very extensive internal injury giving no evidence on the surface. It may even happen that, although no marks of violence can be found externally, or, at least, none which will explain the person's death, internal injuries may be discovered upon dissection which will render it certain that the death was violent (Wharton and Stille, *Medical Jurisprudence*, 5th ed., pp. 175-181).[11]

Petitioners now contend that if indeed the deceased had died a violent death, there would have been bruises apparent on the surface of the skin and not merely subcutaneous. Thus, they assert, that Dr. Uy's findings are flawed, and that "external injuries should be present, or at the very least apparent from the gross examination of the part of Reynaldo Lamera's body."

Petitioners seem to have overlooked that Marina Lamera, Reynaldo's wife, had pointed out to Dr. Laurente the bruises on her husband's neck and right thigh but Dr. Laurente brushed aside such tell-tale signs as libidity.[12] Thus, there were external injuries present except that the examining physician refused to recognize them. The fact that Dr. Uy had to peel off areas of the skin did not negate the presence of surface bruises. Dr. Uy testified that when he exhumed the body, it had already discolored such that surface bruises would not necessarily be apparent. Therefore, the reason why he had to conduct subcutaneous examination was not because of the absence of bruises on the skin surface but because the discoloration of the skin had obscured such bruises. It is also important to note that Dr. Laurente was never presented as a witness. Therefore, it would be incredulous to accept petitioners' assertion that Dr. Lamera's findings should be given more weight than those of Dr. Uy.

To reiterate, it is a hornbook doctrine that findings of fact of trial courts are entitled to great weight on appeal and should not be disturbed except for strong and valid reasons because the trial court is in a better position to examine the demeanor of the witnesses while testifying.[13] It is not a function of this Court to analyze and weigh evidence by the parties all over again. Our jurisdiction is in principle limited to reviewing errors of law that might have been committed by the Court of Appeals. A fortiori, where the factual findings of the trial court are affirmed in toto by the Court of Appeals, there is great reason for not disturbing such findings and for regarding them as not reviewable by this Court.[14]

There are however exceptions to this well-entrenched rule: (a) when the conclusion is a finding grounded entirely on speculation, surmises or conjectures; (b) when the inference is manifestly absurd, mistaken or impossible; (c) when there is grave abuse of discretion in the appreciation of facts; (d) when the judgment is premised on a misapprehension of facts; (e) when the findings of fact are conflicting; and, (f) when the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee.[15]

Both courts below were thoroughly and morally convinced of the guilt of petitioners. We see no reason to disturb such finding. All told, petitioners have failed to show the existence of circumstances that would warrant the

reversal of the challenged Decision of the Court of Appeals.

WHEREFORE, the petition is DENIED and the Decision of the Court of Appeals affirming that of the Regional Trial Court, Br. 27, Tandag, Surigao del Sur, finding petitioners Fedil Uriarte, Manolito Acosta and Jose Acosta guilty of Homicide and sentencing each of them to eight (8) years and one (1) day of prision mayor medium as minimum, to fourteen (14) years and ten (10) months of reclusion temporal medium as maximum, and to pay the legal heirs of the victim P50,000.00 for civil indemnity and P20,000.00 for moral damages, is AFFIRMED. Costs against petitioners.

SO ORDERED.

Mendoza, Quisumbing, Buena, and De Leon, Jr., JJ., concur.

[1] Decision penned by Judge Ermelindo G. Andal, RTC-Br. 27, Tandag, Surigao del Sur.

[2] Exh. "2-A," Original Records.

[3] Exh. "Q," id.

[4] Exh. "C-1," id.

[5] Original Records, p. 29.

[6] TSN, 2 September 1993, p. 17.

[7] TSN, 13 July 1993, p. 18.

[8] Rollo, p. 62.

[9] Original Records, p. 17.

[10] Rollo, p. 58.

[11] Id., p. 47.

[12] TSN, 19 October 1993, pp. 32-33.

[13] *People v. Jimenez*, G.R. No. 84276, 13 February 1992, 206 SCRA 214; *People v. Lutañez*, G.R. No. 78854, 21 December 1990, 192 SCRA 588.

[14] *De Guzman v. Court of Appeals*, G.R. No. 110122, 7 August 1996, 260 SCRA 389; *Baniqued v. Court of Appeals*, No. L-47531, 20 February 1984, 127 SCRA 596.

[15] *Rizal Cement Co., Inc. v. Villareal*, No. L-30272, 28 February 1967, 19 SCRA 289; *Remalante v. Tibe*, G.R. No. 59514, 25 February 1988, 158 SCRA 138.

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