JESUS SALVATIERRA, SR. @ DUGGONG AND JESUS SALVATIERRA, JR., PETITIONERS, VS. THE PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 144442. August 30, 2001

Ponente: KAPUNAN, J.

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KAPUNAN, J.:

This petition for review on certiorari assails the decision, promulgated on 01 August 2000, of the Court of Appeals in CA-G.R. No. CR No. 22641, affirming with modification the conviction of petitioners by the Regional Trial Court of Urdaneta, Pangasinan, Branch 48.

The case originated from two (2) criminal complaints, both for Frustrated Homicide: (1) Criminal Case No. U-9275 against Jesus Salvatierra, Sr., Jesus Salvatierra, Jr., and Alfredo Bedar; and (2) Criminal Case No. U-9276 against Jesus Salvatierra, Sr. The respective informations read:

> CRIMINAL CASE NO. U-9275
>
> That on or about February 18, 1997 in the evening at Brgy. Cauringan, Municipality of Sison, Province of Pangasinan, and within the jurisdiction of this Honorable Court, the above-named accused armed with a dagger with intent to kill, treachery, evident premeditation and taking advantage of superior strength, conspiring, confederating and mutually helping one another, did then and there willfully, unlawfully and feloniously attack and stab WILLIAM CAMPOS inflicting upon him the following injuries:
>
> - wound, stabbed, 2 cms., subcostal area, AAL. (L) penetrating, non-perforating:
>
> - wound, stabbed, 2 cm., 7[th] ICS, parasternal area, (L) non-penetrating;
>
> - wound, stabbed, 1 cm. deltoid (L);
>
> - wound, stabbed, 1 cm., (elbow [L]).
>
> the accused having thus performed all the acts of execution which would have produced the crime of Murder as a consequence but, which nevertheless, did not produce it by reason of causes independent of the will of the accused and that is due to the timely and able medical assistance rendered to said William Campos which prevented his death to his damage and prejudice.[1]
>
> CRIMINAL CASE NO. U-9276
>
> That on or about February 18, 1997 in the evening at Barangay Cauringan, Municipality of Sison, Province of Pangasinan, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a dagger with intent to kill, did then and there willfully, unlawfully and feloniously stab DOMINADOR CAMPOS inflicting upon him the following injuries:
>
> - wound stabbed, 2 cm., 3[rd] ICS, manl. (L), penetrating:

- Moderate pneumothorax:

- Minimal Hemothorax:

the accused having thus performed all the acts of execution which would have produced the crime of HOMICIDE as a consequence but which nevertheless, did not produce it by reason of causes of independent to the will of the accused and that is due to the timely and able medical attendance rendered to said Dominador Campos to his damage and prejudice.[2]

The evidence for the prosecution would show that on 18 February 1997, at about 10:00 p.m., William Campos (William) was on his way home after having rendered overtime work in Edison Poll Technology, Incorporated at Cauringan, Sison, Pangasinan.[3] While he was walking towards his house, Jesus Salvatierra, Sr. (Salvatierra, Sr.) shouted at him "vulva of your mother, you stoned my dog."[4] William answered that he did not do so. Whereupon Salvatierra, Sr. said that he had something to tell William. As William approached Salvatierra, Sr. to hear what he had to say, the latter pointed a flashlight to the former's face. Thereafter, Jesus Salvatierra, Jr. (Salvatierra, Jr.) and Alfredo Bedar (Bedar) held William's arms while Salvatierra, Sr. stabbed him with a dagger on the left side of his stomach and on his left breast. William cried "arayaten dale kabsat, amang ko" ("Help me, my brothers, my father!).[5]

Dominador Campos (Dominador) who was then in the farm tending his cows, heard William's cry for succor and ran towards the place where the voice was coming from.[6] He saw his brother William, bloodied and lying on the ground. Salvatierra, Sr. threatened Dominador with a spading fork. Dominador tried to grab the spading fork from Salvatierra, Sr. and in the struggle, Salvatierra, Sr. then dropped the spading fork and stabbed Dominador on the left armpit.[7] Just then, Ernesto Lumague (Lumague) and Alfredo Campos (Alfredo) arrived. Lumague wrestled the knife from Salvatierra, Sr.'s hand. William and Dominador were taken to the Ilocos General Hospital in San Fernando, La Union for treatment of their wounds.[8]

Dr. Franklin delos Santos, a surgeon at the Ilocos General Hospital, who treated William and Dominador, testified during the trial and declared that their wounds, if not immediately treated, could have resulted in the death of the patients.[9]

For its part, the defense tried to establish that on the night of the incident, Salvatierra, Sr. and his son, Salvatierra, Jr. were watching a television program in their house.[10] After dinner, they proceeded to the nipa hut where they used to sleep and heard their dogs barking.[11] Salvatierra, Sr. trained a flashlight where the dogs were and saw William holding two of their ducks.[12] William noticed them and turned to run away. However, he stumbled on a barbed wire fence and let go of the ducks.[13] Thereafter, William, Dominador and Alfredo arrived at the scene and stoned Salvatierra, Sr. hitting him on different parts of his body. Salvatierra, Sr. who was now dizzy because of the blows he received got hold of a spading fork to defend himself. At this juncture, Dominador went behind Salvatierra, Sr. and tried to strangle him with a rope. Salvatierra, Sr. fell on his back. Thereupon, William sat on Salvatierra, Sr.'s stomach and tried to gouge his eyes.[14]

Salvatierra, Jr. rushed to their nipa hut to get a knife in order to cut the rope around his father's neck.[15] Just then, Alfredo hit him with a stone on the forehead and on his breast.[16] His father told him to run and ask for help but he was chased by William who hit him at the back with a stone.[17] He managed to escape and proceeded to the place of Antonio Sobejana who reported the incident to the police.[18] In the meantime, Ernesto Lumague was able to get the knife from Salvatierra, Sr. and used it to stab the latter at the back.[19] Thereafter, Ernesto Lumague, Alfredo Lumague, Alfredo Campos, Dominador Campos and one Dagul Disum left Salvatierra, Sr.[20]

In Criminal Case No. U-9275, the trial court found the Salvatierras guilty as charged but acquitted Bedar. Hence:

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> WHEREFORE, pursuant to Art. 249 in relation to Art. 6 this Court finds Jesus Salvatierra, Sr. and Jesus Salvatierra, Jr. guilty beyond reasonable doubt of the crime of Frustrated Homicide and hereby sentences them, pursuant to Art. 249 in relation to Art. 50 of the Revised Penal Code, to suffer an imprisonment of the medium period of prision mayor ranging from 8 years and 8 days to 10 years. Considering the provisions of the Indeterminate Sentence Law, the court goes one degree lower to determine the minimum which according to Reyes in his Appendix B (sic), Table of Penalties, is prision mayor in its minimum period. WHEREFORE, the accused are adjudged to suffer an imprisonment of 7 years and 4 months of prision mayor as maximum, to the benefit of their preventive imprisonment and to pay jointly and severally the private complainant William Campos and the civil liability of P25,000 with costs. There being a serious doubt as to the participation of Alfredo Bedar, who arrived late, the court acquits him with costs de oficio. Since the other accused Salvatierra, Jr. at the time of the commission of the offense, pursuant to Arts. 192, P.D. 603 as amended the judgment with respect to said minor "will be suspended upon application of the youthful offender and if it finds that the best interest of the public as well as that of the offender will be served thereby, and commit such minor to the custody or care of the Department of Social Welfare, or to any training institutions operated by the government or duly licensed agencies or any other responsible person until he shall have reached the age of twenty-one years of age, or for a shorter period as the court may deem proper, after considering the reports and recommendations of Social Welfare or the agency or responsible individual under whose care he has been committed.[21]

Salvatierra, Sr. was also found guilty in Criminal Case No. U-9276, thus:

> WHEREFORE, the Court opines that the prosecution was able to prove the guilt of the accused beyond reasonable doubt. The court hereby convicts the accused Jesus Salvatierra, Sr. of the crime of Frustrated Homicide and pursuant to Art. 249 in relation to Art. 6 and Article 50 of the Revised Penal Code, to suffer an imprisonment of the medium period of prision mayor ranging 8 years and 1 day to 10 years. Taking into consideration the provisions of the Indeterminate Sentence Law, the court goes one degree lower to determine the minimum, which according to Reyes in his Table of Penalties, Appendix B (sic), is prision mayor in its minimum period. WHEREFORE, the court sentences the accused to suffer an imprisonment of 7 years and 4 months of prision mayor in its minimum to 9 years and 4 months of prision mayor as maximum, to the benefit of his preventive imprisonment and to pay the civil liability to private complainant Dominador Campos P25,000 with costs.

The knife used in these stabbing incidents is ordered confiscated in favor of the government. The rests are ordered returned to the accused Jesus Salvatierra Sr. upon proper receipt and inventory and upon finality of judgment if these cases are not appealed.[22]

The Salvatierras appealed the decision to the Court of Appeals. The appellate tribunal affirmed the trial court's decision, with the following modifications:

> WHEREFORE, the appealed decision is AFFIRMED, with the modification that (a) appellant JESUS SALVATIERRA, SR. who is found guilty beyond reasonable doubt as principal in two (2) counts of frustrated murder, is hereby sentenced to an indeterminate penalty of Four (4) years and Two (2) Months of prision correccional, as minimum, to Nine (9) Years and Four (4) Months of prision mayor, as maximum; (b) while JESUS SALVATIERRA, JR., who is found guilty beyond reasonable doubt as co-principal in one (1) count of frustrated homicide, is hereby sentenced to an indeterminate penalty of four (4) months of arresto mayor, as minimum, to four (4) years, two (2) months of prision correccional, as maximum. The sum of P25,000.00 each awarded to complainants: WILLIAM CAMPOS and DOMINADOR CAMPOS is DELETED. All other aspects of the appealed decision stay. No costs.
>
> SO ORDERED.[23]

The Salvatierras came to this Court for relief, via a petition for review, alleging that:

1. THE HONORABLE COURT OF APPEALS ERRED IN AFFIRMING THE CONVICTION OF THE PETITIONERS BY GIVING FULL CREDENCE TO THE TESTIMONY OF PROSECUTION WITNESSES WILLIAM CAMPOS AND DOMINADOR CAMPOS.

2. THE HONORABLE COURT OF APPEALS ERRED IN FINDING THE PETITIONERS GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF FRUSTRATED HOMICIDE.

3. THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN FINDING THAT A CONSPIRACY EXISTED BETWEEN THE ACCUSED.[24]

We affirm the questioned decision.

It is well-settled that the findings and conclusions of the trial court are accorded respect if they are supported by substantial evidence on record.[25] In the absence of showing that the factual findings were reached arbitrarily[26] or that some facts and circumstances were overlooked, misunderstood or misapplied,[27] such findings, especially when affirmed by the Court of Appeals, are conclusive on this Court.[28] It is, likewise, axiomatic that the assessment of credibility of witnesses and their testimonies is a matter best left to the trial court[29] since the trial judge has the best opportunity to observe the deportment of witnesses and determine the veracity of their declarations.[30]

In the case before us, the candid statements of the victim, William Campos, certainly deserves credence. He categorically testified:

Q

Do you recall where were you in the night of February 18, 1997?

A

Yes sir.

Q

Where were you on that date and time?

A

I was in the place of my work.

Q

At what time were you in the place of your work?

A

Up to 9:00 o'clock in the evening.

Q

What are you doing at the place at that time, Mr. Witness?

A

I just finished working overtime.

Q

And what time did you leave your place of work on the night of February 18, 1997?

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A

Past 10:00 o'clock in the evening.

x x x.

PROS. MORENO, JR.

Q Do you know the person who was calling for you?

WITNESS

A Yes sir.

Q Who was that person who was calling for you on that night of February 18, 1997?

A Jesus Salvatierra, Sr.

Q Where was he when he was calling for you?

A At the south of a nipa hut.

Q And what did you do when Jesus Salvatierra, Sr. was uttering in anger against you and was calling for you?

A I told him that I did not stone his dog.

Q When you answered that you did not stone the dog of Jesus Salvatierra what happened next if any?

A I continued to walk home.

Q When you continued to walk home was there anything that transpired next, Mr. Witness?

A Jesus Salvatierra, Sr. told me something.

Q What did Jesus Salvatierra, Sr. tell you?

A He told me he was going to tell me something.

Q And what did you do when Jesus Salvatierra Sr. told that he had to say something?

A I approached him.

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Q And what happened when you approached him?

A He suddenly pointed the flashlight on my face.

Q What happened next, Mr. Witness?

A Suddenly somebody held my arm.

Q Who was that person who held your arm?

A Jesus Salvatierra, Jr.

Q And how did Jesus Salvatierra, Jr. hold your arm?

A He held like this.

Q Will you demonstrate. Will you stand up and demonstrate how Jesus Salvatierra, Jr. held your arm?

A (The witness demonstrated how Jesus Salvatierra, Jr. held his left arm and folded it towards his back while Alfredo Bedar also held his right arm and folded towards his back).

Q While Jesus Salvatierra, Jr. was holding your arm twisted at the back and Alfredo Bedar was also holding your right arm and place at the back, what happened next, Mr. Witness?

A Jesus Salvatierra, Sr. came near me.

PROS. MORENO JR.

Q And when he came near you what happened next, Mr. Witness?

A Jesus Salvatierra, Sr. stabbed my left side of my stomach.

Q Will you stand up again Mr. Witness and demonstrate how Jesus Salvatierra, Sr. stabbed you with a dagger in your stomach?

A (The witness demonstrated how Jesus Salvatierra Sr. thrust a knife towards the victim at the left side of the stomach).

Q Now, Mr. Witness, will you kindly show us the part of your body that was hit when Jesus Salvatierra, Sr. stabbed you?

A (Witness showed a scar at the left side of his waist which is about three [3] inches in length crosswise his waistline).

Q After Jesus Salvatierra, Sr. stabbed you on your left lower part of your stomach left side of your waistline, what happened next, Mr. Witness? After you were stabbed by Jesus Salvatierra, Sr. on the left side, what happened next after Jesus Salvatierra, Sr. stabbed you on the left side with a dagger?

A He again stabbed me on the (sic) below of my (sic) chest on the left side of my body.

Q Will you stand up again Mr. Witness and show us the part of your body that was stabbed by Jesus Salvatierra Sr. for the second time?

A (The witness pointed to a scar on his left breast obliquely below the nipple which is about one [1] inch in length.)

COURT

Left breast obliquely below the left nipple.

PROS. MORENO JR.

Yes.

Q What did you do when Jesus Salvatierra, Sr. stabbed you for the second time?

WITNESS

A I cried for help.

Q And how did you cry for help?

A I cried out 'help me my brothers and my father'. (Arayaten da ak kakabsat ko, amang ko.)

Q And after you cried for help, what happened next, Mr. Witness?

A I did not know anything anymore because I became weak.[31]

His testimony was corroborated by his brother, Dominador Campos who went to help him but also fell victim when he was also stabbed by Salvatierra, Sr. Thus:

Q

Why were you not able to reach the farm where you tied your cow, Mr. witness?

A

I heard a man shouting for help.

Q

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Where did you hear the shouts coming from?

A

In the field.

Q

And what did you do when you heard shouts?

A

I ran towards the place where I heard the shouts.

Q

And what did you find when you went to the place where you heard the shouts, Mr. Witness?

A

I saw Jesus Salvatierra, Jr. and Alfredo Bedar and they were running towards their nipa hut.

Q

And what did you do when you saw Jesus Salvatierra, Jr. and Alfredo Bedar running towards the nipa hut of Jesus Salvatierra, Sr.?

A

I went towards my younger brother.

Q

What is the name of your younger brother?

A

William Campos.

Q

What was the condition of your brother when you went near him?

A

He was lying on the ground and his body is bloodied.

Q

What did you do when you saw your brother William Campos lying on the ground with blood?

A

Nothing.

Q

And what happened next when you went near to your brother William Campos who was lying on the ground?

A

Suddenly Salvatierra, Sr. threatened to hit me with a spading fork.

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Q

What did you do when Jesus Salvatierra, Sr. threatened to hit you with a spading fork?

A

I dived him and tried to grab the spading fork.

Q

When you dived on Jesus Salvatierra Sr. were you able to grab the spading fork from his possession?

A

No sir.

PROS. MORENO, JR.

Q

What happened next after you were not able to grab the spading fork from the possession of Jesus Salvatierra, Sr.?

WITNESS

A

We struggled against each other.

Q

While you were struggling against each other what else happened, Mr. Witness?

A

He dropped the spading fork.

Q

And when Salvatierra, Sr. dropped the spading fork, what happened next, if any?

A

He stabbed me.

Q

And when you said Mr. Salvatierra, Sr. stabbed you what part of your body was hit?

A

My left armpit.

Q

Will you stand up Mr. Witness and show us that part of your body that was hit when Jesus Salvatierra Sr. stabbed you?

A

(The witness showed his scar at the left armpit which is about 1-1/2 inches).

ATTY. BAÑAGA

The medical certificate will show it.

PROS. MORENO, JR.

Q

What instrument was used by Jesus Salvatierra, Sr. in stabbing your left armpit?

WITNESS

A

I did not notice the instrument in stabbing my left armpit.

Q

And when you were stabbed at the left armpit by the accused Jesus Salvatierra, Sr. what did you do?

A

I held his hand.

Q

And what happened next after you held the hands of Jesus Salvatierra, Sr.

A

My brother-in-law Bong Lomague arrived.

Q

What is the complete name of your brother-in-law Bong Lomague?

A

Ernesto Lomague.

Q

And when Ernesto Lomague arrived, what did he do if anything at all?

A

He got the knife from the hand of Salvatierra, Sr.

Q

And what else happened after Ernesto Lomague your brother-in-law took the knife from the hand of Salvatierra, Sr.?

A

My younger brother Alfredo Campos arrived.

PROS. MORENO, JR.

Q

And what did your brother Alfredo Campos do when he arrived?

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WITNESS

A

He helped me get away from the place.[32]

The positive identification of Jesus Salvatierra, Sr. as the malefactor merits credit from this Court. Further, defense witness Alfredo Bedar testified that upon arriving at the crime scene, Dominador Campos told him that he was stabbed by Jesus Salvatierra, Sr.[33] The statement of Dominador, made immediately after the commission of the crime, may even be admitted as part of res gestae under Section 42, Rule 130 of the Rules of Court.[34]

Petitioner cited that the testimony of Alfredo Lumague to the effect that he was about to help Dominador when he saw William struggling with Salvatierra, Sr. contradicted the testimonies of William and Dominador Campos that William was stabbed first. However, the commotion attendant to the situation he witnessed must have confused Lumague but the error in his testimony did not in any way affect his credibility as a witness. Inconsistencies in the testimonies of the witnesses bolster rather than weaken their credibility as they erase any suspicion that their testimonies have been rehearsed.[35] Testimonies of witnesses need only corroborate each on important and relevant details concerning the principal occurrence[36] and the inconsistencies ascribed to prosecution witnesses could not be said to affect the substance of their assertions so as to diminish their value.

The Court cannot be swayed by the self-defense theory of the accused. It should be noted that while Salvatierra, Sr. claimed that he was stabbed by Lumague, the former failed to file any complaint against, nor to include, the latter in the complaint he filed against the Camposes.[37] In addition, Dr. Arturo De Vera, resident physician at the Region I Medical Center in Dagupan City, who testified for the defense, declared on cross-examination that Jesus Salvatierra, Sr. did not complain of any neck injury and that he did not find any injury on the latter's neck nor any sign of abrasion or strangulation. These statements belied the allegation of the defense that Dominador strangled Salvatierra, Sr.[38]

The participation of Jesus Salvatierra, Jr. as co-conspirator was also established. William Campos categorically pinpointed him as the one who held his arm just before Jesus Salvatierra, Sr. approached and stabbed him.[39] The defense failed to convincingly rebut this assertion. Dominador Campos likewise testified that when he arrived at the scene of the incident, he found his brother William already on the ground, bloodied, and Salvatierra, Jr. was already running towards their nipa hut.[40]

The conspiracy between Salvatierra, Sr. and Salvatierra, Jr. was proven by their concerted actions. In a number of cases, this Court ruled that where the acts of the accused collectively and individually demonstrate the existence of a common design towards the accomplishment of the same unlawful purpose, conspiracy is evident and all the perpetrators should be held liable as principals[41] following the dictum that the act of one would be the act of all.[42] It did not matter that it was Salvatierra, Sr. who actually stabbed the victims. Salvatierra, Jr. facilitated the commission of the crime when he held William's arms thus preventing the latter from defending himself against the attack on his person.

Finally, the Court agrees with the appellate tribunal that the trial court erred in suspending the sentence of Salvatierra, Jr. P.D. No. 603,[43] as amended by P.D. No. 1179 and P.D. No. 1210, requires that a youthful offender should apply for a suspension of his sentence. No such application was made by Salvatierra, Jr. More importantly, since he was already over 18 years of age when the decision of the trial court was promulgated, the right to apply for a suspended sentence is no longer available to him.[44] He is, nevertheless, entitled to a reduced sentence, as so imposed by the appellate court, in accordance with Article 68 of the Revised Penal Code.

WHEREFORE, the decision of the Court of Appeals is AFFIRMED in toto.

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Costs against accused-appellants.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Pardo, and Ynares-Santiago, JJ., concur.

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[1] Rollo, p. 34.

[2] Id., at 35.

[3] William Campos, TSN, 21 Jan. 1998, p. 5.

[4] Id., at 5-6.

[5] Id., at 6-7.

[6] Dominador Campos, TSN, 26 Jan. 1998, pp. 2-3.

[7] Id., at 3-4.

[8] Id., at 4-5.

[9] Id., at 23.

[10] Jesus Salvatierra, Jr., TSN, 16 March 1998, p. 5.

[11] Id., at 6-7.

[12] Id., at 7.

[13] Jesus Salvatierra, TSN, May 18, 1998, p. 4.

[14] Id., at 5-6.

[15] Jesus Salvatierra, Jr., TSN, 16 March 1998, p. 10.

[16] Id., at 13-15.

[17] Id., at 15-16.

[18] Id., at 17.

[19] Jesus Salvatierra, TSN, 20 June 1998, p. 3.

[20] Id., at 9.

[21] Rollo, pp. 39-40.

[22] Id., at 41.

[23] Id., at 55-56.

[24] Id., at 15.

[25] People vs.Abdul, 30 SCRA 246 (1999).

[26] People vs. Tulop, 289 SCRA 316 (1998).

[27] People vs. Pulusan, 290 SCRA 353 (1998).

[28] Lagandaon vs Court of Appeals,. 290 SCRA 330 (1998).

[29] People vs. Magpantay, 284 SCRA 96 (1998).

[30] People vs. Obello, 284 SCRA 79 (1998).

[31] TSN, 21 January 1998, pp. 5-7.

[32] TSN, 26 January 1998, pp. 3-5.

[33] TSN, 30 March 1998, p. 6.

[34] See People vs. Bergante, 286 SCRA 629 (1998).

[35] People vs. Vergel, 316 SCRA 199 (1999); People vs. Gaspar, 318 SCRA 649 (1999).

[36] People vs. Sy Bing Yok, 309 SCRA 28 (1999).

[37] TSN, 18 May 1998, pp. 17-18.

[38] TSN, 15 June 1998, p. 14.

[39] TSN, 21 January 1998, p. 6.

[40] TSN, 26 January 1988, p. 3.

[41] People vs. Antonio, 303 SCRA 414 (1999); People vs. Sumampong, 290 SCRA 471 (1998); People vs. Gargar, 300 SCRA 542 (1998).

[42] People vs. Abordo, 321 SCRA 23 (1999).

[43] The Child and Youth Welfare Code.

[44] People vs. Parcon, 110 SCRA 425 (1981).

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