

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. JUANITO PACUANCUAN, APPELLANT.

G.R. No. 144589. June 16, 2003

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

The credibility of witnesses is best determined by the trial judge, who has the direct opportunity to observe and evaluate their demeanor on the witness stand. The trial court's findings of fact will not be disturbed on appeal, unless there is a clear showing that it plainly overlooked matters of substance which, if considered, might affect the results of the review.

The Case

Juanito Pacuancuan appeals the May 19, 2001 Decision[1] of the Regional Trial Court (RTC) of Roxas City (Branch 23) in Criminal Case No. 23-882, finding him guilty of murder as follows:

"WHEREFORE, the prosecution having convincingly and satisfactorily proven the guilt of the accused beyond reasonable doubt for the offense charged, without any mitigating and aggravating circumstance to consider, the court hereby sentences the accused to RECLUSION PERPETUA, with all the accessory penalties provided for by law; to indemnify the heirs of the deceased victim the sum of P100,000.00 as actual and compensatory damages and the additional sum of P500,000.00 by way of moral and exemplary damages, and to pay the costs."[2]

The Information[3] dated December 2, 1998, charged appellant in these words:

"That on or about the 15[th] day of October, 1998, in the [M]unicipality of Aurora, [P]rovince of Isabela, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with intent to kill and with evident premeditation and treachery, did then and there willfully, unlawfully and feloniously assault, attack and stab with a pointed/bladed instrument one Jonathan Perdido, inflicting upon him a stab wound 1 inch wide, 3-4 inches deep, 1 centimeter above the nipple, which directly caused his death."[4]

Upon his arraignment on February 3, 1999,[5] appellant, assisted by his counsel,[6] pleaded not guilty. After trial in due course, the court a quo rendered the assailed Decision.

The Facts

Version of the Prosecution

In its Brief, the Office of the Solicitor General (OSG) presents the prosecution's version of the facts in the following manner:

"About 9:00 P.M. of October 15, 1998, Ferdinand Evangelista and Jonathan Perdido were at Abresias' Lomi House, located at San Pedro-San Pablo, Aurora, Isabela, seated at a table and drinking beer. Also inside the eatery were two persons identified by Evangelista in court as Juanito Pacuancuan and a companion named Domingo Saring. While inside the eatery, an [altercation] ensued between Pacuancuan's group and [Perdido's] over the use of the eatery's videoke microphone. At about 10:30 P.M., Perdido and Evangelista went out of the

eatery. Evangelista left Perdido at the 'lomi haus' and proceeded to a nearby burger stand located a few meters south of the lomi haus for a snack.

"About 10:40 p.m. of October 15, 1998, Roman Tumayao was on the second floor of his house, which was located along the highway about twenty (20) meters away from the 'lomi haus.' Thereat, Tumayao saw two persons standing along the highway near his house. Tumayao heard one of them say 'We go back he is only a tricycle driver,' whom Tumayao pointed to in court as Juanito Pacuancuan. Tumayao then heard the other person, who was embracing Pacuancuan, reply 'No more, we just go home because it is bright,' referring to the light in front of Tumayao's house. But Pacuancuan refused and said [they will put off the light]. After the light was turned off, Pacuancuan extricated himself from the hold of his companion and immediately proceeded to the 'lomi haus.' Evangelista, who was about seven (7) meters away and unaware that Pacuancuan was armed thought that Pacuancuan merely boxed Perdido in front of the 'lomi haus' without any warning or provocation.

"Tumayao heard a commotion from the 'lomi haus' and subsequently saw Pacuancuan return to where his companion was and told him 'Let us go home it is already finished.' Both of them ran towards Roxas.

"Evangelista saw Perdido running away towards the Cagayan Valley Sanitarium Hospital where he died. The parties agreed that the cause of death was hemorrhage due to a stab wound as shown in the Death Certificate." [7] (Citations omitted)

Version of the Defense

Appellant interposes the defenses of denial and alibi. His version of the facts is as follows:

"He testified that on the date of the stabbing he was in their house at San Pedro, San Pablo, Isabela, where he was staying with his sister. He claims that he could have been mistaken as the assailant because he probably resembled the latter." [8] (Citations omitted)

Ruling of the Trial Court

After evaluating the testimonies of the prosecution witnesses, the trial court ruled that appellant was the perpetrator of the crime, and that treachery qualified the killing to murder. He was found to have swiftly and suddenly stabbed the unsuspecting victim on the chest without any warning, thereby depriving the latter of any opportunity to defend himself.

Hence, this appeal.[9]

Issues

In his Brief, appellant raises the following issues for our consideration:

"I

The court a quo erred in giving credence to the testimonies of prosecution witnesses and in disregarding the testimony of the accused-appellant.

"II

The lower court erred in finding the accused-appellant guilty beyond reasonable doubt of murder." [10]

Simply put, the issue is whether the testimonies of the prosecution witnesses are sufficiently credible to convict appellant of murder.

The Court's Ruling

The appeal has no merit.

Sole Issue:

Credibility of the Prosecution Witnesses

Appellant contends that a review of the prosecution witnesses' testimonies shows that they are too inconsistent,

absurd and unreliable to sustain a conviction. He maintains that the RTC should not have disregarded the testimonies given by him and his brother-in-law.

Appellant argues that the testimony of Evangelista is riddled with inconsistencies. The latter testified on direct examination that no conversation between appellant and the victim preceded the stabbing. On cross-examination, however, this witness stated that a heated argument did transpire between the two and their respective groups.

On the other hand, Tumayao testified that, from inside his house, he saw appellant on that fateful night despite a brownout. On the other hand, the latter contends that the former could not have identified the assailant, since there could not have been any light from an electric bulb that could have illuminated the front of the house where the stabbing occurred.

Appellant asks why, as Tumayao narrated, the police patrol car that was then roaming the vicinity did not even chase or apprehend the former when he ran away. Appellant described as similarly absurd the prosecution testimony that the victim, after being stabbed, kept on running until he reached the hospital, without seeking help from Evangelista who was the latter's companion.

Appellant claims that the prosecution did not even inquire — either from the victim's family or from the hospital where the victim died — about any weapon that might have been recovered from the crime scene. Moreover, he argues that he was not subjected to any forensic examination. Thus, he concluded, there was no trace of any independent, real and verifiable evidence establishing that he was the assailant.

Assuming arguendo that he was the culprit, he further contends that the qualifying circumstance of treachery or evident premeditation cannot be established, because an argument immediately preceded the stabbing.

We reject appellant's arguments. The assigned errors are essentially factual, the resolution of which are anchored on the credibility of witnesses.

A thorough review of the records shows that there is no inconsistency in their testimonies. When asked on direct examination whether he had heard any exchange of words between appellant and the victim immediately prior to the stabbing outside Lomi Haus, Evangelista replied in the negative.[11] On the other hand, the argument that he referred to on cross-examination had supposedly occurred inside the said establishment[12] — before, but not immediately prior to, the stabbing.

Verily, the alleged inconsistencies in the testimony of the witness refer to what he saw and heard on two separate incidents — one occurring outside, and the other inside, Lomi Haus; one immediately prior to, while the other relatively long before, the stabbing.

It may seem strange that the victim, after being stabbed, kept on running without seeking help from his companion, Evangelista. This point, however, does not negate the fact that the latter witnessed the stabbing. The testimonies yielded no explanation as to why the victim kept on running, simply because no inquiry regarding this circumstance was propounded during trial. That the police did not interview his relatives or recover any bladed weapon from the crime scene is of no moment.

These alleged lapses are not vital to establishing the guilt of appellant. They do not show his innocence. The lower court, in its judicious exercise of discretion, may fairly avail itself of the testimonial evidence presented in court, which in this case suffices to establish his culpability.

Though the testimonies reveal nothing about the recovery of any weapon, it does not necessarily follow that none was used. Furthermore, members of the victim's family were not the proper persons from whom to inquire about a weapon; and the hospital was not the proper place in which to search for it. Common sense dictates that under the

circumstances, the inquiry should have fallen upon the investigating policemen or the witnesses to the crime.

The non-presentation of a weapon in court was not essential to the prosecution's case, since the stabbing had been amply established by the testimonies of the prosecution witnesses. Moreover, the positive identification of appellant as the assailant rendered superfluous any evidence of forensic examination on the deceased. Thus, neither the fact of the stabbing or appellant's guilt is weakened by appellant's arguments.

Furthermore, the defense already admitted during trial that a stab wound had indeed caused the victim's death.[13] Moreover, the Certificate of Death[14] indicates that the immediate and the underlying causes of death were cardio-respiratory arrest and a stab wound, respectively.

On the other hand, although Tumayao testified that there was a brownout in Isabela at the time of the incident, he nonetheless categorically stated that a light powered by a generator illuminated the front of his house.[15] Thus, he was able to recognize appellant and Domingo Saring as the same persons who had earlier been illuminated by the lights of a police patrol car.[16]

To clarify, the lights of a police car that was roaming the vicinity illuminated appellant and his companion before, not after, the stabbing — not while the latter was running away. This fact explains why the police car did not chase appellant. It patrolled the vicinity sometime before the crime took place, not during or immediately after.

In view of the foregoing, we find no cogent reason to disturb the trial court's finding on the witnesses' credibility.

It is a well-settled rule that the evaluation of the credibility of witnesses and their testimonies is best undertaken by trial judges, who have the unique opportunity to observe the witnesses firsthand and to note their demeanor and conduct on the witness stand. For this reason, their findings on such matters, absent any arbitrariness or oversight of facts or circumstances of weight and substance, are final and conclusive upon this Court and will not be disturbed on appeal.[17]

Civil Liability

However, we find that appellant's civil liability needs modification. The amount of P100,000 awarded by the trial court as actual and compensatory damages should be reduced to P50,000, the amount of burial and wake expenses admitted by the defense.[18] In addition, the amount of P50,000 as civil indemnity for the victim's death is hereby awarded.

Moreover, the award of P500,000 as moral damages is excessive and must be modified. Such grant is not intended to enrich the victim's heirs, but to compensate them for injured feelings.[19] For this reason, current jurisprudence has set at P50,000[20] the amount of moral damages in a murder case, absent any specific proof to the contrary. Finally, the attendance of the qualifying circumstance of treachery warrants an award of exemplary damages in the amount of P25,000.

WHEREFORE, the appeal is hereby DENIED. The decision of the trial court convicting Juanito Pacuancuan of murder is AFFIRMED with the modification that he is ordered to pay the heirs of the victim P50,000 as actual damages, P50,000 as civil indemnity, P50,000 as moral damages and P25,000 as exemplary damages. Costs against appellant.

SO ORDERED.

Puno, (Chairman), Sandoval-Gutierrez, Corona, and Carpio-Morales, JJ., concur.

[1] Written by Judge Teodulo E. Mirasol.

[2] RTC Decision, p. 3; rollo, p. 16; records, p. 151.

[3] Signed by Provincial Prosecutor Anthony A. Foz.

[4] Rollo, p. 6; records, p. 74.

[5] See Order dated February 3, 1999; records, p. 79. See also Certificate of Arraignment; records, p. 80.

[6] Atty. Ferdinand E. Dalpig.

[7] Appellee's Brief, pp. 2-5; rollo, pp. 62-65; signed by Assistant Solicitors General Carlos N. Ortega and Karl B. Miranda and Solicitor Mauro A. Elinzano.

[8] Appellant's Brief, pp. 3-4; id., pp. 37-38; signed by Attorneys Bartolome P. Reus, Amelia C. Garchitorena and Tyrone L. Pedreña of the Public Attorney's Office (PAO).

[9] This case was deemed submitted for decision on February 22, 2002, upon receipt by this Court of appellee's Brief. Appellant's Brief was received by this Court on July 3, 2001. No reply brief was filed.

[10] Appellant's. 1; rollo, p. 35. Original in upper case.

[11] TSN, July 19, 1999, pp. 6-7.

[12] Id., p. 10.

[13] TSN, August 25, 1999, pp. 13-14.

[14] Records, p. 11.

[15] TSN, August 25, 1999, pp. 6 & 10.

[16] TSN, August 25, 1999, p. 6.

[17] People v. Magnabe Jr., GR No. 143071, August 6, 2002; People v. Obordo, GR No. 139528, May 9, 2002; People v. Bertulfo, GR No. 143790, May 7, 2002; People v. Pacantara, GR No. 140896, May 7, 2002.

[18] TSN, August 26, 1999, pp. 3-4.

[19] People v. Verde, 302 SCRA 690, February 10, 1999.

[20] People v. Ortiz, 361 SCRA 274, July 17, 2001; citing People v. Uldarico Panalo et al., 348 SCRA 679, December 26, 2000.

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