

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. JUAN G. ESCOTE, JOEY VIC PERAS (ACQUITTED), ROLAND GARCIA (ACQUITTED), ANGELITO R. LISONA (ACQUITTED), AND “BUBOY,” ACCUSED.

G.R. No. 151834. June 08, 2004

Ponente: DAVIDE JR., CJ.

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DAVIDE JR., CJ.:

Appellant Juan G. Escote appeals from the decision[1] dated 15 October 2001 of the Regional Trial Court of Malolos, Bulacan, Branch 78, in Criminal Case No. 193-M-2000, which found him guilty beyond reasonable doubt of the crime of murder and sentenced him to suffer the penalty of reclusion perpetua and to pay the heirs of the victim P50,000 as death indemnity and P50,000 as indemnity ex delicto.

On 31 January 2000, Escote, together with Roland Garcia, Angelito Lisona, Joey Vic Peras, and one alias Buboy, was charged with Murder for the death of Carlos Dueñas. The accusatory portion of the information reads:

That on or about the 16th day of June 1999, in the municipality of Meycauayan, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with firearms and with intent to kill one Carlos Dueñas, conspiring, confederating and mutually helping one another, did then and there willfully, unlawfully and feloniously, with evident premeditation, abuse of superior strength and treachery, attack, assault and shoot with the said firearms they were then provided the said Carlos Dueñas, hitting him in his body, thereby causing him serious physical injuries which directly caused his death.[2]

Upon their arraignment on different dates, all the accused pleaded not guilty except the one alias Buboy whose true name and identity were never known.

The evidence for the prosecution established the following facts:

On the evening of 16 June 1999, while Liza de la Cruz, a resident of Pandayan, Meycauayan, Bulacan, was on her way to buy bread, she noticed a gray Lancer box-type car parked alongside the Pandayan Memorial Cemetery. She became suspicious of the men inside the car, as she observed them to bow their heads whenever light from oncoming vehicles hit them. Curious, she approached the car and met the eyes of the man on the driver's seat. The man glared at her (“pinandilatan ng mata”). Very much intimidated, she ran away. Upon arriving home, she heard gunshots.[3]

Meanwhile, Allan Manalo was watching TV at his home. During the commercial break, he went outside and saw a gray Lancer box-type car at about eight meters away and near the Pandayan Memorial Cemetery. Suspicious that the car's engine was running while parked, he wrote down the car's plate number.[4]

At the gate of the memorial cemetery, Ricardo Caitum was having a conversation with the guard when he saw a man alight from a gray Lancer box-type car, which was parked at the side of the cemetery. The man flagged down an approaching orange Honda Civic car. When the orange car stopped, the man asked its driver to alight, but the

latter refused. Using a short firearm, the man shot the driver of the orange car, who thereafter attempted to escape the assault by speeding away. The man, however, fired again at the driver of the orange car.[5]

The driver of the orange car was Carlos Dueñas, who died of hypovolemic shock as a result of a gunshot wound in the left lower extremity.[6]

In open court, Liza de la Cruz identified Escote as the driver of the gray Lancer box-type car who glared at her.[7] Ricardo Caitum likewise identified Escote as the person who alighted from the gray Lancer box-type car and shot the driver of the orange Honda Civic car.[8]

For its part, the defense presented Escote as its lone witness. He testified that on 19 July 1999, when the crime was committed, he was already in hiding at Camiguin Island, being an escaped death convict from the Provincial Jail of Malolos, Bulacan. He lived with his cousins and worked as a fisherman from 30 September 1998 to 18 August 1999. Unable to bear rural life, he went to Quezon City, Metro Manila, where he was arrested on 26 September 1999. He vehemently denied the charge against him. He also denied knowing the other accused prior to his arrest. He claimed that he was merely implicated by a certain Willy who was tortured by the Criminal Investigation and Detection Group.[9]

In its decision, the trial court gave full faith and credit to the witnesses for the prosecution. It upheld the witnesses' positive identification of Escote as the author of the crime and rejected his uncorroborated denial and alibi. It therefore convicted him of murder, with treachery as the qualifying circumstance. Finding no proof of the participation of the other accused in the execution of the crime, the trial court acquitted the three other named accused.[10]

Before us, Escote challenges the decision of the trial court convicting him of the murder of Carlos Dueñas on the ground of reasonable doubt. Escote would like us to believe his defenses of alibi and frame-up. He additionally contends that the darkness of the night and the dimly lighted locus criminis precluded a clear identification of the assailant; hence, the prosecution witnesses were merely making wild guesses. He further questions the credibility of prosecution witness Liza de la Cruz by pointing out her inconsistent statements about the assailant having a thin moustache and no moustache.[11]

The Office of the Solicitor General (OSG) maintains that Escote's guilt has been proved beyond reasonable doubt by the positive testimonies of the prosecution witnesses. They could not have erred in their identification of Escote as the assailant, since the place where the crime took place was adequately illuminated by the lights coming from the residential houses nearby. Besides, these prosecution witnesses had no improper motive to implicate him, and therefore, the finding of the trial court on the credibility of witnesses should not be disturbed. Further, the OSG asserts that Escote's defense of alibi is unsubstantiated. It also agrees with the trial court's appreciation of treachery.[12]

The appeal is without merit. We find no cogent or compelling reason to overturn the trial court's decision.

Well-entrenched in our jurisprudence is the doctrine that the assessment of the credibility of witnesses lies within the province and competence of trial courts. This doctrine is based on the time-honored rule that the matter of assigning values to declarations on the witness stand is best and most competently performed by the trial judge who, unlike appellate magistrates, can weigh the testimony in the light of the declarant's demeanor, conduct, and attitude at the trial and is thereby placed in a more competent position to discriminate between truth and falsehood. Thus, appellate courts will not disturb the credence accorded by the trial court to the testimonies of witnesses unless it is clearly shown that the trial court has overlooked or disregarded arbitrarily facts and circumstances of significance in the case.[13] None of the exceptions was shown in the case at bar.

Verily, we find no reason to doubt the identification by the prosecution witnesses of Escote as the perpetrator of the crime despite the dimly-lighted condition of the place where the crime was committed. Visibility is indeed a vital factor in the determination of whether an eyewitness could have identified the perpetrator of a crime. We have consistently held that the illumination produced by kerosene lamp, flashlight, wick lamps, moonlight, or starlight in proper situations is considered sufficient to allow identification of persons. In this case, the light coming from the electric bulbs of nearby houses was sufficient to illumine the place where Escote was, and to enable the eyewitness to identify him as the person who shot Carlos Dueñas. Settled is the rule that when conditions of visibility are favorable and the witnesses do not appear to be biased, their assertion as to the identity of the malefactor should normally be accepted.[14]

Moreover, Escote failed to offer adequate proof that the prosecution witnesses held a grudge against him or that they had a score to settle with him so as to give them motive to falsely testify against him. Where there is nothing to indicate that the witnesses for the prosecution were actuated by improper motive, the presumption is that they were not so actuated and their testimonies are entitled to full faith and credit.[15]

The alleged inconsistent statements of Liza de la Cruz in her sworn statement and testimony in open court are not relevant and material to overturn the positive identification of Escote. Minor discrepancies or inconsistencies in the declarations or testimonies of a witness do not affect, but even enhance, the witness' credibility, for they remove any suspicion that the testimonies were contrived or rehearsed. What is important is that the testimonies agree on the essential facts and substantially corroborate a consistent and coherent whole.[16]

Necessarily, the defenses of denial and alibi interposed by Escote must fail. We view them with disfavor for being unsubstantiated and uncorroborated. Being negative and self-serving evidence, they cannot secure worthiness more than that placed upon the testimonies of the prosecution witnesses who testified on clear and positive evidence[17] and who positively identified Escote as the perpetrator of the crime.[18]

Treachery was properly appreciated by the trial court. There is treachery when the offender commits any of the crimes against persons, employing means, methods, or forms in the execution thereof which tend directly and especially to ensure the execution of the crime without risk to himself arising from the defense which the offended party might make.[19] The essence of treachery is that the attack is deliberately without warning – done in a swift and unexpected manner, affording the hapless, unarmed, and unsuspecting victim no chance to resist or to escape.[20] Carlos Dueñas was completely unarmed and totally unaware of what Escote wanted or planned to do. He was suddenly shot by Escote, causing a gunshot wound which resulted to his death.

There being no other aggravating or mitigating circumstances alleged in the information and proved during the trial,[21] we sustain the penalty imposed by the trial court, which is reclusion perpetua, the lower of the two indivisible penalties prescribed by law for murder. Other circumstances like quasi-recidivism and the use of an unlicensed firearm were intimated in the records, but were not alleged in the information. They cannot, therefore, affect the determination of the proper penalty to be imposed upon Escote.

As to the civil aspect of the case, the trial court awarded in favor of the victim's heirs "the amounts of P50,000.00 as indemnity for [the victim's] death and P50,000.00 as indemnity ex delicto." Such an award is duplicitous. Article 2206 of the Civil Code authorizes an award of civil indemnity for death caused by a crime, which current jurisprudence has set at P50,000. We, therefore, modify the decision by deleting the other award of P50,000. However, an award of exemplary damages in the sum of P25,000 is warranted because of the presence of the aggravating circumstance of treachery.[22] Exemplary damages is awarded when the commission of the offense is attended by an aggravating circumstance, whether ordinary or qualifying.[23]

WHEREFORE, in view of all the foregoing, judgment is hereby rendered AFFIRMING the 15 October 2001

Decision of the Regional Trial Court, Malolos, Bulacan, Branch 78, in Criminal Case No. 193-M-2000, finding appellant Juan G. Escote guilty beyond reasonable doubt of the crime of murder and sentencing him to suffer the penalty of reclusion perpetua with the MODIFICATION that he is ordered to indemnify the heirs of the victim Carlo Dueñas P50,000 as death indemnity or civil indemnity ex delicto and P25,000 as exemplary damages.

SO ORDERED.

Panganiban, Ynares-Santiago, Carpio, and Azcuna, JJ., concur.

[1] Original Record (OR), 183-189; Rollo, 11-17. Per Judge Gregorio S. Sampaga.

[2] OR, 2-3.

[3] TSN, 21 November 2000, 4-6.

[4] Id., 18-21.

[5] TSN, 18 June 2001, 2-6.

[6] Exhibit "C," OR, 158.

[7] TSN, 21 November 2000, 5-6.

[8] TSN, 18 June 2001, 3-6.

[9] Id., 13-17.

[10] OR, 183-189.

[11] Rollo, 42-51.

[12] Id., 66-81.

[13] People v. Bolivar, G.R. No. 130597, 21 February 2001, 352 SCRA 438, 451.

[14] Id.

[15] People v. Eribal, 364 Phil. 829, 838 (1999).

[16] See People v. Realin, G.R. No. 126051, 21 January 1999, 301 SCRA 495, 510-511.

[17] People v. Alib, 379 Phil. 103, 112 (2000).

[18] See People v. Grefaldia, G.R. No. 121787, 17 June 1997, 273 SCRA 591, 606.

[19] People v. Conde, 386 Phil. 859, 868 (2000).

[20] People v. Galano, 384 Phil. 206, 218-219 (2000).

[21] Art. 63, Revised Penal Code.

[22] People v. Astudillo, G.R. No. 141518, 29 April 2003; People v. Opuran, supra.

[23] People v. Catubig, G.R. No. 137842, 23 August 2001, 363 SCRA 621.

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