CERILO BRICENIO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. NO. 157804. June 20, 2006

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

The instant petition for review on certiorari before us assails the Decision[1] dated September 12, 2002 of the Court of Appeals in CA-G.R. CR No. 22530 affirming the decision of Regional Trial Court (RTC) of Baguio City, Branch 4, finding petitioner guilty beyond reasonable doubt of homicide. Also assailed is the Court of Appeals' Resolution[2] dated March 27, 2003 denying petitioner's motion for reconsideration.

In an information dated March 23, 1992, petitioner was charged before the trial court as follows:

> That on or about the 12[th] day of March 1992, in the City of Baguio, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously, and with intent to kill, attack, assault and strike ROY RIVERA with a stool, thereby inflicting upon the latter Neurogenic shock secondary to coup contre-coup injuries of the brain with bilateral cerebellar tonsillar herniations and severe skull fractures due to multiple blunt injuries on the head and face, which directly caused his death.
>
> CONTRARY TO LAW.[3]

Petitioner pleaded not guilty.[4] In the ensuing trial, the prosecution presented seven witnesses: Renato Concepcion, Danny Singson, SPO1 Wilfredo Cabanayan, Dr. Emmanuel Fernandez, Felicisima Francisco, Carina Madrigal-Javier, and Leticia Rivera. Taken altogether, the evidence for the prosecution established the following facts:

At around 10:00 p.m. on March 12, 1992, Renato Concepcion, Marcelo Ringor, Marino Servidad, Danny Singson and their supervisor, Engr. Roy Rivera left the Baguio Colleges Foundation after overtime work. Rivera requested Marino Servidad to buy two bottles of gin and invited his companions to the Heike Jade Restaurant where they had a drinking spree. They ordered two bottles of beer each. After two bottles, Concepcion noticed that Rivera appeared dizzy, so he instructed Singson to help bring Rivera home. Singson went out to hail a taxicab along Session Road. He was followed at a distance by Ringor, Servidad, Concepcion and Rivera. As Rivera could hardly walk, Concepcion braced Rivera's arms around him. They were by the Jaime's Fastfood Restaurant when suddenly, Rivera lost his balance and accidentally bumped petitioner Bricenio. Concepcion immediately apologized, "Boss, please bear with us because our engineer is tipsy." Petitioner suddenly pulled Rivera inside the restaurant, picked a wooden stool, and hit Rivera's head twice. As a result, Rivera fell on the floor. Ringor and Servidad quickly ran away.

Singson, while waiting for a taxicab noticed the commotion inside the restaurant. He saw Concepcion by the entrance of the restaurant hurling empty bottles into the restaurant. He rushed to help his companions. Singson saw Rivera lying on the floor. Singson tried to get Rivera out but petitioner's companions who were throwing

empty bottles right back at them stopped Singson. Singson also started to throw bottles at the petitioner. Concepcion was hit on the face when he tried to get Rivera. After about fifteen minutes of bottle-throwing, two men arrived at the scene. Thinking that these men were petitioner's companions, Singson told Concepcion to flee. They ran but the two men, who turned out to be police officers, caught up with them. They were arrested and brought to the Baguio City Police Station. At the police station, Singson asked the police officers to go back and get Rivera at the Jaime's Fastfood Restaurant. But they were later informed that Rivera had died.

At approximately 10:30 a.m. on March 13, 1992, Singson, Concepcion, Servidad, petitioner and Noe Sapguian, an employee of Jaime's Fastfood Restaurant, were questioned by the police. Concepcion identified petitioner as the person who killed Rivera. Petitioner was arrested and indicted for homicide.

Dr. Manuel Fernandez, the medico-legal officer who conducted the autopsy on the cadaver, found the cause of death of Rivera as "neurogenic shock secondary to coup, contre-coup injuries of the brain with bilateral cerebellar tonsillar herniations and severe skull fractures due to multiple blunt injuries on the head and face."[5]

Leticia Rivera, mother of the victim, testified that she spent P60,000 for the burial of his son.

For its part, the defense proffered the testimonies of petitioner and Noe Sapguian to prove that it was not petitioner who caused the death of Rivera.

Petitioner testified that at about 10:30 p.m., March 12, 1992, he was having a drink with his fellow security guards, Armando Tualla and Bernabe Foronda, at the second floor of the Jaime's Fastfood Restaurant. As his two companions went downstairs to answer nature's call, he heard a commotion. He saw Tualla and Foronda in a fight against Rivera, Concepcion, Singson, and two others. He said he tried to pacify them by shoving Rivera's four companions outside. Once outside, Rivera's companions started throwing soft drink bottles at them so he picked a stool to shield himself. As he did, he was hit on his palm and left side of his head. He noticed Tualla hit Rivera's face thrice with a bottle. He also claims he saw Foronda hit Rivera on the right shoulder with a wooden stool, causing the latter to slump on the floor. Petitioner said he hid near the cashier to protect himself from the bottles hurled at him. He claimed he did not see what transpired next. When the bottle-throwing stopped, he chased Singson and Concepcion but to no avail. Two police officers responded and apprehended Concepcion and Singson. According to petitioner, he returned to the restaurant and saw Rivera still alive although blood oozed from his mouth. He rushed him to the Baguio General Hospital. Thereafter, he returned to the restaurant and saw police officers. They questioned him and brought him to the police station where he gave his statement. He was allowed to go home. The next day, he returned to the police station to file a complaint against Concepcion and Singson but the two were there and pointed at him as Rivera's killer. He was detained in the station till the next day, without food. He added that when his former boss visited him at the city jail, he told him what actually happened and that it was Tualla and Foronda who killed Rivera.

Noe Sapguian testified that at about 10:30 p.m. March 12, 1992, while drinking coffee at Jaime's Fastfood Restaurant, he saw four men, chasing a man. Upon reaching the entrance of the restaurant, the four men caught up with the person, whom he later learned was Rivera. They hit Rivera's head and body with empty bottles of soft drinks. Sapguian said he tried to intervene but instead was hit by a bottle in his left cheek. He noticed then that Rivera was leaning on the food display counter. As he was hit while on his way to hide in the comfort room, he noticed Bricenio, who was already downstairs, being stoned with empty bottles by the same men who mauled Rivera. He saw Bricenio shield himself with a stool. Thereafter, he saw the four men flee. Bricenio and he chased the four men and shouted for help until police officers caught them. When he returned to the restaurant, he saw Bricenio bring Rivera to the hospital.

The trial court rendered judgment on September 21, 1998, the dispositive portion of the decision reads:

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> WHEREFORE, the court finds the accused Cerilo Bricenio y Omorong GUILTY of the crime of homicide; there being no aggravating nor mitigating circumstance, the court sentences him to suffer the indeterminate penalty of six (6) years and one (1) day of prision mayor minimum as minimum, to fourteen (14) years, eight (8) months and one (1) day of reclusion temporal medium as maximum; and to pay the heirs of the victim Roy Rivera the amount of P50,000.00 by way of indemnification, P60,000.00 for actual damages and P200,000 moral damages; and to pay costs.
>
> SO ORDERED.[6]

The Court of Appeals affirmed Bricenio's conviction and sentence, but with modification as to the amount of damages, to wit:

> WHEREFORE, with the modifications that the actual damages is hereby reduced to P16,040.00 and the moral damages to P100,000.00, the assailed Decision of the Regional Trial Court of Baguio City, Branch 4, in Criminal Case No. 9792-R is AFFIRMED in all other respects. Costs against appellant.
>
> SO ORDERED.[7]

Bricenio filed the instant petition for review, raising a single issue:

> WHETHER OR NOT PETITIONER IS GUILTY OF THE CRIME CHARGED.[8]

Petitioner submits that this case constitutes an exception to Rule 45 of the Rules of Court that limits the issues that may be raised in an appeal by certiorari to questions of law. Still, petitioner insists that he is innocent; that his guilt had not been proven beyond reasonable doubt; that the testimony of witness Renato Concepcion was not in accord with ordinary human experience, that it was fabricated and incredible; and that the trial court simply ignored his testimony that the actual killers were his co-security guards, Armando Tualla and Bernabe Foronda.

The Office of the Solicitor General, as counsel for the State, challenges the petition on the ground that the petition does not raise questions of law, neither does it fall under any of the exceptions. According to the Solicitor General, petitioner's guilt was proven beyond reasonable doubt and the decisions of the trial court and of the Court of Appeals were well supported by the evidence on record. The Solicitor General prays that this Court affirm the Court of Appeals' decision, except regarding the amount of damages.

Time and again this Court has said that as a rule, only questions of law may be raised in a petition for review on certiorari under Rule 45 of the Rules of Court. Questions of fact are not proper subjects for this Court unless there is clear and convincing proof that the judgment of the Court of Appeals is based on a misapprehension of facts; or when the Court of Appeals failed to notice and appreciate certain relevant facts of substance which if properly considered would justify a different conclusion; and when there is a grave abuse of discretion in the appreciation of facts in the light of the evidence on record.[9] In this petition, petitioner has failed to persuade us to depart from this well-established doctrine.

The prosecution and the defense relied on the testimonies of their respective witnesses. We have consistently ruled that on matters involving the credibility of witnesses, the trial court is in the best position to assess the credibility of witnesses since it has observed firsthand their demeanor, conduct and attitude under grilling examination.[10] Absent any showing of a fact or circumstance of weight and influence which would appear to have been overlooked and, if considered, could affect the outcome of the case, the factual findings and assessment on the credibility of a witness made by the trial court remain binding on an appellate tribunal.[11]

Petitioner averred that the behavior of Concepcion and Singson cast serious doubts on their credibility inasmuch as their behavior are contrary to how men normally would behave. Petitioner relates that when the two men arrived at the scene, Concepcion and Singson fled instead of asking for help. In addition, they did not immediately

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narrate the incident to the police officers nor ask the police officers to visit the scene of the incident. We have said repeatedly that given stressful and life threatening situations, the workings of the human mind are unpredictable and cause different reactions in men.[12] Thus, there is no standard behavior for a person confronted with a shocking incident.[13] Consequently, as far as the alleged "unusual" behavior of Concepcion and Singson is concerned, we find no sufficient reason to reverse the findings of the Court of Appeals.

The prosecution witnesses had full view of the petitioner identified as the culprit. In addition, there was no showing of ill motive on their part to testify falsely against petitioner. Where there is no evidence to show any dubious or improper motive why a prosecution witness should bear false witness against the accused, or falsely implicate him in a heinous crime, the testimony of said witness is worthy of full faith and credit.[14] More important, here the witnesses positively identified petitioner as the culprit.[15]

We are likewise not persuaded by petitioner's contention that the trial court and the Court of Appeals failed to give credence to his testimony on the real perpetrators. Since he claimed he knew the real perpetrators, he should have disclosed this information even before the trial.

In addition, the records show that the petitioner offered the prosecution witnesses a compromise involving a separate case that he filed against them.[16]

In criminal cases, except those involving quasi-offenses or those allowed by law to be compromised, an offer of compromise by the accused may be received in evidence as an implied admission of guilt.[17]

Petitioner's claim that an indication of his innocence was his bringing the victim to the hospital. We reiterate one pronouncement in People v. Lotoc,[18] where we held that the accused, in helping bring the victim to the hospital, does not by itself prove his innocence, for it could have been motivated by feelings other than a genuine desire for the victim to recover.

On the matter of damages, we sustain the award of actual damages. However, we agree with the Solicitor General that the amount of moral damages should be reduced to P50,000 in accordance with existing jurisprudence.[19]

WHEREFORE, the petition is DENIED for lack of merit. The Decision dated September 12, 2002, and the Resolution dated March 27, 2003 of the Court of Appeals in CA-G.R. CR No. 22530 affirming the Decision of the Regional Trial Court of Baguio City, Branch 4, are AFFIRMED with the MODIFICATION that petitioner is hereby ordered to pay the heirs of the victim Roy Rivera only P50,000 and not P100,000 as moral damages.

Costs against petitioner.

SO ORDERED.

Carpio, Carpio Morales, Tinga, and Velasco, Jr., JJ., concur.

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[1] Rollo, pp. 26-42. Penned by Associate Justice Rebecca De Guia-Salvador, with Associate Justices Cancio C. Garcia (now a member of this Court), and Bernardo P. Abesamis concurring.

[2] Id. at 54.

[3] Records, p. 1.

[4] Id. at 30.

[5] Exhibit "B-15," records, p. 194.

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[6] Id. at 415.

[7] Rollo, p. 41.

[8] Id. at 17.

[9] Arcilla v. Court of Appeals, G.R. No. 135270, December 30, 2003, 418 SCRA 487, 495.

[10] Mabunga v. People, G.R. No. 142039, May 27, 2004, 429 SCRA 510, 524.

[11] People v. Ticalo, 425 Phil. 912, 917 (2002).

[12] See People v. Layaguin, 330 Phil. 756, 764 (1996).

[13] People v. Paraiso, 377 Phil. 445, 460 (1999).

[14] Ureta v. People, 436 Phil. 148, 160 (2002).

[15] See People v. Marquez, 417 Phil. 516, 533 (2001).

[16] TSN, February 2, 1993, p. 9.

[17] RULES OF COURT, Rule 130, Sec. 27, par. (b).

[18] G.R. No. 132166, May 19, 1999, 307 SCRA 471, 483.

[19] People v. Quening, G.R No. 132167, January 8, 2002, 373 SCRA 42, 54 citing People v. Verde, G.R No. 119077, February 10, 1999, 302 SCRA 690, 706.

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