

PEOPLE OF THE PHILIPPINES, Plaintiff and Appellee, vs. AMADOR SEGOBRE y QUIJANO, Defendant and Appellant.

G.R. No. 169877 (Formerly G.R. No. 159500). February 14, 2008

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

This is an appeal from the Decision[1] dated May 26, 2005 of the Court of Appeals in CA-G.R. CR-H.C. No. 00882 which affirmed with modification the Decision[2] dated October 30, 2002 of the Regional Trial Court of Antipolo City, Branch 73, in Crim. Case No. 97-13850 finding appellant Amador Segobre y Quijano guilty beyond reasonable doubt of the crime of murder.

In an Information dated March 17, 1997, appellant was charged with murder committed as follows:

X X X X

That on or about the 15[th] day of March, 1997, in the Municipality of Antipolo, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, armed with a butcher knife, with evident premeditation and treachery, did then and there wilfully, unlawfully and feloniously attack, assault and stab one Roberto Crescini[3] with the said butcher knife on the chest, thereby [inflicting] upon the latter stab wound which directly caused his death.

CONTRARY TO LAW.[4]

When arraigned, appellant pleaded not guilty. Thereafter, trial ensued. The prosecution presented two witnesses, namely, Lester C. Villafaña, the eyewitness; and Dr. Ma. Cristina B. Freyra, the medico-legal expert who conducted the autopsy on the cadaver of the victim.

Villafaña testified that on March 15, 1997, at around 5:00 p.m., he was walking along Crisostomo Street, Antipolo City, when he saw appellant standing at the nearby electric post. Two minutes later, he saw appellant block the victim Roberto Crescini, who was coming from Sumulong Highway on a bicycle. At a distance of 5 ½ meters, Villafaña saw appellant grab Crescini's right shoulder with his left hand and stab Crescini on the right chest. After the incident, appellant ran away. A commotion then ensued. Thereafter, Villafaña left. The next morning, he learned that Crescini had died in the hospital.[5]

Dr. Freyra found that there was only one fatal wound caused by a single bladed weapon. She testified that this was a stab wound on the right chest inflicted by an assailant who, if right-handed, was positioned at the extreme right of the victim, and if left-handed, would be in front of the victim.[6]

Appellant denied the charges against him. He narrated a different version of events: He testified that on March 15, 1997 at "around 4:00 p.m.," he was about to leave his house on Crisostomo Street, Mayamot, Antipolo City, when a boy named Alexandro Mariño informed him that a certain Berting Crescini "met an accident around 5:00 o'clock (sic) in the afternoon." After the conversation, he proceeded to the market. While waiting for a ride on Crisostomo Street, near the Texas Cockpit Arena, he saw the boy Mariño throw a knife in front of him. Seeing

that it was beautifully crafted, he picked up the knife and proceeded to go to the market. But on his way, the police authorities arrested him as the suspect for the killing of Crescini. He also denied he knew Crescini, but admitted that his house and Crescini's house were just separated by a wall.[7]

On October 30, 2002, the trial court convicted appellant of the crime of murder and found the circumstances of treachery and evident premeditation to have attended the killing. The decretal portion of the decision reads,

WHEREFORE, premises considered, accused AMADOR SEGOBRE is hereby found guilty of Murder beyond reasonable doubt and is hereby sentenced to suffer the penalty of Reclusion Perpetua.

The accused is further ordered to indemnify the heirs of Roberto Crescini in the amount of P50,000.

SO ORDERED.[8]

Following *People v. Mateo*,[9] the case was referred to the Court of Appeals for review. [10]

The Court of Appeals affirmed appellant's conviction for murder, but appreciated the circumstance of treachery only. The Court of Appeals held,

x x x x

The qualifying circumstance of evident premeditation, however, cannot be appreciated in the instant case, as there was no proof as to how and when the plan to kill the victim was hatched or what time had passed before the killing was carried out. Nonetheless, the qualifying circumstance of treachery suffices to qualify the offense to murder.

x x x x

WHEREFORE, the decision of the Regional Trial Court, Branch 73, Antipolo City is AFFIRMED with MODIFICATION. Appellant is ordered to pay the heirs of Roberto Crescini the amount of P50,000.00 as moral damages in addition to the amount of P50,000.00 awarded as civil indemnity by the trial court.[11] (Citations omitted.)

On February 8, 2006, this Court required the parties to submit their respective supplemental briefs. The parties, however, separately manifested that they are no longer filing supplemental briefs as they have fully argued their respective positions in their briefs before the Court of Appeals.

Appellant in his brief assigns the following errors:

I.

THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT FOR THE CRIME OF MURDER.

II.

GRANTING ARGUENDO THAT ACCUSED-APPELLANT WAS GUILTY OF STABBING ROBERTO CRESCINI, THE COURT A QUO ERRED IN FINDING HIM GUILTY OF MURDER DESPITE THE PROSECUTION'S FAILURE TO PROVE THE PRESENCE OF TREACHERY AND EVIDENT PREMEDITATION.[12]

Simply put, the issues are: (1) Did the trial court err in convicting appellant of the crime charged? and (2) Did evident premeditation and treachery attend the killing?

Appellant avers that the prosecution failed to prove his guilt beyond reasonable doubt, and that the trial court relied on the weakness of his defenses of alibi and denial. Appellant also avers that, assuming for the sake of

argument that he was guilty of stabbing the victim, the court still erred in convicting him of murder as the prosecution failed to prove the presence of treachery and evident premeditation.

The Office of the Solicitor General (OSG), for the State, stresses that appellant was positively identified as the malefactor by Villafaña who witnessed the incident from a distance of only 5½ meters. It adds that appellant's testimonies were inconsistent. His defense of denial and alibi could not prevail over his positive identification by the eyewitness to the incident. The OSG also maintains that treachery attended the killing of Crescini as appellant employed means which rendered Crescini unable to resist appellant's attack.

We shall now rule on the issues raised by appellant.

The assessment of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct and attitude under cross examination.[13] If found positive and credible by the trial court, the testimony of a lone eyewitness is sufficient to support a conviction.[14] The trial court's findings on such matters, when affirmed by the appellate court, are binding and conclusive on this Court, unless it is shown that the court a quo has plainly overlooked substantial facts which, if considered, might affect the result of the case.[15]

Here, both the trial and appellate courts gave credence to Villafaña's testimony identifying appellant as the perpetrator of the crime. Villafaña's straightforward and candid narration of the incident was regarded as positive and credible evidence, sufficient to convict appellant. Moreover, no evil motive had been imputed against Villafaña for testifying against appellant. Where there is no evidence that the principal witness for the prosecution was actuated by improper motives, the presumption is that he was not, and his testimony is entitled to full faith and credit.

As to the attending circumstances, only treachery was held present by both the trial and the appellate courts. For treachery to qualify the crime to murder, the prosecution must prove that (1) the malefactor employed such means, method or manner of execution as to ensure his or her safety from the defensive or retaliatory acts of the victim; and (2) the said means, method and manner of execution were deliberately adopted.[16]

In this case, Crescini was on a bicycle and making a turn from Sumulong Highway to Crisostomo Street when appellant blocked his way without warning and suddenly stabbed him. At that time, Crescini had both his hands on the handlebars such that he could not resist any sudden attack. This is the essence of treachery - the swift and unexpected attack on the unarmed victim without the slightest provocation on his part.[17] Treachery exists even if the attack is frontal if it is sudden and unexpected, giving the victim no opportunity to repel it or defend himself, for what is decisive in treachery is that the execution of the attack made it impossible for the victim to defend himself or to retaliate.[18] Hence, in this case, we agree that treachery was present in the commission of the crime.

But as to the circumstance of evident premeditation, we agree with the Court of Appeals that this circumstance could not be appreciated in connection with the killing of Crescini, contrary to the finding of the trial court. For evident premeditation to be appreciated, the following requisites must be shown: (1) the time when the accused determined to commit the crime; (2) an act manifestly indicating that the accused has clung to his determination; and (3) a sufficient lapse of time between such a determination and the actual execution to allow the accused time to reflect upon the consequences of his act.[19] None of these requisites have been shown from the facts of this case. The records do not show the time and date when appellant resolved to commit the crime. Absent this first requisite, the lapse of time as stated in the third requisite cannot be proved.[20] The second element cannot likewise be proved, absent any showing that appellant performed acts manifestly indicating that he clung to his determination of killing Crescini.

Following current jurisprudence, we find the award of civil indemnity[21] in the amount of P50,000 for the death of Crescini correct and proper without any need of proof other than the commission of the crime. We also affirm the award of moral damages of P50,000 in accordance with our ruling in *People v. Ortiz*.^[22] Exemplary damages of P25,000 is likewise warranted because of the presence of the aggravating circumstance of treachery. Exemplary damages are awarded when the commission of the offense is attended by an aggravating circumstance, whether ordinary or qualifying.^[23]

WHEREFORE, the instant appeal is DENIED. The Decision dated May 26, 2005 of the Court of Appeals in CA-G.R. CR-H.C. No. 00882 finding appellant Amador Segobre y Quijano guilty beyond reasonable doubt of the crime of Murder is AFFIRMED. Appellant is sentenced to suffer the penalty of Reclusion Perpetua and is ORDERED to pay the heirs of the victim, Roberto Crescini, P50,000 as civil indemnity, P50,000 as moral damages, and P25,000 as exemplary damages.

SO ORDERED.

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

* Also referred to as “Mang Ador” in other parts of the records.

[1] Rollo, pp. 3-11. Penned by Associate Justice Juan Q. Enriquez, Jr., with Associate Justices Regalado E. Maambong and Vicente Q. Roxas concurring.

[2] CA rollo, pp. 15-18. Penned by Executive Judge Mauricio M. Rivera.

[3] Also referred to as “Mang Berting” in other parts of the records.

[4] Records, pp. 1-2.

[5] TSN, August 29, 1997, pp. 3-8.

[6] TSN, November 6, 1997, pp. 7-8.

[7] TSN, October 21, 1999, pp. 3-14; TSN, October 10, 2000, pp. 3-7; TSN, March 20, 2001, pp. 2-9.

[8] CA rollo, p. 18.

[9] G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640.

[10] Rollo, p. 2.

[11] *Id.* at 10.

[12] CA rollo, p. 35.

[13] *People v. Ciron, Jr.*, G.R. No. 139409, March 18, 2002, 379 SCRA 376, 382.

[14] *People v. Hillado*, G.R. No. 122838, May 24, 1999, 307 SCRA 535, 549.

[15] *Id.* at 546.

[16] *People v. Bermas*, G.R. Nos. 76416 and 94312, July 5, 1999, 309 SCRA 741, 778.

[17] *Id.*

[18] *People v. Dadivo*, G.R. No. 143765, July 30, 2002, 385 SCRA 449, 455.

[19] *People v. Ciron, Jr.*, supra note 13, at 384.

[20] *Rabor v. People*, G.R. No. 140344, August 18, 2000, 338 SCRA 381, 389.

[21] *People v. Escote*, G.R. No. 151834, June 8, 2004, 431 SCRA 345, 352-353.

[22] G.R. No. 133814, July 17, 2001, 361 SCRA 274.

[23] *People v. Escote*, supra at 353.

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