

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. JUN-JUN ASUELA, APPELLANT.

G.R. No. 182229. December 15, 2010

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

The Court of Appeals having affirmed the decision[1] of the Regional Trial Court (RTC) of San Mateo, Rizal, Branch 76 convicting Jun-jun Asuela (appellant) of Slight Physical Injuries in Criminal Case No. 3365, and of Murder in Criminal Case No. 3366, appellant lodged the present petition for review on certiorari.

Appellant was, along with six others - Miguel, Marcos, Juanito, Alberto, and Roger, all surnamed Asuela, and Teofilo "Boyet" Capacillo, charged of Frustrated Murder in Criminal Case No. 3365 (first case), allegedly committed as follows:

That on or about the 5[th] day of July, 2004, in Quezon City, Philippines, the above-named accused, conspiring and confederating together and all of them mutually helping and aiding one another, armed with lead pipes and pieces of wood, with intent to kill and with abuse of superior strength, did then and there willfully, unlawfully and feloniously attack, assault and stab one ANTHONY A. VILLANUEVA on his body, thus performing all the acts of execution which could have produced the crime of murder as a consequence but nevertheless did not produce it by reason of (sic) independent of his will, that is, due to the timely and able medical attendance rendered to said ANTHONY A. VILLANUEVA which prevented his death.

Contrary to law.[2]

Appellant et al. were likewise charged of Murder in Criminal Case No. 3366 (second case), allegedly committed as follows:

That on or about the 5[th] day of July, 2004, in Quezon City, Philippines, the above-named accused, conspiring and confederating together and all of them mutually helping and aiding one another, armed with lead pipes and pieces of wood, with intent to kill, employing means to weaken the defense of the victim, one WILFREDO VILLANUEVA, by spraying him with teargas in the eyes and taking advantage of their superior strength did then and there willfully, unlawfully and feloniously attack, assault and stab one WILFREDO VILLANUEVA, thereby inflicting upon the latter mortal wounds which directly caused his death.

Contrary to law.[3]

Appellant's and Miguel's five co-accused were earlier tried and convicted of Slight Physical Injuries in the first case, and of Murder in the second case. Appellant and Miguel were arrested later than the five and thus had a separate trial. The trial court acquitted Miguel but convicted appellant of the crimes charged. Appellant's conviction was, as reflected early on, affirmed by the appellate court, hence, this present petition.

From the testimony of Mark Villanueva (Mark), the brother of the victim Anthony Villanueva (Anthony) in the first case and son of the other victim Wilfredo Villanueva (Wilfredo) in the second case, the Court gathers the

following tale:

In the early evening of September 7, 1997, Anthony and the accused Juanito had an altercation in front of a store a few meters away from the Villanueva family house at Valleyview Subdivision, Gulod Malaya, San Mateo, Rizal. On becoming aware of the altercation, Mark told the two to settle their problem in the barangay. Miguel, however, who was present, stabbed the victim, hence, he (Mark) went to get a lead pipe in their house and, on returning, he saw someone stoning his father Wilfredo in front of their gate.

Appellant and his co-accused thereafter assaulted Wilfredo in this manner: Capacillo sprayed tear gas on the eyes of Wilfredo; Juanito stabbed Wilfredo's eyes and cheek; Roger hit Wilfredo's back with a lead pipe; appellant stabbed Wilfredo's chest with a knife; Alberto stabbed Wilfredo with a pointed bamboo as the latter lay on the ground; Marcos also hit Wilfredo at the back with a lead pipe; and Miguel stabbed Wilfredo with a knife.

As Anthony was trying to help his father Wilfredo, Anthony fell down due to a sudden blow on his back following which Roger, Marcos and Juanito took turns in hitting Anthony on the back and before Anthony could flee, appellant and Marcos stabbed him with a knife.

Hayen Villanueva (Hayen), Anthony's sister and Wilfredo's daughter, corroborated the testimony of her brother Mark on how appellant and his co-accused ganged up on her father and how her brother tried to help their father but was chased by Marcos, Roger and appellant.

Magdalena Villanueva (Magdalena), Wilfredo's wife, corroborated their children's testimonies, claiming that she witnessed the incident as she peeped through the window of their house.

Proffering alibi, appellant claimed as follows:

He was, on the day of the incident, with his family at St. Joseph Church in Cubao where they heard mass at 2:00 p.m. following which they went to a restaurant where they stayed until 6:00 p.m.; and they afterwards proceeded to the house of his parents-in-law in Escopa, Libis, Quezon City where they spent the night, after being informed by his sister about the incident in Valleyview.

By decision of October 4, 2004, the trial court, after noting that Marcos, Juanito, Alberto, Roger, and "Boyett" had earlier been found guilty of Slight Physical Injuries and of Murder, found appellant guilty beyond reasonable doubt of Slight Physical Injuries and of Murder. As stated earlier, the trial court acquitted Miguel.

In affirming appellant's conviction, the Court of Appeals held that, contrary to appellant's claim, there was no inconsistency in Hayen's and Magdalena's testimonies as far as the occurrence of the crimes and the positive identification of the assailants are concerned. And as did the trial court, the appellate court did not give credence to appellant's alibi which it held is inherently weak vis-à-vis the positive and categorical assertion of prosecution witnesses.

Noting the Court's Decision in *People v. Asuela*[4] where the conviction of five of appellant's co-accused was affirmed by this Court, the appellate court affirmed the presence of conspiracy and abuse of superior strength in the cases against appellant.

Hence, the present appeal.

The appeal is bereft of merit.

It is well-settled that the trial court's evaluation of the testimonies of witnesses is accorded the highest respect in light of its opportunity to directly observe them on the witness stand and to determine if they are telling the truth. In the present case, the alleged discrepancies in the testimonies of prosecution witnesses - Hayen's failure to

initially name Alberto Asuela during cross examination; Mark's alleged contradictory statement on who was stabbed first, he or his father, - do not disprove the material fact that they actually saw appellant and his convicted co-conspirators to have participated in the commission of the crimes.

Inconsistencies in the testimonies of witnesses with respect to minor details and collateral matters do not affect the substance, the veracity or the weight of the testimony, and even shows candor and truthfulness,[5] more so in the absence of proof, as in the present case, that improper or ulterior motive impelled Mark, Magdalena and Hayen to wrongly implicate appellant in the commission of the crimes.

WHEREFORE, the challenged Decision dated November 15, 2007 of the Court of Appeals is AFFIRMED.

SO ORDERED.

Bersamin, Villarama, Jr., Mendoza,[*] and Sereno, JJ., concur.

[*] Additional member per Special Order No. 921 dated December 13, 2010.

[1] C.A. rollo, pp. 6-21. Penned by Pairing Judge Elizabeth Balquin-Reyes

[2] Records Vol. I, pp. 1-2.

[3] Records Vol. II, pp. 1-2.

[4] G.R. Nos. 140393-94, February 4, 2002, 376 SCRA 51.

[5] Vide *People v. Vallador*, 327 Phil. 303, 310-311, 1996

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