

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FERNANDO SAMENIANO, ACCUSED-APPELLANT.

G.R. No. 183703. January 20, 2009

Ponente: VELASCO JR., J.

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VELASCO JR., J.:

This is an appeal from the February 26, 2008 Decision[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 02525, which affirmed the August 1, 2006 judgment[2] of the Regional Trial Court (RTC), Branch 32 in Pili, Camarines Sur in Criminal Case No. P-2924. The RTC convicted accused-appellant Fernando Sameniano of murder and sentenced him to reclusion perpetua.

The Facts

On August 24, 1999 at around 10:00 p.m., Norming de los Santos and his cousin, Roberto de los Santos, were asleep in a nipa hut at an abaca plantation in Sitio Kaunlong, Brgy. Gatbo, Ocampo, Camarines Sur when three men suddenly pelted their nipa hut with stones. Not long after, the men barged inside the nipa hut and directed their flashlights on Roberto's face. Norming recognized one of the assailants as accused-appellant. The three intruders surrounded Roberto and then one of them, later identified as Jose Aguilar, hacked Roberto with a bolo. Another man with a bolo, later identified as Benedicto Felicidadario, Jr., held Roberto's hands. While the assailants were wrestling with Roberto, Norming rushed out to the abaca plantation. Accused-appellant chased Norming but failed to catch up with him.

Roberto was unable to flee as he was hacked and stabbed, causing irreversible shock secondary to massive brain and lung hemorrhage and resulting in his instantaneous death.[3]

Norming reached Roberto's house and narrated to the latter's wife what happened in the plantation. Thereafter, Roberto's wife went to Brgy. Gatbo to ask for help from barangay officials. A barangay official went to the place of the incident, but Norming failed to accompany him due to a knee injury caused by a stone thrown at him. Norming also reported the incident to the police.

According to the autopsy report prepared by Dr. Angelina Celso, Municipal Health Officer of Ocampo, Camarines Sur, the following were found on the cadaver of Roberto:

- Wound hacked 12.0 cm in length located in the face cutting right and left maxillary and zygomatic bones and the nasal bone affecting brain substance.
- Wound stabbed 6.0 cm in length located at the left lateral chest at the level of the 5[th] and 6[th] intercostals space penetrating chest cavity involving left lung.
- Wound incised, posterior portion, right middle finger involving phalanges.[4]

Consequently, the following information was filed against accused-appellant, Aguilar, and Felicidadario:

CRIMINAL CASE NO. P-2924

That on the 24[th] of August, 1999 at around 10:00 o'clock in the evening, at Zone 6, Barangay Gatbo, Municipality of Ocampo, Province of Camarines Sur, and within the Jurisdiction of this Honorable Court, the said accused, conspiring and confederating together, with intent to kill and while armed with bolos, with treachery and evident premeditation, did then and there willfully, unlawfully and feloniously attack, assault, and hack to death one Roberto delos Santos, inflicting upon him several mortal wounds in the different parts of his body, thereby causing his instantaneous death, to the damage and prejudice of the heirs of the said Roberto delos Santos.

Further, the generic aggravating circumstances that the crime was committed during nighttime and in an uninhabited place are present in this case.

ACTS CONTRARY TO LAW. [5]

Upon arraignment, all the accused pleaded not guilty. During trial, Aguilar died. The defense of accused-appellant consisted of denial and alibi. He claimed that on the fateful night in question, he was at home in Brgy. Villaflorida, Ocampo, Camarines Sur tending to his sick daughter with his brother Jaime. He admitted knowing where Zone 6, Brgy. Gatbo, Ocampo is as he used to play volleyball there. Brgy. Gatbo is three barangays away from where he lives and can be reached by three tricycle rides that take at least three hours. The last trip to Brgy. Gatbo is at 9:00 p.m. According to accused-appellant, on September 1, 1999, a police officer came to his house and invited him for questioning. He voluntarily went to the police station where he was detained for two days, together with Aguilar, his volleyball playmate, and Felicidadario, whom he claimed meeting there for the first time.

After trial, the court a quo found both Felicidadario and accused-appellant guilty. The fallo of the decision reads:

WHEREFORE, judgment is hereby rendered, finding both Benedicto Felecidario, Jr. and Fernando Sameniano guilty beyond reasonable doubt of murder as charged in the information, hereby sentencing them to suffer the penalty of reclusion perpetua; to indemnify the heirs of Roberto delos Santos the sum of P50,000.00 as moral damages.[6]

Only accused-appellant interposed an appeal.

The Ruling of the CA

Before the CA, accused-appellant contended that the testimony of the lone witness, Norming, is not credible. It was accused-appellant's posture that Norming could not have witnessed the incident or identified the attackers since he testified that he turned his back while Aguilar hacked Roberto. It was, accused-appellant added, also very dark at that time; the incident allegedly happened around 10:00 p.m. and the attackers had flashlights. Accused-appellant further pointed out that there was no proof of his participation in the killing of the victim since Norming testified that he only saw Felicidadario wrestled with Roberto while Aguilar hacked Roberto with a bolo. He argued that the prosecution failed to prove the existence of conspiracy. Lastly, accused-appellant insisted that while alibi is generally a weak defense, his alibi should have been given weight by the trial court because of the doubtful nature of the testimony of the lone eyewitness.[7]

On the other hand, the People, represented by the Solicitor General, prayed for the conviction of accused-appellant and for the additional award of PhP 50,000 as civil indemnity and PhP 25,000 as exemplary damages.

The appellate court affirmed the conviction with modification as follows:

WHEREFORE, the decision subject of the instant appeal is hereby AFFIRMED with a modification as to the civil liability. Thus, in conformity with recent jurisprudence, the accused-appellant is hereby ordered to pay the heirs of the victim an additional P50,000 by way of civil indemnity.[8]

Accused-Appellant's Assignment of Error
Presented Before Us

THE COURT GRAVELY ERRED IN FINDING THAT THE GUILT OF THE ACCUSED-APPELLANT
FOR THE CRIME CHARGED HAS BEEN PROVEN BEYOND REASONABLE DOUBT

The Court's Ruling

The appeal lacks merit.

In his plea to be acquitted of the crime, accused-appellant attempts to cast doubt on the testimony of the lone prosecution eyewitness. Upon review of the records, however, we find eyewitness Norming's following account of how his cousin was killed convincing:

PROS. CONTRERAS:

Q:

Mr. delos Santos, do you know the victim in this case Roberto de los Santos?

A:

Yes sir.

Q:

How are you related to him?

A:

We are first cousins.

x x x x

Q:

What about the accused Fernando Sameniano, do you know him?

A:

Yes sir.

Q:

Would you kindly point him to us, if he is inside the courtroom today?

A:

(The witness pointed to a man who, when asked of his name, answered Fernando Sameniano.)

Q:

Tell us why do you know all these three accused?

A:

Because we are residing in one barangay.

x x x x

Q:

Tell us where you were on August 24, 1999 at around 10:00 o'clock in the evening?

A:

We were at the abaca plantation.

Q:

Abaca plantation of what barangay and municipality?

A:

At Sitio Kaunlong, Bgy. Gatbo, Ocampo, Camarines Sur.

Q:

Who was with you at that time?

A:

Only the two of us.

Q:

When you said only the two of you, to whom are you referring?

A:

Roberto delos Santos.

x x x x

Q:

Would you kindly tell us what happened while you were there at the abaca plantation on that particular date and time?

A:

They forcibly entered our small hut.

COURT:

Q:

How many entered that small hut?

A:

The three of them.

PROS. CONTRERAS:

Q:

Can you tell us who were these three persons whom you are referring to?

A:

These Jose Aguilar, Benedicto Felicidadario, Jr. and Fernando Sameniano.

Q:

How were you able to recognize these three people considering that it was nighttime?

A:

I was able to recognize him because I was one armlength away from them.

Q:

When you said, you are at a distance of one armlength away from him, to who are you referring?

A:

These Jose Aguilar, Fernando Sameniano and Benedicto Felicidadario, Jr.

Q:

What did these three people do?

ATTY. BRAZIL:

That is vague, your honor, from what point of reference.

COURT:

Overruled.

WITNESS:

A:

They hacked my cousin.

PROS. CONTRERAS:

Q:

What kind of instrument was used in hacking your cousin?

A:

A bolo.

Q:

Who, among them, hacked your cousin?

A:

Jose Aguilar.

Q:

Where?

A:

At his face.

Q:

When Jose Aguilar hacked your cousin, hitting your cousin at his face, what is your distance from them?

A:

About one armlength.

Q:

And where was Benedicto [Felicidario, Jr.] at the time when Jose Aguilar hacked your cousin?

A:

He was there present.

Q:

What was he doing?

A:

They were jamming up.

Q:

When you said jamming up; what was done to your cousin by this Benedicto [Felicidario, Jr.]?

A:

He wrestled (gumol) my cousin.

x x x x

Q:

Was Benedicto [Felicidario, Jr.] armed with any weapon at that time?

A:

Yes, sir, he was armed.

Q:

With what kind of instrument?

A:

A bolo.

Q:

What about Fernando Sameniano, what did you observe from him?

A:

This Fernando Sameniano was the one who chased me.

Q:

Tell us, what did you do when these people attacked your cousin?

A:

I [ran] away because they were able to take our bolo.

Q:

You said, you [ran] away and you were chased by Fernando Sameniano, where did you go in running away?

A:

I [ran] towards the abaca plantation.

Q:

Was Fernando Sameniano able to catch up with you?

A:

No, sir.

Q:

And when Fernando Sameniano was not able to catch up with you, where did you go?

A:

I went home.

Q:

And you were able to finally arrive home that evening?

A:

Yes, sir.

Q:

And when you arrived home, what did you do?

A:

I told the wife of Roberto delos Santos that we were attacked in our hut.[9]

The testimony of the eyewitness was direct, clear, and candid. He was able to identify the three accused, including accused-appellant, as the assailants. He was familiar with accused-appellant even before the incident, and on the night in question, he was only at arm's length from the three attackers. Furthermore, his testimony was consistent with the medico-legal report that showed the location and nature of the wounds in Roberto's face. A detailed testimony, like Norming's, acquires greater weight and credibility when confirmed by autopsy findings.[10] Lastly, no ill motive was shown that could impeach his credibility. Where there is no evidence showing devious reasons or improper motives why a prosecution witness would falsely testify against or implicate an accused in a heinous crime, the testimony is worthy of full faith and credit.[11] Well-settled is the rule that the testimony of a single eyewitness, if credible and positive, is sufficient to support a conviction, even in a charge of murder.[12]

The fact that Norming and the victim were cousins does not necessarily impair the former's credibility. On the contrary, blood relationship may even fortify credibility, for it is unnatural for an aggrieved relative to falsely point an accusing finger at someone other than the real culprit. The inherent desire to seek justice for a dead kin is not served should the witness abandon his conscience and blame one who is innocent of the crime.[13]

We likewise affirm the trial and appellate courts' finding that conspiracy attended the crime. The trial court noted the fact that the assailants came and left the crime scene together. Accused-appellant and the two other accused

arrived with flashlights and bolos. The appellate court observed that while accused-appellant did not have a direct hand in hacking the victim, his inaction or failure to prevent his companions from killing reveals his complicity to the crime. Also, when Norming rushed out of the hut, accused-appellant chased him. These actions reveal a unity of purpose present in conspiracy. The fact that accused-appellant did not inflict the fatal blows does not negate conspiracy nor exculpate him from any liability. Where the acts of the accused collectively and individually demonstrate the existence of a common design towards the accomplishment of the same unlawful purpose, conspiracy is evident.[14]

Accused-appellant's denial and alibi cannot prevail over the positive identification of him as the perpetrator of the crime.[15] For alibi to prosper, accused-appellant must prove (1) that he was somewhere else when the crime was committed and (2) that he was so far away that he could not have been physically present at the place of the crime or its immediate vicinity at the time of its commission.[16] In this case, accused-appellant failed to offer any evidence that could support his alibi. Assuming that his alibi is true, his residence was a mere three hours away from the victim's hut. It was not physically impossible for him to be present at the crime scene since he could easily board a tricycle to the victim's abaca plantation. Hence, the requisites of alibi were not met.

Lastly, as the CA did, we agree with the trial court's finding of treachery. The trial court noted the suddenness of the attack and the fact that the victim was blinded by flashlights before being hacked to death.

In all, we affirm the foregoing findings of the trial and appellate courts. We find no reason to disturb their findings regarding the credibility of the lone eyewitness, the findings of conspiracy and treachery, and the dismissal of accused-appellant's alibi. As a general rule, findings of facts of these court are not disturbed on appeal.

In sum, the elements of murder were successfully proved: (1) that a person was killed; (2) that the accused killed that person; (3) that the killing was attended by any of the qualifying circumstances mentioned in Article 248 of the Revised Penal Code; and (4) that the killing is not parricide or infanticide.[17]

The prosecution was able to prove beyond reasonable doubt accused-appellant's guilt for the killing of Roberto. A witness saw accused-appellant arrive with the two other accused and it was accused-appellant who chased the witness across the abaca plantation. As part of the conspiracy, accused-appellant should be held liable as a principal. The killing was attended by treachery, a circumstance that qualifies the crime as murder. Lastly, the killing is not obviously parricide or infanticide. Hence, all the elements for murder are present in this case.

WHEREFORE, the Decision dated February 26, 2008 of the CA in CA-G.R. CR-H.C. No. 02525 is AFFIRMED IN TOTO. The CA's award of civil indemnity in the amount of PhP 50,000 and the trial court's award of moral damages of PhP 50,000 to the heirs of the victim in accordance with prevailing jurisprudence[18] are accordingly AFFIRMED. No costs.

SO ORDERED.

Quisumbing, (Chirperson), Carpio Morales, Tinga, and Brion, JJ., concur.

[1] Rollo, pp. 2-13. Penned by Associate Justice Bienvenido L. Reyes and concurred in by Associate Justices Arcangelita Romilla-Lontok and Apolinario D. Bruselas, Jr.

[2] CA rollo, pp. 16-17. Penned by Judge Nilo A. Malanyaon.

[3] Id. at 16.

[4] Rollo, p. 3.

- [5] CA rollo, p. 15.
- [6] Supra note 2, at 17.
- [7] CA rollo, pp. 26-37.
- [8] Supra note 1, at 11.
- [9] TSN, February 14, 2001, pp. 2-7.
- [10] People v. Hinaut, G.R. No. 143764, February 15, 2002, 377 SCRA 241, 252.
- [11] People v. Gayomma, G.R. No. 128129, September 30, 1999, 315 SCRA 639, 648.
- [12] Hinaut, supra note 10, at 253.
- [13] People v. Realin, G.R. No. 126051, January 21, 1999, 301 SCRA 495, 510.
- [14] Hinaut, supra at 255.
- [15] People v. Paraiso, G.R. No. 131823, January 17, 2001, 349 SCRA 335, 350.
- [16] People v. Valdez, G.R. No. 128105, January 24, 2001, 350 SCRA 189, 195.
- [17] L.B. Reyes, The Revised Penal Code: Criminal Law Book One 463 (2001).
- [18] People v. Deang, G.R. No. 128045, August 24, 2000, 338 SCRA 657; citing People v. Verde, G.R. No. 119077, February 10, 1999, 302 SCRA 690.

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