

## THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. REYNALDO BOCASAS, ACCUSED-APPELLANT.

*G.R. No. 61134. July 15, 1985*

Ponente: ALAMPAY, J.

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### ALAMPAY, J.:

This is an appeal by the accused Reynaldo Bocasas from the decision of the former Circuit Criminal Court of Manila, dated June 25, 1982 rendered in CCC No. VI-82 (81), finding him guilty of the crime of murder and sentencing him to suffer the penalty of reclusion perpetua and to indemnify the heirs of the offended party, Mario Neral y Oliver, in the sum of P12,000.00 and to pay the costs.

The Information filed against the accused-appellant herein charging him with the crime of murder, reads as follows:

"That on or about the 3rd day of April, 1978, in the City of Manila, Philippines, the said accused, conspiring and confederating together with another whose real name and present whereabouts are still unknown and mutually helping each other, did then and there willfully, unlawfully and feloniously, with intent to kill and with treachery and evident premeditation, attack, assault and use personal violence upon the person of one Mario Neral y Oliver, by then and there stabbing him with a bladed weapon on the different parts of the body, thereby inflicting upon the latter serious stab wounds which were necessarily fatal and which were the direct and immediate cause of his death thereafter.

"Contrary to law."

In its summary of the facts of this case, the trial court found that —

"On April 3, 1978, at about 12:00 o'clock noon, a pingpong game was in progress in front of House No. 1030, Samar St., Sampaloc, Manila, between the deceased Mario Neral and one Reynaldo Homol, alias Purong. Among the onlookers, who were many, were inhabitants of the vicinity of Samar Street, like Francisco Fabian of 1021 Samar Street, Alfredo Neral, brother of the deceased and also a resident of 1021 Samar Street, the accused Reynaldo Bocasas, also known as Leonardo Giron, alias "Boy Puti" and Romeo Ayong, alias "Bodjo".

"Francisco Fabian was then two and a half meters away from the victim when he saw Romeo Ayong, followed by Reynaldo Bocasas, approach the victim, Mario Neral, from behind, and stabbed him several times on the back and on the front, using kitchen knives, after which the assailants ran away. Alfredo Neral who was also watching the game from quite a distance did not actually see the stabbing but when he heard shouts coming from the pingpong table, he stood up from where he was seated and approached the place where he saw his brother Mario, lying down, bleeding due to several stab wounds. People around gave him the information that the assailants were Romeo Ayong, alias "bodjo" and Leonardo Giron, alias "Boy Puti".

"Mario Neral was immediately brought to the United Doctors Medical Center but died on April 10, 1978 at the said hospital." (Decision, CCC-VI-82(81); Appellant's brief, pp. 18-19)

This stabbing incident was reported to the Western Police District on April 3, 1978. Initial investigation revealed

the names of the assailants who were known to be residents of the locality where the fatal stabbing took place. However, as at that time the two assailants could not be found by the police, the investigation of the case against them was classified as among those to be followed-up at a later time.

When the cadaver of the victim was autopsied by Dr. Marcial G. Cenido, medico-legal of the Western Police District, he saw that the victim sustained stab wounds, five (5) at the back and nine (9) in front — all caused by a sharp bladed instrument or instruments. Two stab wounds, one found at the back of the victim and one inflicted in front of his body, proved to be fatal.

On August 11, 1981, or more than three (3) years later, the investigators assigned to follow-up this case learned that a certain Leonardo Giron, alias "Boy Puti" was then confined in the City Jail for robbery. Francisco Fabian, one of the known eyewitness to the stabbing of Mario Neral on April 3, 1978, was brought by the police investigators to the Quezon City Jail where Francisco Fabian identified the herein accused Reynaldo Bocasas, alias Leonardo Giron, as one of the assailants of Mario Neral. On the strength of this identification, Reynaldo Bocasas, alias Leonardo Giron, was booked for the crime of murder and accordingly, charged and arrested. The accused-appellant herein denied his involvement in the stabbing which resulted in the death of Mario Neral.

His version of the incident, as recited in the appellant's brief and submitted by him to this Court, is as follows:

"On the date in question, the accused-appellant Reynaldo Bocasas was then at Samar Street, Sampaloc, Manila watching a pingpong game going on between Mario Neral and one he did not know; that suddenly, there was a commotion and when he turned toward the place where the commotion started, he saw someone stab Mario Neral; that because there were so many people he did not recognize the assailants of Mario Neral; that because of the so many people, he and his gangmates ran away; that he (accused) went home and ate his lunch; that then he went out with his gangmates; that when he returned home that night, he met a gangmate who told him not to go home because he was being hunted by somebody; the ones hunting him were policemen who are relatives of Mario Neral; that because of his fears for his life, instead of surrendering, he went into hiding." (Appellant's brief, p. 6, Rollo, p. 24).

As the trial court declined to believe these uncorroborated and self-serving statements of Reynaldo Bocasas in the light of the evidence adduced against him, he was found guilty of the crime of murder as charged.

In his appeal to this Court, accused-appellant attributes two (2) errors in the judgment rendered against him. He contends that the courts below gravely erred in believing the testimony of Francisco Fabian regarding the identity of the actual assailants and in finding him guilty of murder mainly on its erroneous and unjustified conclusion that his flight after the occurrence of the stabbing of Mario Neral is a circumstance indicative of his guilt.

We find no reason persuasive enough to warrant a change or modification of the judgment of conviction rendered by the courts below.

Accused-appellant contends that the testimony of the prosecution witness Francisco Fabian should be discounted because said witness would not be in a position to see and attest that the herein appellant had actually stabbed Mario Neral considering the presence of many people between said witness and the particular place near the ping-pong table where the stabbing occurred. Accused-appellant submits that Francisco Fabian's view was necessarily blocked by the other spectators and, therefore, he could not have had a glimpse of the victim Mario Neral and even if he saw the latter, it could only be by a fleeting look. Appellant further submits that as a game of ping-pong was going on then, and the attention of the onlookers was focused on the game, Francisco Fabian, who was one of the spectators could not possibly have witnessed the stabbing of the deceased in the manner described by said prosecution witness.

Appellant's arguments are without merit. Nothing in the quoted testimony of Francisco Fabian (Tsn, p. 7-8,

hearing of April 14, 1982) indicates that he was completely blocked by the spectators of the ping-pong game, or that he was not in a position to witness the aggression committed against the person of Mario Neral by the two assailants, one of whom he positively identified to be the accused-appellant herein. Appellant's claim that the view of Francisco Fabian was then blocked by the spectators at the ping-pong game rests merely on his self-serving conjecture.

A reading of the testimony of prosecution witness Francisco Fabian reveals that he had unmistakably identified the accused-appellant Reynaldo Bocasas as one of the assailants of Mario Neral. Moreover, this witness recounted details of how the felony was committed. His testimony is sufficient to impress this Court that said witness is a credible person. His testimony describing explicitly the stabbing incident is hereunder reproduced:

"FISCAL BELMONTE:

Q. While you were looking with the deceased playing pingpong, was there anything happened?

A. There was, Sir.

Q. What was that?

A. The victim (Mario Neral) was stabbed, Sir.

Q. By whom?

A. Was stabbed by Reynaldo Bocasas and Romeo Ayong, alias "Bodjo", Sir.

Q.

Will you tell us how this stabbing took place?

A. While I was at Samar Street, looking pingpong, Romeo Ayong and Reynaldo Bocasas suddenly stabbed the victim, Sir.

Q. What was the victim doing when he was stabbed?

A. He was playing ping-pong, sir.

Q. In what direction did the accused come from, is it in front or at the back?

A. At the back, sir.

Q. Did you notice whether the victim know that he was going to stab?

A. No, sir.

Q.

The victim does not know?

A. Yes, Sir.

Q. How far were you from the victim at the time that he was stabbed?

A. Two and one (21/2) meters, Sir.

Q. Beside him?

A. Beside the victim, Sir.

"FISCAL BELMONTE:

Q.

Who actually did the stabbing of these two persons you mentioned?

A. The first one was Romeo Ayong and then followed by Reynaldo Bocasas, Sir.

Q. Did you notice where this Romeo Ayong stabbed the victim, in front or at the back?

A. At the back, Sir.

Q. Did you notice where Reynaldo Bocasas stabbed the victim, is it in front or at the back?

A. At the front, Sir." (Tsn, pp. 2-4, April 14, 1982, emphasis supplied.)

The proximity of said witness to both the victim and the latter's assailants is a factor that excludes any doubt that there could be mistake in the identification of the assailants as declared by Francisco Fabian.

We find no reason to attribute falsity to the testimony given by said prosecution witness. As correctly observed and as stated by the trial in its decision, no proof has been introduced or motive shown why said witness would implicate the herein accused-appellant in the commission of a very serious crime, punishable by capital punishment.

To discredit the testimony of Francisco Fabian, accused-appellant points out that this witness live in the same area or locality where the brother of the deceased resides. It is, therefore, insinuated that the familiarity of these two persons with one another should cast doubt on the impartiality of the testimony given by this prosecution witness. Being a resident of the area does not necessarily impair the value of his declarations. It even strengthens our belief that Francisco Fabian witnessed the aggression committed against the deceased. The fact that Francisco Fabian resides also at Samar Street and very near the place of the scene of the stabbing, provides a reasonable explanation why he was then watching the ping-pong game on which occasion Mario Neral was fatally stabbed by herein appellant and also by Romeo Ayong alias "Bodjo".

Accused-appellant avers that his denial of participation in the said crime should have been accepted by the trial court than the testimony given by Francisco Fabian. This Court declines to agree with this submission.

Firstly, his mere denials, constituting self-serving negative evidence, cannot obtain greater evidentiary weight than the declarations of a credible disinterested witness. Positive evidence establish convincingly the appellant's active participation and cooperation with another person in the commission of the crime. It is only proper for this Court to accept the trial court's assessment as to which of two conflicting testimonies should be favored, absent any fact or circumstance indicative of any palpable error in the findings of the said court or that the conclusions arrived at by it are without basis or illogical. Significantly, despite the presence of numerous persons at the scene of the stabbing, not a single individual has been utilized by the accused-appellant to bolster his disavowal of the felonious acts attributed to him in this case.

Notwithstanding appellant's protestations, We sustain the trial court's conclusion that the flight of the accused immediately after the crime was committed is a circumstance reflective of the latter's guilt. It took three (3) years and three (3) months after his sudden and unexplained disappearance before the police investigators were able to locate herein appellant in the Quezon City Jail confined due to his alleged involvement in another crime, that of robbery. Flight indicates a consciousness of guilt on the part of the accused. (People vs. Sibayan, 31 SCRA 246).

We sustain the findings and the conclusion arrived at by the trial court that the offended party "was not in a position to put any defense to ward-off the attack, considering that he was then engaged in a game of ping-pong". This Court is satisfied that the acts attributed to and established to have been committed by the herein appellant constitute the crime of murder. That it was Romeo Ayong who was the first to stab the victim at the back and that the latter was thereafter stabbed frontally by herein accused Reynaldo Bocasas will not alter the degree of responsibility of either of said assailants considering that these two persons obviously acted in concert with one another. They are, therefore, both equally liable for the acts done by the other, specially as there is absent any appreciable interval of time in their actions.

WHEREFORE, the decision appealed from, finding the accused-appellant, Reynaldo Bocasas, guilty of the crime of murder and sentencing him to suffer the penalty of reclusion perpetua, is hereby **AFFIRMED** with the modification, however, that the corresponding indemnity adjudged therein, to be paid to the heirs of the deceased, is hereby increased to P30,000.00.

**SO ORDERED.**

Teehankee, (Chairman), Melencio-Herrera, Plana, Relova, Gutierrez, Jr., and De La Fuente, JJ., concur.

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