

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BERTITO TRIGO, ACCUSED-APPELLANT.

G.R. No. 74515. June 14, 1989

Ponente: MEDIALDEA, J.

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MEDIALDEA, J.:

For the death of his wife, Alicia Dequiña Trigo, the accused-appellant, Bertito Trigo, was charged with the crime of PARRICIDE in Criminal Case No. C-1790 of the Regional Trial Court, Branch 16, at Roxas City, and under the information which reads:

"The undersigned accuses BERTITO TRIGO of the crime of Parricide, committed as follows:

"That on or about 9:00 o'clock in the morning in May 30, 1983 at New Road St., Municipality of Pontevedra, Province of Capiz, Philippines, within the jurisdiction of this Court, the above-named accused, wilfully, unlawfully and feloniously, with evident premeditation, that is, having conceived and deliberated to kill his estranged wife ALICIA DEQUIÑA TRIGO, with whom he was united in lawful wedlock, assault and stab his said wife with a knife (sevillana), thereby inflicting stab wounds on the different parts of her body which caused her death thereafter.

"CONTRARY TO LAW." (p. 11, Rollo)

Upon being arraigned on January 9, 1984, Trigo entered the plea of not guilty to the offense charged. Trial ensued. On September 16, 1985, the court a quo rendered its decision convicting Trigo of the offense charged, the dispositive portion of which reads:

"WHEREFORE, this Court finds the accused Bertito Trigo, 32 years old, guilty beyond reasonable doubt of the crime of Parricide for killing his estranged wife, Alicia Dequiña Trigo, on May 30, 1983 in Pontevedra, Capiz, and hereby sentences him, appreciating the mitigating circumstance of voluntary surrender without any aggravating circumstance offsetting it, to the penalty of RECLUSION PERPETUA (Revised Penal Code, Articles 246; 63(3), as (sic) to indemnify the heirs of his wife, his children in the care of the children's grandmother, Reynalda dela Fuente, or whoever has custody over them, in the sum of P12,000.00, with the accessory penalties of the law. Accused is given the benefit of Article 29 of the Revised Penal Code, as amended.

"Costs against the accused.

"SO ORDERED." (p. 30, Rollo)

Not satisfied with the decision, Trigo appealed and assigned the following errors:

"I. THE COURT A QUO ERRED IN RELYING HEAVILY ON THE INCREDIBLE TESTIMONY OF THE PROSECUTION WITNESS MARCOS FUENTES AND IN ABSOLUTELY DISREGARDING THE EVIDENCE ADDUCED BY THE DEFENSE.

"II. THE COURT A QUO ERRED IN FINDING ACCUSED-APPELLANT GUILTY BEYOND

REASONABLE DOUBT OF THE CRIME CHARGED." (p. 1, Appellant's Brief; p. 44, Rollo)

The records show that the accused and his wife were married by the parish priest of Panitan, Capiz on January 19, 1972 (Exhibits "D" to "D-3", p. 256, Records).

The prosecution's version of the killing is based mainly on the testimony of Marcos Fuentes. He testified, inter alia, that he knew the spouses Bertito and Alicia Trigo because he bought from them their house located at Sitio Umigon, Brgy. Tincupon, Panitan, Capiz, in 1982; that at about nine o'clock in the morning of May 30, 1983, he was at the market of the town of Pontevedra; that he met Alicia Trigo at the said market and even greeted her; that he did not notice at the time whether Alicia was with a companion or not; that after awhile, a commotion took place; that when he stood up he saw Bertito Trigo stabbing Alicia; that he saw blood spurting from Alicia's left chest; that Bertito Trigo was at the time in front of Alicia and holding the latter with one of his arms; that there were no other persons near Alicia when he saw the latter bleeding; that Alicia later fell on the ground; and that he was about 50 meters from where the incident took place.

The body of Alicia Trigo was examined by Dr. Ma. Roselle B. Gedang, resident physician of the Provincial Hospital at Bailan, Pontevedra, Capiz. The medical certificate dated February 4, 1984 indicated the following pertinent physical findings, to wit:

"Multiple Stab wounds;

Right arm anterior aspect middle third about 2 cm. thru and thru;

Left arm anterior aspect - proximal third about 01 cm.;

Left forearm lateral aspect about 3 cm. thru and thru left side of the left nipple chest;

Left chest wall - left side of the nipple and slightly below entering the 4th intercostal space the penetrating perforating the heart;

Right hypogastric area about 1 cm. superficial;

Right lumbar area above the anterior superior iliac spine about 2.5 cm. mid axillary line superficial;

Upon admission, patient was restless, chyne strokes respiration noted, B/P not appreciated, pronounced dead.

Cause of Death:

Cardio respiratory arrest secondary to hemorrhage." (p. 255, Records)

Accused, upon the other hand, denied that he killed his wife Alicia. According to him, he and his wife were at the market to buy some goods for their store; that while they were walking, he saw Online Buaco draw from his waist a weapon; that Buaco tried to stab him but he (accused) was able to evade the blow; that it was his wife who got hit by the blow delivered by Buaco; and after his wife was hit, Buaco successively stabbed her. He also claimed that Online Buaco is also a resident of Barangay Tincupon; that Buaco had previously fired shots at the house of accused and his family on November 19, 1982 because the accused had not paid his debt to Buaco in the sum of P1,000.00; that such incident was recorded at the police department and a complaint was filed by him against Buaco with the Municipal Court of Panitan (TSN, February 13, 1985, pp. 51-62, Records).

Appellant submits that the trial court should not have relied on the testimony of the prosecution witness Marcos Fuentes in view of the inconsistencies and improbabilities found in his testimony. Appellant also asserts that there is no evidence in the records to show that he had a motive to kill his wife.

After a careful review of the records, We find the appeal to be without merit.

The issue in this case hinges on the credibility of prosecution witness Marcos Fuentes. It is a well-established rule that in criminal prosecutions on the matter of credibility of witnesses, the findings of the trial court are given weight and the highest degree of respect by appellate courts because the former is in a better position to decide the question, having heard the witnesses themselves and observed their deportment and manner of testifying during the trial (*People vs. Kintuan*, G.R. 84100, December 3, 1987, 156 SCRA 195). We find no strong and cogent reason to depart from this established rule. The testimony of Marcos Fuentes which stated that he saw appellant stab his wife (p. 4, TSN, March 4, 1984) was clear and positive. There was no showing of any ulterior motive on his part to falsely charge the accused-appellant. The testimony of only one witness, if credible and positive and if it satisfies the court beyond reasonable doubt is sufficient to convict (see *People v. Lucas*, L-60744, November 25, 1983, 125 SCRA 813).

We affirm the trial court's finding when it declared that even as Marcos Fuentes sort of wavered at the outset in his testimony, his declaration was straight-forward even during the cross-examination; and that his court testimony is a reiteration of his declaration in his sworn statement supporting the complaint (p. 29, Rollo).

Appellant also submits that the prosecution did not prove the motive of appellant for killing his wife. The law is well-settled that motive is relevant only where the identity of person accused of having committed the crime is in dispute, where there are no eyewitnesses, and where suspicion is likely to fall upon a number of persons. In the case at bar, the identity of the accused was positively proved by the eyewitness. Hence, motive is irrelevant (*People v. Dueño*, G.R. No. L-31102, May 5, 1979, 90 SCRA 23).

Further, We are not persuaded by appellant's claim that it was not him but a certain Online Buaco who stabbed his wife. In rejecting this defense, the trial court correctly observed significant factors/circumstances surrounding the incident which belie appellant's defense that it was not he who stabbed and killed Alicia Trigo. Firstly, there is great improbability of Online Buaco's alleged first attack hitting his wife if the said attack were aimed at accused. Secondly, there is greater improbability of the deceased Alicia Trigo sustaining multiple stab wounds if it were the appellant whom Buaco wanted to stab as then the latter would have aimed all the five other thrusts of the weapon at the accused and not at the deceased Alicia Trigo. Thirdly, there was failure not only to shield her from the attack but also failure to retaliate within the duration of the next five attacks upon the deceased. Fourthly, knowing that his wife was already seriously wounded, the appellant would not have left her alone in the care of a policeman especially after Buaco had already fled, and there was no more danger that the latter might attack him. Fifthly, after appellant had secured police protection at the police station, appellant never returned to personally attend to his wife and to ascertain if she received timely medical attention at the provincial hospital at Bailan, Pontevedra. All these facts and circumstances were considered by the trial court to bolster one thing - that accused was really estranged from his wife and it was he who killed her.

The direct and circumstantial evidence established at the trial sufficiently prove the guilt of accused-appellant. As aforestated, the trial court's findings of fact are generally given due respect. Appellant has the burden, therefore, to convince this Court that a departure from this rule is justified upon satisfactory showing that the trial court misapplied some facts of weight and substance as would alter the result of the proceedings. He failed to do so.

The court a quo appreciated in favor of the accused the mitigating circumstance of voluntary surrender. We do not agree with this finding. The accused himself testified that he went to the police station to report that his wife was stabbed by Buaco and to seek protection as he feared that Buaco would also stab him. Clearly, his action cannot in any manner be considered as amounting to voluntary surrender. In any event, the penalty of reclusion perpetua was correctly imposed by the said court.

The indemnity in the amount of P12,000.00 ordered by the court a quo to be paid by the accused-appellant to the

heirs of the deceased Alicia Trigo is increased to P30,000.00.

ACCORDINGLY, with the modification above indicated, the judgment appealed from is affirmed in all other respects, with costs.

SO ORDERED.

Narvasa, (Chairman), Cruz, Gancayco, and Grino-Aquino, JJ., concur.

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