

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. HERNANDO MANANTAN Y BORJA, ACCUSED-APPELLANT.

G.R. No. 75389. April 22, 1991

Ponente: NARVASA, J.

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NARVASA, J.:

Hernando Manantan was convicted of murder by the Regional Trial Court at Macabebe, Pampanga,[1] and sentenced "to suffer the penalty of reclusion perpetua and all the accessories provided for by law, * * * to indemnify the heirs of the victim (in) the sum of THIRTY THOUSAND (P30,000.00) PESOS, Philippine Currency, for the death of the victim Renato Nabong and the further sum of FIFTY SIX THOUSAND EIGHT HUNDRED THIRTY THREE AND 90/100 (P56,833.90) PESOS, Philippine Currency, representing hospitalization and medical expenses, as well as funeral and other expenses." [2]

The evidence establishes that Renato Nabong was stabbed in the throat in the evening of June 19, 1985; that the stab wound transected the trachea at the level of the thyroid cartilage as well as the esophagus; and that said wound and the complications resulting therefrom, caused his death eighteen days later, on July 7, 1985, despite the efforts of the physicians at Masantol, Pampanga, the Central Luzon General Hospital and the UST Hospital, to save his life.[3]

Manantan does not deny having inflicted the fatal knife wound. He claims, however, and would have this Court rule in the present appeal, that the stabbing was not attended by treachery on his part, and that the mitigating circumstances of voluntary surrender,[4] as well as sufficient provocation on the part of the offended party[5] and immediate vindication of a grave offense to the accused,[6] should have been appreciated in his favor.

Concerning the qualifying circumstance of treachery, the Trial Court[7] has this to say:[8]

"To the mind of the Court, the evidence presented by the prosecution has overwhelmingly and sufficiently established that the stabbing of the deceased Renato Nabong by the accused Hernando Manantan was qualified by treachery. The court finds that the deceased Renato Nabong was stabbed by the accused after the accused held the deceased by the neck and squeezed it thus preventing the deceased from offering any resistance or defense. The attack to the victim by the accused appears to be sudden and unexpected. * * *. The position of the wound of the victim further cast very serious doubt on the veracity of the version of the accused when he testified in Court that the accused and the victim grappled for the possession of the knife and that after they fell on the ground, the accused saw blood oozing from the neck of the victim.

" * * * In the present case, the evidence shows that the accused held the victim by the neck. In that position, the victim would not have any means to defend himself. With the accused holding his neck and squeezing it, the victim was choked and most likely weakened, thereby making it easy for the accused to stab the victim. * * *. The evidence shows that before the accused stabbed the victim, the accused first held the victim by the neck. The Court feels that with that act of the accused, he ensures that the victim would be defenseless."

These conclusions do not however appear to have any factual foundation. None of the prosecution witnesses gave

evidence of any squeezing by Manantan of Nabong's neck immediately prior to the stabbing. The conclusions could have been drawn only from the testimony of Eddie Cabrera, the only eyewitness to the actual stabbing presented by the People, whose declarations do not however support said conclusions.

Said witness testified that at around 7 o'clock in the evening of June 19, 1985, he was buying cigarettes at the store of Bella Musni in San Francisco, Macabebe, Pampanga, and he saw Manantan stab Nabong in the neck with a pointed instrument,[9] a weapon he later identified as the kitchen knife marked in evidence as Exhibit E;[10] that when he first saw them, Nabong and Manantan were about five meters away, coming towards the store;[11] that at the time, Manantan "had his left hand * * * over the (left) shoulder of Renato Nabong," and while in that position, Manantan raised his right hand (which was gripping the knife) and thrust the knife horizontally towards Nabong's neck;[12] that thereafter, Manantan "returned to the direction where he came from," and Nabong went "towards his home,"[13] "running." [14]

Since the Trial Court's theory that it was Manantan's act of "holding his (victim's) neck and squeezing it" that had "most likely weakened" Nabong, and ensured "that the victim would be defenseless," and had consequently given rise to the qualifying circumstance of alevosia, that theory will have to be rejected in view of the negation of the factual premise that there had been a "neck-squeezing" and choking of the deceased. Besides, had there been any such choking, Nabong would certainly have been instantly put on defense; he would have reacted quickly to relieve the pressure thus exerted on his windpipe and would have been on guard against any other aggressive acts of Manantan.

As regards the mitigating circumstance of voluntary surrender, there is agreement on all sides that it should indeed be appreciated in Manantan's favor.

This is not the case, however, as to the other mitigating circumstances invoked by Manantan — based on the claim sought to be shown by the defense evidence — that he (Manantan) had earlier on that fatal day been manhandled and robbed of close to a hundred pesos by Nabong and some male companions, and later that day, again manhandled, stripped of all clothing and compelled to dance by the same persons. After analysing and assessing the latter's proofs, the Trial Court found that no facts had thereby been established to justify applying the claimed modifying circumstances in reduction of Manantan's criminal liability. According to the Court, apart from the unprepossessing demeanor of the accused while testifying in his behalf, the version of the occurrence presented by him and his witnesses was "not only illogical but contrary to human experience. Even a group of hoodlums would not undress a man to let him dance naked. If the accused were a woman, then this may be possible but for a man to be undressed to perform a dance act before a group of men, to the mind of the Court is highly improbable."

Nothing in the record persuades this Court to pronounce erroneous the aforestated conclusion of the Trial Court as regards the credibility of the appellant's evidence of the antecedents of the slaying. It is axiomatic that the findings of the Trial Court on questions of fact are accorded the highest respect on appeal, if not regarded as conclusive, absent the usual exceptions to this policy. The policy rests on the obvious opportunity available to the trial court — but not the appellate court — to observe the witnesses on the stand and to assess their credibility, not only by the nature of their testimony but also by their demeanor under questioning.[15]

In fine, Hernando Manantan may be properly convicted, not of murder, but of homicide, for which the penalty prescribed is reclusion temporal.[16] This penalty should be applied in the minimum period, there being one mitigating circumstance, that of voluntary surrender, which exists in Manantan's favor, not offset by any aggravating circumstance.[17] The duration of reclusion temporal in its minimum period is twelve (12) years and one (1) day to fourteen (14) years and eight (8) months. From this, applying the Indeterminate Sentence Law,

should be taken the maximum period of the penalty which should be meted out to Manantan, and the minimum period, from the penalty next lower in degree to that prescribed by law for the offense, i.e., prision mayor, which has a duration of six (6) years and one (1) day to twelve (12) years.

WHEREFORE, the judgment of the Regional Trial Court is AFFIRMED in so far as it finds the appellant Hernando Manantan y Borja guilty of the killing of Renato Nabong and commanding him to reimburse the latter's heirs for hospitalization and medical expenses as well as funeral and other expenses in the aggregate sum of P56,833.90, but IS MODIFIED as regards the nature of the crime committed, the penalty to be imposed on account thereof, and the civil indemnity for the death of the victim, which should be increased to P50,000.00. Accordingly, Hernando Manantan y Borja is DECLARED GUILTY beyond reasonable doubt of the felony of homicide and is HEREBY SENTENCED to an indeterminate sentence of from ten (10) years and one (1) day of prision mayor, as minimum, to fourteen (14) years and eight (8) months of reclusion temporal, as maximum, with the accessories provided by law, and to pay to the heirs of Renato Nabong, as indemnity for death, the additional amount of P50,000.00.

SO ORDERED.

Cruz, Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] Branch LIV, Third Judicial Region, which took cognizance of and tried and decided the criminal action against said Hernando Manantan, docketed as Criminal Case No. 85-0241 (M)

[2] Rollo, pp. 17, 25

[3] Id., pp. 18-19; 42 (Appellant's Brief, p. 6)

[4] Id., p. 42 (Appellant's Brief, pp. 11-12)

[5] Id.

[6] Id.

[7] Hon. Lorenzo Veneracion (now Judge of the Regional Trial Court at Manila)

[8] Rollo, pp. 24-25

[9] TSN, Jan. 3, 1986, pp. 13-14

[10] Id., pp. 15-16

[11] Id., p. 17

[12] Id., pp. 18-19

[13] Id., p. 19

[14] Id., p. 33

[15] Peo. v. Francisco, 182 SCRA 305 (1990); SEE also, Peo. v. Trigo, 174 SCRA 97; Peo. v. Kintuan, 156 SCRA 1905; Peo. v. Besa, 183 SCRA 533 (1990); Peo. v. Baduya, 182 SCRA 57 (1990); Peo. v. Aldeguez, 184 SCRA 1 (1990); Peo. v. Abonada, 169 SCRA 531 (1989); Peo. v. Espinosa, 180 SCRA 392 (1989); Peo. v. Simene, 184 SCRA 99; Peo. v. Caldito, 182 SCRA 66; Pelaez v. C.A., 185 SCRA 97 (1990); Peo. v. Sales, 44 SCRA 489; Peo. v. Dorado, 30 SCRA 53; Peo. v. Amoncio, 122 SCRA 686 (1983); Peo. v. Barros, 122 SCRA

34; Peo. v. Clores, 184 SCRA 639 (1990)

[16] Revised Penal Code, Art. 249

[17] Id., ART. 64 [2]

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