

ISIDRO MENDOZA, PETITIONER, VS. HONORABLE COURT OF APPEALS, FOURTH DIVISION, RESPONDENT.

G.R. No. 78180. June 19, 1991

Ponente: FERNAN, C.J.

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FERNAN, C.J.:

The instant petition for review on certiorari seeks to set aside the decision of the Court of Appeals in CA-G.R. No. 03262 entitled "People of the Philippines vs. Isidro Mendoza" which affirmed the appealed decision of the Regional Trial Court of Daet, Camarines Norte, finding then accused-appellant Isidro Mendoza guilty of the crime of homicide and sentencing him to an indeterminate penalty of imprisonment of six (6) years and one (1) day of prision mayor as minimum to twelve (12) years and one (1) day of reclusion temporal as maximum and to indemnify the heirs of the victim Sofia Libranda in the amount of P30,000.00 plus P8,300.00 as compensatory damages and to pay the costs.[1]

The facts as found by the trial court and adopted by the Appellate Court are as follows:

At about 5:20 in the morning of October 13, 1983 while Norma Vardeloza Nasayao, a 42-year old housewife, was making wrappers (bags for rice) out of empty cement bags in her house in Barangay Minasag (Rizal), Sta. Elena, Camarines Norte, she heard a woman shouting: "Huwag mong saksakin, huwag mong saksakin." [2]

Norma went down her house to investigate. From a distance of one meter, she saw the accused-appellant approach and stab Sofio Libranda on the left breast with a bladed weapon. Sofio then leaned on the shoulder of Eleanor Amparo Mendoza, the wife of the accused-appellant, for support. [3]

Upon seeing Sofio's critical condition, Norma ran to the house of Sofio to ask for help. She found his widowed sister, Gregoria, who, on being informed that Sofio had been stabbed, ran to her brother's succor. Gregoria saw him leaning face down ("subsob") on the back of Eleanor, while the accused Isidro stood nearby. Sofio then sat down on a bench. Gregoria saw that he was bleeding. Gregoria asked him who stabbed him and he answered that it was Isidro Mendoza. [4]

Gregoria and her brother Nolasco Libranda brought the wounded Sofio to the nearby clinic of Dr. Cesar Umali. After giving the victim first-aid treatment, the doctor advised the Librandas to take Sofio to a hospital in Calauag, Quezon. They were still far from Calauag when Sofio died.

According to the death certificate, the forty-two year old Sofio Libranda succumbed to the following injuries:

"Stab wounds at the following areas of the body:

"(a) Incised wound at left med clavicular 3rd intercostal space, measuring 5 cm. length and 5 cm. in depth.

"(b) Incised wound at left lower chin measuring 2.5 cm. length.

"(c) Incised wound at left shoulder measuring 2.5 cm. length.

“(d) Incised wound right upper chest (back) measuring 5 cm. length.”[5]

In an information dated January 12, 1984, accused Isidro Mendoza was charged with homicide for the death of Sofio Libranda. Upon arraignment, Isidro pleaded not guilty and trial ensued. On February 3, 1986, the trial court rendered a judgment of conviction which on appeal to the Court of Appeals was affirmed in toto. Hence this recourse.

The accused, now petitioner, contends that the courts a quo erred in relying on the so-called positive identification made by Norma Nasayao, in concluding that his wife Eleanor and the deceased Sofio had an amorous relationship based on the love letters allegedly written by Eleanor, and, in not acquitting him on reasonable doubt.

The petition is devoid of merit.

At the outset, it must be stressed that generally, when an appealed conviction hinges on the credibility of witnesses, the assessment of the trial court is accorded the highest degree of respect. Absent any proper reason to depart from this fundamental rule, factual conclusions reached by the lower court, which had the opportunity to observe and evaluate the demeanor of the witnesses while on the witness stand, should not be disturbed.

Petitioner Isidro Mendoza now insists that Nasayao could not have witnessed the actual stabbing as she had claimed because it is his submission that it was his wife, Eleanor, who fatally stabbed Sofio in an attempt to ward off Sofio's lewd advances. To prove his point, petitioner presented photographs showing bloodstains in various parts of his house and a toppled chair as testimonies to the struggle between his wife and Sofio which ended in death for Sofio. He also brought out the fact that it was Eleanor who surrendered to the nearby Philippine Constabulary base patrol and later to the police station in Sta. Elena where she gave a written statement whereby she confessed having stabbed Sofio in defense of her honor but only to subsequently refuse to sign the statement.

Petitioner likewise presented as defense witness CHDF member Armando de la Cruz who stated that on his way to his detachment at about 5:00 o'clock in the morning of August 13, 1983, in Sta. Elena, he saw the shadow of two persons moving around as if in circle. As De la Cruz moved nearer, he saw a man and a woman embracing each other but one was holding a bladed weapon. Then the two figures started grappling for possession of the weapon. He shouted at them to stop. He recognized the man as Sofio Libranda and the woman as Eleanor Mendoza. The woman was holding the bladed weapon.[6]

But on cross-examination, De La Cruz admitted that he did not see the actual stabbing.[7]

The trial court and the appellate court did not err in according more weight to the eyewitness account of Norma Nasayao. The transcript clearly reflected her candidness and innate intelligence. Her answers were forthright and direct. At a short distance of one meter, it was indeed possible for her to have witnessed the crime as it swiftly unfolded before her. She knew the characters well because they were neighbors.

Moreover, Norma Nasayao's unerring recognition of petitioner as the knifewielder had strong corroboration from Gregoria and Nolasco Libranda, the victim's sister and brother, respectively.

Right after the stabbing when Norma called out to them, Gregoria rushed to her brother's side and asked him who did it and her brother replied "Isidro Mendoza." For his part, Nolasco recounted:

"Q: When did you come to know that your brother Sofio was stabbed by Isidro Mendoza?

"A: Norma Nasayao came running to our house shouting, 'Sinaksak ni Isidro Mendoza si Sofio!'

"Q: What did you do when Norma Nasayao came to you running and shouting that Sofio, your brother, was stabbed by Isidro Mendoza?

"A: I immediately proceeded to the place of the incident, sir.

"Q: What did you find out at the place of the incident?

"A: I saw my brother seated on a bench, he was bloody.

"Q: What did you do when you saw your brother seated on a bench, bloody?

"A: I asked him who stabbed him.

"Q: What was Sofio's answer?

"A: He said that I do stabbed him and 'I do' in our place is Isidro Mendoza." [8]

From the telltale blood spatters found in the house of petitioner and the furniture in disarray, the trial court concluded that it was none other than petitioner who stabbed the deceased while they were inside the house. Consumed with rage because he had just caught his wife with the half-naked Sofio right in his own conjugal home, petitioner unrelentingly pursued his victim up to the roadside where Norma Nasayao caught sight of Eleanor trying vainly to stop the two men who were moving in circles, until petitioner was able to wound Sofio once again. Thereafter, petitioner dropped the knife. The deceased leaned against Eleanor. This was the scenario witnessed by CHDF De La Cruz who mistakenly deduced that it was Eleanor who mortally knifed Sofio.

Going now to the controversial love letters reportedly written to Sofio by Eleanor, whether or not she did write those incriminating letters is not material in view of the positive identification by an eyewitness. They are relevant insofar as they have established the motive of the petitioner in killing Sofio, which was to avenge his honor as a husband who has been wronged by his wife in the most humiliating manner.

We hold that the conviction of Isidro Mendoza for homicide, mitigated by passion and obfuscation, was in accordance with law and jurisprudence. It must be upheld.

WHEREFORE, the instant petition is hereby DENIED for lack of merit. Finding no reversible error in the decision under review, the same is AFFIRMED but with the sole modification that the indemnity to be paid by petitioner Isidro Mendoza to the heirs of the victim be increased to P50,000.00 in line with recent jurisprudence. Costs against petitioner.

So ordered.

Gutierrez, Jr., Feliciano, Bidin, and Davide, Jr., JJ., concur.

[1] Criminal Case No. 3880, REcords, p. 212.

[2] TSN, April 24, 1984, pp. 3-5.

[3] TSN, April 24, 1984, pp. 6-7.

[4] TSN, April 27, 1984, pp. 5-8.

[5] Records, p. 6.

[6] TSN, July 13, 1984, pp. 26-28.

[7] TSN, July 13, 1984, p. 40.

[8] TSN, July 15, 1984, pp. 7-8.

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