

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROLANDO ATADERO, FLORENCIO ATADERO, AND RAUL HUDIT (AT LARGE), ACCUSED, ROLANDO ATADERO AND FLORENCIO ATADERO, ACCUSED-APPELLA...

G.R. Nos. 135239-40. August 12, 2002

Ponente: PUNO, J.

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PUNO, J.:

In the afternoon of January 21, 1990, a violent fight erupted between two groups of men at Barangay Vista Alegre, Bacolod City. One group was composed of Florencio Atadero, Rolando Atadero and Raul Hudit, while the other group was composed of Edgardo Meniel, Ronelo Meniel and Rolando Solinap. The brawl resulted in the death of Edgardo Meniel and the wounding of his brother, Ronelo Meniel. Florencio and Rolando Atadero, together with Raul Hudit, were jointly charged before the Regional Trial Court of Bacolod City with the crimes of Murder and Attempted Murder in the following informations:

Criminal Case No. 8907

“That on or about the 21st day of January, 1990, in the City of Bacolod, Philippines, and within the jurisdiction of this Honorable Court, the herein accused, conspiring, confederating and acting in concert, without any justifiable cause or motive, being then armed with a bolo, butcher’s knife, stainless knife and “chako”, with intent to kill and by means of treachery and with evident premeditation, did, then and there wilfully, unlawfully and feloniously attack, assault, hack and stab with said weapons one Ronelo F. Meniel, thereby causing upon the person of the latter the following wounds, to wit:

- Lacerated wound 5 cm long, left thigh middle third lateral aspect.
- Lacerated wound 3 cm long, left thigh middle third anterior aspect.
- Lacerated wound 4 cm long, left index finger.
- Lacerated wound 2 cm long, left hand, middle finger.
- Lacerated wound 1 cm long, left hand ring finger.
- Lacerated wound, 0.5 cm long, left hand small finger.

Thus commencing the commission of a felony directly by overt acts, but did not perform all the acts of execution which would have produced the crime of murder by reason of some cause or accident other than the accused’s own spontaneous desistance.

Act contrary to law.”[1]

Criminal Case No. 8905

“That on or about the 21st day of January 1990, in the City of Bacolod, Philippines, and within the jurisdiction

of this Honorable Court, the herein accused, conspiring, confederating and acting in concert, without any justifiable cause or motive, being then armed with a bolo, butcher's knife, stainless knife and "chako", with intent to kill and by means of treachery and with evident premeditation, did, then and there wilfully, unlawfully and feloniously attack, assault, hack and stab with said weapons one Edgardo P. Meniel, thereby causing upon the person of the latter the following wounds, to wit:

- Abrasion with contusion, 1.5 cm. in area, lower eyebrow, right, nasal aspect.
- Wound, incised, 4.0 cm. in length, involving angle of mid lips, left to pre-auricular region, left.
- Wound, stabbed, 3.0 cm. in length, chest, anterior, level of the 3rd inter costal space, 2.0 cm. from left mid-sternal line, medial extremity contused and lateral extremity sharp, to enter thoracic cavity, lacerating superior lobe of left lung.
- Wound, stabbed, 3.2 cm. in length, chest, anterior, level of the 5th intercostal space, along mid-sternal line, lateral extremity contused and medial extremity sharp, fracturing sternum, to enter thoracic cavity, lacerating lower lobe of right lung.
- Wound, stabbed, 2.5 cm. in length, chest, anterior, level of the 5th inter-costal space, 8.0 cm. from left mid-sternal line, medial extremity contused, and lateral extremity sharp to enter thoracic cavity, perforating ventricle of the heart.
- Wound, stabbed, 3.1 cm. in length, hypochondriac region, 10.0 cm. from left mid-sternal line, (With omental prolapse), superior extremity contused and inferior extremity sharp, lacerating left half of the diaphragm, lacerating inferior lobe of left lung.
- Wound, incised, 2.0 cm. in length, thumb, left, middle third, anterior aspect.
- Wound, incised, 4.0 cm. in length, iliac region, along left posterior axillary line.
- Wound, hacked, 5.0 cm. in length, elbow, left, fracturing bone thereat.

CAUSE OF DEATH: SHOCK AND HEMORRHAGE DUE [TO] STABBED AND HACKED WOUNDS.

Which directly caused the death of the said victim Edgardo P. Meniel to the damage and prejudice of his heirs, as follows:

1.

As indemnity for the death of the victim

P30,000.00

2.

As indemnity for the loss of earning capacity

P122,400.00

3.

As moral damages

P 10,000.00

Act contrary to law.”[2]

The trial court issued a warrant of arrest against the three accused on July 3, 1990 but the same was returned unserved as the accused were found to be residing in Mindanao.[3] On October 18, 1994, elements of the Police Criminal Investigation Unit - Criminal Investigation Command (PCIU-CIC), Philippine National Police arrested Rolando Atadero at Nissan Village, Marcos Highway, Cainta, Rizal. Florencio Atadero, meanwhile, voluntarily surrendered to P/Supt. Mario R. Sandiego, Chief of PCIU-CIC, at the PCIU-CIC headquarters at Camp Crame in Quezon City.[4] Raul Hudit has remained at large.

Rolando and Florencio Atadero were arraigned on January 5, 1995. They pleaded not guilty to both charges.[5]

On August 27, 1997, after joint trial on the merits, the trial court rendered a decision finding Rolando Atadero and Florencio Atadero guilty of murder in Criminal Case No. 8905, and Rolando Atadero guilty of attempted homicide in Criminal Case No. 8907. The trial court held that after the confrontation between Edgardo Meniel and Florencio Atadero at Bangga Bodega, the three accused conspired to await the arrival of the Meniels at Vista Alegre and attack them with their weapons. The trial court further found the killing of Edgardo Meniel to be attended by the aggravating circumstance of treachery as he was first attacked by Rolando Atadero while he was still on board the tricycle which restrained his movement and prevented him from defending himself. After he fled, the three accused chased him and inflicted various injuries on his body even as he lay wounded and helpless. In Criminal Case No. 8907, only Rolando Atadero, who assaulted Ronelo Meniel, was found criminally liable as it has not been established that the conspiracy included the infliction of bodily harm against Ronelo Meniel. The trial court found him guilty only of attempted homicide since no aggravating circumstance attended the commission of the offense.[6] The dispositive portion of the decision states:

“WHEREFORE, premises considered, ROLANDO ATADERO and FLORENCIO ATADERO are hereby found guilty for the murder of Edgardo Meniel, in Criminal Case No. 8905, and accordingly sentenced to suffer the penalty of RECLUSION PERPETUA. Both are ordered to indemnify the heirs of the deceased the amount of P50,000.00; P75,000.00 for loss of earnings, and P10,000.00 for moral damages.

In Criminal Case No. 8907, Rolando Atadero is hereby found guilty beyond reasonable doubt of the crime of Attempted Homicide. Florencio Atadero is ACQUITTED.

No aggravating or mitigating circumstances attended the commission of the crime, and therefore the penalty shall be imposed in its medium period. Accordingly, ROLANDO ATADERO is hereby sentenced to an indeterminate penalty of SIX (6) months of ARRESTO MAYOR as minimum, to FOUR (4) years and ONE (1) day of PRISION CORRECCIONAL as maximum. He is also ordered to pay Ronelo Meniel, P1,000.00 for hospital and medical expenses and P3,000.00 for loss of earnings and costs.

SO ORDERED.”[7]

Rolando Atadero and Florencio Atadero now appeal from the decision of the trial court. In their appellant’s brief, both Rolando and Florencio essentially contend that the trial court erred in its assessment of the evidence presented by the parties.[8]

We now review the parties’ evidence.

The prosecution presented the testimonies of several witnesses and the autopsy report on the body of the victim in Criminal Case No. 8905, Edgardo Meniel,[9] as well as the medical certificate issued by Dr. Rodolfo B. Escalona,

Medico-Legal Officer at the Corazon Locsin Montelibano Memorial Regional Hospital, showing the injuries sustained by Ronelo Meniel as a result of the incident, in connection with Criminal Case No. 8907.[10]

The first witness for the prosecution was Rolando Solinap, a resident of Hacienda Canomayan, Barangay Vista Alegre, Bacolod City, who was with Edgardo and Ronelo Meniel at the time they got involved in the affray. He stated that in the afternoon of January 21, 1990, he, Ronelo and Edgardo were on their way home from Libertad Market. They passed by Bangga Bodega where they saw Florencio Atadero and Raul Hudit. Edgardo confronted Florencio as the latter had allegedly mauled him a year ago during the town fiesta. Solinap mediated between the two by reminding them that they live in the same barangay and that their fathers are compadres. Heeding Solinap's advice, the two shook hands and Edgardo allowed Florencio to go. After Florencio and Raul left, Solinap and the Meniel brothers, together with two others, boarded a tricycle to Vista Alegre. When they reached Vista Alegre, a woman passenger asked to be alighted. Solinap stepped down from the tricycle to allow the woman to pass. Solinap saw Florencio, his brother, Rolando Atadero, and Raul, all armed, running toward them. Rolando Atadero held a chako and a butcher's knife. Florencio had a bolo and a stainless knife. Raul was armed with a scythe and a stainless knife. Rolando Atadero thrust his knife at Edgardo who was seated inside the tricycle. Edgardo was stabbed at the side. Edgardo begged for help. Solinap tried to push Rolando Atadero but the latter turned to him and stabbed him on his right breast. Florencio also tried to hack Solinap with his bolo, hitting him on the left knee. Florencio tried to hack him again, but Solinap thwarted the blow by grabbing the bolo. Solinap cut his middle finger in the struggle. When the bolo fell to the ground, Solinap tried to get hold of it, but he was again hacked by Rolando Atadero. He was hit on his right instep, near his right ankle. As onlookers gathered around them, a certain Bondying, brother-in-law of the Ataderos, tried to restrain and pacify the warring parties. At that moment, Ronelo signalled Solinap to run for safety. Ronelo and Solinap tried to run, but when Ronelo saw that Solinap was wounded, he told him to go back instead and get a tricycle. Solinap hailed a tricycle and asked the driver to bring them to Corazon Locsin Montelibano Memorial Hospital where he was treated for his wounds.[11] Solinap later learned that Edgardo Meniel had died.[12]

According to the prosecution, the attack was witnessed by Rolando Ronamo, also a resident of Vista Alegre, Bacolod City. He stated on the witness stand that on January 21, 1990, around 5:30 in the afternoon, he was at Vista Alegre waiting for a tricycle. He saw Florencio Atadero, Rolando Atadero and Raul Hudit standing nearby and appeared to be waiting for somebody. He noticed that the three were armed -- Florencio with a bolo and a butcher's knife, Rolando Atadero with a chako and a bolo, and Raul with a scythe and a stainless knife. Then, a tricycle stopped in front of him and one passenger disembarked. Suddenly, the three rushed toward the tricycle and started to stab and hack the passengers inside. He saw three persons being attacked. They turned out to be Rolando Solinap, Ronelo Meniel and Edgardo Meniel. The victims tried to parry, but upon realizing that they were no match for the assailants, they decided to flee. Solinap and Ronelo were able to escape. Edgardo, however, was not as fortunate. Although he tried to run, he later fell to the ground and died. Ronamo reported the incident to the police.[13]

Ronelo Meniel, the victim in Criminal Case No. 8907, also took the witness stand. He testified that on January 21, 1990, around 2:00 in the afternoon, he met with his brother, Edgardo, and Rolando Solinap at Libertad Market. They went to Bangga Bodega where he saw Florencio Atadero and Raul Hudit. Edgardo talked with Florencio and Raul for about fifteen minutes. At the end of the conversation, Edgardo and Florencio shook hands and went separate ways. Ronelo, Edgardo and Solinap took a tricycle going to Vista Alegre. When they reached Vista Alegre, he was surprised to see Raul Hudit, Rolando Atadero and Florencio Atadero ready to assault them. Rolando Atadero was about to hit him on the head with a chako but he was quick to dodge. Ronelo jumped out of the tricycle but Rolando Atadero stabbed him. He was hit twice -- on his left leg and on his left hand. Rolando Atadero then turned to his brother who was still seated inside the tricycle. Raul, possessing a stainless knife and

scythe, and Florencio, holding a bolo and stainless knife, in the meantime, assaulted Solinap. Ronelo, knowing the futility of fighting back because they lacked arms, prompted Solinap to run. They fled the scene, leaving Edgardo behind. When they returned, they saw Edgardo sprawled on the ground. They then proceeded to Corazon Locsin Montelibano Memorial Hospital where they were treated for their injuries. Ronelo stated that he spent more than P500.00 for his medication. Because of his injuries, he was not able to walk for almost one month. He further stated that he earns P1,500.00 every 15 days as security guard, in addition to his income as laborer in the hacienda which is P90 per day. Ronelo related that the trauma brought about by the incident made it difficult for him to sleep for several nights.[14]

Dr. Romeo Gellada testified that on January 22, 1990, he conducted an autopsy on the body of Edgardo Meniel. He found nine injuries on the victim's body -- a contused abrasion, several incised wounds, stab wounds and a hack wound.[15] He opined that the four stab wounds found on the victim's body were caused by only one instrument which appeared to be a single-bladed instrument.[16]

PO3 Allan Plantillo, assigned at the Homicide Section of the Bacolod Police Station, stated that on January 21, 1990, around 5:30 in the afternoon, he received an information regarding a stabbing incident at Vista Alegre. He immediately proceeded to the scene of the crime. When he reached the area around 6:30 in the evening, he found the lifeless body of Edgardo Meniel lying on the road, near the residence of a certain Nelly Alis. In the course of his investigation, he interviewed several persons including the Barangay Captain and Rolando Ronamo.[17]

The accused Florencio and Rolando Atadero interposed self-defense. They claimed that it was the group of Edgardo Meniel, Ronelo Meniel and Rolando Solinap who first attacked them and that they only acted to avert the aggression. Aside from their own testimonies, they also presented the testimonies of two other witnesses, Primitivo Castiller and Mrs. Ma. Fe Dago.

Primitivo Castiller, a carpenter and resident of Vista Alegre, Bacolod City, testified that on January 21, 1990, around 5:30 in the afternoon, he was at the house of Nelly Alis. He was at the terrace, repairing a radio, when he saw Florencio Atadero being chased by a man he does not know. He saw Florencio dash into the house of Nelly Alis and lock the door behind him. Pursuing him, the aggressor forced the door open and shut it again after he got in. Castiller later heard them struggling inside the house. Fearing for his own safety, Castiller stepped out of the terrace. After a few minutes, the wall collapsed. He saw the pursuer drop to the ground, his body covered with blood.[18]

Mrs. Ma. Fe Dago narrated that on January 21, 1990, around 5:30 in the afternoon, she boarded a tricycle going to Bangga Bodega. Before she boarded the tricycle, she passed by five men who seemed to be arguing. The five men rode the tricycle and prompted the driver to go. When they reached Vista Alegre, they stopped in front of the store of a certain Ging-Ging. When the men saw Florencio Atadero buying cigarettes at the store, they jumped out of the tricycle and chased him. She noted that two of them had knives while the other one was holding a stone. Mrs. Dago rushed to her mother's house to avoid involvement in the commotion. She later learned that a man died near the house of Nelly Alis.[19]

Florencio Atadero stated that in the afternoon of January 21, 1990, he was at Bangga Bodega. He was sitting inside a tricycle waiting for passengers. A jeepney stopped in front of the tricycle and five men and a woman disembarked from the jeepney. The five men, Edgardo Meniel, Ronelo Meniel, Edwin Gillen, Tirso Sausi and Rolando Solinap, approached him. Edgardo confronted him and accused him of boxing him during the town fiesta in 1989. Florencio denied the accusation and told him that it might be one of his brothers. Edgardo did not believe him and accused him of lying. When the tricycle drove off, he heard Edgardo and his companions shouting, "it was really him!" The tricycle then proceeded to Vista Alegre. When they reached Vista Alegre, he got off in front

of a sari-sari store to buy cigarettes. A few minutes later, another tricycle arrived and the group of Edgardo Meniel jumped from the tricycle. Edgardo hurled a stone at him and shouted, "he is here!" Florencio fell after being hit. Edgardo's companions kicked him and stamped on him as he lay on the ground. Then, a neighbor tried to restrain the assailants. Florencio ran toward the house of his uncle and entered through the kitchen. Edgardo pursued him. He pushed the door until it was broken. Edgardo, armed with a knife, chased Florencio around the kitchen until he was cornered near the washbasin. Left with no choice, Florencio picked up a knife and stabbed Edgardo. He continued stabbing him until he fell toward the wall which later collapsed. Florencio then went out of the house and threw the knife. Florencio said that Raul Hudit is his brother-in-law and he was not present at the time of the incident. After the incident, Florencio sought refuge at the house of his other uncle, Wilfredo Yasay.[20]

Rolando Atadero testified that on January 21, 1990, between 2:00 and 4:00 in the afternoon, he reported for work at Hacienda Lacson in Vista Alegre. On his way home, around 4:30 in the afternoon, he was told by a certain Rading Lobaton that his brother, Florencio Atadero, was being harassed by a group of men and was suspected to be dead. Rolando went to the place of the incident and he saw the group of Edgardo Meniel, Ronelo Meniel, Edwin Gillen, Tirso Sausi and Rolando Solinap ganging up on his brother. He tried to intervene but Solinap turned to him and said, "why do you intend to join the fry (sic), I will kill you." As he uttered those words, Solinap immediately thrust a stainless knife at him. Rolando Atadero stepped back. Solinap gave another blow but Rolando Atadero was able to avoid it. Rolando Atadero hacked Solinap with a scythe, hitting his right middle finger. Solinap dropped the knife and stepped back. Ronelo then attacked Rolando Atadero, kicking him at the back. As Rolando Atadero staggered, Solinap again kicked him. Rolando Atadero hacked Solinap with his scythe on his right leg. Solinap fell. Then he heard Tirso Sausi shout, "'tol, run, we cannot overcome them!" Meanwhile, his brother Florencio fled the scene but Edgardo ran after him. Tirso Sausi and Edwin Guillen, meanwhile, ran to their house to arm themselves. As Solinap lay on the ground, Ronelo and Rolando Atadero continued to fight. Solinap, nonetheless, managed to hit Rolando Atadero with stones. Then Solinap shouted, "'tol, run, you might be killed!" Ronelo fled. Rolando Atadero rushed home to secure his family. He saw his brother, Florencio, walking toward the direction of his house, with blood all over his body.[21]

Based on the foregoing evidence, we hold that the trial court was correct in finding both accused-appellants guilty of murder and accused Rolando Atadero likewise guilty of attempted homicide. We find no basis for accused-appellants' assertion that they only acted in self-defense. To support the accused's claim of self-defense, he must prove the following elements by clear and convincing evidence:

1. unlawful aggression on the part of the victim;
2. reasonable necessity of the means employed to prevent or repel the attack; and
3. the person defending himself must not have provoked the victim into committing the act of aggression.

When an accused admits killing the victim but invokes self-defense to escape criminal liability, he assumes the burden of proving his plea by credible, clear and convincing evidence. Otherwise, conviction would necessarily follow from his admission that he killed the victim.[22]

We find in this case that the accused-appellants failed miserably to establish the elements of self-defense. We agree with the extensive analysis of the trial court of the evidence presented by the parties, thus:

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The testimonies of prosecution witnesses tended to show that the attack was initiated by the accused Rolando and Florencio Atadero, as well as Raul Hudit. It is true that Edgardo Meniel confronted Florencio Atadero at

Bangga Bodega. But the confrontation did not progress beyond a verbal exchange and it is undisputed that the confrontation ended when both shook hands. During the confrontation, Edgardo Meniel wanted to confirm if it was Florencio Atadero who boxed him. Florencio gave him a flat denial. Edgardo's doubts were not resolved at Bangga Bodega for Florencio never admitted that he boxed Edgardo Meniel. Edgardo Meniel had no reason to attack or assault Florencio, for the confrontation ended peacefully, as the misunderstanding was settled between the parents of both parties.

On the other hand, it can reasonably be deduced that Florencio Atadero resented Edgardo Meniel's act of confronting him. At Bangga Bodega he was with Raul Hudit, and Edgardo Meniel was with four (4) companions. It was obvious that Florencio and Raul were outnumbered. They left Bangga Bodega in a huff, earlier than the group of Meniel, and it was very apparent that Florencio's resentment got the better of him. The twenty (20) to thirty (30) minutes lead time he had over the group of Meniel, was more than enough for him to inform his brother Rolando Atadero, as well as arm themselves.

When the tricycle carrying Edgardo Meniel, Ronelo Meniel, Rolando Solinap, Tirso Sausi and Edwin Guillen arrived at Vista Alegre, the group of Florencio Atadero, Rolando Atadero, and Raul Hudit was already there waiting in ambush. Before Edgardo Meniel could disembark, Rolando Atadero stabbed him while he was still seated. Wound nos. 3,4 and 5, (Exhibit B) are chest wounds. One of these wounds was inflicted by Rolando Atadero at the tricycle. Florencio Atadero and Raul Hudit had a face-off with Rolando Solinap and Ronel Meniel whom they engaged in "mano-a-mano" after both have disembarked. Both Solinap and Ronelo sustained injuries. It is remarkable that Rolando Atadero and Florencio Atadero did not sustain stabbed, incised, or hacked wounds despite claims by the accused that Edgardo Meniel and his group were also armed. The injuries sustained by Solinap were on his left knee, right leg and fingers on his left hand. One finger was severed. These injuries established one simple fact, that Solinap was not bearing any weapon. He had to grab the butcher's knife being thrust upon him to prevent further injuries. The same is true with the injuries (Exhibit D) sustained by Ronelo Meniel. One was on the left thigh, and the rest on the fingers of his left hand. He had to grapple for possession of the weapon used by (the) attacker lest he sustain further and more serious injuries.

Florencio pointed to a scar on his left eyebrow and ascribes it to a stone thrown at him by Edgardo Meniel. If indeed it is true that Edgardo Meniel was armed with a 10-inch knife, why would he bother to throw a stone at Florencio? The truth of the matter is that, Edgardo Meniel was not armed. He had to throw anything at the pursuing Florencio, in his bid to escape. But already wounded by Rolando, he was not successful in fleeing. Florencio and Rolando Atadero, as well as Raul Hudit caught up with him at the house of Candelario Alis, and the three (3) pounced on him inflicting further injuries on him. The three (3) ganged up on him for Rolando Solinap and Ronelo Meniel managed to escape despite their own injuries. It stands to reason that Edgardo Meniel sustained multiple wounds inflicted by several types of bladed weapons. Edgardo Meniel had nine (9) injuries or wounds classified as stabbed, incised, hacked, and abrasion. The four (4) categories of injuries could not have been inflicted by several types of bladed weapons. Edgardo Meniel had nine (9) injuries or wounds classified as stabbed, incised, hacked, and abrasion. The four (4) categories of injuries could not have been inflicted by one (1) attacker with the use of several bladed or blunt instruments.

The contention therefore, that the accused acted in self-defense specifically that by Florencio Atadero, has no leg to stand on. xxx

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Apropos, the accused failed to establish by the evidence adduced in their favor that Edgardo Meniel, Ronelo Meniel and Rolando Solinap initiated the aggression. On the contrary, the prosecution witnesses have satisfactorily established by clear and convincing evidence that the accused were the aggressors. Second, the requisite of reasonable necessity of the means employed to repel the unlawful aggression is virtually non-existent. Third, while it can be assumed that Florencio Atadero was provoked by the belligerent attitude that Edgardo Meniel demonstrated when the two had a face-off at Bangga Bodega, such provocation ceased

when he shook the hand of Florencio and, therefore, was insufficient to merit the violent response that Florencio Atadero and company employed.”[23]

Accused-appellants contend that the trial court erred in giving more weight to the testimonies of the prosecution witnesses than those of the defense witnesses who were shown to be disinterested and unbiased. We find no merit in the assertion. Evidence, to be believed, must not only proceed from the mouth of a credible witness, but it must be credible in itself. Evidence is credible when it is such as the common experience of mankind can approve as probable under the circumstances. We have no test of the truth of human testimony, except its conformity to our knowledge, observation and experience.[24] Here, the physical evidence repudiates the claim of the defense witnesses that the initial aggression came from the victims’ camp. The autopsy report on the cadaver of Edgardo Meniel shows that the victim sustained a total of nine wounds -- four stab wounds on the chest and several incised wounds on the different parts of his body.[25] Ronelo Meniel, meanwhile, sustained hack wounds on his left thigh and on his fingers on the left hand.[26] In contrast, both accused did not suffer any injuries, except for the minor cut on Florencio Atadero’s eyebrow which was caused by a stone hurled at him by the victim, Edgardo Meniel. This is a clear indication of who the real aggressors are. If it were true that it was the Meniels who started the fight and that they were fully armed, as the defense would like us to believe, the Ataderos should have borne more serious injuries. But the evidence says otherwise. Moreover, the multiple hack wounds and incised wounds suffered by both victims are telling signs of the aggressor’s resolve to kill them. It is an oft-repeated rule that the nature and number of wounds inflicted by the accused on the victim are constantly and unremittingly considered important indicia which disprove a plea of self-defense.[27] Physical evidence is evidence of the highest order. It speaks more eloquently than a hundred witnesses.[28] In the cases at bar, the physical evidence, consistent with the testimonies of the prosecution witnesses, establish beyond reasonable doubt the culpability of accused-appellants.

Furthermore, the records show that accused-appellants left Bacolod City and moved to Mindanao immediately after the incident.[29] Hence, they came into police custody only in 1994, after their arrest in Cainta, Rizal.[30] Their flight from the scene of the crime betrays a guilty conscience. It has been held that the justifying circumstance of self-defense may not survive in the face of accused- appellant’s flight from the crime scene and his failure to inform the authorities about the incident.[31]

Once again, we reiterate the rule that findings of fact of the trial court carry great weight and are entitled to respect on appeal absent any strong and cogent reason to the contrary, since it is in a better position to decide the question of credibility of witnesses. In the determination of the veracity of the testimony, the assessment by the trial court is accorded the highest degree of respect and will not be disturbed on appeal unless it is seen to have acted arbitrarily or with evident partiality.[32] We find no reason in this case to reverse the conclusions of the trial court as regards the guilt of accused-appellants.

Nonetheless, in Criminal Case No. 8905, we find the award of P75,000.00 for loss of earnings improper for lack of evidence to prove the same. We, however, increase the amount of moral damages to P50,000.00 in line with recent jurisprudence.[33] In Criminal Case No. 8907, the trial court failed to award the victim moral damages. Under Article 2219 of the New Civil Code, the victim of a criminal offense resulting in physical injuries is entitled to recover moral damages. Accordingly, we hold that the award of moral damages in the amount of P50,000.00 to the victim, Ronelo Meniel, is in order.

IN VIEW WHEREOF, the Decision in Criminal Case Nos. 8907 and 8905 of the Regional Trial Court of Bacolod City is **AFFIRMED** with **MODIFICATION**, deleting the award of P75,000.00 for loss of earnings in Criminal Case No. 8905 and increasing the award of moral damages to the heirs of Edgardo Meniel to P50,000.00. In addition, accused-appellant Rolando Atadero is ordered to pay Ronelo Meniel the sum of P50,000.00 as moral

damages in Criminal Case No. 8907.

SO ORDERED.

Panganiban, and Carpio, JJ., concur. Sandoval-Gutierrez, J., on leave.

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- [1] Original Record, pp. 1-2.
[2] Original Record, pp. 41-42.
[3] Original Record, pp. 3-4.
[4] Original Record, p. 8.
[5] Original Record, pp. 78-79.
[6] Original Record, pp. 370-400.
[7] Decision, Criminal Case Nos. 9805 & 8907, p. 32, Original Records, p. 400.
[8] Rollo, pp. 96-109; 119-127.
[9] Exhibit “B”, Original Record, p. 145.
[10] Exhibit “D”, Original Record, p. 148.
[11] Exhibit “A”, Original Record, p. 144.
[12] TSN, February 21, 1995, pp. 8-38.
[13] TSN, February 23, 1995, pp. 4-21.
[14] TSN, June 6, 1995, pp. 6-29.
[15] Exhibit “B”, Original Record, p. 145.
[16] TSN, October 4, 1995, pp. 5-25.
[17] TSN, November 7, 1995, pp. 5-14.
[18] TSN, January 9, 1996, pp. 5-15.
[19] TSN, February 15, 1996, pp. 3-5.
[20] TSN, July 3, 1996, pp. 7-46.
[21] TSN, September 13, 1996, pp. 6-31.
[22] Salcedo vs. People, 347 SCRA 499 (2000); People vs. De la Cruz, 347 SCRA 100 (2000); People vs. Madrid, 345 SCRA 631 (2000).
[23] Decision, Criminal Case Nos. 8905 & 8907, pp. 23-26, Original Record, pp. 391-394.
[24] People vs. Belaje, 345 SCRA 604 (2000).
[25] Exhibit “B”, Original Record, p. 145.
[26] Exhibit “D”, Original Record, p. 148.
[27] Calim vs. Court of Appeals, 351 SCRA 559 (2001); See also People vs. Laut, 351 SCRA 93 (2001).
[28] People vs. Silvano, 350 SCRA 650 (2001).
[29] Original Record, pp. 3-4.
[30] Original Record, p. 8.
[31] People vs. Caguing, 347 SCRA 374 (2000).
[32] People vs. Mendoza, 327 SCRA 695 (2000).
[33] People vs. Givera, 349 SCRA 513 (2001); People vs. De la Cruz, 349 SCRA 124 (2001).

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