

THIRD DIVISION

[G.R. No. 187682, November 25, 2009]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMAN LACADEN Y PARINAS, ACCUSED-APPELLANT.

D E C I S I O N

CHICO-NAZARIO, J.:

For Review under Rule 45 of the Revised Rules of Court is the Decision^[1] dated 30 September 2008 of the Court of Appeals in CA-G.R. CR-HC No. 02848, entitled, *People of the Philippines v. Roman Lacaden y Parinas* affirming the Decision^[2] rendered by the Regional Trial Court (RTC), Second Judicial Region, Branch 21, Santiago City in Criminal Case No. 21-4985 for Murder and in Criminal Case No. 21-4986 for Frustrated Murder, convicting Roman Lacaden y Parinas (accused-appellant) guilty beyond reasonable doubt of committing the crime of Murder against victim Danny Valencia (Danny) and for Attempted Murder against victim Jay Valencia (Jay).

On 16 August 2004, the First Assistant City Prosecutor of Santiago City, Isabela, filed two separate Informations against accused-appellant charging him with Murder and Frustrated Murder before the RTC of Santiago City. The cases were docketed as Criminal Case No. 4985 (Murder) and Criminal Case No. 4986 (Frustrated Murder) and raffled off to Branch 21. The accusatory portion of the two Informations read:

Criminal Case No. 21-4985

That on or about May 18, 2005 at Balintocatoc, Santiago City, Philippines, and within the jurisdiction of the this Honorable Court, the above-named accused, armed with a handgun but not having been issued a license thereof, with malice afterthought and with deliberate intent to take the life of DANNY VALENCIA, did then and there, willfully, unlawfully and feloniously, and treacherously shoot therewith said DANNY VALENCIA thereby causing the direct and instantaneous death of said DANNY VALENCIA.

All contrary to law with the generic aggravating circumstance of nocturnity.^[3]

Criminal Case No. 21-4986

That on or about May 18, 2005 at Balintocatoc, Santiago City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, armed with a handgun but not having been issued a license thereof (sic) and with evident premeditation and

treachery did then and there willfully, unlawfully and feloniously shoot and hit one Jay Valencia, who as a result thereof, suffered GSW, PO ENTRY 4th ICS LEFT PARASTERNAL AREA, PO EXIT; 5th RIB LEFT AREA, thus performing all the acts of execution which would have produce (sic) the crime of Murder as a consequence but nevertheless did not produce it by reason of causes independent of his will, that the said JAY VALENCIA was able to run away from the accused and because the timely medical assistance rendered unto the said JAY VALENCIA which prevented his death.

All contrary to law with the generic aggravating circumstance of nocturnity.^[4]

On arraignment, accused-appellant, who was assisted by counsel, entered "NOT GUILTY" pleas to the charges. In a joint pre-trial conference conducted on 20 January 2006, the following facts were stipulated:

1. Accused was arrested in the afternoon of 19 May 2005 at the Royal Eagle Station in Santiago City;
2. The existence of Post Mortem Autopsy Report of Dr. Romanchito Bayong; and
3. Deceased Danny Valencia was treated at the Southern Isabela Cathedral Hospital by Dr. Mabbayad.

The two cases were tried jointly.

The prosecution presented two witnesses: (a) the victim Jay Valencia; and (b) Eleonor Valencia, the widow of the deceased victim Danny Valencia. The witnesses for the defense were the following: (a) accused-appellant Roman Lacaden; and (b) his sister Cristina Lapiceros (Cristina).

From the records of the two cases, the following version of the prosecution is culled:

On the evening of 18 May 2005, Jay Valencia and Danny Valencia were at the community center in Bannawag Norte, Santiago City, Isabela. On their way home to Balintocatoc, they rode on a motorbike driven by Danny with Jay as the back rider. Upon reaching Malasin, their motorbike ran out of gas, so they alighted and walked while pushing their motorbike. As they were continuing their trip home, accused-appellant Roman Lacaden and his cousin Pinoy Lacaden, who were also riding a motorcycle, came along and asked them if they stole the motorcycle they were pushing. The two replied in the negative and told accused-appellant that the motorbike was owned by Danny Valencia. Jay and Danny continued walking home while accused-appellant and his cousin went ahead and overtook them.

The trip remained uneventful until after some time, when Jay and Danny were caught by surprise when accused-appellant suddenly emerged in the middle of the road near the banana plantation and shot them. Jay was the first one hit on the chest by a bullet shot from accused-appellant's pistol. As Jay was trying to escape, he saw accused-appellant shoot his cousin Danny. Danny fell to the ground and died on the spot. Jay was able to run home and seek help from his father, and was taken

to the hospital for immediate medical assistance. He survived.

In the Post Mortem Autopsy Report^[5] released by the City Health Office of Santiago on 19 May 2005, the stated cause of death of Danny was Intracranial Hemorrhage/Bleeding Secondary to Gun Shooting.

Eleanor Valencia, the wife of deceased victim Danny, was presented in court to testify on the actual damages. She presented receipts showing funeral expenses.

For its part, the defense narrates its version of the incident as follows:

Accused-appellant denied authorship of the killing of the victim. He accused Pinoy's father of conniving with the *barangay* chairman in implicating him as the killer. The *barangay* chairman was apparently harboring ill feelings toward Pinoys' family.

At around 9:00 o'clock in the evening of 18 May 2005, accused-appellant Roman Lacaden and Pinoy Lacaden were at a birthday party in Malasin. By 9:30 o'clock in the evening, the two decided to go home. Riding a motorcycle on their way home, they passed by Jay Valencia and a companion who were then pushing a motorbike. On seeing that they were pushing the motorbike, Pinoy inquired why they were pushing it, to which the two men replied that the motorbike was out of gas. It was then that Pinoy commented in the Ilocano dialect, "*Okinnayo baka tinakaw yo met*" (vulva of your mother, maybe you stole it). Angered by Pinoy's comment, Jay's companion retorted, "*Ukinnayo met, agtatakaw kayo met*" (vulva of your mother also, you are also thieves). Pinoy alighted from the motorcycle and kicked Jay's companion several times. The latter retaliated. While the two men were engaged in a brawl, accused-appellant and Jay Valencia were attempting to pacify them. When the two men were pacified, accused-appellant found out the name of Jay's companion as one Danny Valencia residing in the same *barangay*. Immediately thereafter, they proceeded home, with accused-appellant driving the motorcycle.

Nearing the outpost, Pinoy alighted from the motorcycle. Accused-appellant then went to the house of his sister. At around 9:30 o'clock in the evening, Pinoy arrived and said to accused-appellant, "*napatay ko sila.*" Pinoy then handed to accused-appellant the .38 caliber gun he used in shooting the victims. Inquiring as to whom Pinoy had killed, the latter answered that he killed the Valencias. Noticing the anxious look on Pinoy's face, accused-appellant took him to the poultry area where Pinoy's father was. Accused-appellant then handed the gun over to Pinoy's father and said that Pinoy killed someone. Pinoy's father became angry at accused-appellant, saying that the incident would not have occurred if accused-appellant had not taken Pinoy with him. Pinoy's father warned them of the possibility of being jailed, considering that accused-appellant was an ex-convict. He then advised the two to go to Manila and hide as he tried to settle the case.

Because there was no longer any transportation available at that time, accused-appellant spent the night at the house of his sister. The next day, or on 19 May 2005, accused-appellant went to the Royal Eagle Bus terminal in order to leave for Manila, but he was arrested by the police.

The defense thereafter presented accused-appellant's sister Cristina Lapicerros to testify that he stayed at her house the evening of 18 May 2005. The witness, however, said she was already sleeping at around 9:30 o'clock in the evening.

According to her, her brother did not go to her house that night.

Pinoy did not testify on the witness stand.

On 23 March 2007, the RTC rendered a Joint Decision convicting accused-appellant of Murder in Criminal Case No. 21-4985 and of Attempted Murder in Criminal Case No. 21-4986, disposing as follows:

WHEREFORE, in the light of the foregoing considerations the Court finds the accused Roman Lacaden y Parinas GUILTY beyond reasonable doubt of murder in Crim. Case No. 21-4985 and hereby sentences him to the penalty of *reclusion perpetua*. He is also ORDERED to pay the heirs of the deceased Danny Lacaden the sums of P22,360.00 as actual damages, P75,000.00 as death indemnity, P50,000.00 as moral damages and P25,000.00 as exemplary damages.

In Crim. Case No. 21-4986, the Court also finds the accused Roman Lacaden y Parinas GUILTY beyond reasonable doubt of attempted murder and hereby sentences him to an indeterminate penalty of six (6) months of *arresto mayor* as minimum to four (4) years of *prision correccional*, as maximum. He is also ORDERED to pay the offended party Jay Valencia the sum of P10,000.00 as moral damages.^[6]

The RTC accorded full faith and credence to the testimonies of the prosecution witnesses. It held that the defense of denial and alibi cannot prevail over the positive identification of Jay that accused-appellant was the assailant. Ruling that the qualifying circumstance of treachery was present, the trial court found that the means of execution employed by accused-appellant was deliberately or consciously adopted by them and did not give the victims any opportunity to defend themselves against the attack. It was not proven that the firearm used was unlicensed. The trial court also did not discuss the allegation of the generic aggravating circumstance of nocturnity.

Via Notice of Appeal, accused-appellant appealed the RTC ruling with the Court of Appeals, where the case was docketed as CA-GR HC No. 02848.

The Court of Appeals was convinced that the trial court correctly found that the prosecution discharged the quantum of evidence needed to prove the guilt of accused-appellant. By its Decision promulgated on 30 September 2008, the Court of Appeals concurred in the factual findings of the trial court, and affirmed the conviction of accused-appellant for Murder and Attempted Murder, decreeing:

In fine, taking into consideration the factual and legal circumstances of this case, We are convinced that all the elements of murder and attempted murder are present in the case at bar and the Appellant's guilt was aptly proven by the prosecution beyond an *iota* of doubt.

WHEREFORE, premises considered, herein appeal is hereby DENIED for

evident lack of merit. The challenged Decision, *supra*, is AFFIRMED *in toto*.^[7]

This case is now with us in view of the Notice of Appeal interposed by accused-appellant from the Court of Appeals Decision.

In its Resolution of 20 July 2009, the Court accepted the appeal and required the parties to submit their supplemental briefs, if they so desire. The parties waived the filing of supplemental briefs and adopted the Briefs earlier filed with the Court of Appeals.

Accused-appellant prays for his acquittal and the reversal of the judgment of conviction in the two criminal cases, on the following assignment of errors:

I.

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF THE CRIME CHARGED NOTWITHSTANDING THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

II.

ASSUMING ARGUENDO THAT THE ACCUSED-APPELLANT IS CULPABLE, THE TRIAL COURT GRAVELY ERRED IN APPRECIATING TREACHERY AS QUALIFYING CIRCUMSTANCE IN CRIMINAL CASE NO. 21-4985.

The appeal fails.

Accused-appellant attacks the trial court's verdict convicting him of Murder and Attempted Murder, claiming that the prosecution failed to discharge its function of proving his guilt beyond reasonable doubt. The defense argues that the eyewitness Jay could not have possibly seen who shot Danny, because Jay was about four meters away from where the assailant was. Because of the distance, it was possible that Jay mistook the gun-wielding man for accused-appellant when it could have also been Pinoy. In a nutshell, the defense raises the issue of reasonable doubt. It also questions the trial court's appreciation of the qualifying circumstance of treachery on the contention that there is no treachery when the attack is preceded by an argument or altercation.

The issues raised by accused-appellant hinge on the credibility of the prosecution witnesses.

The age-old rule is that the task of assigning values to the testimonies of witnesses on the witness stand and weighing their credibility is best left to the trial court which forms its first-hand impressions as a witness testifies before it. It is thus no surprise that findings and conclusions of trial courts on the credibility of witnesses enjoy, as a rule, a badge of respect, for trial courts have the advantage of observing the demeanor of witnesses as they testify.^[8]