

SECOND DIVISION

[G.R. No. 113021, July 02, 1998]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ROMEO MAGARO ALIAS "LOLONG," ACCUSED-APPELLANT.**

D E C I S I O N

MENDOZA, J.:

This is an appeal from the decision of the Regional Trial Court of Bohol, 7th Judicial Region, City of Tagbilaran, Branch 2, finding accused-appellant Romeo Magaro guilty of murder for the killing of Fidel Doria on September 22, 1991 and sentencing him to suffer the penalty of *reclusion perpetua* and to pay the widow of the deceased P50,000.00 as indemnity.

The prosecution version of the incident is as follows:^[1]

At around 6:45 in the evening of September 22, 1991, Creston Lingatong, Marino Soriano, Gaudencio Angcog, Hermogenes Namolata, and the victim, Fidel Doria, were having drinks at Judith Espina's store at Poblacion, Bilar, Bohol when accused-appellant Romeo Magaro arrived drunk. Creston Lingatong, upon seeing Magaro, offered him a drink, which the latter accepted. Lingatong then bought another round of drinks. As Lingatong was refilling glasses, he accidentally spilled liquor on the table. This angered Magaro. Magaro is greatly feared from his days in the CAFGU (Civilian Armed Forces Geographical Unit). He has a record of conviction for homicide. Seeing that Magaro was angry, Lingatong apologized, saying "Why are you mad at me when I did not do anything against you?". But Magaro was unmoved. Instead, he told Lingatong, "You wait for me there because I will come back for you."

Lingatong tried to pacify Magaro and pleaded with him, "Please do not be angry at me, because I have done nothing against you." Lingatong's wife, too, pleaded with accused-appellant, "Long, do not be angry with my husband because he did not do anything against you." Fidel Doria likewise tried to appease Magaro, telling him, "Do not harm Tony, because he did not do anything against you."

As Magaro appeared unmoved, Lingatong left with his wife. But accused-appellant followed them. Lingatong again begged Magaro not to be angry at him. Fidel Doria followed the three to avert any untoward incident, pleading with Magaro "not [to] harm Tony, he did not do anything against you." All of a sudden, Magaro pulled out a small bolo from a scabbard tied to his waist and, with it, stabbed Fidel Doria in the abdomen. Doria cried, "Agay! I am stabbed." He was taken by Hermogenes Namolata to the store where they waited for a ride to take them to the hospital. He was taken to the Gallares Memorial Hospital where he died.

Lingatong and his wife ran towards their house and locked themselves inside.

Marino Soriano reported the incident to the police that same night. The police, led by SPO3 Roberto Cahucom, immediately proceeded to the scene of the crime. They met Magaro who, upon seeing them, ran away towards the basketball court. He stopped and gave himself up when SPO3 Cahucom fired a warning shot. He was then placed under arrest. Seized from him was a blood-stained bolo with its scabbard. Magaro admitted that he had stabbed Fidel Doria with the bolo.

The defense version is that accused-appellant stabbed Doria in self-defense.^[2] According to the defense, on September 22, 1991, Magaro and his family prepared for his son's birthday. A pig, which they intended to butcher, escaped and ran towards the highway. He ran after the animal and came upon a group of men having drinks in a store beside the highway. He was asked to join. He took a little drink, although he had rheumatism and had been told not to take alcohol. Then he was asked by Hermogenes Namolata to buy another bottle of liquor. When he claimed he had no money, he was asked by Fidel Doria to pledge his watch so he could buy the group some liquor. As he refused, Namolata gave him a fist blow in the mouth. Accused-appellant claimed he tried to run away but he was chased by the three men. When they caught him, Fidel Doria held him by the shoulder as Ariston Lingatong hit him with a broken coconut shell, as a result of which he and Doria fell to the ground. Accused-appellant said that as he stood up and attempted to escape, Lingatong tried to stab him but missed. Lingatong again attacked him, but he was able to parry the blow. He then kicked Lingatong in the thigh, causing the latter to drop his bolo to the ground. Accused-appellant said he tried to pick up the bolo, but Fidel Doria beat him to it. He then held Doria by the elbow and twisted the latter's hand which was holding the bolo so that the bolo was pointed towards the body of Doria. The next thing he knew, Fidel Doria was crying for help, saying he had been hit. He then released Doria. Lingatong was about to attack him with a club but he was able to wrest it away. As a result, Lingatong fled.

The trial court found the testimonies of prosecution witnesses Lingatong and Namolata credible and accepted the version of the prosecution. It found accused-appellant guilty of murder in a decision^[3] dated September 21, 1992. Hence, this appeal.

Accused-appellant claims he acted in self-defense. He contends:^[4]

[I]t is ostensible that appellant ROMEO MAGARO was the subject of an unlawful aggression by a group of men who were drinking liquor in a store when he refused to buy a bottle of liquor for them. He was assaulted with fist and stab blows. Being able to evade the stab blows, a struggle for the possession of the bladed weapon took place between him and FIDEL DORIA. Clearly, the stabbing took place in the act of self-defense when accused-appellant tried to repel the aggression of the victim. He took hold of the elbow of the victim which was holding the bolo and pressed the bolo toward the body of the victim resulting in the wounding of DORIA. Having acted in self-defense, accused-appellant is not criminally liable. . .

Accused-appellant's contention has no merit. Having admitted killing the deceased, accused-appellant has the burden of proving all the elements of self-defense.

[A]lthough it is a cardinal principle in criminal law that the prosecution has the burden of proving the guilt of the accused, the rule is reversed where the accused admits committing the crime but only in defense of oneself. In the latter case, the burden is shifted to the accused who must prove clearly and convincingly the following elements of self-defense: (1) unlawful aggression on the part of the victim; (2) reasonable necessity of the means employed to prevent or repel it; and (3) lack of sufficient provocation on the part of the person defending himself.^[5]

If such evidence is of doubtful veracity, and it is not clear and convincing, the defense must necessarily fail.^[6]

Prosecution witnesses Lingatong and Namolata positively identified accused-appellant as the aggressor and perpetrator of the crime. The trial court correctly gave full faith and credit to their testimonies. For, as we have said in one case:

. . . Absent evidence to show any reason or motive why witnesses for the prosecution should have testified falsely, the logical conclusion is that no such improper motive exists and that their testimony is worthy of full faith and credit.^[7]

The trial court's ruling that the testimonies of the prosecution witnesses were more credible is entitled to respect. This Court accords the highest respect for the findings of the trial court on the issue of credibility of witnesses because the trial court is in a better position to decide the question, having heard the witnesses testify and observed their demeanor and deportment while testifying, absent any showing that the trial court overlooked, misunderstood, or misapplied some facts or circumstances of weight and substance which would have affected the result of the case.^[8]

Indeed, given accused-appellant's reputation for violence, it was unlikely that he would be the victim of aggression. He was dreaded in the community. That is why people feared to incur his ire. Lingatong and others in his behalf minced no words apologizing to accused-appellant for spilling liquor on the table.

Moreover, this Court has, over the years, established badges of guilt or circumstances which serve as indicia of a person's guilt.^[9] Several of these are present in this case. First, accused-appellant tried to run away upon seeing the policemen.^[10] Flight is an indication of guilt. For as the Proverbs say, the guilty runneth even when no man pursueth, but the innocent are as bold as a lion. Second, while Fidel Doria suffered a fatal stab wound in the stomach, accused-appellant was unable to show even the slightest scratch on himself, a fact which totally negates his claim of self-defense. Accused-appellant claims that there was a struggle and yet a perusal of the testimonies of defense witnesses and the list of documentary evidence presented by the defense does not support this allegation. His shirt was not shown to have been soiled or to have any tear caused by the bolo which supposedly hit his shirt. No proof was introduced showing any bruise, scratch, wound, or anything concrete to show he had been engaged in a struggle. On the contrary, when asked on cross-examination^[11] by defense counsel whether he found accused-appellant's shirt to have been soiled, SPO3 Cahucom answered in the negative. His testimony was not rebutted by the defense. Finally, accused-appellant