

FIRST DIVISION

[G.R. No. 201092, January 15, 2014]

PEOPLE OF THE PHILIPPINES, PLAINTIFF -APPELLEE, VS. JOEL AQUINO Y CENDANA @ "AKONG," ACCUSED-APPELLANT.

D E C I S I O N

LEONARDO-DE CASTRO, J.:

Before this Court is an appeal from a Decision^[1] dated July 29, 2011 of the Court of Appeals in CA-G.R. CR.-H.C. No. 04265, entitled *People of the Philippines v. Joel Aquino y Cendana alias "Akong,"* which affirmed with modifications the Decision^[2] dated September 18, 2009 of the Regional Trial Court of Malolos, Bulacan, Branch 12, which convicted appellant Joel Aquino y Cendana alias "Akong" for the felony of Murder under Article 248 of the Revised Penal Code in Criminal Case No. 483-M-2003 and for the crime of violation of Republic Act No. 6539 otherwise known as the Anti-Carnapping Act of 1972 in Criminal Case No. 484-M-2003.

The pertinent portion of the Information^[3] dated December 9, 2002 charging appellant with Murder in Criminal Case No. 483-M-2003 is reproduced here:

That on or about the 6th day of September, 2002, in San Jose del Monte City, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with an ice pick and with intent to kill one Jesus O. Lita, with evident premeditation, treachery and abuse of superior strength, conspiring, confederating and mutually helping one another, did then and there willfully, unlawfully and feloniously attack, assault and stab with the said ice pick the said Jesus O. Lita, hitting him on the different parts of his body, thereby inflicting upon him mortal wounds which directly caused his death.

On the other hand, the accusatory portion of the Information^[4] also dated December 9, 2002 accusing appellant with violating Republic Act No. 6539 in Criminal Case No. 484-M-2003 reads:

That on or about the 6th day of September, 2002, in San Jose del Monte City, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with an ice pick and by means of force, violence and intimidation, conspiring, confederating and mutually helping one another, did then and there willfully, unlawfully and feloniously, with intent [to] gain and without the knowledge and consent of the owner thereof, take, steal and carry away with them one (1) tricycle with Plate No. TP-9198 valued at P120,500.00, belonging to

Jesus Lita and Sisinio Contridas, to the damage and prejudice of the said owners in the said amount of P120,500.00; and that on the occasion or by reason of said carnapping, the said accused, pursuant to their conspiracy and with intent to kill, attack, assault and stab Jesus Lita, owner and driver of the said tricycle, hitting him on the different parts of his body which directly caused his death.

Arraignment for the two criminal cases was jointly held on February 13, 2004 wherein appellant pleaded "NOT GUILTY" to both charges.^[5]

As indicated in the Appellee's Brief, the following narration constitutes the prosecution's summation of this case:

On September 5, 2005, at around 8:30 in the evening, the victim Jesus Lita, accompanied by his ten[-]year old son, Jefferson, went out aboard the former's black Kawasaki tricycle. Upon reaching San Jose del Monte Elementary School, appellant Joel Aquino together with Noynoy Almoguera a.k.a. Negro, Rodnal, Bing, John Doe and Peter Doe boarded the tricycle. Noynoy Almoguera instructed the victim to proceed to the nipa hut owned by appellant.

Upon reaching the said nipa hut, Jesus Lita, appellant and his companions had a shabu session while Jefferson was watching TV. After using shabu, Noynoy Almoguera demanded from the victim to pay Five Hundred Pesos (P500.00), but the victim said that he had no money. Appellant shouted at the victim demanding him to pay. Bing suggested to her companions that they leave the nipa hut. Thus, the victim mounted his tricycle and started the engine. Noynoy Almoguera and John Doe rode in the tricycle behind the victim while appellant and Rodnal rode in the sidecar with Jefferson [sitting] at the toolbox of the tricycle. Inside the tricycle, appellant pointed a knife at Jefferson while Noynoy Almoguera stabbed the victim's side. After the victim was stabbed, he was transferred inside the tricycle while appellant drove the tricycle to his friend's house where they again stabbed the victim using the latter's own knife. Then they loaded the victim to the tricycle and drove to a grassy area where appellant and his companions dumped the body of the victim. Thereafter, they returned to appellant's residence. Jefferson told the sister of appellant about the death of his father but the sister of appellant only told him to sleep.

The next day, Jefferson was brought to the jeepney terminal where he rode a jeepney to get home. Jefferson told his mother, Ma. Theresa Calitisan-Lita, about the death of his father.

In the meantime, SPO3 Servillano Lactao Cabading received a call from Barangay Captain Danilo Rogelio of Barangay San Rafael IV, San Jose Del Monte City, Bulacan thru the two (2) way radio, that the body of a male person with several stab wounds was found dead on a grassy area beside the road of the said barangay. Immediately, SPO3 Cabading together with a police aide proceeded to the area. Thereat, they found the dead

body whom they identified thru his Driver's License in his wallet as Jesus Lita, the victim. Also recovered were a big stainless ice pick about 18 inches long including the handle and a tricycle key. The police officers brought the body of the victim to the Sapang Palay District Hospital. Thereafter, they proceeded to the address of the victim.

Ma. Theresa Calitisan-Lita and Jefferson were about to leave for the morgue when they met SPO3 Cabading outside their residence. SPO3 Cabading informed Ma. Theresa that the body of the victim was found in Barangay San Rafael IV. Jefferson told SPO3 Cabading that he was with his father at the time of his death and he brought the police officers to the place where his father was stabbed and to the hut owned by appellant. Thereat, the police officers recovered a maroon colored knife case and the sandals of the victim. Appellant was invited to the police station for questioning but he refused alleging that he does not know anything about the incident. The police officers were able to obtain a picture of appellant which was shown to Jefferson and he positively identified the same as "Akong" one of those who stabbed his father. Likewise, a video footage of Noynoy Almoguera alias "Negro" was shown to Jefferson and he likewise identified the person in the video footage as the same "Negro" who also stabbed his father.

Dr. Richard Ivan Viray, medico-legal, who conducted an autopsy on the victim, concluded that cause of death is Hemorrhagic Shock due to multiple stab wounds.^[6]

However, appellant held a different version of the events of this case. In his Appellant's Brief, the succeeding account is entered:

[Appellant] denied the accusations against him. On September 6, 2002, he was working as a laborer/mason in the construction of his uncle's (Rene Cendana) house located at Area C, Acacia Homes, Cavite, together with Paul Maglaque, Eman Lozada, Raul Lozada and Lorenzo Cendana. They worked from 7:30 x x x in the morning until 4:30 x x x in the afternoon, with lunch and "merienda" breaks from 11:30 x x x to 12:00 o'clock noon and 3:00 o'clock to 3:15 x x x in the afternoon, respectively. After work, they just stayed in their barracks located within their workplace. They would prepare their food and take supper at around 7:00 o'clock to 7:30 x x x in the evening, after which, they would smoke cigarettes. They would go to bed at around 8:00 o'clock to 9:00 o'clock in the evening.

He goes home to Sapang Palay, San Jose Del Monte City, Bulacan every Saturday. During Mondays, he would leave their house at around 4:00 o'clock to 5:00 o'clock in the morning and would arrive at his workplace at around 8:00 o'clock or 9:00 o'clock in the morning.

[Appellant] does not know either Ma. Theresa Lita, his son Jefferson, or the victim Jesus Lita. Also, he does not know a certain Noynoy Almoguera and alias Rodnal. Likewise, he denied using illegal drugs (i.e., shabu).

[Appellant] knew SPO3 Cabading because the former had served as a police aide to him since he was seventeen (17) years old. He had no misunderstanding with the police officer. He cannot think of any reason why Ma. Theresa Lita and Jefferson pointed to him as one of the perpetrators of the subject crimes.

Paul Maglague (Paul) corroborated [appellant's] testimony. On September 6, 2002, a Friday, [appellant] was working with him, together with Roldan Lozada and Oweng Cendana, at Area C, Dasmariñas, Cavite, in the construction of Boy Cendana's house, Paul's brother-in-law. Paul was the cement mixer while [appellant], being his partner, carries it to wherever it is needed. Their work ends at 5:00 o'clock in the afternoon. After their work, they just stayed in their barracks located within their workplace. [Appellant] was their cook. They usually sleep at around 8:00 o'clock to 9:00 o'clock in the evening. They get their pay only during Saturdays. Hence, they would go home to Bulacan every Saturday.

At around 6:00 o'clock to 7:00 o'clock in the evening of September 7, 2002, they left Cavite and went to their respective homes in Bulacan.

On the night of September 5, 2002, [appellant] slept together with Paul and their other co-workers inside their barracks. Paul woke up in the middle of the night to urinate and was not able to see whether the accused was there, as there were no lights in the place where they were sleeping. The following morning, [appellant] was the one who cooked their food.^[7] (Citations omitted.)

At the conclusion of trial, a guilty verdict was handed down by the trial court on both criminal charges. The dispositive portion of the assailed September 18, 2009 Decision states:

WHEREFORE, in Criminal Case No. 483-M-2003, the Court finds the Accused JOEL AQUINO alias "Akong" guilty beyond reasonable doubt of the crime of Murder and hereby sentences him to suffer the penalty of Reclusion Perpetua. The Court hereby orders the accused JOEL AQUINO to pay the heirs of Jesus Lita, the expenses incurred in his burial and funeral services in the total amount of Sixty Thousand One Hundred (P60,100.00) Pesos as actual damages, the sum of Fifty Thousand (P50,000.00) Pesos as moral damages, and P30,000.00 as exemplary damages.

In Criminal Case No. 484-M-2003, the Court likewise finds the accused JOEL AQUINO alias "Akong" guilty beyond reasonable doubt of violating R.A. 6539, otherwise known as the Anti-Carnapping Law, and hereby sentences him to suffer the penalty of Life Imprisonment pursuant to Section 14 of the said R.A. 6539. The said accused is also ordered to pay the amount of Sixty[-]Five Thousand Eight Hundred Seventy[-]Five (P65,875.00) Pesos representing the total installment payments of the Motorcycle.

The accused is also ordered to pay costs of this suit.^[8]

Insisting on his innocence, appellant filed an appeal with the Court of Appeals. However, the appellate court upheld the judgment of the trial court along with some modifications. The dispositive portion of the assailed July 29, 2011 Decision of the Court of Appeals, in turn, reads:

WHEREFORE, the appealed Decision is hereby MODIFIED, as follows:

a) In Criminal Case No. 483-M-2003, appellant is sentenced to suffer the penalty of reclusion perpetua without eligibility for parole. Appellant is ordered to pay the heirs of the victim actual damages in the sum of P60,100.00, duly proven during the trial, P75,000.00 civil indemnity, P75,000.00 moral damages and P30,000.00 exemplary damages.

b) In Criminal Case No. 484-M-2003, appellant is sentenced to suffer the penalty of imprisonment of Fourteen (14) years and Eight (8) months, as minimum, to Seventeen (17) years and Four (4) months, as maximum and to pay the sum of P65,875.00 representing the total installment payments of the motorcycle.^[9]

Hence, appellant seeks the Court's favorable action on the instant appeal. In his Brief, appellant reiterated the following errors allegedly committed by the trial court when it adjudged him guilty of the charges leveled against him:

I

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIMES CHARGED.

II

THE TRIAL COURT GRAVELY ERRED IN FINDING THAT THE ALLEGED LONE EYEWITNESS POSITIVELY IDENTIFIED THE ACCUSED-APPELLANT AS ONE OF THE PERPETRATORS OF THE CRIMES.

III

THE TRIAL COURT GRAVELY ERRED IN FINDING THAT TREACHERY ATTENDED THE KILLING.^[10]

Appellant challenges his conviction by arguing that the trial court was not able to prove his guilt beyond reasonable doubt because it only relied on the incredible and