

FIRST DIVISION

[G.R. No. 186541, February 01, 2012]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
VICENTE VILBAR, ACCUSED-APPELLANT.**

D E C I S I O N

LEONARDO-DE CASTRO, J.:

On appeal is the Decision^[1] dated February 14, 2008 of the Court of Appeals in CA-G.R. CR.-H.C. No. 00270 which modified the Judgment^[2] promulgated on August 6, 2001 by the Regional Trial Court (RTC), Branch 35, of Ormoc City, in Criminal Case No. 5876-0. The RTC originally found accused-appellant Vicente Vilbar guilty beyond reasonable doubt of the crime of murder for treacherously stabbing with a knife the deceased Guilbert Patricio (Guilbert), but the Court of Appeals subsequently held accused-appellant liable only for the lesser crime of homicide.

The Information charging accused-appellant with the crime of murder reads:

That on or about the 5th day of May 2000, at around 7:00 o'clock in the evening, at the public market, this city, and within the jurisdiction of this Honorable Court, the above-named accused, VICENTE VILBAR alias Dikit, with treachery, evident premeditation and intent to kill, did then and there willfully, unlawfully and feloniously stab, hit and wound the victim herein GUILBERT PATRICIO, without giving the latter sufficient time to defend himself, thereby inflicting upon said Guilbert Patricio mortal wound which caused his death. Post Mortem Examination Report is hereto attached.

In violation of Article 248, Revised Penal Code, as amended by R.A. 7659, Ormoc City, June 13, 2000.^[3]

When accused-appellant was arraigned on July 31, 2000, he pleaded not guilty to the criminal charge against him.^[4]

During the pre-trial conference, the parties already admitted that Guilbert was stabbed at the Public Market of Ormoc City on May 5, 2000 at around seven o'clock in the evening, and that immediately before the incident, accused-appellant was at the same place having a drinking spree with a certain Arcadio Danieles, Jr. and two other companions. However, accused-appellant denied that it was he who stabbed Guilbert Patricio.^[5] Trial then ensued.

The prosecution presented the testimonies of Maria Liza Patricio (Maria Liza),^[6] the

widow of the deceased, and Pedro Luzon (Pedro),^[7] an eyewitness at the scene. The defense offered the testimonies of accused-appellant^[8] himself and Cerilo Pelos (Cerilo),^[9] another eyewitness. On rebuttal, the prosecution recalled Pedro to the witness stand.^[10]

Below is a summary of the testimonies of the witnesses for both sides:

Maria Liza testified that in the evening of May 5, 2000, she was watching her child and at the same time attending to their store located in the Ormoc City public market. It was a small store with open space for tables for drinking being shared by other adjacent stores. At around 7:00 o'clock in the evening, her husband, Guilbert Patricio (Guilbert) arrived from work. He was met by their child whom he then carried in his arms. Moments later, Guilbert noticed a man urinating at one of the tables in front of their store. The man urinating was among those engaged in a drinking spree in a nearby store. It appears that the accused was with the same group, seated about two meters away. Guilbert immediately admonished the man urinating but the latter paid no attention and continued relieving himself. Guilbert then put down his child when the accused rose from his seat, approached Guilbert, drew out a knife and stabbed him below his breast. The accused, as well as his companions, scampered away while Guilbert called for help saying "I'm stabbed." At that time, she was getting her child from Guilbert and about two feet away from the accused. She easily recognized the accused because he would sometimes drink at their store. Guilbert was immediately brought to the hospital where he later expired 11:35 of the same evening. She declared that for Guilbert's medical and hospitalization expenses, the family spent about P3,000.00. As for the wake and burial expenses, she could no longer estimate the amount because of her sadness.

Pedro, an eyewitness at the scene, corroborated Maria Liza's testimonial account of the events. On that night, he was drinking together with a companion in Maria Liza's store. He recalled Guilbert admonishing a person urinating in one of the tables fronting the store. Thereafter, he saw the accused pass by him, approach Guilbert and then without warning, stab the latter. The accused then ran away and left. Together with his drinking companion, they rushed Guilbert to the hospital. Pedro asserted that the area's illumination was "intense" because of the big white lamp and that he was certain that it was the accused who attacked Guilbert.

Denial was the **accused's** main plea in exculpating himself of the charge that he killed Guilbert. He claimed that in the evening of May 5, 2000, he and his wife went to the public market (new building) to collect receivables out of the sale of meat. Afterwards, they took a short cut passing through the public market where they chanced upon his wife's acquaintances who were engaged in a drinking spree while singing videoke. Among them were Dodong Danieles (Dodong for brevity) and his younger brother. They invited him (the accused) and his wife to join

them. While they were drinking, Dodong had an altercation with Gilbert that stemmed from the latter's admonition of Dodong's younger brother who had earlier urinated at the Patricio's store premises. Suddenly, Dodong assaulted Gilbert and stabbed him. Fearing that he might be implicated in the incident, the accused fled and went to the house of his parents-in-law. Thereafter, he went back to the market for his wife who was no longer there. When he learned that the victim was brought to the Ormoc District Hospital, he went there to verify the victim's condition. He was able to talk with the mother and the wife of Gilbert as well as the police. He was thereafter invited to the precinct so that the police can get his statement. The next day, the parents of Dodong Danieles came to his parents-in-law's house to persuade him not to help the victim's family. He declined. Half a month later, he was arrested and charged for the death of Gilbert Patricio.

The defense also presented one **Cerilo Pelos** ("Cerilo") who claimed to have personally witnessed the stabbing incident because he was also drinking in the public market on that fateful night. He insisted that Gilbert was stabbed by someone wearing a black shirt, whose identity he later on learned to be Dodong Danieles.^[11]

On August 6, 2001, the RTC promulgated its Decision finding accused-appellant guilty of murder and decreeing thus:

WHEREFORE, all the foregoing duly considered, the Court finds the accused Vicente Vilbar alias Dikit GUILTY beyond reasonable doubt of the crime of murder as charged, and hereby sentences him to imprisonment of reclusion perpetua, [and ordered] to pay the offended party the sum of P75,000.00 as indemnity, the sum of P3,000.00 as medical expenses, the sum of P50,000.00 as moral damages.

If the accused is a detainee, his period of detention shall be credited to him in full if he abides by the term for convicted prisoners, otherwise, for only 4/5 thereof.^[12]

The foregoing RTC Judgment was directly elevated to us for our review, but in accordance with our ruling in *People v. Mateo*,^[13] we issued a Resolution^[14] dated December 1, 2004 referring the case to the Court of Appeals for appropriate action.

Accused-appellant, represented by the Public Attorney's Office,^[15] and plaintiff-appellee, through the Office of the Solicitor General,^[16] filed their Briefs on August 15, 2006 and April 30, 2007, respectively. The Court of Appeals made the following determination of the issues submitted for its resolution:

On intermediate review, accused (now accused-appellant) seeks the reversal of his conviction for the crime of murder or in the alternative, the imposition of the proper penalty for the crime of homicide. He argues that the trial court erred in giving credence to the inconsistent,

irreconcilable, and incredible testimonies of the prosecution witnesses, to wit: (1) the exact number of persons drinking with accused-appellant in the adjacent store; (2) what Maria Liza was doing at the exact time of stabbing; and (3) the accused-appellant's reaction after he stabbed the victim. Moreover, accused-appellant argues that if he was indeed the culprit, why did he approach Guilbert's family in the hospital immediately after the stabbing incident? Granting without admitting that a crime of murder was committed, accused-appellant insists that he could only be held guilty of homicide for it was not proven beyond reasonable doubt that treachery and evident premeditation existed. He specifically directs our attention to the following details: (1) there was a heated argument between the victim and a member or members of his group; (2) the stabbing happened in a spur of the moment; and (3) the victim then was not completely defenseless.

Meanwhile, the OSG stresses that the alleged inconsistencies in the testimonies of the prosecution witnesses are minor and inconsequential given the positive identification of the accused-appellant as the assailant. As to accused-appellant's contention that he is innocent because he even went to the hospital and conferred with Guilbert's relatives immediately after the stabbing incident, the OSG maintains that such actuation is not a conclusive proof of innocence.

The issues for resolution are first, the assessment of credibility of the prosecution witnesses; and second, the propriety of conviction of the accused-appellant for murder.^[17]

The Court of Appeals rendered its Decision on February 14, 2008, in which it accorded great respect to the assessment by the RTC of the credibility of the witnesses. The inconsistencies and inaccuracies in the testimonies of the prosecution witnesses are relatively trivial, minor, and do not impeach their credibility. The positive identification and categorical statements of the prosecution witnesses that it was accused-appellant who stabbed Guilbert prevail over accused-appellant's self-serving denial. However, the appellate court did not find that treachery attended the stabbing of Guilbert and, thus, downgraded the crime to homicide. It also reduced the award of civil indemnity. The dispositive portion of the Court of Appeals decision sentenced accused-appellant as follows:

WHEREFORE, the 1 August 2001 Decision appealed from finding accused-appellant VICENTE VILBAR @ "Dikit" guilty beyond reasonable doubt of murder is MODIFIED. The Court finds the accused appellant GUILTY beyond reasonable doubt of HOMICIDE and is hereby sentenced to suffer the penalty of eight years and one day of *prision mayor* medium, as minimum, to fourteen years and eight months of *reclusion temporal* medium, as maximum. He is also ordered to pay the heirs of Guilbert Patricio the amounts of Php50,000.00 as civil indemnity, Php50,000.00 as moral damages, and Php3,000.00 as actual damages.^[18]

Accused-appellant now comes before us on final appeal.

In our Resolution^[19] dated April 15, 2009, we gave the parties the opportunity to file their respective supplemental briefs, but the parties manifested that they had already exhausted their arguments before the Court of Appeals.^[20]

After a scrutiny of the records of the case, we find that the submitted evidence and prevailing jurisprudence duly support the findings and conclusion of the Court of Appeals.

Evidence in this case chiefly consists of testimonial evidence. Both the RTC and the Court of Appeals gave credence and weight to the testimonies of the prosecution witnesses.

Case laws mandate that "when the credibility of a witness is in issue, the findings of fact of the trial court, its calibration of the testimonies of the witnesses and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings are accorded high respect if not conclusive effect. This is more true if such findings were affirmed by the appellate court, since it is settled that when the trial court's findings have been affirmed by the appellate court, said findings are generally binding upon this Court."^[21] There is no compelling reason for us to depart from the general rule in this case.

Prosecution witnesses Maria Liza and Pedro both positively and categorically identified accused-appellant as the one who stabbed Guilbert.

Maria Liza vividly recounted her traumatic moment as follows:

Q: Mrs. Patricio, do you know the accused in this case in the person of Vicente Vilbar alias "Dikit?"

A: Yes, sir.

Q: Why do you know him?

A: He used to go there for drinking in our store.

Q: How long have you known this person?

A: About three (3) months.

x x x x

Q: Mrs. Patricio, can you recall where were you in the evening at about 7:00 o'clock of May 5, 2000?

A: I was at the store.

Q: Where?

A: In the market.

Q: What were you doing in the store?

A: I was watching after my, attending to my child there.

Q: How old was the child?

A: Two (2) years old.

Q: When you were attending to your child at this particular time, what happened?

A: My child saw my husband arriving.

Q: What happened after your child saw your husband arrived at the store you were tending?

A: He met him.

Q: And what did your husband do when he was met by your child?