

FIRST DIVISION

[G.R. No. 180915, August 09, 2010]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CHARLIE NAZARENO Y MELANIOS, ACCUSED-APPELLANT.**

D E C I S I O N

PEREZ, J.:

Appellant Charlie Nazareno y Melanios was charged with murder in the Regional Trial Court (RTC) of Manila, Branch 41, under the following information:

That on or about September 23, 2001, in the City of Manila, Philippines, the said accused, did then and there willfully and feloniously, with intent to kill and committed with treachery and evident premeditation, attack, assault and use personal violence upon one ROMEO DE GUZMAN Y CANAPIT, by then and there stabbing him on his chest with a *bolo*, hacking and cutting his ear, thereby inflicting upon the said ROMEO DE GUZMAN Y CANAPIT mortal wound which was the direct and immediate cause of his death.^[1]

Appellant pleaded not guilty upon arraignment.^[2] Trial of the case thereafter ensued.

The facts, based on the eyewitness account of Jericho Capanas, are as follows:

At around 3:30 o'clock in the morning of 23 September 2001, Jericho Capanas was awakened from his sleep by a noise coming from outside his house located at V. Mapa St., Sta. Mesa, Manila.^[3] When he peeped through his door, he saw appellant being unruly in front of their neighbor's house, breaking bottles and hacking the jalousie of their neighbor's window. Upon reaching the victim's house, appellant kicked the door and when the door flung open, Romeo de Guzman, the victim, who was sleeping behind the door, stood up. The victim was, however, unable to step out of the door as appellant suddenly grabbed him by the hair and delivered a thrust to his chest using a bladed weapon about 20 inches long.^[4] Jericho Capanas was less than an arm's length from appellant and the victim when all these were happening.^[5] The doors of their (the victim's and Jericho Capanas') houses are adjacent and only a wall separates the two houses.^[6]

After stabbing the victim, appellant hurriedly left the scene. Jericho Capanas called the police, after which, he helped bring the victim to the University of the East Ramon Magsaysay Medical Center (UERMMC).^[7]

Meanwhile, responding to what appeared to be a simple disturbance call at that time, the desk officer of Police Station 8 located at Old Sta. Mesa, Manila, dispatched Lawrence Hofer and Joseph Claderia to the scene. The latter are members of the Concerned Citizen's Anti-Crime Organization, Inc., a citizen's organization tasked to assist Police Station 8. Together with a *barangay tanod*, they proceeded to the scene of the crime. When they got there, they saw a man with blood all over his clothes holding a bladed weapon which was also covered with blood. This person turned out to be herein appellant. The *barangay tanod* then made the arrest and appellant was brought first to Police Station 8 for investigation and then to UERMMC where the victim was being treated. There, appellant was positively identified by the victim himself as the person who stabbed him.^[8] The victim eventually succumbed to his wounds.

Dr. Romeo Salen, the medico-legal officer who conducted the post-mortem examination of the victim, testified for the prosecution. According to him, the victim sustained two stab wounds: one on the right ear and one on the chest. This latter wound caused the death of the victim.^[9]

Appellant, as expected, presented a different version of the story. Testifying as the lone witness for the defense, he claimed that at around 10:00 o'clock in the evening of 22 September 2001, he started having a drinking spree with the victim and two others in front of the victim's house. Their drinking session continued until the early hours of the following day, at around 4:00 o'clock in the morning at which time, the victim suddenly asked him to take revenge at an enemy. When he refused, the victim, who was holding a bladed weapon, quarreled with him and pulled his hair. They started fighting and, as they grappled for the weapon, the victim suddenly fell. Appellant left and went home. He was still holding the bladed weapon when he was arrested.^[10] Appellant admitted having written a letter to the victim's brother asking the latter's forgiveness.^[11]

The trial court, in its Decision^[12] dated 21 June 2006, found the version of the prosecution credible and rendered judgment as follows:

Wherefore, judgment is hereby rendered finding the accused, Charlie Nazareno y Melanios guilty beyond reasonable doubt of the crime of Murder and hereby sentence him to suffer the penalty of RECLUSION PERPETUA. He is likewise ordered to pay the heirs of the victim the amount of FIFTY THOUSAND (P50,000.00) PESOS for the life of the victim and FIFTY THOUSAND (P50,000.00) PESOS for moral damages with legal interest from the time this decision has become final until the same is fully paid.^[13]

On intermediate appellate review,^[14] the Court of Appeals affirmed the guilt of the appellant but modified the award on the civil aspect of the case. In addition to civil indemnity and moral damages, the Court of Appeals likewise ordered appellant to pay exemplary and temperate damages.

Hence, appellant appealed to this Court contending that:

I.

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT, WHEN HIS GUILT HAS NOT BEEN PROVEN BEYOND REASONABLE DOUBT.

II.

THE TRIAL COURT GRAVELY ERRED IN GIVING WEIGHT AND CRENDENCE TO THE TESTIMONY OF THE PROSECUTION'S EYEWITNESS AND EVIDENCE.

III.

THE TRIAL COURT GRAVELY ERRED WHEN IT RULED THAT TREACHERY ATTENDED THE COMMISSION OF THE CRIME.^[15]

In challenging his conviction, appellant assails the credibility of Jericho Capanas, the eyewitness to the killing, by claiming that there were inconsistencies in his testimony. Appellant argues that, Capanas initially claimed that it was only appellant who was running amok; then later, he stated that there were several drunk men causing a disturbance. Also, Capanas declared that he was present when the victim pointed to the accused as the person who stabbed him; but when asked later on during trial where he was when the confrontation between the victim and the assailant happened, he answered that he was still at his house. Appellant likewise questions the act of Capanas of "waiting for the victim to be killed first" before calling the police when he was already aware that appellant was running amok.^[16]

These contentions of appellant fail to persuade us.

The matters pointed out by appellant are minor and inconsequential and do not affect the substance of the eyewitness' declaration, nor the veracity or weight of his testimony. The issues raised by appellant do not pertain to the actual act constitutive of the offense charged,^[17] as on this point, the testimony of Jericho Capanas is clear and convincing:

Q: Did you see the stabbing?

A: Yes, sir.

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Where did the accused stabbed (sic) the victim?

A: **On his chest and he was hacked on his ear, sir. (Witness pointing to his chest and right ear).**

Q: What part of the house?

A: Just in front of the door, sir.

Q: How far were you at that time?

A: Less than an arms length because I was standing there, sir.

[18] (Emphasis supplied.)

This account of Jericho Capanas is corroborated by the testimony of the medico-legal officer who performed the autopsy on the body of the victim. Thus:

Q: And what did you find out when you conducted the external examination on the cadaver of the late Romeo De Guzman?

A: On the examination of the external aspect, I found two stab wounds. **One on the right ear and one on the chest, sir.** [19] (Emphasis supplied.)

The records disclose nothing that would indicate any motive on the part of Jericho Capanas to testify falsely against appellant. Absent any showing that a witness for the prosecution was actuated by improper motive, his positive and categorical declarations on the witness stand, under the solemnity of an oath, deserve full faith and credence. [20]

In the case at bar, the identity of the killer of Romeo de Guzman is not unknown. Not only was appellant positively identified by an eyewitness as the assailant, but no less than appellant himself, on two occasions, admitted authorship of the crime:

First, 14 October 2001, while in detention, appellant wrote a letter [21] to the victim's brother asking the latter's forgiveness for the killing of Romeo de Guzman. In a long line of cases, [22] the Supreme Court held that appellant's act of pleading for forgiveness may be considered as analogous to an attempt to compromise, which in turn, can be received as an implied admission of guilt under Section 27, Rule 130 of the Rules of Court. [23]

Then, second, on 26 September 2005, while on re-direct examination on the witness stand, appellant admitted having killed Romeo de Guzman. Thus:

Court:

Why did you write your *kumpareng* Ilay?

Witness:

To ask for forgiveness, Your Honor.

Court:

Forgiveness for what?

x x x x

Witness:

Para sa pagkamatay ng kapatid niya.

x x x x

Court:

So, in effect, you are saying that you are admitting having killed Romeo de Guzman?

Witness:

Basta nag-agawan kami.

Court: