

FIRST DIVISION

[G.R. No. 172974, July 28, 2008]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. CESAR ARENAS,
APPELLANT.**

R E S O L U T I O N

CORONA, J.:

This is an appeal from the March 30, 2006 decision^[1] of the Court of Appeals in CA-G.R. CR No. 00671 affirming with modification the decision of the trial court which found appellant Cesar Arenas guilty of the crime of murder.

Appellant was prosecuted in the Regional Trial Court of Caloocan City, Branch 129 under the following information:^[2]

That on or about the 1st day of June, 1997 in Kalookan City, Metro-Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without any justifiable cause, with treachery and evident premeditation and with deliberate intent to kill, did then and there, wil[l]fully, unlawfully and feloniously attack and shoot with a firearm on the head one NOLI PEÑAFIEL Y BIGCAS, thereby inflicting upon the latter serious physical injuries which injuries caused his instantaneous death.

Contrary to law.^[3]

During arraignment, appellant pleaded not guilty to the charge. After pre-trial, trial followed.

The prosecution established through eyewitness accounts that, at around 10:00 a.m. of June 1, 1997, Noli Peñafiel was standing along the sidewalk of Gen. Luis Street, Caloocan City. He was talking to his friend, a certain Dr. Dalida, while waiting for his niece. Appellant suddenly came from behind Peñafiel and fired two shots at the latter's head. The victim fell down and died shortly thereafter as a result of the fatal injuries inflicted on him.

Appellant's defenses were denial and alibi. He disavowed any participation in the killing of Peñafiel. He and his witnesses essentially tried to prove that he was in Dasmariñas, Cavite at the time of the incident. He allegedly spent the whole morning of June 1, 1997 helping his fellow *pahinante*^[4] and their truck driver unload their delivery of Rebisco biscuits in the company's warehouse in Dasmariñas, Cavite.

After evaluating the evidence of the parties, the trial court ruled that appellant's denial was sufficiently refuted by the positive testimony of the prosecution's

witnesses. It also found that the positive identification of appellant as the killer destroyed his alibi.^[5]

WHEREFORE, premises considered, this Court finds the accused CESAR ARENAS guilty beyond reasonable doubt of the crime charged, as defined and penalized under Article 248 of the Revised Penal Code, as amended by Section 6 of Rep. Act No. 7659. Accordingly, he shall serve the penalty of Reclusion Perpetua with all the necessary penalties under the law, and shall pay the costs.

Pursuant to Section 7, Rule 117 of the Revised Rules on Criminal Procedure, the accused shall be credited with the period of his preventive detention.

By way of civil liabilities, the accused shall pay the following amounts to the victim's heirs, without subsidiary imprisonment in case of insolvency.

P50,000.00 - as death indemnity; and

P20,000.00 - as reimbursement of funeral expenses.

The Branch Clerk of this Court shall now issue the corresponding Commitment Order for the City Jail Warden of Caloocan City to transfer the accused to the Bureau of Corrections, Muntinlupa City.

SO ORDERED.^[6]

After appellant filed his notice of appeal, the trial court forwarded the records of the case to this Court. Pursuant to *People v. Mateo*,^[7] however, the case was referred to the Court of Appeals for review.^[8]

The Court of Appeals affirmed the decision of the trial court with modification.^[9] It awarded the heirs of the victim P50,000 moral damages, P25,000 exemplary damages and P1,943,868 for loss of earning capacity. The dispositive portion of the decision read:

WHEREFORE, the instant appeal is ***DENIED***. The assailed *Decision* of the Regional Trial Court of Caloocan City, Branch 129 in Criminal Case No. C-52731, convicting accused-appellant of Murder, is hereby ***AFFIRMED*** with the ***MODIFICATION*** that accused-appellant is further ordered to pay the heirs of the victim P50,000.00 in moral damages, P25,000 as exemplary damages, and P1,943,868.00 for loss of earning capacity.

SO ORDERED.^[10]

Hence, this appeal.

Appellant essentially claims that the trial and appellate courts erred in giving credence to the prosecution's evidence, not his evidence.

The appeal lacks merit.