

THIRD DIVISION

[G.R. NO. 157804, June 20, 2006]

CERILO BRICENIO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

DECISION

QUISUMBING, J.:

The instant petition for review on certiorari before us assails the Decision^[1] dated September 12, 2002 of the Court of Appeals in CA-G.R. CR No. 22530 affirming the decision of Regional Trial Court (RTC) of Baguio City, Branch 4, finding petitioner guilty beyond reasonable doubt of homicide. Also assailed is the Court of Appeals' Resolution^[2] dated March 27, 2003 denying petitioner's motion for reconsideration.

In an information dated March 23, 1992, petitioner was charged before the trial court as follows:

That on or about the 12th day of March 1992, in the City of Baguio, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously, and with intent to kill, attack, assault and strike ROY RIVERA with a stool, thereby inflicting upon the latter Neurogenic shock secondary to coup contre-coup injuries of the brain with bilateral cerebellar tonsillar herniations and severe skull fractures due to multiple blunt injuries on the head and face, which directly caused his death.

CONTRARY TO LAW.^[3]

Petitioner pleaded not guilty.^[4] In the ensuing trial, the prosecution presented seven witnesses: Renato Concepcion, Danny Singson, SPO1 Wilfredo Cabanayan, Dr. Emmanuel Fernandez, Felicisima Francisco, Carina Madrigal-Javier, and Leticia Rivera. Taken altogether, the evidence for the prosecution established the following facts:

At around 10:00 p.m. on March 12, 1992, Renato Concepcion, Marcelo Ringor, Marino Servidad, Danny Singson and their supervisor, Engr. Roy Rivera left the Baguio Colleges Foundation after overtime work. Rivera requested Marino Servidad to buy two bottles of gin and invited his companions to the Heike Jade Restaurant where they had a drinking spree. They ordered two bottles of beer each. After two bottles, Concepcion noticed that Rivera appeared dizzy, so he instructed Singson to help bring Rivera home. Singson went out to hail a taxicab along Session Road. He was followed at a distance by Ringor, Servidad, Concepcion and Rivera. As Rivera could hardly walk, Concepcion braced Rivera's arms around him. They were by the Jaime's Fastfood Restaurant when suddenly, Rivera lost his balance and accidentally bumped petitioner Bricenio. Concepcion immediately apologized, "Boss, please bear

with us because our engineer is tipsy." Petitioner suddenly pulled Rivera inside the restaurant, picked a wooden stool, and hit Rivera's head twice. As a result, Rivera fell on the floor. Ringor and Servidad quickly ran away.

Singson, while waiting for a taxicab noticed the commotion inside the restaurant. He saw Concepcion by the entrance of the restaurant hurling empty bottles into the restaurant. He rushed to help his companions. Singson saw Rivera lying on the floor. Singson tried to get Rivera out but petitioner's companions who were throwing empty bottles right back at them stopped Singson. Singson also started to throw bottles at the petitioner. Concepcion was hit on the face when he tried to get Rivera. After about fifteen minutes of bottle-throwing, two men arrived at the scene. Thinking that these men were petitioner's companions, Singson told Concepcion to flee. They ran but the two men, who turned out to be police officers, caught up with them. They were arrested and brought to the Baguio City Police Station. At the police station, Singson asked the police officers to go back and get Rivera at the Jaime's Fastfood Restaurant. But they were later informed that Rivera had died.

At approximately 10:30 a.m. on March 13, 1992, Singson, Concepcion, Servidad, petitioner and Noe Sapguian, an employee of Jaime's Fastfood Restaurant, were questioned by the police. Concepcion identified petitioner as the person who killed Rivera. Petitioner was arrested and indicted for homicide.

Dr. Manuel Fernandez, the medico-legal officer who conducted the autopsy on the cadaver, found the cause of death of Rivera as "neurogenic shock secondary to coup, contre-coup injuries of the brain with bilateral cerebellar tonsillar herniations and severe skull fractures due to multiple blunt injuries on the head and face."^[5]

Leticia Rivera, mother of the victim, testified that she spent P60,000 for the burial of his son.

For its part, the defense proffered the testimonies of petitioner and Noe Sapguian to prove that it was not petitioner who caused the death of Rivera.

Petitioner testified that at about 10:30 p.m., March 12, 1992, he was having a drink with his fellow security guards, Armando Tualla and Bernabe Foronda, at the second floor of the Jaime's Fastfood Restaurant. As his two companions went downstairs to answer nature's call, he heard a commotion. He saw Tualla and Foronda in a fight against Rivera, Concepcion, Singson, and two others. He said he tried to pacify them by shoving Rivera's four companions outside. Once outside, Rivera's companions started throwing soft drink bottles at them so he picked a stool to shield himself. As he did, he was hit on his palm and left side of his head. He noticed Tualla hit Rivera's face thrice with a bottle. He also claims he saw Foronda hit Rivera on the right shoulder with a wooden stool, causing the latter to slump on the floor. Petitioner said he hid near the cashier to protect himself from the bottles hurled at him. He claimed he did not see what transpired next. When the bottle-throwing stopped, he chased Singson and Concepcion but to no avail. Two police officers responded and apprehended Concepcion and Singson. According to petitioner, he returned to the restaurant and saw Rivera still alive although blood oozed from his mouth. He rushed him to the Baguio General Hospital. Thereafter, he returned to the restaurant and saw police officers. They questioned him and brought him to the police station where he gave his statement. He was allowed to go home. The next day, he returned to the police station to file a complaint against Concepcion and

Singson but the two were there and pointed at him as Rivera's killer. He was detained in the station till the next day, without food. He added that when his former boss visited him at the city jail, he told him what actually happened and that it was Tualla and Foronda who killed Rivera.

Noe Sapguian testified that at about 10:30 p.m. March 12, 1992, while drinking coffee at Jaime's Fastfood Restaurant, he saw four men, chasing a man. Upon reaching the entrance of the restaurant, the four men caught up with the person, whom he later learned was Rivera. They hit Rivera's head and body with empty bottles of soft drinks. Sapguian said he tried to intervene but instead was hit by a bottle in his left cheek. He noticed then that Rivera was leaning on the food display counter. As he was hit while on his way to hide in the comfort room, he noticed Bricenio, who was already downstairs, being stoned with empty bottles by the same men who mauled Rivera. He saw Bricenio shield himself with a stool. Thereafter, he saw the four men flee. Bricenio and he chased the four men and shouted for help until police officers caught them. When he returned to the restaurant, he saw Bricenio bring Rivera to the hospital.

The trial court rendered judgment on September 21, 1998, the dispositive portion of the decision reads:

WHEREFORE, the court finds the accused Cerilo Bricenio y Omorong GUILTY of the crime of homicide; there being no aggravating nor mitigating circumstance, the court sentences him to suffer the indeterminate penalty of six (6) years and one (1) day of prision mayor minimum as minimum, to fourteen (14) years, eight (8) months and one (1) day of reclusion temporal medium as maximum; and to pay the heirs of the victim Roy Rivera the amount of P50,000.00 by way of indemnification, P60,000.00 for actual damages and P200,000 moral damages; and to pay costs.

SO ORDERED.^[6]

The Court of Appeals affirmed Bricenio's conviction and sentence, but with modification as to the amount of damages, to wit:

WHEREFORE, with the modifications that the actual damages is hereby reduced to P16,040.00 and the moral damages to P100,000.00, the assailed Decision of the Regional Trial Court of Baguio City, Branch 4, in Criminal Case No. 9792-R is AFFIRMED in all other respects. Costs against appellant.

SO ORDERED.^[7]

Bricenio filed the instant petition for review, raising a single issue:

WHETHER OR NOT PETITIONER IS GUILTY OF THE CRIME CHARGED.^[8]

Petitioner submits that this case constitutes an exception to Rule 45 of the Rules of Court that limits the issues that may be raised in an appeal by certiorari to questions of law. Still, petitioner insists that he is innocent; that his guilt had not been proven beyond reasonable doubt; that the testimony of witness Renato Concepcion was not in accord with ordinary human experience, that it was