

EN BANC

[G.R. No. 135919, May 09, 2003]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. DANNY DELOS SANTOS Y FERNANDEZ, APPELLANT.

D E C I S I O N

SANDOVAL-GUTIERREZ, J.:

For automatic review is the Decision^[1] dated October 2, 1998 of the Regional Trial Court, Branch 21, Malolos, Bulacan, in Criminal Case No. 3551798, finding appellant Danny delos Santos guilty of the crime of murder and sentencing him to suffer the penalty of death.

In the Information^[2] dated February 23, 1998, appellant was charged with murder, thus:

"That on or about the 6th day of November 1997, in the Municipality of San Jose, Del Monte, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a kitchen knife, with intent to kill one Rod Flores y Juanitas, with **evident premeditation, treachery and taking advantage of superior strength**, did then and there willfully, unlawfully and feloniously attack, assault and stab with the said kitchen knife said Rod Flores y Juanitas, hitting him on the different parts of his body, thereby inflicting upon him mortal wounds which directly caused his death."

Upon arraignment, appellant pleaded "not guilty."^[3] Thereafter, trial on the merits ensued. The prosecution presented Marcelino de Leon, Marvin Tablate, Dr. Benito Caballero and Romeo Flores as its witnesses. Appellant and Sonny Bautista took the witness stand for the defense.

Marcelino De Leon testified that at around 8:00 p.m. of November 6, 1997, he saw Rod Flores drinking "gin" with Narciso Salvador, Marvin Tablate and Jayvee Rainier at the latter's house in Sarmiento Homes, San Jose del Monte, Bulacan.^[4] As he was about to fetch water from a nearby faucet, he approached them and borrowed Flores' cart.^[5] While waiting for the cart, he stood across Flores who was then seated and conversing with the group.^[6] Suddenly, appellant emerged from the back of Flores and stabbed him with a knife,^[7] making an upward and downward thrust.^[8] Flores ran after he was stabbed twice.^[9] Appellant pursued him and stabbed him many times.^[10] As a result, Flores' intestines bulged out of his stomach.^[11] Appellant ceased stabbing Flores only after he saw him dead. Thereafter, he turned his ire against Jayvee Rainier and chased him. Fearful for his life, witness De Leon hid himself and later on reported the incident to the police.^[12]

Marvin Tablate corroborated De Leon's testimony. On cross-examination, Tablate testified that he tried to help Flores by separating him from the appellant who ran away.^[13] He also testified that the latter joined his group at about 11:00 a.m. and kept on "coming back and forth."

Dr. Caballero declared on the witness stand that Flores suffered twenty-one (21) stab wounds in the frontal, posterior and lateral side of his body, eleven (11) of which were fatal. Dr. Caballero said it was possible that appellant was behind Flores considering the stab wounds inflicted at his back.^[14] According to the doctor, Flores died because of "massive external/internal hemorrhages due to multiple stab wounds in the thorax and abdomen penetrating both lungs, heart, stomach, liver, spleen and intestines."^[15]

Romeo Flores testified that his son Rod Flores was then working at Vitarich, Marilao, Bulacan, earning P600.00 every 15th day of the month;^[16] that he spent P100,000.00 for his son's burial and wake; that he has receipts in the amount of P19,110.00 spent for the funeral services and the cost of the cemetery lot^[17] and a list of other expenses in the amount of P35,960.00;^[18] and that his family has been grieving for the loss of a loved one.

Appellant had a different version of the events. He denied the accusation and declared that on November 6, 1997 at 8:00 p.m., he was in his auntie's house in Muson, San Jose del Monte, Bulacan,^[19] forty (40) meters away from the scene of the crime. He was then fetching water.^[20] Earlier, at about 5:30 p.m., he and Flores met but they did not greet each other. There was no altercation between them. Hence, he could not understand why De Leon and Tablate testified against him.

Sonny Bautista testified that on that particular date and time, he and appellant were in their auntie's house in San Jose del Monte, Bulacan.^[21] They watched television up to 8:30 p.m. and then went home. At about 10:00 p.m., appellant was arrested. Bautista did not inform the policemen that they were watching television in their auntie's house at the time the crime took place. Neither did he accompany appellant to the police station.^[22]

On October 2, 1998, the trial court rendered a Decision, the dispositive portion of which reads:

"All premises considered, this Court resolves and so holds that the prosecution has been able to establish the criminal culpability of the accused beyond reasonable doubt. Accordingly, Danny delos Santos is hereby found guilty of the crime of Murder with the qualifying circumstance of treachery.

"In the imposition of the penalty, the Court hereby takes into account the brutality in the manner by which the life of the victim was taken, and if only to serve as deterrent to others who might be similarly obsessed, it is believed that the higher of the two penalties provided should be meted to the accused herein. Absent any circumstance that would mitigate the severity of his criminal act and pursuant to Articles 248 of the Revised

Penal Code, as amended by Section 6, Republic Act no. 7659, the accused Danny delos Santos y Fernandez is hereby sentenced to suffer the penalty of Death by lethal injection.

"Further, the accused is condemned to indemnify the heirs of the deceased the amount of P50,000.00 for the victim's death. Moreover, accused delos Santos is ordered to pay the said heirs of the deceased Rod Flores the following sums of money:

1. P264,000.00 for loss of earning capacity;
2. P55,070.00 for actual and compensatory damages;
3. P50,000.00 for moral damages;
4. P50,000.00 for exemplary damages.

"With costs against the accused.

"SO ORDERED."

In his Appellant's brief, appellant ascribes to the trial court the following errors:

"I

THE COURT A QUO GRAVELY ERRED IN GIVING FULL FAITH AND CREDENCE TO THE TESTIMONY OF THE ALLEGED EYEWITNESSES, AND IN NOT ACQUITTING ACCUSED-APPELLANT ON GROUND OF REASONABLE DOUBT.

"II

THE COURT A QUO ERRED IN ORDERING ACCUSED-APPELLANT TO INDEMNIFY THE HEIRS OF VICTIM THE AMOUNT OF P50,000.00 FOR VICTIM'S DEATH; P264,000.00 FOR LOSS OF EARNING CAPACITY; P55,070.00 FOR ACTUAL AND COMPENSATORY DAMAGES; P50,000.00 FOR MORAL DAMAGES; AND P50,000.00 FOR EXEMPLARY DAMAGES."^[23]

Appellant contends that there are some inconsistencies between the testimonies of De Leon and Tablate, the prosecution witnesses. Also, there is no evidence that he has a motive to kill Flores. In fact, there was no previous heated argument or altercation between them. That the prosecution witnesses executed their sworn statements only after two months from the commission of the crime raises doubt as to their credibility. Finally, the evidence for the prosecution failed to meet the exacting test of moral certainty, hence, the trial court should not have ordered him to indemnify the heirs of Flores.

The Solicitor General, in the Appellee's brief, counters that: **(a)** the inconsistencies pointed out by appellant are minor and do not vitiate the fact that he was the one who killed Flores; **(b)** appellant's defenses of alibi and denial are worthless since he was positively identified by the prosecution witnesses; **(c)** he failed to proffer any explanation why the prosecution witnesses implicated him; **(d)** the crime was aggravated by cruelty because he "butchered" Flores until his intestines bulged out of his stomach; and **(e)** the heirs of Flores are entitled to indemnification as it has been shown beyond reasonable doubt that appellant killed him.

The first assigned error involves a determination of the credibility of the prosecution witnesses. Settled is the rule that when it comes to credibility of witnesses, appellate courts generally do not overturn the findings of trial courts. The latter are in a best position to ascertain and measure the sincerity and spontaneity of witnesses through their actual observation of the witnesses' manner of testifying, demeanor and behavior in court.^[24]

We see no reason to deviate from this rule.

Appellant maintains that there are inconsistencies in the testimonies of De Leon and Tablate. While De Leon testified that appellant did not join Flores' group, however, Tablate declared that he was drinking "gin" with them at about 11:00 a.m. De Leon testified that no one assisted Flores when he was being attacked by appellant. However, Tablate stated that he attempted to separate Flores from appellant after the former had sustained two stab wounds.

The first alleged inconsistency is understandable. Unlike Tablate who was with the group in a drinking spree, De Leon approached Flores only when he borrowed the cart from the latter at about 8:00 p.m. He stayed with Flores' group only for about thirty minutes,^[25] or up to 8:30 p.m. Thus, he could not have observed that appellant joined the group earlier, or at about 11:00 a.m.

The second alleged inconsistency is a minor one that does not enfeeble the prosecution's theory that appellant killed Flores. Evident from De Leon's testimony is the fact that he was so shocked in witnessing the gruesome killing of his companion. With such a state of mind, it would be too much to demand from him a full recollection of the details surrounding the event. Many times we have ruled that inconsistencies in the testimony of witnesses when referring only to minor details and collateral matters do not affect the substance of their declaration, their veracity, or the weight of their testimony.^[26] They only serve to strengthen rather than weaken the credibility of witnesses for they erase the suspicion of a rehearsed testimony.^[27] What we find important in the case at bar is that the two prosecution witnesses were one in saying that it was appellant who stabbed Flores with a knife. We quote the clear and straightforward account of the incident by De Leon and Tablate. During cross-examination, De Leon testified as follows:

"Atty. De la Cruz:

Q You did not see the accused because it was dark in that place, is it not?

A No, sir, he suddenly appeared from the back of Rod Flores and started stabbing Rod that is why we were surprised.

Court:

Q How did the accused thrust the weapon to the victim?

A (Witness demonstrating by making upward,

downward thrust at the back of the victim)

Atty. De la Cruz

Q Where was Rod Flores hit, if you know?

A At the back, sir.

Q How many times?

A At first, twice, sir.

Court:

Q That was the time when Rod Flores ran away after having been stabbed twice.

A Yes, Your Honor.

X X X X X X

Court:

Q How did the accused thrust for the second time the weapon at the back of the victim.

A Both at the back, sir.

X X X

X X X

Atty. De la Cruz:

Q Was Rod Flores able to ran away?

A Yes, sir.

Q Where were you when Rod Flores was running away?

A We were left behind, sir. I was not able to move anymore.

Q And was the accused able to reach Flores?

A Yes, sir.

Q What did the accused do?

A Again, he started stabbing at the back, sir.

Q So the stabbing was inflicted at the back of the victim?

A Not all, sir, because he turned him face up and stabbed him again, sir."[28]

Tablate's direct testimony reads: