

## FIRST DIVISION

[ G.R. No. 140545, May 29, 2002 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
IRENEO GODOY, ACCUSED-APPELLANT.**

### D E C I S I O N

**KAPUNAN, J.:**

On appeal before this Court is the decision, dated June 16, 1998, of the Regional Trial Court of Lucena City, Branch 54, in Criminal Case No. 94-639, the dispositive portion of which reads:

WHEREFORE, premises considered, this Court finds the accused Ireneo Godoy y Ani alias "Rene" GUILTY beyond reasonable doubt of the crime of Murder defined and punished under Article 248 of the Revised Penal Code and hereby sentences the accused to suffer imprisonment of RECLUSION PERPETUA with all the accessories of the law, and to pay the heirs of the deceased Alexander Carandang the following amounts:

- a) P50,000.00 - for death indemnity;
- b) P63,608.00 - for actual and compensatory damages;
- c) P24,000.00 - for loss of earning capacity;
- d) P5,000.00 - for attorney's fee; and
- e) P30,000.00 - for moral damages.

The accused shall also pay the costs of this suit.

SO ORDERED.<sup>[1]</sup>

Accused-appellant was charged under an Information, dated February 24, 1994, which states:

That on or about the 29<sup>th</sup> day of January 1994, at Barangay Guisguis, Municipality of Sariaya, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, Ireneo Godoy y Ani alias "Rene", armed with a fan-knife and Aquilino Godoy y Ani alias "Nonie", conspiring and confederating together with three other persons whose true names and real identities are still unknown and whose physical descriptions were not given by available witnesses, and who are all still at large, and mutually helping one another, with intent to kill, with treachery and taking advantage of their superior strength, did then and there willfully, unlawfully and feloniously attack, assault and

stab with said fan-knife one Alexander Carandang, thereby inflicting upon him a stab wound on a vital part of his body, which directly caused his death.

That the accused attacked, assaulted and stabbed with said weapon said Alexander Carandang suddenly and unexpectedly without giving him any opportunity to defend himself or to escape.<sup>[2]</sup>

Only Ireneo Godoy was brought to trial as the other accused remained at large. On November 4, 1994, he pleaded "Not Guilty" to the accusation.<sup>[3]</sup>

Testifying for the prosecution, Marlon Leonardo, eyewitness to the incident, recalled that on January 29, 1994, he was in the house of his grandmother, Leonida Aguila, at Barangay Guisguis, Sariaya, Quezon. At around eight o'clock in the evening, Aguila requested him to fetch Alexander Carandang from the latter's duck farm.<sup>[4]</sup> About ten meters away from the duck farm, Leonardo met Ireneo Godoy, Aquilino Godoy, Alexander Carandang and three other persons whose names he does not know. He noticed that Aquilino and another person were holding both hands of Carandang and Ireneo was in front of the latter. Suddenly, Ireneo drew a bladed weapon and stabbed Carandang. Leonardo shouted "Rene, huwag" but Ireneo continued stabbing Carandang, hitting him on the chest.<sup>[5]</sup> Leonardo was about to approach the group but upon seeing that they turned his attention to him ("*pinagbalingan*") with the apparent intention to attack him ("*susugurin*"), he ran back to his grandmother's house.<sup>[6]</sup> He told his grandmother what he saw and he was advised to go to Eddie Carandang and accompany him to Barangay Pahinga, Candelaria, Quezon to fetch Fidela Gutierrez Carandang, the mother of Alexander. They reached the place at about eleven o'clock in the evening and they told Fidela of what transpired. Leonardo and Eddie accompanied Fidela in looking for Alexander until they reached Sariaya where they found Alexander already dead.<sup>[7]</sup>

The post-mortem examination conducted by Dr. Cecilio Macaraeg, Jr., Rural Health Physician at Sariaya, Quezon showed that Alexander sustained a stab wound, 3.5 cm. long, 1 cm. wide and 8 cm. deep with the direction towards the heart.<sup>[8]</sup> The cause of death was shock and severe hemorrhage due to the stab wound.<sup>[9]</sup> Dr. Macaraeg testified that the wound could have been caused by a sharp bladed instrument, possibly a fan-knife.<sup>[10]</sup>

Arcadio Marasigan testified that on January 29, 1994, at about four o'clock in the afternoon, he met Ireneo Godoy and Aquilino Godoy in Guisguis, Sariaya, Quezon. They asked him if he knew the whereabouts of Alexander and he told them that he did not see Alexander.<sup>[11]</sup> He learned that Alexander and the Godoys had a fistfight earlier at Paraiso beach near the house of his grandmother. Later, when he saw Alexander who was then drunk, he advised him not to go out and just sleep because he knew the Godoys were looking for him. He went to work thereafter and was informed later that Alexander was already dead.<sup>[12]</sup>

For the defense, Ireneo Godoy asserted that he was in Barangay Malas-as, Rosario, Batangas on January 29, 1994. He left Batangas at around five o'clock in the afternoon and proceeded to the house of Mariano Joyas in Lusacan, Tiaong, Quezon to borrow money. He arrived in Tiaong at around seven o'clock in the evening and

spent the night there. He left Joyas' house at around six o'clock in the morning of the following day and proceeded to Barangay Guisguis, Sariaya, Quezon. He arrived in Sariaya at around nine o'clock in the morning and was just alighting from the jeepney when he was handcuffed by Tino Carandang, a policeman in Candelaria, Quezon and uncle of Alexander.<sup>[13]</sup> He was brought to the Municipal Jail of Sariaya, Quezon where he was detained from January 30, 1994 up to the time of his trial. He later learned that the police were also looking for his brother Aquilino. He denied that he was with Aquilino and that they had a fistfight with Alexander at Paraiso beach nor was he with Aquilino when Alexander was stabbed.<sup>[14]</sup>

The statement of Ireneo was corroborated by Mariano Joyas who testified that when he arrived at his house from Manila on January 29, 1994, Ireneo was already there waiting for him.<sup>[15]</sup> He stated that he left Manila at around seven o'clock in the evening of January 29, 1994 and arrived in Tiaong at around ten o'clock in the evening.<sup>[16]</sup> He had a chat with Ireneo until they slept at around twelve midnight.<sup>[17]</sup> Ireneo spent the night in his house and left in the morning of January 30, 1994.<sup>[18]</sup>

After trial, judgment was rendered finding Ireneo Godoy guilty as charged.

Hence, this appeal, on the following grounds:

I

THE COURT A QUO ERRED IN GIVING FULL FAITH AND CREDENCE TO THE TESTIMONIES OF PROSECUTION WITNESSES WHO ARE RELATED BY BLOOD TO VICTIM.

II

THE COURT A QUO ERRED IN FINDING ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF MURDER.

III

THE COURT A QUO ERRED IN ORDERING ACCUSED-APPELLANT TO PAY THE HEIRS OF THE VICTIM P50,000.00 DEATH INDEMNITY; P63,608.00 FOR ACTUAL AND COMPENSATORY DAMAGES; P24,000.00 FOR LOSS OF EARNING CAPACITY; P5,000.00 FOR ATTORNEY'S FEES; AND P30,000.00 FOR MORAL DAMAGES.<sup>[19]</sup>

We affirm the conviction of accused-appellant.

It is a settled rule that the factual findings of the trial judge is entitled to respect if not finality, considering that the trial judge had the opportunity to observe the demeanor of witnesses. In *People vs. Villaver*,<sup>[20]</sup> the Court reiterated:

In resolving an issue on the credibility of a witness, the Court must yield to the oft-repeated rule which holds that the trial court's evaluation of the testimony of a witness is accorded great weight. The Court, more than once, has explained that it should rightly give the trial court a wide

latitude of assigning values to testimonial evidence because of its unique opportunity to so observe the witnesses on the stand as they testify. The trial court is aided by various *indicia* that could not be readily seen on record. The witness' manner of giving an answer, like the hesitant pause, the nervous voice, the undertone, the befuddled look, the honest gaze, the modest blush, or the guilty blanch, somehow can reveal if really the witness is telling the truth or weaving a web of lies. Unless, then, any fact or circumstance of significance and influence appears to have been overlooked or misconstrued, its findings on the credibility of witnesses should not be interfered with.

The Court finds no reason to reverse the factual findings of the lower court. The testimony of Marlon Leonardo, straight and categorical, is worthy of credence, thus:

ATTY. LASCIERAS:

QUESTION:

In the evening of January 29, 1994 more or less at about 8:00 o'clock, do you remember where were you?

ANSWER:

I was in the house of my grandmother Leonida Aguila at Barangay Guisguis, Sariaya, Quezon, sir.

Q: While you were in the house of your grandmother at Barangay Guisguis, Sariaya, Quezon at about 8:00 o'clock in the evening, do you remember if your grandmother told you anything?

A: Yes, sir.

Q: What was told to you by your grandmother Leonida Aguila?

A: I was requested by my grandmother to fetch Alexander Carandang, sir.

Q: Did your grandmother tell you where to fetch Alexander Carandang?

A: Yes, sir.

Q: Where?

A: At the duck farm, sir.

Q: Where is that duck farm being referred to by your

grandmother?

A: The duck farm located at Barangay Guisguis, Sariaya, Quezon, sir.

COURT:

Who owned that duck farm?

WITNESS:

It was Alexander Carandang, Your Honor.

ATTY. LASCIERAS:

Q: When your grandmother requested you to fetch Alexander Carandang at his duck farm, what did you do?<sup>[21]</sup>

Q: When you said you went to the duck farm, were you able to reach said duck farm?

A: No, sir.

Q: Why?

A: On my way to the duck farm I met Ireneo Godoy, Aquilino Godoy, Alexander Carandang and three other persons whom I did not know, sir.

COURT:

How far was the duck farm of Alexander Carandang from the house of your grandmother?

WITNESS:

Half kilometer, your Honor.

COURT:

How far were you from the duck farm of Alexander Carandang when you met the group of Godoy, Carandang and others?

WITNESS: