

FIRST DIVISION

[G.R. No. 145712, September 24, 2002]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
VICTOR HATE, ACCUSED-APPELLANT.**

D E C I S I O N

YNARES-SANTIAGO, J.:

This is an appeal from the decision^[1] of the Regional Trial Court of Sorsogon, Branch 52, in Criminal Case No. 98-4583, convicting accused-appellant Victor Hate of the crime of Murder and sentencing him to suffer the penalty of *reclusion perpetua* and to pay the heirs of the victim the sum of P50,000.00 as civil indemnity and P15,000.00 as reasonable actual expenses and to pay the cost.

The Information against accused-appellant reads:

That on or about 12:00 midnight of December 31, 1997, at barangay Central, municipality of Casiguran, province of Sorsogon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with treachery and evident premeditation armed with bladed weapon, did then and there, wilfully, unlawfully and feloniously, attack, assault and stab one MARCIAL DIO, inflicting upon him a fatal injury which caused his death, to the damage and prejudice of his legal heirs.

CONTRARY TO LAW.^[2]

Upon arraignment on June 4, 1998, accused-appellant, assisted by counsel *de parte*, entered a plea of not guilty. Thereafter, trial ensued. The prosecution presented the following witnesses: (1) Bernardo Palacio; (2) Joselito Esmeña; (3) Dr. Antonio Lopez; and (4) Remedios Dio.

On the other hand, the defense presented accused-appellant and Zoraida Barbiran.

The facts as narrated by the eyewitness presented by the prosecution are as follows:

At about midnight of December 31, 1997, Bernardo Palacio was walking from the church of Casiguran, Sorsogon towards the transportation terminal with Marcial Dio on his left side, Joselito Esmeña on his right side and one Dante ahead of them. Suddenly, Marcial Dio cried, "*I was hit.*" Bernardo immediately turned to his left side and saw accused-appellant stab the victim from behind with a sharp instrument. Accused-appellant thereafter ran away. He was able to identify the accused-appellant because the latter stared at him and a beam of flashlight shone on his face. The victim was brought to the Sorsogon Provincial Hospital. Bernardo then went to Cogon, Casiguran, Sorsogon with Joselito Esmeña to tell the victim's parents what had happened.^[3]

Joselito Esmeña corroborated the testimony of Bernardo Palacio and further testified that they chased accused-appellant for about two meters but they stopped because stones were pelted at them;^[4] and that he signed a sworn statement before Judge Rica H. Lacson.

Dr. Antonio Lopez, the doctor who performed the surgical operation on the victim and issued the corresponding death certificate, testified that the victim died at 5:10 in the morning of January 1, 1998 and the immediate cause of death was aspiration of gastric content secondary to stab wound in the lumbar area which is considered a vital organ.^[5]

Remedios Dio, the mother of the victim, testified on the damages they suffered caused by the untimely demise of their son.^[6]

For his defense, accused-appellant denied authorship of the crime. He alleged that at around 10:00 in the evening of December 31, 1997, he stayed at the house of his uncle, Rommel Grecia, at Logger, Casiguran, Sorsogon because he was suffering from stomachache. At around 2:00 in the morning, he requested that he be brought to the house of his sister, Zoraida Barbiran.^[7]

Zoraida Barbiran testified that Rommel Grecia brought her brother, accused-appellant, to her house. She gave him *leblon*, a medicine for stomach pains, and hot water. After several hours, accused-appellant was relieved, but he stayed in her house until 7:00 in the morning of January 1, 1998.^[8]

After trial, judgment was rendered against the accused-appellant, the dispositive portion of which reads:

WHEREFORE, premises considered, the Court finds accused Victor Hate guilty beyond reasonable doubt of the crime of Murder, defined and penalized under Article 248 of the Revised Penal Code with the qualifying circumstance of treachery, the Court hereby sentences him to an imprisonment of *Reclusion Perpetua* and to pay the heirs of Marcial Dio the sum of Fifty Thousand (P50,000.00) Pesos, Philippine currency, as civil indemnity without subsidiary imprisonment in case of insolvency, to reimburse the heirs of the victim the amount of P15,000.00 as reasonable actual expenses and to pay the cost.

Accused being detained, his detention shall be credited in full in the service of his sentence.

SO ORDERED.^[9]

In this appeal, accused-appellant raises the lone issue of:

WHETHER THE EVIDENCE ADDUCED BY THE PROSECUTION HAS SATISFIED THE TEST OF GUILT BEYOND REASONABLE DOUBT, IRRESPECTIVE OF THE DEFENSE OF ALIBI OR DENIAL INTERPOSED BY THE ACCUSED-APPELLANT WHICH IS INHERENTLY THE WEAKEST OF ALL DEFENSES.

Accused-appellant asserts that the prosecution's witnesses failed to properly identify the perpetrator of the crime because the *locus criminis* was dark and the assailant

ran away when Palacio focused the flashlight on him. Furthermore, both Bernardo Palacio and Joselito Esmeña were not familiar with the assailant's name.

The issue of whether or not appellant was in fact identified by the prosecution eyewitnesses is anchored on the issue of credibility. It is well-entrenched in this jurisdiction that factual findings of the trial court on the credibility of witnesses and their testimonies are entitled to the highest respect and will not be disturbed on appeal in the absence of any clear showing that the trial court overlooked, misunderstood or misapplied some facts or circumstances of weight and substance that would have affected the result of the case. Having seen and heard the witnesses themselves and observed their behavior and manner of testifying, the trial court was in a better position to decide the question of credibility.^[10]

A thorough review of the records of the instant case shows that there is no reason to deviate from the trial court's evaluation and assessment of the credibility of witnesses. The trial court did not err in giving credence to the testimony of the prosecution's witnesses that they were able to identify accused-appellant as the perpetrator of the crime. We do not doubt the identification of accused-appellant considering that the place was not so dark,^[11] and Bernardo Palacio was able to focus the beam of his flashlight on the face of accused-appellant.^[12] Moreover, his distance from accused-appellant was less than a meter.^[13] Bernardo Palacio's testimony is further bolstered by Dr. Antonio Lopez's testimony to the effect that the victim sustained one stab wound at the back. A detailed testimony acquires greater weight and credibility when confirmed by autopsy findings.^[14]

We are likewise not persuaded by accused-appellant's claim that Bernardo Palacio and Joselito Esmeña did not know his real name at the time of the alleged crime. The records reveal that although it was the police who supplied the name of accused-appellant; it was done after Bernardo Palacio described the facial features of the perpetrator. Thus, he stated on cross examination:^[15]

Atty. Gojol:

x x x
x

x x

x x x

q. And who told you his name?

a. The policeman.

Court:

q. Why did that policeman tell you his name?

a. Because I described the facial feature of the assailant to the police.

q. So it was the police who told you that it was Victor Hate?

a. Yes, sir.

q. When was that Victor Hate presented to you?

a. After two weeks, after he was arrested.