

## SECOND DIVISION

[ G.R. No. 123102, February 29, 2000 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
MADELO ESPINA Y CAÑASARES, ACCUSED-APPELLANT.**

### D E C I S I O N

#### **QUISUMBING, J.:**

On appeal is the decision dated September 4, 1995, of the Regional Trial Court of Bulacan, Branch 14<sup>[1]</sup> convicting appellant of the crime of murder, sentencing him to suffer the penalty of *reclusion perpetua*, and ordering him to pay the heirs of the victim the at amounts of P100,000.00, as indemnity, P15,000.00 as funeral expenses, and P50,000.00 as damages.

Appellant, a 17 year-old jeepney conductor, was charged with murder for the killing of Ma. Nympha Belen y Melano, a 21 year-old mental retardate.

The facts of the case are as follows:

On July 1, 1993, at about. 12:00 in the evening, prosecution witness Tolentino A. Colo was sleeping inside a jeepney parked at a garage in Francisco Homes, San Jose Del Monte, Bulacan. Suddenly, he was awakened when a woman cried out "*Aruy!*". Colo stood up and saw appellant coming out of a hut located some eight (8) meters away from the garage. Appellant was holding a curved knife in his hand. His t-shirt, hands, and knife were drenched with blood. Colo saw a woman inside the hut fall down on her face. Although it was nighttime, there was a light inside the hut and a mercury lamp some three (3) meters away which cast enough illumination for Colo to recognize appellant and the woman as Ma. Nympha Belen. When appellant saw Colo, he shouted "*panglima ire*" referring to the victim, and "*panganim ka!*" referring to Colo. Scared out of his wits, Colo immediately jumped out of the window of the jeepney and hid in the roof of a nearby house. Appellant gave chase but when he could not find Colo, he finally gave up and left. Colo remained on the roof for five (5) long hours. At around 6:00 the following morning, he gingerly went down and drove the jeepney in his usual route. On July 2, 1993, at around 7:00 in the evening, Colo was arrested by the police and brought to the station for investigation. The following day, Colo told Mrs. Precila Melanio-Belen, mother of the victim, that it was appellant who killed her daughter.<sup>[2]</sup>

On August 3, 1993, appellant was charged with the crime of murder under the following Information:<sup>[3]</sup>

### "I N F O R M A T I O N

The undersigned Asst. Provincial Prosecutor accuses Madelo Espina y Cañasares of the crime of murder, penalized under the provisions of

Article 248 of the Revised Penal Code, committed as follows:

That on or about the 1st day of July, 1993, in the municipality of San Jose del Monte, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the said accused Madelo Espina y Cañasares, armed with a bladed weapon and with intent to kill one Maria Nympha Belen, did then and there wilfully, unlawfully and feloniously, with evident premeditation, abuse of superior strength and treachery, attack, assault and stab with the said bladed weapon he was then provided the said Maria Nympha Belen, a mentally retarded woman, hitting the latter on the different parts of her body, thereby causing her serious physical injuries which directly caused her death.

Contrary to law.

Malolos, Bulacan, August 3, 1993."

Upon arraignment on October 29, 1993, appellant entered a plea of not guilty.<sup>[4]</sup> At the pre-trial conference,<sup>[5]</sup> the sworn statements of Mrs. Precila Melanio-Belen<sup>[6]</sup> and Tolentino Colo,<sup>[7]</sup> the post-mortem examination<sup>[8]</sup> and death certificate of Ma. Nympha Belen<sup>[9]</sup> were marked in evidence.

During trial, the prosecution presented the following witnesses: (1) Mrs. Precila Melanio-Belen, mother of the victim, who testified that her daughter was a mental retardate, and that their family paid more than P15,000.00. for the funeral of the victim;<sup>[10]</sup> (2) Tolentino A. Colo, a jeepney driver, who narrated the events he witnessed in connection with the stabbing incident; (3) SPO3 Rogelio Encina, a member of the Philippine National Police (PNP), San Jose Del Monte, Bulacan, who was tasked to bring to court the knife used in the killing from the Municipal Trial Court of San Jose Del Monte, Bulacan;<sup>[11]</sup> (4) Dr. Juan V. Zaldariaga, Jr., Medico-Legal Officer of the National Bureau of Investigation (NBI), who conducted the post-mortem examination and testified that the victim sustained six (6) stab wounds, five (5) of which were fatal.<sup>[12]</sup>

For the defense, appellant himself testified. He stated that in the evening of July 1, 1993, he was having a drinking spree with Jun, Gusing, Panis, Colo, and some others, at the garage in San Jose Del Monte, Bulacan. At around 10:00 P.M., he left the group and being drunk, he decided to sleep inside the parked jeepney in the garage instead of going home. At around 12:10 in the morning, he was awakened by policemen and brought to the police detachment where he was questioned regarding the killing. He told the police that he did not know who killed the victim.<sup>[13]</sup>

On September 4, 1995, the trial court rendered a decision<sup>[14]</sup> finding appellant guilty of murder, the dispositive portion of which states:

"WHEREFORE, the Court finds the accused Madelo Espina y Cañasares guilty of the crime of Murder, the court hereby imposes upon the accused the penalty of *Reclusion Perpetua*.

To indemnify the heirs of the victim P100,000.00.

To pay Precila Belen P15,000.00 expenses for wake & burial.

To pay P50,000.00 moral damage.

The accused a detention prisoner, the Provincial Warden of Malolos, Bulacan is ordered to commit the accused to the National Penitentiary immediately upon receipt hereof.

SO ORDERED."<sup>[15]</sup>

Hence, the present appeal. Appellant contends that the trial court gravely erred in -

I. ...GIVING FULL FAITH AND CREDENCE TO THE TESTIMONY OF ALLEGED EYEWITNESS, AND IN NOT ACQUITTING ACCUSED APPELLANT ON GROUND OF REASONABLE DOUBT.

II. ...ORDERING ACCUSED-APPELLANT TO INDEMNIFY THE HEIRS OF THE VICTIM IN THE AMOUNT OF P100,000.00; TO PAY THE AMOUNT OF P 15,000.00 AS REIMBURSEMENT FOR THE WAKE AND THE BURIAL EXPENSES; AND P50,000.00 AS MORAL DAMAGES.

In his brief,<sup>[16]</sup> appellant assails the credibility of prosecution witness, Colo considering that the latter was also a suspect in the killing, and was under detention at the time he gave his statement pointing to appellant as the killer. Further, appellant claims, Colo had a motive in pointing to appellant as the assailant since they had a previous quarrel over money. Appellant also contends that Colo's behavior after witnessing the incident is not in consonance with normal human behavior, for instead of reporting the matter to the police, he merely went ahead plying his usual jeepney route. Appellant also avers that the murder weapon was not positively identified in court. Lastly, appellant insists that he was convicted on the basis of insufficient circumstantial evidence. And even assuming that appellant committed the crime, the lower court failed to take into consideration the privileged mitigating circumstance of minority, appellant being only seventeen (17) years old at the time of the commission of the crime.

For the State, the Office of the Solicitor General<sup>[17]</sup> contends that Colo was released after investigation, suggesting the insufficiency of evidence to implicate him. Further, the OSG belies the imputation of ill-motive on the part of Colo to testify against appellant considering that the alleged quarrel over money was brought up to explain why appellant was no longer living with Colo, not why Colo would implicate appellant. The OSG also contends that there is also no standard form of behavior when one is confronted with a shocking incident. Hence, the OSG prays for the affirmance of the conviction for murder since the killing is qualified by abuse of superior strength. But, it recommends that indemnity be reduced to P50,000.00 pursuant to existing jurisprudence.

In sum, the issues center on the credibility of the prosecution witness Colo and the sufficiency of the circumstantial evidence to convict appellant of the crime charged.

Anent the issue of credibility of witnesses, the elementary rule is that appellate courts will generally not disturb the findings of the trial court. The latter is in a

better position to decide the question, having heard the witnesses themselves and observed their deportment and manner of testifying during the trial, unless it has plainly overlooked certain facts of substance and value that, if considered, might affect the result of the case.<sup>[18]</sup> The rule admits of certain exceptions, namely: (1) when patent inconsistencies in the statements of witnesses are ignored by the trial court, or (2) when the conclusions arrived at are clearly unsupported by the evidence.<sup>[19]</sup> No inconsistencies in Colo's testimony were pointed out by appellant. Neither does appellant contend that the trial court erred in relying on the evidence on record.

Appellant attempts to impeach the testimony at this late stage of the proceeding. The records show that appellant was afforded ample opportunity to cross examine Colo and to demonstrate any falsity or error in his allegedly biased testimony. Appellant failed, however, to undermine Colo's credibility.

The fact that a witness may have been investigated in connection with the commission of the crime and that he had a previous quarrel with appellant are no grounds for disqualification of a witness under Section 20 of Rule 130 of the Rules of Court. By itself, prejudice against an accused cannot warrant the disqualification of witnesses or the total disregard of their testimonies.<sup>[20]</sup> Under the same rule, in general, any person can testify in court, regardless of personal interest in a case. At any rate, these circumstances may affect the credibility of the witness, the assessment of which is within the province of the trial court. Anent his motive in testifying, Colo repeatedly insisted that he offered to testify because he pitied the mother of the victim who could find no witnesses willing to shed light on the death of her daughter.<sup>[21]</sup> The foregoing factors considered, we find no cogent reason to overturn the factual findings of the trial court.

As to the sufficiency of evidence to convict appellant, we have likewise held that direct evidence of the commission of a crime is not the only matrix wherefrom a trial court may draw its conclusion and finding of guilt.<sup>[22]</sup> Under Section 4 of Rule 130 of the Rules of Court, conviction may be had even on circumstantial evidence provided three requisites concur: (1) there is more than one circumstance; (2) the facts from which the inferences are derived are proven; and (3) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.

The following circumstances, when pieced together, lead to the ineluctable conclusion that appellant stabbed the victim: (1) Appellant, by his own admission, was at the *locus criminis* at around the time of stabbing incident.<sup>[23]</sup> (2) He was seen leaving the hut, barely seconds after the killing, by witness Colo.<sup>[24]</sup> (3) He was seen leaving the hut holding a bloodied knife, and his t shirt and hands drenched with blood.<sup>[25]</sup> (4) The knife, which had one blunt extremity and one sharp extremity, was presented in evidence, was akin to the knife used to inflict the wounds sustained by the victim.<sup>[26]</sup> (5) He was heard exclaiming "*pang lima ire*" referring to the victim and "*pang-anim ka*" referring to Colo.<sup>[27]</sup> (6) Appellant, still holding the knife, even chased Colo, but eventually left when he could not find Colo.<sup>[28]</sup>

The most incriminating piece of evidence against appellant is Colo's testimony that he saw appellant holding a bloodied curved knife, with his t-shirt and hands