367 Phil. 778

THIRD DIVISION

[G.R. No. 132024, June 17, 1999]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LEONARDO BIHISON Y SILENCIO, PEPITO KADUSALE Y DEIS AND RELITO TIPONTIPON Y ESTOY, ACCUSED-APPELLANTS.

D E C I S I O N

VITUG, J.:

In their appeal from the decision, dated 10 October 1993, of the Regional Trial Court of Cavite Branch 18, to the Court of Appeals, accused-appellants Pepito Kadusale, Relito Tipontipon, Eduardo Bihison and Leonardo Bihison sought a reversal of the verdict finding them guilty beyond reasonable doubt of the crime of murder. The information filed against appellants read:

> "The under signed 1st Assistant Provincial Prosecutor hereby accuses EUFEMIO CABINGAN, PEPITO KADUSALE, EDUARDO BIHISON, RELITO TIPONTIPON, LEONARDO BIHISON, PONCIANO DUCUSIN, DOMINGO DUCUSIN, CARLOS MENDOZA, JUNIOR DOYOLA, BASILIO BUKLATIN, ALBERTO DUCUSIN, EMILIO DUCUSIN, CARDING BRAZA and BOY DOE of the crime of MURDER, committed as follows:
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> "That on or about the 23rd day of February 1992 at Barangay Adlas, Municipality of Silang, Province of Cavite, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping and aiding one another, with intent to kill, being then armed with bladed and pointed weapons, with treachery and evident premeditation, did, then and, there, willfully, unlawfully and feloniously, attack, hit, assault and stab one Honorio Lintag inflicting upon him mortal wounds which caused his subsequent death, thereby causing damage and prejudice to his legal heirs."[1]

Of the fourteen accused, only Eufemio Cabingan, Pepito Kadusale, Relito Tipontipon, Leonardo Bihison and Eduardo Bihison had been arrested and brought to trial following a plea of not guilty entered by the accused at the arraignment. The prosecution presented its case. After the prosecution had rested, the defense started to give its own account of the evidence . Its presentation could not be completed, however, due to the repeated failure of the counsel for the accused to appear for trial despite notice. Finally, on 13 July 1993, the trial court issued an order, upon motion of the prosecution, declaring the right of the accused to present further evidence to have been waived and holding the case to have thereby been deemed submitted for decision. Shortly thereafter, the court *a quo* was informed by the Provincial Warden of Cavite that accused Eufemio Cabingan had died of cardiac arrest on 28 July 1993 and that accused Eduardo Bihison had escaped.

On 09 November 1993, the trial court issued an order archiving the case when advised of the pendency of a petition for *certiorari,* filed by appellants with the Court of Appeals, assailing the denial of their petition for bail. The appellate court dismissed the petition for *certiorari.* The trial court thereupon ordered the reinstatement of the case against appellants and set the promulgation of its decision.

On 10 October 1993, the trial court rendered its judgment, finding appellants guilty of the offense charged and sentencing them accordingly; *viz*:

> "WHEREFORE, in view of the foregoing, this Court finds the accused PEPITO KADUSALE y DEIS, RELITO TIPONTIPON y ESTOY, EDUARDO BIHISON y SILENCIO and LEONARDO BIHISON y SILENCIO, GUILTY beyond reasonable doubt as principals of the crime of MURDER, as this felony is defined and penalized by Article 248 of the Revised Penal Code, and there being no modifying circumstance proven to either aggravate or mitigate their liability, and, furthermore, applying the provisions of the Indeterminate Sentence Law, hereby sentences said accused to suffer an indeterminate penalty of imprisonment ranging from FOURTEEN (14) YEARS, EIGHT (8) MONTHS and ONE (1) DAY of Reclusion Temporal, as minimum to SEVENTEEN (17) YEARS and FOUR (4) MONTHS of Reclusion Temporal, as maximum; to pay the heirs of the deceased Honorio Lintag the sum of P33,000.00, as actual damages; P50,000.00, as indemnity for the death of the victim; P25,000.00, as moral damages; and P25,000.00, as exemplary damages; and to pay the costs.
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> "With respect to the other accused herein, namely: Ponciano Ducusin, Domingo Ducusin, Carlos Mendoza, Junior Doyola, Basilio Buklatin, Alberto Ducusin, Emilio Ducusin, Carding Braza and Boy Doe, let the instant case against them be archived to be revived once they are finally arrested and brought to this Court by the police authorities for appropriate proceedings."[2]

Still feeling aggrieved by the decision of the trial court, accused Pepito Kadusale, Relito Tipontipon and Leonardo Bihison interposed an appeal to the Court of Appeals. The appeal opened the whole case for review, inclusive of the penalties imposed by the court *a quo*,[3] a rule in vogue in criminal proceedings. On 19 March 1997, the appellate court rendered judgment affirming the convic,tion of appellants but increasing the penalty imposed to *reclusion perpetua*; it explained:

> "However, as pointed out by the Solicitor General, the penalty imposed by the court *a quo*, which is within the range of reclusion temporal, is not correct. There being no modifying circumstance, the penalty for the crime of murder should be reclusion perpetua. This is explained in People vs. Munoz, 170 SCRA 107, thus:
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> > "'In People vs. Guevarra, Justice Pedro L. Yap declared for the Court that `in view of the abolition of the death penalty under Section 19, Article III of the 1987 Constitution, the penalty that may be imposed for murder is reclusion temporal in its maximum period to reclusion perpetua,' thereby eliminating death as the original maximum period. Later, without categorically saying so, the Court, through Justice Ameurfina

> A Melencio-Herrera in People vs. Masangkay and through Justice Andres B. Narvasa in People vs. Atencio, divided the modified penalty into three new periods, the limits of which were specified by Justice Edgardo L. Paras, in People vs. Intino, as follows: the lower half of reclusion temporal maximum as the medium; and reclusion perpetua as the maximum.
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> `The Court has reconsidered the above cases and, after extended discussion, come to the conclusion that the doctrine announced therein does not reflect the intention of the framers as embodied in Article III, Section 19 (1) of the Constitution. This conclusion is not unanimous, to be sure. Indeed, there is much to be said of the opposite view, which was in fact shared by many of those now voting for its reversal. The majority of the Court, however, is of the belief that the original interpretation should be restored as the more acceptable reading of the constitutional provision in question.
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> `The advocates of the Masangkay ruling argue that the Constitution abolished the death penalty and thereby limited the penalty for murder to the remaining periods, to wit, the minimum and the medium. These should now be divided into three new periods in keeping with the three-grade scheme intended by the legislature. Those who disagree feel that Article III, Section 19 (1) merely prohibits the imposition of the death penalty and has not, by reducing it to reclusion perpetua, also correspondingly reduced the remaining penalties. These should be maintained intact.
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> `A reading of Section 19(1) of Article III will readily show that there is really nothing therein which expressly declares the abolition of the death penalty. The provision merely says that the death penalty shall not be imposed unless for compelling reasons involving heinous crimes the Congress hereafter provides for it and, if already imposed, shall be reduced to reclusion perpetua. The language, while rather awkward, is still plain enough. And it is a settled rule of legal hermeneutics that if the language under consideration is plain, it is neither necessary nor permissible to resort to extrinsic aids, like the records of the constitutional convention, for its interpretation.'

"What course of action should this Court take under the situation? The answer is found in Section 13, 2nd paragraph, Rule 124 of the 1985 Rules on Criminal Procedure, which provides as follows:

> "'Whenever the Court of Appeals should be of the opinion that the penalty of reclusion perpetua or higher should be imposed in a case, the court after discussion of the evidence and the law involved, *shall render judgment imposing the penalty of reclusion perpetua or higher* as the circumstances warrant, *refrain from entering* judgment and forthwith *certify* the case

and elevate the entire record thereof to the Supreme Court for review.'

"The above rule is a restatement of the ruling in People vs. Daniel, 86 SCRA 511, on the preliminary issue on the correct course of action the Court of Appeals should take when, in a case properly appealed to it, said Court determines that the penalty of death or reclusion perpetua (life imprisonment) should be imposed."[4]

Whereupon, the Court of Appeals, consistently with the Rules, rendered judgment imposing the penalty of *reclusion perpetua,* refrained from entering judgment and forthwith directed the elevation of the records of the case to this Court for review; thus:

"WHEREFORE, premises considered, the decision appealed from is hereby MODIFIED by sentencing the accused-appellants to suffer the penalty of reclusion perpetua. With this modification, the judgment below is AFFIRMED in all other respects, with costs against appellants.

"The Division Clerk of Court is directed to elevate the entire record of the case to the Supreme Court within five (5) days after the lapse of the period to appeal, unless this Court, in the meantime, reverses this judgment or modifies it by imposing a penalty lower than *reclusion perpetua*."[5]

On 18 February 1998, the Court issued a resolution informing appellants that they could file an additional appeal brief within a non-extendible period of twenty (20) days from notice and, if such additional brief is filed, requiring the office of the Solicitor General to file an additional brief for appellee. No additional briefs were filed by either party.

In their appeal-brief to the Court of Appeals, appellants raised the following assignment of errors, to wit:

"I. The trial court erred in finding accused-appellants guilty beyond reasonable doubt of the crime charged despite the fact that the evidence for the prosecution was insufficient to convict.

"II. The trial court erred in finding accused-appellants guilty beyond reasonable doubt of the crime charged despite the failure of the prosecution to prove their guilt beyond reasonable doubt."[6]

The core issue raised by appellants in their appeal is indeed factual and involves nothing more really than the credibility of the witnesses. Under prevailing jurisprudence,[7] the assignment of values to the testimony of witnesses is virtually left to the trial court which is considered to be in the best position to discharge that function. Its findings on that issue almost invariably are given the highest degree of respect and, absent strong cogent reasons to the contrary, are not disturbed on appeal. Appellants have not been able to successfully show sufficient justification to warrant a reversal at this time and in this instance of that long standing rule.

The main argument of appellants hinges on certain supposed inadequacies in the testimony of Rosalinda Mendoza and that of Irenea Zacarias. Appellants claim that

Rosalinda Mendoza should not be considered a credible witness because she could not recall the exact sequence of the attack and the relative positions of appellants in assaulting and stabbing the victim. The credibility of Irenea Zacarias, in her case, is also assailed for her inability to name the respective instruments used by each of the appellants.

The argument is feeble.

Eyewitnesses to a horrifying event cannot be expected, nor be faulted if they are unable, to be completely accurate in picturing to the court all that has transpired and every detail of what they have seen or heard. Various reasons, mostly explainable, can account for this reality; the Court has long acknowledged the verity that different human minds react distinctly and diversely when confronted with a sudden and shocking event, and that a witness may sometimes ignore certain details which at the time might have appeared to him to be insignificant but which to another person, under the same circumstances, would seem noteworthy.[8]

The Court has closely examined the testimony of Rosalinda Mendoza, and her narration of the stabbing and hacking incident is far from being incredulous. Here is how she testified:

"ATTY. CAPISTRANO:

Do you remember where you were on February 23, 1992 at three o'clock in the afternoon?

"A. We were going to the sugar cane plantation, sir.

"Q. Where is this?

"A. In Barangay Adlas, sir.

"Q. Who were with you?

"A. Irenea Zacarias was my companion then.

"Q. Did you witness any unusual occurrence?

"ATTY. AQUINO:

Leading, your Honor.

"ATTY. CAPISTRANO:

It is just preliminary.

"COURT:

All right, preliminary. You may proceed.

"ATTY. CAPISTRANO:

Did you witness any unusual occurrence?