

THIRD DIVISION

[G.R. No. 121898, January 29, 1998]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RENE H. ARANJUEZ, ACCUSED-APPELLANT.**

DECISION

ROMERO, J.:

Rene Aranjuez, herein accused-appellant, was charged with murder in an Information^[1] that reads -

"That on or about the 19th day of December 1993, in the City of Bacolod, Philippines, and within the jurisdiction of this Honorable Court, the herein accused, without any justifiable cause or motive, being then armed with a knife, with intent to kill and by means of treachery and evident premeditation, did then and there willfully, unlawfully and feloniously assault, attack and stab with said weapon one Godofredo Ferrer y Guardiano, thereby inflicting upon the person of the latter the following wounds, to wit:

1. Stab wound 1.5 inch long, 0.5 cm. deep at the third lateral proximal portion of the forearm, left;
2. Stab wound 1 (one) inch long, 0.5 cm. deep at the middle third of the medial portion of the forearm left;
3. Stab wound 1.5 inch long, 1 cm. deep at the cubital region left;
4. Stab wound 1 cm. in width, 1 inch deep at the right hypochondriac region, directed forward medially involving the lobe of the liver, right;
5. Stab wound 1 cm. wide, 2 inches deep at the 6th intercostal space, left directed diagonally upwards involving the left lobe of the liver and the heart;
6. Stab wound 1 cm. wide, 2 inches deep at the 4th intercostal space left, along parasternal line directed forward medially posteriorly rupturing the heart.

Cause of death:

Cardiorespiratory arrest, shock, hemorrhage, severe, internal, rupture of the heart due to stab wounds -

which were the direct and immediate cause of his death to the damage and prejudice of his heirs as follows:

1. As indemnity for the death of the victim.....P50,000.00
2. As indemnity for the loss of earning capacity
of the
victim.....P69,600.00
3. As moral
damages.....P10,000.00

Act contrary to law.”

When arraigned, accused-appellant entered a plea of not guilty.

The facts as found by the trial court are as follows: At 1:00 o'clock in the morning of December 19, 1993, Godofredo Ferrer, his wife Filomena Ferrer and children were still awake inside their house in Villa Lucasan, Mandalagan, Bacolod City as the children had just arrived from a public dance held nearby. Their lights were still on, including the one inside their store, thereby illuminating their front yard. Suddenly they heard a commotion and shouting outside and as they all went outside their house to investigate, they saw the group of Ananias Lugmao, Armando Aranjuez and Dodoy Roxas.^[2]

Ananias Lugmao was shouting and challenging Siegfredo Lomugdang, a neighbor of the Ferrers, to come out of his house and fight. Apparently, Siegfredo Lomugdang had quarrelled with the group of Ananias Lugmao at the dance hall. Godofredo Ferrer felt obliged to intervene considering that Ananias Lugmao's wife is his cousin and Siegfredo is a good friend.

On her part, Mrs. Ferrer asked the group what actually transpired at the dance hall. Before Mrs. Ferrer could elicit a satisfactory answer from Ananias Lugmao, accused-appellant suddenly appeared from behind the gumamela plants surrounding the front yard of the Ferrers and without any reason whatsoever stabbed Godofredo Ferrer several times with a bladed weapon on different parts of his body until he fell prone on the ground.

While Godofredo Ferrer was being attacked, Mrs. Ferrer and her son Rex Ferrer clearly saw accused-appellant as they were standing just about two to three meters from where the victim was standing. Stunned with the sudden and unexpected turn of events, they stood immobilized and consequently failed to extend any assistance to their fallen loved one. Thereafter, accused-appellant together with his cohorts fled from the crime scene. Godofredo Ferrer was rushed to a nearby hospital but was declared dead on arrival.

Accused-appellant testified on his behalf. He denied having been acquainted with the victim, much less any participation in the crime and attempted instead to shift authorship of the crime to his cousin Armando Aranjuez. He narrated that when the incident took place, he was already sleeping at his workplace in Abkasa, Bacolod City. He averred further that he only came to know of the quarrel at the dance hall

and the subsequent stabbing of Godofredo Ferrer from his friends. Fearful of any retaliation the Ferrer family might initiate, he immediately left for Iloilo that same morning in the company of his friends.

Not convinced by the version of accused-appellant, the Regional Trial Court-Br. 42 of Bacolod City convicted accused-appellant of the crime charged and sentenced him to suffer the penalty of *reclusion perpetua* and to indemnify the heirs of the victim in the amount of P50,000.00.^[3]

Frustrated, accused-appellant now comes before this Court claiming that -

1. The trial court gravely erred in giving full weight and credence to the testimonies of the prosecution witnesses and in disregarding the theory of the defense.
2. The trial court gravely erred in finding the existence of treachery as a circumstance qualifying the crime charged against accused-appellant to murder and in further finding him guilty thereof, despite insufficiency of the prosecution evidence that would warrant a conviction beyond a reasonable doubt.^[4]

This Court is not convinced that the trial court abused its discretion - much less erred - in giving full weight and credence to the positive testimonies of the prosecution witnesses and in disbelieving and disregarding the defense theory of denial and alibi. On the contrary, the trial court was very meticulous and thorough in its presentation and consideration of the facts and evidence, to wit -

"Given these set of facts indicating, more or less, the scenario surrounding the place of the crime, this Court, therefore, entertains no doubt as to the veracity and credence of the identification of the accused by the prosecution witnesses because of the following circumstances:

FIRSTLY, the house and the store were still open and lighted. As testified to by the prosecution witnesses, the illumination of the place where the incident happened extended to the yard of the Ferrers, hence, it was not difficult for anyone to see and identify who may have been present;

SECONDLY, prosecution witness Rex G. Ferrer who was an eyewitness to the commission of the offense involving his father and the accused and who was only about two (2) to three (3) meters away from his father, identified positively Rene Aranjuez as the assailant of his father. It is not doubted that Rex G. Ferrer knew Rene Aranjuez even before December 19, 1993 being a co-worker of his brother, Rey Ferrer. As a matter of fact, he recalled that at about 10:00 o'clock in the evening of October 18, 1993, he also saw the accused at the dance hall where he also got involved in a violent confrontation;

THIRDLY, Mrs. Filomena Ferrer who also testified in this case, was just about half a yard away to the right of her husband when the accused, coming from the *gumamela* plants around, stabbed him. Under the circumstances, it would not be hard for anyone to remember, recognize or identify a person whom the witness may have seen to have caused the happening of a startling occurrence, an event that turned out very difficult for Mrs. Ferrer to forget as it caused the untimely demise of