

FIRST DIVISION

[G.R. No. 116610, December 02, 1996]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
WILSON VILLANUEVA, ACCUSED-APPELLANT.**

D E C I S I O N

VITUG, J.:

The stabbing of Felix Tañola during a benefit dance held on the night of 16 April 1989 resulted in his instantaneous death. The accused, Wilson Villanueva, was pointed to by witnesses as being the culprit. In an information, dated 22 August 1989, Villanueva was charged with the crime of murder; thus:

"The undersigned 2nd Assistant Provincial Prosecutor accuses WILSON VILLANUEVA, of the crime of MURDER, committed as follows:

"That on April 16, 1989, at about 11:00 o'clock in the evening at barangay Malubo, Municipality of Mahayag, Province of Zamboanga del Sur, Republic of the Philippines, and within the jurisdiction of this Honorable Court, the above-named accused with intent to kill with treachery and evident premeditation, while armed with a hunting knife, did then and there wilfully, unlawfully and feloniously stab one Felix Tañola inflicting upon him mortal stab wounds on the different parts of his body which caused his instantaneous death.

"CONTRARY TO ARTICLE 248 of the Revised Penal Code with the aggravating circumstance of nighttime which was specifically sought by the accused to facilitate the commission of the offense."^[1]

At his arraignment, the accused pleaded "not guilty" to the charge; thereafter, trial proceeded.

After evaluating the evidence respectively tendered by the prosecution and the defense during the trial, Judge Camilo E. Tamin of the Regional Trial Court of Zamboanga del Sur, Branch 23, on 20 June 1994, rendered a judgment of conviction. Judge Tamin held:

"WHEREFORE, on the basis of the evidences submitted, this court finds the accused GUILTY beyond reasonable doubt of the crime of murder qualified by trachery and evident premeditation and hereby sentences him-

"1) To an imprisonment of reclusion perpetua; and

"2) To indemnify the heirs of the deceased in the sum of P50,000.00.

"SO ORDERED." [2]

Disagreeing with the trial court's appreciation of the evidence, accused Wilson Villanueva interposed this appeal. He assigned these "errors:'

"1

"THE TRIAL COURT ERRED IN GIVING FAITH AND CREDENCE TO THE TESTIMONY OF THE PROSECUTION WITNESS ARCELI DANGASE.

"2

"THE TRIAL COURT ERRED IN DECLARING THAT TREACHERY AND EVIDENT PREMEDITATION WERE PRESENT AS TO QUALIFY THE CRIME TO MURDER." [3]

The evidence for the prosecution consisted of the declarations at the witness stand of Arceli Dangase, Francisco Gumula, Diosdado Regañon and Jeffrey Artiaga. The defense proffered the testimony of Federico Campuso and that of appellant himself.

The actual scenario, from the view of the trial court, is that depicted, *albeit* briefly, in the decision appealed from; viz:

"Reconstructing the sequence of events in the evening of April 16, 1989 at Malubo Mahayag, Zamboanga del Sur, the court is morally convinced of the occurrence of the following set of facts; that the accused was standing outside the dancing hall immediately before the stabbing incident; that when the deceased Felix Tañola went out of the dancing hall to urinate, he was followed by the accused; that the deceased returned with blood all over about him and the accused ran away; that the accused voluntarily surrendered to CAGU Francisco Gumula at the latter's residence in Malubo in the afternoon of April 17, 1989 and confessed to the killing of Felix Tañola." [4]

The trial court, in fine, gave credence to the testimony of eyewitness Arceli Dangase that -

"x x x in the evening of April 16, 1989, she was tending her store a short distance from the benefit dance being then held at the market place of Malubo, Mahayag, Zamboanga del Sur, that Felix Tañola had an argument with accused Wilson Villanueva that evening; that the accused was standing outside the dancing hall, and when Felix Tañola went out to urinate, she saw the accused followed Felix Tañola; that when Felix returned, his breast was already full of blood; that she shouted that Felix was stabbed and pointed to the accused who then run away." [5]

Impressed with Arceli, the trial court observed that her -

"x x x demeanor and testimony in court were natural and unaffected. She had no reason to testify falsely against the accused. To the contrary, immediately after she testified, the said witness talked to the accused

inside the courtroom crying. The court therefore has no doubt of the sincerity and veracity of the testimony of said witness."^[6]

Appellant denied the criminal imputation against him. He testified that he was at the dance hall with a lady partner (whose name, strangely, he could not remember) when the stabbing incident occurred. He was later arrested at home without any warrant. He assailed the credibility of the prosecution witnesses. In the case particularly of eyewitness Arceli Dangase, he asseverated that her testimony was full of inconsistencies.

The Court has examined the records, and it is satisfied that the court *a quo* has been more than judicious in giving credit to Arceli's testimony.

Arceli gave this eyewitness account of the stabbing incident:

"Q- That is what you firmly believe that Wilson Villanueva stabbed Felix because he ran away?

"A- It was Wilson who stabbed Felix because I saw him and after he stabbed Felix he ran, but it is very risky to pinpoint him, but it was Wilson and he ran afterwards.

"Q- Now, how did Wilson Villanueva stab Felix Tanyola

"A- He was holding the knife and stabbed Felix.

"Q- Will you please demonstrate?

"INTERPRETER:

"The witness demonstrated the man who stabbed was holding it on his right hand and demonstrated the act of stabbing the breast of Felix Tanyola and then afterwards he ran.

"Q- So that your answer in number 6 which you said that you did not actually see is wrong.

"FISCAL CAGOCO:

"Misleading, Your Honor, the answer never categorical state that she did not see the actual stabbing, Your Honor.

"ATTY. TECSON:

."Yes, she did not see the actual stabbing what she saw is she was already surprised why Wilson ran away and what was really she saw is that Felix Tanyola was already holding his breast that was what she say.

"COURT:

."The affidavit does not state that she did not see. But that is your conclusion.

"ATTY. TECSON:

"Now, it is very clear that he just only saw Felix while he was holding his breast.

"COURT: