

EIGHTH DIVISION

[CA - G.R. CR No. 35412, April 28, 2014]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOEL CAMILLA AND NOLI PANTINOPLE, ACCUSED-APPELLANTS.

D E C I S I O N

LOPEZ, J.:

The sufficiency of evidence to establish guilt beyond reasonable doubt is the issue raised in this appeal^[1] assailing the October 8, 2012 Decision^[2] of the Regional Trial Court of Palawan and Puerto Princesa City convicting appellants Joel Camilla and Noli Pantinople of Homicide^[3].

The facts are of record.

In the evening of July 11, 1996, Jocelyn Tindog went to Big-Big Canteen along Rizal Avenue, Puerto Princesa City to see her friend Chona who was working there.^[4] When she entered the restaurant, she noticed that some men were drinking. At around 12:20 A.M., she saw Joel Camilla box Ramlito Pacaldo.^[5] After hitting Ramlito, Joel went out of the canteen.^[6] When Joel returned, he again boxed Ramlito.^[7] Meanwhile, Noli Pantinople joined the fray and helped Joel beat Ramlito^[8] for about half an hour.^[9] Joel twisted Ramlito's neck, who then slumped to the floor.^[10] When, the policemen arrived, they rushed Ramlito to the hospital^[11] where he expired. Jocelyn positively identified both Joel^[12] and Noli^[13] as the assailants.

Dr. Rudolph Baladad autopsied the body of Ramlito and found two wounds: hematoma on the left eye and dislocation of the spinal cord. He testified that the hematoma might have been caused by a hard object hitting the eye.^[14] The spinal cord injury might have been due to a strong force applied on the neck of the victim.^[15] He also said that the head of the victim could have been twisted.^[16] The Autopsy/Post-Mortem Report stated that the cause of Ramlito's death was shock, secondary to cervical dislocation with injury to the cervical spinal chord^[17](sic).

Both Joel and Noli denied the charge. Noli testified that on July 11, 1996, he, together with Joel and Toto went to the canteen to drink.^[18] Except for the three of them and Ramlito, there were no other people at the canteen. He left their table for a while to play some music. When he returned, Joel told him that Ramlito blew his nose on a tissue paper and placed the tissue inside Toto's glass.^[19] They decided to leave the place and left Ramlito alone. When they were about to leave, Ramlito blocked Joel's way by sticking his foot forward; Joel almost tripped.^[20] Joel then boxed Ramlito once and went out of the canteen.^[21] Noli followed Joel outside, but

Ramlito chased and hit him.^[22] He retaliated and boxed Ramlito once. Thereafter, he and Joel boarded a tricycle home.^[23] When they left the canteen, Ramlito was running amok.^[24] Later that morning, he was arrested by the police for Ramlito's death.

Joel essentially repeated Noli's testimony.^[25] Except for the his statement that aside from them, there were five other people drinking at the canteen,^[26] Joel and Noli's testimonies tallied in every material point.

The RTC convicted Joel and Noli of Homicide, ratiocinating as follows:

The evidence thus presented by the prosecution shows that the accused Joel Camilla and Noli Pantinople were present at Big B, Rizal Avenue, Puerto Princesa City on July 11, 1996 at around 12:00 o'clock in the morning, and while thereat, Camilla and Pantinople helped each other in boxing Pacaldo and that Camilla delivered the fatal blow when he twisted the neck of Pacaldo leading to his death. The allegations of the witness for the defense to show that the accused Camilla was at home has been overcome by the credible and straightforward testimony of Jocelyn Tindog. And it has been held that: " *The testimony of a single witness may be sufficient to produce conviction if it appears to be trustworthy and reliable.*"

The fact of death of Ramlito was proven and the cause thereof was described by the testimony of Dr. Baladad, and his findings confirmed the cause of death to be due to the dislocation of the spinal cord which may have been due to the twisting of the neck.

The evidence of the prosecution[,], as found to be convincing by this Court[,], does show that the accused Camilla and Pantinople jointly attacked Pacaldo as clearly described by the eyewitness Tindog. These acts show the unity of purpose to kill the victim. Even if it were only Camilla who twisted the neck of the victim, the joint design has been proven. And, conspiracy having been established, the act of one is considered the act of all.

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WHEREFORE, premises considered, accused JOEL CAMILLA AND NOLI PANTINOPE are hereby found **GUILTY** as principals beyond reasonable doubt for the crime of Homicide defined and penalized under Article 249 of the Revised Penal Code. Considering the presence of the privileged mitigating circumstance of minority of accused Noli Pantinople, accused NOLI PANTINOPE is hereby sentenced to suffer the indeterminate penalty of imprisonment of from SIX (6) YEARS and ONE (1) DAY which is the maximum of Prision Correccional, as MINIMUM, to EIGHT (8) YEARS, which is the medium of Prision Mayor, as MAXIMUM. There being no mitigating or aggravating circumstance as to the accused JOEL CAMILLA, he is hereby sentenced to suffer the indeterminate penalty of from SIX (6) YEARS AND ONE (1) DAY, which is the minimum period of PRISION MAYOR, as minimum, TO FOURTEEN (14) YEARS AND FOUR (4)

MONTHS, which is the medium period of RECLUSION TEMPORAL, as maximum. Accused (sic) Joel Camilla and Noli Pantinople are likewise found civilly liable and therefore ordered by this Court to pay the heirs of Ramlito Pacaldo the following:

1. The amount of Fifty Thousand (Php50,000) pesos as indemnity for the death of Ramlito Pacaldo;
2. The amount of Fifty Thousand (Php50,000) pesos as moral damages.
3. The amount of Twenty Five (sic) PHP25,000) Pesos as temperate damages.

SO ORDERED.^[27]

Aggrieved, Joel and Noli now appeal their conviction.^[28] They argue that Jocelyn's testimony is incredible. The number of wounds sustained by Ramlito belie the accusations that Joel and Noli alternately boxed Ramlito for about half an hour. The RTC also completely disregarded the fact that Ramlito instigated the trouble, and they only retaliated. The prosecution failed to prove beyond reasonable doubt that they committed the crime charged.

The appeal is bereft of merit.

It is settled that the testimony of a lone witness – if found by the trial court to be positive, categorical and credible – is sufficient to support a conviction. This is so, especially if the testimony bore the earmarks of truth and sincerity and was delivered spontaneously, naturally and in a straightforward manner.^[29] Corroborative evidence is necessary only when there are reasons to suspect that the witness bent the truth, or that his or her observation was inaccurate.^[30] Evidence is assessed in terms of quality, not quantity. It is to be weighed, not counted.^[31] Therefore, it is not uncommon to reach a conclusion of guilt on the basis of the testimony of a lone witness.^[32]

In this case, the trial court found Jocelyn's narration of the incident credible and categorical:

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PROS. SENSON:

Q: While inside that canteen visiting Miss Chona, did you notice if there was an unusual incident that happened?

A: Yes, sir.

Q: And will you please tell us, Madam Witness, what was that unusual incident?

A: Joel boxed Pacaldo, sir.

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PROS. SENSON

Q: Madam Witness, if that person you just mentioned is in the courtroom, will you be able to identify him?

A: Yes, sir.

Q: Will you please identify Mr. Joel if he is inside this courtroom, Madam Witness?

A: He is that person sittted (sic) at the side (Witness pointing).

INTERPRETER:

The person pointed to by the witness who when asked identified himself as Joel Camilla.

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Q: And after Joel boxed Pacaldo, what happened next, Madam Witness?

A: Then Joel left, sir:

Q: And after Joel left, what happened next, Madam Witness?

A: He went back, sir.

Q: And what happened next after Joel returned?

A: For the second time[,] he again boxed the victim and twisted his neck.

Q: Whom did Joel box again Madam Witness?

A: Also Pacaldo, sir.

Q: And after Joel boxed again Pacaldo, what happened next?

A: I saw Pacaldo slumped.

Q: And after seeing that the victim Pacaldo already slumped, what happened next, Madam Witness?

A: He was already brought to the hospial (sic), sir.

Q: And there is another accused in this case, Madam Witness, Mr. Noli Pantinople, do you know this accused in this case?

A: Yes, sir.

Q: Will you please tell this Court why you know Mr. Noli Pantinople?

A: They were together, sir.

Q: And who were these "sila" that you mentioned (sic)

A: Joel and Noli were together, sir.

Q: Will you please tell us where they were together, Madam Witness?

A: At that restaurant, sir.

Q: And what was Mr. Noli Pantinople doing in that restaurant?

A: They were drinking, sir.

PROS. SENSON:

Q: And while drinking Madam Witness, what did, if any, Mr. Pantinople do?

A: He helped Joel, sir.

Q: And what help did the accused Noli Pantinople do with Joel, Madam Witness?

A: By boxing also, sir.

Q: Who were they boxing?

A: Pacaldo, sir.

PROS. SENSON:

Q: And do you know, Madam Witness, how long did the two accused box the victim?

A: For a long time, sir.

Q: Will you please give us an estimate of how long that (sic) this took place, Madam Witness?

A: About half an hour[,] sir.

Q: And while they were boxing the victim, Madam Witness, what were you doing all this time?

A: I was just standing at one side, looking at them, sir.

PROS. SENSON:

Q: And how far were you from them during that incident, Madam Witness?

A: Near only, sir.

Q: Will you please give us an estimate of (sic) how far were (sic) you (sic) from them?

A: From the place where I'm sittid (sic) up to that wooden chair. (Distance estimated and agreed by Counsel and Prosecutor to be four (4) meters, more or less).

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PROS. SENSON:

Q: Prior to this boxing incident on July 11, 1996, do you know the victim Pacaldo?

A: No, sir.

Q: How about the two accused, did you come o know them before this boxing incident?

A: No, sir.

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We find no reason to disturb the factual findings of the RTC. The Supreme Court has repeatedly held that the evaluation of the credibility of witnesses and their