



Republic of the Philippines  
**Supreme Court**  
 Manila

CERTIFIED TRUE COPY  
  
 WILFREDO V. LAPITAN  
 Division Clerk of Court  
 Third Division

JAN 04 2018

**THIRD DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
 Plaintiff-Appellee,

**G.R. No. 225794**

Present:

VELASCO, JR., J.,  
*Chairperson,*  
 BERSAMIN,\*  
 LEONEN,  
 MARTIRES, and  
 GESMUNDO,\*\* JJ.

- versus -

**CRESENCIO CAMPIT y CRISTO**  
 and **EMILIO MACAWILL,**  
 Accused,

Promulgated:

**CRESENCIO CAMPIT y CRISTO,**  
 Accused-Appellant.

December 6, 2017

X -----X

**DECISION**

**MARTIRES, J.:**

On appeal is the 16 July 2015 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 06800, which affirmed the 20 March 2014 Decision<sup>2</sup> of the Regional Trial Court of Calauag, Quezon, Branch 63, in Criminal Case No. 5323-C finding herein accused-appellant Cresencio Campit y Cristo (*Cresencio*) guilty beyond reasonable doubt of the crime of Murder, defined and penalized under Article 248 of the Revised Penal Code (*RPC*).

\* On Official Leave.

\*\* On Leave.

<sup>1</sup> *Rollo*, pp. 2-18; penned by Associate Justice Ramon R. Garcia, with Justice Leoncia R. Dimagiba and Justice Pedro B. Corales, concurring.

<sup>2</sup> *Records*, pp. 171-183; penned by Presiding Judge Manuel G. Salumbides.

## THE FACTS

In an Information,<sup>3</sup> dated 16 September 2008, Campit and accused Emilio Macawili (*Emilio*) were charged for the murder of Leon Capanzana, Jr. (*Leon*) committed as follows:

That on or about the 27th day of July 2008, at Barangay Silang, Municipality of Lopez, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused who were both armed with deadly weapons, conspiring and confederating together and mutually helping each other, with intent to kill, and with evident premeditation and treachery, and taking advantage of their superior strength, did then and there willfully, unlawfully and feloniously attack, assault and stab with their weapons one Leon Capanzana, Jr., inflicting upon the latter fatal wound on his body, causing his untimely death.

Contrary to law.<sup>4</sup>

On 17 April 2011, Cresencio was arrested in Camarines Norte,<sup>5</sup> while Emilio remains at-large.

On 11 May 2011, Cresencio, with the assistance of his counsel *de officio*, was arraigned and pleaded not guilty to the charge.<sup>6</sup> Trial on the merits ensued thereafter.

### ***Evidence for the Prosecution***

The prosecution presented four (4) witnesses, namely: eyewitnesses Ma. Kristine Capanzana Hernandez (*Kristine*) and Leonisa Capanzana Hernandez (*Leonisa*), the granddaughter and daughter of the victim, respectively; Dr. Jose M. Mercado (*Dr. Mercado*), the Municipal Health Officer of Lopez, Quezon, who conducted the post mortem examination on Leon's cadaver; and Carlos Dacanay Capanzana (*Carlos*), the son of the deceased. Their combined testimonies tended to establish the following:

On 27 July 2008, at about 2:30 p.m., at Barangay Silang, Lopez, Province of Quezon, Leonisa and Kristine were tending to their store when Leon arrived and told them that Cresencio was asking to borrow money.<sup>7</sup> Leon was engaged in the business of buying copra and owned a bodega adjacent to Leonisa's store. After a while, Cresencio and Emilio, who were apparently drunk because they reeked of alcohol, passed by the store.<sup>8</sup>

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<sup>3</sup> Id. at 2-3.

<sup>4</sup> Id. at 2.

<sup>5</sup> Id. at 32.

<sup>6</sup> Id. at 48.

<sup>7</sup> TSN, 1 September 2011, p. 5; TSN, 8 November 2011, p. 5.

<sup>8</sup> Id. at 6; id. at 6.

Emilio stayed on the other side of the road, while Cresencio approached Leon, who was then in his bodega arranging documents and was about to leave. Cresencio pressed Leon to lend him money but the latter did not heed his request.<sup>9</sup> Suddenly, Cresencio pulled out a knife from his waist and repeatedly stabbed Leon five (5) times, more or less. Leon tried to parry the thrusts with his hand but he was eventually stabbed on his stomach.<sup>10</sup> Leon turned away from Cresencio and attempted to escape, but he was met by Emilio who grabbed his left shoulder and stabbed him on his chest.<sup>11</sup> Leon fell on his back in front of the bodega,<sup>12</sup> while Cresencio and Emilio ran away and fled.<sup>13</sup>

Meanwhile, Leonisa and Kristine came out of their store and rushed towards the bodega when they heard that Cresencio was pestering Leon for a loan.<sup>14</sup> They stood just about three (3)-arms' length away from Leon and his assailants. They were shouting "*Tama na*" when Leon was being stabbed by his assailants.<sup>15</sup> They were, however, unable to help Leon for fear of being harmed as well. After Cresencio and Emilio fled, Leonisa rushed her father to the Holy Rosary Hospital in Lopez, Quezon, where he was pronounced dead on arrival.<sup>16</sup>

The post-mortem examination conducted by Dr. Mercado revealed that Leon sustained four (4) stab wounds on his body and an incised wound on his right hand small finger.<sup>17</sup> Dr. Mercado further testified that the proximate cause of Leon's death is the multiple stab wounds he sustained.<sup>18</sup>

### ***Evidence for the Defense***

The defense presented Cresencio as its lone witness. In his testimony, Cresencio interposed the defense of denial, as follows:

On 27 July 2008, at around 3:00 p.m., Cresencio was buying rice at the store of one Myrna Argamosa (*Argamosa*) in Barangay Silang, Lopez, Quezon, when he saw Leon handing ₱1,000.00 to Argamosa. Cresencio then uttered "*daming pera po ah*" and asked ₱200.00 from Leon as part of the payment for the charcoal he delivered to the latter.<sup>19</sup> Leon, who apparently did not appreciate the remark, got mad at Cresencio, grabbed his shirt, and punched him on the face. Cresencio did not fight back and simply told Leon

<sup>9</sup> Id. at 4-5; id. at 4-8.

<sup>10</sup> Id. at 6-8; id. at 9.

<sup>11</sup> Id. at 8 and 14; id. at 10.

<sup>12</sup> Id. at 9 and 15; id. at 11.

<sup>13</sup> Id. at 15; id. at 12.

<sup>14</sup> TSN, 8 November 2011, p. 7.

<sup>15</sup> TSN, 1 September 2011, pp. 15-16 and 27; TSN, 8 November 2011, p. 11.

<sup>16</sup> Id. at 16; id. at 12-13.

<sup>17</sup> Exhibit "C."

<sup>18</sup> TSN, 1 December 2011, p. 7.

<sup>19</sup> TSN, 28 November 2012, pp. 3-4 and 10.

“*huwag po, hindi ako lalaban.*” Leon then left and proceeded towards his bodega located about 60 meters from Argamosa’s store.<sup>20</sup> After about 15 minutes, Cresencio left for home.<sup>21</sup> On his way, he saw Leon in his bodega weighing copra. Leon approached Cresencio after noticing the latter. However, Cresencio backed away after sensing Leon’s hostile behavior.<sup>22</sup> At this moment, Emilio suddenly appeared and stabbed Leon. Cresencio pleaded with Emilio to stop, but the latter merely told him “*wala kang pakialam.*”<sup>23</sup> After the incident, Emilio fled while Cresencio went home.<sup>24</sup> After learning that he was implicated in Leon’s killing, Cresencio left and stayed with his brother-in-law in Camarines Norte to hide for fear of being arrested for a crime he did not commit.<sup>25</sup>

### ***The RTC Ruling***

In its decision, the RTC found Cresencio guilty beyond reasonable doubt of the crime of murder. The trial court gave credence to the testimonies of the prosecution witnesses Leonisa and Kristine who vividly described how Cresencio and Emilio attacked and killed the victim. It observed that the testimonies of the eyewitnesses were clear and categorical, and were given in a straightforward manner. It further opined that the positive identification of Cresencio by the eyewitnesses prevails over the former’s defense of denial.

The trial court likewise appreciated the attendant qualifying circumstance of taking advantage of superior strength in the commission of the felony, finding that there was notorious inequality of force between the victim who was old and unarmed and the two aggressors who were both armed with knives. The dispositive portion of the decision reads:

WHEREFORE, premises considered, the court hereby renders judgment finding CRESENCIO CAMPIT y Cristo @ Jun GUILTY of MURDER for the killing of Leon Capanzana, Jr. upon proof beyond reasonable doubt. He is hereby sentenced to Reclusion Perpetua without eligibility for parole in line with the provisions of R.A. No. 9346. He is likewise ordered to pay the family of the deceased the following amounts: ₱75,000.00 for death indemnity; ₱75,000.00 for and as moral damages; ₱30,000.00 for exemplary damages; ₱48,000.00 to reimburse the cost of full memorial service; and ₱25,000.00 for and as temperate damages.

SO ORDERED.<sup>26</sup>



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<sup>20</sup> Id. at 5.

<sup>21</sup> Id. at 15.

<sup>22</sup> Id. at 6.

<sup>23</sup> Id. at 6-7.

<sup>24</sup> Id. at 8.

<sup>25</sup> Id. at 21-22.

<sup>26</sup> Records, p. 183.

Aggrieved, Cresencio appealed before the CA.<sup>27</sup>

### ***The CA Ruling***

In its assailed decision, the CA affirmed the RTC decision. The appellate court held that the trial court correctly gave full credence to the testimonies of Leonisa and Kristine noting that their respective narrations of the incident were candid and unwavering. It agreed that the qualifying circumstance of taking advantage of superior strength attended the killing of Leon. The dispositive portion of the assailed decision provides:

WHEREFORE, premises considered, the instant appeal is hereby DENIED. The Decision dated March 20, 2014 of the Regional Trial Court, Branch 63, Calauag, Quezon is AFFIRMED.

SO ORDERED.<sup>28</sup>

Hence, this appeal.

### **THE ISSUE**

WHETHER THE TRIAL AND APPELLATE COURTS  
ERRED IN CONVICTING THE ACCUSED-APPELLANT.

### **THE COURT'S RULING**

The Court finds no reason to reverse the conviction of the accused-appellant.

***No reason to disturb factual findings by the trial court; Prosecution witnesses are credible.***

Cresencio insists that the trial and appellate courts erred in giving full credence to the testimonies of Kristine and Leonisa as they were tainted with inconsistencies and contradictions. He averred that Kristine and Leonisa's testimonies that they witnessed the stabbing of Leon but failed to help him are incredible and do not deserve any consideration. He claimed that such actions or lack thereof belie common experience as held in *People v. Benjamin Reyes (Benjamin Reyes)*.<sup>29</sup>

The Court is not persuaded.



<sup>27</sup> CA rollo, p. 37.

<sup>28</sup> Rollo, p. 17.

<sup>29</sup> 354 Phil. 667 (1998).

Findings of fact by the trial court, when affirmed by the appellate court, are given great weight and credence on review.<sup>30</sup> Equally settled is the rule that the assessments made by the trial court on the credibility of witnesses are accorded great weight and respect.<sup>31</sup>

As explained in a plethora of cases, the issue of credibility of witnesses is a question best addressed to the province of the trial court because of its unique position to observe that elusive and incommunicable evidence of the witnesses' deportment on the stand while testifying. Absent any substantial reason to justify the reversal of the trial court's assessment and conclusion, the reviewing court is generally bound by the former's findings, particularly when no significant fact or circumstance is shown to have been overlooked or disregarded which, if considered, would have affected the outcome of the case.<sup>32</sup>

The Court finds no reason to depart from the factual findings by the trial court, especially considering that the same were affirmed by the appellate court.

As aptly found by the trial court, the testimonies of prosecution witnesses Kristine and Leonisa were clear, candid, straightforward, and credible. They positively identified Cresencio as among the two perpetrators of the crime. Their respective narrations of the incident were consistent in all respects material to the case. Moreover, their accounts relating to the number and location of the stab wounds were substantially corroborated by the post-mortem examination conducted on the deceased.

Time and again, the Court has held that the testimony of even a single eyewitness, if positive and credible, is sufficient to support a conviction even in a charge of murder.<sup>33</sup> Moreover, considering that Cresencio assailed the credibility of the witnesses against him, it is incumbent upon him to show that Kristine and Leonisa were impelled by ill motives in falsely accusing him of the crime charged.<sup>34</sup> Unfortunately for Cresencio, there was no showing of any ill motive on the part of any of the eyewitnesses. Where there is no evidence to show any dubious reason or improper motive on why a prosecution witness would testify falsely against an accused or falsely implicate him in a heinous crime, the testimony is worthy of full faith and credit.<sup>35</sup>

Similarly, Cresencio's reliance in *Benjamin Reyes* is misplaced. In said case, the mother of the victim testified that she saw her husband stab her

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<sup>30</sup> *People v. Feliciano, Jr.*, 734 Phil. 499, 521 (2014).

<sup>31</sup> *People v. Quijada*, 328 Phil. 505, 530 (1996).

<sup>32</sup> *People v. Dominguez, Jr.*, 650 Phil. 492, 520 (2010).

<sup>33</sup> *People v. Delfin*, 738 Phil. 811, 821-822 (2014).

<sup>34</sup> *People v. Garcia*, 722 Phil. 60, 70 (2013).

<sup>35</sup> *People v. Ferrer*, 356 Phil. 497, 508 (1998).

daughter but, instead of helping her, she went home. While sustaining the conviction of the accused, the Court agreed with the defense's submission that the testimony of the victim's mother was not credible.

A reading of the said case, however, would reveal that the witness' account was regarded by the Court to be against common experience not because of her failure to help her daughter during the stabbing incident, but because of the peculiarity of her behavior immediately after the incident which included, among others, the fact that she did not shout and ask her neighbors for help; that when she arrived home, she casually brushed her teeth and slept with her husband, who was also her daughter's killer; and that she remained silent when the police came to their house despite the fact that her husband was not present; and was, thus, not under threat at that time. More importantly, the Court declared therein that her testimony regarding the stabbing incident did not deserve any credit because she categorically stated that she did not witness the killing of her daughter.

None of the circumstances in *Benjamin Reyes* which justified the finding of the witness's lack of integrity is present in this case. To recall, Leonisa and Kristine did not remain silent during the felonious deed. They were shouting and begging for Leon's assailants to stop. Clearly, while they were crushed by the spectacle of Leon being stabbed to death, fear prevailed upon them preventing them from doing anything to aid their loved one. Likewise, after Cresencio and Emilio fled, Leonisa immediately rushed her father to the hospital in the hope that he would survive. Leonisa's behavior is directly opposed to that of the witness in *Benjamin Reyes* who did not even bother to check on her daughter after allegedly witnessing her being stabbed.

Furthermore, and as held in *People v. Romeo Fernandez*,<sup>36</sup> it would be unfair to gauge the actions of the eyewitnesses as incredible for there is no prescribed behavior when one is suddenly confronted with a startling or frightening event. Different people react differently to a given stimulus or situation, and there is no standard form of behavioral response when one is confronted with a strange, startling or frightful experience. Thus, Kristine and Leonisa's inability to help and defend Leon due to their fear of reprisal is understandable and not at all contrary to common experience.

Thus, the Court finds no reason to disturb the trial court's full faith in Kristine and Leonisa's testimonies given that they were clear, credible, categorical, and positive. Needless to state, their testimonies prevail over Cresencio's defense of denial which has been repeatedly considered as a weak defense.<sup>37</sup>



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<sup>36</sup> 434 Phil. 224 (2002).

<sup>37</sup> *People v. Gani*, 710 Phil. 466, 474 (2013).

***The crime committed is only homicide; abuse of superior strength not established***

The circumstance of abuse of superior strength is present whenever there is inequality of force between the victim and the aggressor, assuming a situation of superiority of strength notoriously advantageous for the aggressor, and the latter takes advantage of it in the commission of the crime.<sup>38</sup>

Nevertheless, it must be stressed that superiority in number does not necessarily amount to abuse of superior strength.<sup>39</sup> For the qualifying circumstance to be appreciated, it must be shown that the aggressors combined forces in order to secure advantage from their superiority in strength. Differently stated, it must be proven that the accused simultaneously assaulted the deceased.<sup>40</sup> Furthermore, the evidence must establish that the assailants purposely sought the advantage, or that they had the deliberate intent to use this advantage. After all, to take advantage of superior strength means to purposely use excessive force out of proportion to the means of defense available to the person attacked.<sup>41</sup> Thus, it had been held that when the victim was attacked by the assailants alternatively, the claim that the accused abused their superior strength could not be appreciated.<sup>42</sup>

In this case, the evidence adduced by the prosecution established that only Cresencio approached Leon while the latter was in his bodega. Thereafter, Cresencio, following an argument, stabbed Leon multiple times. It was only when Leon escaped from Cresencio that Emilio appeared and stabbed the victim on his chest. Considering that the perpetrators attacked the victim alternatively and did not combine their superior strength to overwhelm the victim, they could not be said to have taken advantage of their superior strength.

Furthermore, the events leading to the stabbing negate the attendance of the qualifying circumstance of abuse of superior strength. From the testimonies of the prosecution witnesses, as well as, to some extent, from the accounts of Cresencio, it could be gathered that the quarrel started when Cresencio felt offended after Leon repeatedly rejected his request for a loan. Clearly, the incident was unplanned and unpremeditated. When the quarrel between the victim and his assailants arose unexpectedly, the aggravating

<sup>38</sup> *Espineli v. People*, 735 Phil. 530, 544-545 (2014); *People v. Gatarin*, 731 Phil. 577, 596 (2014).

<sup>39</sup> *People v. Aliben*, 446 Phil. 349, 385 (2003).

<sup>40</sup> *People v. Cañaveras*, 722 Phil. 259, 271 (2013).

<sup>41</sup> *People v. Beduya*, 641 Phil. 399, 410 (2010).

<sup>42</sup> *People v. Baltar, Jr.*, 401 Phil. 1, 16 (2000); *People v. Narciso*, 132 Phil. 314, 336-337 (1968).



circumstance of abuse of superior strength could not be appreciated<sup>43</sup> as the same requires some degree of prior deliberation or meditation.<sup>44</sup>

From the foregoing, it is clear that abuse of superior strength did not attend the commission of the felony. The prosecution failed to prove that the numerical superiority was purposely sought by the assailants to perpetrate the crime with impunity; and that there was blatant disparity in strength between Leon and his assailants.

### ***Penalties***

In the absence of any qualifying aggravating circumstance, the crime committed by Cresencio is homicide and the penalty should be *reclusion temporal* as provided in Article 249 of the RPC. Considering that there is neither aggravating nor mitigating circumstances, the penalty should be imposed in its medium period pursuant to Article 64(1) of the RPC. Applying the Indeterminate Sentence Law, Cresencio should be sentenced to an indeterminate penalty the minimum of which should be within the range of the penalty next lower in degree than that prescribed by law for the offense, that is, *prision mayor* (6 years and 1 day to 12 years); and the maximum of which should be within the range of *reclusion temporal* in its medium period (14 years 8 months and 1 day to 17 years and 4 months). Accordingly, the Court imposes the indeterminate penalty ranging from eight (8) years of *prision mayor*, as minimum, to fourteen (14) years eight (8) months and one (1) day of *reclusion temporal*, as maximum.

**WHEREFORE**, accused-appellant Cresencio Campit y Cristo is found GUILTY beyond reasonable doubt of the crime of Homicide, defined and penalized under Article 249 of the Revised Penal Code. He is sentenced to suffer the indeterminate penalty of eight (8) years of *prision mayor*, as minimum, to fourteen (14) years eight (8) months and one (1) day of *reclusion temporal*, as maximum. He is further ordered to pay the heirs of the deceased Leon Capanzana, Jr., the following amounts: (1) ₱75,000.00, as civil indemnity; (2) ₱75,000.00, as moral damages; and (3) ₱30,000.00 as exemplary damages. All monetary awards shall earn interest at the rate of six percent (6%) per annum reckoned from the finality of this decision until its full payment.<sup>45</sup>

**SO ORDERED.**

  
SAMUEL R. MARTIRES  
Associate Justice

<sup>43</sup> *U.S. v. Badines*, 4 Phil. 594, 595 (1905).

<sup>44</sup> *People v. Bigcas*, 286 Phil. 780, 795 (1992).

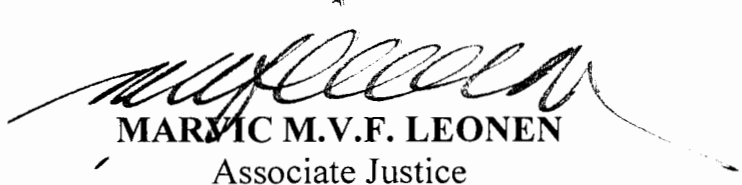
<sup>45</sup> *People v. Combate*, 653 Phil. 487, 518 (2010).

**WE CONCUR:**



**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson

(On Official Leave)  
**LUCAS P. BERSAMIN**  
Associate Justice



**MARVIC M.V.F. LEONEN**  
Associate Justice

(On Leave)  
**ALEXANDER G. GESMUNDO**  
Associate Justice

**ATTESTATION**

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



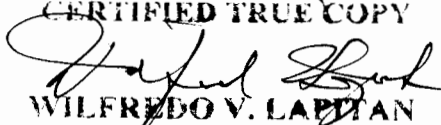
**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson, Third Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**MARIA LOURDES P. A. SERENO**  
Chief Justice

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**WILFREDO V. LAPID**  
Division Clerk of Court  
Third Division

JAN 04 2018