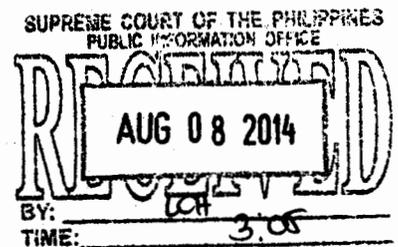




Republic of the Philippines  
Supreme Court  
Manila  
FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated June 30, 2014 which reads as follows:*

**“G.R. No. 206978 (*People of the Philippines vs. Dionito Rondina y Damayo*).** – Accused-appellant Dionito Rondina y Damayo (Rondina) challenges in this appeal the Decision<sup>1</sup> dated October 31, 2012 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01188, which affirmed the Judgment<sup>2</sup> of conviction for Murder rendered against him on March 12, 2010 by the Regional Trial Court (RTC) of Carigara, Leyte, Branch 36, in Criminal Case No. 4788.

Henry Teves (Teves), the prosecution’s witness, testified that on July 30, 2007, he went to the mountain of Capoocan, Kananga, Leyte with his brother-in-law Joecris and Rondina. Upon their arrival at about 12:00 noon, Rondina ordered the victim Henry Busilac (Busilac) who was then sleeping on the floor of a hut to cook rice. As Busilac paid no attention to Rondina, the latter kicked the former. Rondina then grabbed a *bolo* tucked at Busilac’s upper body and used the same to stab the latter once in the middle part of his chest and stomach. Thereafter, Rondina warned Teves and Joecris not to say anything about the incident.

The prosecution also offered the testimony of Dr. Bibiana O. Cardente (Dr. Cardente) who testified and declared that Busilac’s cause of death is severe hemorrhage due to multiple stab and hacking wounds. She estimated that Busilac died more or less at about 12:00 noon of July 30, 2007.

<sup>1</sup> Penned by Executive Judge Pampio A. Abarintos, with Associate Justices Gabriel T. Ingles and Pedro B. Corales, concurring; *CA rollo*, pp. 73-85.

<sup>2</sup> Issued by Judge Lauro A. P. Castillo, Jr., *id.* at 30-39.

For his defense, Rondina denied the crime charged. He averred that he learned about Busilac's death at around 6:00 p.m. of July 29, 2007 (a day earlier) when his aunt's househelp went to his house and asked for his assistance in getting Busilac's dead body from the mountain.

Rondina further alleged that on July 30, 2007 at about 8:00 a.m., *Barangay Tanods* Aguilino Tero (Tero) and Dominador Potoy with Ondo Macalia also went to their house to request him to help them bring the dead body of Busilac from the mountain.

When they reached the mountain at 12:00 noon, they went to see the condition of Busilac. He, however, retreated when he saw the dead body was covered by plenty of blood.

At about 3:00 p.m., the group started their way back to *Barangay* Mahawan and arrived there at 5:00 p.m. Rondina claimed that while the others took care of the dead body of Busilac, he returned to their house and rested.

Moreover, Rondina claimed that Teves merely testified against him because of a grudge. According to him, Teves even attempted to shoot him with the use of a firearm sometime in September of 2007.

Rondina's statement was corroborated by his father, Juanito Rondina and testified that at around 8:00 a.m. of July 30, 2007, he asked his son to accompany the group of Tero since he could not offer his help because he was suffering then from backache.

On March 12, 2010, the RTC found Rondina guilty beyond reasonable doubt of the crime of murder and sentenced him to suffer the penalty of *reclusion perpetua*. He was also ordered to pay ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱30,000.00 as exemplary damages.

On October 31, 2012, the CA affirmed with modification the RTC decision. The CA ordered the modification of the amount of civil indemnity by increasing it to ₱75,000.00 based on prevailing jurisprudence.

The main issue in this case is whether or not the trial court erred in convicting accused-appellant Rondina of the crime of murder.

The defense argues in the main the lack of credibility of prosecution's witness Teves. A review of this case, however, shows that the RTC did not err in giving credence to the testimony of Teves since he saw the entire event that transpired before him, from their arrival at the *nipa* hut where the victim was sleeping, until the time Rondina stabbed

Busilac in the chest and stomach. Moreover, it has been previously ruled that the trial court's findings respecting the credibility of witness and their testimonies deserve the highest respect. Since the trial judge saw and heard the witnesses and observed how they behaved under intense questioning, he was in a better position to weigh their testimonies.<sup>3</sup> Here, the trial court, affirmed by the CA, found Teves' testimony credible.

Also, the Court finds the defense of *alibi* presented by Rondina self-serving and undeserving of any credence in view of Teves' categorical, positive and clear identification of him as the perpetrator of the crime. The testimony of Dr. Cardente even bolstered and corroborated Teves' declarations.

Moreover, there is no compelling reason to disbelieve Teves' testimony due to his failure to immediately report the incident to the proper authorities. "No standard form of behavior can be expected from people who had witnessed a strange or frightful experience. Jurisprudence recognizes that witnesses are naturally reluctant to volunteer information about a criminal case or are unwilling to be involved in criminal investigations because of varied reasons. Some fear for their lives and that of their family; while others shy away when those involved in the crime are their relatives or townmates. And where there is delay, it is more important to consider the reason for the delay, which must be sufficient or well-grounded, and not the length of delay."<sup>4</sup>

In the present case, Teves sufficiently explained such delay and stated that he feared for his life because Rondina warned him and Joecris not to say anything about the incident.

The Court, however, modifies the award of moral damages, which is mandatory in cases of murder and homicide, without need of allegation and proof other than the death of the victim.<sup>5</sup> Moral damages in the present case should be increased to ₱75,000.00 to conform to existing jurisprudence.<sup>6</sup> Further, the monetary awards shall earn interest at the rate of six percent (6%) *per annum* from the date of the finality of this judgment until fully paid.

**WHEREFORE**, the Decision of the Court of Appeals dated October 31, 2012 in CA-G.R. CR-HC No. 01188 finding accused Dionito Rondina y Damayo guilty beyond reasonable doubt of the crime charged is hereby **AFFIRMED** with the **MODIFICATION** in that the moral damages is increased to ₱75,000.00.

<sup>3</sup> *People v. Ofemiano*, G.R. No. 187155, February 1, 2010, 611 SCRA 250, 256-257.

<sup>4</sup> *People v. Berondo Jr.*, 601 Phil. 538, 544-545 (2009).

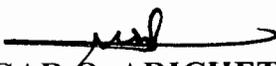
<sup>5</sup> *Ingal v. People*, 571 Phil. 346, 371 (2008).

<sup>6</sup> *People v. Satonero*, G.R. No. 186233, October 2, 2009, 602 SCRA 769, 782.

Interest at the rate of six percent (6%) *per annum* shall be imposed on all the damages awarded, to earn from the date of the finality of this judgment until fully paid.”

**SO ORDERED.”**

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court <sup>123</sup>  
**121**

The Solicitor General (x)  
Makati City

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(CA-G.R. CR H.C. No. 01188)

The Director  
Bureau of Corrections  
1770 Muntinlupa City

The Hon. Presiding Judge  
Regional Trial Court, Br. 36  
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(Crim. Case No. 4788)

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(Pursuant to A.M. No. 12-7-1-SC)

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SR

