

THIRD DIVISION

[G.R. No. 216728, June 04, 2018]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DECITO FRANCISCO Y VILLAGRACIA, ACCUSED-APPELLANT.

DECISION

MARTIRES, J.:

This is an appeal from the 23 June 2014 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 01362 which affirmed with modification the 11 April 2011 Decision^[2] of the Regional Trial Court, Branch 6, Tacloban City (RTC), in Criminal Case No. 2001-09-646 finding Decito Francisco y Villagracia (*accused-appellant*) guilty of Murder.

THE FACTS

In an Information, dated 24 September 2001, accused-appellant was charged with murder, as follows:

That on or about the 23rd day of September 2001, in the City of Tacloban, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with deliberate intent and with intent to kill and with treachery and evident premeditation armed with a deadly weapon did, then and there wilfully, unlawfully and feloniously attack, assault and stab one Jaime Noriega III on his body, thereby inflicting upon said Jaime Noriega III stab wounds which caused his death.^[3]

Upon arraignment, accused-appellant pleaded not guilty to the charge.

Version of the Prosecution

The prosecution presented Pacifico Daantos (*Daantos*) and Francis Elias (*Elias*) as its witnesses. Their combined testimonies sought to prove the following:

On 23 September 2001, at around 10:00 o'clock in the evening, Jaime Noriega III (*the victim*) was watching a game of Lucky Nine at the wake of the daughter of Anacleto Noriega at Baybay, San Jose, Tacloban City.^[4] During the game, accused-appellant suddenly came from behind the victim and, without warning, stabbed him on the left side of his body with a 13-inch knife, locally known as "pisao." The victim, who was then seated at the table, fell down.^[5] Accused-appellant pulled out the knife from the victim's body. The victim was able to utter the words, "I am wounded." Accused-appellant then fled while still holding the knife he used to stab the victim.^[6]

Daantos, the victim's uncle, who was sitting near him at the time, chased accused-

appellant but the latter managed to escape.^[7] On the same evening, however, accused-appellant was apprehended by the responding officers while he was crossing a street at Manlurip, San Jose, Tacloban City.^[8]

Meanwhile, the victim was brought to the hospital where he expired in the early morning of 24 September 2001, due to massive blood loss as a result of the stab wound.^[9]

Version of the Defense

On 23 September 2001, at around 6:30 p.m., accused-appellant was at McArthur Park when two persons boarded his pedicab and told him to bring them to VicMar Beach Resort. Upon arrival at the resort, the two persons disembarked and asked him to wait for them. At around 7:00 o'clock in the evening, with no sign of the two persons, accused-appellant left. Thereafter, a certain Martin, his friend, called him up and invited him to drink tuba at the former's place. At around 10:00 o'clock in the evening, accused appellant left Martin's place. While he was riding his pedicab, two strangers accosted him. One of them suddenly stabbed him in his left arm. Accused appellant then jumped to the right side of his pedicab, but the other assailant hit his back with an iron pipe. Accused-appellant was able to stab one of his assailants with his short bolo. Thereafter, his assailants ran away.^[10]

The RTC Ruling

In its decision, the RTC found accused-appellant guilty of murder, ruling that accused-appellant failed to prove that he had acted in self defense. While he claimed that he was stabbed and then hit by an iron pipe, he did not offer any proof to show that he had indeed suffered injuries. The trial court observed that accused-appellant was arrested almost immediately after the stabbing incident and that following established police procedure, he would have been subjected to a body search at the police station. Whatever injuries the policemen may have seen on his body would have been recorded in the police logbook and he would have been brought by the arresting officers to the hospital for treatment. Further, the trial court declared that the attack was attended by treachery because accused-appellant suddenly came from behind the victim and immediately stabbed him, concluding that there was no way for the victim to defend himself from the attack. The *fallo* reads:

WHEREFORE, premises considered, Judgment is hereby rendered, finding the accused **DECITO FRANCISCO y VILLAGRACIA**, Guilty beyond reasonable doubt for the murder of Jaime Noriega III. He is hereby sentenced to suffer the penalty of *reclusion perpetua*. His preventive detention shall be credited in full if he agrees voluntarily in writing to abide by the same disciplinary rules imposed upon convicted prisoners. Otherwise, he shall be credited in the service of his sentence with four-fifths of the time during which he has undergone preventive imprisonment. The accused is also **ORDERED** to indemnify the Heirs of Jaime Noriega III the sum of **Php75,000.00** for civil indemnity arising out of the felony; **Php75,000.00** for moral damages and **Php30,000.00** for exemplary damages.

No costs.^[11]

Aggrieved, accused-appellant elevated an appeal before the CA.

The CA Ruling

In its decision, the CA affirmed the conviction of accused-appellant. As regards the contention that the prosecution witnesses could not have identified him, it held that Daantos positively affirmed that he saw accused-appellant. The CA noted that the table where the victim was seated at collapsed and that such peculiar occurrence would naturally divert a person's attention to the source of the commotion, such that when Daantos turned his gaze towards the victim, accused-appellant was already pulling out a short bolo from the left side of the victim. It added that from Elias' account, the victim was sitting at the edge of the table while he was standing; and that from such elevated position, he could clearly see what transpired. The appellate court opined that the attack on the victim came from the rear showing that accused-appellant had consciously adopted such means of execution to prevent any risk to himself. The CA disposed the case in this wise:

WHEREFORE, the appeal is hereby **DENIED**. The Decision of the Regional Trial Court, Branch 6 of Tacloban City promulgated on April 11, 2011, in Criminal Case No. 2001-09-646 in finding accused-appellant Decito Francisco y Villagrancia guilty of the crime of murder is **AFFIRMED IN TOTO**.^[12]

Hence, this appeal.

ISSUE

WHETHER THE GUILT OF ACCUSED-APPELLANT FOR MURDER HAS BEEN PROVEN BEYOND REASONABLE DOUBT.

Accused-appellant argues that Daantos could not have identified him because his view was obstructed by the body of the victim; that Daantos did not notice the presence of accused-appellant prior to the stabbing incident; that Elias could not have seen his face because it was likewise obstructed by the victim's body; and that the prosecution failed to discharge its burden of proving that accused-appellant consciously adopted such means and methods to ensure that the victim could not defend himself from the unlawful attack.

THE COURT'S RULING

Murder is defined and penalized under Article 248 of the Revised Penal Code (*RPC*), as amended, which provides:

ART. 248. *Murder*. Any person who, not falling within the provisions of Article 246, shall kill another, shall be guilty of murder and shall be punished by *reclusion perpetua* to death if committed with any of the following attendant circumstances:

1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense, or of means or persons to insure or afford impunity;

2. In consideration of a price, reward, or promise;
3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a railroad, fall of an airship, by means of motor vehicles, or with the use of any other means involving great waste and ruin;
4. On occasion of any calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic, or any other public calamity;
5. With evident premeditation;
6. With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse.

Generally, the elements of murder are: 1) that a person was killed; 2) that the accused killed him; 3) that the killing was attended by *any* of the qualifying circumstances mentioned in Article 248; and 4) that the killing is not parricide or infanticide.^[13]

That the victim died, that accused-appellant killed him, and that the killing is neither parricide nor infanticide remain undisputed. These circumstances have already been established by the trial and appellate courts. Accused-appellant did not offer any substantial reason to deviate from the well-known rule that findings of fact and assessment of credibility of witnesses are matters best left to the trial court.^[14] No facts of substance and value were overlooked by the trial court which, if considered, might affect the result of the case.^[15] The testimonies of the prosecution witnesses are clear and straightforward. Moreover, they are supported by medical findings and they stand the test of reason. Accused-appellant contends that Daantos could not have seen him because he was not facing the victim at the exact time of the stabbing incident. However, it was precisely because of the commotion that Daantos' attention was drawn to the victim and the accused-appellant. Consequently, it was not impossible for Daantos not to see accused-appellant's face. It is worthy to note that accused-appellant was not wearing any mask at the time of the incident and the place was well-lit. Daantos' testimony was even corroborated by Elias who was then in front of the victim. Thus, accused-appellant's allegation that the witnesses could not have seen him is nothing but a futile attempt to reverse his conviction. He did not aver, much less prove, any ill motive on the part of the witnesses to testify against him. Hence, the Court finds no compelling reason to disturb the findings of the trial court which were affirmed by the appellate court.

What remains to be resolved is the appreciation of treachery as a qualifying circumstance.

Treachery is present when the offender commits any of the crimes against persons, employing means, methods or forms in the execution thereof which tend directly and specially to insure its execution without risk to himself arising from the defense