

THIRD DIVISION

[G.R. No. 233085, September 21, 2020]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
ARMANDO ARCHIVIDO Y ABENGOZA, ACCUSED-APPELLANT.**

D E C I S I O N

GAERLAN, J.:

This resolves the appeal^[1] filed by accused-appellant Armando Archivido y Abengoza (Armando), praying for the reversal of the December 16, 2016 Decision^[2] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 07306, which in turn affirmed the October 10, 2012 Joint Decision^[3] of the Regional Trial Court (RTC), Branch 39, Daet, Camarines Norte convicting him of murder and frustrated murder.

The Antecedents

Armando was charged in two separate Informations for the crime of murder and frustrated murder, committed as follows:

Criminal Case No. 13933

That on or about 10:00 in the morning of July 31, 2009 at Brgy. San Pascual. Municipality of Basud, Province of Camarines Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, evident premeditation, treachery and superior strength, did, then and there willfully, unlawfully and feloniously, while armed with a bladed weapon, repeatedly hack LILIA ARCHIVIDO y DECEREZ, in blatant disregard of the respect due to her on account of her sex, thereby inflicting upon her fatal wounds which caused her untimely death, to the damage and prejudice of the heirs of the victim.

Criminal Case No. 13937

That on or about 10:00 in the morning of July 31, 2009 at Brgy. San Pascual, Municipality of Basud, Province of Camarines Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, evident premeditation, treachery and superior strength, did, then and there willfully, unlawfully and feloniously, while armed with a bladed weapon, repeatedly hack RUBEN ARCHIVIDO y AVENGOZA, thereby, inflicting upon him fatal wound, thus the accused preformed all the acts of execution which would produce the crime of MURDER, as a consequence, but which nevertheless did not produce it by reason of causes independent of the will of the accused, but due to the timely and able medical assistance rendered to the private complainant which prevented his death, to his damage and prejudice.^[4]

Armando admitted the charges, but interposed self-defense. After the pre-trial, a reverse trial ensued.^[5] The prosecution established the following version of facts:

Armando and Ruben Archivido (Ruben) are brothers. Their parents owned an eight-hectare parcel of land in San Pascual, Basud, Camarines Norte. Sometime in 1979, the lot was subdivided and each brother was given 2.68 hectares each. However, in 1989, Armando demanded a bigger share. Ruben and their mother Lydia Archivido (Lydia) refused to accede to his demand. Armando was infuriated.^[6]

The dispute between the brothers dragged for a number of years. On July 2, 2009, the fight escalated and Armando threatened to kill Ruben and his wife Lilia Archivido (Lilia). The incident was recorded in the barangay blotter.^[7]

At around 10:00 a.m. of July 31, 2009, while Ruben and Lilia were on their way home after cultivating their land at San Pascual, they chanced upon Armando who was on his way to the mountains. Armando intentionally bumped Lilia, which resulted in an argument. Ruben intervened and urged Armando and Lilia to just move on. They agreed. However, immediately after Ruben and Lilia turned their backs, Armando suddenly hacked Lilia from behind. Upon hearing a thud, Ruben turned around and saw Armando hacking Lilia with his *bolo*. Lilia retaliated but was no match for Armando. She was severely injured and fell on the ground.^[8]

Ruben rushed to his wife's aid. While he was removing his raincoat and unloading the cassava he was carrying, Armando suddenly started hacking him, inflicting injuries on his face, shoulders and arms. Then, Armando left to wash his *bolo*.^[9]

Ruben left Lilia's side to seek help from people in the barrio. On his way, he met Edgar Ponaya (Edgar), who went to the barangay and reported the matter.^[10] Thereafter, Edgar took Ruben to the Camarines Norte Provincial Hospital, where he was treated by Dr. Edmundo Dizon (Dr. Dizon). Dr. Dizon noted that Ruben had six hacking wounds, which caused severe bleeding and would have been fatal if not for immediate medical attention. Ruben was confined for 16 days.^[11]

Unfortunately, Lilia succumbed to her injuries. When the barangay officials arrived at the crime scene, they discovered Lilia's lifeless body.^[12]

Dr. Jose Magana, Municipal Health Officer of Daet, Camarines Norte conducted a Post-Mortem Examination on Lilia. He noted several hacking wounds on her right leg and left leg, and declared that the cause of death was hemorrhagic shock caused by the wounds.^[13]

On the other hand, Armando interposed self-defense. He related that he met Lilia and Ruben while he was on his way to the mountain. Lilia threatened him to refrain from testifying in a case that was being filed against her by Glenda Sablawan. He retorted that Lilia should not tell him what to do. When he turned his back to leave, he was suddenly struck with a *bolo*.^[14]

Then, Ruben and Lilia moved towards him with their arms raised and clutching their *bolos*. While he was about to draw his *bolo*, Ruben hit him on his right arm. Ruben tried to hack him several times but he was able to parry the attacks and fight back.

Then, Ruben pleaded for him to stop, so he left. He proceeded to the barangay hall of San Pascual to surrender. However, there was no barangay official present. He asked a certain Eduardo to accompany him to the Basud Police Station. On their way, they ran into barangay tanod Morada, who brought him to the police station.^[15]

While at the police station, he had the incident recorded in the police blotter. Thereafter, he was taken to the hospital for treatment.^[16] Dr. Antonio Dee (Dr. Dee) attended to his wounds. Dr. Dee noted that his injuries were superficial and may not lead to death. He returned to the police station after being discharged from the hospital.^[17]

Ruling of the RTC

On October 10, 2012, the RTC rendered a Joint Decision^[18] finding Armando guilty beyond reasonable doubt of murder and frustrated murder. The RTC held that the prosecution proved all the essential elements of the crimes charged. The RTC rejected Armando's plea of self-defense as well as his claim of voluntary surrender.

The dispositive portion of the RTC ruling reads:

WHEREFORE, foregoing premises considered, accused ARMANDO ARCHIVIDO y ABENGOZA is hereby found GUILTY beyond reasonable doubt of the crime of MURDER in Criminal Case No. 13937. He is hereby sentenced to suffer the penalty of *RECLUSION PERPETUA*. He is hereby ordered to indemnify the heirs of Lilia L. Archivido the following:

1. PhP 75,000.00 as civil indemnity;
2. PhP 50,000.00 as moral damages; and
3. PhP 30,000.00 as exemplary damages

In Criminal Case No. 13937, accused ARMANDO ARCHIVIDO y ABENGOZA is hereby found GUILTY beyond reasonable doubt of the crime of FRUSTRATED MURDER. He is hereby sentenced to suffer the penalty of EIGHT (8) YEARS and ONE DAY of PRISON MAYOR as MINIMUM, to SEVENTEEN (17) YEARS and FOUR (4) MONTHS of RECLUSION TEMPORAL, as MAXIMUM.

SO ORDERED.^[19]

Aggrieved, Armando filed a Notice of Appeal.^[20]

Ruling of the CA

On December 16, 2016, the CA rendered the assailed Decision affirming the RTC ruling with modification as to the penalty and damages.

In affirming Armando's guilt for murder and frustrated murder, the CA held that the prosecution sufficiently proved that the attacks against Lilia and Ruben were attended with treachery. The spouses were blindsided and completely caught off-

guard. Lilia was hacked after she had turned her back against Armando.^[21] Armando deliberately and consciously adopted this manner of attack to eliminate any possible risk to himself.^[22]

However, the CA opined that the prosecution failed to prove the qualifying circumstance of evident premeditation. There was no showing that Armando deliberately and carefully planned his attack against Ruben and Lilia, and that a considerable amount of time lapsed for him to reflect upon the consequences of his act. All that was proved was that he suddenly hacked Lilia and Ruben at the moment they turned their backs.^[23]

Moreover, the CA rejected Armando's claim of self-defense, both complete and incomplete. According to the CA, Armando failed to prove that the spouses mounted unlawful aggression against him.^[24] Similarly, his claim that the spouses ganged up on him was belied by the physical evidence.^[25]

Finally, the CA found that Armando was entitled to the mitigating circumstance of voluntary surrender. He immediately went to the barangay hall after the incident to surrender, and he even proceeded to the police station when there were no persons in the barangay hall.^[26]

The dispositive portion of the CA ruling reads:

WHEREFORE, in view of the foregoing, the Appeal is **DISMISSED**. The Joint Decision dated October 10, 2012 of the Regional Trial Court of Daet, Camarines Norte, Branch 39 is hereby **AFFIRMED** with **MODIFICATIONS** insofar as the penalties and monetary awards are concerned, *viz.*:

In Criminal Case No. 13933, Accused Armando Archivido y Abengoza is hereby found guilty beyond reasonable doubt of the crime of Murder. He is hereby sentenced to suffer the penalty of reclusion perpetua and is ordered to pay the heirs of Lilia Archivido the following amounts:

1. PhP 75,000.00 as civil indemnity;
2. PhP 75,000.00 as moral damages; and
3. PhP 75,000.00 as exemplary damages.

In Criminal Case No. 13937, Accused Armando Archivido y Abengoza is hereby found guilty beyond reasonable doubt of the crime of Frustrated Murder. He is hereby sentenced to suffer the penalty of 8 years and 1. day of prison mayor, as minimum, to (14) years of reclusion temporal as maximum, and is ordered to pay Ruben Archivido the following amounts:

1. PhP 50,000.00 as civil indemnity;
2. PhP 50,000.00 as moral damages; and
3. PhP 50,000.00 as exemplary damages.

An interest at the rate of six percent (6%) per annum shall be imposed on all the damages awarded, reckoned from the date of the finality of judgment until fully paid.

SO ORDERED.^[27] (Emphasis in the original)

Dissatisfied with the ruling, Armando filed a Notice of Appeal.^[28]

Issues

Both parties filed separate Manifestations^[29] indicating that they are adopting the Briefs they submitted before the CA in lieu of their Supplemental Briefs.

Seeking exoneration from the charges, Armando pleads self-defense. He claims that Lilia and Ruben attacked him first by hacking the back of his head. Although the wound was later declared to be superficial, at the time of the attack, he honestly believed that his life was in danger, thereby prompting him to retaliate.^[30] The means he employed were reasonably necessary to parry the assault. Moreover, he did not cause any sufficient provocation. He merely refused to accede to Lilia's request for him not to testify against her.^[31] He further claims that the threats he allegedly uttered against Lilia and Ruben occurred more than one month prior to the incident. No other threats were reported since then.^[32]

Alternatively, Armando argues that should he be found guilty, he may only be convicted of homicide and frustrated homicide.^[33] The prosecution failed to establish the qualifying circumstances of treachery and evident premeditation. He avers that the prosecution's narration of events is unbelievable. If he truly wanted to attack Ruben and Lilia without any danger to himself, then he would have attacked Ruben first, the latter being the stronger opponent, and attack a more delicate part of the body — the head, neck or abdomen.^[34] Neither was the prosecution able to prove that the assault was deliberately and consciously adopted.

Finally, Armando claims that he is entitled to the mitigating circumstance of voluntary surrender.^[35] He went to the barangay hall immediately after the incident in order to surrender. However, since no one was present thereat, he proceeded to the Basud Police Station.^[36]

On the other hand, the People, through the Office of the Solicitor General (OSG), counters that Armando failed to prove his plea of complete and incomplete self-defense. His defense was based on his "lone and doubtful testimony" which pales in comparison to the statements of the prosecution witnesses.^[37] Likewise, his claim that Ruben and Lilia ganged up on him is unbelievable, and is belied by the physical evidence.^[38]

Similarly, the OSG maintains that the attack was attended with treachery and evident premeditation. Armando hacked the spouses as soon as they turned their backs against him.^[39] This proves that Armando employed means to ensure the success of his attack with the least harm to himself.^[40] Evident premeditation existed considering the Armando had an ongoing dispute with the spouses and even made a threat to kill them. Armando fulfilled his threat by killing Lilia and injuring Ruben.^[41]