

# FIRST DIVISION

[ G.R. No. 238455, December 09, 2020 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
ROLANDO AGUILA Y ROSALES, ACCUSED-APPELLANT.**

## DECISION

**CAGUIOA, J:**

Before the Court is an appeal<sup>[1]</sup> filed under Section 13, Rule 124 of the Rules of Court from the Decision<sup>[2]</sup> dated December 1, 2017 of the Court of Appeals (CA) in CA-G.R. CR-HC-06756, which affirmed with modification the Decision<sup>[3]</sup> dated October 4, 2013 of the Regional Trial Court, Branch 87, Rosario, Batangas (RTC) in Criminal Case No. R02-078, finding herein accused-appellant Rolando Aguila y Rosales (Rolando) guilty of the crime of Murder under Article 248 of the Revised Penal Code (RPC).

### The Facts

Rolando was charged with the crime of Murder under the following Information:

"That on or about the 6<sup>th</sup> day of January, 2002, at about 11:15 o'clock in the morning, at Barangay Calubcub 2<sup>nd</sup>, Municipality of San Juan, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a small bolo (gulukan) with intent to kill, with treachery[,] and evident premeditation[,] and without any justifiable cause did then and there willfully, unlawfully[,] and feloniously attack, assault[,] and stab with the said weapon one Delfin Sayat y de Villa, 76 years old, a septuagenarian, suddenly and without warning, thereby inflicting upon the latter Hypovolemic shock secondary to stab wounds on his chest and right lower quadrant of his abdomen, which directly caused his death.

Contrary to law."<sup>[4]</sup>

Upon arraignment, Rolando pleaded not guilty to the crime charged.<sup>[5]</sup>

### *Version of the Prosecution*

The prosecution presented the following as witnesses: (1) Cristina Sayat Tanang (Cristina), (2) Pablito Rubia (Pablito), and (3) Iluminada Sayat.

Cristina testified that Rolando is her uncle, being the brother of her mother, while the victim, Delfin Sayat y de Villa (Delfin) is her paternal grandfather who she calls "Tatay."<sup>[6]</sup> The killing happened on January 6, 2002, her wedding day, at around

11:00 in the morning.<sup>[7]</sup> When they arrived from the church, Rolando was already in the reception area.<sup>[8]</sup> The "*sabugan*" (traditional gift giving) was then about to take place during the reception when Delfin was stabbed by Rolando.<sup>[9]</sup> Delfin was then sitting at the table around three (3) meters away from where Cristina was.<sup>[10]</sup> She noticed that Rolando was drunk at that time and that he was holding a bolo while approaching Delfin coming from the back of the house, so she focused her sight on Rolando and when Rolando was near Delfin, she shouted "*Tatay*" to Delfin to warn him.<sup>[11]</sup> She saw Rolando stab Delfin twice using a bolo while the latter was sitting down.<sup>[12]</sup> The stab blows hit the upper right portion of the body of Delfin, below the right armpit.<sup>[13]</sup> After Rolando stabbed Delfin, Rolando ran away while Delfin was brought to a hospital in San Juan, Batangas.<sup>[14]</sup> Delfin died as a result of the incident.<sup>[15]</sup>

### *Version of the Defense*

The defense presented the following witnesses: (1) Rolando and (2) Renato Aguila (Renato), the brother of Rolando.

Rolando testified that on January 6, 2002, he was just in his house at Brgy. Calubcub, San Juan, Batangas.<sup>[16]</sup> At that time, there was a wedding celebration at the house of his niece, Cristina, whose house is only about six (6) meters away from his house.<sup>[17]</sup> He went to the wedding reception at around 12:00 noon.<sup>[18]</sup> He saw Delfin sitting on a bench and drinking liquor with his friends and relatives.<sup>[19]</sup> He approached them and greeted them.<sup>[20]</sup> Delfin stood up and started cursing and hurling invectives at him and at the same time, Delfin drew his Super 38 caliber gun.<sup>[21]</sup> Delfin uttered the following invectives, "*Putang Ina mo ka papatayin kita.*"<sup>[22]</sup> There were many people present but it was his brother Renato who was near him and who heard those words uttered by the victim.<sup>[23]</sup> He testified that he does not know of any reason why Delfin uttered those words to him and that it was actually the second time that Delfin did those things to him.<sup>[24]</sup> The first time Delfin shouted invectives at him happened prior to January 6, 2002 and when it happened, he did not mind Delfin and just left him.<sup>[25]</sup> However, on the day of the incident, upon hearing those invectives from Delfin, and upon seeing him drawing his gun, he stood up and drew his fan knife as he was sure that Delfin was going to shoot him.<sup>[26]</sup> He was not sure what part of Delfin's body was hit because he was drunk at that time.<sup>[27]</sup> Delfin was not able to draw his gun.<sup>[28]</sup> They did not grapple for the gun.<sup>[29]</sup> After stabbing Delfin twice, he left and went home.<sup>[30]</sup> Upon reaching his house, policemen came.<sup>[31]</sup>

He further testified that he does not have any misunderstanding with Cristina, Pablito, and Rodel Tatlonghari prior to the incident.<sup>[32]</sup>

Renato is the brother of Rolando, while Delfin is the father-in-law of Renato's sister.<sup>[33]</sup> He testified that he was also at the wedding celebration of Cristina on January 6, 2002 at around 11:00 in the morning when a commotion occurred.<sup>[34]</sup> He was sitting with a group of people, which included his wife, Delfin, and some other people whose names he could not recall.<sup>[35]</sup> Delfin uttered, "*We will eat, Odik*

[Rolando] *might come*."<sup>[36]</sup> Rolando approached them and he noticed that Delfin drew his gun and pointed it to Rolando who was about one meter away.<sup>[37]</sup> Commotion ensued.<sup>[38]</sup> He pushed Delfin to prevent him from firing his gun.<sup>[39]</sup> But considering that there was a commotion already, he did not know what happened after that.<sup>[40]</sup> He just heard from other people that his brother inflicted the wounds sustained by Delfin.<sup>[41]</sup>

### **Ruling of the RTC**

In its Decision dated October 4, 2013, the RTC found Rolando guilty of Murder, to wit:

WHEREFORE, in view of the foregoing, judgment is her[e]by rendered finding the accused **Rolando Aguila y Rosales GUILTY beyond reasonable doubt of the crime of MURDER** defined in and penalized by Article 248 of the Revised Penal Code as amended by Republic Act 7659 hereby imposes on said accused the penalty of **RECLUSION PERPETUA**, with all the accessory penalties of the law. Furthermore, the accused is ordered to pay the heirs of the deceased the amount of Seventy Five Thousand Pesos (Php75,000.00) as civil indemnity; Seventy Five Thousand Pesos (P75,000.00) as moral damages; Seventy Five Thousand Pesos (P75,000.00) as exemplary damages and, Twenty Five Thousand Pesos (P25,000.00) as temperate damages.

SO ORDERED.<sup>[42]</sup> (Emphasis in the original)

The RTC rejected the claim of self-defense interposed by Rolando since he failed to substantiate it with clear and convincing proof.<sup>[43]</sup> Other than the self-serving testimony of Rolando and Renato, there was no evidence of unlawful aggression presented to prove that there was justification for Rolando to defend himself.<sup>[44]</sup> Plainly, Rolando did not establish with clear and convincing proof that Delfin assaulted him so as to constitute an imminent threat of great harm before he mounted his own attack on Delfin.<sup>[45]</sup>

Aggrieved, Rolando appealed to the CA.

### **Ruling of the CA**

In the assailed Decision dated December 1, 2017, the CA affirmed the conviction by the RTC with modification:

**WHEREFORE**, premises considered, the Appeal is **DENIED**. The Decision dated October 4, 2013 of the Regional Trial Court, Branch 87, Rosario, Batangas in Criminal Case No. R02-078, finding accused-appellant Rolando Aguila y Rosales guilty beyond reasonable doubt of the crime of murder is hereby **AFFIRMED WITH MODIFICATION** as to the award of legal interest at the rate of six (6) percent per annum on all damages herein awarded to be computed from the date of finality of this Decision until fully paid.

**SO ORDERED.**<sup>[46]</sup> (Emphasis in the original)

The CA ruled that Rolando failed to prove with clear and convincing evidence that he acted in self-defense.<sup>[47]</sup> Rolando failed to prove existence of unlawful aggression on the part of the victim.<sup>[48]</sup> It further held that the RTC correctly found that the testimonies of the defense were full of inconsistencies.<sup>[49]</sup> Lastly, it ruled that the elements of Murder were established by the prosecution.<sup>[50]</sup> Treachery is evident from the fact that the victim was unprepared for the sudden and unexpected attack on his person by Rolando.<sup>[51]</sup> Prosecution witness Cristina testified that Delfin was in a sitting position when Rolando came from the right side of the victim and stabbed Delfin.<sup>[52]</sup> Clearly, Rolando's execution of the killing left Delfin with no opportunity to defend himself or retaliate.<sup>[53]</sup>

Hence, this appeal.

### **Issues**

Whether the CA erred in affirming Rolando's conviction for Murder despite the fact that the prosecution failed to establish his guilt for Murder beyond reasonable doubt.

### **The Court's Ruling**

The appeal is partly meritorious.

It is settled that findings of fact of the trial courts are generally accorded great weight; except when it appears from the record that the trial court may have overlooked, misapprehended, or misapplied some significant fact or circumstance which if considered, would have altered the result.<sup>[54]</sup> This is axiomatic in appeals in criminal cases where the whole case is thrown open for review on issues of both fact and law, and the court may even consider issues which were not raised by the parties as errors.<sup>[55]</sup> The appeal confers the appellate court full jurisdiction over the case and renders such competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.<sup>[56]</sup>

After a careful review and scrutiny of the records, the Court affirms the conviction of Rolando, but only for the crime of Homicide instead of Murder as the qualifying circumstance of treachery was not proven in the killing of Delfin.

### ***The accused failed to prove self- defense***

In questioning his conviction, Rolando admits that he killed Delfin, arguing only that he should nonetheless not be held criminally liable for the death of Delfin because he only acted in self-defense. He insists that unlawful aggression was present when Delfin allegedly cursed at him and thereafter drew his gun.<sup>[57]</sup>

This argument deserves scant consideration.

An accused who pleads self-defense admits to the commission of the crime charged. [58] He has the burden to prove, by clear and convincing evidence, that the killing was attended by the following circumstances: (1) unlawful aggression on the part of the victim; (2) reasonable necessity of the means employed to prevent or repel such aggression; and (3) lack of sufficient provocation on the part of the person resorting to self-defense. [59] Of these three, unlawful aggression is indispensable. Unlawful aggression refers to "an actual physical assault, or at least a threat to inflict real imminent injury, upon a person." [60] Without unlawful aggression, the justifying circumstance of self-defense has no leg to stand on and cannot be appreciated. [61]

The Court agrees with the CA that Rolando failed to discharge his burden. All the requisites of self-defense are wanting in this case.

Anent the first requisite, there was no unlawful aggression on the part of the victim, Delfin. For unlawful aggression to be present, there must be real danger to life or personal safety. [62] Accordingly, the accused must establish the concurrence of the three elements of unlawful aggression, namely: (a) there must be a physical or material attack or assault; (b) the attack or assault must be actual, or, at least, imminent; and (c) the attack or assault must be unlawful. [63] None of the elements of unlawful aggression were proven by the defense. As correctly pointed out by the CA, the testimonies of the defense witnesses were riddled with inconsistencies and contradictions, thus it is doubtful whether there was really unlawful aggression on the part of the victim:

*First*, during his direct examination, Rolando testified that Delfin cursed at him and then thereafter drew his gun. However, during his cross-examination, he testified that Delfin did not say anything and just suddenly drew his gun:

[Direct Examination]

"Q When you saw Delfin Sayat who were (sic) seated with others, what did you do next?

A I greeted him, sir.

Q Will you please tell us how did you greet him?

A I told him "kelan pa po kayo diyan"

Q What was his answer?

A **He suddenly stood up and he cursed me.**

Q What did he tell you actually and you are saying that he cursed you?

A "Putang ina mo ka walanghiya kang tao."

[Cross-Examination]

"Q Did you greet Delfin Sayat him (sic) when you arrived thereat (sic)?

A Yes, ma'am. I greeted him and I asked him, "*Kaylan pa po kayo dyan?*".

COURT:

Q Did he answer you?

A **No, Your Honor, he did not answer me but instead drew his gun.**