

FIRST DIVISION

[G.R. No. 245306, December 02, 2020]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDGAR GUARIN Y VELOSO A.K.A. "BANONG," ACCUSED-APPELLANT.

DECISION

PERALTA, C.J.:

This is an appeal from the August 30, 2018 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09494 which affirmed with modification the May 31, 2017 Decision^[2] of the Regional Trial Court (RTQ, Branch 69, Lingayen, Pangasinan.

The Facts

Accused-appellant Edgar Guarin y Veloso was indicted for Murder as defined and penalized under Article 248 of the Revised Penal Code (RPC). The accusatory portion of the Information, dated May 30, 2016, alleged:

That sometime in the morning of May 27, 2016 in Gayaman, Binmaley, Pangasinan, and within the jurisdiction of this Honorable Court, the above-named accused with intent to kill and with treachery, did, then and there, willfully, unlawfully and feloniously assault and attack MANNY MANAOIS y FERNANDEZ, victim, by deliberately and suddenly stabbing him several times with a sharp bladed instrument while, he, the hapless, unarmed and unsuspecting victim, was about to board his motorized tricycle and had no chance to resist or defend himself, and as a result, the said victim suffered 'Multiple stab wounds in the chest, upper extremities and abdomen', that caused severe blood loss and the eventual demise of the said victim, to the prejudice and damage of his heirs.^[3]

In his arraignment, Guarin pleaded not guilty^[4] to the offense charged in the information. Thereafter, trial on the merits ensued.

The prosecution presented three (3) witnesses, namely: Arcadio Botial, *Barangay Kagawad* Arnold Rosario and Dr. Carlito Arenas.^[5] The defense, for its part, presented Guarin as its lone witness.^[6]

Version of the Prosecution

On May 27, 2016, at around 6:45 a.m., Botial and Manny F. Manaois were in Gayaman, Binmaley, Pangasinan, preparing to leave for work. Botial was loading a welding machine onboard a tricycle while Manaois was about to board and drive the said vehicle. As Manaois was busy putting the key in the ignition, Guarin, without any provocation or warning, suddenly stabbed Manaois with a knife. Manaois tried to

run and escape but Guarin pursued him and stabbed him several times. Meanwhile, Botial, being stunned by the incident, was not able to move or even shout for help. At the time the stabbing ceased, Botial boarded Manaois into the tricycle to rush the latter to the Specialist Group Hospital and Trauma Center in Dagupan City.^[7]

During the incident, *Barangay Kagawad* Rosario, who was living near the area where the incident happened, was preparing to go to work when he heard people shouting outside. Afterwards, he went outside to check what the commotion was about. He then saw Guarin sitting on the floor holding a bloodied knife. *Barangay Kagawad* Rosario talked to Guarin and watched him until the police authorities arrived. During the investigation, Botial returned and told the police that he witnessed the crime. He identified Guarin as the perpetrator who stabbed Manaois several times. The police officers seized a fifteen (15)-inch knife from Guarin and brought him, together with witnesses Botial and *Barangay Kagawad* Rosario, to the Police Station in Binmaley, Pangasinan for further documentation.^[8]

PO1 Ryan S. Danglacruz conducted further investigation at the Specialist Group Hospital and Trauma Center where Manaois was being treated.^[9] The latter was attended to by Dr. Arenas. At the time Dr. Arenas checked on Manaois, he noticed that the victim was on the brink of death as he was gasping for breath. He looked pale, with no blood pressure and cardiac activity. Manaois suffered twelve (12) stab wounds, four (4) abrasions, and contusions. On the same day, Manaois died.^[10]

Version of the Defense

On the morning of May 27, 2016, Guarin was on his way to a sari-sari store to buy coffee. Meanwhile, Manaois, armed with a knife and who appeared to be drunk, approached and threatened to kill Guarin. Manaois tried to stab Guarin, but the latter was not hit as he was able to step backward. For the second time, Manaois attempted to stab Guarin, but the former fell on the ground. Seizing the opportunity, Guarin disposed Manaois of the knife. However, Guarin did not know what happened next. At the time Guarin was able to regain his senses, he saw blood on his clothes and hands which made him realize that he could have harmed Manaois. Afterwards, he surrendered himself to *Barangay Kagawad* Rosario.^[11]

Guarin added in his testimony that earlier that morning, he woke up with Manaois insulting him by calling him and the other members of his family illiterate which Manaois had done several times before the incident. Due to this, an altercation between them ensued. Guarin also stated that at the time of the incident, Botial was inside his house so he could not have witnessed the same.^[12]

On May 31, 2017, the RTC convicted Guarin of the crime charged. The dispositive portion of the Decision states:

WHEREFORE, his guilt for the crime of murder defined and penalized under Article 248 of the Revised Penal Code having been proved beyond reasonable doubt, the accused Edgar Guarin y Veloso is hereby sentenced to suffer the penalty of reclusion perpetua and such accessory penalties provided for by law.

Said accused is likewise found liable to pay the heirs of Manny Manaois

indemnity, moral damages and exemplary damages in the amount of [P]75,000.00 each, as well as temperate damages in the amount of [P]25,000.00, all of which to earn interest at the rate of six percent (6%) per annum from the date of finality of this decision until fully paid.

SO ORDERED.^[13]

In concluding that the requisites of self-defense were not met to justify the killing of Manaois, the RTC ratiocinated:

There is aggression, only when the one attacked faces real and immediate threat to his life. In the case at bar, other than the accused's testimony, no other evidence had been adduced to show that it was Manny who initiated the confrontation before the stabbing incident. Ranged against the testimony of Arcadio, such an account, notably given almost a year after the subject incident transpired which already provided the accused time to cogitate on the facts, is impaled.

Even assuming that the attack was indeed initiated by Manny, the imminence of the peril on the accused's life already ceased the moment he succeeded in disarming Manny of the knife, x x x.

Moreover, gauging from the accused's testimony, it was him, not Manny, who had the reason to show aggression, he and his family members having been the objects of Manny's insulting remarks not only on the day of the subject incident but several times more previously. The incessant remarks on him and his kins being illiterates apparently took its toll on the accused that his mind became consumed by the thought of revenge. His irate mental state can in fact be seen from the number of stab wounds, about eleven in all, he inflicted on Manny.^[14]

On appeal, the CA agreed with the findings of the trial court that even assuming that unlawful aggression was present on the part of Manaois, there was no longer any danger on Guarin's person from the moment he disarmed the former of his knife. The appellate court was convinced that Botial's testimony was clear, steadfast, convincing, and point to no other conclusion that Guarin stabbed Manaois to death. Likewise, the CA pointed out that the RTC correctly appreciated treachery as a circumstance to qualify the offense to murder. While the judgment of conviction was sustained, the award of damages was modified. The *fallo* of the August 30, 2018 Decision reads:

WHEREFORE, the appeal is DENIED. The assailed Decision dated May 31, 2017 of the RTC in Criminal Case No. L-10992 is AFFIRMED with MODIFICATION in that the award of temperate damages is INCREASED to Fifty Thousand Pesos (F50,000.00).

SO ORDERED.^[15]

Now before us, the People and Guarin manifested that they would no longer file a Supplemental Brief, taking into account the thorough and substantial discussions of the issues in their respective appeal briefs before the CA.

The Court resolves to dismiss the appeal for failure to sufficiently show reversible

error in the judgment of conviction to warrant the exercise of our appellate jurisdiction.

Murder is defined and penalized under Article 248 of the RPC, as amended by Republic Act No. 7659. To successfully prosecute the crime, the following elements must be established: (1) that a person was killed; (2) that the accused killed him or her; (3) that the killing was attended by any of the qualifying circumstances mentioned in Article 248 of the RPC; and (4) that the killing is not parricide or infanticide.^[16] In the instant case, the prosecution was able to establish that (1) Manaois was stabbed and killed; (2) Guarin stabbed and killed him; (3) the killing of Manaois was attended by the qualifying circumstance of treachery; and (4) the killing of Manaois was neither parricide nor infanticide. We agree with the trial court's finding that the prosecution has proven Guarin's guilt beyond reasonable doubt, as the first element of the offense was proven by presenting the Certificate of Death^[17] of Manaois. The RTC correctly held in its Decision that Dr. Arenas sufficiently testified that Manaois sustained multiple stab wounds in the chest, upper extremities and abdomen; that the cause of the latter's death was due to cardiopulmonary arrest, multi-organ failure secondary to severe blood loss; and that these findings were not rebutted by the defense. Meanwhile, the other elements thereof were substantiated by Botial. In addition, the fact that Guarin invoked the justifying circumstance of self-defense is already an admission that he authored the killing of Manaois.

Considering that self-defense is an affirmative allegation and totally exonerates the accused from any criminal liability, it is well settled that when it is invoked, the burden of evidence shifts to the accused to prove it by credible, clear, and convincing evidence. The accused, claiming self-defense, must rely on the strength of his own evidence and not on the weakness of the prosecution. Self-defense cannot be justifiably appreciated when uncorroborated by independent and competent evidence or when it is extremely doubtful by itself.^[18]

The essential elements of self-defense are the following: (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 defending himself. To invoke self-defense successfully, there must have been an unlawful and unprovoked attack that endangered the life of the accused, who was then forced to inflict severe wounds upon the assailant by employing reasonable means to resist the attack.^[19]

While all three elements must concur, self-defense relies first and foremost on proof of unlawful aggression on the part of the victim. If no unlawful aggression is proved, no self-defense may be successfully pleaded. Unlawful aggression is a *conditio sine qua non* for upholding the justifying circumstance of self-defense; if there is nothing to prevent or repel, the other two requisites of self-defense will have no basis.^[20]

In the present case, it is apparent that there is no unlawful aggression. Botial, an eyewitness, vividly narrated that at the time of the attack, he and Manaois were occupied in preparing their things in going to work. Manaois, at the time of the attack, was about to put the key in the ignition when Guarin unexpectedly stabbed him with a knife. After the initial attack, Manaois tried to flee but Guarin was determined to kill him. Guarin was able to chase Manaois and stabbed him several