

## SECOND DIVISION

[ G.R. No. 232339, November 20, 2019 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
JEFFERSON MARON Y EMPLONA, JONATHAN ALMARIO Y CAYGO  
AND NESTOR BULAHAN Y GUTIERREZ, ACCUSED-APPELLANTS.**

### D E C I S I O N

**INTING, J.:**

This is an appeal from the Decision<sup>[1]</sup> dated September 5, 2016 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 07451, which affirmed with modification the Decision<sup>[2]</sup> dated November 4, 2014, of Branch 32, Regional Trial Court (RTC), San Pablo City, Laguna in Criminal Case No. 17492 SP(10).

#### *Antecedents*

In an Information<sup>[3]</sup> filed on January 6, 2010, Jefferson Maron y Emplona (Maron), Jonathan Almario y Caygo (Almario) and Nestor Bulahan y Gutierrez (Bulahan) (collectively, appellants) were indicted for the crime of Murder under Article 248 of the Revised Penal Code (RPC), allegedly committed as follows:

That on or about January 04, 2010, in the City of San Pablo, Republic of the Philippines and within the jurisdiction of this Honorable Court, the accused above-named, with intent to kill, with evident premeditation and treachery and employing means to weaken the defense, conspiring, confederating and mutually helping one another, did then and there willfully, unlawfully, and feloniously repeatedly stab one MICHAEL A. CLARIANES with three (3) different bladed weapons, with which the accused were then conveniently provided, thereby inflicting stab wounds upon the person of said Michael A. Clarianes which caused his immediate death.

CONTRARY TO LAW.<sup>[4]</sup>

Upon arraignment, the appellants pleaded not guilty.<sup>[5]</sup> Thus, trial ensued.

As culled from the records, the version for the prosecution is as follows:

On 4 January 2010, at around 10:00 p.m., while Michael Clarianes ("Michael") and Alma Exconde ("Alma") were seated on a bench and engaged in a conversation, three (3) male persons on board a motorcycle arrived near the shores of Sampaloc Lake, Brgy. 5-A, San Pablo City. Two (2) of them alighted from the motorcycle, one went in front of Michael and Alma and urinated along the banks of the lake, while the other went behind a coconut tree nearby. The former then told his companions,

"pare, tawagan natin si pare." One of his companions replied, "siguro'y tulog na pero tawagan na din natin."

Ten minutes later, the man who urinated suddenly approached Alma and pointed a knife to her neck. Likewise, the person who hid behind the coconut tree approached Michael and pointed a knife at him. The men then announced, "holdap ito ilabas na ninyo ang inyong cellphone pera at alahas at hindi kayo mamamatay wag lang kayong maingay."

Thereafter, the person who stayed at the motorcycle approached Michael and Alma, brandishing a "*kawit*." Michael cried for help and attempted to fight. The three men however, repeatedly stabbed Michael until he slumped on the ground lifeless. Alma sought help but nobody came to help them. After stabbing Michael, the three persons scampered away, prompting Alma to once again ask for help. Minutes later, a mobile patrol arrived. Michael was brought to Ace Funeral Homes where he was pronounced dead.

x x x x<sup>[6]</sup>

As for the version of the defense:

On the other hand, accused-appellants denied the charges against them and interposed their respective alibis.

Maron, a construction worker, testified that in the evening of 4 January 2010, he was at their house at Brgy. San Lucas I, San Pablo City with his parents, aunt, and six sibling . He allegedly watched the television before going to bed at around 11:00 p.m. The following morning, PO2 Sacdalan came to Maron's house and brought the latter to the police station to line up in front of a lady witness who identified him as one o the assailants of Michael.

Almario claims to be a magkakawit ng niyog and a co-worker of the father of his co-accused Bulahan. He testified that on 4 January 2010, at around 7:00 p.m., he and his two children were at their house located near Brion Subdivision, Brgy. San Lucas I, San Pablo City. After dinner, they went to bed and rested. At around 10:00 a.m. of the following day, while he was taking a bath, five police officers led by PO2 Sacdalan went to the house, handcuffed and arrested him. He was then brought to the police station where he was told to stand in a police line-up. He was identified by Alma as one of the persons who stabbed Michael.

Bulahan testified that he was a helper at Siete-Tres, a small canteen located in front of Seven Eleven along Maharlika Highway, San Pablo City. On 4 January 2010, he reported for work at 8:00 a.m. and went home together with his wife Andrea Balino at 8:00 p.m. After having dinner at home, he, his wife, and his parents went to sleep. The next day, he went to work at 6:00 a.m. At around 10:00 a.m. of 5 January 2010, several policemen arrived and arrested him. He was brought to a police van where he saw Almario, Maron, his wife and a certain Pale. They

proceeded to the police station and were asked to stand in a police line-up.<sup>[7]</sup>

The Postmortem Examination Report<sup>[8]</sup> revealed that Michael A. Clarianes (Michael) death was caused by the stab wounds in the body involving the left lung and great vessels, to wit:

1. lacerated wound - 5 cm x 1 cm x 0.5 cm, head, parietal area, right
2. lacerated wound- 4 cm x 2.5 cm x 0.5 cm head, mid-frontal area
3. stab wound - 5 cm x 2 cm x 9 cm chest, left, anterior axillary line in between the 2nd and 3rd ribs, directed postero-medially, penetrating the upper lobe of the lung, left and the aorta
4. stab wound - 5 cm x 2 cm x 11 cm chest, lateral axillary line, directed postero-medially, penetrating the upper lobe of the lung, left and the interior vena cava
5. stab wound - 5 cm x 2 cm abdomen, lower quadrant, left, hitting and exposing the small intestines.

CAUSE OF DEATH: STAB WOUNDS IN THE BODY INVOLVING THE LEFT LUNG AND GREAT VESSELS.<sup>[9]</sup>

At the time of the incident, Michael was 27 years old and employed on probationary status by Hesper's Garment Corporation, receiving a daily salary of P293.00.<sup>[10]</sup>

#### *Ruling of the RTC*

In its Decision<sup>[11]</sup> dated November 4, 2014, the RTC found appellants guilty beyond reasonable doubt of the crime of Murder.<sup>[12]</sup>

The RTC ruled that Alma Exconde (Alma) positively identified the appellants as the persons who repeatedly stabbed Michael in the evening of January 4, 2010, near Sampaloc Lake, Brgy. 5-A, San Pablo City.<sup>[13]</sup>

The RTC also explained that during cross-examination, Alma further clarified how she was able to recognize the faces of the three assailants and reiterated the details of the incident.<sup>[14]</sup> Alma narrated the distance of the appellants from her, and what the appellants were wearing, thus:

Q: Madam Witness, in that place where you went together with Michael Clarianes, at 10:00 p.m., were there other people around that place?

A: None, there were other persons who passed by but none actually was there at the place of the incident, sir.

Q: Am I correct to say, Madam Witness, that when you arrived there, the accused were not yet there?

A: Yes, sir.

Q: You mentioned a while ago an electric post, which is eight (8) meters from your place?

A: Yes, sir.

Q: And you also mentioned that there were trees around?

A: Yes, sir.

Q: Do you recall which are taller, the electric post or the trees?

A: The trees were taller than the electric post, sir.

Q: What kind of trees are you referring to?

A: I think it is Mahogany, sir.

Q: Do you recall whether these trees have many leaves?

A: Yes, sir.

Q: Madam Witness, you mentioned the first one of the accused in this case urinated, how far from you?

A: One and a half (1 & 1/2) meters, sir.

Q: How about the second accused whom you mentioned stayed near the motorcycle, how far was he from you?

A: At that post, estimated to be about four (4) meters sir.

Q: How about the other person whom you mentioned, who stayed behind the tree, how far was he from you at that time?

A: About one (1) meter, sir.

Q: The first accused was in front of you, which you said one and a half (1 & 1/2) meters as you mentioned, do you recall what he wore?

A: A white t-shirt, sir.

Q: Was he wearing short pants?

A: Short pants, sir.

Q: How about the second accused, four (4) meters away from you, and near the motorcycle, do you recall what he wore?

A: White t-shirt and short pants sir.

Q: And how about the third accused?

A: Colored t-shirt and short pants, sir.

Q: Madam Witness, you mentioned a while ago that from the arrival of the three (3) accused, you noticed.... I will withdraw that, Your Honor. You mentioned a while ago that there was something wrong when these three (3) accused arrived, surrounding you and yet you mentioned that you suspected something will happen and you still talking for ten (10) minutes?

A: Yes, sir.

Q: In this case, you were talking, you and Michael Clarianes, did the three (3) persons stay in the place where they positioned themselves in that place they stayed there?

A: The male person who urinated, walked to and from, the place near us, as if they were bothered by something, sir.

Q: How about the accused in the motorcycle?

A: Almario did not leave and stayed in the motorcycle, sir.

Q: How about the third person?

A: He stayed near the coconut tree, sir.

Q: If he is behind the coconut tree, can you see his face?

A: Yes, sir.<sup>[15]</sup>

The RTC further ruled that the third, fourth, and fifth stab wounds of Michael: two on the chest, and one on the abdomen were fatal as described in the Postmortem Examination Report.<sup>[16]</sup> It further ruled that the attack on Michael was sudden; thus, it provided him with no opportunity to be able to defend himself from the moment Maron approached Alma and Michael, pointed his knife at Alma, announced "hold-up," and up to the time that Bulahan poked his knife at Michael and appellants repeatedly stabbed Michael.<sup>[17]</sup>

Lastly, based on the evidence presented by the prosecution, the RTC awarded Michael's heirs P1,230,600.00 representing his loss of earning capacity and P54,000.00 for his funeral and burial expenses.<sup>[18]</sup> The RTC then awarded civil indemnity, moral damages, and exemplary damages to Michael's heirs.<sup>[19]</sup>

The RTC disposed as follows:

WHEREFORE, premises considered, judgment is hereby rendered FINDING all three accused JEFFERSON MARON y EMPLONA, JONATHAN ALMARIO y CAYGO and NESTOR BULAHAN y GUTIERREZ, GUILTY beyond reasonable doubt of the crime of murder as charged in the Information, and hereby IMPOSES on them the penalty of *Reclusion Perpetua*, with all the accessory penalties, and to pay the heirs of victim Michael Clarianes the following:

- a. P50,000.00, as civil indemnity;
- b. P54,000.00, as actual and compensatory damages;
- c. P50,000.00, as moral damages;
- d. P25,000.00, as exemplary damages;
- e. P1,230,600.00, as and for loss of earning capacity of the victim; and
- f. Costs of the suit.

The three accused are hereby ordered committed to the National Bilibid Prisons immediately.

SO ORDERED.<sup>[20]</sup>