

THIRD DIVISION

[G.R. No. 198050, November 14, 2012]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. JOEL ARTAJYO Y ALIMANGOHAN, APPELLANT.

DECISION

ABAD, J.:

This case is about an accused who claims self-defense in killing the victim but is convicted of murder qualified by treachery of a somewhat dubious kind.

The Facts and the Case

On November 26, 2002 the public prosecutor charged accused Joel Artajo y Alimangohan (Joel) with murder qualified by treachery before the Regional Trial Court (RTC) of Butuan City in Criminal Case 9683.^[1]

Edgardo Hanopol Herana (Edgardo) testified that at about 1:00 p.m. on November 6, 2002 he passed time at a store in Barangay Pianing, Butuan City, drinking liquor with accused Joel, Liklik Degorio (Liklik), and Joel Degorio.^[2] They were still at it at 3:00 p.m. when Clarence Galvez (Clarence), the victim, passed by, carrying a wild fox or “milo” that he caught. Accused Joel suggested that the group transfer to Clarence’s house.

After Joel bought a jumbo size *Kulafu*, they proceeded to Clarence’s house. Joel Degorio did not, however, join them. While enjoying their drinks there, Edgardo observed that Joel who was shirtless had a knife tucked on his waist. Clarence cooked and served the wild fox, then joined the accused Joel, Edgardo, and Liklik in their drinking. At about 5:00 p.m. Edgardo left intoxicated.^[3]

Dolor G. Bacarat (Dolor), Clarence’s daughter, testified that she briefly entered her father’s house at around 3:00 p.m. and found him drinking and partaking of the cooked fox with accused Joel, Edgardo, and Liklik. Dolor was staying in an adjacent house. When she returned to her father’s house three hours later at 6:00 p.m., she noticed that only accused Joel remained among his father’s guests. Clarence crossed over to Dolor’s house briefly and brought back the latter’s four-year-old daughter. For her part, Dolor returned to her house.

Shortly after, Dolor heard her daughter cry. As she went out to see what had happened, she saw accused Joel stabbing his father who was trying to fight back. But Joel repeatedly stabbed him on the neck and shoulder, causing him to fall. Joel stopped and fled on seeing Dolor. The latter sought help and they brought her father to the Butuan City Medical Center where he was declared dead on arrival.^[4]

A neighbor of Clarence, Enrique Petilo (Enrique) testified that he saw Clarence and

Joel at around 6:00 p.m., coming out of Clarence's house by the back door. Enrique watched as Joel drew a knife from his waist and stabbed Clarence three times. Clarence tried to hold on to Joel but he fell on the ground flat on his face. Joel sat astride Clarence and stabbed him for about ten more times. When Joel left, Enrique approached Clarence and helped bring him to the hospital.^[5]

Dr. Edgar S. Savella, a medico-legal expert of the National Bureau of Investigation conducted an autopsy of Clarence. The doctor found 7 stab wounds and 11 incised wounds. Four of the stab wounds were on the victim's chest, which he described as fatal, while three other stab wounds were on his back. The rest of the wounds were inflicted on the different parts of the victim's body.^[6]

Accused Joel admitted killing Clarence but pleaded self-defense. He claimed that he went to a nearby store after supper to buy cigarettes when he met Clarence and Edgardo. The two invited Joel to come to Clarence's house for drinks and requested him to bring a bottle of *Kulafu*. Joel accepted the invitation.^[7]

Joel further claimed that at about 7:30 p.m., after they consumed the liquor they had, Clarence demanded that Joel go out and get more liquor to drink. Joel refused since he had no money left. This angered Clarence, who grabbed Joel's glass and banged it on the table. To avoid trouble, Joel tried to leave. As he passed Clarence's videoke house, however, Clarence, holding a knife, approached and shouted at him to stop. As he grappled with Clarence for the knife, Joel suffered cuts on his arm and elbow. Joel wrestled the knife from Clarence and stabbed him out of fear for his own life. Joel fled but surrendered to the authorities three days later.^[8]

On December 18, 2008 the RTC rendered a decision finding accused Joel guilty of murder qualified by treachery. The RTC ruled that Joel appeared determined to kill Clarence because even as the latter lay prostrate, he continued to stab him, evidenced by the many wounds on his body. The autopsy showed the nature, character, and location of the wounds. These substantiate a determination to kill the victim. The RTC held that the mode of attack rendered the victim incapable of defending himself, thus treachery was present.

Appreciating the mitigating circumstance of voluntary surrender, the trial court imposed on Joel the penalty of *reclusion perpetua*. It also awarded Clarence's heirs with actual damages of P8,000.00, temperate damages of P25,000.00, moral damages of P50,000.00, and death indemnity of P50,000.00. The accused appealed to the Court of Appeals (CA) but on April 29, 2011 the latter court affirmed *in toto* the RTC decision.^[9] The case is before this Court on automatic appeal.

The Issues Presented

The case presents two issues:

1. Whether or not accused Joel killed Clarence in self-defense; and
2. Whether or not treachery attended the killing.

The Court's Rulings