

SECOND DIVISION

[G.R. No. 192465, June 08, 2011]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ANGELITO
ESQUIBEL Y JESUS, APPELLANT.**

D E C I S I O N

CARPIO, J.:

The Case

Before the Court is an appeal assailing the Decision^[1] dated 15 December 2009 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 03287. The CA affirmed with modification the Decision^[2] dated 24 October 2007 of the Regional Trial Court (RTC) of Manila, Branch 47 in Criminal Case No. 03-215890, convicting appellant Angelito Esquibel y Jesus (Esquibel) of the crime of murder and sentencing him to suffer the penalty of *reclusion perpetua*.

The Facts

An information^[3] for murder, defined and penalized under Article 248^[4] of the Revised Penal Code, was filed with the RTC of Manila, Branch 53 and then re-raffled to Branch 47. The information states:

That on or about February 7, 2003, in the City of Manila, Philippines, the said accused, armed with a bladed weapon, with intent to kill, with treachery, did then and there willfully, unlawfully and feloniously attack, assault and use personal violence upon one CLARK BALOLOY y TACSAGON, by stabbing and hitting him on the stomach, thereby inflicting upon the latter a stab wound on the abdomen which was the direct and immediate cause of his death thereafter.

Contrary to law.

Upon arraignment, appellant Esquibel pleaded not guilty and asserted self-defense.

The prosecution presented the following witnesses: Maricel Gaboy (Gaboy), the eyewitness to the crime and Baloloy's cousin and house helper; Felimon and Evelyn Baloloy, parents of Clark Baloloy y Tacsagon (Baloloy); Dr. Elizardo Daileg (Dr. Daileg), the Medico-Legal Officer who conducted the post-mortem examination on the cadaver; and SPO2 Danilo Vidal who conducted the investigation against Esquibel.

The prosecution summed up its version of the facts: On 7 February 2003 at around

9 o'clock in the evening, Baloloy and his parents were at home watching television. After eating dinner, Baloloy went outside the house to wash his hands. Gaboy was also outside the house waiting for a friend. Esquibel then appeared and sat beside Gaboy. Esquibel was a neighbor and Gaboy had known him since she was a little girl.

When Esquibel saw Baloloy washing his hands and standing on a bent position with Baloloy's back against him, Esquibel suddenly stood up and approached Baloloy. Esquibel then stabbed Baloloy on the right side of the stomach with a knife. Afterwards, Esquibel ran away.

Baloloy managed to go back inside the house with Gaboy following behind him. Before collapsing, Baloloy uttered "*Tatay, may tama ako. Si Butchoy sinaksak ako.*" Baloloy's parents rushed him to the Ospital ng Maynila where he was pronounced dead on arrival.

Medico-Legal Officer Dr. Daileg conducted the autopsy. In his Medico-Legal Report No. M-401-03 dated 20 February 2003, Dr. Daileg found the cause of death as hemorrhagic shock secondary to a stab wound caused by a sharp-edged instrument on the right side of the abdomen.

During the trial, Baloloy's parents personally identified Esquibel as the one whom their son referred to as "Butchoy." Baloloy's parents also incurred the amount of P20,000 representing the cost of the casket.

The defense, on the other hand, presented Esquibel as the lone witness and invoked self-defense. Esquibel testified that on the night of 7 February 2003, from 6:00 to 8:30 in the evening, he was on a drinking spree with friends, including Baloloy. They were celebrating the birthday of Esquibel's childhood friend, Philip Patino, at the latter's house. During the party, Baloloy suddenly told Esquibel in an angry tone, "*Butchoy Negro titirahin kita.*" Esquibel retorted "*Pati ba naman ako titirahin mo,*" referring to a previous incident where Baloloy allegedly stabbed Esquibel's brother. Shortly after the exchange, Baloloy went home.

At around 9 o'clock in the evening, Esquibel left the party. He passed by in front of Baloloy's house and heard Gaboy say "*Kuya, nandiyan na.*" Then Baloloy suddenly appeared carrying a knife and lunged at Esquibel. Esquibel eluded Baloloy's attack and grabbed the knife. Esquibel then used the knife to stab Baloloy and immediately fled from the scene.

In its Decision dated 24 October 2007, the RTC found Esquibel guilty beyond reasonable doubt of the crime of murder qualified by treachery. The RTC accorded full faith and credence to the testimony of Gaboy and disregarded Esquibel's claim of self-defense. The RTC stated that the qualifying circumstance of treachery was duly established by direct and positive evidence. Gaboy, the eyewitness, convincingly narrated the details and circumstances of how Baloloy was killed, showing that Esquibel knowingly chose the mode of attack to insure the accomplishment of the crime without risk to himself. The RTC further stated that Esquibel's version of self-defense was self-serving and cannot be given credence over the positive and credible testimony of Gaboy. The dispositive portion of the decision states:

WHEREFORE, premises considered, this Court finds the accused Angelito Esquibel y Jesus guilty beyond reasonable doubt of the crime of Murder defined and penalized under Article 248 of the Revised Penal Code, as amended and there being no mitigating or aggravating circumstance present, imposes upon him the penalty of RECLUSION PERPETUA with all the accessory penalties provided by law; to indemnify the heirs of the victim the sum of P50,000.00; to pay the heirs of the victim the amount of P20,000.00 as actual damages; and to pay the costs.

SO ORDERED.^[5]

Esquibel filed an appeal with the CA. Esquibel imputed the following errors on the RTC:

- I. THE COURT A QUO GRAVELY ERRED IN GIVING UNDUE CREDENCE TO THE TESTIMONY OF THE ALLEGED EYEWITNESS.
- II. THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE PROSECUTION'S FAILURE TO POSITIVELY IDENTIFY HIM AS THE VICTIM'S ASSAILANT.
- III. ASSUMING ARGUENDO THAT THE ACCUSED-APPELLANT IS GUILTY, THE COURT A QUO GRAVELY ERRED IN APPRECIATING TREACHERY.

^[6]

The Ruling of the Court of Appeals

In a Decision dated 15 December 2009, the CA affirmed with modification the decision of the RTC. The CA found no cogent reason to depart from the rule that matters concerning the credibility of the witnesses in criminal cases are left to the sound discretion of the trial court. Since the trial court is in the best position to assess and observe the witness' demeanor, conduct and attitude under a grueling examination, the trial court's assessment of the credibility of a witness is entitled to great weight. The CA stated that Gaboy's testimony was consistent, unwavering and straightforward. Esquibel's defense that there were alleged inconsistencies in Gaboy's testimony are trivial and insignificant and do not contravene Gaboy's testimony that she directly witnessed Esquibel stabbing Baloloy.

The CA deleted the award of actual damages of P20,000 since no receipt was presented to support the claim. Nevertheless, the CA granted the amount of P20,000 as temperate damages, given in homicide or murder cases when no evidence of burial or funeral expenses is presented in court, since it cannot be denied that the heirs suffered pecuniary loss although the exact amount was not proved. The dispositive portion of the decision states:

WHEREFORE, the assailed decision of the RTC finding the Accused-Appellant Angelito Esquibel y Jesus guilty beyond reasonable doubt of Murder, sentencing him to suffer the penalty of *reclusion perpetua* with all the accessory penalties provided by law, and ordering him to pay the