

## FIRST DIVISION

[ G.R. No. 188610, June 29, 2010 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALBERT SANCHEZ Y GALERA, ACCUSED-APPELLANT.**

### DECISION

**VELASCO JR., J.:**

For review is the Decision<sup>[1]</sup> of the Court of Appeals (CA) dated February 27, 2009, in CA-G.R. CR-H.C. No. 02902, which affirmed with modification, the decision of the Regional Trial Court (RTC) of Marikina City in Criminal Case Nos. 06-8245-MK, 06-8246-MK, 06-8247-MK and 06-8248-MK, finding appellant Albert Sanchez y Galera guilty of two (2) counts of murder and two (2) counts of frustrated murder.

The accusatory portions of the criminal informations filed against Sanchez for the crimes aforesated are respectively reproduced below:

#### **Criminal Case No. 06-8245-MK for Murder**

That on or about the 27<sup>th</sup> day of January 2006, in the City of Marikina, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with knife, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and stab one Jufer James De leon y Cruz, a minor, 11 years of age, thereby inflicting upon him fatal wounds which caused his death soon after the said killing having attended by the qualifying circumstance of treachery and evident premeditation, which upgrades the killing to Murder.

CONTRARY TO LAW.

#### **Criminal Case No. 06-8246-MK for Murder**

That on or about the 27<sup>th</sup> day of January 2006, in the City of Marikina, Philippines and within the jurisdiction of this Court, the above-named accused, armed with knife, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and stab one Edgar De Leon, thereby inflicting upon him fatal wounds which caused his death soon thereafter the said killing having attended by the qualifying circumstance of treachery and evident premeditation, which upgrades the killing to Murder.

CONTRARY TO LAW.

#### **Criminal Case No. 06-8247-MK for Frustrated Murder**

That on or about the 27<sup>th</sup> day of January 2006, in the City of Marikina, Philippines and within the jurisdiction of this Court, the above-named accused, armed with knife, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and stab one Jeane De Leon y Cruz, thereby inflicting upon [her] stab wounds which would ordinarily [cause] her death, thus performing all the acts of execution which would have produced the crime of murder as a consequence thereof, but nevertheless did not produce it by reason of cause/s independent of [his] will that is due to the timely and able medical assistance rendered to said Jeane de Leon y Cruz, which prevented [her] death.

CONTRARY TO LAW

### **Criminal Case No. 06-8248-MK for Frustrated Murder**

That on or about the 27<sup>th</sup> day of January 2006, in the City of Marikina, Philippines and within the jurisdiction of this Court, the above-named accused, armed with knife, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and stab one Jelyn Mae de Leon y Cruz, thereby inflicting upon the latter stab wounds which would ordinarily [cause] her death, thus, performing all the acts of execution which would have [produced] the crime of murder as a consequence thereof, but nevertheless did not produce it by reason of cause/s independent of his will, that is due to the timely and able medical assistance rendered to said Jelyn May De Leon y Cruz, which prevented her death.

CONTRARY TO LAW.

When arraigned, Sanchez, duly assisted by counsel, pleaded not guilty to all the charges.

In the ensuing trial, the prosecution presented in evidence the testimonies of John Ray De Leon, Jelyn Mae De Leon, Jeane De Leon, Dr. Arnel Marquez, the Medico-Legal Officer of Rizal who performed an autopsy on the cadaver of two of the victims, and the arresting and investigating police officers.<sup>[2]</sup>

On the other hand, the defense waived its right to present evidence.

The pertinent facts, as gathered from the records, may be summarized as follows:

On June 26, 2006, siblings John Ray, Jufer James<sup>[3]</sup> (Jufer), Jelyn Mae (Jelyn), Jorvi and Junel, all surnamed De Leon, were at home by themselves, their parents, Edgar and Jeane,<sup>[4]</sup> having gone out to buy certain items for their catering business. Between 9:00 to 10:00 p.m. of that day, Sanchez entered the De Leon's house in dela Paz St., Marikina City, and there and then told John Ray, then 10 years old, that his father Edgar would give him some money. Sanchez then proceeded to the master's bedroom at the second floor of the house.<sup>[5]</sup> John Ray was familiar with

Sanchez, the latter having once stayed with the family as a houseboy. When John Ray asked him to leave, Sanchez proceeded to the comfort room on the ground floor where Jufer was then inside defecating. Sanchez was still inside that room when spouses Jeane and Edgar arrived.

Later learning where Sanchez was, Edgar asked the former to come out. Sanchez would thereafter request Edgar for money, claiming that his sister is confined in a hospital in a nearby town.

From her room, Jeane later went downstairs, joined Edgar and Sanchez, and explained to their irritated-looking former houseboy that they could only spare PhP 100 as they had just purchased several items for their business. In the meantime, Edgar handed Sanchez P100, telling him just to come back the following day. With a hostile expression, Sanchez accepted the money, then left. Later, Jufer confided to his mother that Sanchez, while in the rest room, had pointed a knife at and threatened to kill him. Obviously terrified by the threat, Jufer slept in his parents' room that night.

Very early the following morning, June 27, Jeane prepared breakfast for her school children. Noticing Jufer's absence at the breakfast table, she asked the 13-year-old Jelyn to get her kid brother down.<sup>[6]</sup> Jelyn went to Jufer's bedroom upstairs and there found him lying on his bed face down. Suddenly, somebody grabbed her from behind, covered her mouth, pointed a knife on her neck and later stabbed her.<sup>[7]</sup> The assailant then pushed her towards the bed, told her to be quiet and pressed her face down near her brother until she could not breathe. Jelyn recognized the voice to be that of Sanchez. And while Jelyn was calling out to get Jufer's attention whom she thought was merely asleep, Sanchez stabbed her on the chest. Jelyn reacted by boxing and kicking Sanchez, shouting for help at the same time. And even as Sanchez gave her a piece of cloth to wipe the blood in her neck and motioned her to keep quiet, Jelyn managed to plead for her life.<sup>[8]</sup>

Meanwhile, Jeane who decided to look for Jufer herself heard a commotion and a thudding sound. When she checked what it was, son Jorvi rushed towards her to inform her that Sanchez was inside the house. The nervous Jeane then hurried to Jufer's room upstairs where she saw Sanchez holding a knife against Jelyn's bloodied neck. Then Jeane uttered, "*Dali, tumawag ka ng 161.*"<sup>[9]</sup> At that instance, Sanchez shoved Jeane inside Jufer's room even as she pleaded for their lives. In response, Sanchez placed his fingers on his lips to signal silence. Thereafter, Jeane turned her son, Jufer, upside down only to discover that he was bathed in blood. Jufer weakly uttered, "*Mama, si Kuya Albert sinaksak ako.*"<sup>[10]</sup> At this point, Sanchez ran outside the room.

Jeane, cradling her bloodied son, intending to bring him to the hospital, again instructed daughter Jelyn to call 161. While carrying Jufer outside the room, Jeane noticed Sanchez assaulting Edgar near the stairs. She then brought Jufer to her room so she could help Edgar. In the process, she spotted a knife in the hallway floor, and picked it up as she approached Edgar who was then sitting on the floor. At that juncture, Sanchez turned his ire towards her and stabbed her on the lower left side of the chest<sup>[11]</sup>. When the injured Edgar stood up in an obvious bid to help his wife, Sanchez again lunged at and stabbed the former. Her own attempt to hit Sanchez with the knife she picked up earlier, however, proved unsuccessful. In fact,

Sanchez continued with his stabbing spree inflicting on her injuries on her lower left eye and stomach. Then he returned to Edgar, stabbing him on the stomach and side, causing his large intestines to spill out. Only after Edgar again fell did Sanchez run out of the house.

After Sanchez has left, Jeane helped her husband up, gathered all her children in one room, placed her bloodied son beside his equally bloodied father and locked the door. She then cried out for help. At this time, Jufer was no longer moving, while Edgar was hardly breathing.

At around 6:35 in the morning of January 27, 2006, POI Reynaldo Candelaria, responding to radio call reporting a stabbing incident, proceeded to the De Leons' place. A trembling John Ray met and told tell him who stabbed his father. When Candelaria opened the gate of the house, he saw Sanchez running towards the back of the house holding a knife. And after a chase, Candelaria, with the help of nearby residents, caught up with and arrested Sanchez. At the Amang Rodriquez Hospital where police operatives brought him and where Jeane and Jelyn were sent for treatment, mother and daughter identified Sanchez as the assailant.

Meanwhile, the bodies of Jufer and Edgar de Leon were brought to the Eastern Police District crime laboratory for autopsy.

The uniform entry, "Stab wounds, trunk", appeared in the separate autopsy reports<sup>[12]</sup> prepared by Medico Legal Officer Jose Arnel M. Marquez<sup>[13]</sup> as the cause of death of both Jufer and Edgar De Leon.<sup>[14]</sup> On the other hand, the Medico-Legal Certificate<sup>[15]</sup> issued by Dr. Alejandro Geronimo stated that Jeane de Leon was confined at the hospital from January 27, 2006 to February 4, 2006 for treatment of multiple stab wounds.<sup>[16]</sup> In the case of Jelyn, she was confined and treated also for multiple wounds. <sup>[17]</sup>

Jeanne and Jelyn's combined hospital bills amounted to PhP 300,000, while the internment and burial expenses for Edgar and Jufer totaled to PhP 150,000.<sup>[18]</sup>

When the defense was called for initial presentation of its evidence, the defense counsel, in open court, manifested, with the conformity of the accused, that the defense is waiving its right to present evidence.<sup>[19]</sup>

On July 23, 2007, in consolidated Crim. Case Nos. 06-8245-MK to 068248-MK the Regional Trial Court (RTC) of Marikina City, Branch 272, the RTC<sup>[20]</sup> rendered a decision finding accused Sanchez guilty of two (2) counts of murder and two (2) counts of frustrated murder. The dispositive portion of the decision states:

WHEREFORE, in view of the foregoing, judgment is hereby rendered, as follows:

1. In Criminal Case No. 06-8245-MK, accused ALBERT SANCHEZ y GALERA is found GUILTY beyond reasonable doubt of the crime of MURDER as defined and penalized under Article 248 of the Revised Penal Code qualified by treachery and evident premeditation and is hereby

sentenced to *Reclusion Perpetua* and to pay the heirs of the victim Jufer James de Leon the amount of P50,000.00 as indemnity for his death, P42,500.00 as actual damages, and P100,000.00 as moral damages.

2. In Criminal Case No. 06-8246-MK, accused ALBERT SANCHEZ y GALERA is also found GUILTY beyond reasonable doubt of the crime of MURDER as defined and penalized under Article 248 of the Revised Penal Code qualified by treachery and evident premeditation and is hereby sentenced to *reclusion perpetua* and to pay the heirs of the victim Edgar De Leon the amount of P50,000.00 as indemnity for his death, P42,500.00 as actual damages and P100,000.00 as moral damages;

3. In Criminal Case No. 06-8247-MK, accused ALBERT SANCHEZ y GALERA is found GUILTY beyond reasonable doubt of the crime of FRUSTRATED MURDER under Article 248 in relation to Article 6 of the Revised Penal Code. Applying the indeterminate Sentence Law, and in the absence of modifying circumstances, he is hereby sentenced to in indeterminate prison term of TEN (10) YEARS and ONE (1) DAY of *prision mayor* as minimum, to SEVENTEEN (17) YEARS and FOUR (4) MONTHS of reclusion temporal as maximum, and to pay his victim Jeane de Leon the amount of P40,786.55 as actual expenses and P 50,000.00 as moral damages; and

4. In Criminal Case No. 06-8248-MK, the accused ALBERT SANCHEZ y GALERA is found GUILTY beyond reasonable doubt of the crime of FRUSTRATED MURDER under Article 248 in relation to Article 6 of the Revised Penal Code. Applying the indeterminate Sentence Law, and in the absence of modifying circumstances, he is hereby sentenced to in indeterminate prison term of TEN (10) YEARS and ONE (1) DAY of *prision mayor* as minimum, to SEVENTEEN (17) YEARS and FOUR (4) MONTHS of reclusion temporal as maximum, and to pay his victim Jelyn Mae de Leon the amount of P66,341.85 as actual expenses and P50,000.00 as moral damages.

The period during which the herein accused was in detention during the pendency of these cases shall be credited to him in full provided he agrees to abide by and comply with the rules and regulations of the City Jail of Marikina.

SO ORDERED.

Therefrom, Sanchez went to the CA on appeal, docketed as CA G.R. HC-No. 02902, on the lone submission that the RTC erred in convicting him of murder and frustrated murder when the qualifying circumstances of treachery and evident premeditation have not been proven beyond reasonable doubt.

Eventually, the CA rendered on February 27, 2009 a Decision affirming that of the RTC, with the following modification: the increase in the award of civil indemnity, but the reduction of the award for moral damages in Criminal Case Nos. 06-8245-MK and 06-8246-MK, respectively. The *fallo* of the CA's decision reads: