

## SECOND DIVISION

[ G.R. No. 188331, June 16, 2010 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RYAN LALONGISIP  
Y DELOS ANGELES, APPELLANT.**

### DECISION

**NACHURA, J.:**

Before this Court is an Appeal<sup>[1]</sup> assailing the Court of Appeals (CA) Decision<sup>[2]</sup> dated February 26, 2009, which affirmed with modification the decision<sup>[3]</sup> dated April 4, 2007 of the Regional Trial Court (RTC), Branch 63, Calabanga, Camarines Sur, finding appellant Ryan Lalongisip y delos Angeles (appellant) guilty beyond reasonable doubt of the crime of Murder for the killing of Romeo Copo (Romeo).

#### *The Facts*

Appellant was charged with the crime of Murder in an Information dated March 9, 2006 which reads:

That on or about the 8<sup>th</sup> day of March, 2006 at around 12:30 P.M. in Barangay Manguiring, Municipality of Calabanga, Province of Camarines Sur, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, with treachery while armed with a kitchen knife measuring (10 ½) inches long from the handle to the tip of its blade did then and there willfully, unlawfully and feloniously stab Romeo Copo, hitting the latter at the back portion of his body thereby causing his instantaneous death. The victim was not in position to repeal (sic) the suddenness of attack nor defend himself to the damage and prejudice of his heirs in such amount as may be determined by the Honorable Court.

ACTS CONTRARY TO LAW.

During the arraignment on March 21, 2006, appellant entered a plea of "not guilty." Thereafter, trial on the merits ensued. In the course of the trial, two varying versions arose.

Culled from the records, the two versions were summarized by the CA as follows:

The facts, according to the prosecution, are as follows:

On March 8, 2006, the accused-appellant, with the victim Romeo Copo, Victor de Villa, Cesar Andal Jr., Enog [B]ahay, Cesar Andal Sr., certain

persons named Badong, Erning, Kuya Canor and some other men were having a drinking spree at the house of Conrado Andal Jr. at Zone 5, Barangay Manguiring, Calabanga, Camarines Sur. It was the first death anniversary of Conrado Andal Jr.'s father. They all occupied a table beside Conrado's house.

Around 12:00 noon, the group was invited to lunch. Romeo Copo then stood up and while he turned his back at the table and moved himself towards the kitchen, the accused-appellant also stood up and suddenly stabbed Romeo at the back. The accused-appellant tried to stab Romeo again but was not able to do so because the handle of the knife used in stabbing was already broken. After he was stabbed, Romeo tried to run towards the kitchen but fell by the kitchen door.

Conrado and his cousin brought Romeo to the hospital. Meanwhile, the accused-appellant went to Barangay Tanod Jose [Peneno] to ask the latter to accompany him as he would like to surrender to police authorities.

SPO1 Carlito Capricho testified that he was the investigator on duty on March 8, 2008. Upon learning of the incident, their Desk Officer, SPO4 Conrado Cantorne, dispatched him and SPO2 Talle to make a follow up investigation and to conduct a hot pursuit of the suspect. During the crime scene investigation, Liza Andal turned over to him the kitchen knife used by the accused-appellant to stab Romeo. SPO1 Capricho then returned to their police station where he learned that the accused-appellant had already surrendered.

Daniel Tan, the rural health physician of the Municipal Health Office of Calabanga, Camarines Sur testified that he conducted a post-mortem examination on the cadaver of the victim. He found a stab wound at the victim's back measuring 5cm. x 1cm., slanted left vertically. It penetrated into the inferior portion of the heart, 10cm. lateral to midspine, level of thoracic vertebrae 3cm. left. He further opined that the wound caused the death of the victim.

The defense maintains a different version of the incident.

According to the accused-appellant, he was at the residence of his compadre Conrado Andal on March 8, 2006. He was there because he was asked to cook food for the first death anniversary of Conrado Andal's father. He finished cooking around 7:00 o'clock in the morning. Thereafter, they started a drinking spree together with other men, including the victim Romeo Copo.

Around noontime, while they were still having their drinking spree, the accused-appellant noticed a knife on the table which they used in cooking. Romeo Copo allegedly got hold of the said knife and the accused-appellant grabbed the same from Romeo because the latter's family was angry at him for reasons he does not know. He and Romeo grappled for the possession of the knife for about ten minutes. When he was able to grab the knife from Romeo, he was in front of Romeo and he

accidentally hit the latter's back. This happened because Romeo allegedly turned his back when he was trying to transfer to another place. The accused-appellant swayed his hand because the knife was about to fall and that was the time that he accidentally hit the victim.

He denied the testimonies of Conrado Andal and Genorio Bacay that the stabbing was intentional on his part because according to the accused-appellant, what happened was an accident. The reason that the two testified against him was because they were afraid of the family of the victim considering that they are a family of troublemakers. In fact in 2001, the accused-appellant was stabbed by a member of the Copo family and in 2005, the accused-appellant's sibling was chased by one of the members of the Copo family.

The accused-appellant admitted that before March 8, 2006, he and Romeo Copo had a misunderstanding regarding a cockfight that they had. He likewise admitted that he had to take hold of a knife to defend himself because Romeo might stab him [considering] the existing previous disagreement between their families.

Immediately after the incident, the accused-appellant went to Barangay Tanod Jose Peneno and asked the latter to accompany him in surrendering to the police.<sup>[4]</sup>

### ***The RTC's Ruling***

On April 4, 2007, the RTC found appellant guilty beyond reasonable doubt of the crime of Murder and sentenced him to suffer the penalty of *reclusion perpetua* and to pay the heirs of Romeo the amount of P25,000.00 as temperate damages, P50,000.00 as civil liability, and to pay the cost. Appellant interposed an appeal,<sup>[5]</sup> assailing the RTC decision, before the CA.

### ***The CA's Ruling***

In its Decision dated February 26, 2009, the CA affirmed with modification the decision of the RTC, imposing upon appellant the penalty of *reclusion perpetua* and ordering him to pay the heirs of Romeo the amount of P50,000.00 as civil indemnity, and P50,000.00 as moral damages.

Aggrieved, appellant elevated the case to this Court. In their respective Manifestations filed before this Court, appellant, as represented by the Public Attorney's Office, and the Office of the Solicitor General (OSG) opted to adopt their respective Briefs filed before the CA as their Supplemental Briefs.

Appellant assigns the following errors:

#### **I.**

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT WHEN HIS GUILT WAS NOT PROVEN BEYOND REASONABLE

DOUBT.

II.

THE TRIAL COURT GRAVELY ERRED IN NOT APPRECIATING THE JUSTIFYING CIRCUMSTANCE OF SELF-DEFENSE IN FAVOR OF THE ACCUSED-APPELLANT.

III.

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF MURDER INSTEAD OF HOMICIDE.<sup>[6]</sup>

The core issue in this appeal is whether appellant's guilt has been proven beyond reasonable doubt.

Appellant avers that he merely acted in self-defense because Romeo was the unlawful aggressor when the latter got hold of a knife that was used for cooking; that his life was imperilled; that the means he employed to repel said aggression were reasonably necessary; that the stabbing incident was merely accidental; and that he did not provoke Romeo. Appellant argues that no treachery attended the killing because the prosecution's evidence failed to show that there was a conscious effort on his part to adopt particular means, methods or forms of attack to ensure the commission of the crime without affording the victim any opportunity to defend himself. Thus, appellant claims that if he is to be held liable at all, his liability should be merely for homicide, not murder.<sup>[7]</sup>

On the other hand, the OSG asseverates that appellant, by claiming self-defense, had the burden of proving the existence of all the elements constituting said defense; that appellant failed to discharge this burden; that the killing was attended by treachery because Romeo had his back turned when appellant suddenly stabbed him; that even prosecution witnesses Conrado Andal, Jr. and Genorio Bacay were caught off guard by the suddenness of the unprovoked attack; and that the findings of the trial court are binding and conclusive on this Court.<sup>[8]</sup>

***Our Ruling***

We dismiss the appeal.

*First.* We discard appellant's claim of self-defense.

When self-defense is invoked by an accused charged with murder or homicide, he necessarily owns up to the killing but intends to evade criminal liability by proving that the killing was justified. Hence, it becomes incumbent upon the accused to prove by clear and convincing evidence the three (3) elements of self-defense, namely: (1) unlawful aggression on the part of the victim; (2) reasonable necessity of the means employed to prevent or repel the aggression; and (3) lack of sufficient provocation on the

part of the person defending himself. Of these elements, the accused must, initially,