

## FIRST DIVISION

[ G.R. No. 175995, September 23, 2008 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. EDWIN FUENTES Y CARSON, APPELLANT.**

### R E S O L U T I O N

**CORONA, J.:**

This is an appeal of the September 27, 2006 decision<sup>[1]</sup> of the Court of Appeals in CA-G.R. CEB-CR-H.C. No. 00297 affirming *in toto* the decision of the trial court finding appellant Edwin Fuentes y Carson guilty of the crime of murder.

Appellant was prosecuted in the Regional Trial Court of Tacloban City, Branch 6 under the following Information:<sup>[2]</sup>

That on or about the 6<sup>th</sup> day of May, 1996, in the City of Tacloban, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with deliberate intent to kill with treachery and evident premeditation, armed with a deadly weapon, did then and there, wil[l]fully, unlawfully and feloniously stab and hit one MANUEL GUIRA<sup>[3]</sup> on the back portion of his body, and [in] the chest inflicting wounds which caused his death.

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

During arraignment, appellant pleaded not guilty to the charge. After pre-trial, trial proceeded.

The prosecution established that, at around 10:00 p.m. on May 5, 1996, Rustico Bajar was having a drinking spree with Manuel Guira at the Philtranco Bus Terminal on Real St., Tacloban City.<sup>[5]</sup> At around 1:00 a.m., May 6, 2006, they agreed to continue drinking at Paseo de Legaspi, also in Tacloban City. Guira boarded the first tricycle that passed by while Bajar followed shortly, taking the next tricycle. The two tricycles reached Paseo de Legaspi at about the same time. While Guira was about to alight from the tricycle, appellant suddenly approached and stabbed him. Shocked, Bajar ran away and called for assistance while appellant immediately fled from the crime scene. After some time, police officers came and brought Guira to the hospital where he was pronounced dead on arrival.

Dr. Angel Cordero, medico-legal officer of the Philippine National Police Crime Laboratory, autopsied Guira's body and prepared a report. The report stated that the victim sustained two fatal stab wounds measuring 2x5x1 cm. and 4x1x5 cm., respectively. The wounds punctured the upper and lower lobes of his left lung, causing his death.

Appellant's defenses were denial and alibi. He disavowed any participation in the killing of Guira. He claimed that he was sleeping in a pilot boat docked at the Tacloban City pier when Guira was stabbed.

After evaluating the evidence of the parties, the trial court ruled that appellant's denial was sufficiently refuted by the positive testimony of the prosecution witnesses. The positive identification of appellant as the killer obliterated his alibi. Moreover, it was not physically impossible for him to be at the crime scene at the time of the stabbing because the pier was only a kilometer away from Paseo de Legaspi. Thus:[6]

WHEREFORE, premises considered, the court finds accused Edwin Fuentes Y Carson guilty beyond reasonable doubt with the crime of Murder and as attended with aggravating circumstance of treachery, sentences him to suffer a penalty of reclusion perpetua and to pay the heirs of the deceased civil indemnity in the sum of pesos: Seventy Five Thousand (P 75,000.00) and moral damages in the sum of pesos: Fifty Thousand (P 50,000.00). With cost[s].

So Ordered.[7]

After appellant filed his notice of appeal, the trial court forwarded the records of the case to this Court. Pursuant to *People v. Mateo*,<sup>[8]</sup> however, the case was referred to the Court of Appeals<sup>[9]</sup> which affirmed the decision of the trial court *in toto*.<sup>[10]</sup>

Hence, this appeal.

Both the trial and appellate courts ruled that appellant's denial and alibi were not worthy of belief. Instead, both courts gave credence to the testimony of the witnesses of the prosecution. The said witnesses categorically pointed to appellant as the person who stabbed the victim while the latter was alighting from a tricycle. Considering the suddenness of the attack and the victim's lack of opportunity to defend himself (as he had no inkling that he would be assaulted), the trial and appellate courts ruled that the attack was carried out treacherously. For this reason, both courts found that appellant's guilt for the crime of murder was sufficiently established beyond reasonable doubt. This Court finds no compelling reason to rule otherwise.

Pursuant to Article 248 of the Revised Penal Code, as amended by Section 6 of Republic Act (RA) 7659, appellant was correctly sentenced to suffer the penalty of *reclusion perpetua* and all its accessory penalties. It must be stressed that under RA 9346, appellant is not eligible for parole.<sup>[11]</sup>

The award of civil indemnity is mandatory and must be granted to the heirs of the victim without need of proof other than the commission of the crime.<sup>[12]</sup> However, it should be increased from P50,000 to P75,000 to conform with current jurisprudence.<sup>[13]</sup>

The grant of P50,000 in moral damages was proper. It was due because of the violent death of the victim and the resulting grief of his family.<sup>[14]</sup>