

## SECOND DIVISION

[ G.R. No. 154301, October 17, 2008 ]

### CARLOS MANANGAN, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

#### D E C I S I O N

##### CARPIO MORALES, J.:

Carlos Manangan (petitioner) was, by Information filed on April 29, 1998 before the Regional Trial Court (RTC) of Agoo, La Union, charged with homicide, allegedly committed as follows:

That on or about the 26<sup>th</sup> day of October, 1997, in the Municipality of Agoo, Province of La Union, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill and being then armed with a knife, did then and there willfully, unlawfully and feloniously, attack, assault, and stab one JESUS LOPEZ Y VILLANUEVA, thereby inflicting upon him injuries which directly caused his death thereafter, to the damage and prejudice of the heirs of the said Jesus Lopez y Villanueva.<sup>[1]</sup>

From the testimonies of its witnesses, the prosecution established the following version:<sup>[2]</sup>

At around 12:30 noontime of October 26, 1997, petitioner, who was apparently drunk because his feet were criss-crossing ("*agsal-salapid*"),<sup>[3]</sup> passed by Jesus Lopez (the victim), his brothers-in-law Joseph Cargo (Cargo) and Robert Refuerzo (Refuerzo), Robert Parado (Parado), and Ruben Jacla (Jacla) who were playing pool under a mango tree beside Cargo's house. He shouted at the group "*Okeninayo nga agpopol!*" ("The vulva of your mother, all of you playing pool!") and "All of you Lopezes are very boastful!"

The victim chided petitioner for what he uttered, but petitioner suddenly engaged the victim in a fistfight. Cargo, Parado, and Jacla pacified the two, however.

Petitioner at once left for home, around 10 to 12 meters away, while the victim headed towards the nearby house of his father.

Petitioner, with a knife on hand, re-surfaced, however, and ran towards the victim who was standing under a santol tree beside his father's house. With an upward thrust from below, petitioner stabbed him on the right side of the breast, causing him to fall, albeit he (the victim) managed to crawl towards the mango tree under which he was earlier playing pool.

Petitioner at once "went on top" of the victim and was about to stab him again, but

Cargo restrained petitioner's left hand which was holding the knife. Petitioner thereafter fled as Cargo and Parado brought the victim to a hospital where he expired.

Dr. Samuel Milan (Dr. Milan) who autopsied the victim noted the following:

Findings: 4 cm. diagonal wound, deep, located at (R) anterior chest wall trajecting medially and superiorly transecting partially the (R) carotid artery and penetrating the (R) side of trachea. No direct communication to the thoracic cavity.

x x x x<sup>[4]</sup>

Upon the other hand, the defense gave the following version:<sup>[5]</sup>

At 8:00 in the morning of October 26, 1997, petitioner repaired to the house of Engineer Ed Balderas (Balderas), for whom he works as a carpenter, to draw his salary. At Balderas' house, petitioner and some friends took some drinks until 11:00 in the morning.

Before going home, petitioner purchased some goods for his store. As he approached his house, he saw his children playing by a mango tree. His mother at once drew near him and helped him carry his purchases. After entering his house, he called for his children and scolded them, saying, "Vulva of your mother, you children, you did not even bother to help me!" The victim, who was nearby, apparently thinking that petitioner's remarks were directed at him, shouted "Vulva of your mother you!"

Petitioner thus stepped out of his house and explained to the victim that his remarks were not addressed to him. The victim repeated his invective, however, and hit petitioner at his back and at the back of his head with a pool stick, causing petitioner to fall.

The victim attempted to hit petitioner again, this time with a steel pipe, but petitioner evaded the blow. As the victim and petitioner grappled for the possession of the stick, Refuerzo, who held a "samurai," Parado who held a piece of wood, and Cargo who held a knife, joined in the fray and helped maul petitioner. Amid the fray, Cargo attempted to stab petitioner with a downward motion, but the latter shifted his position, causing Cargo to instead stab the victim.

After trial, Branch 31 of the RTC of Agoo found petitioner guilty of Homicide, disposing as follows:

WHEREFORE, this Court finds accused CARLOS MANANGAN guilty beyond reasonable doubt of the crime of HOMICIDE as principal. No mitigating or aggravating circumstance having been appreciated, applying the Indeterminate Sentence Law, this Court sentences Carlos Manangan to suffer imprisonment ranging from TWELVE (12) YEARS OF PRISION MAYOR MAXIMUM as minimum to SEVENTEEN (17) YEARS and FOUR (4) MONTHS of RECLUSION TEMPORAL MEDIUM as maximum. He is further ordered to pay the heirs of Jesus Lopez indemnity in the amount of FIFTY THOUSAND PESOS (P50,000.00).<sup>[6]</sup>

In convicting petitioner, the trial court, noting the location and extent of the wounds reflected in Dr. Milan's autopsy report, credited the following arguments of the prosecution:

[T]he testimony of the prosecution witnesses that the assailant and the victim were fronting each other and the former stabbed the latter with his left hand with a knife coming from **below upward**, perfectly jibes and conforms with the location of the **initially inflicted** wound on the body of the victim, which is on the **anterior chest**, finding the direction of the weapon used towards the upper part of the body, which is the **neck**, and thus injuring the carotid artery and the right portion of the trachea, which are in the neck. When two protagonists are in this actual relative position[s], and one of them who is x x x **left handed** x x x stab[s] the person fronting him, the logical upper portion of the victim's body that would be hit by the knife is the **right** upper chest, because such is the nearest upper part of his body to the knife held by the **left hand of the other**, as in the case at bar. Indubi[t]ably, the deceased was stabbed on the upper portion of his chest, and the knife going upward, reaching the area of the **neck, transecting** partially the right **carotid artery** and the **right side** of the **trachea**. This is so because the direction of a stab or thrust executed from below would be upward, thus explains why the carotid artery and the right part of the trachea were reached by the knife. x x x A knife thrust against a person **from below**, in any stretch of the imagination, cannot go **down** and affect the **lower** portion of the body but its tendency is to go up and affect the upper portion of the body if their relative position is that they are facing each other. x x x<sup>[7]</sup> (Emphasis, italics and underscoring in the original)

The Court of Appeals affirmed the trial court's decision.<sup>[8]</sup> Petitioner's Motion for Reconsideration<sup>[9]</sup> having been denied,<sup>[10]</sup> he filed the present Petition for Review on Certiorari,<sup>[11]</sup> faulting the appellate court in:

I.

. . . FAIL[ING] TO STATE THE LEGAL AND FACTUAL BASES FOR ITS CONCLUSION THAT THE PETITIONER'S GUILT WAS PROVEN BEYOND REASONABLE DOUBT.

II.

. . . CONVICTING THE PETITIONER DESPITE MEDICAL EVIDENCE TO THE CONTRARY.

III.

. . . CONVICTING THE PETITIONER OF THE CRIME OF HOMICIDE WHEN HIS GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.<sup>[12]</sup>  
(Underscoring supplied)

The petition is bereft of merit.

Contrary to petitioner's contention, the appellate court's 14-page decision reflects

the legal and factual bases of its conclusion that petitioner's guilt was proven beyond reasonable doubt. Thus, it credited, as it quoted, the arguments of the prosecution in its memorandum, it being logical and plausible *vis-à-vis* the testimony of prosecution witnesses and the medical findings.

Petitioner harps, however, on the testimony of his daughter Genalyn Manangan (Genalyn) that Cargo attempted to stab him with a downward thrust of the knife<sup>[13]</sup> and claims that the autopsy report supports his version of the events rather than that of the prosecution. Thus he argues:

It is indubitable that the conviction of the accused-appellant was based on the version of the prosecution that the former stabbed the deceased with a knife thrusting from below going upwards. The prosecution argued that the testimony of Dr. Samuel L. Milan, who conducted the autopsy on the cadaver of the victim, supports their version. However, this is misleading since no anatomical sketch showing the point of entry of the wound and tracing the trajectory of the weapon used was ever presented or introduced as evidence during the trial of the instant case. In fact, the testimony of Dr. Milan will show that if we follow the version of the prosecution that the accused-appellant was standing up and the victim was also standing up at the time of the stabbing incident, the possibility of the trajectory of the swing is a straight thrust. x x x

x x x x

Furthermore, the fact that the entry wound is "diagonal" tends to corroborate the version of the defense. If the accused-appellant really stabbed the deceased with both assailant and the deceased in a standing position and both presumably of the same height according to the prosecution's version, in a straight thrust or an upward stabbing motion, the entry wound would be vertical and not diagonal. **The diagonal or oblique entry wound is more consistent with a stabbing motion delivered from an oblique angle, like a thrust from Joseph Cargo, whose target (Carlos Manangan) moved and which, instinctively, made the assailant (Joseph Cargo) moved [sic] accordingly** x x x.

<sup>[14]</sup> (Emphasis and underscoring supplied)

To recall, the autopsy report showed that the victim suffered a

"4 cm. diagonal wound, deep, located at (R) anterior chest wall trajecting medially and superiorly transecting partially the (R) carotid artery and penetrating the (R) side of trachea. . . "<sup>[15]</sup> (Underscoring supplied)

Such findings were explained by Dr. Milan at the witness stand, viz:

[Atty. Yaranon]

Q: Now, you also mentioned about a carotid artery, is it not that the carotid artery is found on the neck?

[Dr. Milan]

A: Yes, sir.

Q: So why then do you still state about the carotid artery when the wound is on the chest?