

FIRST DIVISION

[G.R. No. 184182, October 17, 2008]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ALFREDO M. PAPA,
APPELLANT.**

R E S O L U T I O N

CORONA, J.:

On January 5, 2004, appellant Alfredo M. Papa was accused of murder^[1] in the Regional Trial Court (RTC) of Quezon City, Branch 81^[2] under the following Information:

That on or about the 1st day of January 2004 in Quezon City, Philippines, [appellant] with intent to kill, qualified by evident premeditation and treachery, did then and there willfully, unlawfully and feloniously attack, assault and employ personal violence upon the person of VILMA ALPUERTO y DE JESUS, by then and there kicking her, giving her fistic blows on her face and stabbing her with a bladed weapon, hitting her twice on her body, thereby inflicting upon said [victim] grave and mortal stab wounds which were the direct and immediate cause of her death, to the damage and prejudice of the heirs of the said [victim].

CONTRARY TO LAW.^[3]

Appellant, upon arraignment, pleaded not guilty.

The prosecution presented Jenelyn and Jobelle Alpuerto, daughters of the victim from a previous relationship, as its principal witnesses. Jenelyn and Jobelle testified that they and Aileen, Jonathan, JR and Jericho Alpuerto were the victim's children from a previous marriage and that, at the time of the incident, their mother was cohabiting with appellant.

Jobelle recounted that she was sleeping beside the victim in the bedroom of their house in Tatalon, Quezon City in the morning of January 1, 2004. She was awakened by the arrival of the inebriated appellant who suddenly kicked and boxed the sleeping victim who desperately asked him to stop. Instead of heeding her plea, appellant pulled out a knife, repeatedly stabbed the victim and nonchalantly left the room. Despite her shock, Jobelle went down and told her brother Jonathan what happened. Together, they asked help from their neighbors who apprehended appellant.

The prosecution presented the victim's certificate of death stating that she died of cardio-pulmonary arrest secondary to multiple stab wounds and receipts showing that her family spent P20,000 for her funeral.