

THIRD DIVISION

[G.R. NO. 169246, January 26, 2007]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
NICOLAS GUZMAN Y BOCBOSILA, ACCUSED-APPELLANT.**

D E C I S I O N

CHICO-NAZARIO, J.:

Man is subject to innumerable pains and sorrows by the very condition of humanity, and yet, as if nature had not sown evils enough in life, we are adding grief to grief and aggravating the common calamity by our cruel treatment of one another. – Joseph Addison.

The passage depicts the tragic fate of the deceased victim in the case at bar. His ultimate dream was to become a pilot so that he would have enough money to shoulder the schooling and education expenses of his younger siblings. Sadly, however, this dream will never become a reality as his young life was brutally snuffed out by certain violent individuals. He was a minor at the time of his death. Now his family is seeking justice for his untimely and senseless killing.

For review is the Decision of the Court of Appeals in CA-G.R. C.R.-H.C. No. 00095, dated 28 February 2005,^[1] affirming with modification the Decision of the Regional Trial Court (RTC) of Quezon City, Branch 69, in Criminal Case No. Q-99-88737, dated 12 November 2001,^[2] finding accused-appellant Nicolas Guzman y Bocbosila guilty beyond reasonable doubt of the crime of murder, sentencing him to suffer the penalty of *reclusion perpetua*, and ordering him to pay the heirs of Michael Balber (Michael) the amount of P35,470.00 as actual damages, P50,000.00 as civil indemnity, and P50,000.00 as moral damages.

On 29 November 1999, appellant was charged in an Information^[3] with Murder allegedly committed as follows:

That on or about the 25th day of November 1999 in Quezon City, Philippines, the above-named accused, conspiring and confederating with two other persons, whose true names/identities and whereabouts are still unknown, and mutually helping one another with intent to kill, with treachery and evident premeditation, did then and there willfully, unlawfully and feloniously attack, assault and employ personal violence upon the person of one MICHAEL ANGELO BALBER Y CASTILLON, a minor, 17 years of age, by then and there stabbing him on the trunk with the use of a bladed weapon, thereby inflicting upon him serious and grave wound which was the direct and immediate cause of his untimely death to the damage and prejudice of the heirs of Michael Angelo Balber y Castillon.

When arraigned on 21 January 2000,^[4] appellant pleaded "Not Guilty" to the charge therein. Trial on the merits thereafter ensued.

In building its case against appellant, the prosecution relied on the testimonies of its witnesses, namely: Ronald Santiago (Ronald), Edgardo Bauto (Edgardo), Danilo Balber (Danilo), Police Inspector Alberto Malaza (Inspector Malaza), SPO3 Samuel Quinto (SPO3 Quinto), and Dr. Francisco Supe, Jr. (Dr. Supe). Their testimonies are summarized as follows:

Ronald is a jeepney driver and resident of Barangay Commonwealth, Quezon City. He testified that on 25 November 1999, at about 9:00 in the evening, he stopped by and ate at a *carinderia* located at the corner of Sto. Nino Street and Mactan Street, Brgy. Commonwealth, Quezon City. After eating, he sat on a bench just beside the *carinderia* and rested. He noticed appellant and two other persons having a drinking spree in a nearby grocery store. He also saw Michael walking towards the direction of the same grocery store. When Michael was passing in front of the grocery store, appellant and his two companions suddenly approached and surrounded Michael. Appellant positioned himself at the back of Michael while his two companions stood in front of Michael. Suddenly, they grabbed the shoulders of Michael and overpowered the latter. One of appellant's companions, whom he described as a male with long hair, drew out a knife and repeatedly stabbed Michael at the stomach. Afterwards, the appellant's other companion, whom he described as a male with flat top hair, took the knife from the companion with long hair, and also stabbed Michael at the stomach. Later, appellant went in front of Michael, took the knife from the companion with flat top hair, and likewise stabbed Michael at the stomach. Appellant also kicked Michael when the latter was already lying on the ground. He witnessed this stabbing incident at a distance of five arms' length.^[5]

Afraid and confused, he immediately went home. The next day, however, he went to the house of Michael's family and narrated the incident to Michael's father, Danilo. Subsequently, he was accompanied by Danilo to the Batasan Hills Police Station 6 where he gave a statement about the incident.^[6]

Edgardo Bauto (Edgardo) is also a tricycle driver and resident of Brgy. Commonwealth, Quezon City. He narrated that on 25 November 1999, at around 9:00 in the evening, he was standing at the corner of Sto. Nino Street and Mactan Street, Brgy. Commonwealth, Quezon City, when he heard a female voice shouting "*Sinasaksak!*" When he glanced at the direction of the said shouts, he saw, at a distance of about five arms' length, appellant and the latter's two companions taking turns in stabbing Michael. One of the appellant's companions, whom he described as a toothless male with a long hair, was the first one to stab Michael. Afterwards, the appellant's other companion, whom he described as a male with flat top hair, took the knife from the toothless male with a long hair and stabbed Michael. Subsequently, appellant also took the knife from his companion with flat top hair and stabbed Michael too.^[7]

Thereafter, he immediately ran and proceeded to the house of Michael's family and informed Michael's parents about the incident. Michael's parents rushed to the crime scene and took Michael to a hospital. The next day, he was accompanied by Danilo and a certain Ramiro Alfaro to Batasan Hills Police Station 6 where he gave a statement about the incident.^[8]

Danilo, Michael's father, testified that on 25 November 1999, at about 9:00 in the evening, he was walking on his way home along the corner of Sto. Nino Street and Mactan Street, Brgy. Commonwealth, Quezon City, when he saw Michael lying along Sto. Nino Street. He also saw appellant and the latter's two male companions near Michael's body. When he was about to approach them, they immediately ran away. He chased and threw stones at them. Appellant and his two companions proceeded to the former's house and locked the door. He tried to follow them all the way to the house but appellant's relatives blocked his way to the door and told him to leave. Thereafter, he went back to Michael and took the latter to Fairview Hospital.^[9] He was later informed by the doctors that Michael was already dead.

The next day, he went to Batasan Hills Police Station 6 and gave a statement about the incident. In an effort to settle the instant case, appellant's wife and daughter told Danilo that they would sell a bus which they owned and would turn over to him the proceeds thereof. He also stated that Michael wanted to become a pilot so that, as the eldest of the children, he would be the one to shoulder the education of his siblings.^[10]

Inspector Malaza is a member of the police force assigned at Police Community Precinct No. 1, Batasan Hills, Quezon City. He testified that on 25 November 1999, at about 9:00 in the evening, he was on his way home on board his owner type jeep. Upon reaching the corner of Sto. Nino Street and Mactan Street, Brgy. Commonwealth, Quezon City, he noticed a commotion nearby. He slowed down his vehicle and saw, at a distance of five to ten meters, appellant stabbing and kicking Michael. He also noticed that the appellant's two companions were armed with bladed weapons. He alighted from his vehicle and approached appellant and his two companions. After introducing himself as a police officer, appellant and his two companions scampered away. He ran after them but caught only appellant. The two other companions of the appellant successfully escaped. Thereafter, he handcuffed appellant and brought him to Batasan Hills Police Station 6. He turned him over to a police investigator therein and executed an affidavit of arrest.^[11]

SPO3 Quinto is a police investigator at the Batasan Hills Police Station 6. He was the one who investigated the incident. After the incident was reported to his station on 26 November 1999, he immediately went to the crime scene upon the advice of the desk officer. Since Michael was already brought to Fairview Hospital at that time, he proceeded thereto. Upon arriving at the Fairview Hospital, he was informed that Michael was already dead. He then went back to the station and took the statements of the prosecution witnesses.^[12]

Dr. Supe is a medico-legal officer of the PNP Crime Laboratory, Camp Crame, Quezon City. He conducted the post mortem examination on Michael's body. His testimony evolved on the matters stated in the Medico-Legal Report No. M-3112-99,^[13] viz:

"POSTMORTEM FINDINGS:

Fairly developed, fairly nourished male cadaver in rigor mortis with postmortem lividity at the dependent portions of the body. Conjunctivae are pale. Lips and nail beds are cyanotic. Needle puncture mark is noted

on the dorsum of the right hand. There is fungal infection covering the entire groin and extending to the buttocks.

“HEAD AND NECK:

- 1.) Abrasion, left superior orbital region, measuring 0.2 x 0.7 cm, 3.7 cm, from the anterior midline.
- 2.) Lacerated wound, left lateral orbital region, measuring 0.5 x 0.8 cm, 5 cm from the anterior midline.
- 3.) Abrasion, right inferior orbital region, measuring 0.6 x 2 cm, 1 cm from the anterior midline.

“CHEST AND ABDOMEN:

- 1.) Abrasion, left inferior or mammary region, measuring 0.5 x 8.5 cm. along the anterior midline.
- 2.) Stab wound, thru and thru, point of entry, left coastal region, measuring 1 x 4 cm, 8 cm from the anterior midline, directed posteriorwards and medialwards making a point of exit at the left inferior mammary region, measuring 0.7 x 2.5 cm, 5 cm from the anterior midline, superficial.
- 3.) Stab wound, left subcostal region, measuring 0.7 x 2.3 cm, 14.2 cm from the anterior midline, 9 cm deep, directed posteriorwards, slightly upwards and medialwards, lacerating the mesentery, small intestine, left hemidiaphragm.
- 4.) Lacerated wound, thru and thru, point of entry, left inferior clavicular region, measuring 2 x 7 cm, 4.5 cm from the posterior midline, extending to the right inferior clavicular region and making a point of exit thereat, measuring 1 x 3 cm, superficial.
- 5.) Two and a half liters of blood and blood clots were evacuated from the abdominal cavity.
- 6.) The stomach is 250 ml full of billous fluid.

“Extremity:

- 1.) Lacerated wound, distal third of the right arm, measuring 0.4 x 1 cm, 2.5 cm lateral to its anterior midline.

“CONCLUSION:

Cause of death is hemorrhage and shock secondary to multiple stab wounds of the trunk.”^[14]

On the other hand, the defense presented the testimonies of appellant and Antonio Sulficiencia (Antonio) to disprove the foregoing charges.

Appellant testified that on 25 November 1999, at about 9:00 in the evening, he was inside his store located at No. 886 Mactan St. Brgy. Commonwealth, Quezon City, when he heard shouts outside. He peeped through the window of his store and saw Danilo and Ronald pulling out a certain Jesus de Guzman (Jesus) from the latter's tricycle. Danilo and Ronald punched Jesus but the latter retaliated. Thereafter, a rumble ensued. At the height of the brawl, he shouted '*Hoy! ano ba yan? Tama na*

yan! Itigil na ninyo yan! Awatin na ninyo yan." Minutes later, Michael passed by his store and inquired as to what was happening. He told Michael "Yung tatay mo at si Santiago (Ronald) pinagtulungan si Rommel." Michael rushed to Danilo and pacified the latter. Edgardo, one of the participants therein, threw stones at Michael. At this point, a certain Lemuel Grans Querubin (Lemuel) arrived and tried to join the fracas. Michael, however, blocked Lemuel's way. The two wrestled and both of them fell to the ground. Moments later, Lemuel stood up. Lemuel was holding a knife and his hands were bloodied. Michael, on the other hand, was still lying on the ground. Lemuel then chased Danilo and Ronald but the two were able to escape. Afterwards, Danilo, Ronald and five other persons returned to the scene. Danilo was carrying a big bolo while the others were armed with stones and lead pipe. Lemuel and Jesus ran towards the direction of Sto. Nino in order to escape.^[15]

Appellant went outside his house to observe the situation. Five minutes later, the group of Danilo, together with two policemen, proceeded to appellant's house. The policemen forcibly entered appellant's house and pushed the latter against the wall. They inquired as to the whereabouts of Lemuel and Jesus, who happened to be appellant's bus conductor and driver, respectively. When they could not find the two, the policemen invited him to the police station. Appellant told them "Bakit ninyo ako dadalhin? wala naman akong kinalaman diyan." From then on, the policemen held appellant in custody.^[16]

Antonio was a former bus driver of appellant and a resident of Paranaque City. He narrated that on 25 November 1999, at about 9:00 in the evening, he parked a bus owned by appellant's cousin named Juanito Palmares (Juanito) just beside the appellant's store. He went to appellant's store and conversed with the latter who was inside the same store. Thereafter, he saw a rumble nearby. He ran and hid inside the parked bus while appellant stayed inside his store. Later, the participants of the rumble began to stone them. He alighted from the bus and went inside Juanito's house. He noticed that appellant was still inside the store. Subsequently, he saw Lemuel running and carrying a knife. He also heard Lemuel saying "Tapos na ang laban, manahimik na kayo." Thereupon, he saw appellant being apprehended by policemen in civilian clothes.^[17]

On 12 November 2001, the RTC rendered its Decision convicting appellant of murder.^[18] It sustained the "clear, direct and positive" testimony of the prosecution witnesses who all declared that they saw appellant stab Michael. It found no ill-motive on the part of the prosecution witnesses in testifying against appellant. It also ruled that there was treachery in the killing of Michael since the latter was unarmed, unsuspecting and very young at the time of the attack. In ending, the RTC held:

WHEREFORE, judgment is rendered finding accused Nicolas Guzman Y Bocbosila guilty beyond reasonable doubt of the crime of murder qualified by treachery. Accordingly, he is sentenced to suffer the penalty of *reclusion perpetua* to death and further ordered to pay the heirs of the late Michael Angelo Balber the sum of Thirty-Five Thousand Four hundred Seventy Pesos (P35,470.00), Philippine Currency, as actual damages, excluding the Six Thousand Pesos (P6,000.00) Bagbag Cemetery as there was no evidence to justify the award of the same; Fifty Thousand Pesos