

THIRD DIVISION

[G.R. NO. 177746, August 31, 2007]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ARTURO BARLAAN
Y ABION, APPELLANT.**

DECISION

YNARES-SANTIAGO, J.:

On March 20, 2001, an Information was filed charging Alex Esquillon, George Domingo and Arturo Barlaan with the crime of murder committed as follows:

That on or about the 10th day of February 2001, in the City of Baguio, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually aiding one another, with intent to kill, and with treachery and taking advantage of superior strength, did then and there willfully, unlawfully and feloniously stab with a bladed weapon one MARVIN SUETOS, thereby inflicting upon the latter multiple stab wounds, and as a result thereof, the said Marvin Suetos died.

That the killing was attended by the qualifying circumstance of treachery in that the attack against the victim with a bladed weapon was sudden and the victim was unarmed and was not able to defend himself.

The killing was likewise attended by the qualifying circumstance of abuse of superior strength in that the accused were three and armed with bladed weapons while the victim was alone.

CONTRARY TO LAW.^[1]

Barlaan was arrested while Esquillon and Domingo remain at large.^[2]

During the arraignment, Barlaan pleaded not guilty. Trial on the merits then ensued.

The facts as found by the trial court are as follows:

It appears that in the evening of February 10, 2001, Jose Dasalla and Marvin Suetos were walking downtown Baguio when they came upon the group of accused Arturo Barlaan, Alex Esquillon and George Domingo who invited them for a round of drinks. At around 11:00 p.m., they all entered the Ledsay Eatery along Otek Street, Baguio City. During their drinking session, they conversed and sang on videoke until around 1:00 a.m. of the following day, February 11, 2001. When they were about to leave the place, there ensued an argument as to who will pay their bill of about P200.00. Initially, the group asked Marvin Suetos to pay the bill but the latter refused and was offering only to contribute a certain

amount. After some exchanges, the group pointed to Esquillon to pay the bill for which reason the latter got mad and brought out his fan knife. At this juncture, Dasalla and Suetos scampered out of the establishment for their safety and proceeded towards the direction of the nearby Orchidarium. Forthwith, the three accused chased them. When Dasalla and Suetos were running in front of the gate of the Orchidarium, Suetos stumbled and fell on the pavement face down. While Suetos was lying down on the pavement face down, the three accused caught up with him. Esquillon stabbed him at the back several times in rapid succession while Barlaan was preventing him from getting up and escaping by holding his legs. Domingo also lifted the body of Suetos and stabbed him in front. All these were witnessed by Dasalla from a distance of 4 to 5 meters away. Dasalla attempted to help Suetos but Esquillon attacked him with the fan knife. However, Dasalla swiftly moved backwards and so only his cheek got caught by the blade of Esquillon's weapon. Dasalla ran but was chased by the three accused. While chasing him, Esquillon again attempted to stab him but only his shirt got caught by the knife. Dasalla was chased up to Rizal Park at Burnham Park, Baguio City. He went directly to the Baguio City Police Office and reported the incident but was told that there is no available mobile car. He then went back to the crime scene but Suetos was no longer there. He learned from the security guard of the nearby Benguet Pine Hotel that the body of Suetos was rushed to the hospital.

At the Baguio General Hospital, Suetos expired.

An autopsy was conducted by Dr. John Tinoyan who made the following findings:

"FINDINGS:

1. Stab wound no. 1, located at the left axillary, anterior, measuring 5 cm in width, with superior pole sharp and the inferior pole blunt. It was directed slightly upward, anteriorly to the midline, penetrating to the skin and part of the left pectoralis major muscle. Depth was 7 cm.
2. Stab wound no. 2 located at the right inguinal area, diagonally with superior pole sharp and inferior pole blunt, measuring 7.5 cm in width. It was directed slightly downward to the midline, cutting through the skin lacerating the femoral artery and femoral vein, then to the pelvic cavity. The depth was 10 cm. Massive hematoma and hemorrhage noted on the pelvic cavity.
3. Group stab wounds at the back numbering in three, with superior poles sharp and posterior poles blunt. Width measures 1.7 cm average, and depth average was 5 cm. All stabwounds were muscle deep.
4. Abrasions: Right knee, measuring 4 cm by 4 cm dimension. Left knee measuring 2 cm. by 3 cm. dimension.

5. Linear superficial cuts, right lower arm, anterior, 3 lines, parallel, diagonally with average length of 9 to 10 cm.

x x x

DEATH: HYPOVOLEMIC SHOCK MASSIVE HEMMORRHAGE. MULTIPLE STAB WOUNDS OF THE BODY.

x x x."

A certificate of Death was issued.

On February 15, 2001, Jose Dasalla gave his Sworn Statement to the Baguio Police, narrating the circumstances surrounding the death of Marvin Suetos and naming Alex Esquillon, George Domingo and Arturo Barlaan as the assailants who helped one another in stabbing Suetos which was the basis for the filing of the instant case. Dasalla likewise complained against the three accused for an attempt on his life when he tried to aid Suetos which resulted to the filing of an Information for Attempted Homicide against said accused in another court.

On the civil aspect, Florian Suetos, wife of the deceased, spent P22,500.00 for the services of the Baguio Memorial Chapel, P20,000.00 for food during the wake, P17,306.00 and P3,500.00 for the interment fees and P4,500.00 for her husband's hospitalization expenses or a total of P67,806.00. Her husband Marvin Suetos died at the age of 29 and, during his lifetime, was managing the business of his parents and was earning an income of P10,000.00 a month.

For his part, Arturo Barlaan denied the charges against him. He testified that when Alex Esquillon was stabbing the deceased, he tried to prevent him by shouting "Alex, don't! He is our companion" but, instead, Alex Esquillon turned to him and attempted to stab him so he ran away. Esquillon chased him but did not catch up with him. He proceeded directly home after the incident. At the time Esquillon was stabbing the deceased, he did not see George Domingo around. Few hours thereafter, George Domingo, who is his neighbor, went to his house and informed him that Suetos died.^[3]

The trial court found the version of the prosecution more credible. It held that Barlaan conspired with Esquillon and Domingo in killing Suetos; that the testimony of Dasalla was corroborated by the autopsy report of Dr. Tinoyan; that treachery attended the killing; and that the aggravating circumstance of abuse of superior strength is deemed absorbed in treachery.

The dispositive portion of the decision of the Regional Trial Court of Baguio City, Branch 6,^[4] reads as follows:

WHEREFORE, the Court finds the accused Arturo Barlaan guilty beyond reasonable doubt of the crime of Murder, qualified by treachery, defined and penalized under Art. 248 of the Revised Penal Code as amended by Sec. 6 of R.A. 7659 and hereby sentences him to Reclusion Perpetua; to

indemnify the heirs of the deceased Marvin Suetos the sum of P50,000.00 as indemnity for his death, P67,806.00 as actual damages, P2,040,000.00 as unearned income and P50,000.00 as moral damages for the pain and anguish suffered by his heirs by reason of his death, all indemnifications being without subsidiary imprisonment in case of insolvency; and to pay the costs.

The accused Arturo Barlaan being a detention prisoner, is entitled to be credited 4/5 of his preventive imprisonment in the service of his sentence in accordance with Article 29 of the Revised Penal Code.

In respect to his co-accused Alex Esquillon and George Domingo who remained at large, let an alias warrant of arrest be issued against them so that upon their arrest, they shall be entitled to a separate trial. And pending their arrest, the case as to them is archived to be revived upon their arrest.

SO ORDERED.^[5]

On appeal, the Court of Appeals affirmed the factual findings of the trial court. In particular, the appellate court found that the assailants conspired with each other as can be inferred from their conduct before, during and after the commission of the crime. Their actions showed a common purpose and design. Thus, when Dasalla and the victim fled, they were chased by Esquillon, Domingo and Barlaan. When the malefactors caught up with the victim, they ganged up on him. Thereafter, Esquillon and Domingo took turns in stabbing him, while Barlaan held the victim's legs to prevent him from escaping.

The Court of Appeals, however, found that treachery was not present because a heated argument and a chase preceded the actual stabbing. Thus, the victim and Dasalla were aware that the accused would harm them when they fled from the restaurant. Moreover, the appellate court noted that the stabbing was spontaneous and there was no evidence showing that the assailants have planned and deliberately or consciously adopted their mode of attack upon the victim.

On the other hand, it appreciated the presence of abuse of superior strength because the aggressors took advantage of their combined strength in order to consummate the offense. The victim was lying prone on the ground and his feet were being held by Barlaan when the two other assailants, Esquillon and Domingo, simultaneously delivered the fatal stab wounds.

The Court of Appeals likewise sustained the awards of P50,000.00 each as civil indemnity and moral damages and P2,040,000.00 as lost earnings, but reduced the amount of actual damages awarded by the trial court to only P43,306.50 as the same was the amount duly supported by official receipts.

The dispositive portion of the Decision of the Court of Appeals, reads:

WHEREFORE, in view of the foregoing, the decision dated March 26, 2002 of the Regional Trial Court of Baguio City, Branch 6, in Criminal Case No. 18724-R is AFFIRMED with modification. Accused-appellant ARTURO BARLAAN y ABION is found GUILTY beyond reasonable doubt of the crime