

## FIRST DIVISION

[ G.R. No. 134379, March 21, 2002 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RUEL ALILIN, ACCUSED-APPELLANT.**

### DECISION

**YNARES-SANTIAGO, J.:**

Accused-appellant Ruel Alilin was charged with Murder in Criminal Case No. 6074-V-97 before the Regional Trial Court of Valenzuela, Branch 171, allegedly committed as follows:

That on or about September 19, 1996 in Valenzuela, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, without any justifiable cause, with treachery, evident premeditation, and with deliberate intent to kill, did then and there willfully, unlawfully and feloniously attack and repeatedly stab with a knife one FREDERICO CALISAAN, thereby inflicting upon the latter serious physical injuries which caused his death.

Contrary to law.<sup>[1]</sup>

Upon being arraigned, accused-appellant pleaded not guilty. After trial, the lower court rendered a decision,<sup>[2]</sup> the dispositive portion of which reads as follows:

WHEREFORE, finding accused Ruel Alilin GUILTY beyond reasonable doubt of the crime of murder qualified by treachery, he is hereby sentenced to suffer the penalty of Reclusion Perpetua and costs of suit.

The accused is hereby ordered to pay the heirs of the victim the sum of P 21,125.00 representing the expenses for the wake, burial and funeral of the deceased and the amount of P 50,000.00 as death indemnity.

SO ORDERED.<sup>[3]</sup>

The antecedent facts as culled from the testimonies of prosecution witnesses are as follows:

In the evening of September 19, 1996 at around 10:30 p.m., prosecution witnesses Armando Ramos and Roderick Lomaan, together with the deceased Federico Calisaan (Rico) and accused-appellant Ruel Alilin had a drinking spree at a basketball court on Delupio Street, Fortune I, Valenzuela City. After finishing the gin which Ruel bought, Armando, Roderick and Rico decided to go home. As they walked away, Ruel suddenly stabbed Rico on the back. The latter fell to the ground. Accused-appellant moved towards Roderick,<sup>[4]</sup> but apparently changed his mind and turned back. Accused-appellant grabbed Rico's shirt and stabbed him

several times on the front part of the body. Accused-appellant then chased Armando and Roderick, who scampered away. Accused-appellant fled.<sup>[5]</sup> Armando and Roderick returned and rushed Rico to the Fatima Hospital on board a tricycle. The hospital refused to admit Rico,<sup>[6]</sup> so he was transferred to the Jose Reyes Memorial Hospital. The following day, Rico succumbed to the stab wounds he sustained and expired.

The postmortem examination of the body of Federico Calisaan revealed two stab wounds and one incised wound. One stab wound was found at the back.<sup>[7]</sup> The autopsy report confirmed multiple stab wounds as the cause of death.<sup>[8]</sup>

In his defense, accused-appellant claimed that in the evening of September 19, 1996, he was on his way home on his motorcycle when Armando Ramos called him from the basketball court at Delupio Street, Fortune I, Karuhatan, Valenzuela and asked him for money to buy liquor. Ruel retorted that he had no money as he had to buy fuel. Armando insisted that Ruel buy him two bottles of Red Horse. Ruel finally acceded and bought one bottle of gin for Armando. When Ruel approached the group of Armando on the basketball court to hand over the bottle of gin, Rico offered Ruel a shot. Immediately after Ruel drank, Rico hit him on the nape and lunged on top of him. Accused-appellant drew his bladed weapon and stabbed Rico. After stabbing Rico twice, he ran away.<sup>[9]</sup>

Accused-appellant Ruel Alilin alleged that the trial court gravely erred in finding that treachery attended the commission of the crime charged, thus qualifying the same to murder.

At the outset, we find no cogent reason to disturb the trial court's findings of fact and evaluation of the witnesses' credibility. It is doctrinal in this jurisdiction that trial courts, who have an unmatched opportunity to observe the demeanor of the witnesses, are in a better position to pass upon their credibility.<sup>[10]</sup> Hence, absent any substantial and glaring factual oversight by the trial court, which would warrant a departure therefrom, the findings and conclusions of the trial court are entitled to the highest degree of respect, if not finality.

Treachery is the deliberate and unexpected attack on the victim without any warning and without giving him an opportunity to defend himself.<sup>[11]</sup> Hence, for treachery to qualify the killing, two elements must concur, namely: (1) the employment of means of execution that gives the person attacked no opportunity to defend himself or retaliate; and (2) the means of execution was deliberately or consciously adopted.<sup>[12]</sup>

All the above-mentioned elements are present in the case at bar. Prosecution witnesses Armando Ramos and Roderick Lomaan, who were together with the deceased when the crime was committed, testified that accused-appellant suddenly attacked them from behind and stabbed Rico on the back.<sup>[13]</sup> Surely, the deceased and his companions could not have been aware of the impending attack. They had no reason to expect any violent incident since, as testified to by Roderick Lomaan, he knew of no misunderstanding between accused-appellant and the deceased Federico Calisaan.<sup>[14]</sup> Lomaan also testified that the deceased was in no position to defend himself from the attack, since he was drunk and unable to run.<sup>[15]</sup> In fact,