

THIRD DIVISION

[G.R. No. 138841, April 04, 2001]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RONNIE FLORES Y PANGANIBAN, ACCUSED-APPELLANT.**

DECISION

VITUG, J.:

Arnel Baldevieso could not have known that the "scythe of death" would soon come to fetch him. Just days before, he was enjoying himself in the idle pastime of watching a card game at a neighborhood corner.

Jocelyn Marie Baldevieso, eyewitness to the murder charge, recalled that at five o'clock in the afternoon of 15 September 1997, she was with her husband, victim Arnel Baldevieso, at San Lazaro Street, Gulod, Novaliches, Quezon City, watching "*tong-its*," a card game of chance, then being played by Mila Reyes, Manong Pat and Aling Lita, all known to the witness. The players were on a "*papag*" (wooden bed) propped against a wall. Baldevieso was seated on the same *papag* as the players. With her youngest child in tow, Jocelyn Marie Baldevieso went to follow her husband to tell him to get home and mind the children as she had to go somewhere else. But, already quite caught in the game, Arnel Baldevieso ignored his wife. Her interest in the game also piqued, Jocelyn Marie decided to stay. She moved to the opposite direction, facing her husband with approximately three meters between them, to indeed get a better view of the card game. It was while at this vantage point when Jocelyn Marie saw accused-appellant Ronnie Flores coming towards them from across the street. She promptly warned her husband, "*Umuwi ka na dahil andyan na si Ronnie*." Jocelyn Marie was just too aware of the standing feud between her husband and Ronnie Flores that stemmed from an unpaid debt of P800.00, which accused-appellant had failed to pay. The incident had, at one time, led Arnel Baldevieso himself to stab accused-appellant. Apparently still nursing a grudge against his assailant, Flores issued threats against the former, a fact which Jocelyn Marie had repeatedly cautioned her husband about.

On that fateful afternoon of 15 September 1997, Arnel Baldevieso, described by his wife as the hard-headed, obstinate husband that he was, shrugged off her warning, telling her that he and accused-appellant had already patched things up. Jocelyn Marie Baldevieso retorted, "Don't be too sure!" True enough, accused-appellant approached the victim from the right side, placed his arm on the victim's shoulder and, when the latter instinctively faced him, stabbed Arnel Baldevieso with a bladed instrument, identified by the witness to be a "29." As the players were so engrossed in their game, no one immediately noticed that there was anything amiss until they saw blood spurting from the victim and accused-appellant hurriedly running away. Jocelyn Marie brought her husband to the Quezon City General Hospital, where he was operated on. Arnel Baldevieso told his wife after the operation that he had thought that he was just "*tinapik*" (patted) by accused-

appellant. Unfortunately for the victim, what he thought to be a mere "pat" proved fatal. Six days after the stabbing incident, while convalescing at the Quezon City General Hospital, Arnel Baldevieso expired.

According to the medical findings of Dr. Ma. Cristina Freyra, the physician who conducted the autopsy, the victim's death was due to the single 12-centimeter stab wound, which ran downwards, towards the victim's left side, fracturing the zyphoid and lacerating strategic internal organs --- the left lobe of the liver, stomach and pancreas.^[1] Subsequent medical treatment, which was meant to surgically mend the affected organs, could have saved him had not Arnel Baldevieso succumbed to *septicemia*,^[2] an overwhelming infection of the stab wound.

SPO1 Eduardo Frias, an investigator of the Novaliches Police Station, testified having taken the victim's sworn statement two days after the incident while the latter was still confined at the hospital. He observed that the victim, despite the fatal wound, appeared to be in hale and hearty condition and in full possession of his faculties, even reading the statement prepared by him before affixing his signature thereon. According to the witness, Arnel Baldevieso, his wife, and one Mila Reyes, vaguely identified the suspect, and it was only on 27 October 1997, upon the arrest of accused-appellant, when he was able to ascertain the name and identity of accused-appellant.

Inspector Bernardo A. Borrinaga, stationed at the Novaliches Intelligence Station, stated that on 27 October 1997 Jocelyn Marie Baldevieso came to their office to report that she had just spotted accused-appellant in the area. He decided to accompany the distressed widow to the vicinity of Aptin Building where Jocelyn Marie pointed to the suspect who was then conversing with friends. When Borrinaga confronted accused-appellant with the murder of Arnel Baldevieso, the suspect admitted to the killing but said that he only did so in self-defense. With this admission, Inspector Borrinaga took the suspect to the Novaliches Police Station where the latter voluntarily submitted himself for further investigation.

On 31 October 1997, a case of murder was filed against Ronnie Flores y Panganiban; it read:

I N F O R M A T I O N

"The undersigned accuses RONNIE FLORES Y PANGANIBAN, of the crime of Murder, committed as follows:

"That on or about the 15th day of September, 1997, in Quezon City, Philippines, the above-named accused, with intent to kill, qualified by evident premeditation and treachery, taking advantage of superior strength did, then and there wilfully, unlawfully and feloniously attack, assault and employ personal violence upon the person of ARNEL BALDEVIESO Y FERNANDEZ by then and there stabbing said victim with a bladed weapon, hitting him on the stomach, thereby inflicting upon him serious and mortal wounds, which were the direct and immediate cause of his untimely death, to the damage and prejudice of the heirs of said ARNEL BALDEVIESO Y FERNANDEZ."^[3] At the trial, following a plea of

not guilty and the presentation of the case made out by the prosecution, heretofore recited, accused-appellant Ronnie Flores narrated his own version of the incident. According to him, on the afternoon of 15 September 1997, he approached the victim, who was then watching "*tong-its*," in order to collect from the latter payment for a debt amounting to P3,500.00. Upon being asked to pay, the deceased resented the demand and tried to stab him. Accused-appellant managed to dodge Baldevieso's blows and the two men fell to the ground while grappling for the possession of the bladed weapon. He proceeded to relate how the deceased, who was, he said, holding a knife, was on top of him, and how he, in self-defense, pushed away the hand of the deceased twisting it in such a way that the knife then hit Arnel Baldevieso. Upon seeing the victim lying on his back, accused-appellant got scared and ran away. Ronnie Flores claimed that, except for the *tong-its* players, no one else, particularly Jocelyn Marie Baldevieso, was present at the time.

On 13 April 1999, Branch 219, of the RTC of Quezon City found accused-appellant Ronnie Flores guilty beyond reasonable doubt of the crime charged; it concluded:

"WHEREFORE, finding accused Ronnie Flores guilty beyond reasonable doubt of the crime of Murder without the attendance of aggravating circumstances, the Court hereby sentences him to suffer the penalty of Reclusion Perpetua; to pay the heirs of Arnel Baldevieso the sum of (a) 5,404.75 for hospital and medical expenses; (b) P33,138.13 for burial expenses; (c) P50,000.00 as moral damages; and (d) P70,000.00 as indemnity; and to pay the costs."^[4]

In his appeal to this Court, accused-appellant maintained that the trial court erred in failing to appreciate in his favor the justifying circumstance of self-defense and in considering, in any event, the attendance of treachery. He contended that -

"I

"THE TRIAL COURT GRAVELY ERRED IN DISREGARDING THE DEFENSE INTERPOSED BY THE ACCUSED-APPELLANT.

"II

"ASSUMING FOR THE SAKE OF ARGUMENTS THAT APPELLANT IS GUILTY, THE TRIAL COURT GRAVELY ERRED IN APPRECIATING THE AGGRAVATING CIRCUMSTANCE OF TREACHERY."^[5]

The validity of self-defense is premised on the impossibility on the part of the State to at all times prevent aggression upon its people. Founded in the human instinct to protect, repel and save one's person from impending danger or peril,^[6] the right of self-defense justifies measures taken by one who is attacked and placed in a situation where he either has to forfeit his life or has to take the life of his assailant.

Nevertheless, the application of this justifying circumstance, in this context, requires a clear showing 1) that the victim has committed unlawful aggression amounting to actual or imminent threat to the life and limb of the person claiming self defense; 2) that there be reasonable necessity in the means employed to prevent or repel the unlawful aggression; and 3) that there be lack of sufficient provocation on the part of the person claiming self-defense or, at least, that any provocation executed by the person claiming self-defense be not the proximate and immediate cause of the victim's aggression.

At the witness stand, the widow of the deceased explained how accused-appellant had approached the unsuspecting Arnel Baldevieso from behind, placed his arm on the victim's shoulder and, when the latter faced his direction, stabbed the victim inflicting upon him the lone mortal wound ---

"Q While you were watching *tong-its* you claim that you saw Ronnie Flores?

"A Yes, sir.

"Q And you were still there standing in front of your husband?

"A Not in front.

"Q On the opposite of your husband, that is correct?

"A Yes, sir.

"Q You saw already Ronnie Flores approaching those persons who were playing *tong-its*?

"A Yes, sir.

"Q Now, did you hear any word that was uttered by Ronnie Flores while he was approaching the group of persons playing *tong-its*?

"A None, sir.

"Q To what direction . . . From what direction was Ronnie Flores coming?

"A From that side (witness gesturing).

"Q To the side where your husband was seated?

"A Yes, sir.

"Q Now, you saw Ronnie Flores until he was already beside your husband?

"A Yes, sir, but I did not see that he was holding something.

"Q You were there still standing in front, opposite your husband and Ronnie was already standing at the back of your husband?

"A Yes, sir.

"Q And you were still in front there?

"FISCAL MANLANGIT

May I just move that the answer of the witness be recorded `bigla na lang po siyang inakbayan.'

"ATTY. MALLABO

"Q When you said `bigla na lang siyang inakbayan', you are referring to Ronnie Flores?

"A Yes, sir.

"Q And the person being 'inakbayan' was your husband?

"A Yes, sir.

"Q When Ronnie Flores placed his hand on top of the shoulder of your husband, did you hear any word?

"A None, sir.

"Q What about your husband, did he utter any word?

"A No, sir.

"Q And so what else transpired after Ronnie Flores placed his hand over the shoulder of your husband and there was no word that was uttered between the two?

"A When he placed his arm over my husband's shoulder, my husband turned to him and Ronnie suddenly stabbed my husband (witness making a stabbing motion).

"x x x x x x x x x x

"Q So your husband was seated?

"A Yes, sir.

"Q And his back against the wall?

"A My husband was seated on the papag against the wall.

"Q So in other words there was no space in between the back of your husband and the wall, referring to where he was 'nakasandal' or leaning?