

SPECIAL THIRD DIVISION

[CA-G.R. CR-H.C. NO. 05732, May 23, 2014]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ORLANDO MORALES Y CAUILAN AND PEEJAY MORALES Y
NARAG, ACCUSED-APPELLANTS.**

D E C I S I O N

DE GUIA-SALVADOR, R., J.:

This is an appeal from the Decision dated 14 August 2012 of the Regional Trial Court of Tuguegarao City, Cagayan, Branch 03 (RTC), in Criminal Case No. 12280, the dispositive portion of which reads:

"IN VIEW OF ALL THE FOREGOING, the Court finds both ORLANDO MORALES y Caulan, [and] PEEJAY MORALES y Narag, GUILTY beyond reasonable doubt of the felony of MURDER, defined and penalized under Article 248 of the Revised Penal Code, and hereby sentences them:

1. To suffer imprisonment of *reclusion perpetua*;
2. To pay the heirs of Jerome Mallilin:
 - a. P75,000.00 as death indemnity;
 - b. P50,000.00 as moral damages;
 - c. P25,000.00 as exemplary damages;
 - d. P25,000.00 as temperate damages; and
3. To pay the costs.

SO ORDERED."^[1]

THE CHARGE

In an Information dated 19 August 2008 filed with the RTC, accused-appellants Orlando (**ORLANDO**) and his son, Peejay (**PEEJAY**), both surnamed Morales, (**appellants**) were charged with the crime of murder for conspiring with one another in the fatal stabbing of Jerome Mallilin (or **MALLILIN**). The accusatory portion of the Information reads:

"That on August 15, 2008, in City of Tuguegarao, Province of Cagayan and within the jurisdiction of this Honorable Court, the [appellants], armed with a bladed weapon, with intent to kill and qualified by treachery, evident premeditation and use of superior strength, and by conspiring and confederating with one another, then and there willfully,

unlawfully and feloniously, stab the victim JEROME MALLILIN, son of the private complainant CIPRIANO MALLILIN, inflicting upon the victim fatal stab wounds that caused his untimely death.

X X X

X X X

X X X

Contrary to law. "[2]

At their arraignment, the Information was read and translated to the *Itawis* dialect which both appellants understood and, with the assistance of a counsel *de parte*, appellants entered separate plea of "not guilty".[3]

During the pre-trial conference, the defense admitted: (1) appellants' presence at Dupaya Cockpit, Pengue, Tuguegarao City, at the time of the stabbing incident; (2) the fact that prior to the stabbing incident, SPO1 Pedro Binarao, Jr. (**SPO1 BINARAO**) pacified PEEJAY and MALLILIN who were then engaged in a heated altercation; and (3) the cause of death of MALLILIN was two stab wounds on his chest.[4]

During trial, the prosecution presented as witnesses the following: (1) Robie Magora (**MAGORA**), a cockfight bettor who was beside MALLILIN when the stabbing incident occurred; (2) PO3 Proceso Luga (**PO3 LUGA**), a police officer who was then watching the cock derby; (3) SPO1 BINARAO, a police officer assigned to maintain peace and order in the cockpit arena; (4) Dr. Jomar Marcelo (**DR. MARCELO**), one of the hospital's emergency room physicians who attended to MALLILIN; and (5) Ferdinand Corsino (CORCINO), who saw that MALLILIN was twice stabbed by ORLANDO, and then boxed and kicked by PEEJAY.

To prove their pleas of self-defense and defense of relative, the defense presented ORLANDO and PEEJAY, as well as William Jose (**WILLIAM**), who was also inside the cockpit arena at the time of the stabbing incident.

The Facts

Version of the Prosecution

The Solicitor General summarized the events that led to the stabbing incident based on the testimonies of MAGORA, CORCINO, PO3 LUGA, SPO1 BINARAO. Thus:

"At around 10 o'clock in the evening of August 15, 2008, [MAGORA] and the victim, [MALLILIN] were at the bleachers inside the Dupaya Cockpit Arena located in Carig Sur, Tuguegarao City. [MAGORA], who placed a bet in the cock derby won P540 and was given a P500 peso bill as his winning. Since he needed to return the excess P50, [MALLILIN] gave him a P100 peso bill. [MAGORA] then asked [PEEJAY] if he could change the P100 peso bill into two Fifty peso bills. But [PEEJAY] reacted by getting mad and in a loud voice he uttered the following, 'Magpapalit ka pa alam mo na ngang natalo ang tao.' Despite [MAGORA's] apologies [PEEJAY] slapped the latter without any warning. [MALLILIN] then intervened by saying, 'Bro, huwag mo naman sigawan yung bata, nagpapalit lang naman' to which [PEEJAY] answered, 'isa ka pa, kung gusto mo magsuntukan na lang tayo.' After which [PEEJAY] then boxed [MALLILIN].

[PO3 LUGA], who was just nearby and who saw the incident, pacified the parties and endorsed them to [SPO1 BINARAO], the peace officer detailed at the Dupaya Cockpit Arena at the time. [SPO1 BINARAO] brought [PEEJAY and MALLILIN] to the holding area of the cockpit where he encouraged the parties to settle their differences, to which they agreed. A moment later, [ORLANDO] who is the father of [PEEJAY],... arrived and upon being apprised of the incident uttered '*bassit ngay bagay dayta, ayusin tayu lattan,*' which in English means 'that's a little thing we can settle.' Thereafter, both appellants... went inside the cockpit and stayed at the lower portion while [MALLILIN and MAGORA] proceeded to the upper portion of the arena.

However, after about twenty to thirty minutes, another commotion at the upper portion of the arena occurred. It turned out that [PEEJAY] approached [MALLILIN and MAGORA], and was intending to box [MAGORA] when [MALLILIN] timely intervened. [PEEJAY] then turned his ire on [MALLILIN] and boxed him several times thus causing a fight to ensue. Junior Cabrera came to pacify the parties by holding the neck of [MALLILIN]. When [MALLILIN] was able to release himself from Junior's grip, appellant [ORLANDO] suddenly appeared and stabbed [MALLILIN] at the left side portion of his body with the use of a knife causing a wound which was considered fatal as it produced massive bleeding. [ORLANDO] then stabbed [MALLILIN] a second time on the right side of his chest. Despite his being mortally wounded, [MALLILIN] was able to run towards a higher portion of the arena but fell. While in said lying position and with blood oozing from his body, [PEEJAY] came, boxed and kicked his nape about three times. Upon seeing the incident, [SPO1 BINARAO] approached and pacified [PEEJAY] by pulling his hand downward away from the body of the victim. In the meantime, PO1 Ian Cris Soriano, a companion of [SPO1 BINARAO] placed [ORLANDO] who was then holding a bladed weapon stained with blood under arrest. [SPO1 BINARAO] then asked some persons to carry the body of [MALLILIN] and bring him to the hospital. [MALLILIN] was brought to the Cagayan Valley Medical Center where he eventually died.

[DR. MARCELO], the attending physician of the victim, testified that the cause of death of [MALLILIN] was respiratory arrest due to stab wounds. The victim sustained two stab wounds on the left and right side of his chest. The former wound was considered fatal because it produced massive bleeding.”^[5]

Version of the Defense

The defense version of facts show that on 15 August 2008 at 10:00 p.m., PEEJAY was inside the Dupaya Cockpit Arena engaged in an argument with MAGORA when MALLILIN suddenly boxed him on the face. After they had been pacified by a policeman, PEEJAY proceeded to the upper portion of the cockpit arena, but MAGORA, MALLILIN and Serafin Cabrera, alleged uncle of MALLILIN, followed him. Cabrera then suddenly struck PEEJAY with the butt of a small firearm, hitting the latter on the left side of his forehead. Then, MAGORA, MALLILIN and Cabrera mauled PEEJAY until he lost consciousness.

When PEEJAY regained consciousness, he saw his father, ORLANDO, beside him being handcuffed by a police officer. PEEJAY claimed that that was the first time he saw his father at the cockpit arena.

Meanwhile, WILLIAM testified that he was at the lower portion of the cockpit arena sitting beside ORLANDO^[6] when he saw three (3) persons made their way towards the upper portion of the arena where PEEJAY was. He saw PEEJAY while being mauled and hit on the head by unknown persons. WILLIAM thus alarmed ORLANDO that PEEJAY was being mauled. ORLANDO ran towards the upper portion of the arena to help his son, but was boxed on the chest by someone from the group of MALLILIN, which caused him to stumble on the 11th step^[7]. At this point, WILLIAM saw somebody he could not identify draw a knife, and shortly thereafter, a rumble ensued. He was no longer able to observe the subsequent events.

For his part, ORLANDO testified that when he reached the upper portion of the cockpit arena, he spotted PEEJAY lying on the floor bleeding. He tried to pacify PEEJAY's attackers but one of them boxed him in the chest and face, causing him to fall on his knees. Unable to stand up, ORLANDO was then attacked by MAGORA with a knife, but he was able to parry the blow and grab the knife. At the sight of his attackers approaching him, ORLANDO swung the knife, forcing them to run away.

After somebody took away the knife from his hands, ORLANDO proceeded to help PEEJAY who was then unconscious. At this point, ORLANDO heard people shouting that somebody had been stabbed. Then, two (2) police officers arrived to arrest him. They also arrested PEEJAY who at the time had regained consciousness.

The RTC Decision

The RTC convicted appellants of the crime of murder. It rejected the defense claim that PEEJAY had lost consciousness prior to the stabbing incident. It concluded that the appellants acted in conspiracy with one another in attacking MALLILIN and treacherously stabbing him to death while he was then busy fending off PEEJAY's attack. It also stressed that after taking the knife from MAGORA, there was no more need for ORLANDO to use the knife against the inept aggressors who had been disarmed, hence, his claim of self-defense and defense of relative must fail.

The Issues

Dissatisfied with the verdict, appellants are now before Us seeking their acquittal on four grounds, viz:

- "1. THE COURT A QUO GRAVELY ERRED IN FINDING ACCUSED ORLANDO MORALES TO HAVE NOT ACTED IN DEFENSE OF RELATIVE AND SELF DEFENSE;
2. xxx IN FINDING THAT THE QUALIFYING CIRCUMSTANCE OF TREACHERY ATTENDED THE KILLING OF THE VICTIM;
3. xxx IN FINDING THE EXISTENCE OF CONSPIRACY IN THIS CASE;
4. xxx IN CONVICTING THE ACCUSED GIVING CREDENCE TO THE TESTIMONIES OF PROSECUTION'S WITNESSES AND OVERLOOKING MATERIAL DISCREPANCIES."^[8]

The Court's Ruling

We find the appeal bereft of merit.

The rule is long and well-settled that the findings of the trial court pertaining to the credibility of witnesses are entitled to great weight and respect since it has the unique opportunity to observe their demeanor on the witness stand.^[9] Such findings are, in fact, binding and accorded finality,^[10] unless there appears in the record some fact or circumstance of weight which the lower court may have overlooked, misunderstood, or misappreciated and which, if properly considered, would alter the results of the case.^[11] Finding none of these circumstances in the case at bench, We perceive neither strong nor cogent reason to warrant a departure from the foregoing principles. Thus, We defer to the findings of the RTC that appellants conspired together in treacherously attacking MALLILIN, resulting to his death.

Our own review of the testimonies of the witnesses impels us to uphold the RTC's findings and assessment of the witnesses credibility. In answer to the queries of the defense counsel on cross-examination, prosecution witness MAGORA, who was only a meter away from PEEJAY and MALLILIN at the time of the stabbing incident,^[12] never wavered in his narrative of the incident and how ORLANDO suddenly stabbed MALLILIN who was then being boxed by PEEJAY,^[13] viz.:

“Q After you [saw ORLANDO and PEEJAY at the lower level of the cockpit arena] what happened next, Mr. witness?

A [PEEJAY] immediately went up [the] stairs and he wants to box me but [MALLILIN] pacified and [PEEJAY] boxed [[MALLILIN] several times, sir.

Q And what did you do when [PEEJAY] boxed [the victim] several times?

x x x

x x x

x x x

A I pacified, sir.

Q And were you able to pacify them, Mr. witness?

A No, sir.

Q What transpired next when you were not able to pacify them, Mr. witness?

A Here comes [ORLANDO] and [he] stabbed [MALLILIN], sir.

Q And what instrument was used [by ORLANDO] in stabbing [MALLILIN], Mr. witness?

A A 16 inches knife, sir.”^[14]

Corroborating MAGORA's account, CORSINO, who was at the ring side^[15] of the cockpit arena, and at a distance of about three (3) meters^[16] away, stated that he witnessed how PEEJAY fought with MALLILIN,^[17] and how ORLANDO carried out the surprise attack on MALLILIN:^[18]

“Q When [MALLILIN] and [PEEJAY] went back inside the Dupaya cockpit arena, what happened next, Mr.