

### Title:

\*\*The People of the Philippines vs. Arande Colina Adlawan\*\*

### Facts:

This case emerged from an incident on November 15, 1992, in Mandaue City, Philippines, where Arande Colina Adlawan, also known as Randie, was accused of murdering Nequito Ortizano. The Regional Trial Court of Mandaue City, Branch 28, found Adlawan guilty of Murder, sentencing him to an indeterminate penalty ranging from ten (10) years and one (1) day of prision mayor to seventeen (17) years and one (1) day of reclusion temporal, alongside compensatory damages to the victim's heirs.

The prosecution provided eyewitness testimonies from Benjamin Basubas and Quirino Cinco, who recounted seeing Adlawan shoot Ortizano twice, leading to the latter's death. Contrastingly, Adlawan claimed self-defense, stating Ortizano threatened him with a gun. Adlawan surrendered in 1997, leading to his trial and conviction. His appeal raised multiple issues, challenging the presence of treachery, the court's failure to acknowledge his intent to plead guilty to a lesser offense, and questioning the credibility of witnesses among other points.

### Issues:

1. Whether the prosecution established beyond a reasonable doubt the presence of treachery and evident premeditation.
2. If Adlawan's readiness to plead guilty to a lesser offense could be considered a mitigating circumstance.
3. Whether incomplete self-defense or defense of a relative could be appreciated in Adlawan's favor.
4. The validity of giving more weight to the prosecution witnesses' testimonies.
5. The correctness of awarding actual damages of P18,850.00 without sufficient proof.

### Court's Decision:

The court resolved the appeal unfavorably for Adlawan, maintaining his conviction but modifying the awarded damages. The Court found:

1. Treachery was present as Adlawan attacked an unarmed Ortizano in a manner ensuring no risk to himself.
2. Adlawan's willingness to plead guilty to a lesser offense and incomplete self-defense/defense of a relative was not duly proven or irrelevant due to the circumstances of

the attack.

3. Credibility was correctly accorded to the prosecution witnesses.

4. Adjusted the damages awarded, recognizing temperate and moral damages due to the lack of concrete evidence for actual damages and calculated lost earnings of the deceased.

### ### Doctrine:

The essence of treachery involves a sudden and unexpected attack that leaves the victim defenseless, ensuring the commission of the crime without risk to the aggressor. Also, it touched on the standards for voluntary surrender, asserting that it must be spontaneous to be considered mitigating.

### ### Class Notes:

- **Treachery**: An attack that ensures no possible defense by the victim, considering manner and method.
- **Voluntary Surrender**: Must be spontaneous and precede any impending apprehension.
- **Mitigating Circumstances**: Includes earnest attempt to plea for a lesser offense and circumstances like passion or obfuscation, but requires proximity in action and motive.
- **Credibility of Witnesses**: The trial court's assessment generally prevails unless shown to overlook facts.
- **Damages**: Differentiation between actual, temperate, and moral damages, and how they're awarded in criminal cases.

### ### Historical Background:

This case offers a closer look into the procedures and legal standards applied by the Philippine judicial system in murder cases. It underscores the importance of the qualitative assessment of witness credibility, the interpretation of mitigating and aggravating circumstances, and the calculation of damages in criminal convictions. Additionally, it highlights the appeals process, demonstrating that disagreements with the trial court's findings can be raised in higher legal forums, although overturning such findings requires substantive evidence of oversight or misinterpretation.