

### Title:

“People of the Philippines vs. Alberto Tabarnero and Gary Tabarnero”

### Facts:

On the night of October 23, 1999, Gary Tabarnero visited the house of Ernesto Canatoy, leading to a fatal confrontation wherein Ernesto was stabbed nine times and died. Gary and his father Alberto were charged with the crime of Murder. Gary surrendered on April 22, 2001, and Alberto was apprehended on August 5, 2001, both pleading not guilty. Gary claimed self-defense, while Alberto denied participation. The case proceeded to trial, with varying testimonies from both the prosecution and the defense detailing the events of the night and their aftermath.

### Procedural Posture:

The case was initially tried at the Regional Trial Court (RTC) of Malolos, Bulacan, which found both Gary and Alberto guilty of murder in 2002. Upon appeal, the Court of Appeals affirmed the RTC’s decision with modifications related to damages in 2005. The defendants then elevated the case to the Supreme Court, which led to a reevaluation focusing on claims of self-defense, conspiracy, treachery, and issues related to damages.

### Issues:

1. Whether Gary Tabarnero’s claim of self-defense is valid.
2. Whether voluntary surrender should be considered a mitigating circumstance for Gary.
3. Whether Alberto Tabarnero was a principal by direct participation or through conspiracy.
4. Whether the killing of Ernesto Canatoy was qualified by treachery or abuse of superior strength.
5. Proper determination and awarding of damages.

### Court’s Decision:

The Supreme Court affirmed the Court of Appeals’ decision with modifications concerning civil indemnity. It rejected Gary’s self-defense claim due to lack of sufficient evidence, ruled out the mitigating circumstance of voluntary surrender due to the delay in surrendering, found Alberto a principal by direct participation, confirmed treachery as a qualifying circumstance, and adjusted the damages award by increasing civil indemnity to PHP 75,000.

### Doctrine:

The Supreme Court reiterated essential legal doctrines, including the requirements for claiming self-defense, the criteria for voluntary surrender to be considered mitigating, the

categorization of direct participation in a crime, and the principles determining treachery and qualifying circumstances in murder cases.

**### Class Notes:**

- **\*\*Self-defense\*\***: Requires proof of unlawful aggression, lack of sufficient provocation, and reasonable means to prevent or repel the aggression.
- **\*\*Voluntary Surrender\*\***: Must be spontaneous, showing the intent to submit oneself to authorities due to acknowledgment of guilt or avoiding additional government effort and expense.
- **\*\*Participation in Crime\*\***: Direct participation denotes active and direct involvement in the execution of the criminal act.
- **\*\*Treachery\*\***: Exists when the means of execution gives the victim no opportunity to defend themselves or to retaliate, thereby ensuring the assailants' safety.
- **\*\*Murder Qualifying Circumstances\*\***: Include treachery, abuse of superior strength, etc., that elevate homicide to murder.
- **\*\*Damages in Criminal Cases\*\***: Mandatory awards include civil indemnity and moral damages; actual damages require substantiation, but admissions by the defense are binding.

**### Historical Background:**

This case highlights the Philippine judiciary's approach to murder cases, the evaluation of self-defense claims, and how evidence and testimonies play crucial roles in determining guilt and the awarding of damages. It underscores the importance of procedural fairness and the adherence to established legal principles in criminal justice.