

****Title: People of the Philippines v. Dexter Aspa Albino @ Toyay (857 Phil. 335)****

****Facts:****

On May 10, 2009, in Carigara, Leyte, Dexter Aspa Albino (alias Toyay) was involved in an altercation during a benefit dance at Brgy. San Mateo. Jerome Soriano and his siblings, including the victim, Marlon Dionzon Soriano, were also present. A confrontation emerged between Albino's group and locals, including Marlon. Jerome testified that as he and Marlon attempted to defuse the situation, Albino drew a revolver and shot Marlon in the chest. Marlon succumbed to his injuries at the hospital. Witnesses Arwin Terrado and PO2 Noel M. Melgar corroborated Jerome's account. The murder charge was filed against Albino, who pleaded not guilty and denied the allegations, claiming he was attacked by Jerome and did not see who shot Marlon.

Procedural History:

1. ****Filing of Information (May 12, 2009)**:** Albino was charged with murder.
2. ****Trial at RTC Branch 13, Leyte (November 12, 2012)**:** Albino was found guilty of murder and sentenced to reclusion perpetua.
3. ****Appeal to the Court of Appeals (CA-G.R. CEB-CR H.C. No. 01596)**:** The conviction was affirmed with modifications; Albino was declared ineligible for parole and a 6% interest per annum on damages was imposed.
4. ****Second Appeal to the Supreme Court**:** Albino argued for downgrading the conviction from murder to homicide due to the absence of treachery.

****Issues:****

1. Whether the killing of Marlon Dionzon Soriano was attended by treachery, thus constituting murder.
2. Whether the Court of Appeals erred in affirming Albino's conviction for murder instead of downgrading it to homicide.

****Court's Decision:****

The Supreme Court ruled in favor of downgrading Albino's conviction from murder to homicide, focusing primarily on whether treachery attended the killing.

****Issue 1: Treachery****

- ****Court's Analysis**:** Treachery requires that the attack was deliberate, sudden, unexpected, and deprived the victim of any chance to defend himself. In this case, although Albino's attack was sudden and unanticipated, it occurred during a heated confrontation.

Appellant did not have sufficient reflection time to strategically ensure the killing would occur without risk to himself. Hence, the element of treachery was not solidly established.

- **Resolution**: The attack lacked the deliberate planning and execution necessary to classify it as treacherous. Therefore, the crime could not be qualified as murder.

Issue 2: Conviction Appropriate for Homicide

- **Court's Analysis**: With treachery unproven, Albino's act constituted homicide, which under Article 249 of the Revised Penal Code, lacks the qualifying circumstances of murder.

- **Conviction and Sentence Adjustment**: The Court sentenced Albino to an indeterminate penalty of 8 years of prision mayor as minimum to 14 years, 8 months, and 1 day of reclusion temporal as maximum, adjusting damages in accordance with jurisprudence.

Doctrine:

1. **Treachery** must clearly prove a deliberate, planned attack ensuring the victim has no chance to defend or escape (People v. Pilpa).

Class Notes:

1. **Elements of Murder (Article 248, RPC)**:

- That a person was killed.
- Accused killed him/her.
- Killing was attended by any of the qualifying circumstances.
- Killing does not amount to parricide or infanticide.

2. **Treachery Characteristics**: Attack should be deliberate, without warning, swift, unexpected, and assure execution without risk to the offender.

3. **Indeterminate Sentence Law**:

- Minimum term within range of penalty next lower to prescribed.
- Maximum term properly imposed under attending circumstances.

Historical Background:

This case occurred against the backdrop of efforts to curtail wanton street violence and ensure that criminal jurisprudence aligns with fair trial principles. Albino's appeal underscores the nuances of qualifying circumstances in criminal liability determination, highlighting systemic relevance in progressive legal interpretations.