

**\*\*Title:\*\*** People of the Philippines vs. Alfonso Oñate alias Bukay

**\*\*Facts:\*\***

Alfonso Oñate, alias Bukay, was accused of murdering Peping Ventosa on the evening of October 15, 1966, in Bacolod City. Prior to the incident, both Oñate and Ventosa, along with others, were drinking 'tuba' at a sari-sari store. Ventosa left without paying for his drink. Oñate felt compelled to collect the amount Ventosa owed to the storekeeper. Shortly after, Oñate encountered Ventosa walking down Lacson Street. Eyewitness Rebecca Sy testified that Ventosa was approached by Oñate who then stabbed him without any provocation. Another witness, Jimmy Tajanlangit, confirmed that Ventosa did not provoke the attack. Oñate admitted the stabbing but claimed it was in self-defense, stating that Ventosa had assaulted him and appeared to be reaching for a weapon.

Oñate proposed pleading guilty to homicide instead of murder, which was rejected by the trial court. He eventually surrendered voluntarily to authorities, which he later cited as a mitigating circumstance.

The Court of First Instance of Negros Occidental found Oñate guilty of murder with the qualifying circumstance of alevosia (treachery), sentencing him to reclusion perpetua and ordering him to indemnify the heirs of the deceased with P6,000. Oñate appealed on the grounds that the trial court erred in not considering his voluntary surrender as a mitigating circumstance and in finding treachery attended the killing.

**\*\*Issues:\*\***

1. Whether the trial court erred in not appreciating the voluntary surrender of the accused as a mitigating circumstance.
2. Whether the trial court erred in holding that the stabbing was attended by treachery (alevosia), qualifying it as murder.

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

1. **\*\*Voluntary Surrender:\*\*** The Supreme Court recognized Oñate's voluntary surrender as a mitigating circumstance. Although the certification of voluntary surrender was not formally offered as evidence, the Solicitor General did not contest its authenticity. The Court thus credited Oñate with the mitigating circumstance of voluntary surrender.
2. **\*\*Treachery:\*\*** The Court upheld the trial court's finding of treachery, relying on the eyewitness accounts of Rebecca Sy and Jimmy Tajanlangit. These testimonies depicted a sudden and unexpected attack on Ventosa, who was unarmed and unsuspecting, thereby

constituting treachery. The Court emphasized that the trial judge, based on firsthand witness evaluation, had correctly determined Oñate's guilt beyond a reasonable doubt with the presence of treachery.

Considering the mitigating circumstance of voluntary surrender alongside the affirmed presence of treachery, the Supreme Court modified the lower court's sentence. Oñate was sentenced to an indeterminate penalty, ranging from ten (10) years and one (1) day of prision mayor (as minimum) to seventeen (17) years, four (4) months, and two (2) days of reclusion temporal (as maximum). Additionally, the indemnity to the heirs of Ventosa was increased to P12,000.

**\*\*Doctrine:\*\***

The case reaffirms the principle that voluntary surrender can be a mitigating circumstance under Article 13 of the Revised Penal Code given it is recognized and not contested. Treachery as a qualifying circumstance for murder under Article 248 of the Revised Penal Code can be established when an unarmed and unsuspecting victim is attacked suddenly and without warning. Also, the application of the Indeterminate Sentence Law is emphasized in order to individualize penalties and potentially reduce the prison term based on the behavior and rehabilitation potential of the convict.

**\*\*Class Notes:\*\***

- **\*\*Mitigating Circumstance:\*\*** Voluntary surrender (Article 13(7), Revised Penal Code).
- **\*\*Qualifying Circumstance:\*\*** Treachery (alevosia) (Article 14(16), Revised Penal Code).
- **\*\*Murder punishment:\*\*** Maximum period of reclusion temporal to death (Article 248, Revised Penal Code).
- **\*\*Indeterminate Sentence Law:\*\*** Penalizes the individualization of the punishment, ranging from the maximum period of the lesser penalty to the minimum period of the greater penalty (Act No. 4103 as amended).

**\*\*Historical Background:\*\***

During the 1960s, concerns about crime and the judicial system's responsiveness were heightened in the Philippines. This case reflects the judicial stance on voluntariness and premeditation, key components in debates on criminal sentencing. The era underscored the importance of witness credibility and the court's discretion in determining appropriate sentences, aiming at both punishment and potential rehabilitation in a society grappling with crime and legal reforms.