

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JESSIE CARREON ALBOLADORA AND JACKIE CARREON ALBOLADORA ALIAS “PUROY”, ACCUSED-APPELLANTS.

Ponente: DIMAAMPAO, J.

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DIMAAMPAO, J.:

Accused-appellants Jessie (JESSIE) and Jackie, alias “Puroy” (JACKIE), both surnamed ALBOLADORA lament that they were undeservedly convicted of the crime of murder, defined and penalized under Article 248 of the Revised Penal Code, through the Judgment[1] dated 8 September 2011 of the Regional Trial Court, Third Judicial Region, Malolos, Bulacan, Branch 79, in Crim. Case No. 515-M-2007.

The accusatory averments of the Information[2] dated 15 December 2006 read:

“That on or about the 2nd day of March 2006, in the municipality of Norzagaray, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a bladed instrument and with intent to kill one Manuel Amurao, with evident premeditation and treachery, conspiring, confederating and helping each other, did then and there willfully, unlawfully and feloniously attack, assault and stab with the said bladed instrument the said Manuel Amurao, hitting the latter on the different parts of his body, thereby inflicting upon him serious physical injuries which directly caused the death of the said Manuel Amurao.

CONTRARY TO LAW.”

JESSIE and JACKIE entered a plea of not guilty when arraigned.[3] Trial on the merits ensued.

The prosecution endeavored to establish that on or about 7:30 in the evening of 2 March 2006, Shiena Amurao (Shiena) was at the terrace of their newly bought house in Norzagaray, Bulacan when she saw JESSIE and JACKIE taking turns in stabbing victim Manuel Amurao (Manuel), her father. JESSIE, who was standing in front of Manuel, stabbed the latter three times. JACKIE, on the one hand, stood at the back of Manuel and stabbed him twice. Manuel tried to parry the thrusts with his hands but he was no match to the strength of his aggressors.

Meanwhile, one Lauro Pasco arrived prompting JESSIE and JACKIE to flee. Lauro, Shiena and other well-meaning neighbors fetched Sixta, Manuel's wife, and together, they rushed the victim to the Sapang Palay Emergency Hospital for treatment. Manuel was conscious at that time as he even asked Sixta as to what hospital he was being brought to.

The wounds sustained by Manuel proved fatal as he was confined in different hospitals in the course of four months, namely: FEU-Dr. Nicanor Reyes Medical Foundation[4] (FEU Hospital), Manila Adventist Medical Center,[5] and Philippine General Hospital.[6] During his confinement at FEU Hospital, Manuel revealed to Sixta: “Alam ko teng kung sino ang sumaksak sa akin, sila Jessie Alboladora at Jackie Carreon, pinagtulungan nila akong saksakin.”[7] Manuel related that he confronted JESSIE and JACKIE as they were selling shabu in front of their new house. The duo were irked and mercilessly stabbed Manuel.

Sixta reported to the police what Manuel conveyed to her. The authorities searched for JESSIE and JACKIE to no avail.

As it happened, no amount of medical intervention saved Manuel's life. He died[8] on 11 July 2006 of septicemia[9] or blood poisoning.

Upon the other hand, JESSIE and JACKIE denied the charge hurled against them. JESSIE, an uncle of JACKIE, asserted that he was in Tondo, Manila, at the time of the alleged stabbing incident. He was sleeping inside his sidecar when he was arrested by the police authorities.[10]

JACKIE, for his part, avowed that he was plying his usual route as pedicab driver in Tondo, Manila, on the night Manuel was stabbed. However, he admitted that he was a resident of Norzagaray, Bulacan. He was arrested in Tondo, Manila, while driving his pedicab.

To bolster JESSIE and JACKIE's defense, one Lourdes Dela Cruz (Lourdes), sister of JESSIE and an aunt of JACKIE, testified that on the fateful night, she was with JESSIE at their home in Tondo, Manila watching the television. JACKIE was then plying his pedicab.[11] She visited JACKIE and JESSIE in jail, and the duo swore that they had no idea why they were apprehended.

Weighing the respective evidence of the parties, the court a quo rendered the assailed Judgment of conviction, disposing in this wise:

“IN THE LIGHT OF THE FOREGOING, judgment is hereby rendered finding the accused Jessie Carreon Alboladora and Jackie Carreon Alboladora alias “Puroy”, GUILTY beyond reasonable doubt of the crime of Murder penalized under Article 248 of the Revised Penal Code. Accordingly, and in the absence of any mitigating or aggravating circumstances, said accused are hereby sentenced to suffer the penalty of reclusion perpetua with all the accessory penalties prescribed by law. Said accused are likewise directed to pay the heirs of the deceased the following:

- 1) The amount of FIFTY THOUSAND PESOS (Php50,000.00) as civil indemnity for the death of Manuel Amurao;
- 2) The amount of ONE MILLION FIVE HUNDRED EIGHTY FOUR THOUSAND ONE HUNDRED FORTY EIGHT PESOS and 80/100 (Php1,584,148.80) as actual damages;
- 3) The amount of FIFTY THOUSAND PESOS (Php50,000.00) as moral damages; and
- 4) The amount of THIRTY THOUSAND PESOS (Php30,000.00) as exemplary damages.

Being a detention prisoner, both accused are credited in the service of their sentence with the full term of their preventive imprisonment if they signed the agreement whereby they would abide by the same disciplinary rules on convicted persons, otherwise four-fifths (4/5) thereof.

SO ORDERED.”[12]

Unable to accept the verdict, JACKIE and JESSIE (now, appellants) turn to Us for relief professing their innocence predicated on the following assignment of errors:

I

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANTS OF THE CRIME CHARGED DESPITE THE FACT THAT THEIR GUILT HAS NOT BEEN PROVEN BEYOND REASONABLE DOUBT.

II

ASSUMING THAT THE ACCUSED-APPELLANTS KILLED THE VICTIM, THE TRIAL COURT GRAVELY ERRED IN APPRECIATING THE QUALIFYING CIRCUMSTANCE OF TREACHERY.

We uphold the conviction of appellants.

The law presumes that an accused in a criminal prosecution is innocent until the contrary is proven. This basic constitutional principle is fleshed out by procedural rules which place on the prosecution the burden of proving that an accused is guilty of the offense charged by proof beyond reasonable doubt. Whether the degree of proof has been met is largely left for the trial courts to determine. An appeal, however, throws the whole case open for review such that the Court may, and generally does, look into the entire records if only to ensure that no fact of weight or substance has been overlooked, misapprehended, or misapplied by the trial court.[13]

After a prudent review of the records, illumined by law and jurisprudence, We are convinced that the prosecution positively established the identity of Manuel's aggressors. We have no reason to doubt the testimony of Shiena who unequivocally pinpointed appellants as the malefactors. She could not have failed to identify them because she was only "one house apart"¹⁴ from appellants when they remorselessly stabbed her father to death. Such proximity gave her an unobstructed view of the horrible crime committed right before her eyes. We simply cannot disregard her compelling and straightforward testimony—

“Q

Do you recall where were you on March 2, 2006 at about 7:30 in the evening?

A

Yes, sir.

Q

Where were you at that time?

A

I was then at the terrace of our newly bought house, sir.

Q

Where is that new (sic) bought house located?

A

Block 1, Lot 31, FVR Norzagaray, Bulacan.

Q

Do (sic) you have any companion at that time?

A

None, sir.

Q

What are (sic) you doing in your terrace?

A

Because every night I opened the light at our terrace, sir.

Q

Why was there a need to open the light in the terrace?

A

Because there were many bystanders in front of our house, sir.

Q

While you were in that said place and time do you recall of any untoward incident that happened?

A

I saw a (sic) trouble going on outside our house near the road sir.

Q

How far was that trouble from your newly bought house?

A

One house apart, sir.

Q

When you said trouble, what exactly did you see?

A

The stabbing incident. I saw both of them (“silang dalawa”). Stabbed my father, sir.

Interpreter:

Witness is crying while testifying.

Q

You mentioned two (2) of them, to whom are you referring?

A

Jessie and Puroy, sir.

Q

Are they both present in court today?

A

Yes, sir.

Interpreter:

Witness is pointing to two (2) male persons seated on the middle and on the right bench of the court who when asked of their names gave JACKIE CARREON and JESSIE ALBOLADORA, respectively.

Q

A while ago you stated that these two accused stabbed your father, to be clarified who among the two did that?

A

The two (2) of them helped one another in stabbing my father. "Pinagtulungan po nila."

Q

And how was (sic) the two accused positioned at the time they were stabbing your father in relation to the position of your father?

A

Jessie was facing my father at that time and he stabbed my father three (3) times while Puroy stabbed my father at his back two (2) times, sir.

FISCAL BADILLO:

May we place it on record Your Honor that the witness is still crying while testifying. "Kaya mo pa ba?"

A

Opo.

Q

Now where was accused Puroy in relation to you father?

A

He was at the back of my father.

Q

And how many times did he stab your father?

A

Two (2) times, sir.

Q

After Puroy stabbed your father two (2) times what else happened?

A

(A)fter that Jessie stabbed my father thrice but my father was able to parry the thrusts by using his arm, sir.

Q

You said Jessie initially stabbed your father thrice what happened to him after that? I am referring to your father?

A

After that I saw my father lying on the road.

Q

What happened next after your father parried the subsequent stab blows being delivered by Jessie?

A

The thrusts hit his arm, sir.

Q

What happened next after that?

A

After that Mang Larry arrived, sir.

Q

Do you know the complete name of this Mang Larry?

A

Yes sir, Lauro Pasco.

Q

What happened when Lauro Pasco arrived?

A

They ran away and Mang Larry went to our place, sir.

Q

What did Lauro Pasco do if any?

A

He helped my father in boarding a tricycle.

Q

What about you what did you do?

A

I went towards the house of my grandfather around ten (10) houses apart.

Q

Why did you run towards the house of your grandfather?

A

To ask for help from my Lolo, sir.”[15]

In a decrepit attempt to revile the credibility of this witness, appellants proffered denial and alibi as their defenses. They averred that they were in Tondo, not in Bulacan, on 2 March 2006. Lourdes, their relative, corroborated their story.

However, the testimony of Lourdes brings to light the lies woefully concocted by the defense. Lourdes insisted that appellants resided in Tondo, Manila, intimating that it was physically impossible for them to be present at the crime scene. But when prodded, she admitted that the family of appellant JACKIE relocated to Norzagaray, Bulacan.[16] Even he owned up to being a resident of Norzagaray, Bulacan.[17]Appellant JESSIE likewise admitted that he visited Bulacan.[18]

The narration of Lourdes further muddled up the defense as she conveniently remembered everything that transpired on the night in question, but could not recall other material incidents in her life.[19] Her uncanny recall of what happened on 2 March 2006, the day Manuel was stabbed, juxtaposed with the unbelievable lapses in her memory in significant moments of her life, fail to inspire credence and belief. The strenuous testimony of Lourdes whittled down the veracity of the defense.

In light of the positive identification of appellants by the prosecution witness, and since no ill motive on her part was shown that could have made her and her family file the case against appellants and falsely implicate them in a serious crime they did not commit, their defense of alibi must necessarily fail. It is settled in this jurisdiction that the defense of alibi, being inherently weak, cannot prevail over the clear and positive identification of the accused as the perpetrator of the crime.[20]

In the same vein, denial is an intrinsically weak defense. When unsubstantiated by clear and convincing evidence, it is negative and self-serving and merits no weight in law and cannot be given greater evidentiary value than the testimony of credible witnesses who testified on affirmative matters.[21]

Ineluctably, We find that the court a quo unerringly appreciated the circumstance of treachery which was specifically alleged in the Information. The essence of treachery is a deliberate and sudden attack, affording the

hapless, unarmed and unsuspecting victim no chance to resist or to escape.[22]

Without provocation, appellants suddenly stabbed Manuel after he told them not to sell shabu in front of their house. He offered not the slightest provocation. He was unarmed and had no real chance to defend himself. Appellants ganged up on him and stabbed him at various parts of his body. He suffered wounds at the back part fortifying Shiena's declaration that he was attacked from behind. The position of the fatal wound is more than clear indicia that the victim was stabbed from behind leaving him in a defenseless state.[23] This, to Our mind, is treachery which qualified the crime to murder.

With the inculpatory facts and circumstances surrounding this case, there is moral certainty that the judgment of conviction must be upheld.

A word on damages. To conform with prevailing jurisprudence, We must increase the awards of civil indemnity to P75,000.00, and moral damages to P75,000.00.[24] We also impose on all the monetary awards for damages an interest at the legal rate of 6% from date of finality of this Decision until fully paid.[25]

WHEREFORE, the Judgment of conviction dated 8 September 2011 of the Regional Trial Court, Third Judicial Region, Malolos, Bulacan, Branch 79, in Crim. Case No. 515-M-2007, is hereby **AFFIRMED** with **MODIFICATION** in that the awards of civil indemnity and moral damages are both increased to P75,000.00. Interest on all damages is imposed at the legal rate of 6% from the date of finality of this Decision until fully paid.

SO ORDERED.

Ybanez, and Paredes, JJ., concur.

* Vice Justice Carmelita S. Manahan, per Office Order No. 149-14-RSF dated 21 April 2014.

[1] Original Records, pp. 128-141.

[2] Id., pp. 2.

[3] Original Records, p. 30.

[4] Folder of Exhibits, p. 3.

[5] Id., p. 2.

[6] Id., p. 1.

[7] TSN, 22 November 2007, p. 10.

[8] Original Records, p. 8.

[9] Folder of Exhibits, p. 4.

[10] TSN, 23 June 2010, 5.

[11] Id., 16 February 2011, pp. 6-7.

[12] Original Records, p. 141.

[13] *People v. Dela Rosa*, 698 SCRA 548, 554 (13 June 2013).

[14] TSN, 27 August 2009, p. 4.

- [15] TSN, 27 August 2009, pp. 217-222.
- [16] Id., 16 February 2011, p. 22.
- [17] Id., 13 October 2010, p. 5.
- [18] Id., 12 August 2010, p. 4.
- [19] TSN, 16 February 2011, pp. 22-26.
- [20] See *People v. Adviento*, 668 SCRA 486, 499 (20 March 2012).
- [21] See *People v. Calara*, 697 SCRA 542, 553 (5 June 2013).
- [22] See *People v. Peteluna*, 689 SCRA 190, 197 (23 January 2013).
- [23] *People v. Calara*, 697 SCRA 542, 554 (5 June 2013).
- [24] See *People v. Dearo*, GR No. 190862 (9 October 2013).
- [25] See *People v. Corpuz*, 701 SCRA 493, 504 (17 July 2013).

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