

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. VITALIANO CIRIA @ MANO, DEFENDANT-APPELLANT.

G.R. No. L-44371. July 31, 1981

Ponente: BARREDO, J.

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BARREDO, J.:

Automatic review of the decision of the Circuit Criminal Court, Seventh Judicial District, Pasig, Metro Manila, in its Case No. CCC-VII-1548-Cavite, finding the accused Vitaliano Ciria @ Mano guilty of the crime of MURDER for the death of one Matias Arahan of Bo. Amaya, Tanza, Cavite and sentencing him to suffer the capital penalty of DEATH and to pay the corresponding indemnity, plus damages totalling P22,000.00 and the costs.

The brief of the People states, briefly but comprehensively, the nature of the case and the facts:

"On April 7, 1972, a complaint for murder was filed by Cpl. Esmeraldo G. Romero against appellant Vitaliano Ciria and one Marianito Claros (p. 4, records). The Municipal Court of Tanza, Cavite, conducted a preliminary examination of the case, docketed as Crim. Case 1070, and found a prima facie case against the appellant only and ordered his arrest. It dismissed the complaint as against Marianito Claros (p. 14, records).

"On August 25, 1975, presumably after the capture of appellant, the case was remanded for trial to the Court of First Instance of Cavite (p. 17, records), appellant, having waived the second stage of the preliminary investigation (p. 17, records).

"On January 22, 1976, appellant was formally charged before the Circuit Criminal Court (7th Judicial District) with Murder. The Information in Crim. Case CCC-VII-1548 (Cavite) partly reads:

'That on or about April 1, 1972, in the Municipality of Tanza, Province, of Cavite, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused armed with a bolo locally called 'barang', with intent to kill, treachery and evident premeditation, did, then and there, wilfully, unlawfully and feloniously attack, assault and hack with the said bolo one Matias Arahan, inflicting upon the latter, wounds on his neck and head which cause his death' (p. 1, records).

"Upon arraignment on February 5, 1976, appellant pleaded 'not guilty' (p. 25, records).

"On June 29, 1976, a Decision was rendered by Judge Onofre Villaluz of the Circuit Criminal Court, (now Justice of the Court of Appeals) the dispositive portion of which states:

'WHEREFORE, finding the accused Vitaliano Ciria, Guilty beyond reasonable doubt, of the commission of the crime of Murder under Article 248 of the Revised Penal Code, as charged in the information, the Court hereby sentences him to suffer the penalty of Death; to indemnify the heirs of the deceased Matias Arahan, the amount of P12,000.00; to pay the amount of P5,000.00 as moral damages and another P5,000.00 as exemplary damages; and to pay the cost.' (p. 81, records)

"COUNTERSTATEMENT OF FACTS

"On April 1, 1972, in Amaya, Tanza, Cavite, Elizabeth Arahan, then 12 years old, was sitting by the window of their house keeping an eye over her baby brother who was playing on the floor. On the ground, just about three arms-length from where she was sitting by the window, her father, the deceased Matias Arahan, was cooking 'pata'. It was about 4:00 o'clock in the afternoon (Tsn, Feb. 12, 1976, pp. 4, 7, 11, E. Arahan). Her mother had earlier left for the town clinic to have her younger brother treated. An elder sister was also out buying something from a store some distance away (Tsn, March 25, 1976, pp. 4-6, Arahan).

"As Elizabeth was thus sitting by the window that afternoon, she saw Marianito Claros approach her father and ask that his cigarette be lighted. After it was lighted, Marianito left and upon reaching the street, was met by appellant. After a brief exchange of words with appellant, Claros went his way.

"Appellant then approached Matias Arahan and also asked that his cigarette be lighted. Appellant asked Arahan what he was cooking. Matias Arahan replied he was making some 'pulutan' for a little party the next day. Appellant picked up the 'barang' (Exhibit 'D' - bolo) which was beside Matias Arahan, and asked if it was sharp.

"The deceased, whose back was then towards appellant, answered that it was, after which appellant hacked him three (3) times in quick succession — at the nape, on the head and at the nape again, Matias Arahan fell face down, dead. Appellant dropped the bolo and ran away (Tsn, Feb. 12, 1976, pp. 7-10, E. Arahan).

"That same day, Dr. Hernando Pulido, Rural Health Physician of Tanza, examined the body of the deceased at the latter's house. He found that the deceased's skull was cracked. The two wounds at the nape were both fatal, having severed the cervix and the curative artery. The doctor asked the sanitary inspector to prepare an anatomical diagram showing the wounds inflicted (Exhibit 'A'). He also issued a death certificate wherein he attributed the cause of death to shock and hemorrhage due to bolo wounds (Exhibit 'B'; Tsn, Feb. 10, 1976, pp. 2-8, Pulido).

"Meanwhile, appellant fled from the place. He surrendered (or was apprehended) only after Martial Law was declared (Tsn, June 10, 1976, p. 24, Ciria). This would seem to be sometime in 1975 already as the Order of the Municipal Court remanding the case for trial on the merits is dated August 25, 1975 (p. 17, records)." (Pp. 1-5)

After a painstaking review of the record and the transcript of the stenographic notes taken at the trial, We are satisfied that the People's narration of the proven facts is not only accurate but readily credible.

On the other hand, Ciria unhesitatingly admitted having hacked his victim, Matias Arahan, but in an attempt to escape liability, presented evidence tending to show self-defense. So, the only matter We have to determine in the instant review is whether or not said evidence comes up to the long and well settled standard in criminal prosecutions that in crimes against persons where the accused puts up the defense of having acted in self-defense, the onus is on him to prove such defense with clear, strong and convincing evidence, without relying on any possible weakness of that of the prosecution. (People vs. Llonico, 54 SCRA 172-184) As stated in People vs. Llamera, 51 SCRA 48, 57:

"It is a well settled rule that one who admits the infliction of injuries which caused the death of another has the burden of proving self-defense with sufficient and convincing evidence. If such evidence is of doubtful veracity, and is not clear and convincing, the defense must necessarily fail, for 'having admitted that he was the author of the death of the deceased, it was incumbent upon appellant, in order to avoid criminal liability, to prove the justifying circumstance claimed by him' without relying on the weakness of that of the prosecution but on the strength of his own evidence, for even if the evidence of the prosecution were weak 'it could not be disbelieved after the accused himself had admitted the killing' (People v. Ansoyon, 75 Phil. 772; People v.

Talaboc, 30 SCRA 87; People v. Berio, 59 Phil. 533; People v. Banden, 77 Phil. 105; People v. Cruz, 53 Phil. 635; People v. Gutierrez, 53 Phil. 609; People v. Alvior, 56 Phil. 98; People v. Espanilla, 62 Phil. 264; People v. Apolinario, 58 Phil. 586; People v. Gimeno, 59 Phil. 509; People v. Jorge, 71 Phil. 451; People v. Jumauan, 98 Phil. 1)."

Conscious as We are that this is a capital case, We have taken a hard look at Ciria's testimony. His version was substantially as follows:

"That at about 4:00 o'clock in the afternoon of April 1, 1972, while he was searching for his lost pig, he passed by the house of his neighbor—the victim Matias Arahan—which was only eight (8) meters distant from his own home. He requested for drinking water from Matias, and the latter, who was then inside the house, handed out to him the water as he (appellant) stood by the foot of the stairs; from the foot of the stairs where he stood he saw his missing pig inside the "batalan" of the house; the pig was then slaughtered but not yet quartered; he demanded the return of his pig from Arahan, but the latter refused to give it back to him for the reason that it was already "compromised"; and when he insisted, Arahan picked up his "barang" from the floor of the house, got down and attacked him with it; as Arahan launched at him, he moved one-arms length from him and thereby avoided Arahan's first hacking blow, and when the following assault came, he managed to grab the "barang" from the hand of Arahan, albeit in the process, he was hit with the said bolo or "barang" on the eyebrow on the right side of his forehead; after he obtained possession of the bolo, he hacked Arahan with it, face to face; it happened so suddenly he could no longer recall the number of times he hacked Arahan, and because he got scared when he saw blood on the face of his victim, he dropped the bolo beside his fallen adversary and ran away, far out to the irrigated ricefields some twenty (20) kilometers away from the place, sat down to rest under a mango tree until darkness settled; from there he proceeded to Maragondon where he, stayed for a couple of years up to the mid-portion of the year 1975 when he finally decided to surrender to a barrio captain of the place."

We are fully convinced that such version of accused Ciria, uncorroborated at that, cannot stand even cursory scrutiny. It is shot thru with immediately unbelievable circumstances, for being obviously inconsistent with the ordinary experience and conduct of man. His claim that he passed by the house of Arahan while on his way to look for his missing pig only to ask for drinking water is, to say the least, unusual, considering that his own house was just beside that of Arahan—barely eight (8) meters distant from each other. Likewise, even assuming for the sake of argument that he had really lost his pig, it is quite out of the ordinary and difficult to believe that Arahan would have had the nerve and be so cynical as to slaughter in his own house a pig stolen from his immediate neighbor, thereby easily exposing his misdeed to his other neighbors who would no doubt hear siren-like wails the pig would make while being slaughtered, and then leave it unquartered on the floor of an open "batalan" for any and all passersby to see. Again, it is entirely out of the ordinary for an alleged thief, like what appellant claimed Arahan was, to simply reason out to the owner claiming back his pig that he could no longer return it because it was already "compromised", instead of at least denying outright the imputation against him. Further, appellant could not even explain satisfactorily how he managed to wrest the bolo from the hand of Arahan. He merely told the court that "because of the sudden happening, I was not able to know how I was able to grab that bolo." (Tsn, p. 41)

Then too, appellant's claim that he had to hack Arahan with the bolo as an act of self-defense because he was placed in a tight situation and could not have moved away is difficult to reconcile with his own admissions in his testimony that the fence on his left towards the east had an opening of about 2-1/2 meters, and that after he had wrested the bolo from Arahan's hand said victim no longer rushed at him, and so, he was then in complete control not only of said bolo but also of Arahan, which proves indubitably that at that precise point of time the alleged aggression against him, if ever there was one, had already ceased. What need was there then for him to hack his victim with the bolo three times in succession—to prevent or repel his alleged aggression against him? Last, but

not least, appellant's insistence that he hacked Arahan with the latter's own bolo frontally or face to face is belied completely by the location of the wounds he inflicted on the said victim, first on the nape or back portion of the neck, next at the back portion of the head, and then at the nape again, as testified to by Elizabeth and confirmed by the medical findings of Dr. Pulido, the Assistant Health Officer of Tanza, Cavite, who examined the deceased and caused to be prepared under his direction, the report and diagram, Exhibit A, all of which conclusively prove that the attack came from behind. Verily, Ciria has utterly failed to prove positively and convincingly the justifying circumstances of self-defense he asserted and, therefore, the trial court did not err in not appreciating the same.

Under his third assignment of error, counsel for accused laments his conviction and ascribes error to the trial court for allegedly having found him guilty on the basis merely of the testimony of the lone witness for the prosecution which, he claims further, is open to suspicion because the said lone witness is the, daughter of the victim. Such pretension is simply not true. To begin with, appellant's own testimony shows conclusively that he alone inflicted the wounds which caused the death of Arahan. In view of such admission of appellant, the only question left for this Court to decide, as We have stated earlier, is whether or not he had really acted in self-defense, and, as already discussed and pointed out above, accused utterly failed to prove positively and convincingly any element of self-defense. Independently, therefore, of the alleged weakness of the evidence for the prosecution, appellant cannot avoid criminal responsibility resulting from his admission.

Actually, while it is true that Elizabeth was the lone eye-witness to the killing of her father, her testimony before the court below was not really the sole basis of appellant's conviction, because there was the medico-legal officer's finding, after an examination of the nature and location of the wounds of the victim, which indicates, as already pointed out, the wounds inflicted on Arahan were all from behind, thereby corroborating Elizabeth's testimony that appellant hacked her father three (3) times with a bolo as he was in the act of blowing the fire over which he was then cooking a pig's "pata". Moreover, the testimony of a single witness may be sufficient to produce conviction, if it appears trustworthy and reliable (*People vs. Naba-unag*, 79 SCRA 32; *People vs. Salazar*, 58 SCRA 467), which is exactly how Elizabeth's testimony appears to Us.

As to the alleged suspicious character of Elizabeth's testimony because she is the daughter of the victim, it is to be noted that appellant does not specifically point to any portion of her testimony which may render it doubtful. Besides, We find no reason at all to reject the finding and conclusion of the trial court regarding her credibility. In any event, suffice it to say that relationship to the victim, standing by itself, does not prove that the said witness is prejudiced and biased when, as in this case, said testimony is not only clear and natural, but corroborated circumstantially by medical findings. (*People vs. Estocada*, 75 SCRA 295; *People vs. Roxas*, 73 SCRA 583; *People vs. Pajenado*, 69 SCRA 172; *People vs. Reyes*, 69 SCRA 474; *People vs. Padiernos*, 69 SCRA 484; See also *People vs. Puesca*, 87 SCRA 130, 144, citing *People vs. Miranda*, 10 SCRA 385; *People vs. Asmamil*, 13 SCRA 497 and *People vs. Libed*, 14 SCRA 410.)

We are fully and morally convinced that the guilt of appellant Vitaliano Ciria for the murder of Matias Arahan has been proven beyond reasonable doubt. His conviction therefore follows as a matter of course. However, while he is indeed guilty of murder, as observed by the Solicitor General in his brief, (p. 13), no aggravating circumstance has been adequately established to warrant the penalty of death imposed by the trial court, and it should, therefore be reduced, as We do hereby reduce the same to RECLUSION PERPETUA. In all other respects, the decision appealed from is affirmed.

IT IS SO ORDERED.

Fernando, C.J., Teehankee, Makasiar, Aquino, Fernandez, Guerrero, Abad Santos, De Castro, and Melencio-Herrera, JJ., concur.

Concepcion, Jr., J., on official leave of absence.

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