

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROGER MORCILLA, ACCUSED-APPELLANT.

Ponente: TIJAM, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/96fc804d7260/>

TIJAM, J.:

This is an Appeal[1] from the Judgment,[2] dated March 26, 2001, of the Regional Trial Court of Tabaco, Albay, Branch 17, in Criminal Case No. T-2783, finding Accused- Appellant guilty of Homicide.

The facts are as follows:

In an Information,[3] dated November 29, 1996, Accused-Appellant Roger Morcilla was charged with Homicide allegedly committed as follows:

“That on or September 12, 1996, at Tiwi, Albay, Philippines, and within the jurisdiction of this Honorable Court, the said accused did then and there willfully, unlawfully and feloniously with intent to kill, stab, assault, attack and wound Antonio Bobiles with a fan knife, directing blows against the vital parts of his body, thereby inflicting upon him mortal wounds which directly caused his death to the damage and prejudice of his legal heirs.

ACTS CONTRARY TO LAW.”

Prosecution witnesses, Dr. Leonides Cruel,[4] SPO4 Rosalio Fusana, Jr,[5] Domingo Almonte,[6] Nancy Bobiles[7] and Oscar Conde,[8] testified as follows:

At around 10:00 PM of September 12, 1996, the victim, Antonio Bobiles, was drinking with Oscar Conde (Conde) and two other friends at LGR 3 Sisters Pub House in Gajo, Tiwi, Albay, when the victim decided to go outside to relieve himself followed by Conde.

Accused-Appellant suddenly appeared at the victim’s side, then held and repeatedly stabbed the victim with a fan knife. Thereafter, Accused-Appellant pushed the victim causing him to fall on the cemented portion at the entrance of the pub. Conde was shocked and ran inside the pub and sought the help of their companions while Accused- Appellant fled.

Domingo Almonte (Almonte), who was talking with his friend in his tricycle parked just outside the pub, witnessed the whole incident and, with the victim’s companions, brought the victim to the hospital. The victim was found[9] to have suffered 4 stab wounds which caused his immediate death.

Accused-Appellant[10] invoked self-defense and, together with his wife, Lorna Morcilla,[11] testified that:

At around 7:00 PM of September 12, 1996, the victim arrived with his friends at the pub managed by Lorna Morcilla (Lorna), Accused-Appellant’s wife.

At around 10:00 PM, the victim and his companions were already drunk and were becoming rowdy. The victim then carried a knife which he used to slice their ‘pulutan’.

The victim stood and headed towards the door at the same time Accused-Appellant was about to enter the pub. The victim suddenly boxed Accused-Appellant causing the latter to fall. When Accused-Appellant got up, the victim immediately swung with his knife at the Accused-Appellant. Accused-Appellant was able to evade the attack and to wrestle the knife from the victim which caused both of them to fall. Accused-Appellant was able to take the knife from the victim but he accidentally stabbed the victim with said knife.

Accused-Appellant saw the victim's friends coming out from the pub and he decided to flee instead. Two days after, Accused-Appellant surrendered himself to Malinao Police and was transferred to Tiwi Police Station for detention.

On March 26, 2001, the Trial Court rendered the assailed Decision convicting Accused-Appellant of the crime charged disposing as follows:

“WHEREFORE, premises considered, accused Roger Morcilla is found guilty beyond reasonable doubt of having committed the crime of Homicide as charged. Considering the mitigating circumstance of voluntary surrender in his favor without any aggravating circumstance to offset the same, and applying the Indeterminate Sentence Law, he is hereby sentenced to suffer an indeterminate penalty of six (6) years and one (1) day of Prison Mayor as minimum to twelve years and one (1) day of Reclusion Temporal as maximum and to pay the surviving heirs of Antonio Bobiles the following amounts:

1. P50,000.00 as civil indemnity for the death of Bobiles;
2. P30,000.00 as moral damages, and
3. P1,944,000.00 as loss of earning capacity.

The accused is ordered to pay the costs of the suit.

xxx

SO ORDERED.”

Accused-Appellant's Motion for Reconsideration was likewise denied. Hence, this Appeal where Accused-Appellant alleged that the Trial Court “committed grave and irreparable error in convicting” him.

The Appeal lacks merit.

Accused-Appellant claimed self-defense. Jurisprudence holds that, when the accused admits committing the crime but invokes self-defense to escape criminal liability, the burden of proof shifts to him. It necessarily follows that he must now rely on the strength of his own evidence and not on the weakness of that of the prosecution, for even if the latter's evidence is weak, it cannot be disbelieved after the accused has admitted the killing. He must then, prove the following elements of self- defense:

1. unlawful aggression on the part of the victim;
2. reasonable necessity of the means employed to prevent or repel it; and,
3. lack of sufficient provocation on the part of the one resorting to self-defense.[12]

Of these requisites, the most indispensable is unlawful aggression on the part of the victim. If there is no unlawful aggression, there is nothing to prevent or repel. And for unlawful aggression to be appreciated, there must be a strong and positive act of real aggression, not merely a threat or an intimidating stance. Thus, the accused who claims self defense must positively establish that there was an actual, sudden and unexpected attack, or imminent danger thereof, by the victim.[13]

The question of whether or not the appellant acted in self-defense is one of fact. The trial court ruled, after calibrating the evidence on record, that the appellant's plea of self-defense had no factual basis, and that, in fact, he was the unlawful aggressor.[14]

The settled rule is that the trial court's findings are accorded finality, unless there appears on the record some fact or circumstance of weight which the lower court may have overlooked, misunderstood or misappreciated, and which if properly considered, would alter the result of the case. This is because of the unique advantage of the trial court of observing at close range the conduct, demeanor, and deportment of the witnesses as they regale the trial court with their testimonies. The trial court gave credence and probative weight to the collective testimonies of the prosecution witnesses. We have carefully reviewed the records and find no justification to deviate from the findings of the trial court.[15]

Besides, even if it was true that the initial act of aggression came from the victim, still Accused-Appellants' plea of self-defense cannot be sustained.

The physical evidence, more specifically, the nature, location, and number of the wounds inflicted upon the victim militate against Accused-Appellant's claim of self- defense. The postmortem findings showed that the victim suffered 4 wounds, 2 of them inflicted on the chest of the victim and were, thus, fatal. It is an oft-repeated rule that the presence of many wounds on the victim negates self- defense; it in fact indicates a determined effort to kill him.[16]

Even assuming for the sake of argument that it was the deceased who initiated the attack and the accused merely defended himself, clearly there was no need for him to stab the victim several times if the purpose was simply to disable the victim or make him desist from his unlawful assault.[17]

The evidence and Accused-Appellant's testimony reveal that the wounds were inflicted in succession. It certainly defies reason why Accused-Appellant had to inflict such injuries on the victim if he were only defending himself. The number of wounds, by itself, negates self-defense and demonstrates a criminal mind resolved to end the life of the victim.[18]

Moreover, despite Accused-Appellant's assertions that the victim was the aggressor and that he (accused-appellant) struggled for possession of the knife, Accused- Appellant remarkably did not sustain any injury. Surely, a plea of self-defense cannot be justifiably appreciated when it is extremely doubtful by itself. Not only this, Accused- Appellant's testimony was uncorroborated by any separate and competent evidence.[19] The defense presented the prejudiced testimony of Accused-Appellant's wife who likewise failed to successfully support Accused-Appellant's version of the incident. This, all the more, renders Accused- Appellant's story dubious.[20]

Verily, Accused-Appellant's act could no longer be interpreted as an act of self-preservation but a perverse desire to kill.[21] Accused-appellant's plea of self-defense must fail. His conviction necessarily follows on the basis of his admission to the killing. [22]

However, We find it necessary to modify the award of damages given by the Trial Court.

When death occurs due to a crime, the following damages may be recovered: (1) a civil indemnity for the death of the victim; (2) actual or compensatory damages; (3) moral damages; (4) exemplary damages; (5) attorney's fees and expenses of litigation, and (6) interest, in proper cases.

The Trial Court's award of P30,000.00 for moral damages is insufficient. Based on existing jurisprudence,[23] the heirs of the victim should be awarded moral damages of P50,000.00. In addition, although no actual damages may be awarded because no competent evidence was presented to prove this claim, temperate damages may be recovered under Art. 2224 of the Civil Code considering that some pecuniary loss has been suffered but its amount cannot, from the nature of the case, be proved with certainty. In this case, the amount of P25,000.00 would be sufficient considering that it is undisputed that the family incurred expenses[24] for the wake and burial of the victim.[25]

The award for the loss of the earning capacity of the victim was likewise incorrect. The Prosecution presented a Certification[26] from the Human Resource Supervisor of Philippine Geothermal, Inc, the former employer of the victim, which was not disputed by the defense. Said Certification attested that the basic monthly salary of the victim was P16,200.00. The formula used to compute the earning capacity is as follows:

$\frac{2}{3} \times [80 - \text{age of the victim at the time of death}] \times [\text{reasonable portion of the victim's annual income}]$ [27]

The victim was 49 at the time of his untimely death. While the reasonable portion of the victim's annual income or the net earning is also ordinarily pegged at half of the gross earnings.[28]

Thus:

$$\begin{aligned} & \frac{2}{3} \times (80-49) \times (P16,200.00 \times 12 \text{ months}/2) \\ &= 20.67 \times P97,200.00 \\ &= P2,009,124.00 \end{aligned}$$

Clearly, there is a discrepancy of P65,124.00, or the difference of the amount already awarded by the Trial Court and the amount herein computed.

WHEREFORE, the instant Appeal is DISMISSED. The assailed Judgment, dated March 26, 2001, of the Regional Trial Court of Tabaco, Albay, Branch 17, in Criminal Case No. T-2783, is hereby AFFIRMED with MODIFICATION. In addition to the amount already awarded in the assailed Judgment, the Accused-Appellant is further ordered to pay the heirs of the victim P20,000.00 as moral damages (To complete the jurisprudential amount of P50,000.00); P25,000.00, as temperate damages, and P65,124.00 as loss of earning capacity (representing the unawarded differential).

SO ORDERED.

Salazar-Fernando, (Chairperson), and Tayag, JJ., concur.

[1] Rollo, pp. 51-56, Appellant's Brief, dated December 7, 2001.

[2] Records, pp. 209-227.

[3] Records, p. 28.

[4] TSN, dated July 17, 1997.

[5] TSN, dated October 9, 1997 & November 20, 1997.

[6] TSN, dated January 13, 1998; Folder of Exhibits, p. 2, Sworn Statement, dated September 16, 1996.

[7] TSN, dated January 14, 1998; Folder of Exhibits, p. 1, Sworn Statement, dated September 16, 1996.

[8] TSN, dated August 2, 2000.

[9] Folder of Exhibits, p. 6, Postmortem Examination Report, Exh. "A".

[10] TSN, dated October 6, 1998, October 21, 1999; Folder of Exhibits, pp. 4-5, Sworn Statement, dated September 16, 1996.

[11] TSN, dated August 25, 1998.

[12] People vs. Areo, 404 SCRA 30 (2003).

[13] Id.

[14] page 15 of the assailed Judgment.

[15] People vs. Marcelo, 427 SCRA 363 (2004).

[16] People vs. Astudillo, 401 SCRA 723 (2003).

[17] Id.

[18] Id.

[19] People vs. Alcodia, 398 SCRA 673 (2003).

[20] Id.

[21] Supra at Note 16.

[22] Supra at Note 19.

[23] Catalina Security Agency vs. Gonzalez-Decano, 429 SCRA 628 (2004).

[24] Folder of Exhibits, p. 7, Exh. “D”.

[25] People vs. Tagana, 424 SCRA 620 (2004).

[26] Folder of Exhibits, p. 8, Exh. “C”.

[27] Supra at Note 23.

[28] Id, Underscoring Supplied.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.