

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. GODOFREDO MACARAIG Y GONZALES, ACCUSED-APPELLANT.

Ponente: BARZA, J.

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BARZA, J.:

GODOFREDO MACARAIG (MACARAIG) appeals from the Decision[1] dated 16 October 2013, of the Regional Trial Court, Branch 63, Calabanga, Camarines Sur, finding him guilty beyond reasonable doubt of the crime of Murder, and imposing on him the penalty of reclusion perpetua.

The Information[2] reads:

"That on the 31[st] day of May 2011 in Brgy. Salvacion Baybay, Municipality of Calabanga, Province of Camarines Sur, Philippines, within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, while armed with a bladed instrument, did then and there, willfully, unlawfully and feloniously assault, attack and stab one JOVEN CELESTE y MALANYAON, and with treachery hitting the latter on the vital parts of his body, thereby inflicting upon him stab wound which would caused his death, to the damage and prejudice of the heirs of the victim.

ACTS CONTRARY TO LAW."

When arraigned on 28 June 2011, Macaraig pleaded "Not Guilty"[3]. During the Pre-trial[4], only the identity of the accused Macaraig was stipulated on by the parties. Trial thereafter, ensued.

The prosecution sought to establish the following facts:

Francis Losano (Francis), of Salvacion-Baybay, Calabanga, Camarines Sur and a cousin of the victim, testified that at 12:00 o'clock in the morning of 31 May 2011, he had a drinking session with the victim and three other cousins at the basketball court in Salvacion-Baybay, Calabanga, Camarines Sur, in celebration of the Santa Cruzan. He decided to go home at past 1:00 o'clock in the morning when he saw the victim, also on his way home.

However, there was a person following the victim behind. That person got behind the victim and upon getting near the victim, put his arm on the victim's shoulder. With the use of his right arm, that person stabbed the victim.[5] Francis identified the person who stabbed the victim as herein accused Godofredo Macaraig, whom he had known since he was a student.

Upon seeing the incident, Francis ran towards his house to get a flashlight and a bolo because he got scared as Macaraig saw him witness the incident. When Francis got out of his house, Macaraig had already fled. Francis ran after Macaraig and when he caught him, asked him why he stabbed the victim. Macaraig did not answer. As Francis was shouting for help, Macaraig ran away to the rice fields.

Herson Heles (Herson), also a resident of Salvacion-Baybay, Calabanga, Camarines Sur, testified that he also attended the celebration of the Santa Cruzan. When he was about to go home at around 2:00 o'clock in the morning of 31 May 2011, he heard somebody uttered that "Kapid" was stabbed. "Kapid" was the victim, Joven

Celeste. Herson ran towards where he heard it and saw the father of the victim carrying "Kapid".

According to the mother of the victim, Corazon Celeste, the victim came to their house that night while soaked in blood. He was asking for help. She, however, passed out upon seeing this and only regained consciousness when her son was already brought to the hospital.

Herson helped in bringing "Kapid" to the Poblacion so that he could be boarded on an ambulance and brought to the Bicol Medical Center. While in the ambulance, Herson asked the victim who stabbed him (victim). Speaking in a low voice and appearing very weak, the victim said in what would have been his last words, that it was Godo Macaraig who stabbed him. The victim was already dead upon arrival at the Bicol Medical Center.[6]

Dr. Daniel Tan examined the cadaver of the victim and prepared the necropsy report⁷ with the following findings:

"x x x

FINDINGS:

- in rigor mortis
- stab wound, 8 cm. X 3 cm., midespigastric area, extending to the left upper quadrant, penetrating the liver, abdominal aorta, small intestine, with non-clotted blood pooled in the peritoneal cavity.

CAUSE OF DEATH – Stab Wound, Abdomen

x x x"

As explained at the stand, the wound inflicted on the victim is caused by a sharp-edged, sharp-pointed object in the upper portion of the victim's abdomen, penetrating the liver. The necropsy was conducted on the victim at around 8:15 in the morning of 31 May 2011, with the cadaver already beginning to stiffen.

At around 6:40 that morning, Macaraig had already been arrested by the Barangay Tanod of Sogod and Salvacion-Baybay, Calabanga, Camarines Sur, together with Francis who helped in the search. Macaraig was arrested at the Trade School in Sta. Cruz, Ratay. Thereafter, Macaraig was turned over to the police in Ratay.

On the other hand, the defense presented the sole testimony of Macaraig.

Macaraig is single, a fighting cock breeder and a resident of Paolbo, Calabanga, Camarines Sure. He denies knowing the victim in this case. On 29 May 2011, he visited his best friend, Jeffrey Crobalde, in the latter's house in Sogod, Calabanga, Camarines Sur.

In the evening of 30 May 2011, there was a drinking session at the house of Crobalde's neighbor. When he and Crobalde arrived in the neighborhood from the basketball court, one Joven Celeste was making trouble by throwing stones at the window of Crobalde's house. Macaraig pacified Joven Celeste by telling him to stop. After which, Joven Celeste left the place for his house while Macaraig proceeded cooking.[8]

Later that evening, Crobalde asked Macaraig to buy spices in the store. While at the store, three (3) male persons approached Macaraig and collared him. He does not recognize the three persons. Thereupon, somebody poked a "balisong" (fan knife) at him and threatened to kill him if they would ever see him (Macaraig) again. Macaraig returned to the house of Crobalde but did not tell the latter of what happened to him.[9]

The following evening or on 31 May 2011, two of Macaraig's friends invited him to go attend the Santa Cruzan, wherein he carried the cross. After the Santa Cruzan, Macaraig and his friends attended the dancing celebration. At 3:00 o'clock in the morning, Macaraig excused himself as he was already sleepy. Two persons followed him on his way to the house of his friend, Crobalde. He also noticed one person waiting for him. He did not recognize them. Suddenly, somebody poked something at him, held him on the shoulder and boxed him. Macaraig was able

to evade the blows. Then he saw someone holding a balisong and tried to stab him. However, it was that person's companion who got hit. Macaraig ran away because he noticed that one of the two persons was carrying a bolo and was about to hack him. Afraid, Macaraig ran to the house of his friend.[10]

On cross-examination, Macaraig testified that he did not ask Crobalde to help him report the incident to the barangay or police because Macaraig was afraid. He left the house of Crobalde early in the morning and proceeded to his house in Brgy. Paolbo. He did not also report the matter to the police in his barangay. He returned to the place of the incident the following morning to inquire who was the person stabbed.

But Macaraig was arrested in Sta. Cruz Poblacion, Calabanga, on 31 May 2011. He was allegedly identified as the one who stabbed the victim, Joven Celeste. After investigation at the Fiscal's office for the killing of Joven Celeste, he was not released anymore.

Macaraig also testified that he did not recognize any of the three persons who collared him on 30 May 2011. He is certain that Joven Celeste was not one of the three persons. When he went out to attend the dance celebration the following night, Macaraig also did not recognize the persons who were following him, even the identity of the person stabbed. Neither does Macaraig recognize the person who boxed him. And since he was arrested by the barangay tanod on 31 May 2011, he was not able to go back to his house in Paolbo.

After trial, Macaraig was found guilty for murder. The dispositive portion of the decision reads:

"WHEREFORE, premises considered, the Court finds GODOFREDO MACARAIG y GONZALES GUILTY, beyond reasonable doubt, of the crime of Murder and he is hereby sentenced to suffer the penalty of RECLUSION PERPETUA. In accordance with recent jurisprudence, GODOFREDO MACARAIG is also ordered to PAY the heirs of JOVEN CELESTE as follows:

- P 75,000.00 as Civil Indemnity
- 50,000.00 as Moral Damages
- P 16,570.00 as Actual Damages and
- P 30,000.00 as Exemplary Damages.

x x x

SO ORDERED.

Hence, this appeal by Macaraig, now the accused-appellant, ascribing the following errors to the trial court, to wit:

ITHE TRIAL COURT GRAVELY ERRED IN DISREGARDING THE THEORY OF SELF-DEFENSE INTERPOSED BY THE ACCUSED-APPELLANT.

IITHE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED.

IIITHE COURT A QUO GRAVELY ERRED IN APPRECIATING TREACHERY AS A QUALIFYING CIRCUMSTANCE.

In his Brief[11], the Solicitor General, for the State, submitted that the guilt of the accused-appellant of the crime charged has been proven beyond reasonable doubt, and recommended that the assailed Decision be affirmed in toto.

The Court affirms the conviction of Macaraig for murder.

Article 248 of the Revised Penal Code states that:

Art. 248. Murder. — Any person who, not falling within the provisions of Article 246, shall kill another, shall be guilty of murder and shall be punished by reclusion perpetua to death if committed with any of the following attendant circumstances:

1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity;

x x x"

The elements of murder are:

- That a person was killed.
- That the accused killed him.
- That the killing was attended by any of the qualifying circumstances mentioned in Art. 248.
- The killing is not parricide or infanticide.[12]

In this case, the prosecution adduced proof beyond reasonable doubt the guilt of the accused-appellant. The victim, Joven Celeste, was killed by the accused-appellant, and which killing was attended by the qualifying circumstance of treachery.

It is doctrinal that the trial court's evaluation of the credibility of a witness and his testimony is accorded the highest respect because of the latter's untrammelled opportunity to observe directly the demeanor of a witness and, thus, to determine whether he is telling the truth.¹³ Following the said principle, the Court, thus, gives full faith and credence to the testimonies of the prosecution witnesses Francis and Herson who were able to narrate how the victim was stabbed, as well as the identification of the accused-appellant.

The Court upholds the trial court in ruling that treachery attended the killing of the victim. Accused-appellant's argument that the trial court erred in appreciating the same in the commission of the crime on the basis of the suddenness of the attack and the alleged lack of a conscious plan to assault cannot prosper.

Pertinent is Francis's testimony, thus:

"x x x

Q: Alright after you saw Joven heading home, what happened next after that if any?

A: There was a person behind him who was following him.

Q: Alright you said that there was a person following him. What happened next after that if any?

A: He was stabbed ma'am in front.

Q: He was stabbed by whom?

A: Godo ma'am.

Q: What is the complete name of Godo?

A: Godofredo Macaraig.

Q: How did Godo stabbed (sic) Joven Celeste?

A: He was behind him and then when he got near, he put his left arm on Joven's shoulders and then he stab (sic) Joven using his right arm.

x x x"[14]

From the foregoing, it is evident that the victim was completely unaware of the danger to his person. He was merely walking home when the accused-appellant came from behind, held the victim's shoulder and thereat stab him in the abdomen. Verily, accused-appellant's execution of the killing left the victim with no opportunity to defend himself or retaliate.

A sudden and unexpected attack under circumstances which render the victim unable to defend himself by reason of the suddenness and severity of the attack constitutes alevosia.[15] The essence of treachery is that the attack is deliberate and without warning, done swiftly and unexpectedly, affording the hapless, unarmed and unsuspecting victim no chance to resist or escape.[16]

The Court likewise affirms the trial court in lending credence to the victim's dying declaration.

Rule 130, Section 37 of the Rules of Court provides:

SEC. 37. Dying declaration. — The declaration of a dying person, made under the consciousness of an impending death, may be received in any case wherein his death is the subject of inquiry, as evidence of the cause and surrounding circumstances of such death.

In order that a dying declaration may be admissible as evidence, four requisites must concur, namely: that the declaration must concern the cause and surrounding circumstances of the declarant's death; that at the time the declaration was made, the declarant was under a consciousness of an impending death; that the declarant is competent as a witness; and that the declaration is offered in a criminal case for homicide, murder or parricide, in which the declarant is a victim.[17]

The Court, thus, agrees with the trial court that the response of the victim to the question of Herson as to who stabbed him (victim) met the foregoing requisites of a dying declaration. It is well to note that the victim was still alive after the stabbing incident. He was able to reach his house and seek help from his parents. Herson came to help the victim's father in bringing him (victim) to the hospital. In the ambulance, the victim, who was then soaked in his own blood and very weak, replied to Herson when asked of the identity of his assailant. Such statement was made under the consciousness of an impending death. The victim would have been a competent witness had he survived. Lastly, the victim's testimony is being offered in a criminal case involving his own death.

In his lone testimony, Macaraig tried to establish self-defense by testifying that on the said date and time of the incident in this case, he was alone when he left the Santa Cruzan celebration. He was, however, followed by two unidentified men, while another unidentified man was waiting for him. One of the two men poked something at him, held him in the shoulder and boxed him. He was able to evade the blow. After which another person, armed with balisong, tried to stab him but as he was able to evade the blow again, another person got stabbed.

It is well to note that by invoking self-defense, the accused-appellant, in effect, admitted to the commission of the acts for which he was charged, albeit under circumstances that, if proven, would have exculpated him. With this admission, the burden of proof shifted to the accused-appellant to show that the killing was attended by the following circumstances: (1) unlawful aggression on the part of the victims; (2) reasonable necessity of the means employed to prevent or repel such aggression; and, (3) lack of sufficient provocation on the part of the persons resorting to self-defense.[18] In this case, however, the accused-appellant stated that it was not him who stabbed the victim, but the victim's companion or somebody else. From this observation alone, the trial court correctly struck down accused-appellant's self-defense. As correctly stated by the State in its Comment, this assertion negates accused-appellant's defense.

That said, the presence of the elements of self-defense need not be discussed as there is no self-defense to speak of in the first place.

Furthermore, a plea of self-defense cannot be justifiably appreciated in favor of the accused where it is not only corroborated by independent and competent evidence but is also extremely doubtful by itself.[19]

Accused-appellant's defense is further rendered weak upon the admission that after he had been allegedly approached, collared and poked a balisong at by three unidentified men at the store the night before the incident, and after the alleged attempt to stab him, he did not report the matter neither to his best friend Crobalde nor to the barangay or police. Also unbelievable is the assertion that at the date and time of the stabbing, accused-appellant was able to escape unscathed despite having been surrounded and attacked by three persons. His testimony would like to impress that he was first poked, held at the shoulder and boxed. But, as he claims, he was able to evade the blow. Then another person, armed with a balisong, tried to stab him but another person got stabbed instead. After which, the accused-appellant ran away after seeing another person armed with a bolo was about to hack him.

As the trial court, the Court is unable to accord credibility to accused-appellant's version of facts. In the assessment of the testimonies of witnesses, this Court is guided by the rule that for evidence to be believed, it must not only proceed from the mouth of a credible witness, but must be credible in itself such as the common experience of mankind can approve as probable under the circumstances. We have no test of the truth of human testimony except its conformity to our knowledge, observation, and experience. Whatever is repugnant to these belongs to the miraculous, and is outside of juridical cognizance.[20]

With the qualifying circumstance of treachery being present, the trial court correctly found the accused-appellant guilty of Murder, in accordance with Art. 248 of the Revised Penal Code, as amended, which imposes the penalty of reclusion perpetua to death for murder.

The findings of the trial court as to the civil damages are in accord with the evidence adduced by the prosecution, as well as applicable law and jurisprudence.

WHEREFORE, the appealed Decision dated 16 October 2013 of the Regional Trial Court, Branch 63, Calabanga, Camarines Sur, finding GODOFREDO MACARAIG y Gonzales guilty beyond reasonable doubt of the crime of Murder, and imposing on him the penalty of reclusion perpetua, is hereby AFFIRMED.

SO ORDERED.

Abdulwahid, (Chairperson), and Cruz, JJ., concur.

[1] Rollo, pp. 37-48

[2] Records, p. 1

- [3] Records, p. 18
- [4] Records, p. 31
- [5] TSN, April 24, 2012, p. 4
- [6] TSN, May 2, 2012, p. 6; Certificate of Death, Exh. "B" for the prosecution, Records, p. 50
- [7] Exh. "A" for the prosecution, Records, p. 38
- [8] TSN, May 15, 2013, p. 4
- [9] TSN, May 15, 2013, p. 5
- [10] TSN, May 15, 2013, pp. 6-8
- [11] Rollo, pp. 92-105
- [12] People vs. Tomas, Sr., G.R. No. 192251, February 16, 2011 citing 2 L.B. Reyes, THE REVISED PENAL CODE, CRIMINAL LAW 469 (16th ed., 2006)
- [13] People vs. Pascual, G. R. No. 173309, January 23, 2007
- [14] TSN, April 24, 2012, p. 4
- [15] People vs. Santos, G. R. No. 127492, January 16, 2004
- [16] People vs. Barde, G.R. No. 183094, September 22, 2010
- [17] People vs. Labagala, G.R. No. 18460, August 2, 2010
- [18] See Guevarra vs. People, G.R. No. 170462, February 5, 2014
- [19] People vs. Dala, G.R. No. 134563, October 28, 2003
- [20] People vs. Mala, G.R. No. 152351, September 18, 2003

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