

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MALBORO BALDIMOR Y PACALDO, ACCUSED-APPELLANT,

Ponente: TIJAM, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/fe6757d7117a/>

TIJAM, J.:

This is an Appeal from the Decision,[1] dated April 26, 2012 of the Regional Trial Court (RTC) of Caloocan City, Branch 126, in Criminal Case No. C-76393 finding Accused-appellant Malboro Baldimor and accused Joper Suan (Joper) guilty beyond reasonable doubt as principal by direct participation and accomplice respectively of the crime of homicide penalized under Article 249 of the Revised Penal Code.

On November 10, 2006, Accused-appellant and co-accused were charged with the crime of murder before the RTC in an Information, the accusatorial portion of which reads as follows:

"That on or about the 9[th] day of November, 2006 Caloocan City, Metro Manila and within the jurisdiction of this Honorable Court, the above named accused conspiring together and mutually helping one another, did then and there willfully, unlawfully and feloniously, with intent to kill and with treachery and evident premeditation, attack, assault and use personal violence upon the person of one JOHN LARY AQUINO y ALARCOS, by then and there suddenly stabbing him on the left side of his body with the use of a bladed weapon, thereby inflicting upon the latter mortal wound which was the direct and immediate cause of his death thereafter.

CONTRARY TO LAW ."

During the arraignment, both Accused-appellant and Joper pleaded not guilty to the crime charged. Thereafter, trial ensued.

Evidence of the Prosecution:[2]

The testimonies of witnesses established the following facts:

On November 9, 2006, prosecution witnesses Reynaldo Butao (Reynaldo), Alexander Orenes (Alexander) and the victim, John Lary Aquino attended the wake of Alexander's brother in Gen. San Luis St., Caloocan City. At around midnight of the same date, they left the wake in order to buy cigarettes along A. Mabini St. On their way, they saw Accused-appellant and Joper. Suddenly, Accused-appellant uttered "o ano, umpisahan na natin." Upon hearing those words, they looked back and saw Accused-appellant pulled out a knife prompting them to run away in different directions.

When Reynaldo reached the corner of Plaridel St., he stopped and looked back and saw Accused-appellant chasing the victim. Reynaldo saw Accused-appellant stabbed the victim while Joper was 2 meters away standing behind Accused-appellant. Reynaldo testified that the scene of the crime was illuminated by street light. Immediately thereafter, Accused-appellant and Joper fled.

Instead of helping the victim, Reynaldo decided to rush back to the wake to ask for help from the people therein. However, when they returned to the place of the incident, they found the victim lying on the ground and no longer

breathing. Reynaldo and his companions brought the victim to the hospital but the latter could no longer be revived. Reynaldo testified that Accused-appellant and Joper are strangers to them; their group never provoked them; and for no reason, they were attacked.[3]

When Reynaldo was recalled at the witness stand, Reynaldo denied both Accused-appellant and Joper's claim that it was their group who blocked their way and the victim punched Accused-appellant and later pulled a knife.[4]

Alexander corroborated the testimony of Reynaldo. He also testified that while they were running away from Accused-appellant and Joper, the victim fell on the road causing him to be overtaken. However, he did not see the victim stabbed the Accused-appellant as he ran to different direction. He sought help from a kagawad in their place and then immediately proceeded to the scene of the crime. They were able to catch Accused-appellant and Joper and brought them to the police station.[5] Alexander testified that it was Accused-appellant who was carrying a knife; and claimed that there was no quarrel or grudge between the groups.

Dr. Roberto San Diego (Dr. San Diego) conducted a post mortem examination on the cadaver of the victim and found that the cause of death was due to stab wound on the left side of the chest.[6] The prosecution and the defense dispensed with the testimony of Dr. San Diego and agreed to stipulate on his supposed testimony that: 1) he prepared an Autopsy Report No. N-06-935; 2) he conducted a post mortem examination on the cadaver of the victim; and 3) he can identify his signature on the autopsy report.

Likewise, the testimony of prosecution witness PO3 Albert P. Juanillo was dispensed with and the parties stipulated that: 1) he was the investigator who prepared the following documents: a) Referral Slip; b) the Sinumpaang Salaysay of Marilinda Aquino; c) the Request for Autopsy; d) the Pinagsamang Sinumpaang Salaysay of Alexander Orenes and Reynaldo Butao; e) the Joint Sworn Affidavit of Arrest of PO3 Arnel De Guzman, PO3 Ricky M. Sta. Isabel, PO3 Joel D. Aquino, PO1 Jose De Guzman, PO1 Rex G. Azusano and PO3 Albert P. Juanillo; and 2) he is not an eye witness.[7]

Evidence of the Defense:[8]

The witnesses for the defense namely the Accused-appellant and Joper proffered a different version.

Joper denied that he conspired with Accused-appellant in killing the victim. He testified that while they were walking along Mabini Street on their way home to Malabon, Reynaldo, Alexander and the victim blocked their way. The victim tried to punch Accused-appellant but the latter was able to parry it. Suddenly, the victim pulled out a knife from his waist. Joper ran towards the police station to seek help but the police ignored him. Joper remained in the police station then later the companions of the victim arrived and pointed him as one of the persons who stabbed the victim.

Joper testified that it was the victim's group who blocked their way and chased them but he did not see if the Accused-appellant actually stabbed the victim. After he was arrested by the police, he accompanied the police officers to the place where the Accused-appellant was hiding. He could no longer remember the name of the police officer whom he sought for help.[9]

Accused-appellant corroborated the testimony of Joper. He testified that the victim's group tried to block their way but they initially ignored them and continued walking. Suddenly, he was boxed by the victim but he was able to evade it. Thereafter, the victim pulled out a knife and thrust it towards him. They struggled possession of the knife but Accused-appellant was able to hold and grab the victim's right wrist. After taking hold of the victim's right wrist where the knife was, he pushed it towards the victim's chest using both his hands. As a consequence, the victim was stabbed. When he saw blood flowing from the victim's chest, he ran away. People chased him but they were not able to catch him.[10]

On April 26, 2012, the RTC rendered a decision the dispositive portion of which reads:

"WHEREFORE, premises considered, accused Malboro Baldimor y Pacaldo is found GUILTY beyond reasonable doubt as Principal by direct participation for the crime of Homicide and applying the indeterminate sentence law is hereby sentenced to suffer the penalty of 10 years and 1 day of Prison Mayor Maximum as minimum up to 15 years of Reclusion Temporal Medium as maximum and accused Joper Suan y Yepes is found GUILTY beyond reasonable doubt as an accomplice for the crime of Homicide and applying the Indeterminate Sentence Law he is hereby sentenced to suffer the penalty of 5 years of Prison Correccional Maximum as minimum up to 8 years and 1 day of Prison Mayor Medium as maximum.

Both accused are civilly liable to pay the amount of P120,000.00 per stipulation dated May 4, 2010.

Let Commitment Order be issued against both accused. The City Jail Warden of Caloocan City is hereby direct (sic) to commit the persons of accused Malboro Baldimor y Pacaldo and Joper Suan y Yepes to the National Bilibid Prison, Bureau of Corrections, Muntinlupa City for service of their sentence. Both accused shall be credited with the full period of time they had undergone preventive imprisonment pursuant to Article 29 of the Revised Penal Code as amended.

SO ORDERED."

Accused-appellant filed a Notice of Appeal of the foregoing decision to the RTC.[11] However, Joper did not appeal, hence, the RTC decision became final and executory with respect to him.

On appeal, Accused-appellant raised with this Court the following assignment of errors:

"THE COURT A QUO GRAVELY ERRED IN CONVICTING ACCUSED-APPELLANT MALBORO BALDIMOR AS PRINCIPAL OF THE CRIME CHARGED.

THE COURT A QUO GRAVELY ERRED IN NOT APPRECIATING THE JUSTIFYING CIRCUMSTANCE OF SELF-DEFENSE IN FAVOR OF THE ACCUSED-APPELLANT."

The appeal is not meritorious.

Accused-appellant argues that he incurred no criminal liability as he acted in self-defense in stabbing the victim. He should be acquitted as all the elements of self-defense were present and proven by the defense.

After a careful review of the documentary evidence presented, We find no compelling reason to acquit the Accused-appellant on the ground that the prosecution had clearly established his guilt beyond reasonable doubt.

To successfully prosecute the crime of homicide, the following elements must be proved beyond reasonable doubt: (1) that a person was killed; (2) that the accused killed that person without any justifying circumstance; (3) that the accused had the intention to kill, which is presumed; and (4) that the killing was not attended by any of the qualifying circumstances of murder, or by that of parricide or infanticide.[12]

The prosecution had established thru the positive testimony of its witness, Reynaldo, who is an eye witness of the said incident, that Accused-appellant stabbed the victim with the use of a knife causing the immediate death of the victim. Reynaldo's testimony was supported by Accused-appellant's qualified admission that he accidentally stabbed the victim.

In order to exculpate himself from criminal liability, Accused-appellant interposed self-defense. By pleading self-defense, Accused-appellant admitted the authorship of the killing of the victim. The consequence of the plea of self-defense was to shift to Accused-appellant's shoulders the burden of evidence, that he must then prove clearly and convincingly the following elements of self-defense, to wit: (1) unlawful aggression on the part of the victim; (2) reasonable necessity of the means employed to prevent or repel the attack; and (3) lack of sufficient

provocation on the part of the person defending himself. Although the elements must concur, self-defense must rest firstly on proof of the unlawful aggression on the part of the victim.[13]

Accused-appellant insists that there was unlawful aggression committed by the victim and his companions as they were the ones who initiated the attack, and it was the victim who punched him while he was walking with Joper along Mabini Street.

Granting for the sake of argument that the victim initially caused the aggression, We sustain the Office of the Solicitor General's argument that there was no valid self-defense as the danger to the life of Accused-appellant already ceased at the time the latter stabbed the victim. We quote pertinent testimony of the Accused-appellant showing that the necessity to preserve his life already ceased when he stabbed the victim, thus, he was no longer acting in self-defense, to wit:

Atty. Cavalida:

Q : Now you said that John Lary was pulling a knife by his right hand, after he failed to hit you by his box, so what happened as he was pulling that knife?

A : When he pulled out the knife and thrust towards me, I got hold of his wrist, took a grip of his right wrist.

Q : So what hand did you use in holding his right wrist.

A : Two hands sir.

Q : Now, at that time when John Lary pulled out that knife, how far were you from him?

A : About a meter...less than a meter.

Q : Now you said that John Lary pulled out a knife and thrust or attempted to stab you with that knife but you were able to hold his right wrist, the one holding that knife. So, what happened to the other two while you were holding that knife held by John Lary.

A : They were just standing by sir.

Q : And what about Joper Suan, did you notice him?

A : I did not notice him sir my attention was on John Lary sir.

Q : And how long were you and John Lary struggling for the possession of this knife?

A : Well, it took all of a sudden, sir.

Q : And what happened as you were struggling as you said it did not take too long, what happened?

A : It was by accident that he was stabbed on his chest, sir.

Q : How exactly do you describe that accident?

Atty. Cavalida:

The witness asked your Honor to demonstrate the same your Honor. Witness:

A : After taking hold of the right wrists (sic) where the knife was. I pushed it towards his chest sir – I pushed it with both of my hands towards his chest.

Atty. Cavalida :

May we have it quoted also your Honor as he said "nagtutulakan kasi po kami" while demonstrating closing his two hands your Honor as if holding something your Honor.

Q : So, as you have claimed you were pushing back and forth for that knife while you were defending the thrust stab or the stab thrust of this John Lary you said as you pushed his hand, it accidentally hit his chest, is that what you are telling us?

A : Yes sir.

Q : And what happened after that?

A : I released my hold on his hand and when I saw blood, I panicked and ran away sir.[14]

Taken all together, We find that the element of unlawful aggression already ceased from the moment Accused-appellant had subdued the victim by grabbing and taking control of the latter's knife. From then, there was nothing more for Accused-appellant to repel the attack as the victim lost his chance to inflict harm against his life and limb.

For the first element of unlawful aggression to be present, jurisprudence dictates that there must be "an actual physical assault, or at least a threat to inflict real imminent injury, upon a person . . . It presupposes actual, sudden, unexpected or imminent danger — not merely threatening and intimidating action. It is present only when the one attacked faces real and immediate threat to one's life.[15]

In this case, the imminent danger initially staged by the victim against Accused-appellant's life had already ended. He had successfully controlled the knife thrust against him by the victim when his two hands held the victim's right wrist, which was holding the knife. By then, he had no more reason to kill the victim. There was no evidence on record that despite the fact that the Accused-appellant's two hands held the victim's right hand, the victim still overpowered or there was still danger on his life, thus, justifying self-defense. What Accused-appellant testified was, when he got hold of the right wrist of the victim holding the knife, he pushed the knife towards the victim's chest thus hitting the latter.

We stress that when unlawful aggression ceases, the defender no longer has any justification to kill or wound the original aggressor. The assailant is no longer acting in self-defense but in retaliation against the original aggressor. Retaliation is not the same as self-defense. In retaliation, the aggression that was begun by the injured party already ceased when the accused attacked him; while in self-defense the aggression still existed when the aggressor was injured by the accused.[16]

Clearly, the Accused-appellant miserably failed to discharge his burden of proving that unlawful aggression justifying self-defense was present when he killed the victim. It bears emphasizing that self-defense, like alibi, is an inherently weak defense for it is easy to fabricate. Thus, it must be proven by sufficient, satisfactory and convincing evidence that excludes any vestige of criminal aggression on the part of the person invoking it.[17]

There can be no self-defense, whether complete or incomplete, if no unlawful aggression from the victim is established. In self-defense, unlawful aggression is a primordial element, a condition sine qua non. If no unlawful aggression attributable to the victim is established, self-defense is not a defense, because there would then be nothing to repel on the part of the accused[18] as in the instant case.

We see no compelling reason to depart from the RTC's findings in view of the Accused-appellant's failure to identify significant details, which if considered, will alter the outcome of the trial court's judgment. An examination of the records of the case show that the factual basis of Accused-appellant's plea of self-defense cannot relieve him from criminal liability. The RTC correctly appreciated the evidence on record and correctly found Accused-appellant guilty beyond reasonable doubt of the crime of homicide.

Under Article 249 of the Revised Penal Code, the penalty imposed for the crime of homicide is reclusion temporal. Considering that no aggravating nor mitigating circumstances attended the commission of the crime, the penalty shall be imposed in its medium period. Applying the Indeterminate Sentence Law, the maximum penalty shall be selected from the range of the medium period of reclusion temporal,[19] with the minimum penalty selected from the range of prision[20] mayor.[21]

We find that the RTC correctly imposed upon the Accused-appellant the penalty of imprisonment for a period of 10 years and 1 day of prison mayor maximum as minimum to 15 years of reclusion temporal medium as maximum.

However, the RTC erred in not awarding civil indemnity and moral damages to the heirs of the victim pursuant to prevailing jurisprudence.[22] Thus, aside from the stipulated amount of P120,000.00[23] representing the actual expenses incurred by the family of the victim, the Accused-appellant is also ordered to pay P50,000.00, as civil indemnity and P50,000.00, as moral damages to the heirs of the victim. Further, in accordance with current policy, 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.[24]

WHEREFORE, the Accused-appellant's appeal is Denied. The assailed Decision dated April 26, 2012 of the Regional Trial Court of Caloocan City, Branch 126, in Criminal Case No. C-76393 is hereby AFFIRMED with Modification in that the Accused-appellant is ordered to pay the heirs of the victim the following: 1) P120,000.00 as actual damages; 2) P50,000.00 as civil indemnity; 3) P50,000.00 as moral damages; and 4) impose the legal rate of 6% interest per annum on all monetary awards for damages, which shall commence from the date of finality of this decision until fully paid.

SO ORDERED.

Lopez, M.V., and Garcia-Fernandez, M.V., JJ., concur.

[1] Rollo, pp. 31-46.

[2] Based on the testimonies of Reynaldo Butao and Alexander Orenes, See, TSN, dated June 26, 2008, December 2, 2008 and February 14, 2012.

[3] See, RTC Decision, pp. 2-3, Rollo, pp. 32-33.

[4] See, RTC Decision, p. 5, Rollo, p. 35.

[5] See, RTC Decision, p. 4, Rollo, p. 34.

[6] See, Certificate of Post Mortem Examination, Records, p. 9; and Autopsy Report, Records, p. 105.

[7] See, RTC Order, dated September 3, 2009, Records, pp. 109-110.

[8] Based on the testimonies of Accused-appellant and Joper during the hearing; See, TSN, dated September 21, 2010, March 15, 2011 and June 28, 2011.

[9] See, RTC Decision, p. 7, Rollo, 37.

[10] See, RTC Decision, pp. 7-8, Rollo, pp. 37-38.

[11] See, RTC Order, dated May 18, 2012, Rollo, p. 48.

[12] *Abella y Perpetua vs. People*, G.R. No. 198400, October 7, 2013.

[13] See, *People vs. Placer*, G.R. No. 181753, October 9, 2013.

[14] TSN, dated June 28, 2011, pp. 9-11. (emphasis supplied).

[15] *Sombol vs. People*, G.R. No. 194564, April 10, 2013.

[16] People vs. Gamez y Baltazar, G.R. No. 202847, October 23, 2013.

[17] People vs. Roman, G.R. No. 198110, July 31, 2013.

[18] See, People vs. Placer, G.R. No. 181753, October 9, 2013.

[19] From 14 years, 4 months and 1 day to 17 years and 4 months.

[20] From 6 years and 1 day to 12 years.

[21] People vs. Canaveras, G.R. No. 193839, November 27, 2013.

[22] People vs. Canaveras, G.R. No. 193839, November 27, 2013.

[23] See, RTC Decision, Rollo, p.46.

[24] People vs. Galicia, G.R. No. 191063, October 9, 2013.

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.