

FLORENTINO PADDAYUMAN, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 120344. January 23, 2002

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

Petition for review on certiorari[1] seeking the reversal of the Decision of the Court of Appeals in CA-G.R. CR No. 14628, which affirmed the Decision of the Regional Trial Court (Branch 5) of Tuguegarao, Cagayan, in Criminal Case No. 1853,[2] convicting Florentino Paddayuman of the crime of attempted homicide. He was sentenced to suffer six (6) months of arresto mayor, as minimum, to two (2) years, four (4) months and one (1) day of prision correccional, as maximum, and to pay his victim, Maximo Quilang, the sum of P3,688.20 as actual damages and P10,000.00 as moral damages.

The facts of the case are as follows:

On July 24, 1991, an Information for frustrated murder was filed against accused Florentino Paddayuman, committed as follows:

“That on or about March 15, 1991, in the Municipality of Tuguegarao, Province of Cagayan, and within the jurisdiction of this Honorable Court, the said accused, Florentino Paddayuman, armed with a sharp pointed bladed instrument, with intent to kill, with evident premeditation and with treachery did then and there wilfully, unlawfully and feloniously attack, assault and stab one, Maximo Quilang inflicting upon him stab wounds on his body.

“That the accused had performed all the acts of execution which would have produced the crime of Murder as a consequence but which, nevertheless, did not produce it by reason of cause independent of his own will.

“Contrary to law.”[3]

Upon arraignment, the accused pleaded “not guilty” to the crime charged. Trial ensued thereafter.

To prove its case against the accused, the prosecution presented three witnesses: Maximo Quilang, the victim, Apolinario Dassil and Dr. Cirilo M. Pintucan.

In his testimony, Maximo Quilang narrated that on the eve of March 15, 1991, he went to the house of his uncle, Casimiro Paddayuman, in Barangay Capatan, Tuguegarao, Cagayan, to help in the preparation of the wedding of the latter’s son the next day.[4] Maximo then had a drinking spree with Casimiro, Apolinario Dassil and accused Florentino Paddayuman.[5] While drinking, Maximo admonished the accused not to drink too much. Apparently annoyed, the latter left the drinking session.[6] At around 12:00 o’clock midnight of the same day, Maximo also left and went to his house about 100 meters away from the house of Casimiro.[7] But while on his way home, the accused stabbed Maximo at the left side of his body.[8] The victim asked the accused, “Why did you stab me?”, to which the accused replied, “I will really kill you.” At this point, the accused again stabbed Maximo at his breast[9] and left, believing his victim was dying.[10] Feeling weak, Maximo shouted for help.

Apolinario Dassil, Maximo's nephew, was on his way home when he heard a cry for help. Rushing to the place from where the call came, Apolinario saw his uncle, Maximo, bathed in his own blood. Apolinario immediately brought Maximo in a tricycle to the Cagayan Valley Regional Hospital in Tuguegarao.[11]

Dr. Cirilo Pintucan, resident physician of Cagayan Valley Hospital, testified that he examined and treated Maximo on March 16, 1991.[12] He found two stab wounds on the chest of the victim: one, on the fourth intracostal stage or on the bone at the middle of the chest, just parallel to the nipple line; and the other, on the lateral portion of the left chest which is below the nipple line.[13] Dr. Pintucan's Medico-Legal Certificate[14] discloses the following findings:

“FINDINGS/DIAGNOSIS

= WOUND, STABBED, MULTIPLE, PENETRATING

1 2 cms. Ant. Chest, level 4th ICS, sternal region

2 2 cms. Level of 7th & 8th ICS, IMAL

= PNEUMOHEMOTHORAX

“Would need medical attendance for more than nine (9)[15] not more than 1 month barring complications.”

Maximo was confined in the Cagayan Valley Regional Hospital for seven (7) days and in the Lung Center of the Philippines for two (2) days.[16]

The accused never denied having stabbed the victim twice. However, he interposed self-defense. He testified that he went to the house of Casimiro Paddayuman, his cousin, at 7:00 in the morning of March 15, 1991 to assist in the preparation of the wedding of the latter's son,[17] At around 6:00 in the evening, he went home, which is about 35 meters away from the house of Casimiro. At about midnight of the same day, while he was resting in his house,[18] he was stunned by the incessant barking of dogs. He stood to find out what the noise was all about.[19] As he looked out at the window, he saw Maximo Quilang setting his granary on fire. At that time, Apolinario Dassil was just about to leave the place.[20] He (accused) then hurriedly went out of his house and approached Maximo, asking him why he was burning the granary. The latter retorted, “We intend to burn all of you here.”[21] Then holding a lighter, Maximo proceeded to the accused's house. The accused tried to stop Maximo but the latter reached for something from the back pockets of his pants. Thinking it was a deadly weapon, the accused stabbed Maximo at the left side of his body.[22] Although he was wounded, Maximo was able to draw a knife and tried to hit the accused. The latter retaliated and stabbed Maximo again on the chest. Maximo then left and proceeded towards north.[23]

Thereupon, the accused shouted for help in order to put out the fire in his granary. The people in Casimiro's house, who were helping in the wedding preparation, responded and rushed towards the burning granary. Among them were Romeo Macanang, a Barangay Tanod, Lucio Tala, Boy Arao, Ramon Arao and Jose Viredapia.[24]

To corroborate accused's claim that his granary was burned that night of March 15, 1991, the defense offered the testimonies of Casimiro Paddayuman and Romeo Macanang. Both testified that on that night they saw the granary burning but that they did not see who caused it.

Meanwhile, on June 13, 1991, a criminal complaint for “destructive arson” was filed with the Municipal Trial Court of Tuguegarao, Cagayan by the accused against Maximo Quilang and Apolinario Dassil. The complaint, however, was dismissed by the MTC for lack of probable cause. The Provincial Prosecutor affirmed the order of dismissal. On appeal, the said order was sustained by the Secretary of Justice.[25]

Going back to the instant case, after trial, the RTC rendered its Decision convicting the accused of attempted

homicide only, there being no evidence showing that the stab wounds inflicted on Maximo could cause death had it not for the timely medical attendance. The trial court held that the prosecution failed to prove the qualifying circumstances of treachery and evident premeditation. The dispositive portion of the decision reads:

“Resultantly, the Court renders judgment finding accused Florentino Paddayuman y Tabao guilty beyond reasonable doubt of the crime of Attempted Homicide and applying the Indeterminate Sentence Law sentences him to an imprisonment of SIX (6) MONTHS of Arresto Mayor as minimum to TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prision correccional as maximum and to pay Maximo Quilang the sum of P3,688.20 as actual damages and P10,000.00 as moral damages and cost.

“SO ORDERED.”

On appeal, the Court of Appeals, in its Decision[26] dated April 26, 1995, affirmed the RTC Decision.

Hence, the present petition anchored on the following grounds:

“I. ON THE BASIS OF THE FINDINGS OF FACT, IN THE DECISION ITSELF, AND OF THE TRIAL COURT, PETITIONER CANNOT BE CONVICTED OF ATTEMPTED HOMICIDE; AND

“II. THE RULINGS OF THE RESPONDENT COURT OF APPEALS ON IMPORTANT ISSUES, ARE BASED ON THE MISAPPREHENSION OF EVIDENCE, OR ARE CONTRARY TO LAW AND JURISPRUDENCE; OTHERWISE PETITIONER SHOULD BE ENTITLED TO ACQUITTAL.”[27]

The petition lacks merit.

Petitioner Florentino Paddayuman, by claiming self-defense, assumes the onus to establish his plea with certainty by credible, clear and convincing evidence; otherwise, conviction will follow from his admission that he killed the victim.[28] Where self-defense is not corroborated by independent and competent evidence, and is extremely doubtful, it cannot prosper.[29]

The requisites of self-defense[30] are: (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 person defending himself. The element of unlawful aggression is a condition sine qua non for the justifying circumstance of self-defense. There can be no self-defense, complete or incomplete, unless the victim has committed unlawful aggression against the person defending himself.[31]

Here, petitioner testified that Maximo set fire on his granary and that when he tried to stop him, the latter reached for something from the back pockets of his pants. Petitioner surmised that Maximo was trying to get a weapon. This prompted petitioner to stab Maximo at the left side of his body. Maximo then drew a knife and attempted to lunge it at petitioner, but the latter was able to stab the former again, hitting him on the chest.

Petitioner’s story was properly rejected by both the trial court and the Court of Appeals because, aside from being incredible, he failed to establish by strong and convincing evidence that a fire broke out in his granary that night of March 15, 1991. As aptly observed by the trial court:

“First, Florentino never reported the alleged burning of his property to the Barangay Captain of Capatan, much less to the police authorities of Tuguegarao. His reason that he expected the Barangay Tanod who was one of those who helped put off the fire in his granary to make the report, is too shallow to be believed.

“Florentino’s inaction cannot but nibble into the very foundation of his story — for such is not the behavior of a seriously aggrieved man.

“Second, Florentino filed a complaint for destructive arson against Maximo and Apolinario only on June 13, 1991 — 90 days after the occurrence of the alleged incident and 79 days after the filing of the case at bar before

the inquest court. Why the long delay? Florentino explained that he did not immediately file the case against Maximo and Apolinario because he thought that Maximo would not file the instant case. This reason, rather than justify the delay of Florentino in taking action, betrays the purpose of the latter in instituting the destructive arson case: a counter-charge to be foisted as a bargaining chip for an amicable settlement of the case at bar.

“Third, Florentino did not execute any sworn statement or affidavit regarding the alleged burning incident. The basis of the Criminal Complaint was the Joint Affidavit (Exhibit “4”) of his father Manuel Paddayuman and cousin Casimiro Paddayuman. x x x.

“Fourth, Florentino did not give his counter-affidavit when the case at bar was under preliminary investigation before the inquest court. The Court is not saying that the giving of a counter-affidavit is obligatory or its non-submission necessarily suggestive of guilt. The Court however holds that in the ordinary experience of man, in the normal happenings in this world and in the natural flow of human events, a person who has injured another in lawful self-defense grabs the first opportunity to disclose his innocence or to justify his violent act.”[32]

Moreover, assuming *arguendo* that there was indeed a fire incident that night of March 15, 1991, petitioner failed to prove that Maximo Quilang set the fire in his granary. In fact, defense witnesses, Casimiro Paddayuman and Romeo Macanang, did not testify that Maximo was the culprit. Their testimonies simply tend to show that there was a burning incident that night of March 15, 1991. Thus:

“TESTIMONY OF CASIMIRO PADDAYUMAN:

Cross Examination

Q

Regarding the fire that was set on the granary of Florentino Paddayuman, you were not the one who noticed it?

A

I only came to know that there was something burning through these persons who were in the kitchen, sir.

Q

When they shouted that there was a fire, you look at the direction where the fire was coming.

A

No, I did not mind to see the direction where the fire is coming but my daughter was the one who told me that and crying that the granary of Uncle Florentino Paddayuman is burning, sir.”[33] (Emphasis supplied)

“TESTIMONY OF ROMEO MACANANG

Cross Examination

Q

You were actually sleeping on the night of March 15, 1991 when you heard the shout of Jacinto Dassil that the house of Florentino Paddayuman caught fire, is that correct?

A

Yes, sir.”[34] (Emphasis supplied)

In the face of petitioner’s failure to establish his plea of self-defense by convincing and satisfactory evidence, the same must fail. The trial court correctly appreciated the story of the victim, Maximo Makilang, as credible and plausible, thus:

“The Court had observed Maximo to be a credible witness and his story to be plausible. It is also natural, simple and direct as it jells with all the other circumstances of the incident. x x x. There is no cogent reason for this Court to disbelieve his version.”[35]

As consistently held by this Court, the findings of the trial court as to the credibility of the witnesses is accorded great respect and even finality because of its opportunity to personally examine and observe the witnesses while testifying, unless the trial court has disregarded or overlooked some facts and circumstances of weight and substance which, if considered, might alter the assailed decision or affect the result of the case.[36] Here, we see no circumstance on record which would warrant the setting aside of the findings of the lower court.

We agree with the trial court that attempted homicide was committed by petitioner. Under Article 6 of the Revised Penal Code, there is an attempt when the offender commences the commission of a felony directly by overt acts but does not perform all the acts of execution which should produce the felony by reason of some cause or accident other than his own spontaneous desistance.

Here, petitioner stabbed the victim twice on the chest, which is indicative of an intent to kill. Believing that Maximo was dying, petitioner left.[37] However, there is no evidence that the wounds sustained by the victim were fatal enough as to cause death. This can be gleaned from the testimony of Dr. Pintucan who did not categorically state whether or not the wounds were fatal. Circumstances which qualify criminal responsibility cannot rest on mere conjectures, no matter how reasonable or probable, but must be based on facts of unquestionable existence.[38] In the instant case, the uncertainty on the nature of the wounds warrants the appreciation of a lesser gravity of the crime committed as this is in accordance with the fundamental principle in Criminal Law that all doubts should be resolved in favor of the accused.[39] Thus, in *People v. Pilonos*,[40] this Court held that even if the victim was wounded but the injury was not fatal and could not cause his death, the crime would only be attempted.

Furthermore, the crime is attempted homicide because the qualifying circumstances of evident premeditation and treachery, as alleged in the Information, were not proven by the prosecution.

WHEREFORE, the petition is DENIED. The appealed Decision of the Court of Appeals in CA G. R. CR No. 14628 affirming the Decision of the Regional Trial Court (Branch 5) of Tuguegarao, Cagayan in Criminal Case No. 1853, is AFFIRMED in toto.

SO ORDERED.

Melo, (Chairman), Vitug, Panganiban, and Carpio, JJ., concur.

[1] Under Rule 45 of the Revised Rules of Court.

- [2] Entitled “People of the Philippines v. Florentino Paddayuman y Tabao.”
- [3] Records of RTC, p. 29.
- [4] Transcript of Stenographic Notes (TSN), November 27, 1991, p. 4.
- [5] Ibid., p. 5.
- [6] Ibid.
- [7] Ibid., p. 6.
- [8] Ibid., p. 7.
- [9] Ibid.
- [10] Ibid., p. 13.
- [11] Ibid., p. 8; Rollo, p. 75.
- [12] TSN, January 16, 1992, p. 5.
- [13] Ibid., pp. 9-10.
- [14] Exhibit “C”, Records of RTC, p. 3.
- [15] Apparently means 9 days.
- [16] TSN, November 27, 1991, pp. 7 and 13.
- [17] TSN, August 5, 1992, p. 19.
- [18] Ibid., p. 4.
- [19] Ibid.
- [20] Ibid., p. 13.
- [21] Ibid., p. 4-5.
- [22] Ibid., p. 7.
- [23] Ibid.
- [24] Ibid., p. 8.
- [25] Rollo, p. 13.
- [26] Rollo, pp. 29-42
- [27] Ibid., p. 15.
- [28] People v. Real, 308 SCRA 244 (1999); People v. Sanchez, 308 SCRA 264 (1999).
- [29] People v. Janairo, 311 SCRA 58 (1999).
- [30] People v. Patalinghug, 318 SCRA 116 (1999); Galang v. Court of Appeals, 324 SCRA 139 (2000).
- [31] Galang v. Court of Appeals, *supra*.
- [32] Rollo, pp. 78-80.

[33] TSN, September 9, 1992, p. 17.

[34] Ibid., October 15, 1992, p. 11.

[35] Rollo, p. 82.

[36] People v. Banela, 301 SCRA 84 (1999); People v. Mendoza, 301 SCRA 66 (1999); People v. Realin, 301 SCRA 495 (1999).

[37] TSN, November 27, 1991, p. 7.

[38] People v. Lopez, 313 SCRA 114 (1999).

[39] People v. Bautista, 308 SCRA 620 (1999).

[40] 84 SCRA 167 (1978).

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