# PEOPLE OF THE PHILIPPINES PLAINTIFF AND APPELLEE, VS. MAXIMO GENEBLAZO, ACCUSED-APPELLANT.

*G.R. No. 133580. July 20, 2001*

Ponente: BUENA, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-133580/

**BUENA, J.:**

Accused-appellant Maximino Geneblazo appeals the decision of the Regional Trial Court at Calauag, Quezon, Branch 63 in Criminal Case No. 2151-C, entitled "The People of the Philippines versus Maximino Geneblazo", convicting him of murder and sentencing him to reclusion perpetua.

On October 16, 1992, an information was filed against Maximino Geneblazo charging him of murder committed as follows:

> "That on or about the 15[th] day of January 1988, at Barangay Pinagtalyeran, Municipality of Calauag, Province of Quezon, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a bladed weapon, with intent to kill, and with treachery, did then and there willfully, unlawfully and feloniously attack, assault and stab with the said weapon one Domingo Opalsa, thereby inflicting upon the latter wounds on the different parts of his body which directly caused his death.
>
> "That the accused attacked and stabbed said Domingo Opalsa suddenly and unexpectedly without giving the latter any opportunity to defend himself or to escape.
>
> "Contrary to law."[1]

Upon arraignment on December 3, 1992, accused Maximino Geneblazo, assisted by counsel, pleaded not guilty to the crime charged. The Regional Trial Court thereafter proceeded with the trial.

Culled from the records are the following:

Alex Obien, the first witness for the prosecution, testified that on January 15, 1988, at around 12:00 midnight he and Domingo Opalsa were walking along Quezon Street, Calauag, Quezon, bound for home when Maximino Geneblazo and around six unknown companions stoned them. Obien and Opalsa retaliated by also throwing stones at Geneblazo and company. However, upon seeing that Geneblazo was about to draw his knife, they ran away.

Maximino Geneblazo caught up with Domingo Opalsa and stabbed the latter twice - the first stab landed on the left side of the body in the area of the armpit, while the second landed on the left side of the face.

SPO1 Emmanuel Quiogue of the Philippine National Police, at Calauag, Quezon was at home on the night in question. He heard a commotion outside. Peeping out the window he saw some men throwing stones at each other. He got his gun and went outside. Noticing the chase which ensued, he went after the men.

At the scene of the incident, SPO1 Quiogue saw two men almost locked in an embrace. He fired his gun but the two did not draw apart so he stood between them so as to separate them. One of the men fell to the ground while

the person who was left standing stabbed him. Only his finger was hit. He recognized the person who stabbed him as Maximino Geneblazo.

Thereafter SPO1 Quiogue, Obien and Barangay Captain Torres of Pinagtalyeran brought Opalsa to St. Peter's Hospital where the latter was pronounced dead on arrival.

Maximino Geneblazo, who was the lone witness for the defense, testified that he was standing in front of the market at about 12:00 midnight on January 15, 1988, when two men who were drunk passed by. They challenged him to a fight. He recognized these two men as Adie Obien and Momoy (Domingo Opalsa). When he refused to fight them, the latter threw stones and flowerpots at him. Thereafter, Geneblazo chased them for he wanted to know why he was being stoned and because he wanted to get even.

Geneblazo caught up with Momoy. When he was about to box the latter, Momoy drew out a knife. Momoy struck the bridge of the nose and finger of Geneblazo with the knife. When Geneblazo fell down he heard a gunshot. Momoy was about to stab Geneblazo again but when he heard the shot he was startled so the latter was able to wrest the weapon from Momoy.

Geneblazo then stabbed Momoy in the abdomen. He was about to stab Momoy again when SPO1 Quiogue arrived on the scene. While SPO1 Quiogue was pacifying them, Geneblazo hit Momoy in the neck. As he did not recognize SPO1 Quiogue he accidentally hit the latter's left hand with the knife but when recognition dawned on him who SPO1 Quiogue was, he ran away and hid until his surrender to a police officer Baloloy.

Salvacion Opalsa y Conohan, the mother of the victim, testified for the prosecution declaring that her family incurred expenses in the total amount of P45,000.00 for the burial and wake of the victim. The P45,000.00 is broken down as follows: P5,000.00 for funeral expense, P16,000.00 was spent during the wake, P6,000.00 was expenses for the cemetery, P8,000.00 was spent to look for the accused, an additional P5,000.00 for funeral services and P5,000.00 spent during the nine-day prayers for the deceased after the interment. A certification from the Sutarez Funeral Homes stating that it rendered funeral services to the late Domingo Opalsa in the amount of P5,000.00[2] and a handwritten list of the expenses[3] were presented as evidence.

On February 2, 1998, the trial court rendered a decision convicting the accused the decretal position of which reads:

> "WHEREFORE, finding the accused guilty beyond reasonable doubt of the crime of Murder, the Court hereby sentences the said accused to suffer the penalty of RECLUSION PERPETUA and to pay P50,000.00 as moral damages and an additional P45,000.00 as actual damages to the heirs of Domingo Opalsa and to pay the costs.
>
> "SO ORDERED."[4]

Hence, this appeal where accused-appellant assigns the following errors allegedly committed by the trial court:

> "I
>
> "THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT FOR THE CRIME OF MURDER, HAVING APPRECIATED THE QUALIFYING CIRCUMSTANCE OF TREACHERY.
>
> "II
>
> "THE TRIAL COURT ERRED IN NOT CONSIDERING THE JUSTIFYING CIRCUMSTANCE OF SELF-DEFENSE INTERPOSED BY THE ACCUSED-APPELLANT."

The appeal is meritorious in the sense that the penalty should be lowered.

Accused-appellant Maximino Geneblazo alleges that he killed the victim Domingo Opalsa in self-defense.


Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

Well-settled is the rule that in interposing self-defense, the offender admits authorship of the killing. The onus probandi is thus shifted to him to prove the elements of self-defense and that the killing was justified; otherwise, having admitted the killing, conviction is inescapable. Concomitantly, he must rely on the strength of his own evidence and not on the weakness of the prosecution's evidence. For self-defense to prosper, it must be established that: (1) there was unlawful aggression by the victim; (2) that the means employed to prevent or repel such aggression was reasonable; and (3) that there was lack of sufficient provocation on the part of the person defending himself.[5]

It was sufficiently established by the prosecution that the victim Domingo Opalsa and his companion Alex Obien were merely walking on the road when they were pelted with stones by Maximino Geneblazo and his companions; that Opalsa and Obien retaliated; that they ran away when they saw that Geneblazo was about to draw his knife; that Geneblazo pursued them; that Geneblazo stabbed Opalsa when he caught up with the latter.

It is quite apparent that it was not the victim who committed the unlawful aggression but the accused-appellant himself.

Unlawful aggression contemplates an actual, sudden and unexpected attack, or imminent danger thereof, and not merely a threatening or intimidating attitude -- there has to exist a real danger to the life or personal safety of the person claiming self-defense.[6]

Assuming arguendo that the accused-appellant's version of the events of the night in question is the truth and that the unlawful aggression emanated from the victim and his companion who were drunk at the time, the aggression ceased to exist when the victim and his companion ran away. There was no longer any real danger to the life or personal safety of the accused. An act of aggression, when its author does not persist in his purpose, or when he discontinues his attitude to the extent that the object of his attack is no longer in peril, is not unlawful aggression warranting self-defense.[7]

When accused-appellant Geneblazo pursued the two men, it was then that he became the aggressor.

Finally, belying accused-appellant's claim of self-defense is his testimony that as soon as he grabbed the knife from the victim he stabbed the latter in the abdomen. Still he didn't stop there. He again stabbed the victim in the neck even in the presence of SPO1 Quiogue who arrived to pacify them.

Having divested the victim of his knife, the accused-appellant was placed at an advantage as he already had control of the bladed weapon. The victim was therefore left unarmed and accused-appellant Geneblazo did not testify nor is there anything on record to show that the vicitm tried to grapple with him for possession of the knife. A third person (a police officer, at that) was present to pacify them. There was really no need for the accused-appellant to stab the victim. And his doing so revealed his murderous intent.

However, the matter of whether or not the deceased was the aggressor is factual. It is a settled rule that the trial court is in a better position to ascertain the facts under the circumstances. In the absence of any justifiable reason, this Court is bound to uphold the findings of the trial court.

The accused-appellant admitted that he recognized SPO1 Quiogue after he had stabbed the victim for the second time. His taking flight and going into hiding instead of surrendering to SPO1 Quiogue on the spot was highly evidentiary of guilt, and incompatible with his claim of self-defense. Flight negates self-defense and indicates guilt.[8]

The prosecution failed to prove that the qualifying circumstance of treachery was present in this case. Treachery must be proven as clearly and as cogently as the crime itself.[9]

The essence of treachery is the sudden and unexpected attack by an aggressor on an unsuspecting victim, depriving the latter of any real chance to defend himself and thereby ensuring its commission without risk to himself.[10]

When Opalsa and Obien were pelted with stones, they had the option of retaliating or running away. They did both. First they threw stones at their attackers, and when they saw that the accused-appellant was about to draw his knife they ran away. While the stoning incident was sudden, the attack upon the victim was not. The victim, aware that the accused-appellant was armed with a weapon, knew that the latter was of a mind to use the weapon and that the only thing he could do to avoid being wounded was to outrun the accused-appellant. Unfortunately the accused-appellant caught up with Opalsa and inflicted a fatal stab on him which led to his demise. We do not agree with the trial court that the killing was attended by treachery that would make the accused-appellant guilty of the crime of murder. We find the accused-appellant guilty of homicide only.

The trial court ordered the accused-appellant to pay P50,000.00 as moral damages and an additional P45,000.00 as actual damages to the heirs of Domingo Opalsa and to pay the costs.

The award of actual damages amounting to P45,000.00 to the heirs of the victim cannot be sustained. Said amount was allegedly incurred in the interment of the deceased. Except for the amount of P5,000.00 that was supported by a certification/receipt, the sum of P40,000.00 was not substantiated by competent evidence. The award of actual damages cannot rest on the bare allegation of the heirs of the offended party.[11]

In accordance with prevailing jurisprudence, civil indemnity in the amount of P50,000.00 should be awarded to the heirs of the victim.

Based on our findings that homicide, not murder, was committed, the penalty imposed upon accused-appellant should correspondingly be lowered to reclusion temporal. There being no aggravating nor mitigating circumstance, the proper imposable penalty should be reclusion temporal in its medium period. Applying the Indeterminate Sentence Law, the minimum term is anywhere within the range of prision mayor, or from 6 years and 1 day to 12 years, and the maximum within the range of reclusion temporal in its medium period, or from 14 years, 8 months and 1 day to 17 years and 4 months.

IN VIEW WHEREOF, the decision of the Regional Trial Court at Calauag, Quezon Br. 63, finding accused-appellant guilty of the crime of murder, is MODIFIED. Instead, this Court finds accused-appellant Maximino Geneblazo guilty of the crime of Homicide, and sentenced to suffer the indeterminate penalty of eight (8) years and one (1) day of prision mayor medium, as minimum, to fourteen (14) years, eight (8) months and one (1) day of reclusion temporal medium, as maximum. The accused is ORDERED to pay the heirs of the victim civil indemnity in the amount of P50,000.00, actual damages of P5,000.00, moral damages in the sum of P50,000.00, and to pay the costs.

**SO ORDERED.**

Bellosillo, (Chairman), Mendoza, and De Leon, Jr., JJ., concur.
Quisumbing, J., on official business.

---

[1] Orig. Records, pp. 12-13.

[2] Exhibit "C."

[3] Exhibit "D."

[4] Orig. Records, p. 129.

[5] People vs. Ringor, Jr., 320 SCRA 342 [1999].

[6] People vs. Galapin, 293 SCRA 474 [1998].

[7] David vs. Court of Appeals, 290 SCRA 727 [1998].

[8] People vs. Gregorio, 255 SCRA 380 [1996].

[9] People vs. Albao, 287 SCRA 129 [1998].

[10] People vs. Reyes, 287 SCRA 229, 238 [1998].

[11] People vs. Aguilar, 292 SCRA 349 [1998].


*Bar review courses, mock exams and a study planner that keeps you on pace - batas.org*

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.