

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDWIN ALCODIA Y SIMON, ACCUSED-APPELLANT.

G.R. No. 134121. March 06, 2003

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

Death, like a thief in the night, strikes at the most unexpected time. Ryan Feria, a 17-year old engineering student of the University of Baguio, was bound for home at San Felipe, Zambales when he boarded Victory Liner Bus No. 729 on October 3, 1996. It was to be his last journey.

Assailed in this appeal is the Decision[1] dated January 20, 1998 of the Regional Trial Court (RTC), Branch 65, Tarlac, Tarlac in Criminal Case No. 9396 finding accused-appellant Edwin Alcodia guilty beyond reasonable doubt of the crime of murder and sentencing him to suffer the penalty of reclusion perpetua and to indemnify the heirs of deceased Feria the amount of P50,000.00 as moral damages, P119,700.00 as actual damages, P25,000.00 as exemplary damages and costs.

In the Information[2] dated November 5, 1996, accused-appellant was charged with the crime of murder committed as follows:

“That on or about October 3, 1996 at around 10:15 in the morning, in the Municipality of Tarlac, Province of Tarlac, Philippines and within the jurisdiction of this Honorable Court, the said accused did then and there, with malice aforethought and with deliberate intent to take the life of Ryan V. Feria, willfully, unlawfully and feloniously, suddenly unexpectedly and treacherously attack the latter with a knife (balisong 29) wounding him several times on his chest and was brought to the Tarlac Provincial Hospital, Tarlac, Tarlac, for treatment but later on pronounced dead by the hospital authorities.

“CONTRARY TO LAW.”

Upon arraignment, accused-appellant pleaded not guilty.[3] Thereafter, trial on the merits ensued. The prosecution presented as its witnesses Arnold Salvador, Dominador Sarmiento, Dr. Benjamin Fabie, Esminda Feria and SPO2 Reynaldo Jarabejo. Accused-appellant, alone, took the witness stand for the defense.

Salvador testified that on October 3, 1996, at around 10:15 o'clock in the morning, he was selling chicharon inside Victory Liner Bus No. 729, then parked at the Siesta Bus Stop, San Roque, Tarlac, Tarlac.[4] Within his view was accused-appellant who was seated at the 4th row of the bus.[5] He tarried while waiting for the other passengers to board the vehicle. Thereupon, he noticed Feria boarding the bus. While Feria was still at the first rung of the bus' doorsteps, he suddenly stood up, held Feria's neck and stabbed him three (3) times with a balisong.[6] Feria managed to get off the bus and ran towards the parking space where he fell down.[7] Accused-appellant chased Feria but Sarmiento, a security guard, stopped him, ordered him to raise his hand and took the balisong.[8]

Sarmiento corroborated Salvador's testimony. He recounted that on the said date and time, he was making rounds

at the Siesta Victory Liner Terminal.[9] He posted himself three (3) meters away from Bus No. 729 to inform the passengers that it would be leaving soon.[10] He then saw accused-appellant. The latter approached Feria and stabbed him.[11] Feria fell from the bus when accused-appellant released him. Somehow Feria was able to run a few meters away from accused-appellant but he collapsed on the concrete pavement. When he (Sarmiento) saw accused-appellant chasing the victim, he blocked his path.[12] While aiming his gun at accused-appellant, Sarmiento ordered him to raise his hand and thereafter took the balisong from him. He gave the balisong to SPO2 Jarabejo who brought accused-appellant to the police station for investigation.[13]

SPO2 Jarabejo testified that on October 3, 1996, at around 10:15 o'clock in the morning, he was directing traffic at San Roque Junction, Tarlac, Tarlac.[14] A tricycle driver informed him that there was a commotion at the Victory Liner Terminal, prompting him to rush to the place.[15] When he reached the terminal, Sarmiento turned over to him accused-appellant as well as the balisong he used.[16] Jarabejo brought accused-appellant to the Police Station.[17]

Feria was rushed to the Tarlac Provincial Hospital. Dr. Fabie, a resident pathologist of the Tarlac Provincial Hospital, testified that he performed an autopsy on Feria's cadaver. His Autopsy Report shows that the victim sustained three (3) stab wounds on the chest and left shoulder, thus:

- “1. 3 ½ x 2 cms. (stab wound) at the supra aspect of glenoid left shoulder (non-penetrating wound);
2. 3 x 2 ½ cms, 3 cms. (stab wound) below stab wound No. 1;
3. 3 x 2 cms. (stab wound) left side of the sternum second intercostal space.”

Dr. Fabie affirmed the Medico-Legal Certificate dated October 4, 1986 stating that the cause of Feria's death was “Hypovolemic shock due to acute blood loss” and “cardiac tamponade resulting from stab wounds of the thorax, lungs and heart.”

Esminda Feria testified that her son was 17 years of age and a second year Electronics and Communication Engineering student at the University of Baguio. She said she spent P119,700.00 for his hospitalization, wake and burial, including miscellaneous expenses.[18]

Accused-appellant presented a different story. He testified that he was one of the passengers of Victory Liner Bus No. 729 on October 3, 1996.[19] He was occupying the 2nd to the last seat of the bus, together with his live-in partner, Cristina Abad, and her sister-in-law, Grace Abad.[20] When the bus stopped at the Victory Liner Terminal in Tarlac, he stood up to alight from the vehicle but Feria who was from the front side of the bus approached him and attempted to stab him.[21] He evaded the thrust and grappled with Feria for the possession of the knife. After wrestling the knife from Feria, he stabbed him. However, he could no longer remember how many times he stabbed the victim.[22] He did not suffer any bruises or injuries.[23] Thereafter, he alighted from the bus and surrendered himself to Sarmiento. He also surrendered the knife he used in stabbing the victim.[24] Sarmiento turned him over, together with the knife, to SPO2 Jarabejo who arrived at the scene of the incident. The latter brought him to the Police Station but he did not give any written statement about what happened.[25] Accused-appellant further claimed that he did not know the person whom he stabbed. He averred, however, that while boarding the bus at its terminal in Baguio City in the morning of October 3, 1996, he and the victim accidentally bumped each other. The latter stared at him with a “dagger look.”[26]

On January 20, 1998, the trial court rendered its Decision, the dispositive portion of which reads:

“WHEREFORE, this Court finds the accused Edwin Alcodia y Simon GUILTY beyond reasonable doubt of the crime of Murder as defined and penalized in Article 248 of the Revised Penal Code, as amended, and hereby sentences him to suffer a jail penalty of Reclusion Perpetua, with the accessory penalties of the law and

to pay the heirs of Ryan Feria y Verona the amount of P50,000.00 as moral indemnity, to pay his heirs the amount of P119,700.00 as actual damages, to pay P25,000.00 as exemplary damages and to pay the costs.

“SO ORDERED.”

In appreciating the qualifying circumstance of treachery, the RTC ratiocinated:

“The Court is convinced that Alcodia fatally stabbed Feria. But was the killing of the victim a case of murder as charged? As shown by the evidence spread on the record, Alcodia fatally attacked Feria with a knife suddenly, unexpectedly and without any warning as the latter was boarding Bus No. 729 bound for Olongapo City. Feria then was unarmed and unaware of the evil design of accused Alcodia when the latter attacked Feria. Accused gave the victim no chance to defend himself or repel the assault against him, considering the sudden and unexpected attack on his person, thereby ensuring its accomplishment.”

Accused-appellant anchors his appeal on this assignment of error:

THE COURT A QUO GRAVELY ERRED IN RELYING SOLELY ON THE PROSECUTION’S EVIDENCE AND DISREGARDING COMPLETELY HIS TESTIMONY THAT HE WAS PREVIOUSLY ATTACKED BY THE VICTIM AND HE MERELY ACTED IN SELF-DEFENSE.[27]

Accused-appellant invokes several Decisions of this Court sustaining self-defense. However, without expounding how these Decisions apply to his case, he concludes that his plea of self-defense is proper, thus, he should be acquitted.

In its Appellee’s Brief, the Solicitor General contends that as between the version of the prosecution and that of the defense, the former deserves more weight because first, the RTC found the prosecution witnesses credible, they having testified with sincerity and candor; and second, no ill motive was shown why the prosecution witnesses would falsely testify against accused-appellant.

The appeal is bereft of merit.

Accused-appellant’s lone assignment of error borders on the matter of credibility of witnesses.

Time and again, this Court has pronounced that matters affecting credibility are best left to the trial court because of its unique opportunity of having observed that elusive and incommunicable evidence of the witness’ deportment on the stand while testifying.[28] The brazen face of the liar, the glibness of the schooled witness in reciting a lesson, or the itching over-eagerness of the swift witness, as well as the honest face of the truthful one, are alone seen by the trial judge.[29] Thus, the appellate court will not disturb the findings of the lower court,[30] unless there appears in the record some facts or circumstances of weight and influence which has been overlooked or the significance of which have been misinterpreted.[31]

Upon a careful evaluation of the evidence, we find that the RTC is justified in giving full faith and credit to the testimonies of the prosecution witnesses. With marked relevance is the fact that there appears to be no motive on the part of Salvador and Sarmiento to falsely testify against accused-appellant other than their sincere desire to disclose the truth about Feria’s death. As a matter of fact, accused-appellant did not even attempt to show why these two disinterested witnesses would concoct an inculpatory story against him. It must therefore be presumed that they were not moved by wicked intentions.[32] We quote their clear and straightforward accounts of the incident. Salvador testified as follows:

“ATTY. FARINAS:

Q What particular portion of the bus were you when Ryan Feria boarded the same?

A I was at the middle of the bus.

Q And how about the accused, where was he at that time?

A He was seated at the fourth seat.

x x x x x x x x

Q What was he doing when you saw the accused?

A He was looking down.

Q After that, what did he do if he did anything?

A When Ryan Feria boarded the bus, he suddenly stood up, embraced him on the neck and stabbed him.

Q You said that accused stabbed Ryan Feria, using yourself and myself as point of impact, please demonstrate how the accused stabbed victim Ryan Feria?

INTERPRETER:

Witness demonstrating by holding Atty. Farinas with his left hand by the neck and then stabbed him.

ATTY. FARINAS:

Q How many times?

A Three times, sir.

Q How far were you from them when Alcodia stabbed Ryan Feria?

A I was on the eighth seat of the bus.

Q After he stabbed Ryan Feria three times, what happened next, if any?

A Ryan Feria was able to run.

Q Where did he go?

A He went to the parking space and then he fell down.

Q How far from the place where Ryan Feria fell down from the place where he was stabbed by Edwin Alcodia?

A More or less 4 meters.

Q And what did Edwin Alcodia do when Ryan Feria ran away?

A He chased him.

Q Was he able to chase him?

A No more, sir.

Q Why?

A Because the security guard arrived.

Q And do you know the name of the security guard you are referring to?

A I know him by the family name Sarmiento, sir.

Q What happened when the security guard arrived?

A He ordered him to raise his hand because he was holding a knife.”[33]

Sarmiento corroborated the foregoing testimony of Salvador, thus:

“ATTY. FARINAS:

Q

On October 3, 1996, at 10:15 a.m., do you remember of any unusual incident that happened?

A

There was a stabbing incident, sir.

Q

And who were involved in that stabbing incident, if you know?

A

Edwin Alcodia, sir.

Q

You said that there was a stabbing incident that happened, how did it happen?

A

When I was making a round, I approached the passengers of Bus No. 729 to board their bus because the bus will be leaving. When Ryan Feria was about to board the bus, he was met by a person who came from inside the bus, embraced him and then stabbed him.

Q

You mentioned Bus No. 729, how far were you from the said bus when the incident happened?

A

About three meters away from the bus.

x x x x x x x x

Q

What weapon did Edwin Alcodia use in stabbing Ryan Feria, if you know?

A

A knife (balisong), sir.

Q

How long is that balisong you are referring to?

A

About eight inches.

Q

After you saw Edwin Alcodia stabbed Ryan Feria, what did you do, if any?

A

Being a security guard, I pulled my gun and pointed at him. I let him raised his hand and that was the time I got the knife from him.

Q

Why did you aim your gun to accused Edwin Alcodia?

A

Because Edwin Alcodia wanted to go after Ryan Feria.

Q

Why, what did Ryan Feria do after he was stabbed?

A

He fell on the pavement, then he was able to run and he fell again.”[34]

Notwithstanding the searching cross-examination by the defense counsel, both witnesses were able to survive the ordeal without deviating from their direct testimonies. And like a chain that derives strength from being interconnected, their testimonies meet the test of credibility because of their being corroborated on material points. For one, Salvador’s testimony that Feria was stabbed three times at the shoulder was corroborated not only by Sarmiento but also by Dr. Fabie who testified that Feria suffered three stab wounds at the chest, with the second wound penetrating the “sternum and the right thoracic cavity.”[35] For another, Salvador and Sarmiento are one in saying that (a) accused-appellant stabbed Feria without any provocation on the latter’s part; (b) the weapon used was a balisong; and (c) accused-appellant chased Feria after he had stabbed him.

In an attempt to discredit the testimony of Salvador, the defense tried to show that as a chicharon vendor, he has no business observing the passengers. This is a very flimsy deduction. Extraordinary events jolt the mind to attention. The stabbing of a person does not happen everyday such that it can just be brushed aside as a normal incident unworthy of observation. The taking of a person’s life is so shocking that for anyone who witnesses it, time stands still and a moment of undivided awareness ensues. Besides, Salvador was able to establish during cross-examination that he had reason to observe the passengers. He testified that he was an informer of the Philippine National Police and a member of the Philippine Watchman tasked to identify the “Salisi Gang.”

But more than anything else, what convinces us to affirm the trial court’s finding is the presence of certain badges of guilt that renders accused-appellant’s claim of self-defense improbable and unworthy of belief. First, the physical evidence shows that Feria suffered three stab wounds on the chest. Dr. Fabie testified that even if Feria was given proper and timely medication, he would not have survived.[36] The cause of his death was “cardiac tamponade resulting from stab wounds of the thorax, lungs and heart.” The nature, location, and number of the wounds inflicted on Feria thus belie and negate the claim of self-defense.[37] It certainly defies reason why accused-appellant had to inflict such injuries on Feria 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.

Second, despite accused-appellant’s assertions that Feria was the aggressor and he (accused-appellant) engaged in a struggle for possession of the balisong, he 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. The defense failed to present anyone who could confirm

his story, specifically that the victim was the aggressor. This, all the more, renders his story dubious.

And third, accused-appellant failed to inform the police that he acted in self-defense. There is nothing in the records that his immediate outcry to SPO2 Jarabejo was self-defense.[38] While he tried to convince the trial court that he did not escape nor evade arrest after committing the crime, however, Salvador and Sarmiento testified that accused-appellant did not voluntarily surrender himself. He was constrained to do so at a gunpoint.[39] In a number of cases, this Court ruled that failure to inform the police of the unlawful aggression on the part of the victim and to surrender the knife used in stabbing him militates against the claim of self-defense.[40]

All told, accused-appellant's plea of self-defense must fail. His conviction necessarily follows on the basis of his admission to the killing. It is a hornbook doctrine that where self-defense is invoked, it is incumbent upon the accused-appellant to prove by clear and convincing evidence that (1) he is not the unlawful aggressor; (2) there was lack of sufficient provocation on his part; and (3) he employed reasonable means to prevent and repel an aggression.[41] At the heart of these is the presence of unlawful aggression. Without it, self-defense will not have a leg to stand on and this justifying circumstance cannot and will not be appreciated.[42] Also, the accused-appellant must rely on the strength of his own evidence and not on the weakness of that of the prosecution, for even if the latter were weak, it would not be disbelieved after his open admission of the killing.[43]

The trial court also held that accused-appellant committed the crime of murder, as qualified by treachery. There is treachery when the offender commits any of the crimes against persons, employing means, methods or forms in the execution thereof which tend directly and specially to insure its execution without risk to himself arising from the defense which the offended party might make.[44]

Treachery is evidently present in the instant case. Like a beast waiting for his prey, accused-appellant stealthily rushed towards Feria, swiftly held him at the neck, and successively stabbed him in the chest. By holding Feria at the neck, accused-appellant chose a mode of attack intended to facilitate and insure the killing without danger to himself. Apparently, Feria who was then boarding the bus was not aware of any impending danger to his life. He had no reason to suspect that an assailant lurked inside the bus considering that there was no prior verbal altercation or heated argument that could have infuriated accused-appellant. Undoubtedly, the manner of killing shows the existence of treachery. The essence of treachery is that the attack is deliberate and without warning done in a swift and unexpected manner of execution affording the hapless, unarmed and unsuspecting victim no chance to resist or escape.[45]

Under Article 248[46] of the Revised Penal Code, the penalty for the consummated crime of murder is reclusion perpetua to death. The lesser of the two indivisible penalties shall be imposed, there being neither mitigating nor aggravating circumstances attending the crime.[47]

In keeping with prevailing jurisprudence, the heirs of the deceased are entitled to the amount of P50,000.00 by way of civil indemnity ex delicto.[48] As regards the actual damages, it appears that the amount of P119,700.00 was based solely on the personal list prepared by Feria's mother.[49] To be entitled to such damages, it is necessary to prove the actual amount of loss with a reasonable degree of certainty, premised upon competent proof and on the best evidence obtainable to the injured party.[50] In the case at bar, the prosecution failed to present any receipt to prove the claim for expenses incurred.[51] Nevertheless, in light of the recent case of *People vs. Abrazaldo*,[52] we grant the award of P25,000.00 as temperate damages, in lieu of actual damages. The moral damages awarded in the amount of P50,000.00 is affirmed, there being proofs that because of Feria's death, his heirs suffered wounded feelings, mental anguish, anxiety and similar injury.[53] Finally, we likewise

affirm the trial court's award of P25,000.00 as exemplary damages.[54]

WHEREFORE, the Decision dated January 20, 1998 of the Regional Trial Court, Branch 65, Tarlac, Tarlac, finding accused-appellant Edwin Alcodia y Simon guilty of the crime of murder and sentencing him to suffer the penalty of reclusion perpetua, is hereby AFFIRMED with the MODIFICATION that he is ordered to pay the heirs of the late Ryan Feria y Verona the amounts of P50,000.00 as civil indemnity, P50,000.00 as moral damages, P25,000.00 as exemplary damages and P25,000.00 as temperate damages.

Costs de oficio.

SO ORDERED.

Puno (Chairman), Panganiban and Carpio Morales, JJ., concur.
Corona, J., on leave.

[1] Rollo at 56-63.

[2] Id. at 1.

[3] Records at 14.

[4] TSN, April 17, 1997, at 4-5.

[5] Id. at 6.

[6] Id. at 7.

[7] Id. at 8.

[8] Id. at 9-10.

[9] TSN, June 5, 1997, at 15-16.

[10] Id. at 17.

[11] Id. at 16.

[12] Id. at 18-19.

[13] Id. at 20.

[14] TSN, June 18, 1997, at 4.

[15] Id. at 6.

[16] Id. at 7.

[17] Id. at 9.

[18] TSN, July 30, 1997, at 6-7.

[19] TSN, November 5, 1997, at 4.

[20] Id. at 5.

[21] Id. at 6.

[22] Id. at 7.

[23] Id. at 17.

[24] Id. at 8.

[25] Id.

[26] Id. at 19.

[27] Rollo at 52.

[28] People vs. Castillo, 335 SCRA 100 (2000).

[29] People vs. Del Rosario, 344 SCRA 382 (2000).

[30] Cueme vs. People, 334 SCRA 795 (2000).

[31] People vs. Pascual, 331 SCRA 252 (2000).

[32] People vs. Meneque, 339 SCRA 200, 209 (2000).

[33] TSN, April 17, 1997, at 7-9.

[34] TSN, June 5, 1997, at 17-19.

[35] Id. at 8-9.

[36] Id. at 12.

[37] People vs. Camahalan, 241 SCRA 558 (1995); People vs. Tanduyan, 236 SCRA 433 (1994); People vs. Amaro, 235 SCRA 8 (1994); People vs. Gregorio, 255 SCRA 380 (1996); People vs. Layam, 234 SCRA 424 (1994).

[38] TSN, June 18, 1997, at 1-10.

[39] TSN, April 17, 1997, at 23-24; TSN, June 5, 1997, at 18-19.

[40] People vs. Figuracion, G.R. No. 129162, August 10, 2001; Ingles vs. Court of Appeals, G.R. No. 117161, March 3, 1997.

[41] People vs. Rabanal, 349 SCRA 655 (2001).

[42] People vs. Saure, G.R. No. 135848, March 12, 2002.

[43] People vs. Abrazaldo, G.R. No. 124392, February 6, 2003.

[44] People vs. Almendras, G.R. No. 137277, December 20, 2001.

[45] People vs. Galano, 327 SCRA 462 (2000).

[46] Article 248 of the Revised Penal Code provides:

“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 x x x.”

[47] Article 63 (2) of the Revised Penal Code; People vs. Piedad, G.R. No. 131923, December 5, 2002.

[48] People vs. Ilo, G.R. No. 140731, November 21, 2002.

[49] TSN, July 30, 1997, at 6-7.

[50] *People vs. Acosta*, G.R. No. 140386, November 29, 2001; *People vs. Suelto*, 325 SCRA 41 (2000); *People vs. Samolde*, 336 SCRA 632 (2000).

[51] *People vs. Manlansing*, G.R. No. 131736, March 11, 2002.

[52] This Court held: “Thus, we now hold that where the amount of the actual damages cannot be determined because of the absence of receipts to prove the same, but it is shown that the heirs are entitled thereto, temperate damages may be awarded. Such temperate damages, taking into account the current jurisprudence fixing the indemnity for death at P50,000.00, should be one-half thereof, or P25,000.00. This makes temperate damages equal to the award of exemplary damages, which is likewise fixed at P25,000.00 in cases where its award is justified.” *Supra*.

[53] TSN, July 30, 1997, at 7-8.

[54] *People vs. Catubig*, 363 SCRA 636 (2001).

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