

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RUEL ALILIN, ACCUSED-APPELLANT.

G.R. No. 134379. March 21, 2002

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

Accused-appellant Ruel Alilin was charged with Murder in Criminal Case No. 6074-V-97 before the Regional Trial Court of Valenzuela, Branch 171, allegedly committed as follows:

That on or about September 19, 1996 in Valenzuela, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, without any justifiable cause, with treachery, evident premeditation, and with deliberate intent to kill, did then and there willfully, unlawfully and feloniously attack and repeatedly stab with a knife one FREDERICO CALISAAN, thereby inflicting upon the latter serious physical injuries which caused his death.

Contrary to law.[1]

Upon being arraigned, accused-appellant pleaded not guilty. After trial, the lower court rendered a decision,[2] the dispositive portion of which reads as follows:

WHEREFORE, finding accused Ruel Alilin GUILTY beyond reasonable doubt of the crime of murder qualified by treachery, he is hereby sentenced to suffer the penalty of Reclusion Perpetua and costs of suit.

The accused is hereby ordered to pay the heirs of the victim the sum of P 21,125.00 representing the expenses for the wake, burial and funeral of the deceased and the amount of P 50,000.00 as death indemnity.

SO ORDERED.[3]

The antecedent facts as culled from the testimonies of prosecution witnesses are as follows:

In the evening of September 19, 1996 at around 10:30 p.m., prosecution witnesses Armando Ramos and Roderick Lomaan, together with the deceased Federico Calisaan (Rico) and accused-appellant Ruel Alilin had a drinking spree at a basketball court on Delupio Street, Fortune I, Valenzuela City. After finishing the gin which Ruel bought, Armando, Roderick and Rico decided to go home. As they walked away, Ruel suddenly stabbed Rico on the back. The latter fell to the ground. Accused-appellant moved towards Roderick,[4] but apparently changed his mind and turned back. Accused-appellant grabbed Rico's shirt and stabbed him several times on the front part of the body. Accused-appellant then chased Armando and Roderick, who scampered away. Accused-appellant fled.[5] Armando and Roderick returned and rushed Rico to the Fatima Hospital on board a tricycle. The hospital refused to admit Rico,[6] so he was transferred to the Jose Reyes Memorial Hospital. The following day, Rico succumbed to the stab wounds he sustained and expired.

The postmortem examination of the body of Federico Calisaan revealed two stab wounds and one incised wound. One stab wound was found at the back.[7] The autopsy report confirmed multiple stab wounds as the cause of

death.[8]

In his defense, accused-appellant claimed that in the evening of September 19, 1996, he was on his way home on his motorcycle when Armando Ramos called him from the basketball court at Delupio Street, Fortune I, Karuhatan, Valenzuela and asked him for money to buy liquor. Ruel retorted that he had no money as he had to buy fuel. Armando insisted that Ruel buy him two bottles of Red Horse. Ruel finally acceded and bought one bottle of gin for Armando. When Ruel approached the group of Armando on the basketball court to hand over the bottle of gin, Rico offered Ruel a shot. Immediately after Ruel drank, Rico hit him on the nape and lunged on top of him. Accused-appellant drew his bladed weapon and stabbed Rico. After stabbing Rico twice, he ran away.[9]

Accused-appellant Ruel Alilin alleged that the trial court gravely erred in finding that treachery attended the commission of the crime charged, thus qualifying the same to murder.

At the outset, we find no cogent reason to disturb the trial court's findings of fact and evaluation of the witnesses' credibility. It is doctrinal in this jurisdiction that trial courts, who have an unmatched opportunity to observe the demeanor of the witnesses, are in a better position to pass upon their credibility.[10] Hence, absent any substantial and glaring factual oversight by the trial court, which would warrant a departure therefrom, the findings and conclusions of the trial court are entitled to the highest degree of respect, if not finality.

Treachery is the deliberate and unexpected attack on the victim without any warning and without giving him an opportunity to defend himself.[11] Hence, for treachery to qualify the killing, two elements must concur, namely: (1) the employment of means of execution that gives the person attacked no opportunity to defend himself or retaliate; and (2) the means of execution was deliberately or consciously adopted.[12]

All the above-mentioned elements are present in the case at bar. Prosecution witnesses Armando Ramos and Roderick Lomaan, who were together with the deceased when the crime was committed, testified that accused-appellant suddenly attacked them from behind and stabbed Rico on the back.[13] Surely, the deceased and his companions could not have been aware of the impending attack. They had no reason to expect any violent incident since, as testified to by Roderick Lomaan, he knew of no misunderstanding between accused-appellant and the deceased Federico Calisaan.[14] Lomaan also testified that the deceased was in no position to defend himself from the attack, since he was drunk and unable to run.[15] In fact, the victim instantly fell to the ground after the first blow on his back. Thereafter, accused-appellant took the victim by his shirt and stabbed him several times while he lay on the ground, indubitably showing a deliberate and conscious intent to kill the victim.

Since treachery attended the killing, the lower court, therefore, did not err in convicting accused-appellant of Murder. There being neither aggravating nor mitigating circumstance present, the trial court was correct in imposing the penalty of reclusion perpetua.

Likewise, the trial court correctly awarded civil indemnity to the heirs of the deceased. Civil indemnity *ex delicto* can be awarded without need of further proof other than the commission of the felony itself.[16] With respect to the award of actual damages, the rule in this jurisdiction is that the same cannot be based on the allegation of a witness without any tangible document to support such a claim.[17] Anent the award of actual damages, the same was the subject of stipulation between the parties.[18] Hence, the award of P21,125.00 as actual damages is affirmed.[19] In addition, moral damages should be awarded to the heirs of the deceased. The conviction of accused-appellant for the crime charged is sufficient to justify the award thereof.[20] Consistent with jurisprudence, the amount of moral damages shall be P50,000.00.[21]

WHEREFORE, the decision of the Regional Trial Court of Valenzuela, Metro Manila, Branch 171, in Criminal Case No. 6074-V-97, finding accused-appellant Ruel Alilin guilty beyond reasonable doubt of the crime of

Murder, sentencing him to suffer the penalty of reclusion perpetua, and ordering him to pay the heirs of the deceased, Federico Calisaan, the amounts of P50,000.00 as civil indemnity and P21,125.00 as actual damages, is **AFFIRMED** with the **MODIFICATION** that accused-appellant is further ordered to pay the heirs of the deceased the amount of P50,000.00 as moral damages.

SO ORDERED.

Davide, Jr., C.J., (Chairman), and Kapunan, J., concur.
Puno, J., on official leave.

- [1] Rollo, p. 6.
- [2] Ibid., pp. 93-100; penned by Judge Adriano R. Osorio.
- [3] Id., p. 100.
- [4] TSN, October 17, 1997, p. 4.
- [5] TSN, September 02, 1997, pp. 4-8.
- [6] Ibid., p. 9.
- [7] Id.
- [8] Records, p. 66.
- [9] TSN, May 04, 1998, pp. 3-10.
- [10] *People v. Cortez*, 348 SCRA 663, 668 [2000].
- [11] *People v. Bagcal*, G.R. Nos. 107529-30, January 29, 2001.
- [12] *People v. Amazan, et al.*, G.R. Nos. 136251, 138606, and 138607, January 16, 2001.
- [13] TSN, September 2, 1997, pp. 6-7; TSN, September 16, 1997, pp. 5-6; TSN, October 17, 1997, pp. 4-5; TSN, October 29, 1997, p. 2.
- [14] Ibid.
- [15] TSN, October 17, 1997, p. 6.
- [16] *People v. Bato*, 348 SCRA 253, 263 [2000].
- [17] *People v. Sanchez*, 308 SCRA 264, 287 [1999].
- [18] TSN, August 6, 1997, p. 2.
- [19] *People v. Francisco*, 330 SCRA 497, 506 [2000].
- [20] *People v. Castellano*, G.R. No. 130596, February 15, 2002.
- [21] *People v. Ortiz*, G.R. No. 133814, July 17, 2001.

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