

CARLOS ARCONA Y MOBAN, PETITIONER, VS. THE COURT OF APPEALS AND PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. 134784. December 09, 2002

Ponente: YNARES-SANTIAGO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-134784/>

YNARES-SANTIAGO, J.:

Petitioner Carlos Arcona y Moban[1] and his brother Benito Arcona y Moban were charged with Murder and Frustrated Murder[2] in separate information which read:

Criminal Case No. 6408 (Murder)

That on or about the 27[th] day of June, 1986 at Barangay Labog, Municipality of Brooke's Point, Province of Palawan, Philippines, and within the jurisdiction of this Honorable Court the above-named accused conspiring, confederating together and mutually helping one another, with intent to kill and with evident premeditation and treachery, did then and there willfully, unlawfully and feloniously attack, assault and stab one NAPOLEON ONG with a bladed weapon to wit; a knife hitting him in vital part of his body and inflicting upon him injury which was the direct and immediate cause of his death shortly thereafter.

Criminal Case No. 6409 (Frustrated Murder)

That on or about the 27[th] day of June 1986 at Barangay Labog, Municipality of Brooke's Point, Province of Palawan, Philippines, and within the jurisdiction of this Honorable Court the above-named accused conspiring, confederating together and mutually helping one another, with evident premeditation and treachery and with intent to kill did then and there willfully, unlawfully and feloniously attack, assault, strike and beat with a bamboo pole one EDGARDO TALANQUINES hitting him on different parts of his body and inflicting upon him injuries which would have caused his death thru performing all the acts of execution which would have produced the crime of murder as a consequence but nevertheless did not produce it by reason of causes independent of the will of the accused that is EDGARDO TALANQUINES have parried the blows, escape away from his assailant and by the timely and able medical assistance rendered to said Edgardo Talanquines which prevented his death.

On arraignment both accused pleaded "not guilty". Thereafter, the cases were jointly tried.

It appears that at around 7:30 in the evening of June 27, 1986, Napoleon Ong and Edgardo Talanquines were walking along the national highway at Barangay Labog, Brooke's Point, Palawan, on their way home after coming from a birthday party. When they were near the house of Jerry Boston, Edgardo heard a loud thud. He turned around saw Napoleon slump to the ground. Suddenly, someone hit Edgardo from behind with a piece of bamboo, causing him to fall. He saw no one in the immediate premises except petitioner. Edgardo then stood up and ran towards the house of Cesar Umapas to ask for help.

Prosecution witness Leo Zaragoza testified that he was standing in front of Jerry Boston' house, about seven (7) meters away, when he saw petitioner stab Napoleon.

Napoleon expired on the way to the hospital. Dr. Joaquin Fabellon, who conducted the autopsy on Napoleon's

body, certified that the cause of death was the stab wound sustained at the stomach area just above the waistline.

Petitioner voluntarily surrendered to T/Sgt. Romeo Laging at the PC Detachment Command in Barangay Lugod.

In his defense, petitioner alleged that in the evening of June 27, 1986, he was walking alone when he met Napoleon Ong and Edgardo Talanquines. Without any provocation, Napoleon suddenly drew his bolo and shouted, "Caloy, I will kill you!"[3] Napoleon swung the bolo at him twice but missed him. Petitioner then drew out his knife and stabbed Napoleon. When he saw Edgardo Talanquines rushing towards him, he grabbed a piece of bamboo from the newly constructed culvert and hit the former on the left arm. Talanquines ran away. Petitioner also left the premises and went home. On the way, he met his brother, Benito, and together they proceeded to their house.[4]

After trial, the court a quo rendered judgment in Criminal Case No. 6408 convicting petitioner of Homicide and acquitting Benito Arcona. In Criminal Case No. 6409, the trial court convicted Benito Arcona of Slight Physical Injuries and acquitted petitioner. The dispositive portion of the decision[5] reads:

WHEREFORE, premises considered, the Court renders judgment in Criminal Case No. 6408 finding Carlos Arcona y Moban GUILTY beyond reasonable doubt of the crime of Homicide under Art. 249 of the Revised Penal Code, with the mitigating circumstance of voluntary surrender to authorities and no aggravating circumstances. He is hereby sentenced to suffer the indeterminate penalty of SIX (6) YEARS and ONE (1) DAY of PRISION MAYOR as MINIMUM to FOURTEEN (14) YEARS and ONE (1) DAY OF RECLUSION TEMPORAL as MAXIMUM, and to indemnify the heirs of Napoleon Ong the sum of THIRTY THOUSAND PESOS (P30,000.00) for his death, TEN THOUSAND PESOS (P10,000.00) as actual damages and TEN THOUSAND PESOS (P10,000.00) as moral damages. Benito Arcona is acquitted of the crime charged, for failure of Prosecution to prove his guilt beyond reasonable doubt.

In Criminal Case No. 6409, Benito Arcona is found GUILTY beyond reasonable doubt of the crime of Slight Physical injuries and is sentenced to suffer imprisonment of TWENTY (20) DAYS of ARRESTO MENOR and to indemnify Edgardo Talanquines the sum of TEN THOUSAND PESOS (P10,000.00) as actual damages. Carlos Arcona is ACQUITTED of the crime charged for failure of Prosecution to prove his guilt beyond reasonable doubt.

Only petitioner appealed to the Court of Appeals, assailing his conviction for Homicide in Criminal Case No. 6408. On January 28, 1997, the Court of Appeals affirmed the findings of the trial court but increased the civil indemnity to P50,000.00, thus:

WHEREFORE, for all the foregoing, the decision of the trial court finding appellant Carlos Arcona guilty of Homicide mitigated by his voluntary surrender to the authorities is hereby AFFIRMED, with the sole modification that the civil indemnity Carlos Arcona shall pay to the heirs of Napoleon Ong is hereby increased to Fifty Thousand Pesos (P50,000.00).[6]

Petitioner filed the instant petition for review. He maintains that he acted in self-defense when he stabbed Napoleon and hit Edgardo with a bamboo stick. He contends that Napoleon committed unlawful aggression when drew an unsheathed bolo and attempted to hack him with it twice. Moreover, petitioner invokes the testimony of Jerry Boston, to the effect that before the stabbing incident he heard somebody shout, "Caloy, patayon kita." (Caloy, I will kill you!)[7]

We are not persuaded. It is settled jurisprudence that when an accused invokes self-defense, the onus probandi to show that the killing was justified shifts to him. Even if the prosecution evidence was weak, it could not be readily dismissed considering that the accused had openly admitted his responsibility for the killing.[8]

To prove self-defense, the accused must show with 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 or repel the aggression. Self-defense, like alibi, is a defense easy to concoct. It is axiomatic that once an accused had admitted that he inflicted fatal injuries on the deceased, it is incumbent upon him, in order to avoid criminal liability, to prove the justifying circumstance claimed by him with clear, satisfactory and convincing evidence.[9]

The question whether accused-appellant acted in self-defense is essentially a question of fact. In self-defense, unlawful aggression is a primordial element.[10]

In the case at bar, the trial court was evidently not satisfied and convinced with petitioner's claim that Napoleon was the unlawful aggressor, thus:

It has been established that a bolo identified as belonging to Napoleon Ong was found at the scene of the crime. The Court is also convinced that the stabbing incident was preceded by the sounds of a scuffle or fight because it was these unusual noises which led Leo Zaragosa and Benito Arcona to go out of the house of Jerry Boston in order to investigate what had happened. However, the presence of the bolo of Napoleon Ong, and the shout of "Caloy, I will kill you" allegedly uttered by the deceased are circumstantial evidence and not sufficient to conclude that the deceased had committed acts of unlawful aggression which justified the stabbing by accused Carlos Arcona.[11]

We agree with the findings of the trial court. The presence of Napoleon's unsheathed bolo at the crime scene and the scattered bamboo sticks suggest a number of scenarios. While the physical evidence may suggest that Napoleon drew the bolo from its scabbard, such fact alone would not in any way satisfactorily support the conclusion that, indeed, Napoleon was the unlawful aggressor.

Likewise, the trial court was correct in refusing to give any weight to the shout, "Caloy, I will kill you!" which Jerry Boston allegedly heard immediately prior to the actual stabbing incident. Indeed, Jerry Boston testified that "somebody" shouted those words. He did not categorically say that it was Napoleon. Even granting that Napoleon uttered those words, it was still possible that he said it while being assaulted by petitioner. Significantly, Jerry only heard the shouted words but never saw the sequence of events preceding the stabbing incident, thereby rendering doubtful the contention that Napoleon was the unlawful aggressor. Simply, these circumstances are insufficient to conclusively establish that Napoleon was the unlawful aggressor.

Parenthetically, the Court of Appeals concurred with the findings of the trial court and even concluded that the physical evidence only made petitioner's claim improbable, thus:

Accused-appellant miserably failed to convince the trial court that the stabbing was indeed in self-defense. Accused-appellant's version that he was waylaid by Edgardo Talanquines and the deceased Napoleon Ong is highly improbable because he escaped the alleged ambush without a single scratch considering that there were allegedly two (2) attackers and one was even armed with a bolo (TSN, March 27, 1990, pp. 3, 7 and 9). Moreover, accused-appellant's claim that Edgardo Talanquines rushed him is also questionable because appellant who was then already armed with a knife was purportedly attacked by Mr. Talanquines who was not at all armed (Ibid, p. 10).[12]

In fine, the plea of self-defense cannot be justifiably entertained where it is not only uncorroborated by any separate competent evidence but also extremely doubtful in itself. Accused-appellant having failed to discharge the burden proving his defense, his conviction shall of necessity follow, on the basis of his admission to the killing.[13]

We have consistently ruled that the trial judge is the best person to evaluate the veracity of a witness's testimony as he is in the most ideal position to see the demeanor, actuation and countenance of a witness. Hence, we do not

generally disturb the findings of the trial court except in cases where the judge acted arbitrarily.[14] In the case at bar, petitioner failed to point out any arbitrariness on the part of the trial court.

Thus, we find that the court a quo was correct in convicting petitioner of Homicide attended by the mitigating circumstance of voluntary surrender and no aggravating circumstance. The penalty prescribed by law for Homicide, reclusion temporal, shall be imposed in its minimum period, pursuant to Article 64 (2) of the Revised Penal Code. Under the Indeterminate Sentence Law, petitioner shall be entitled to a minimum term of imprisonment to be taken from the penalty next lower in degree, prision mayor. Therefore, the indeterminate sentence imposed on him by the trial court, ranging from six (6) years and one (1) day of prision mayor, as minimum, to fourteen (14) years and one (1) day of reclusion temporal, as maximum, is affirmed.

Likewise, the Court of Appeals was correct in increasing the amount of civil indemnity to P50,000.00, in line with existing jurisprudence.[15] In cases of murder, homicide, parricide and rape, civil indemnity in the amount of P50,000.00 is automatically granted to the offended party or his heirs in case of his death, without need of further evidence other than the fact of the commission of the crime.[16]

On the other hand, the award of moral damages in the sum of P10,000.00 must be increased to P50,000.00. As borne out by human nature and experience, a violent death invariably and necessarily brings about emotional pain and anguish on the part of the victim's family. It is inherently human to suffer sorrow, torment, pain and anger when a loved one becomes the victim of a violent or brutal killing. Such violent death or brutal killing not only steals from the family of the deceased his precious life, deprives them forever of his love, affection and support, but often leaves them with the gnawing feeling that an injustice has been done to them. For this reason, moral damages must be awarded even in the absence of any allegation and proof of the heirs' emotional suffering.[17]

Finally, the award of actual damages in the amount of P10,000.00 does not appear to have been substantiated. Only those expenses which are duly proven, or those that appear to have been genuinely incurred in connection with the death, wake or burial of the victim, will be recognized in court.[18] Hence, the same must be deleted.

WHEREFORE, in view of the foregoing, the petition for review is DENIED. The decision of the Court of Appeals, finding petitioner Carlos Arcona y Moban guilty beyond reasonable doubt of Homicide, attended by the mitigating circumstance of voluntary surrender, and sentencing him to suffer the indeterminate penalty of six (6) years and one (1) day of prision mayor, as minimum, to fourteen (14) years and one (1) day of reclusion temporal, as maximum, and to pay the heirs of the deceased Napoleon Ong the sum of P50,000.00 as civil indemnity, is AFFIRMED with MODIFICATION. As modified, petitioner is further ordered to pay the heirs of the deceased moral damages in the increased amount of P50,000.00. The award of actual damages is deleted for lack of factual and legal basis.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Vitug, Carpio, and Azcuna, JJ., concur.

[1] Spelled as "Maban" in the RTC Records.

[2] Criminal Cases Nos. 6408 and 6409 respectively.

[3] TSN, March 27, 1990, p. 7.

[4] Ibid., p. 10.

[5] Penned by Judge Sabas R. Acosta, Records, pp. 50-67.

- [6] Penned by Associate Justice Arturo B. Buena and concurred in by Associate Justices Ma. Alicia Austria-Martinez (now Associate Justice of the supreme Court) and Bernardo Ll. Salas.
- [7] TSN, September 19, 1989, p. 5.
- [8] People v. Zeta, G.R. Nos. 140901-02, May 9, 2002.
- [9] People v. Bonifacio, G.R. No. 133799, February 5, 2002.
- [10] People v. Zeta, *supra*.
- [11] Record, p. 65.
- [12] Rollo, p. 39.
- [13] People v. Caguing, 347 SCRA 374 [2000].
- [14] People v. Lacbayan, 339 SCRA 396 [2000].
- [15] People v. Marquez, G.R. No. 136736, April 11, 2002.
- [16] People v. Bangcado, 346 SCRA 189, 210 [2000].
- [17] People v. Cabote, G.R. No. 136143, November 15, 2001, citing People v. Panado, 348 SCRA 679, 690-691 [2000].
- [18] People v. Bulfango, G.R. No. 138647, September 27, 2002.

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.