

THE PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ANTONIO ROM Y SARDED O AND JOEY CORSALES A.K.A. ANTONIO CORSANES, ACCUSED. JOEY CORSALES A.K.A. ANTONIO CORSANES, APPELLANT.

G.R. No. 137585. April 28, 2004

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before us is a petition for review on certiorari under Rule 45 of the Rules of Court filed by accused Joey Corsales, a.k.a. Antonio Corsanes, assailing the decision[1] dated January 22, 1999 rendered by the Regional Trial Court, Branch 219, Quezon City (RTC for brevity) finding him together with his co-accused Antonio Rom guilty beyond reasonable doubt of the crime of Murder, sentencing each of them to suffer the penalty of reclusion perpetua and to pay damages to the heirs of victim Roy Tiozon.

Corsales and Rom were charged with the Murder of Roy Tiozon, under an Information which reads as follows:

That on or about the 4th day of August, 1996 in Quezon City, Philippines, the said accused, conspiring, confederating and mutually helping each other, with intent to kill, qualified by evident premeditation and treachery, taking advantage of superior strength, did then and there willfully, unlawfully and feloniously attack, assault and employ personal violence upon the person of ROY TIOZON Y RIGA, by then and there stabbing and hacking the latter with deadly weapons, hitting him on the different parts of his body, thereby inflicting upon said ROY TIOZON Y RIGA serious and mortal wounds which were the direct and immediate cause of his death, to the damage and prejudice of the heirs of the said victim.[2]

Rom was first arraigned and tried while Corsales was at-large. Corsales was subsequently arraigned and tried upon his arrest in 1997. On January 22, 1999, the RTC rendered judgment, the dispositive portion of which reads as follows:

WHEREFORE, finding Antonio Rom and Joey Corsales GUILTY beyond reasonable doubt of the crime charged in the Information, the Court hereby sentences each of them to suffer the penalty of Reclusion Perpetua; to pay the heirs of Roy Tiozon, jointly and severally, the amount of P50,000.00 as moral damages, P5,850.00 as actual damages; P50,000.00 as indemnity; and P1,247,400.00 as compensatory damages; and to pay the costs.

SO ORDERED.[3]

Only Corsales appealed. He raises the following Assignment of Errors:

I

THE COURT A-QUO (sic) GRAVELY ERRED IN GIVING FAITH AND CREDENCE TO THE INCREDULOUS TESTIMONY OF THE PROSECUTION WITNESSES.

II

THE COURT A-QUO (sic) GRAVELY ERRED IN FINDING THAT THE GUILT OF THE ACCUSED-APPELLANT FOR THE CRIME CHARGED HAS BEEN PROVEN BEYOND REASONABLE DOUBT.

III

THE COURT A-QUO (sic) GRAVELY ERRED IN FINDING THAT THERE WAS CONSPIRACY IN THE CASE AT BAR.[4]

which may be compressed to the sole issue whether or not the RTC erred in ruling that the prosecution had established the guilt of appellant beyond reasonable doubt.

The trial court principally based its conviction of Rom and appellant on the testimony of prosecution witness Danilo Ancla, as narrated by it in its decision, to wit:

Eyewitness Danilo Ancla testified that on the afternoon of August 4, 1996, he went to the house of Joey Corsales after he was told by Arturo Tiozon, the father of Roy Tiozon, that the latter was fetched by accused Antonio Rom, whom he has known for almost two years, for a drinking session; that before reaching the house of Joey Corsales at a distance of about 10 to 12 meters, he saw a commotion involving Antonio Rom, Joey Corsales and Roy Tiozon; that Antonio Rom, who was holding a bolo, and Joey Corsales who was holding a Batangas knife, were ganging up on Roy Tiozon by hacking and stabbing him despite his pleas for mercy (“Maawa na kayo hindi naman ako lalaban!”); that when Roy Tiozon was down, he noticed a wound in his stomach; that after both accused inflicted wounds on the victim, they went towards the house of Antonio Rom; that after witnessing the incident, he went away; that on that same day, August 4, 1996, he told Arturo Tiozon that it was the two accused who stabbed his son; and that he volunteered himself to be a witness when he learned sometime in October, 1996 that a certain Amelia, who also witnessed the incident, was afraid to testify.[5]

and on the testimony of the medico-legal officer as to the nature of the wounds sustained by Tiozon, to wit:

The medico-legal officer, DRA. ROSALINE COSIDON, informed the Court that after the identification of the body as that of the victim, she proceeded to the autopsy proper by measuring the injuries and by marking their respective locations on the sketches of the human skull and body; that upon examination, she found that the victim sustained 6 stab wounds, 4 incise wounds and 6 abrasions or a total of 16 injuries; that from the nature of the wounds a sharp bladed instrument and a sharp pointed weapon were used, that of the 16 wounds, the stab wound located at the right breast and the wound located at the epigastric region were fatal wounds; and that she then reduced her findings into writing and prepared the death certificate. She added that it was possible that the victim was lying down when the injuries were inflicted on him; that two different persons used two kinds of instruments and that the abrasions on the body of the victim could have been caused by rubbing or hitting rough surfaces when he fell down; that the victim was attacked by a single person; that wound no. 6 was inflicted by a single knife; that there was a struggle between the victim and his assailant; and that immediate medical attention could have been saved the life of the victim.

Appellant’s appeal is totally bereft of merit. First, he tried to impress to us that Ancla was not consistent in implicating him when Ancla testified that victim Tiozon was in the house of appellant when the incident allegedly occurred but changed his answer when he further stated that the incident happened near Rom’s house. A perusal of the entire testimony of Ancla readily reveals that he was only told by the father of Tiozon that he was fetched by Rom and appellant to have a drinking session at appellant’s house;[6] but while on his way to appellant’s house, he saw both appellant and Rom hacking and stabbing Tiozon near the house of Rom. There is no contradiction on this matter. Further examination of his testimony discloses that the houses of Rom and appellant

were only one and a half to two meters away from each other.[7] As to why they are all outside the house of appellant is another matter that does not make any difference and absolutely not relevant to the fact that Ancla actually saw Rom and appellant hacking and stabbing Tiozon near their houses.[8]

Second, appellant insists that the totality of Ancla's testimony points to Rom as the lone assailant of Tiozon. A reproduction of Ancla's testimony evidently shows that it does not support appellant's claim, thus:

ATTY. MALLABO:

Q:

You said that you noticed a commotion, correct?

A:

Yes, sir.

Q:

What was that commotion all about?

A:

The commotion was about Joey Corsales and Antonio Rom hacking and stabbing Roy Tioson, sir.

Q:

Before the hacking incident did you notice any argument or fist fight?

A:

No, sir.

Q:

You just suddenly saw Antonio Rom hacking Roy Tioson (sic)?

A:

Yes, sir.

Q:

How did he hack Roy Tioson (sic)?

A:

Tinaga niya, sinaksak niya.

INTERPRETER:

Witness is raising his right arm with his fist closed and making downward motion and making twist movement.

ATTY. MALLABO:

Q:

In other words the first thing that you witnessed was Antonio Rom hacking Roy Tioson (sic)?

A:

Yes, sir.

Q:

And immediately following that Joey Corsales also stabbing Tioson?

A:

Yes, sir.

Q:

The first hack where was the hack inflicted on the body of Rioson (sic)?

A:

The hack on the stomach (sic) was the only one I saw because he was lying on his back, sir.

Q:

You want to tell the Honorable Court that when Antonio Rom hacking Tioson(sic), Tioson (sic) was lying flat on the ground?

A:

He was seated when he was hacked but when he was repeatedly stabbed and hacked I could not see what part of the body where he was hit, the only wound I saw was the wound in the stomach when he was lying on his back, sir.

Q:

In other words you saw the wound when Tioson (sic) was lying on the ground, I am referring to the hack in the stomach when you said you have seen?

A:

Yes, sir.

Q:

That is because you were very near that is why you saw the wound is it not?

A:

Yes, sir.

Q:

Now, I am sure you never stayed out from your place within a period of 5 meters as you earlier told to the court?

A:

Yes, sir.

Q:

Now, what about Joey Corsales what was he doing at the time you saw the other person you mentioned, Antonio Rom hacking Roy Tioson (sic)?

A:

He was also helping in stabbing Roy Tioson, sir.

Q:

Between Antonio Rom and Joey Corsales who first gave the first blow?

PROS. CHUA CHENG:

At what point in time, your Honor.

ATTY. MALLABO:

When you saw?

WITNESS:

A:

I could not really know the first part what I saw was that Antonio Rom was hacking Roy Tioson (sic).

COURT:

Q:

When you first see (sic) the 3 was the attack was already in progress?

A:

Yes, your Honor.

Q:

You do not know who first attacked Roy Tioson?

A:

I do not know, your Honor.

ATTY. MALLABO:

Q:

When Roy Tioson was already lying flat on the ground what did Joey Corsales do if he did anything?

A:

He also stabbed Roy Tioson, sir.

Can you remember how many times Joey Corsales hacked him?

I could no longer remember but I saw him stabbed (sic) on the neck, sir.

INTERPRETER:

Witness pointing to his right lower jaw.

ATTY. MALLABO:

Q;

After that what did Joey Corsales do after he slashed the neck of the victim . . .

PROS. CHUA CHENG:

Misleading, your Honor.

WITNESS:

A:

It is not a slash it is a stab because it was only a small balisong, sir.

ATTY. MALLABO:

Q:

After that I am sure both of them ran away is it not?

PROS. CHUA CHENG:

What point of reference?

ATTY. MALLABO:

Q:

After Joey Corsales thrust the knife on Roy Tioson (sic)?

A:

No, sir they just walked towards their house.

Q:

They entered the house of Antonio Rom?

A:

Yes, sir because their house are just beside each other.

Q:

How about you what did you do?

A:

I ran away, sir.

Q:

Despite the fact that Antonio Rom went already inside the house including Joey Corsales you ran away?

A:

They were just on their way towards their house facing me when I ran away, sir.[9]

As to how appellant could insist that the totality of Ancla's testimony shows that Rom is the sole assailant of Tiozon is absolutely beyond this Court's comprehension.

Third, appellant claims that there is dearth of evidence proving conspiracy. We are not convinced. Eyewitness Ancla positively identified him having stabbed Tiozon with a knife together with Rom who hacked Tiozon with a

bolo. Proof of previous agreement among the malefactors to commit the crime would be unnecessary to establish conspiracy when by their overt acts it could be deduced that they conducted themselves in concert with one another in pursuing their unlawful design.[10] Dr. Rosaline Cosidon, Medico-Legal Officer of the Philippine National Police Crime Laboratory testified that from the characteristics of the fatal wounds inflicted on the victim, “sharp bladed and sharp pointed instruments”, were possibly used, such as bolo or fan knife or balisong.[11] Rom’s and appellant’s acts in helping or assisting each other in simultaneously stabbing or inflicting wounds on the victim are clear and indubitable proofs of a concerted effort to bring about the death of the victim, thus they are equally liable for the crime.[12]

Moreover, the RTC did not err in finding appellant and Rom guilty of murder. The aggravating circumstances of taking advantage of superior strength qualified the act of killing Tiozon to Murder, under paragraph 15, Article 14, and paragraph 1, Article 248 of the Revised Penal Code. Abuse of superiority is attendant where two accused, both armed with knives, had cooperated in such a way as to secure advantage from their combined superiority in strength and took turns in stabbing the victim who was unarmed.[13] Thus, the RTC’s imposition of reclusion perpetua on appellant Corsales together with this co-accused Rom who did not appeal, is correct.

An appeal in a criminal case opens the entire decision for review.[14] The Court examined the damages awarded by the trial court to the heirs of Tiozon and finds it necessary to amend the same to conform to current jurisprudence, as follows:

The actual damages in the amount of P5,850.00 should be increased to P25,000.00, not as actual damages but as temperate damages, per this Court’s ruling in *People vs. De Los Santos*.[15]

The compensatory damages or for loss of earning capacity of the deceased victim, in the amount of P1,247,400.00, should be amended in accordance with the computation formulated in *People vs. Napalit*,[16] to wit: $\frac{2}{3} \times (\text{life expectancy minus age of victim})$ multiplied by $[\text{monthly income minus } \frac{1}{2} (\text{living expenses})]$, thus:

Net earning capacity

=

$\frac{2}{3} \times (80-34[17]) \times [P4,950.00 - \frac{1}{2} (P4,950.00)]$

=

$\frac{2}{3} \times 46 \times P2,475.00$

=

$30.66 \times P2,475.00$

=

P75,900.00

The heirs of Tiozon are therefore entitled to P75,900.00 only representing damages for loss of earning capacity in lieu of P1,247,400.00 erroneously awarded by the RTC.

In addition to the moral damages in the amount of P50,000.00, correctly awarded by the trial court, the heirs should be awarded exemplary damages in the amount of P25,000.00 in view of the testimony of Elizabeth Tiozon,[18] surviving wife of the victim.

Considering that the reduction of the amounts awarded by the trial court is beneficial to the accused, the same should also apply to accused Rom who did not appeal[19] while the additional amount of exemplary damages

shall be enforced only against herein appellant.

WHEREFORE, the decision dated January 22, 1999 of the Regional Trial Court of Quezon City (Branch 219) in Criminal Case No. Q-96-68649 convicting Joey Corsales a.k.a. Antonio Corsanes together with Antonio Rom y Sarsedo, beyond reasonable doubt of the crime of Murder, sentencing him to suffer reclusion perpetua and ordering him to pay, jointly and severally with accused Antonio Rom y Sardedo, the heirs of Roy Tiozon, moral damages in the amount of P50,000.00, civil indemnity in the amount of P50,000.00 and to pay the costs is AFFIRMED with the following MODIFICATIONS: Appellant is ordered to pay the heirs of Roy Tiozon the amount of P25,000.00 as temperate damages in lieu of the actual damages and P25,000.00 as exemplary damages. However, appellant together with accused Antonio Rom is ordered to pay jointly and severally, said heirs, the amount of P75,900.00 for loss of earning capacity in lieu of the compensatory damages in the amount of P1,247,400.00 awarded by the trial court.

Costs de officio.

SO ORDERED.

Puno, Quisumbing, Callejo, Sr. and Tinga, JJ., concur.

[1] Penned by Judge Jose Catral Mendoza.

[2] Records, p. 1.

[3] Records, p. 156.

[4] Brief for Accused-Appellant Joey Corsales, pp. 6 & 9.

[5] Records, pp. 148-149.

[6] TSN, February 27, 1997, pp. 11-12.

[7] TSN, April 13, 1998, pp. 5-6; February 27, 1997, p. 53.

[8] Ibid.

[9] TSN, February 27, 1997, pp. 44-54.

[10] People vs. Adrales, 322 SCRA 424, 435 (2000).

[11] TSN, April 3, 1997, pp. 7-8.

[12] People vs. Go-od, 331 SCRA 612, 622 (2000).

[13] People vs. Diamonon, 94 SCRA 227, 239 (1979).

[14] People vs. De Leon, 356 SCRA 471, 480 (2001).

[15] G.R. No. 135919, May 9, 2003.

[16] G.R. Nos. 142919 and 143876, February 4, 2003.

[17] People vs. Lopz, 312 SCRA 684, 701 (1999).

[18] Id., pp. 6-8.

[19] People vs. Baltar, Jr., 347 SCRA 579, 592 (2000); Section 11, Rule 122, Rules of Court.

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