

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. IRENEO GODOY, ACCUSED-APPELLANT.

G.R. No. 140545. May 29, 2002

Ponente: KAPUNAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-140545/>

KAPUNAN, J.:

On appeal before this Court is the decision, dated June 16, 1998, of the Regional Trial Court of Lucena City, Branch 54, in Criminal Case No. 94-639, the dispositive portion of which reads:

WHEREFORE, premises considered, this Court finds the accused Ireneo Godoy y Ani alias “Rene” GUILTY beyond reasonable doubt of the crime of Murder defined and punished under Article 248 of the Revised Penal Code and hereby sentences the accused to suffer imprisonment of RECLUSION PERPETUA with all the accessories of the law, and to pay the heirs of the deceased Alexander Carandang the following amounts:

- a) P50,000.00 - for death indemnity;
- b) P63,608.00 - for actual and compensatory damages;
- c) P24,000.00 - for loss of earning capacity;
- d) P5,000.00 - for attorney’s fee; and
- e) P30,000.00 - for moral damages.

The accused shall also pay the costs of this suit.

SO ORDERED.[1]

Accused-appellant was charged under an Information, dated February 24, 1994, which states:

That on or about the 29[th] day of January 1994, at Barangay Guisguis, Municipality of Sariaya, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, Ireneo Godoy y Ani alias “Rene”, armed with a fan-knife and Aquilino Godoy y Ani alias “Nonie”, conspiring and confederating together with three other persons whose true names and real identities are still unknown and whose physical descriptions were not given by available witnesses, and who are all still at large, and mutually helping one another, with intent to kill, with treachery and taking advantage of their superior strength, did then and there willfully, unlawfully and feloniously attack, assault and stab with said fan-knife one Alexander Carandang, thereby inflicting upon him a stab wound on a vital part of his body, which directly caused his death.

That the accused attacked, assaulted and stabbed with said weapon said Alexander Carandang suddenly and unexpectedly without giving him any opportunity to defend himself or to escape.[2]

Only Ireneo Godoy was brought to trial as the other accused remained at large. On November 4, 1994, he pleaded “Not Guilty” to the accusation.[3]

Testifying for the prosecution, Marlon Leonardo, eyewitness to the incident, recalled that on January 29, 1994, he was in the house of his grandmother, Leonida Aguila, at Barangay Guisguis, Sariaya, Quezon. At around eight o'clock in the evening, Aguila requested him to fetch Alexander Carandang from the latter's duck farm.[4] About ten meters away from the duck farm, Leonardo met Ireneo Godoy, Aquilino Godoy, Alexander Carandang and three other persons whose names he does not know. He noticed that Aquilino and another person were holding both hands of Carandang and Ireneo was in front of the latter. Suddenly, Ireneo drew a bladed weapon and stabbed Carandang. Leonardo shouted "Rene, huwag" but Ireneo continued stabbing Carandang, hitting him on the chest.[5] Leonardo was about to approach the group but upon seeing that they turned his attention to him ("pinagbalingan") with the apparent intention to attack him ("susugurin"), he ran back to his grandmother's house.[6] He told his grandmother what he saw and he was advised to go to Eddie Carandang and accompany him to Barangay Pahinga, Candelaria, Quezon to fetch Fidela Gutierrez Carandang, the mother of Alexander. They reached the place at about eleven o'clock in the evening and they told Fidela of what transpired. Leonardo and Eddie accompanied Fidela in looking for Alexander until they reached Sariaya where they found Alexander already dead.[7]

The post-mortem examination conducted by Dr. Cecilio Macaraeg, Jr., Rural Health Physician at Sariaya, Quezon showed that Alexander sustained a stab wound, 3.5 cm. long, 1 cm. wide and 8 cm. deep with the direction towards the heart.[8] The cause of death was shock and severe hemorrhage due to the stab wound.[9] Dr. Macaraeg testified that the wound could have been caused by a sharp bladed instrument, possibly a fan-knife.[10]

Arcadio Marasigan testified that on January 29, 1994, at about four o'clock in the afternoon, he met Ireneo Godoy and Aquilino Godoy in Guisguis, Sariaya, Quezon. They asked him if he knew the whereabouts of Alexander and he told them that he did not see Alexander.[11] He learned that Alexander and the Godoys had a fistfight earlier at Paraiso beach near the house of his grandmother. Later, when he saw Alexander who was then drunk, he advised him not to go out and just sleep because he knew the Godoys were looking for him. He went to work thereafter and was informed later that Alexander was already dead.[12]

For the defense, Ireneo Godoy asserted that he was in Barangay Malas-as, Rosario, Batangas on January 29, 1994. He left Batangas at around five o'clock in the afternoon and proceeded to the house of Mariano Joyas in Lusacan, Tiaong, Quezon to borrow money. He arrived in Tiaong at around seven o'clock in the evening and spent the night there. He left Joyas' house at around six o'clock in the morning of the following day and proceeded to Barangay Guisguis, Sariaya, Quezon. He arrived in Sariaya at around nine o'clock in the morning and was just alighting from the jeepney when he was handcuffed by Tino Carandang, a policeman in Candelaria, Quezon and uncle of Alexander.[13] He was brought to the Municipal Jail of Sariaya, Quezon where he was detained from January 30, 1994 up to the time of his trial. He later learned that the police were also looking for his brother Aquilino. He denied that he was with Aquilino and that they had a fistfight with Alexander at Paraiso beach nor was he with Aquilino when Alexander was stabbed.[14]

The statement of Ireneo was corroborated by Mariano Joyas who testified that when he arrived at his house from Manila on January 29, 1994, Ireneo was already there waiting for him.[15] He stated that he left Manila at around seven o'clock in the evening of January 29, 1994 and arrived in Tiaong at around ten o'clock in the evening.[16] He had a chat with Ireneo until they slept at around twelve midnight.[17] Ireneo spent the night in his house and left in the morning of January 30, 1994.[18]

After trial, judgment was rendered finding Ireneo Godoy guilty as charged.

Hence, this appeal, on the following grounds:

I

THE COURT A QUO ERRED IN GIVING FULL FAITH AND CREDENCE TO THE TESTIMONIES OF PROSECUTION WITNESSES WHO ARE RELATED BY BLOOD TO VICTIM.

II

THE COURT A QUO ERRED IN FINDING ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF MURDER.

III

THE COURT A QUO ERRED IN ORDERING ACCUSED-APPELLANT TO PAY THE HEIRS OF THE VICTIM P50,000.00 DEATH INDEMNITY; P63,608.00 FOR ACTUAL AND COMPENSATORY DAMAGES; P24,000.00 FOR LOSS OF EARNING CAPACITY; P5,000.00 FOR ATTORNEY'S FEES; AND P30,000.00 FOR MORAL DAMAGES.[19]

We affirm the conviction of accused-appellant.

It is a settled rule that the factual findings of the trial judge is entitled to respect if not finality, considering that the trial judge had the opportunity to observe the demeanor of witnesses. In *People vs. Villaver*,^[20] the Court reiterated:

In resolving an issue on the credibility of a witness, the Court must yield to the oft-repeated rule which holds that the trial court's evaluation of the testimony of a witness is accorded great weight. The Court, more than once, has explained that it should rightly give the trial court a wide latitude of assigning values to testimonial evidence because of its unique opportunity to so observe the witnesses on the stand as they testify. The trial court is aided by various indicia that could not be readily seen on record. The witness' manner of giving an answer, like the hesitant pause, the nervous voice, the undertone, the befuddled look, the honest gaze, the modest blush, or the guilty blanch, somehow can reveal if really the witness is telling the truth or weaving a web of lies. Unless, then, any fact or circumstance of significance and influence appears to have been overlooked or misconstrued, its findings on the credibility of witnesses should not be interfered with.

The Court finds no reason to reverse the factual findings of the lower court. The testimony of Marlon Leonardo, straight and categorical, is worthy of credence, thus:

ATTY. LASCIERAS:

QUESTION:

In the evening of January 29, 1994 more or less at about 8:00 o'clock, do you remember where were you?

ANSWER:

I was in the house of my grandmother Leonida Aguila at Barangay Guisguis, Sariaya, Quezon, sir.

Q:

While you were in the house of your grandmother at Barangay Guisguis, Sariaya, Quezon at about 8:00 o'clock in the evening, do you remember if your grandmother told you anything?

A:

Yes, sir.

Q:

What was told to you by your grandmother Leonida Aguila?

A:

I was requested by my grandmother to fetch Alexander Carandang, sir.

Q:

Did your grandmother tell you where to fetch Alexander Carandang?

A:

Yes, sir.

Q:

Where?

A:

At the duck farm, sir.

Q:

Where is that duck farm being referred to by your grandmother?

A:

The duck farm located at Barangay Guisguis, Sariaya, Quezon, sir.

COURT:

Who owned that duck farm?

WITNESS:

It was Alexander Carandang, Your Honor.

ATTY. LASCIERAS:

Q:

When your grandmother requested you to fetch Alexander Carandang at his duck farm, what did you do?[21]

Q:

When you said you went to the duck farm, were you able to reach said duck farm?

A:

No, sir.

Q:

Why?

A:

On my way to the duck farm I met Ireneo Godoy, Aquilino Godoy, Alexander Carandang and three other persons whom I did not know, sir.

COURT:

How far was the duck farm of Alexander Carandang from the house of your grandmother?

WITNESS:

Half kilometer, your Honor.

COURT:

How far were you from the duck farm of Alexander Carandang when you met the group of Godoy, Carandang and others?

WITNESS:

Around ten meters away from the duck farm, Your Honor.

COURT:

Was there a road going to the duck farm?

WITNESS:

A pathway, Your Honor.

ATTY. LASCIERAS:

Q:

When you met the group of Ireneo Godoy together with Alexander Carandang, what happened?

WITNESS:

I saw Aquilino Godoy and another person holding both hands of Alexander Carandang, sir.

Q:

When you saw that Alexander Carandang was being held by Aquilino Godoy and the other one whom you do not know, where was Ireneo Godoy?

A:

He was in front of Alexander Carandang, sir.

Q:

What was Ireneo Godoy doing in front of Alexander Carandang?

A:

I saw him drew a bladed weapon and stabbed Alexander Carandang, sir.

Q:

When you said that Alexander Carandang was stabbed by Ireneo Godoy, what did you do?

A:

I shouted “Rene, huwag,” but he continued stabbing Alexander Carandang, sir.

Q:

Was Alexander Carandang hit by the stab of Ireneo Godoy?

ATTY. MARTINEZ:

Leading, Your Honor.

COURT:

May answer.

WITNESS:

Yes, sir.

ATTY. LASCIERAS:

Q:

Can you tell us which part of the body of Alexander Carandang was hit by the stab of Ireneo Godoy?

A:

In the chest, sir.

Q:

And after seeing this incident, what else did you do?

A:

I was about to approach them but they turned their attention at me so I ran back to the house of my grandmother, sir.

ATTY. LASCIERAS:

We request, your Honor, that the word in the vernacular, “Pinagbalingan” be placed on record.

A:

I was about to approach them but I was the one whom they “pinagbalingan” their attention so I ran back to the house of my grandmother, sir.

COURT:

When you used the word “pinagbalingan” what do you mean by that?

WITNESS:

“Susugurin po nila ako,” Your Honor.[22]

Accused-appellant assails the credibility of the witnesses who are all related to the victim. However, mere relationship of the witnesses to the victim does not impair their credibility as to render their testimonies unworthy of credence where no improper motive can be ascribed to them for so testifying.[23] Indeed, the witness’ relationship to the victim would even make his testimony more credible as it would be unnatural for a relative who is interested in vindicating a crime to accuse somebody other than the real culprit.[24]

In defense, accused-appellant could only offer denial and alibi. However, denial is an intrinsically weak defense which must be buttressed by strong evidence of culpabilities to merit credibility.[25] Likewise, the defense of alibi should always be received with caution not only because it is inherently weak and unreliable but also because it can easily be fabricated.[26] Both alibi and denial cannot prevail over the positive identification of the accused as the perpetrator of the crime.[27] In this case, accused-appellant not only failed to substantiate his defense of denial and alibi. The testimonies of Mariano Joyas also contradicted the testimony of accused-appellant in important points. Accused-appellant maintained that he went to the house of Joyas to borrow money. Accused-appellant stated that Joyas was already in the house when he arrived at around seven o’clock in the evening.[28] He also stated that he was not able to borrow money from Joyas.[29] On the other hand, Joyas testified that he came from Manila on that day and that he arrived in his house at around ten o’clock in the evening.[30] Joyas also testified that when he arrived at his house, accused-appellant was already there.[31] Joyas, likewise, declared that he was able to lend money to accused-appellant.[32] These inconsistencies are too glaring to ignore and they only cast doubt on the veracity of the testimonies.

The trial court erred in appreciating the aggravating circumstance of treachery against accused-appellant. There is treachery when the offender commits the crime by employing means and methods or forms in the execution thereof which tend directly and especially to insure its execution, without risk to himself arising from the defense which the offended party might make.[33] However, even if the attack was sudden and unexpected and gave the victim no opportunity to defend himself, treachery could not be appreciated absent any evidence that the mode of execution was deliberately and consciously adopted by the perpetrators.[34] Further, the Court notes that the victim was forewarned that accused-appellant and his companions were looking for him, and he was even advised not to go out on that day.[35]

Nevertheless, the aggravating circumstance of abuse of superior strength could be appreciated against accused-appellant. In one case,[36] the Court stated that where there was no proof as to how the attack commenced, and treachery was not proved, the fact that there were three (3) armed assailants would constitute abuse of superior strength. Here, it was established that five persons, including accused-appellant, ganged up on the victim and while it was not proven that all of them were armed, Aquilino and another person held both hands of Carandang before accused-appellant stabbed him. Clearly, the aggressors took advantage of their combined strength to overpower the victim.

The trial court correctly held that conspiracy attended the commission of the crime. Proof of a previous agreement to commit a felony is not necessary to establish conspiracy.[37] Conspiracy may be deduced from the mode and

manner in which the offense was committed and the concerted acts of the accused to obtain a common criminal objective signify conspiracy.[38] The acts of the accused, collectively and individually, demonstrated the existence of a common objective aimed towards the execution of their common purpose.

The Court, however, must modify the award of damages to the heirs of the victim.

The trial court correctly awarded P50,000.00 as civil indemnity. Consistent with recent jurisprudence, the award of moral damages should be increased to P50,000.00.[39] However, the court cannot rely on conjecture or guesswork on the fact and extent of damages.[40] The amount of actual damages must be proved with a reasonable degree certainty[41] and must be premised upon competent proof and on the best evidence obtainable by the injured party.[42] Hence, the award of actual damages must be reduced to P26,500.00 which is the amount substantiated by receipts.[43] Anent the amount of lost income, the formula for its computation is -

Net Earning Capacity = $[2/3 \times (80 - \text{age at time of death}) \times (\text{gross annual income} - \text{reasonable and necessary living expenses})]$ [44]

In the absence of proof of living expenses of the deceased, net earnings are computed at fifty (50%) percent of the gross earnings.[45] The deceased was twenty-seven (27) years old at the time of his death.[46] Prior to his death, he was raising ducks in his duck farm and earning P400.00 daily.[47] Following the above computation, the award of lost income should be increased to P70,666.66.[48] The Court sustains the award of P5,000.00 as attorney's fees.[49]

WHEREFORE, the decision of the Regional Trial Court of Lucena City, Branch 54, in Criminal Case No. 94-639, finding accused-appellant Ireneo Godoy guilty beyond reasonable doubt of the crime of Murder and imposing on him the penalty of reclusion perpetua is hereby **AFFIRMED** with **MODIFICATION** by ordering accused-appellant to pay the heirs of Alexander Carandang the amount of P50,000.00 as civil indemnity, P50,000.00 as moral damages, P26,500.00 as actual damages, P70,666.66 for lost income and P5,000.00 as attorney's fees. Costs against accused-appellant.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Ynares-Santiago, and Austria-Martinez, JJ., concur.

[1] Rollo, p. 25.

[2] Id., at 5-6.

[3] Records, p. 27.

[4] TSN, 01 February 1995, p. 4.

[5] Id., at 5-7.

[6] Id., at 7.

[7] Id., at 7-9.

[8] Records, p. 115.

[9] Id.

[10] TSN, 17 November 1995, at 5.

- [11] TSN, 07 February 1996, at 3.
- [12] *Id.*, at 4-5.
- [13] TSN, 19 February 1997, at 5-7.
- [14] *Id.*, at 7-9.
- [15] TSN, 01 October 1997, p. 4.
- [16] *Id.*, at 5.
- [17] *Id.*, at 6.
- [18] *Id.*, at 4.
- [19] Rollo, p. 49.
- [20] G.R. No. 133381, 27 November 2001.
- [21] The answer to this question was not reflected in the TSN.
- [22] TSN, 01 February 1995, at 3-7.
- [23] *People vs. Dumayan*, G.R. No. 116280, 21 May 2001.
- [24] *People vs. Villanueva*, 302 SCRA 380 (1999).
- [25] *People vs. Maglente*, 306 SCRA 546 (1999).
- [26] *People vs. Andales*, 312 SCRA 738 (1999).
- [27] *People vs. Enoja*, 321 SCRA 7 (1999); *People vs. Ocumen*, 319 SCRA 539 (1999).
- [28] TSN, 19 February 1997, p. 5.
- [29] *Id.*, at 6, 11.
- [30] TSN, 01 October 1997, p. 5.
- [31] *Id.*, at 4.
- [32] *Id.*
- [33] *People vs. Botona*, 304 SCRA 611 (1999); *People vs. Eljorje*, 306 SCRA 188 (1999).
- [34] *People vs. Molina*, 312 SCRA 130 (1999).
- [35] TSN, 07 February 1996, at 5.
- [36] *People vs. Silva*, 321 SCRA 647 (1999).
- [37] *People vs. Antonio*, 303 SCRA 414 (1999).
- [38] *People vs. Estapano*, 307 SCRA 701 (1999).
- [39] *People vs. Cabangcala*, G.R. No. 135065, 08 August 2001; *People vs. Pascua, Jr.*, G.R. No. 130963, 27 November 2001.
- [40] *People vs. Ponseca*, G.R. No. 100940-41, 27 November 2001.

[41] People vs. Acosta, G.R. No. 140386, 29 November 2001.

[42] People vs. Busnag, G.R. No. 137514-15, 16 January 2002.

[43] Records, at 111, 113.

[44] People vs. Sia, et al., G.R. No. 137457, 21 November 2001.

[45] Id.

[46] Records, p. 116.

[47] TSN, Fidela Carandang, 14 December 1994, at 9.

[48] 2/3 x (80-27) x P200.00.

[49] Under Article 2208 (11) of the Civil Code, attorney's fees and expenses of litigation may be recovered where the court deems it just and equitable. Here, the heirs of the victim hired a private prosecutor to represent them during the trial of the case.

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.