

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ERNESTO MUÑOZ @ “TOTO”, APPELLANT.

G.R. No. 150030. May 09, 2003

Ponente: YNARES-SANTIAGO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-150030/>

YNARES-SANTIAGO, J.:

Appellant Ernesto Muñoz alias "Toto" was charged with murder in an Information, which reads:

That on or about the 4[th] day of January, 1998, at around 9:00 o'clock in the evening, at Sitio Pantalan, Brgy. Poblacion, Municipality of Aborlan, Province of Palawan, Philippines, and within the jurisdiction of this Honorable Court, the said accused with evident premeditation, treachery and with intent to kill, while armed with a bladed weapon, did then and there willfully, unlawfully and feloniously attack, assault and stab with his bladed weapon, one JOEY TEGAS, hitting him in the vital part of his body and inflicting upon him stabbed wound that cause cardio-respiratory arrest which was the direct and immediate cause of his instantaneous death.

CONTRARY TO LAW.[1]

The case was filed with the Regional Trial Court of Palawan and Puerto Princesa City, Branch 49, and docketed as Criminal Case No. 14280. Appellant pleaded not guilty when arraigned. Trial on the merits then ensued.

The prosecution alleged that in the early evening of January 4, 1998, spouses Marivic and Joey "Toy" Tegas went to the house of a certain Menor at Sitio Pantalan, Poblacion, Aborlan, Palawan to watch a movie on his video cassette player. At 8:45 p.m., the Tegas spouses went home. Joey lit a gas lamp and placed it on the balcony of their house. As he was about to lay the sleeping mat on the floor, he heard someone calling him, "Toy, come here." Marivic also heard the voice calling her husband and recognized it as that of Emerson Abarquez. She saw that Abarquez was accompanied by appellant Ernesto "Toto" Muñoz.

Joey went down to meet Abarquez. Suddenly, the latter held him at the back of his shoulder and appellant stabbed him on the neck, causing him to fall down. Abarquez and appellant left. Joey got up and went to the kitchen to get a bolo. He ran after his assailants but he stumbled to the ground and expired. Marivic, who was standing two meters away from her husband, witnessed the whole incident.

Jomar Tegas, the five-year old son of Joey and Marivic Tegas, testified and corroborated her mother's testimony.

Dr. Fidel Salazar, who conducted the post-mortem examination, declared that Joey Tegas died of a lone stab wound on the neck which was fatal.[2]

In his defense, appellant denied the accusation against him and claimed that he acted in self-defense. He alleged that Joey Tegas was the brother of his former live-in partner. On the night of the incident, he was in the house of one Menor Almeniana watching a movie on the video cassette player. After the movie, he went home together with Abarquez. On their way home, Joey waylaid and attacked him with a bolo, hacking him four times on different parts of his body. In order to defend himself, he took out a knife and stabbed Joey.

Emerson Abarquez corroborated appellant's story. He alleged that at around 10:00 p.m., while he was walking home with appellant and Joey, the two had an altercation. When they reached Joey's house, the latter went inside his house. Moments later, he came out holding a bolo and hacked appellant, hitting him on the right arm and on the thigh. Appellant fought back with a knife and stabbed Joey on the neck.

Dr. Romulo Robles of the Aborlan Medicare Hospital examined appellant on January 6, 1998 and found that appellant suffered four wounds — an incised wound on the left arm, an avulsion on the left finger, a linear abrasion on the right thigh and a contusion on the upper left arm.

On June 4, 2001, the trial court rendered a decision, the dispositive portion of which reads:

Premises considered, the Court finds accused Ernesto Muñoz guilty beyond reasonable doubt of the crime of Murder for having killed Joey Tegas with treachery and hereby imposes upon him the penalty of reclusion perpetua and to pay the heirs of the victim the amount of P50,000.00 as civil indemnity.

SO ORDERED.[3]

Appellant interposed an appeal and raised the following assignment of errors:

I

THE TRIAL COURT ERRED IN CONVICTING ACCUSED-APPELLANT DESPITE THE FACT THAT HIS GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT;

II

ASSUMING ARGUENDO THAT ACCUSED-APPELLANT KILLED THE VICTIM, THE TRIAL COURT ERRED IN RULING THAT TREACHERY QUALIFIED THE KILLING INTO MURDER; AND

III

THE TRIAL COURT ERRED IN RULING THAT ACCUSED-APPELLANT DID NOT ACT IN DEFENSE OF HIS LIFE.[4]

In the first assigned error, appellant cites inconsistencies in the testimonies of Marivic and her son, Jomar. While Marivic testified that Joey only got his bolo after he was stabbed,[5] Jomar testified on cross-examination that his father was holding a bolo when he was stabbed and that he even used this to fight back.[6] Appellant also cites Jomar's admission that he was coached by his mother on what to say during his testimony. He further points to the contradiction between Marivic's statement that her husband was stabbed in the chest and the autopsy report and the testimony of the doctor that he was stabbed on the right side of the neck. On account of those inconsistencies, appellant claims that one or both of them must be lying.

We disagree. It is not necessarily true that when the testimony of one witness is inconsistent with that of another, one or both of them must be lying or that their version of what happened was just a concoction. Certain factors must be considered before the trial court can arrive at the conclusion suggested by appellant. Factors such as age, intelligence and articulateness aid the trial court in the assessment of the credibility of a witness' testimony.

In the case at bar, Jomar Tegas was only five years old when he testified. In any event, the trial court disregarded Jomar's testimony because he "admitted that what he knew of the stabbing incident was what her mother told him." [7]

On the other hand, the trial court held that the testimony of Marivic Tegas "consists of positive assertions which are credible and worthy of belief." [8] Moreover, she had no ulterior or sinister motive to testify against appellant. [9]

The inconsistency in the location of the stab wound is a peripheral issue which does not, in any way, affect the credibility of the prosecution evidence as a whole.

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 his demeanor, actuation and countenance. Hence, we do not generally disturb the findings of the trial court except in cases where the judge acted arbitrarily.[10] In this case, the trial court's reliance on Marivic's testimony and its disregard of the inconsistencies pointed out by appellant did not amount to arbitrariness.

Appellant invokes self-defense. It is settled that when an accused claims 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 appellant openly admitted his responsibility for the killing.[11]

To prove self-defense, appellant must show with clear and convincing evidence that: (1) he was 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. Once appellant 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 with clear, satisfactory and convincing evidence.[12]

The question of whether appellant acted in self-defense is essentially a question of fact. In self-defense, unlawful aggression is a primordial element.[13]

Appellant insists that he was not the unlawful aggressor. He claimed that he was attacked by Joey Tegas, who was brandishing a bolo. According to him, the fact that Joey Tegas suffered only a single wound is proof that he had no intention of killing the latter. On the other hand, appellant presented in evidence a medical certificate to the effect that he sustained hack wounds on the left arm, as proof that he was attacked with a bolo and that he parried the blows with his arm. In this regard, the trial court found:

The accused claims that; in the evening of January 4, 1998, while he was walking towards home at or near the house of victim Joey Tegas, he was suddenly attacked and hacked with a bolo causing injuries on his left arm and on his right thigh. In trying to protect himself, he parried the thrusts with his bare hands, as evidenced by the injuries on his left arm. While he claimed that he went to the Aborlan Medicare Hospital for the treatment of his injuries he however did not mention as to when he went to such hospital. The missing circumstance was supplied by Dr. Romulo Robles who, in his testimony (TSN, August 9, 1999) as well as in the Medical Certificate (Exh. I) he issued, stated that police officers brought him to the hospital on January 6, 1998 at 10:00 in the morning. It is a wonder why he was brought to the hospital almost 2 days after the alleged hacking incident for the treatment of his injuries. If he really sustained injuries in that fateful night of January 4, 1998 why did he not rush to the hospital for immediate medical treatment? The Court takes judicial notice that the place of incident as well as the location of the Aborlan Medical Hospital are in the same poblacion of Aborlan, Palawan.

Dr. Romulo Robles likewise stated that the wound he found upon examination of Ernesto Muñoz were not fresh and categorically stated that such wounds were inflicted more than one (1) week earlier at the time he examined Ernesto Muñoz on January 6, 1998 at 10:00 in the morning (TSN, August 9, 1999, p. 10, Ruby C. Tabio).

There is no doubt therefore that he sustained the injuries found by Dr. Romulo Robles. Hacking a person with a bolo would have caused more serious injuries than that found by Dr. Romulo Robles. Assessing the medical findings of Dr. Romulo Robles, it can be safely said that the injuries on the person of Ernesto Muñoz were minor injuries which were inflicted more than a week before he was examined by Dr. Romulo Robles. Such physical evidence does not support Ernesto Muñoz' declarations. The defense therefore was unable to prove its

self-defense posture.[14]

Appellant further contends that the trial court erred in appreciating treachery to qualify the killing to murder considering that the information did not specifically allege this as a qualifying circumstance. Thus, he argues that the same should only be treated as a generic aggravating circumstance, as held in *People v. Alba*[15] and *People v. Manlansing*.[16] These cases, however, have already been abandoned and superseded in the case of *People v. Aquino*,[17] where we held that qualifying circumstances need not be expressly stated as such to qualify the offense. It is enough that the same is stated in the information, whether it be as qualifying or generic aggravating.

Thus, the trial court was correct in finding appellant guilty beyond reasonable doubt of murder, qualified by treachery. Under Article 248 of the Revised Penal Code, as amended by Republic Act No. 7659, the penalty for murder is reclusion perpetua to death. There being no other aggravating circumstance aside from treachery, which was already considered to qualify the offense, and there being no mitigating circumstance, the lesser of the two indivisible penalties shall be imposed, namely, reclusion perpetua, pursuant to Article 63 (2) of the Revised Penal Code.

Likewise, the trial court was correct in awarding civil indemnity to the legal heirs of the victim, Joey Tegas, in the amount of P50,000.00, consistent with the Court's current policy.[18] In addition, however, moral damages in the amount of P50,000.00 should be awarded to compensate the victim's heirs for injuries to their feelings, pursuant to prevailing jurisprudence.[19]

WHEREFORE, in view of the foregoing, the decision of the Regional Trial Court of Palawan and Puerto Princesa City, Branch 49, in Criminal Case No. 14280, finding Ernesto Muñoz alias "Toto" 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, Joey Tegas, civil indemnity in the amount of P50,000.00, is **AFFIRMED** with the **MODIFICATION** that appellant is also ordered to pay the heirs of the victim moral damages in the amount of P50,000.00.

Costs de oficio.

SO ORDERED.

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

[1] Records, p. 1.

[2] Exhibit "A", Records, p. 32.

[3] Penned by Judge Panfilo S. Salva.

[4] Rollo, p. 41.

[5] TSN, November 23, 1998, pp. 5-7.

[6] TSN, March 15, 1999, pp. 9-11.

[7] Decision, Records, p. 72.

[8] Id.

[9] Id.

[10] *People v. Arcona*, G.R. No. 134784, December 9, 2002.

- [11] People v. Galvez, G.R. No. 130397, January 17, 2002.
- [12] People v. Bonifacio, G.R. No. 133799, February 5, 2002.
- [13] People v. Tejero, et al., G.R. No. 135050, April 19, 2002.
- [14] Decision, Records, p. 72.
- [15] G.R. No. 130523, January 29, 2002.
- [16] G.R. Nos. 131736-37, March 11, 2002.
- [17] G.R. Nos. 144340-42, August 6, 2002.
- [18] People v. Callet, G.R. No. 135701, May 9, 2002.
- [19] People v. Obordo, G.R. No. 139528, May 9, 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.