

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOEMARIE JALBONIAN alias “Budo”, ACCUSED-APPELLANT.

G.R. No. 180281. July 01, 2013

Ponente: DEL CASTILLO, J.

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DEL CASTILLO, J.:

“Well-settled is the rule that the testimony of a lone prosecution witness, as long as it is credible and positive, can prove the guilt of the accused beyond reasonable doubt.”[1]

On appeal is the June 7, 2007 Decision[2] of the Court of Appeals (CA) in Criminal Case No. CA-G.R. CR. HC No. 00565 which affirmed with modification the March 5, 2003 Decision[3] of the Regional Trial Court (RTC), Branch 61, Kabankalan City, Negros Occidental in Criminal Case No. 917 declaring appellant Joemarie Jalbonian alias “Budo” (appellant) guilty beyond reasonable doubt of the crime of murder.

Factual Antecedents

On July 30, 1991, an Information[4] for murder was filed against appellant, the accusatory portion of which reads as follows:

That on or about the 26[th] day of January 1991, in the municipality of Ilog, province of Negros Occidental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, who is still at-large, armed with a bladed weapon, with evident premeditation, treachery and with intent to kill, did, then and there, willfully, unlawfully, and feloniously attack, assault and stab one FORTUNATO QUINTANILLA, JR., thereby inflicting [a] mortal stab wound [on] the back of the body of the latter, which caused the death of said victim.

CONTRARY TO LAW.[5]

Appellant went into hiding for more than five years and was apprehended only on July 10, 1996.[6] During his arraignment, he entered a plea of “not guilty”.[7] Thereafter, trial ensued.

Evidence for the Prosecution

Barangay Chairman Oscar Valenciano (Valenciano) testified that at 9:00 a.m. of January 26, 1991, a barangay assembly meeting was held in Balicotoc Elementary School, a public educational institution located in Brgy. Balicotoc, Ilog, Negros Occidental.[8] After the meeting was adjourned at noon, the participants including Valenciano left the school premises.[9]

From a distance of about three-arms length, Valenciano saw appellant position himself behind Fortunato Quintanilla, Jr.[10] (Quintanilla), stab the latter on the back with a knife, and immediately run away.[11] Valenciano ordered Julio Gaston, a member of the Citizens Armed Forces Geographical Unit (CAFGU), to chase appellant but the latter eluded arrest.[12]

Quintanilla was brought by Valenciano to the nearest hospital but he died before reaching there.[13]

The prosecution also intended to present as witness Dr. Ricardo P. Garrido, Rural Health Officer of Ilog, Negros Occidental, but his testimony was dispensed with^[14] as the prosecution and the defense stipulated on the existence of the death certificate^[15] issued by him indicating that the victim died on January 26, 1991 due to shock and hemorrhage resulting from a stab wound.

Recourse of the Defense

After the prosecution rested its case, appellant filed a Motion for Leave to File [a] Motion to Dismiss (by way of Demurrer to Evidence).^[16] However, the trial court denied the motion in its Order dated May 14, 2002.^[17] Despite the denial, the defense did not present any evidence anymore.

Ruling of the Regional Trial Court

On March 5, 2003, the trial court rendered a Decision^[18] convicting appellant of murder qualified by treachery. It gave credence to the testimony of Valenciano who identified appellant as the perpetrator of the crime and gave a detailed account of the stabbing incident. The trial court found that Valenciano had no reason to falsely testify against the appellant and that his account as to how appellant stabbed the victim was corroborated by the death certificate. In addition, the trial court considered appellant's flight for more than five years as indication of his guilt. The dispositive portion of the trial court's Decision reads as follows:

WHEREFORE, premises considered, the Court finds accused Joemarie Jalbonian guilty beyond reasonable doubt of [the] crime of murder as charged[,] qualified by treachery and hereby sentences him to a penalty of RECLUSION PERPETUA and to pay the heirs of the victim Fortunato Quintanilla, Jr. the amount of P50,000.00 by reason of his death.

It is hereby ordered that the accused be immediately remitted to the National Penitentiary.

SO ORDERED.^[19]

Appellant filed a Notice of Appeal,^[20] which the RTC approved in its Order^[21] of April 10, 2003. Pursuant thereto, the records of the case were elevated to this Court. However, in view of our ruling in *People v. Mateo*^[22] this case was remanded to the CA for intermediate review.

Ruling of the Court of Appeals

In its June 7, 2007 Decision,^[23] the CA affirmed appellant's conviction but modified the RTC's judgment by ordering appellant to pay the heirs of the victim exemplary damages, viz:

WHEREFORE, in x x x view of the foregoing premises, the instant appeal is hereby DISMISSED and the decision of the court a quo is hereby AFFIRMED with MODIFICATION in that accused-appellant Joemarie Jalbonian is further ordered to pay the heirs of the deceased Fortunato Quintanilla, Jr. exemplary damages in the amount of Twenty Five Thousand Pesos (P25,000.00). The decision of the trial court is AFFIRMED as to all other respects.

SO ORDERED.^[24]

Hence, the appeal before us.

Assignment of Error

Appellant seeks his acquittal by assigning the lone error that:

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED DESPITE THE INSUFFICIENCY OF EVIDENCE TO PROVE HIS [GUILT] BEYOND REASONABLE DOUBT.^[25]

The Parties' Arguments

Appellant assails the credibility of Valenciano and contends that the RTC erred in relying on the latter's testimony which was incredible and insufficient to prove his guilt. He posits that if Valenciano was indeed following the victim, then the latter could not have seen the face of the attacker who must necessarily position himself between him and the victim. And in order for the assailant to stab the victim from behind, his back must be turned against Valenciano. Moreover, Valenciano's testimony was not even corroborated.[26]

Appellant likewise asserts that the fatal stab wound on the back of the victim is not by itself proof of treachery. He maintains that there is nothing on record to prove that he stabbed the victim's back to ensure the execution of the crime or to deprive the victim of any chance to defend himself.[27]

In its Brief,[28] the People of the Philippines, through the Office of the Solicitor General (OSG), maintains that Valenciano witnessed the commission of the crime since he was just a few meters away from the victim when the latter was attacked in broad daylight. Also, it was easy for Valenciano to identify appellant since the former was then the Barangay Chairman and, therefore, was familiar with the residents of the barangay. The OSG likewise disputes appellant's claim that Valenciano's uncorroborated testimony adversely affects his credibility. It argues that the testimony of a single witness, if truthful and credible, is sufficient to convict an accused. Besides, the factual findings of the trial court, in the absence of showing that they were reached arbitrarily or without sufficient basis, must be upheld. The OSG further argues that the crime committed was murder qualified by treachery since the suddenness of the assault deprived the victim of an opportunity to either fight or flee.[29]

Our Ruling

The appeal is unmeritorious.

The testimony of Valenciano as the lone witness for the prosecution suffices to establish appellant's culpability for the crime charged.

We are convinced that it was appellant who killed the victim. Valenciano clearly narrated the details of the stabbing incident and positively identified appellant as the assailant. In a simple, spontaneous, and straightforward manner, he testified as follows:

PROS. GATIA

:

At around 12:00 o'clock, x x x on January 26, 1991, can you remember where [y]ou were)?

WITNESS

:

There was an assembly meeting and there was an incident [that] happened. I was about to go home after the assembly meeting [was] adjourned at 12:00 o'clock noon, sir.

Q

:

After your assembly meeting at Brgy. Balicotoc on January 26, 1991 was adjourned, where did you proceed?

A

:

We were following each other from the place where the assembly meeting was held, sir.

Q

:

What happened while you were going out from the school where the assembly meeting was held?

x x x x

WITNESS

:

I saw [the accused who was] following the victim Fortunato Quintanilla [stab] him[. I then] ordered the CAFGU to [chase] the accused, sir.

x x x x

Q

:

You said you saw somebody [position] himself at the back of Fortunato Quintanilla, Jr. and [stab] him, who was this person who stabbed Fortunato Quintanilla, Jr.?

A

:

Joemarie Jalbonian, sir.

Q

:

Are you referring to this Joemarie Jalbonian alias “Budo” whom you pointed out just awhile ago?

A

:

Yes, sir.

Q

:

How far were you from Fortunato Quintanilla, Jr. when he was stabbed by Joemarie Jalbonian?

A

:

About three (3) extended arms length, sir.[30]

x x x x

Q

:

What did you do with Fortunato Quintanilla, Jr. after he was stabbed?

A

:

I rushed for the transportation to bring the victim, but he did not [survive] because about five hundred meters we walked, sir.[31]

It has been held that when a testimony is given in a candid and straightforward manner, there is no room for doubt that the witness is telling the truth.[32] Moreover, Valenciano's testimony on the stabbing of the victim was corroborated by the Certificate of Death[33] attesting that the cause of death was a stab wound.

As to appellant's argument that it was impossible for Valenciano to personally identify him as the assailant since the victim and his attacker had their backs turned to Valenciano, we find the same unworthy of credence.

Suffice it to say that the relative position of the witness from the victim and the assailant refers to a minor detail that does not detract from his credibility. What is important is that Valenciano witnessed the unfolding of the crime and was able to positively identify appellant as the culprit.[34] In addition and as correctly pointed out by the OSG, Valenciano readily identified appellant because the latter used to reside in the same barangay of which he was barangay captain. In fact, he testified as follows:

PROS. GATIA

:

Mr. Valenciano, do you know the accused in this case by the name of Joemarie Jalbonian?

WITNESS

:

Yes, sir.

Q

:

Do you know this accused by face and by x x x name before January 26, 1991?

A

:

Yes, sir.

Q

:

Why [do] you know him?

A

:

Because I was then a Barangay Captain [of Brgy. Balicotoc.] I [am familiar with almost all] the residents there,

sir.

Q

:

So, in 1991 of January you were then Barangay Captain of Barangay Balicotoc?

A

:

Yes, sir.

Q

:

If this Joemarie Jalbonian alias “Budo” is here inside the courtroom, can you point to him?

A

:

Yes, sir.

Q

:

Please point to him?

INTERPRETER

:

The witness pointed to the person who stood up[,] and when asked[,] identified himself as Joemarie Jalbonian y Mellendez.[35]

Also, the fact that Valenciano was just a few meters away from the victim and that the crime was committed in broad daylight bolster Valenciano’s identification of appellant as the assailant.

Likewise untenable is appellant’s contention that Valenciano’s testimony cannot be relied upon since it was not corroborated by other witnesses to the crime. Finding of guilt based on the testimony of a lone witness is not uncommon.[36] “For although the number of witnesses may be considered a factor in the appreciation of evidence, preponderance is not necessarily with the greatest number and conviction can still be had on the basis of the credible and positive testimony of a single witness. Corroborative evidence is deemed necessary ‘only when there are reasons to warrant the suspicion that the witness falsified the truth or that his observation had been inaccurate.’”[37] This is not obtaining in this case.

Moreover, appellant also failed to attribute any improper motive to Valenciano to falsely testify against him. There was no evidence to establish that Valenciano harbored any ill-will against appellant or that he had reasons to fabricate his testimony. In the absence of proof to the contrary, the presumption is that the witness was not moved by any ill-will and was untainted by bias, and thus worthy of belief and credence.[38] Furthermore, appellant’s immediate departure from the scene of the crime and successful effort to elude arrest until his apprehension more than five years later are not consistent with his claim of innocence. Flight from the scene of the crime and failure to immediately surrender militate against appellant’s contention of innocence “since an

innocent person will not hesitate to take prompt and necessary action to exonerate himself of the crime imputed to him.”[39]

Under these circumstances, the rule that “where the prosecution eyewitness was familiar with both the victim and the accused, and where the locus criminis afforded good visibility, and where no improper motive can be attributed to the witness for testifying against the accused, then [his] version of the story deserves much weight,”[40] thus applies. We are therefore convinced that appellant’s culpability for the killing of the victim was duly established by the testimony of the lone prosecution witness, Valenciano.

The crime committed by appellant is murder qualified by treachery.

Murder is the unlawful killing by the accused of a person, which is not parricide or infanticide, committed with any of the attendant circumstances enumerated in Article 248[41] of the Revised Penal Code, one of which is treachery.

The killing committed in this case is neither parricide nor infanticide and the same was attended with treachery. “There is treachery when the offender commits any of the crimes against the person, employing means, methods or forms in the execution thereof which tend directly and specially to insure its execution, without risk to himself arising from the defense which the offended party might make.”[42] “The essence of treachery is that the attack comes without a warning and in a swift, deliberate, and unexpected manner, affording the hapless, unarmed, and unsuspecting victim no chance to resist or escape.”[43]

In this case, treachery is evident from the fact that the victim could not have been aware of the imminent peril to his life. He was unprepared for the sudden, unexpected and unprovoked attack on his person when appellant stabbed his back with a knife then swiftly run away. Clearly, appellant’s execution of the killing left the victim with no opportunity to defend himself or retaliate.[44]

The Proper Penalty

Article 248 of the Revised Penal Code provides that the penalty for the crime of murder is reclusion perpetua to death. As correctly imposed by the trial court and as affirmed by the CA, appellant must suffer the prison term of reclusion perpetua, the lower of the said two indivisible penalties, due to the absence of an aggravating circumstance attending the commission of the crime.

The Civil Liability

Appellant must indemnify the heirs of the victim since death resulted from the crime. The heirs of the victim are entitled to an award of civil indemnity in the amount of P75,000.00, which is mandatory and is granted without need of evidence other than the commission of the crime.[45] Hence, we increase the award for civil indemnity made by the trial court and affirmed by the CA from P50,000.00 to P75,000.00. Also, while the CA correctly ordered appellant to pay the heirs of the victim exemplary damages, the amount awarded must be increased from P25,000.00 to P30,000.00 in line with current jurisprudence.[46]

Aside from these, moral damages in the sum of P50,000.00 must likewise be awarded “despite the absence of proof of mental and emotional suffering of the victim’s heirs. 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.”[47] Moreover, while actual damages cannot be awarded since there was no evidence of actual expenses incurred for the death of the victim, in lieu thereof, the sum of P25,000.00 may be granted, as it is hereby granted, by way of temperate damages “as it cannot be denied that the heirs of the [victim] suffered pecuniary loss

although the exact amount was not proved.”[48] “This award is adjudicated so that a right which has been violated may be recognized or vindicated, and not for the purpose of indemnification.”[49] An interest at the legal rate of 6% percent from the finality of this judgment until fully paid should also be awarded to the heirs of the victim.[50]

WHEREFORE, the appeal is DISMISSED. The assailed June 7, 2007 Decision of the Court of Appeals in CA-G.R. CR. HC No. 00565 is AFFIRMED with modifications in that (1) the awards of civil indemnity and exemplary damages are increased to P75,000.00 and P30,000.00, respectively; (2) appellant Joemarie Jalbonian alias “Budo” is ordered to pay the victim’s heirs the amounts of P50,000.00 as moral damages, P25,000.00 as temperate damages, and interest at the legal rate of six percent (6%) on all the amounts of damages awarded, commencing from the date of finality of this Decision until fully paid.

Costs against appellant.

SO ORDERED.

Carpio, (Chairperson), Brion, Perez, and Perlas-Bernabe, JJ., concur.

[1] People v. Gonzales, G.R. No. 105689, February 23, 1994, 230 SCRA 291, 296. Citation omitted.

[2] CA rollo, pp. 87-97; penned by Associate Justice Isaias P. Dicdican and concurred in by Associate Justices Antonio L. Villamor and Stephen C. Cruz.

[3] Records, pp. 104-107; penned by Judge Henry D. Arles.

[4] Id. at 1-2.

[5] Id. at 1.

[6] Id. at 106.

[7] Id. at 26.

[8] TSN, May 27, 1997, pp. 4 and 7.

[9] Id.

[10] Id. at 5.

[11] Id.

[12] Id. at 6.

[13] Id.

[14] Records, p. 64.

[15] Folder of Exhibits, Exh. “A,” p. 1.

[16] Records, p. 68.

[17] Id. at 78.

[18] Id. at 104-107.

[19] Id. at 106-107.

[20] Id. at 108.

[21] Id. at 109.

[22] G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640.

[23] CA rollo, pp. 87-97.

[24] Id. at 96. Emphases in the original.

[25] Id. at 34.

[26] See Accused-Appellant's Brief, id. at 32-43.

[27] Id.

[28] Id. at 55-70.

[29] Id.

[30] TSN, May 27, 1997, pp. 4-5.

[31] Id. at 6.

[32] *People v. Marcelo*, 421 Phil. 566, 578 (2001).

[33] *Supra* note 15.

[34] *People v. Dumayan*, 410 Phil. 228, 238 (2001).

[35] TSN, May 27, 1997, p. 3.

[36] *People v. Tulop*, 352 Phil. 130, 148 (1998).

[37] Id. at 148-149.

[38] *People v. Manulit*, G.R. No. 192581, November 17, 2010, 635 SCRA 426, 437.

[39] *People v. Agacer*, G.R. No. 177751, December 14, 2011, 662 SCRA 461, 476.

[40] *People v. Villacorta*, G.R. No. 186412, September 7, 2011, 657 SCRA 270, 278.

[41] Article 248. Murder. – Any person who, not falling within the provisions of Article 246, shall kill another, shall be guilty of murder and shall be punished by reclusion perpetua to death if committed with any of the following attendant circumstances:

- With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense, or of means or persons to insure or afford impunity;
- In consideration of a price, reward, or promise;
- By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a railroad, fall of an airship, by means of motor vehicles, or with the use of any other means involving great waste and ruin;
- On occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic, or any other public calamity;
- With evident premeditation;

- With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse.

[42] REVISED PENAL CODE, Article 14(16).

[43] *People v. Dela Cruz*, G.R. No. 188353, February 16, 2010, 612 SCRA 738, 747.

[44] *People v. Villacorta*, *supra* note 40 at 286.

[45] *People v. Asis*, G.R. No. 177573, July 7, 2010, 624 SCRA 509, 530.

[46] *People v. Lucero*, G.R. No. 179044, December 6, 2010, 636 SCRA 533, 543.

[47] *People v. Asis*, *supra* note 45 at 530-531.

[48] *People v. Lucero*, *supra* note 46.

[49] *People v. Beduya*, G.R. No. 175315, August 9, 2010, 627 SCRA 275, 289.

[50] *People v. Asis*, *supra* note 45 at 532.

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