PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CHARLIE NAZARENO Y MELANIOS, ACCUSED-APPELLANT.

G.R. No. 180915. August 09, 2010

Ponente: PEREZ, J.

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PEREZ, J.:

Appellant Charlie Nazareno y Melanios was charged with murder in the Regional Trial Court (RTC) of Manila, Branch 41, under the following information:

> That on or about September 23, 2001, in the City of Manila, Philippines, the said accused, did then and there willfully and feloniously, with intent to kill and committed with treachery and evident premeditation, attack, assault and use personal violence upon one ROMEO DE GUZMAN Y CANAPIT, by then and there stabbing him on his chest with a bolo, hacking and cutting his ear, thereby inflicting upon the said ROMEO DE GUZMAN Y CANAPIT mortal wound which was the direct and immediate cause of his death.[1]

Appellant pleaded not guilty upon arraignment.[2] Trial of the case thereafter ensued.

The facts, based on the eyewitness account of Jericho Capanas, are as follows:

At around 3:30 o'clock in the morning of 23 September 2001, Jericho Capanas was awakened from his sleep by a noise coming from outside his house located at V. Mapa St., Sta. Mesa, Manila.[3] When he peeped through his door, he saw appellant being unruly in front of their neighbor's house, breaking bottles and hacking the jalousie of their neighbor's window. Upon reaching the victim's house, appellant kicked the door and when the door flung open, Romeo de Guzman, the victim, who was sleeping behind the door, stood up. The victim was, however, unable to step out of the door as appellant suddenly grabbed him by the hair and delivered a thrust to his chest using a bladed weapon about 20 inches long.[4] Jericho Capanas was less than an arm's length from appellant and the victim when all these were happening.[5] The doors of their (the victim's and Jericho Capanas') houses are adjacent and only a wall separates the two houses.[6]

After stabbing the victim, appellant hurriedly left the scene. Jericho Capanas called the police, after which, he helped bring the victim to the University of the East Ramon Magsaysay Medical Center (UERMMC).[7]

Meanwhile, responding to what appeared to be a simple disturbance call at that time, the desk officer of Police Station 8 located at Old Sta. Mesa, Manila, dispatched Lawrence Hofer and Joseph Cladera to the scene. The latter are members of the Concerned Citizen's Anti-Crime Organization, Inc., a citizen's organization tasked to assist Police Station 8. Together with a barangay tanod, they proceeded to the scene of the crime. When they got there, they saw a man with blood all over his clothes holding a bladed weapon which was also covered with blood. This person turned out to be herein appellant. The barangay tanod then made the arrest and appellant was brought first to Police Station 8 for investigation and then to UERMMC where the victim was being treated. There, appellant was positively identified by the victim himself as the person who stabbed him.[8] The victim eventually succumbed to his wounds.

Dr. Romeo Salen, the medico-legal officer who conducted the post-mortem examination of the victim, testified for the prosecution. According to him, the victim sustained two stab wounds: one on the right ear and one on the chest. This latter wound caused the death of the victim.[9]

Appellant, as expected, presented a different version of the story. Testifying as the lone witness for the defense, he claimed that at around 10:00 o'clock in the evening of 22 September 2001, he started having a drinking spree with the victim and two others in front of the victim's house. Their drinking session continued until the early hours of the following day, at around 4:00 o'clock in the morning at which time, the victim suddenly asked him to take revenge at an enemy. When he refused, the victim, who was holding a bladed weapon, quarreled with him and pulled his hair. They started fighting and, as they grappled for the weapon, the victim suddenly fell. Appellant left and went home. He was still holding the bladed weapon when he was arrested.[10] Appellant admitted having written a letter to the victim's brother asking the latter's forgiveness.[11]

The trial court, in its Decision[12] dated 21 June 2006, found the version of the prosecution credible and rendered judgment as follows:

> Wherefore, judgment is hereby rendered finding the accused, Charlie Nazareno y Melanios guilty beyond reasonable doubt of the crime of Murder and hereby sentence him to suffer the penalty of RECLUSION PERPETUA. He is likewise ordered to pay the heirs of the victim the amount of FIFTY THOUSAND (P50,000.00) PESOS for the life of the victim and FIFTY THOUSAND (P50,000.00) PESOS for moral damages with legal interest from the time this decision has become final until the same is fully paid.[13]

On intermediate appellate review,[14] the Court of Appeals affirmed the guilt of the appellant but modified the award on the civil aspect of the case. In addition to civil indemnity and moral damages, the Court of Appeals likewise ordered appellant to pay exemplary and temperate damages.

Hence, appellant appealed to this Court contending that:

> I.
>
> THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT, WHEN HIS GUILT HAS NOT BEEN PROVEN BEYOND REASONABLE DOUBT.
>
> II.
>
> THE TRIAL COURT GRAVELY ERRED IN GIVING WEIGHT AND CREDENCE TO THE TESTIMONY OF THE PROSECUTION'S EYEWITNESS AND EVIDENCE.
>
> III.
>
> THE TRIAL COURT GRAVELY ERRED WHEN IT RULED THAT TREACHERY ATTENDED THE COMMISSION OF THE CRIME.[15]

In challenging his conviction, appellant assails the credibility of Jericho Capanas, the eyewitness to the killing, by claiming that there were inconsistencies in his testimony. Appellant argues that, Capanas initially claimed that it was only appellant who was running amok; then later, he stated that there were several drunk men causing a disturbance. Also, Capanas declared that he was present when the victim pointed to the accused as the person who stabbed him; but when asked later on during trial where he was when the confrontation between the victim and the assailant happened, he answered that he was still at his house. Appellant likewise questions the act of Capanas of "waiting for the victim to be killed first" before calling the police when he was already aware that appellant was running amok.[16]

These contentions of appellant fail to persuade us.

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The matters pointed out by appellant are minor and inconsequential and do not affect the substance of the eyewitness' declaration, nor the veracity or weight of his testimony. The issues raised by appellant do not pertain to the actual act constitutive of the offense charged,[17] as on this point, the testimony of Jericho Capanas is clear and convincing:

> Q:
>
> Did you see the stabbing?
>
> A:
>
> Yes, sir.
>
> Atty. Latiph
>
> Where did the accused stabbed (sic) the victim?
>
> A:
>
> On his chest and he was hacked on his ear, sir.
>
> (Witness pointing to his chest and right ear).
>
> Q:
>
> What part of the house?
>
> A:
>
> Just in front of the door, sir.
>
> Q:
>
> How far were you at that time?
>
> A:
>
> Less than an arms length because I was standing there, sir.[18] (Emphasis supplied.)

This account of Jericho Capanas is corroborated by the testimony of the medico-legal officer who performed the autopsy on the body of the victim. Thus:

> Q:
>
> And what did you find out when you conducted the external examination on the cadaver of the late Romeo De Guzman?
>
> A:
>
> On the examination of the external aspect, I found two stab wounds. One on the right ear and one on the chest, sir.[19] (Emphasis supplied.)

The records disclose nothing that would indicate any motive on the part of Jericho Capanas to testify falsely against appellant. Absent any showing that a witness for the prosecution was actuated by improper motive, his positive and categorical declarations on the witness stand, under the solemnity of an oath, deserve full faith and credence.[20]

In the case at bar, the identity of the killer of Romeo de Guzman is not unknown. Not only was appellant

positively identified by an eyewitness as the assailant, but no less than appellant himself, on two occasions, admitted authorship of the crime:

First, 14 October 2001, while in detention, appellant wrote a letter[21] to the victim's brother asking the latter's forgiveness for the killing of Romeo de Guzman. In a long line of cases,[22] the Supreme Court held that appellant's act of pleading for forgiveness may be considered as analogous to an attempt to compromise, which in turn, can be received as an implied admission of guilt under Section 27, Rule 130 of the Rules of Court.[23]

Then, second, on 26 September 2005, while on re-direct examination on the witness stand, appellant admitted having killed Romeo de Guzman. Thus:

> Court:
>
> Why did you write your kumpareng Ilay?
>
> Witness:
>
> To ask for forgiveness, Your Honor.
>
> Court:
>
> Forgiveness for what?
>
> x x x x
>
> Witness:
>
> Para sa pagkamatay ng kapatid niya.
>
> x x x x
>
> Court:
>
> So, in effect, you are saying that you are admitting having killed Romeo de Guzman?
>
> Witness:
>
> Basta nag-agawan kami.
>
> Court:
>
> The question is answerable by yes or no.
>
> Witness:
>
> Yes, Your Honor.[24] (Emphasis supplied.)

Appellant's testimony amounts to a judicial admission of guilt which may be given in evidence against himself under Section 26 Rule 130[25] of the Rules of Court.

Considering the overwhelming evidence of the prosecution, the guilt of appellant was clearly proved beyond reasonable doubt.

As to the manner by which appellant killed the victim, there is no doubt that the same was attended by treachery. Time and again, the Supreme Court has held that an attack on a victim who has just wakened or who was roused from sleep is one attended by treachery[26] because in such situation, the victim is in no position to put up any form of defense.[27] There is treachery where the attack was sudden and unexpected, rendering the victim defenseless and ensuring the accomplishment of the assailant's purpose without risk to himself.[28] The essence

of treachery is the swift and unexpected attack on an unsuspecting and unarmed victim who does not give the slightest provocation.[29]

In this case, it was evident that Romeo de Guzman was not aware that he would be attacked by appellant. He had just wakened when appellant stabbed him having been roused from his sleep by appellant's act of kicking the door behind which the victim usually sleeps.[30] It must also be pointed out that the victim was drunk when the attack happened, having been earlier engaged in a drinking spree with appellant, thus rendering him even more powerless to defend himself from appellant's assault. Clearly, the victim's guard was down when appellant stabbed him with the bolo.

Thus, both the RTC and the Court of Appeals correctly appreciated the qualifying circumstance of treachery.

As for damages, the Court of Appeals awarded the following amounts: (a) P50,000.00 as indemnity for the victim's death; (b) P50,000.00 as moral damages; (c) P25,000.00 as exemplary damages; and (d) P25,000.00 as temperate damages.[31]

The award for civil indemnity is mandatory and is granted to the heirs of the victim without need of proof other than the commission of the crime.[32] To conform with recent jurisprudence,[33] however, the amount awarded by the Court of Appeals is hereby increased to P75,000.00.

As in the case of civil indemnity ex delicto, moral damages in murder cases require no further proof than death.[34] The Regional Trial Court and the Court of Appeals correctly awarded moral damages in the amount of P50,000.00 in view of the violent death of the victim and the resultant grief to his family.[35]

On the other hand, exemplary damages shall be imposed as part of the civil liability arising from the crime where aggravating circumstances attended the commission thereof.[36] Thus, the award of exemplary damages is also warranted because of the presence of the qualifying aggravating circumstance of treachery in the commission of the crime.[37] The amount of P25,000.00 granted by the trial court and the Court of Appeals should, however, be increased to P30,000.00 in line with current jurisprudence on the matter.[38]

Finally, temperate damages are awarded when it appears that the heirs of the victim suffered pecuniary loss but the amount thereof cannot be proved with certainty.[39] While Beverly de Guzman, the brother of the victim, testified that he spent P50,000.00 as funeral expenses and P5,000.00 as hospital expenses he, however failed to present duly issued receipts therefore. Hence, he cannot recover actual damages as these require that the amount claimed be supported by receipts.[40] Thus, the award of temperate damages in the amount of P25,000.00 is likewise proper.

WHEREFORE, the Decision of the Court of Appeals in CA-G.R. CR No. 02350 promulgated on 27 July 2007 is hereby AFFIRMED with the MODIFICATION that the amount of civil indemnity and exemplary damages are increased to P75,000.00 and P30,000.00, respectively.

SO ORDERED.

Corona, C.J., (Chairperson), Leonardo-De Castro,[*] Bersamin,[**] and Del Castillo, JJ., concur.

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[*] Designated as Working Chairperson in lieu of Associate Justice Presbitero J. Velasco, Jr. per Special Order No. 878 dated 2 August 2010.

[**] Designated as Additional Member in lieu of Associate Justice Presbitero J. Velasco, Jr. per Special Order No. 876 dated 2 August 2010.

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[1] Records, p. 1.

[2] Id. at 15.

[3] TSN, 4 March 2002, p. 3 and TSN, 3 April 2002, p. 16.

[4] TSN, 4 March 2002, pp. 8-10.

[5] TSN, 3 April 2002, p. 18.

[6] TSN, 4 March 2002, p. 11.

[7] TSN, 3 April 2002, pp. 9-10.

[8] TSN, 23 October 2002, pp. 3, 5-9 and 11-14.

[9] TSN, 7 August 2002, pp. 3, 8 and 11.

[10] TSN, 26 September 2005, pp. 6-10, 16 and 27.

[11] Id. at 30-31.

[12] Penned by Judge Vedasto B. Marco, Records, pp. 310-314.

[13] Id. at 313-314.

[14] Docketed as CA-G.R. CR No. 02350 .

[15] CA rollo, p. 54.

[16] Rollo, pp. 60-61.

[17] People v. Borbon, G.R. No. 143085, 10 March 2004, 425 SCRA 178, 185.

[18] TSN, 3 April 2002, pp. 17-18.

[19] TSN, 7 August 2002, p. 8.

[20] People v. Nogra, G.R. No. 170834, 29 August 2008, 563 SCRA 723, 735.

[21] Exhibit "S," Records, p. 269.

[22] People v. Español, G.R. No. 175603, 13 February 2009, 579 SCRA 326, 339 citing People v. Castillo, G.R. No. 172695, 29 June 2007, 526 SCRA 215 and People v. Abadies, 433 Phil. 814, 824 (2002).

[23] Section 27. Offer of compromise not admissible

x x x x

In criminal cases, except those involving quasi-offense (criminal negligence) or those allowed by law to be compromised, an offer of compromise by the accused may be received in evidence as an implied admission of guilt.

[24] TSN, 26 September 2005, pp. 30-31.

[25] Section 26. Admissions of a party. - The act, declaration or omission of a party as to a relevant fact may be given in evidence against him.

[26] People v. Alabado, G.R. No. 176267, 3 September 2007, 532 SCRA 189, 210 citing People v. Abolidor, 467

Phil. 709, 720 (2004); People v. Delmindo, 473 Phil. 597, 613 (2004) and People v. Fernandez, 434 Phil. 224, 238-239 (2002).

[27] People v. Abolidor, id.

[28] People v. Molina. 370 Phil. 546, 556 (1999) citing People v. Uycoque, G.R. No. 107495, 31 July 1995, 246 SCRA 769.

[29] People v. Balais, G.R. No. 173242, 17 September 2008, 565 SCRA 555, 568-569 citing People v. Bermas, 369 Phil. 191, 234 (1999).

[30] TSN, 3 April 2002, p. 19.

[31] Rollo, p. 13.

[32] People v. Balais, supra note 29 at 571.

[33] People v. Obligado, G.R. No. 171735, 16 April 2009, 585 SCRA 380, 385 citing People v. Malolot, G.R. No. 174063, 14 March 2008, 548 SCRA 676.

[34] People v. Dumalahay, 429 Phil. 540, 553 (2002) citing People v. Tumanon, 404 Phil. 523, 542 (2001).

[35] People v. Balais, supra note 29 at 571.

[36] People v. Dumalahay, supra note 34, citing Art. 2230 of the New Civil Code.

[37] People v. Balais, supra note 29 AT 571-572.

[38] People v. Ortiz, G.R. No. 188704, 7 July 2010 and People v. Gutierrez, G.R. No. 188602, 4 February 2010.

[39] People v. Masagnay, G.R. No. 137364, 10 June 2004, 431 SCRA 572.

[40] People v. Demate, G.R. No. 132310 and 143968-69, 20 January 2004, 420 SCRA 229.

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