

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SAMSON ESCLETO, ACCUSED-APPELLANT.

G.R. No. 183706. April 25, 2012

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

On appeal is the Decision[1] dated December 13, 2006 of the Court of Appeals in CA-G.R. CR.-H.C. No. 01003, which affirmed an earlier Decision[2] dated March 2, 2005 of the Regional Trial Court (RTC), Branch 63, of Calauag, Quezon in Criminal Case No. 3471-C, finding accused-appellant Samson Escleto (Samson) guilty of murder under Article 248 of the Revised Penal Code.

In an Information dated January 7, 2000,[3] Samson was charged with the crime of murder committed as follows:

That on or about the 4[th] day of November 1999, at sitio Maligasang, Brgy. Villahermosa, Municipality of Lopez, Province of Quezon, Philippines, and within the jurisdiction of this Hon. Court, the above-named accused, with intent to kill, and with evident pre-meditation and treachery, armed with a fan knife, (balisong), did then and there willfully, unlawfully and feloniously attack, assault and stab with the said balisong one ALFREDO MARCHAN, thereby inflicting upon the latter a stab wound on his body, which directly cause his death.

When arraigned on January 23, 2001, Samson pleaded not guilty to the crime charged.[4]

During trial, the prosecution presented the following witnesses: (a) Merly Marchan (Merly), the widow of the victim Alfredo Marchan (Alfredo); (b) Benjamin Austria (Benjamin), a barangay tanod, who was personally present during the stabbing; and (c) Dr. Jose Mercado (Mercado), who conducted the postmortem examination of Alfredo's body.

According to the prosecution, Alfredo and Merly attended the birthday party of the son of Jaime Austria (Jaime) on November 4, 1999. Samson was also at the party. While engaged in a drinking spree, Samson drew out a knife (balisong or beinte-nueve), which he also later hid upon someone's advice. Samson thereafter left the party, followed by Merly and Alfredo less than an hour later. On their way home on their carabao, Merly and Alfredo passed by Benjamin's house at around 11:00 p.m. Benjamin and Samson were drinking wine at the balcony of said house. Samson called Alfredo, saying "pare, pwede kang makausap." Samson went down from the balcony of Benjamin's house as Alfredo dismounted from the carabao and approached Samson. However, once Samson and Alfredo were facing one another, Samson suddenly stabbed Alfredo in the chest, thus, causing Alfredo's death. Samson fled right after the stabbing. Neither Merly nor Benjamin was aware of any previous argument or ill feelings between Alfredo and Samson. Dr. Mercado's postmortem examination of Alfredo's body conducted on November 5, 1999 revealed the following:

FINDINGS:

- Stab wound 2.5 cm. 4[th] Intercoastal Space (L) midclavicular line penetrating directed downward.

CAUSE OF DEATH

Cartio-Respiratory Arrest

2[o] Severe hemorrhage

Due to stab wound[5]

Samson and his wife Florentina Escleto (Florentina) testified for the defense.

The defense presented a totally different version of the events that took place on November 4, 1999. Samson and Florentina arrived at Jaime's house at around 5:30 p.m. to attend a birthday party. A group of people were already drinking wine at the party. Eddie Marchan (Eddie) offered a jigger of wine to Samson but Samson refused to drink. While Florentina was in the kitchen, she heard a commotion among the men who were drinking. Florentina then saw Eddie and Alfredo talking to Samson. To prevent any trouble, Benjamin invited Samson to leave the party. Benjamin and Samson proceeded to Benjamin's house where they drank wine. Alfredo arrived at Benjamin's house and called Samson to go outside to talk. Samson complied but when he got outside, Alfredo met him carrying a weapon. While Samson and Alfredo grappled with each other, Benjamin approached them. Benjamin tried to stab Samson but accidentally hit Alfredo in the chest instead. Benjamin was also able to stab Samson's hand so Samson ran away. One Dr. Enrique Agra sutured the wound on Samson's hand. Both Samson and Florentina did not divulge anything to the police. Florentina, for her part, explained that she did not tell the police about Benjamin stabbing Alfredo because she thought that a wife could not testify in her husband's (Samson's) favor. Florentina still did not disclose anything to the police authorities as she visited Samson in prison because the police officers did not ask her about the stabbing.

The RTC promulgated its Decision on March 2, 2005, finding Samson guilty beyond reasonable doubt of the crime of murder. The RTC gave full credence to the testimonies of the prosecution witnesses which "were given in clear, straightforward manner and have the ring of truth[;]" as opposed to Samson's testimony which was "was self-serving, a pure hogwash and evidently a concoction in order to exculpate himself from criminal liability." [6] The RTC further found that Samson employed treachery in killing Alfredo, therefore, qualifying the crime committed to murder. The disposition portion of said RTC decision reads:

WHEREFORE, in view of all the foregoing considerations, this Court finds the accused Samson Escleto GUILTY beyond reasonable doubt of the crime of murder and in the absence of any aggravating or mitigating circumstances, hereby sentences him to suffer the penalty of RECLUSION PERPETUA and to pay the heirs of the victim Alfredo Merchan the sum of Fifty Thousand Pesos (P50,000.00) as civil indemnity and Fifty Thousand Pesos (P50,000.00) as moral damages.

The accused is to be credited of his preventive imprisonment, if proper and any, pursuant to Article 29 of the Revised Penal Code as amended by R.A. No. 6127 and E.O. No. 214.[7]

Insisting on his innocence, Samson appealed to the Court of Appeals.[8] In a Decision dated December 13, 2006, the Court of Appeals affirmed the judgment of conviction rendered against Samson by the RTC. The Court of Appeals decreed:

WHEREFORE, premises considered, the March 2, 2005 Decision of the Regional Trial Court (RTC) of Calauag, Quezon, Branch 63, in Criminal Case No. 3471-C, is hereby AFFIRMED.

Pursuant to Section 13 (c), Rule 124 of the 2000 Rules of Criminal Procedure as amended by A.M. No. 00-5-03-SC dated September 28, 2004, which became effective on October 15, 2004, this judgment of the Court of Appeals may be appealed to the Supreme Court by notice of appeal filed with the Clerk of Court of the Court of Appeals.[9]

Refusing to accept the verdict of the RTC and Court of Appeals, Samson comes before this Court via the instant appeal. Both the People[10] and Samson[11] waived the filing of supplemental briefs and stood by the briefs they had already filed before the Court of Appeals.

Samson made the following assignment of errors in his appeal:

I

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

II

ASSUMING ARGUENDO THAT THE ACCUSED-APPELLANT IS GUILTY IN CRIMINAL CASE NO. 3471-C, THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME OF MURDER.

III

ASSUMING FURTHER THAT A CRIME WAS COMMITTED, THE LOWER COURT ERRED IN FINDING THAT THE SAME WAS QUALIFIED BY TREACHERY.

Samson's appeal has no merit.

There are two entirely different versions of the events of November 4, 1999: The prosecution asserts that it was Samson who stabbed Alfredo, while the defense maintains that it was Benjamin who actually stabbed Alfredo. The RTC, affirmed by the Court of Appeals, gave credence to the evidence of the prosecution, mainly consisting of witnesses' testimonies, and found Samson guilty of murdering Alfredo.

We emphasize that the assessment by the trial court of a witness' credibility, when affirmed by the Court of Appeals, is conclusive and binding, if not tainted with arbitrariness or oversight of some fact or circumstance of weight or influence. This is so because of the judicial experience that trial courts are in a better position to decide the question of credibility, having heard the witnesses themselves and having observed firsthand their deportment and manner of testifying under grueling examination. [12]

When it comes to the matter of credibility of a witness, settled are the guiding rules, some of which are that "(1) the appellate court will not disturb the factual findings of the lower court, unless there is a showing that it had overlooked, misunderstood or misapplied some fact or circumstance of weight and substance that would have affected the result of the case; (2) the findings of the trial court pertaining to the credibility of a witness is entitled to great respect since it had the opportunity to examine his demeanor as he testified on the witness stand, and, therefore, can discern if such witness is telling the truth or not; and (3) a witness who testifies in a categorical, straightforward, spontaneous and frank manner and remains consistent on cross-examination is a credible witness." [13]

There is no compelling reason for us to depart from the foregoing rules. We are bound by the factual findings of the RTC absent any showing that it overlooked, misunderstood or misapplied some fact or circumstance of weight and substance that would have affected the result of the case. The prosecution witnesses positively and categorically identified Samson as the person who stabbed Alfredo to death.

Merly candidly recounted the stabbing incident on the witness stand:

Q

After you left the house of Jaime Austria, what happened next?

A

We passed in front of the house of Benjamin Austria and Samson Escleto was there and he called my husband.

Q

According to you, Samson Escleto was in the house of Benjamin Austria, was Samson Escleto inside the house of Benjamin Austria?

A

He was in the balcony.

Q

When your husband was called by Samson Escleto, what did your husband do, it he did anything?

A

He approached Samson Escleto.

Q

At the time he approached Samson Escleto, was this Samson Escleto stayed (sic) in the balcony of the house of Benjamin Austria?

A

He was already downstairs.

Q

What happened when Samson Escleto and your husband met?

A

Samson Escleto stabbed my husband.[14] (Emphasis ours.)

Benjamin corroborated Merly's testimony:

Q

At that date and time and place at your house at Brgy. Villahermosa, Lopez, Quezon, was there any unusual incident that happened?

x x x x

A

Aflredo Marchan and his wife passed by. They were riding in a carabao.

Q

When the husband and wife passed by in your house, was there any incident that happened?

A

Yes, sir.

Q

What was that?

A

Samson Escleto called the couple that was in front of our house and Alfredo Marchan went down in the carabao and he just would like to talk with Samson Escleto.

Q

What was the respon[se] of Alfredo Marchan?

A

He approached Samson Escleto and Samson Escleto went down from the balcony.

Q

When Alfredo Marchan wait (sic) to Escleto and Escleto went down from your house, what happened next?

A

Samson Escleto suddenly stabbed Alfredo Marchan in his chest.[15] (Emphasis ours.)

In contrast, Samson's defense rests on his allegation that it was Benjamin who stabbed Alfredo. We agree with the RTC that the defense's version of the events of November 4, 1999 was a mere concoction meant to exculpate Samson from criminal liability. It was against human nature for Samson to endure his arrest and imprisonment without informing police authorities at all that it was actually Benjamin who stabbed Alfredo. It was just as unusual for Florentina, who visited her husband Samson several times in prison, to withhold from police authorities such a significant fact that supports her husband's innocence. Samson further failed to take any action, such as the filing of a complaint against Benjamin to hold the latter liable for the former's alleged injury (i.e., hand wound) and Alfredo's death. Lastly, although Samson claimed that he sought medical assistance for his wound, which he also sustained from Benjamin's blow, Samson did not present as evidence the attending physician's testimony and/or medical certification.

We likewise affirm the finding of the RTC and the Court of Appeals that the stabbing of Alfredo by Samson was qualified by treachery. There is treachery when the offender commits any of the crimes against persons, employing means, methods, or forms in the execution, which tend directly and specially to insure its execution, without risk to the offender arising from the defense which the offended party might make.[16] We have also held that: "[i]n order for treachery to be properly appreciated, two elements must be present: (1) at the time of the attack, the victim was not in a position to defend himself; and (2) the accused consciously and deliberately adopted the particular means, methods or forms of attack employed by him. The essence of treachery is the sudden and unexpected attack by an aggressor on the unsuspecting victim, depriving the latter of any chance to defend himself and thereby ensuring its commission without risk of himself." [17]

While it is true that in this case the attack on Alfredo was frontal, the same was so sudden and unexpected. Alfredo was completely unaware of the imminent peril to his life. Alfredo was walking to meet Samson, expecting that they would only talk. Alfredo was unarmed while Samson had a knife. Alfredo was deprived of the opportunity to defend himself and repel Samson's attack. As correctly observed by the Court of Appeals:

The victim was not even able to offer any form of resistance. He never saw it coming that he would be stabbed. He alighted from his carabao and even waited for a while for assailant to come down the balcony only to be surprised that the handshake was in the form of a knife being plunged towards his chest that he could not even block the blow or dodge it. He just stood there in surprise as assailant suddenly hacked him.[18]

Clearly, treachery attended Samson's stabbing to death of Alfredo, hence, qualifying the crime to murder.

Article 248[19] of the Revised Penal Code, as amended by Republic Act No. 7659, provides for the penalty of reclusion perpetua to death for the crime of murder. There being no aggravating or mitigating circumstance, the RTC, as affirmed by the Court of Appeals, properly imposed the penalty of reclusion perpetua, pursuant to Article 63, paragraph 2,[20] of the Revised Penal Code.

As to damages, when death occurs due to a crime, the following may be awarded: "(1) civil indemnity ex delicto for the death of the victim; (2) actual or compensatory damages; (3) moral damages; (4) exemplary damages; and (5) temperate damages." [21]

Civil indemnity in the amount of P75,000.00 is mandatory and is granted without need of evidence other than the commission of the crime. Moral damages in the sum of P50,000.00 shall 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. Also under Article 2230 of the Civil Code, exemplary damages may be imposed when the crime was committed with one or more aggravating circumstances, like treachery, as in this case. Thus, the award of P30,000.00 for exemplary damages is in order.[22]

As regards actual damages, Merly, Alfredo's widow, testified that she and her family incurred expenses for Alfredo's burial and wake; however, Merly failed to present receipts to substantiate her claim. Where the amount of actual damages for funeral expenses cannot be ascertained due to the absence of receipts to prove them, temperate damages in the sum of P25,000.00 may be granted in lieu thereof. Under Article 2224 of the Civil Code, temperate damages may be recovered as it cannot be denied that the heirs of the victim suffered pecuniary loss although the exact amount was not proved.[23]

In addition, and in conformity with current policy, we also impose on all the monetary awards for damages interest at the legal rate of 6% from date of finality of this Decision until fully paid.[24]

WHEREFORE, the appeal is DENIED. The Decision dated December 13, 2006 of the Court of Appeals in CA-G.R. CR.-H.C. No. 01003 is AFFIRMED with MODIFICATIONS. Appellant Samson Escleto is found GUILTY beyond reasonable doubt of MURDER, and is sentenced to suffer the penalty of reclusion perpetua. Appellant Samson Escleto is further ordered to pay the heirs of ALFREDO MARCHAN the amounts of P75,000.00 as civil indemnity, P50,000.00 as moral damages, P30,000.00 as exemplary damages, and P25,000.00 as temperate damages. All monetary awards for damages shall earn interest at the legal rate of 6% per annum from date of finality of this Decision until fully paid.

SO ORDERED.

Corona, C.J., (Chairperson), Bersamin, Del Castillo, and Villarama, Jr., JJ., concur.

[1] Rollo, pp. 2-14; penned by Associate Justice Vicente Q. Roxas with Associate Justices Josefina Guevara-Salonga and Apolinario D. Bruselas, Jr., concurring.

[2] Records, pp. 230-238; penned by Presiding Judge Mariano A. Morales, Jr.

[3] Id. at 2.

[4] Id. at 55.

[5] Folder of Exhibits, p. 7.

[6] Records, p. 236.

[7] Id. at 238.

[8] Records, p. 240.

[9] Rollo, pp. 13-14.

[10] Id. at 25-26.

[11] Id. at 30-31.

[12] People v. Mirandilla, Jr., G.R. No. 186417, July 27, 2011.

[13] People v. Clores, G.R. No. 82362, April 26, 1990, 184 SCRA 638, 642-643.

[14] TSN, May 31, 2001, pp. 5-6.

[15] TSN, May 31, 2001, pp. 15-16.

[16] Article 14, par. 16 of the Revised Penal Code.

[17] People v. Dolorido, G.R. No. 191721, January 12, 2011, 639 SCRA 496, 505.

[18] Rollo, pp. 12-13.

[19] Art. 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:

1. 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.

[20] Art. 63. Rules for the application of indivisible penalties. – In all cases in which the law prescribes a single indivisible penalty, it shall be applied by the courts regardless of any mitigating or aggravating circumstances that may have attended the commission of the deed.

In all cases in which the law prescribes a penalty composed of two indivisible penalties, the following rules shall be observed in the application thereof:

x x x x

2. When there are neither mitigating nor aggravating circumstances in the commission of the deed, the lesser penalty shall be applied.

[21] People v. Agacer, G.R. No. 177751, December 14, 2011.

[22] Id.

[23] Article 224 of the Civil Code.

[24] Supra note 17.

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