

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ALFREDO M. PAPA, APPELLANT.

G.R. No. 184182. October 17, 2008

Ponente: CORONA, J.

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CORONA, J.:

On January 5, 2004, appellant Alfredo M. Papa was accused of murder[1] in the Regional Trial Court (RTC) of Quezon City, Branch 81[2] under the following Information:

That on or about the 1[st] day of January 2004 in Quezon City, Philippines, [appellant] with intent to kill, qualified by evident premeditation and treachery, did then and there willfully, unlawfully and feloniously attack, assault and employ personal violence upon the person of VILMA ALPUERTO y DE JESUS, by then and there kicking her, giving her fistic blows on her face and stabbing her with a bladed weapon, hitting her twice on her body, thereby inflicting upon said [victim] grave and mortal stab wounds which were the direct and immediate cause of her death, to the damage and prejudice of the heirs of the said [victim].

CONTRARY TO LAW.[3]

Appellant, upon arraignment, pleaded not guilty.

The prosecution presented Jenelyn and Jobelle Alpuerto, daughters of the victim from a previous relationship, as its principal witnesses. Jenelyn and Jobelle testified that they and Aileen, Jonathan, JR and Jericho Alpuerto were the victim's children from a previous marriage and that, at the time of the incident, their mother was cohabiting with appellant.

Jobelle recounted that she was sleeping beside the victim in the bedroom of their house in Tatalon, Quezon City in the morning of January 1, 2004. She was awakened by the arrival of the inebriated appellant who suddenly kicked and boxed the sleeping victim who desperately asked him to stop. Instead of heeding her plea, appellant pulled out a knife, repeatedly stabbed the victim and nonchalantly left the room. Despite her shock, Jobelle went down and told her brother Jonathan what happened. Together, they asked help from their neighbors who apprehended appellant.

The prosecution presented the victim's certificate of death stating that she died of cardio-pulmonary arrest secondary to multiple stab wounds and receipts showing that her family spent P20,000 for her funeral.

Appellant admitted stabbing the victim but asserted that he acted in defense of a relative. He and the victim were allegedly arguing and, in the course thereof, the victim said that she would kill their common child.

The RTC noted that if the victim truly threatened to kill their common child, appellant would have brought the said child when he left. He did not. Accordingly, the RTC gave more credence to the version of the prosecution. Furthermore, because appellant admitted stabbing the victim while she was lying down, the trial court appreciated the qualifying circumstance of treachery. However, because there was no proof that appellant intended to kill the victim, it disregarded the allegation of evident premeditation.

In a decision dated October 26, 2006, the RTC held:

WHEREFORE, the Court finds [appellant] guilty of beyond reasonable doubt of the crime of MURDER described and penalized under Article 248 of the Revised Penal Code as amended and is hereby sentenced to suffer the penalty of reclusion perpetua with all the accessory penalties provided by law and to indemnify the heirs of the late Vilma Alpuerto the amounts of P50,000 as civil indemnity, P20,000 as actual damages and P50,000 as moral damages.[4]

On intermediate appellate review, the Court of Appeals (CA) modified the RTC decision.[5] Because the receipted expenses of the victim's family only amounted to P20,000, it awarded P25,000 as temperate damages in lieu of actual damages. [6]

We dismiss the appeal.

We find no reason to disturb the findings of the RTC, as affirmed by the CA. The eyewitness accounts of the victim's daughters were more plausible than appellant's incredible version of facts. Appellant is clearly guilty beyond reasonable doubt of murder. Nonetheless, to conform with recent jurisprudence, he is ordered to pay P75,000 as civil indemnity ex delicto.[7]

WHEREFORE, the March 27, 2008 decision of the Court of Appeals in CA-G.R. CR-H.C. No. 02704 is hereby AFFIRMED with MODIFICATION. Appellant Alfredo M. Papa is found guilty of murder as defined and penalized in Article 248 of the Revised Penal Code and is sentenced to reclusion perpetua. He is further ordered to pay the heirs of Alma Alpuerto y de Jesus P75,000 as civil indemnity ex delicto, P50,000 as moral damages and P25,000 as temperate damages.

SO ORDERED.

Puno, C.J., (Chairperson), Carpio, Azcuna and Leonardo-De Castro, JJ., concur.

[1] See Revised Penal Code, Art. 248.

[2] Docketed as Criminal Case No. Q-04-123491.

[3] CA rollo, pp. 12-13.

[4] Penned by Judge Ma. Theresa L. de la Torre-Yadao. CA rollo, pp. 18-22.

[5] Decision penned by Associate Justice Juan Q. Enriquez, Jr. and concurred in by Associate Justices Arcangelita Romilla-Lontok and Ramon R. Garcia of the Twelfth Division of the Court of Appeals. Dated March 27, 2008. Rollo, pp. 2-11.

[6] Id., at 9 citing *People v. Belonio*, G.R. No. 148695, 27 May 2004, 429 SCRA 579, 596. (citations omitted)

[7] *People v. Malolot*, G.R. No. 174063, 14 March 2008.

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