

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMEO SATONERO @ RUBEN, ACCUSED-APPELLANT.

G.R. No. 186233. October 02, 2009

Ponente: VELASCO JR., J.

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VELASCO JR., J.:

This is an appeal from the Decision[1] dated July 11, 2008 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 00220 which affirmed the May 16, 2003 Decision[2] in Criminal Case No. 39-98 of the Regional Trial Court (RTC), Branch 17 in Kidapawan City, Cotabato. The RTC found accused-appellant Romeo Satonero guilty of the crime of murder and sentenced him to suffer the penalty of reclusion perpetua.

The Facts

In an information dated February 26, 1998, accused-appellant was charged with murder allegedly committed as follows:

That on or about December 25, 1997, in the Municipality of Tulunan, Province of Cotabato, Philippines, the said accused, armed with a handgun and a knife, with intent to kill, with treachery and evident premeditation, did then and there, willfully, unlawfully and feloniously attack, assault, shot, stab and use physical violence to the person of RAMON AMIGABLE, thereby hitting and [inflicting] upon [the] latter gunshot wound and multiple [stab] wounds on the different parts of his body, which is the direct and immediate cause of his death thereafter.

Contrary to law.[3]

When arraigned, accused-appellant, with the assistance of counsel, pleaded "not guilty" to the charge against him. After the pre-trial, trial on the merits ensued.

The prosecution offered in evidence the testimonies of Leticia Amigable Vda. De Omega, Lorenzo Lines, Dr. Ruel Sarillo, and Leonila Amigable. On the other hand, the defense presented, as its witnesses, accused-appellant and his wife, Nena, and one Ronnie Peñafiel.

The Prosecution's Version of Facts

At around five o'clock in the afternoon of December 25, 1997, Leticia and her nephew, Ramon Amigable were in Brgy. La Esperanza, Tulunan waiting for a tricycle ride to a place called M'lang. Leticia had just received a gift from her sister. Accused-appellant, Leticia's nephew too, happened to be nearby. Accused-appellant, upon seeing the gift Leticia was holding, inquired where it came from. When told of the source, accused-appellant mocked the gift-giver for giving more to those who have more in life. Accused-appellant then asked Leticia if she knew who he was, followed by a remark that he would throw her into the irrigation ditch.[4]

At that moment, Leticia told Ramon not to mind accused-appellant because he was drunk. When Ramon was about to board the tricycle, accused-appellant followed him, shot him three times with a short-barreled gun, then

stabbed him several times. All told, Ramon sustained nine stab wounds on different parts of his body.[5]

Despite the presence of other persons at the scene of the crime, nobody attempted to approach the protagonists as accused-appellant threatened to harm anyone who dared come near them.[6]

Afterwards, accused-appellant went to the house of Barangay Kagawad Nestor Porras ostensibly to notify, via radio, the police about the incident. But no policeman came. Instead, Pastor Peñafiel, the Citizens' Crime Watch coordinator, arrived and accompanied accused-appellant to the police station in Tulunan, Cotabato.[7]

Dr. Sarillo, the Municipal Health Officer of Tulunan, conducted an autopsy on Ramon. The death certificate Dr. Sarillo signed indicated "severe hemorrhage" consequent to multiple stab wounds on the chest and feet and gunshot wound in the left sub-coastal area as the cause of Ramon's death.[8]

Version of the Defense

Returning home after working on the rice field owned by Soledad Amigable in the afternoon of December 25, 1997, accused-appellant saw Ramon standing outside accused-appellant and wife Nena's store, which is adjacent to their house. He then heard Ramon mutter, "Ari na ang dungol,"[9] after which the latter tried to box and stab him. Accused-appellant somehow managed to avoid the blows and to go inside the store, where his wife was.[10]

Ramon, however, followed him inside the store and attempted to stab him again. Whereupon, accused-appellant took a .38 Caliber gun under the pillow of his bed and fired a warning shot directed towards the wall. Impervious, Ramon still tried to hit him. This time, accused-appellant fired a second shot, hitting Ramon but who nonetheless still made it outside the store, eventually falling to the ground about three meters away from the store.[11]

Upon seeing Ramon fall, accused-appellant threw the gun away and went to Ramon's side so he could bring him to a doctor. Instead of allowing himself to be helped, Ramon, who was lying on his side, made another crack to stab accused-appellant and a scuffle ensued for the possession of the knife.[12]

Per accused-appellant's account, he shouted at those nearby, "Indi kamo mag-palapit,"[13] so to as keep them away from possible harm. Eventually, Ramon collapsed dead. Accused-appellant then told his wife that he would be giving himself up. True enough, he went to the house of kagawad Porras so that the latter could transmit a radio message to the police about the incident. But no law enforcer arrived. Pastor, the barangay Citizens' Crime Watch coordinator, took it upon himself to accompany accused-appellant to the police station.[14]

According to accused-appellant, he did not intend to kill Ramon, claiming that he poked his gun at the latter and was impelled to squeeze the trigger only because Ramon was chasing him.[15]

Ruling of the Trial Court

On May 16, 2003, the RTC rendered judgment convicting accused-appellant of murder and accordingly sentencing him thus:

WHEREFORE, this Court finds and so holds that accused Romeo Satonero alias Ruben is guilty beyond reasonable doubt of the crime of Murder as defined and penalized under Article 248 of the Revised Penal Code. Appreciating voluntary surrender as ordinary mitigating circumstance, accused Romeo Satonero alias Ruben is directed to serve the penalty of Reclusion Perpetua with its accessory penalties. His detention from December 29, 1997 is counted full in his favor.

He is directed to pay cost.

Accused Romeo Satonero alias Ruben is directed to indemnify the heirs of Ramon Amigable the following:

a. Loss of life

P 75,000.00

b. Moral damages

50,000.00

P 125,000.00

SO ORDERED.[16]

Pursuant to a notice of appeal accused-appellant filed, the RTC forwarded the records of the case to this Court. In line with *People v. Mateo*,^[17] however, the Court transferred the case to the CA for intermediate review.

Ruling of the Appellate Court

On July 11, 2008, the CA rendered a decision affirming that of the trial court. The dispositive portion of the CA's decision reads:

FOR THE REASONS GIVEN, the Decision of the Regional Trial Court of Kidapawan City, Branch 17, finding accused-appellant Romeo Satonero guilty beyond reasonable doubt of the crime of murder, sentencing him to suffer the penalty of reclusion perpetua, and directing him to indemnify the heirs of Ramon Amigable is AFFIRMED. Costs de officio.

SO ORDERED.[18]

Accused-appellant is again before this Court, having earlier interposed a notice of appeal from the foregoing CA decision.

In response to the Court's directive to submit, if they so desired, supplemental briefs, both accused-appellant and plaintiff-appellee *People* separately manifested that they are no longer filing their respective supplemental briefs and are willing to submit the case for resolution on the basis of their respective appeal briefs filed before the CA.

The Issue

As it was before the CA, the sole issue tendered in this appeal boils down to the question of whether or not:

THE COURT A QUO ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT FOR THE CRIME OF MURDER AND IN NOT APPRECIATING APPELLANT'S SELF-DEFENSE.[19]

The Court's Ruling

The Court sustains accused-appellant's conviction, the prosecution's evidence being sufficient to establish his guilt for murder beyond reasonable doubt.

There Was No Self Defense

Accused-appellant urges his acquittal on the ground he acted in self-defense. He asserts that the unlawful aggressor in the fatal episode in question was Ramon, who started it by calling accused-appellant a fool and then

chasing him around with a knife. Pressing the point, accused-appellant alleges that the assault came without sufficient provocation on his part, having just arrived from a farm work when Ramon attacked him.[20] Ramon, so accused-appellant claims, resented the fact that he, accused-appellant, was presently working on a piece of land which the former used to till and longed to possess.[21]

On another angle, accused-appellant maintains that the wounds Ramon sustained do not necessarily argue against or automatically foreclose a claim of self-defense.[22]

The Court finds no cogent reason to overturn the finding of the CA, confirmatory of that of the RTC, that there was no self-defense on the part of accused-appellant in the instant case.

One who admits killing another in the name of self-defense bears the onus of proving the justifiability of the killing. The accused, therefore, must convincingly prove the following elements of the justifying circumstance of self-defense: (1) unlawful aggression on the part of the victim; (2) reasonable necessity of the means employed to prevent or repel it; and (3) lack of sufficient provocation on the part of the person claiming self-defense. While all three elements must concur to support a claim of complete self-defense, self-defense relies first and foremost on a showing of unlawful aggression on the part of the victim. Absent clear proof of unlawful aggression on the part of the victim, self-defense may not be successfully pleaded.[23]

In the instant case, accused-appellant failed to discharge his burden of proving unlawful aggression. From a perusal of the trial court's decision, the prosecution's testimonial evidence, notably Leticia's testimony, had been carefully weighed and was found by the trial court to be more credible and convincing than the bare and self-serving testimony of accused-appellant as to who initiated the fight and what transpired after the initial assault ensued. The testimony of a single eyewitness to a killing, if worthy of credence, is sufficient to support a conviction for homicide or murder, as the case may be.[24] It bears stressing that, as a rule, the trial court's factual determinations, especially its assessments of the witnesses' testimony and their credibility, are entitled to great respect, barring arbitrariness or oversight of some fact or circumstance of weight and substance.[25] For having the opportunity to observe the witnesses' demeanor while in the witness box, such as their facial expression and the tone of their voice, the trial court is in a better position to address questions of credibility.[26] The trial court's proximate contact with those who take the witness stand places it in a more competent position to discriminate between a true and false testimony.[27]

The testimony of Leticia had established the following: Accused-appellant, who was drunk at the time and day when the incident in question occurred, followed her and Ramon when they were about to board a tricycle. Immediately after a brief but ugly exchange between Leticia and accused-appellant, the shooting and stabbing started, with Ramon at the receiving end and culminating in his death.

On the other hand, the allegation of accused-appellant which pictured Ramon as purportedly pulling out a knife and attempting to stab the former came uncorroborated, although several onlookers--potential witnesses all--were at the situs of the crime. And while claiming to have grappled for some time with Ramon for the possession of the knife, accused-appellant managed to stay unscathed, which in itself is incredible. And lest it be overlooked, appellant failed, without explanation, to present the knife purportedly used by the victim. Jurisprudence teaches that the failure to account for the non-presentation of the weapon allegedly wielded by the victim is fatal to the plea of self-defense.[28] The Court, thus, joins the trial court in its determination, as affirmed by the CA, of the absence of unlawful aggression on the part of Ramon.

For unlawful aggression to be present, there must be a real danger to life or personal safety.[29] There must be an actual, sudden, and unexpected attack or imminent danger, and not merely a threatening or intimidating attitude.[30] As the element of unlawful aggression on the part of the victim is absent, or at least not convincingly

proved, accused-appellant's claim of self-defense cannot be appreciated.

But assuming arguendo that there was unlawful aggression on Ramon's part, the Court distinctly notes that the means accused-appellant employed to prevent or repel the supposed unlawful aggression were far from reasonably necessary. The number and nature of the wounds sustained by Ramon certainly belie a claim of self-defense. It is worth stressing that accused-appellant inflicted nine stab wounds on Ramon after he pumped a bullet on the latter's lower left chest. Said gunshot wound, as medical report later showed, was by itself already fatal. Significantly, after Ramon fell as a result of his bullet wound, accused-appellant still proceeded to stab him. As aptly observed by the trial court, Ramon could not have walked far after he was hit by the bullet.[31] Accused-appellant's pretense, therefore, that he had no intention to harm Ramon after the shooting and that he only approached the fallen Ramon to bring him to the doctor, stretches credulity to the absurd and must be rejected. Certainly, the nature and number of the injuries inflicted by accused-appellant on the victim should be significant indicia in determining the plausibility of the self-defense plea.[32]

Accused-appellant's underlying posture that he shot Ramon as a measure of repelling the latter's unlawful attack on his person crumbles in the face of Leticia's testimony on what actually transpired on the fateful afternoon in question. Leticia, being also the aunt of accused-appellant, had no reason to falsely testify against the latter and none was established. Per her account, accused-appellant was the unlawful aggressor.

Leticia on direct examination:

Q:

After that, what happened?

A:

At that time, my nephew [Ramon] was about to [stand] up and about to board because the vehicle is already there.

Q.

And then what happened?

A.

He [accused-appellant] followed him and he fired shot.

x x x x

Q:

You said that Romeo Satonero shot your nephew by the name of Ramon Amigable, how many times?

A:

Three times.

x x x x

Q.

What happened after he was shot three times?

A.

He died.

Q.

After the three shots, what happened to him?

A.

He was stabbed.

The Qualifying Circumstance of Treachery Was Properly Appreciated by the Trial Court

Accused-appellant also argues that granting his criminal responsibility for Ramon's death, the trial court erred in its determination that the killing constitutes murder attended by treachery.[33] He claims that the suddenness of the attack cannot not, standing alone, sustain a finding of alevosia, even if his purpose was to kill.[34]

We disagree. It may be, as postulated, that the suddenness of the attack would not, by itself, suffice to support a finding of treachery.[35] Where, however, proof obtains that the victim was completely deprived of a real chance to defend himself against the attack, as in the instant case, thereby ensuring its commission without risk to the aggressor, and without the slightest provocation on the part of the victim, the qualifying circumstance of treachery ought to and should be appreciated.[36] Verily, what is decisive is that the attack was executed in a manner that the victim was rendered defenseless and unable to retaliate.[37]

As shown by the prosecution's evidence thus adduced and as determined by the trial court, Ramon was without a weapon and had no opportunity to defend himself against accused-appellant's unexpected assault. In fact, Ramon was about to board a tricycle--an indicium of the suddenness of the attack--when accused-appellant shot him three times, with at least one bullet finding its mark. The assault with the knife came immediately after Ramon fell to the ground. It was physically impossible for Ramon to safely distance himself due to the swiftness of the assault. Any suggestion, therefore, that the killing of Ramon was not attended by treachery cannot be accepted.

The trial court correctly awarded the amount of P75,000 to the heirs of Ramon by way of civil indemnity ex delicto. Its award of P50,000.00 as moral damages is, however, increased to P75,000.00 to conform to existing jurisprudence. Moral damages may be awarded without need of pleading or proof.[38] The Court, however, deems it proper to award exemplary damages in the amount of P30,000.00 in accordance with Article 2230 of the Civil Code considering that the killing was attended by the qualifying circumstance of treachery.

WHEREFORE, the appeal is DENIED. The Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 00220 finding Romeo Satonero alias Ruben guilty of the crime of murder is AFFIRMED with the following MODIFICATION: (1) The award of moral damages is increased to PhP 75,000; and (2) Accused-appellant is also ordered to pay the heirs of Ramon Amigable exemplary damages in the amount of PhP 30,000.

SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, Nachura, and Peralta, JJ., concur.

[1] Rollo, pp. 5-16. Penned by Associate Justice Edgardo A. Camello and concurred in by Associate Justices Jane Aurora C. Lantion and Elihu A. Ybañez.

[2] CA rollo, pp. 15-27. Penned by Judge Rogelio R. Narisma.

[3] Id. at 5.

- [4] TSN, July 7, 1998, pp. 4-5.
- [5] Id. at 5-7.
- [6] Id. at 17.
- [7] TSN, April 21, 2003, pp. 10-11.
- [8] Records, p. 9.
- [9] "Here comes the fool."
- [10] TSN, April 21, 2003, pp. 5-7.
- [11] Id. at 8.
- [12] Id. at 8-9.
- [13] "Don't come near."
- [14] TSN, April 21, 2003, pp. 9-11.
- [15] Id. at 13.
- [16] CA rollo, p. 26.
- [17] G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640.
- [18] Rollo, p. 15.
- [19] CA rollo, p. 45.
- [20] Id. at 54.
- [21] Id. at 51.
- [22] Id. at 52.
- [23] *People v. Mara*, G.R. No. 184050, May 8, 2009; citing *People v. Abesamis*, G.R. No. 140985, August 28, 2007, 531 SCRA 300, 310-311.
- [24] *People v. Villanueva*, G.R. Nos. 115555-59, January 22, 1998, 284 SCRA 501, 509.
- [25] *People v. Virrey*, G.R. No. 133910, November 14, 2001, 368 SCRA 623, 630.
- [26] *Mara*, supra note 23; citing *People v. Roma*, G.R. No. 147996, September 30, 2005, 471 SCRA 413, 426-427.
- [27] *People v. Olivo*, G.R. No. 130335, January 18, 2005, 349 SCRA 499.
- [28] *People v. Camacho*, G.R. No. 138629, June 20, 2001, 359 SCRA 200; citing *People v. Alfaro*, No. L-32461, December 15, 1982, 119 SCRA 204.
- [29] *People v. Villegas*, G.R. No. 138782, September 27, 2002, 390 SCRA 111.
- [30] Id.
- [31] Records, p. 132.
- [32] *People v. Dijan*, G.R. No. 142682, June 5, 2002, 383 SCRA 15.

[33] CA rollo, p. 54.

[34] *Id.* at 55.

[35] *People v. Peralta*, G.R. No. 128116, January 24, 2001, 350 SCRA 198.

[36] See *Mara*, *supra* note 23; citing *People v. De Guzman*, G.R. No. 169082, August 17, 2007, 530 SCRA 631, 638.

[37] *Mara*, *id.*; citing *People v. Glino*, G.R. No. 173793, December 4, 2007, 539 SCRA 432, 457.

[38] *People v. Martinez*, G.R. No. 182687, July 23, 2009.

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