

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DAVID MANINGDING, ACCUSED-APPELLANT.

G.R. No. 195665. September 14, 2011

Ponente: VELASCO JR., J.

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VELASCO JR., J.:

The Case

This is an appeal from the June 25, 2010 Decision[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 03854, which affirmed the January 29, 2009 Decision[2] in Criminal Case No. 2006-0688-D of the Regional Trial Court (RTC), Branch 44 in Dagupan City. The RTC convicted accused David Maningding of murder.

The Facts

The charge against accused stemmed from the following Information dated November 7, 2006:

That on September 13, 2006 at around 10:25 o'clock in the evening in Brgy. Anolid, Mangaldan, Pangasinan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused while armed with a bladed weapon, with intent to kill and with treachery, did then and there, willfully, unlawfully and feloniously attack, stab and hit MARLON MUYALDE, inflicting upon him a stab wound on the vital part of his body, causing his untimely death, to the damage and prejudice of his heirs.

Contrary to law.[3]

On December 11, 2006, the arraignment was conducted and the accused pleaded not guilty to the offense charged. A mandatory pre-trial conference was conducted. Thereafter, the RTC proceeded with the accused's trial.

During the trial, the prosecution offered in evidence the testimonies of Aladino Jorge (Aladino), the owner of the sari-sari store; Dr. Virgilio De Guzman (Dr. De Guzman), the physician who conducted the autopsy upon the cadaver of the victim, Marlon Muyalde (Marlon); Rommel Muyalde (Rommel), the brother of the victim; and Gloria Muyalde (Gloria), the wife of the victim. On the other hand, the defense only presented the accused as its witness.

The Prosecution's Version of Facts

The prosecution presented Aladino as its first witness. Aladino is a pensioner who owns and operates a sari-sari store in Barangay Anolid, Mangaldan, Pangasinan, where he has been residing for more than a year when the crime happened.[4] In addition to selling junk foods, candies and soft drinks in his sari-sari store, Aladino also operates a videoke to augment his income as a vendor. He testified that on September 13, 2006, at about 10:25 in the evening, while he was tending to his sari-sari store, he noticed brothers Rommel and Marlon conversing with each other, while seated on a bench beside his store. While this was transpiring, the accused arrived. The victim, Marlon, stood up and greeted the accused, who happened to be his brother-in-law, "good evening." [5] He stated that the accused kept quiet and suddenly raised the right hand of Marlon and stabbed him by the armpit with a

knife that he was carrying.[6] Marlon shouted because of the pain, which caused the people in the neighborhood to come out. At this instance, the accused ran away. Aladino testified that he was only about one meter away from the incident's site as it was just right beside his sari-sari store.[7] Aladino executed a sworn statement before the police of Mangaldan, which he was able to positively identify in court. Aladino was also able to positively identify the accused in court as the person who stabbed Marlon.[8]

Dr. De Guzman was presented by the prosecution as its second witness. He testified that Marlon was brought to him at about 10:30 in the evening on September 13, 2006. At such time, he said that Marlon was already experiencing shock because of the stab wound, which he had sustained. Dr. De Guzman stated that while undergoing surgery, Marlon went on cardiopulmonary arrest.[9] He died of hypovolemic shock, mainly because of the massive loss of blood that the victim experienced.[10] Based on his autopsy, the victim had a single stab wound at the edge intercostal space right at the axillary line that penetrated and lacerated his right diaphragm and his liver. He testified that almost the entire thickness of the right lobe of the liver was lacerated. He noted that the injury was so fatal that as a result, the patient would eventually die. Based on Dr. De Guzman's experience and findings, the depth of the wound is 14 inches, more or less, and that it could have been caused by a sharp pointed object. Dr. De Guzman also caused the issuance of Marlon's Death Certificate.[11]

The prosecution next presented Rommel as its witness. Rommel testified that he is the brother of the victim[12] and the brother-in-law of the accused.[13] He stated that on September 13, 2006 at about 10:25 in the evening, he, the victim and a neighbor, Mandy Molina (Molina), were in front of Aladino's store, singing with the videoke that the latter is operating.[14] Thereafter, he and the victim were still engaged in conversation facing each other when the accused, who is their brother-in-law, arrived. They both greeted the accused but the latter did not respond. The accused, which apparently was armed with a knife, suddenly got hold of the victim's right hand, raised it and made a thrust with his left hand.[15] He then pulled the knife and ran away. Molina caught the victim as he was about to fall down and rushed him to the hospital.[16]

Finally, the prosecution presented Gloria as witness to establish the civil liability of the accused. Gloria testified that she is the spouse of the victim.[17] She stated that the victim was gainfully employed as a farmer and at the same time bought and sold bottles.[18] As a farmer, he harvested 40 or more sacks of palay every harvest period, which is twice a year; and earned three hundred pesos (PhP 300) daily from buying and selling bottles.[19] Gloria also testified that they incurred PhP 33,180 as a result of the victim's death.[20] She also stated that she and the victim have four (4) children[21] and that he was 23 years old at the time of his death.[22]

The Defense's Version of Facts

Accused had a different version for his defense and, hence, a different appreciation of the facts:

He stated that on September 13, 2006 at about 10:25 in the evening, he was on his way home from carrying passengers with his tricycle when he saw the victim with four other people at the sari-sari store of Aladino, having a drinking spree.[23] He stated that the victim actually called for him and invited him for a drink, which he refused. According to the accused, the victim then embraced him by extending his arm to his shoulder. He testified that at this instant, he noticed that the victim was pulling a knife from his waist with his right hand, which he was able to grab.[24] As he was being embraced by the victim at such time and since they both fell thereafter, he did not know that he was actually able to stab the victim.[25] When he saw blood coming out of the victim, he ran away out of fear.[26] No other witness or evidence was presented by the defense for its case.

Ruling of the Trial Court

After trial, the RTC convicted the accused. The dispositive portion of its Decision dated January 29, 2009 states:

WHEREFORE, judgment is hereby rendered finding accused DAVID MANINGDING guilty beyond reasonable doubt of the crime charged and is hereby sentenced to suffer the penalty of reclusion perpetua and to pay the heirs of the late MARLON MUYALDE, Php50,000.00 as civil indemnity for the latter's death, Php33,180.00 as actual damages for the burial and expenses incurred during the wake of the victim and Php100,000.00 as moral damages.

SO ORDERED.[27]

In deciding for the prosecution and convicting the accused of the crime charged, the RTC gave credence to the testimonies of the prosecution's eyewitnesses, Rommel and Aladino.[28] The RTC also held that the accused's flight negated his claim of self-defense. Finally, his allegation that the victim was drunk at the time of the incident was not supported by any other evidence. Contrarily, the Medical Certificate of the victim is silent as to any presence of alcohol.

The RTC found that treachery attended the stabbing of the victim, being sudden and unexpected.[29] The RTC also explained that the facts indicate no showing that there was any altercation between the accused and the victim immediately prior to the stabbing that could have warned the latter of the said ensuing incident.[30]

Ruling of the Appellate Court

The accused appealed the Decision of the RTC, reiterating his argument of self-defense. On June 25, 2010, the CA affirmed the judgment of the trial court. The dispositive portion of the CA Decision reads:

WHEREFORE, the Decision dated 29 January 2009 of the Regional Trial Court of Dagupan City, Branch 44 is hereby AFFIRMED in toto.

SO ORDERED.[31]

In affirming the decision of the RTC, the CA held that it was not in any way persuaded by the appeal of the accused and his claim of self-defense.[32] The CA emphasized that the element of unlawful aggression is wanting in the present case. The CA likewise affirmed the existence of treachery.

Hence, We have this appeal.

The Issues

The appeal seeks to determine whether the RTC erred in convicting accused-appellant of the crime charged. Particularly, accused-appellant maintains that the stabbing of the victim is justified by self-defense.

The Court's Ruling

We sustain the conviction of accused-appellant.

The factual determination of the RTC should be afforded full faith and credit

We have held in *People v. Gabrino*[33] that the factual determination of the RTC should not be disturbed unless there is a showing of misinterpretation of material facts or that it is tainted with grave abuse of discretion:

We have held time and again that "the trial court's assessment of the credibility of a witness is entitled to great weight, sometimes even with finality." As We have reiterated in the very recent case of *People v. Jose Pepito Combate*, where there is no showing that the trial court overlooked or misinterpreted some material facts or that it gravely abused its discretion, then We do not disturb and interfere with its assessment of the facts and the credibility of the witnesses. This is clearly because the judge in the trial court was the one who personally heard the accused and the witnesses, and observed their demeanor as well as the manner in which they testified

during trial. Accordingly, the trial court, or more particularly, the RTC in this case, is in a better position to assess and weigh the evidence presented during trial.

In the present case, in giving weight to the prosecution's testimonies, there is not a slight indication that the RTC acted with grave abuse of discretion, or that it overlooked any material fact. In fact, no allegation to that effect ever came from the defense. There is therefore no reason to disturb the findings of fact made by the RTC and its assessment of the credibility of the witnesses. To reiterate this time-honored doctrine and well-entrenched principle, We quote from *People v. Robert Dinglasan*, thus:

In the matter of credibility of witnesses, we reiterate the familiar and well-entrenched rule that the factual findings of the trial court should be respected. The judge a quo was in a better position to pass judgment on the credibility of witnesses, having personally heard them when they testified and observed their deportment and manner of testifying. It is doctrinally settled that the evaluation of the testimony of the witnesses by the trial court is received on appeal with the highest respect, because it had the direct opportunity to observe the witnesses on the stand and detect if they were telling the truth. This assessment is binding upon the appellate court in the absence of a clear showing that it was reached arbitrarily or that the trial court had plainly overlooked certain facts of substance or value that if considered might affect the result of the case. (Emphasis Ours.)

In this case, We see no reason to disturb the factual findings of the RTC as affirmed by the CA. Neither a misinterpretation of the material facts nor a grave abuse of discretion on the part of the RTC is existent or apparent from the facts of the case.

Self-defense does not exist in the present case

Preliminarily, it is a settled rule that when an accused claims the justifying circumstance of self-defense, an accused admits the commission of the act of killing. The burden of evidence, therefore, shifts to the accused's side in clearly and convincingly proving that the elements of self-defense exist that could justify the accused's act.[34] In this case, considering that at the outset, accused-appellant has already maintained a claim of self-defense, the burden of evidence rests upon him in proving his act of stabbing as justifiable under the circumstances.

According to Article 11 of the Revised Penal Code, "any person who acts in defense of his person or rights" do not incur any criminal liability provided that the following requisites concur: (1) unlawful aggression; (2) reasonable necessity of the means employed to prevent or repel it; and (3) lack of sufficient provocation on the part of the person defending himself. Conversely, the accused must be able to establish that all three circumstances concur in order for the accused's act to be justified under the law.

Particularly, in the case of unlawful aggression, *People v. Gabrino*, following the ruling in *People v. Manulit*, [35] explained, thus:

Unlawful aggression is defined as an actual physical assault, or at least a threat to inflict real imminent injury, upon a person. In case of threat, it must be offensive and strong, positively showing the wrongful intent to cause injury. It presupposes actual, sudden, unexpected or imminent danger--not merely threatening and intimidating action. It is present only when the one attacked faces real and immediate threat to one's life.[36]

In this case, the records would show that accused-appellant was clearly not able to establish the aforementioned requisites. Worse, his sole evidence--his own testimony--was found by the RTC to be so weak and devoid of any credibility as against those presented by the prosecution. From the facts of the present case, the RTC gave credence and weight to the evidence presented by the prosecution, whose testimonies rule out accused-appellant's claim of self-defense. As earlier explicated, We do not disturb or interfere with the findings of fact of the RTC unless there is a clear showing of mistake or a grave abuse of discretion. From the testimonies of Rommel and

Aladino, there was no unlawful aggression on the part of the victim. If there was any, it came from accused-appellant himself for having unsuspectingly attacked the victim, who was peacefully engaged in a conversation with Rommel during the stabbing incident.

Treachery exists in the present case

In *People v. Dela Cruz*, this Court discussed that in order for an accused to be convicted of murder, the following elements must concur:

- That a person was killed.
- That the accused killed him.
- That the killing was attended by any of the qualifying circumstances mentioned in Art. 248.
- The killing is not parricide or infanticide.[37]

Moreover, Art. 248 of the Code states that "[a]ny 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 x x x treachery." [38] 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." [39] These means or methods are made in the form of a swift, deliberate and unexpected attack, without any warning and affording the victim, which is usually unarmed and unsuspecting, no chance at all to resist or escape the impending attack. [40]

In this case, it is undisputed that it was accused-appellant who stabbed and killed the victim, which is neither a crime of parricide nor infanticide. We are, therefore, left with the issue of whether there was treachery in the attack. Going over the records of the case, We are convinced that, indeed, treachery was employed and present in the stabbing by accused-appellant of the victim, which led to the latter's ultimate death.

We look into the testimonies of Aladino and Rommel, which established the existence of treachery:

Testimony of Aladino Jorge:

Q:

You said that Rommel and Marlon were having conversation, where, in what particular portion of your store were they having conversation?

A:

Beside my store, they were seated on a bench.

Q:

Will you describe to us how they were seated at the time?

A:

They were facing each other and in-between them is a table.

Q:

And while Marlon and Rommel were having conversation, what transpired next if any?

A:

David Maningding suddenly arrived.

x x x x

Q:

And when David Maningding arrived, what did he do if any?

A:

The brother-in-law paid respect to David Maningding by greeting him "good evening."

Q:

Who is that brother-in-law who gave his respect to David Maningding by saying "good evening?"

A:

Marlon Mualde, sir.

Q:

When Marlon Mualde said "good [e]vening" to David Maningding who just arrived, where was Marlon Mualde at the time?

A:

He was already standing.

Q:

About Marlon's brother Rommer, where was he when Marlon said "good evening" to David Maningding?

A:

They were still at the same place, both of them.

Q:

When Marlon said "good evening" to David Maningding, how far was [he] from David Maningding?

A:

Very near, but David Maningding did not answer.

Q:

When Marlon Mualde was already standing, what transpired next if any?

A:

When Marlon Mualde was already standing David Maningding raised the right hand of Marlon and instantly stabbed his armpit.

x x x x

Q:

What happened to Marlon Mualde after being stabbed by David Maningding?

A:

Marlon shouted because of pain causing people to come out, then David Maningding ran away.

Q:

You said earlier that there was no ex[c]hange of words between David Maningding and Marlon Mualde before the stabbing incident because according to you David Maningding did not reply to the show of respect of Marlon Mualde, correct?

A:

Yes, sir.

Q:

For how long did David Maningding [raise] the hand of Marlon after he arrived.

A:

About five (5) minutes after he arrived.

Q:

And during the period of five (5) minutes after he arrived there was no exchange of words according to you between Marlon Mualde and David Maningding?

A:

None, sir.

Q:

[How] [a]bout between Rommel Mualde and David Maningding?

A:

The same.

Q:

It was Rommel Mualde who greeted David Maningding "good evening," what about Marlon Mualde, did he say any word?

A:

The same greeting.

Q:

What about you, was there exchange of words between you, Marlon and Rommel and David Maningding, you mean to say nothing happened within that five (5) minutes period before the stabbing?

A:

No more, only the stabbing.

Q:

Can you tell us how many seconds or minutes did it take David Maningding to stab Marlon Mualde?

A:

Less than one (1) minute most likely.[41] (Emphasis Ours.)

Testimony of Rommel Muyalde:

Q:

While you and your brother were having conversation, can you recall what was your position?

A:

We were already sitting facing with each other.

Q:

While you were on that position, what happen [sic] next, if any?

A:

When we were having conversation at that time my brother-in-law arrived.

Q:

What is the name of that brother-in-law of yours who arrived

A:

David Maningding, sir.

Q:

You are referring to the accused in this case?

A:

Yes, sir.

Q:

And what happen[ed] next after your brother-in-law David Maningding arrived?

A:

When he arrived I paid my respect saying "good evening Kuya" but he did not answer and also my older brother greeted him but he did not answer also.

Q:

And what transpire[d], if any?

A:

After my brother greeted him good evening kuya and he did not answer, what he did he got hold of the right hand of my brother, raised it and then he made a thrust using his left hand.[42]

x x x x

Q:

You mean to say that after your brother greeted your brother-in-law there was no response from David Maningding?

A:

No more, sir.

Q:

And for how long did it take after your Kuya Marlon had greeted David Maningding when the latter raised his right hand and stabbed his lower right armpit?

A:

One or two minutes because after my brother Marlon greeted him, good evening Kuya, my brother-in-law David Maningding immediately raised his right hand, stabbed him then removed the knife and ran away, sir.

x x x x

Q:

But before David Maningding stood up he was seated?

A:

When he arrived I greeted him then he sat when my brother Marlon greeted him but David Maningding did not [respond] and he stood up.

Q:

How many minutes did he sit before he stood up?

A:

Two (2) minutes, sir.

Q:

Did you not have any conversation before he stood up?

A:

None, we did not. We just greeted him. There was no conversation between us because when he arrived I paid respect to him but when it was the turn of my brother to [pay] respect he stood up and that was the time he stabbed him.[43]

From the testimonies of Aladino and Rommel, it cannot be gainsaid that accused-appellant without any warning or suspicion, and taking advantage of the circumstances, immediately attacked the victim. The victim did not have any suspicion that could have alerted him of the impending attack. As clearly demonstrated in the trial court, the attack was swift and unexpected, even to the eyewitnesses, Aladino and Rommel. We, therefore, agree with the RTC's ruling and finding, and We find no reason to veer away from them.

Accused-appellant is liable for damages and interest

Under Art. 248 of the Revised Penal Code, the penalty for the crime of murder is reclusion perpetua to death. In this case, the RTC was correct in imposing the lesser penalty of reclusion perpetua, as there existed neither aggravating nor mitigating circumstances.[44]

Corollarily, in *People v. Combate*, We ruled that "when the circumstances surrounding the crime call for the imposition of reclusion perpetua only, the Court has ruled that the proper amounts should be PhP 50,000.00 as civil indemnity, PhP 50,000.00 as moral damages, and PhP 30,000.00 as exemplary damages." [45]

Following the aforementioned jurisprudence, We, therefore, reduce from PhP 100,000 to PhP 50,000 the amount of moral damages awarded by the RTC to the heirs of the victim but impose the additional penalty of exemplary damages. To summarize, the following shall be assessed against accused-appellant: PhP 50,000 in civil indemnity, PhP 50,000 in moral damages, and PhP 30,000 in exemplary damages, with an interest of six percent (6%) per annum from finality of judgment until paid.[46] Furthermore, We note the actual damages awarded by the RTC amounting to PhP 33,180.

WHEREFORE, the appeal is DENIED. The CA Decision in CA-G.R. CR-H.C. No. 03854 finding accused-appellant David Maningding guilty of the crime of murder is AFFIRMED with modification. As thus modified, the ruling of the trial court should read as follows:

WHEREFORE, PREMISES CONSIDERED, judgment is hereby rendered finding the accused, David Maningding, guilty beyond reasonable doubt of the crime of MURDER. The accused is hereby sentenced to suffer the penalty of RECLUSION PERPETUA and is ordered to indemnify the heirs of the late Marlon Muyalde the sum of PhP 50,000 as civil indemnity, PhP 50,000 as moral damages, PhP 30,000 as exemplary damages, PhP 33,180 as actual damages, and interest on all damages at the rate of six percent (6%) per annum from the finality of judgment until fully paid.

SO ORDERED.

Peralta, Abad, Villarama, Jr.,[*] and Mendoza, JJ., concur.

[*] Additional member per Special Order No. 1076 dated September 6, 2011.

[1] Rollo, pp. 2-8. Penned by Associate Justice Manuel M. Barrios and concurred in by Associate Justices Rosmari D. Carandang and Ramon R. Garcia.

[2] CA rollo, pp. 6-12. Penned by Judge Genoveva Coching-Maramba.

[3] Id. at 6.

[4] TSN, March 16, 2007, p. 2.

[5] Id. at 3-5.

[6] Id. at 6.

[7] Id. at 7.

[8] Id. at 7-8.

[9] TSN, May 21, 2007, p. 5.

[10] Id. at 6.

[11] Id. at 5.

[12] TSN, August 13, 2007, p. 2.

[13] Id. at 3.

[14] Id. at 4-5.

[15] Id. at 5.

[16] Id. at 6.

[17] TSN, October 1, 2007, p. 3.

[18] Id. at 4-5.

[19] Id. at 5.

[20] Id. at 6.

[21] Id.

[22] Id. at 3.

[23] TSN October 20, 2008, p. 3.

[24] Id. at 3-4.

[25] Id. at 4.

[26] Id. at 5.

[27] CA rollo, p. 12.

[28] Id. at 9.

[29] Id.

[30] Id. at 11.

[31] Rollo, p. 7.

[32] Id. at 6.

[33] G.R. No. 189981, March 9, 2011; citing *People v. Combate*, G.R. No. 189301, December 15, 2010; *People v. Agudez*, G.R. Nos. 138386-87, May 20, 2004, 428 SCRA 692, 705; *People v. Dinglasan*, G.R. No. 101312, January 28, 1997, 267 SCRA 26, 39.

[34] *People v. De Jesus*, G.R. No. 186528, January 26, 2011.

[35] G.R. No. 192581, November 17, 2010, 635 SCRA 426; citing *People v. Catbagan*, G.R. Nos. 149430-32, February 23, 2004, 423 SCRA 535, 540.

[36] *People v. Gabrino*, *supra* note 33.

[37] G.R. No. 188353, February 16, 2010, 612 SCRA 738, 746; cited in *People v. Gabrino*, *supra* note 33.

[38] *Emphasis Ours*.

[39] *People v. Gabrino*, *supra* note 33; citing *People v. Dela Cruz*, *supra* note 37; *People v. Amazan*, G.R. Nos. 136251 & 138606-07, January 16, 2001, 349 SCRA 218, 233 & *People v. Bato*, G.R. No. 127843, December 15, 2000, 348 SCRA 253, 261.

[40] Id.; citing *People v. Dela Cruz*, *supra* note 37; *People v. Albarido*, G.R. No. 102367, October 25, 2001, 368 SCRA 194, 208; *People v. Francisco*, G.R. No. 130490, June 19, 2000, 333 SCRA 725, 746; *People v. Lobino*, G.R. No. 123071, October 28, 1999, 317 SCRA 606, 615.

[41] TSN, March 16, 2007, pp. 5-7 & 16.

[42] TSN, August 13, 2007, pp. 5-6.

[43] Id. at 14-15.

[44] People v. Gabrino, supra note 33.

[45] G.R. No. 189301, December 15, 2010; cited in People v. Gabrino, supra note 33; People v. Sanchez, G.R. No. 131116, August 27, 1999, 313 SCRA 254.

[46] Id.

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