

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF/APPELLEE, VS. GUMERCINDO QUILATON Y EBAROLA, DEFENDANT/APPELLANT.

G.R. No. 69666. January 23, 1992

Ponente: FELICIANO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-69666/>

FELICIANO, J.:

Appellant Gumercindo Quilaton was found guilty of murder and sentenced to suffer the penalty of reclusion perpetua, and required to pay the heirs of the offended party various amounts of money.

Appellant was tried and convicted under the following information:

"That on or about the 16th day of August 1983, the municipality of San Simon, province of Pampanga, Philippines, and within the jurisdiction of this Honorable court, the above-named accused GUMERCINDO QUILATON y EBAROLA alias 'ROBERTO SANDOVAL' armed with a knife (balisong), with deliberate intent to kill, by means of treachery and with evident premeditation, did then and there wilfully, unlawfully and feloniously attack, assault and wound ROLANDO S. MANAHAN, thereby inflicting upon him serious and fatal injuries, which directly caused the death of the said Rolando S. Manahan.

All contrary to law."^[1]

Appellant pleaded not guilty on arraignment and the case proceeded to trial. In time, the trial court rendered a decision with the following dispositive portion:

"WHEREFORE, premises considered, the Court hereby finds the accused GUMERCINDO QUILATON y EBAROLA, also known as Roberto Sandoval guilty beyond reasonable doubt of the crime of Murder as charged in the Information and hereby sentences him to suffer the penalty of Reclusion Perpetua.

The Court further sentences him to indemnify the heirs of Rolando S. Manahan the sum of One Hundred Thousand (P100,000.00) Pesos, Philippine Currency, for the death of Rolando S. Manahan, the sum of Twenty Six Thousand Four Hundred Forty Five (P26,445.00) Pesos, Philippine Currency, for actual damages incurred for burial and other expenses of the deceased, the sum of Two Hundred Fifty Thousand (P250,000.00) Pesos, Philippine currency, for moral damages. The court further orders the accused to pay the costs.

SO ORDERED."^[2]

Appellant has assigned the following errors in his brief:

- The court a quo gravely erred in not finding that the victim was armed with a bladed weapon and was the aggressor.
- The court a quo gravely erred in finding that the killing of the victim was qualified by treachery.
- The court a quo gravely erred in not finding that the accused-appellant acted in self-defense.^[3]

The evidence for the prosecution discloses that the appellant was a laborer in the Bureau of Forest Development

assigned at the PROFEM Nursery in San Agustin, San Simon, Pampanga until 3 June 1983 when his services were terminated. While still a laborer and occasionally after his termination, appellant would spend the night in one of the rooms of the PROFEM office. The PROFEM office, it seemed, was converted by appellant into sleeping quarters during the night.

On 16 August 1983, between the hours of 8:00 and 9:00 o'clock in the evening, Rolando Manahan, then officer-in-charge of the PROFEM, called for appellant to see Manahan at the latter's office. Appellant who was around the PROFEM office at that time, refused to see Manahan at his office. Rolando Manahan came out of his office and proceeded to admonish appellant to discontinue his practice of sleeping inside the office, sometimes with women brought from the town. Appellant was reported to have replied: "yes, sir, and from now on I will not bring girls inside the office." A heated exchange of words then ensued between Rolando Manahan and appellant.

Appellant who remained outside the office later requested Lamberto Abugan, an employee of the PROFEM, to give him his (appellant's) bag of clothes which had been left inside the room. Lamberto Abugan initially refused, but on instructions of Rolando Manahan, complied. With his bag of clothes, appellant left the office.

Rolando Manahan, however, decided to follow appellant, apparently to make certain that appellant would in fact leave the premises of the Nursery. Lamberto Abugan, who had noticed Rolando Manahan leave the office, also went out to look after them. Lamberto Abugan caught up with the two (2) at the provincial road where he saw Rolando Manahan kick appellant's shoes which were lying on the road; the heated altercation between the two (2) continued. Moments later, appellant pulled a fan knife (balisong) from his right hip and told Rolando Manahan: "this time I am going to kill you, I shall not forgive you." Rolando Manahan started to run away; appellant chased him.

Lamberto Abugan also ran from the scene to seek help. He proceeded to the police headquarters in San Simon, Pampanga and from there returned to the provincial road aboard a tricycle in the company of Pfc. Nicolas Yambao. They saw Rolando Manahan lying on the road, already dead. Appellant, upon the other hand, was found in Sampaloc, Apalit, Pampanga where he was arrested and searched. A fan knife and a bloodstained shirt were recovered from the possession of appellant.[4]

A post mortem examination of the cadaver of Rolando Manahan was conducted by Dra. Maria Theresa Santos, Municipal Health Officer of San Simon, Pampanga. Dra. Santos report indicated that Rolando Manahan sustained seven (7) wounds, two (2) of which, located in the chest, were fatal.[5]

Appellant submitted a different version of the facts. He alleged that on the night of 16 August 1983 when he left the PROFEM office, he became alarmed upon noting that Rolando Manahan was following him. Appellant quickened his steps but because the road was slippery, he fell on the ground with the bag he was carrying, and his shoes spilled onto the road. Rolando Manahan kicked his shoes away and continued walking. As Rolando Manahan came nearer, appellant ran away only to be stopped in a fenced area. Rolando Manahan there attacked him with a bladed weapon but appellant was able to wrest possession of the bladed weapon. Appellant then instinctively stabbed Rolando Manahan until the latter died. Appellant claims that after the incident, he walked towards Apalit, Pampanga to surrender as he did not know where the municipal building of San Simon, Pampanga was. He was on his way to surrender when the police authorities arrested him.[6]

The principal contention of appellant is that he had acted in self-defense when he stabbed Rolando Manahan to death. He imputes unlawful aggression to Rolando Manahan who, he claims, deeply resented him as a cumulative result of antecedent events namely: (1) Rolando Manahan had been reprimanded for his inaction on the report that had reached the Central Office that appellant was bringing girls during the night inside the PROFEM office; and (2) Rolando Manahan, as officer-in-charge of the PROFEM, was humiliated by appellant's lack of respect in

refusing to see the former at his office. Thus, according to appellant, Rolando Manahan pursued him even as he had left the PROFEM office during the night of 16 August 1983.

By invoking self-defense as a justifying circumstance, appellant in effect admitted that he had indeed killed Rolando Manahan. In order that he may be relieved of criminal liability, he is obliged to establish the presence of the following requisites: (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.[7] In so doing, appellant must rely on the strength of his own evidence and not on the weakness of that of the prosecution for even if the prosecution's evidence were weak, it cannot be disbelieved after appellant has admitted the killing.[8]

The evidence of appellant on his claim of self-defense consisted solely of his own testimony. The trial court rejected that testimony, firstly, because it was not supported by convincing corroborative evidence and, secondly, because the trial court had perceived appellant to be a liar.

During trial of the case, the prosecution had marked and offered in evidence the letter of the INP Station Commander in Dalaguete, Cebu informing the INP Station Commander in San Simon, Pampanga that appellant had two (2) pending cases in Dalaguete, Cebu. One of those cases was for murder and the other for double murder. Certified true copies of the alias warrants for the arrest of appellant in both cases were also marked in evidence by the prosecution.[9] Appellant had denied the pendency of the cases. On cross-examination, he testified as follows:

“Q. Mr. Quilaton, in your town in Dalaguete, Cebu, your mayor is Paz Wong?

A. I do not know her, sir.

Q. And who is the mayor whom you know in your town?

A. Legaspi, sir.

Q. Who was your Station Commander when you left Dalaguete, Cebu?

A. I do not know his name, sir.

Q. Mr. Quilaton, is it not a fact that you have a pending case of double murder in the Municipal Trial Court of Dalaguete, Cebu docketed as Crim. Case No. 3032 before the Honorable Judge Buenconsejo?

A. I do not know that, Sir.

Q. You do not also know that there is also another pending murder case docketed as Crim. Case No. 2710 before the Hon. Dominador Tumalak?

A. I do not know that, sir.

Q. Will you deny that you have also another pending case before the RTC, Branch 26 of Ardaos, Cebu?

A. None, sir.

Q. You mean you have no pending case in Cebu?

A. None, sir.

Q. Is it not a fact Mr. Quilaton that you were a convict-escapee in the Provincial Jail of Cebu?

A. No, sir.

Q. Since you left Cebu, have you returned to Cebu?

A. Not yet, sir.”[10]

The trial court instead gave credence to the testimony of Lamberto Abugan who had seen appellant initiate a deadly assault on the victim Roland Manahan by drawing a fan knife from his right hip and by announcing his intention to kill Manahan. The ordinary rule is that findings of fact of the trial court on the credibility of witnesses

are entitled to great respect considering that the trial court was in a position to evaluate the deportment of witnesses while testifying.[11] The Court does not see any compelling reason to depart from the general rule.

The Court, however, agrees with the Solicitor General that appellant should be convicted of homicide only. The information here filed specified treachery and evident premeditation as qualifying circumstances. The trial court disregarded evident premeditation, holding that the prosecution had not adequately established the presence of that circumstance. But it considered appellant's act of stabbing the unarmed Rolando Manahan as treachery and took this into account in convicting appellant of murder.

Treachery cannot be appreciated in the absence of evidence of the mode of attack;[12] it cannot be presumed but must be proven positively.[13] This is so because treachery exists only “when the offender commits any of the crimes against the person, employing means, methods, or forms in the execution thereof which tend directly and specially to insure its execution, without risk to himself arising from any defense which the offended party might make.”[14]

The sole eyewitness to the incident which started inside the PROFEM Nursery and ended on the provincial road was Lamberto Abugan. Lamberto Abugan had testified about a “falling out” or quarrel between Rolando Manahan and appellant after the former confronted appellant and told him to desist from sleeping inside the PROFEM office and from bringing women sleeping companions therein. This culminated in a heated argument that led appellant to leave the office in haste and anger. The verbal dispute continued up to the provincial road where Rolando Manahan had followed appellant. Lamberto Abugan, however, did not witness the actual stabbing by appellant of Rolando Manahan as he ran away just then to seek help.

The testimony of Lamberto Abugan offers no sufficient basis for reasonably inferring that treachery attended the commission of the crime. On the contrary, considering that the attack was preceded by a heated argument, it cannot be fairly regarded as sudden and unexpected. The tense and hostile atmosphere should have sufficiently put Rolando Manahan on guard against physical violence; Rolando Manahan should have been aware that he was in effect inviting trouble in following appellant into the provincial road and kicking the latter's shoes that had fallen to the ground.

The trial court had ordered appellant to pay the heirs of Rolando Manahan P26,445.00 as actual damages, representing interment and related expenses incurred by the heirs of Rolando Manahan. The brother of Rolando Manahan testified on this matter and submitted various receipts in support of their claim for actual damages; appellant did not controvert this claim nor the amount thereof.

The amount of P100,000.00 awarded to the heirs of Rolando Manahan as indemnity for death must, however, be reduced to P50,000.00 conformably with prevailing jurisprudence on the matter.[15] The propriety of the award of P250,000.00 by the trial court in concept of moral damages needs some analysis.

The monetary liabilities of a person accused and convicted of a crime are specified in Article 2206 of the Civil Code:

“Art. 2206. The amount of damages for death caused by a crime or quasi-delict shall be at least three thousand pesos, even though there may have been mitigating circumstances. In addition:

(1) The defendant shall be liable for the loss of the earning capacity of the deceased, and the indemnity shall be paid to the heirs of the latter; such indemnity shall in every case be assessed and awarded by the court, unless the deceased on account of permanent physical disability not caused by the defendant, had no earning capacity at the time of his death;

(2) If the deceased was obliged to give support according to the provisions of article 291, the recipient who is

not an heir called to the decedent's inheritance by the law of testate or intestate succession, may demand support from the person causing the death, for a period not exceeding five years, the exact duration to be fixed by the court;

(3) The spouses, legitimate and illegitimate descendants and ascendants of the deceased may demand moral damages for mental anguish by reason of the death of the deceased.” (Underscoring supplied)

Aside, therefore, from the ordinary indemnity for death which is currently set by caselaw at P50,000.00, appellant is obliged: (1) to compensate the heirs of Rolando Manahan for the latter's loss of earning capacity; (2) to give support in the form of expenses for education to the sisters of Rolando Manahan who had been dependent on him therefor; and (3) to pay the heirs of Rolando Manahan moral damages for the mental anguish suffered by them.[16] In the instant case, the trial court lumped these monetary obligations into what it called "moral damages."

The more important variables taken into account in determining the compensable amount of lost earnings are: (1) the number of years for which the victim would otherwise have lived; and (2) the rate of loss sustained by the heirs of the deceased.[17] In *Villa Rey Transit, Inc. v. Court of Appeals* (supra), the court computed the first factor, i.e. life expectancy, by applying the formula $(2/3 \times [80 - \text{age at death}])$ adopted in the American Expectancy Table of Mortality or the actuarial Combined Experience Table of Mortality. That formula was followed by the Court in cases subsequent to *Villa Rey Transit*, e.g. *Philippine Airlines v. Court of Appeals*;^[18] *People v. Daniel* (supra); and *Dangwa Transportation Co., Inc. v. Court of Appeals*.^[19] The Court notes that the formula used in *Villa Rey Transit* was based on a table derived from actuarial experience prior to 1970 when the decision in *Villa Rey Transit* was promulgated. Actuarial experience subsequent to 1970 has, however, changed and indicates a longer life expectancy in the Philippines due to conditions including, among other things, advances in medical science, improved nutrition and food supply, diet consciousness and health maintenance. The 1970 mortality table was updated in 1980 to reflect the changes of conditions.^[20]

Considering that Rolando Manahan was 26 years of age at the time of death, he was expected to live for another 46 years. This is derived by using the generally accepted formula in computing for life expectancy, based on the 1980 CSO table:

$$\frac{\sum (L_x + 1, L_x + 2, \dots, L_x + n)}{n}, \text{ where } n = 100 - x$$

_____ x = age upon death

L = number of people in sample surviving after x number of years

L_x

But a man does not normally continue working to earn money up to the final month or year of his life; hence 46 years could be reasonably reduced to 39 years.^[21] Besides, Rolando Manahan was a government employee who is expected to retire at the age of 65. If there are 261 working days in a year^[22] and Rolando Manahan was receiving P23.00 a day,^[23] Rolando Manahan's gross earnings would be approximately P234,000.00. A reasonable must be deducted therefrom, that would represent Rolando Manahan's necessary expenses had he been living, in this case P120,000.00. The net or compensable earnings lost by reason of Rolando Manahan's death is, accordingly, P114,000.00.

Finally, the Court in the exercise of its discretion, considers it appropriate and reasonable to award the amount of P20,000.00 to the heirs of Rolando Manahan by way of moral damages. Ruben Manahan, brother of Rolando Manahan, testified that their mother suffered a mild stroke upon learning of Rolando Manahan's slaying; this eventually resulted in the mother's semi-paralysis.^[24]

WHEREFORE, the Decision of the Regional Trial Court, Branch 54, Macabebe, Pampanga is hereby SET ASIDE; the court instead finds appellant Gumercindo Quilaton guilty of HOMICIDE. Applying the Indeterminate Sentence Law, appellant is hereby SENTENCED to suffer imprisonment for an indeterminate period ranging from ten (10) years as minimum to seventeen (17) years and four (4) months as maximum. Appellant is ORDERED to pay the heirs of Rolando Manahan the following amounts:

1. P50,000.00 as indemnity for death;
2. P26,445.00 as actual damages;
3. P114,000.00 by way of lost earnings;
4. P10,000.00 by way of educational assistance to Rolando Manahan's two (2) sisters; and
5. P20,000.00 as moral damages.

Costs against appellant.

SO ORDERED.

Gutierrez, Jr., (Chairman), Bidin, Davide, Jr., and Romero, JJ., concur.

[1] Record, p. 2.

[2] Trial Court Decision, p. 16.

[3] Brief for the Appellant, p. 1.

[4] TSN, 26 October 1983, pp. 4-21.

[5] Exhibit "A" for the Prosecution, Exhibits Folder.

[6] TSN, 25 November 1983, pp. 4-23.

[7] Article 11, paragraph 1, Revised Penal Code; *People v. Delgado*, 182 SCRA 343 (1990); *People v. Abagon*, 161 SCRA 255 (1988).

[8] *Araneta v. Court of Appeals*, 187 SCRA 123 (1990); *People v. Dofilez*, 130 SCRA 603 (1984); *People v. Llamera*, 51 SCRA 48 (1973); *People v. Talaboc*, 30 SCRA 87 (1969).

[9] Exhibits "G" to "H-1" for the Prosecution.

[10] TSN, 1 December 1983, pp. 19-20.

[11] *People v. Bachar*, 170 SCRA 700 (1989); *Hermo v. Court of Appeals*, 155 SCRA 24 (1987); *People v. Valentino*, 141 SCRA 397 (1986).

[12] *People v. Bachar*, (supra); *People v. Lanza*, 94 SCRA 613 (1979).

[13] *People v. Gaddi*, 170 SCRA 649 (1989); *People v. Diaz*, 167 SCRA 239 (1988).

[14] Article 14, paragraph 16, Revised Penal Code.

[15] *People v. Bartulay*, 192 SCRA 621 (1990); *People v. Yeban*, 190 SCRA 409 (1990); *People v. Padrones*, 189 SCRA 496 (1990).

[16] See *People vs. Valerio, Jr.*, 112 SCRA 208 (1982).

[17] *People v. Daniel*, 136 SCRA 92 (1985); *Villa Rey Transit, Inc. v. Court of Appeals*, 31 SCRA 511 (1970).

[18] 185 SCRA 110 (1990).

[19] G.R. No. 95582, 7 October 1991.

[20] The updated mortality table is known in the insurance industry as the 1980 Commissioner's Standard Ordinary Mortality Table (1980 CSO).

[21] *People v. Daniel*, *supra*.

[22] 365 days excluding the 52 Sundays and 52 Saturdays but including the 10 legal holidays which are deemed paid.

[23] Exhibit "J" for the Prosecution.

[24] TSN, 18 November 1983, pp. 7-8.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.