

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDGARDO MACEDA, ACCUSED-APPELLANT.

G.R. No. 91106. May 27, 1991

Ponente: REGALADO, J.

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REGALADO, J.:

For the death of Pacifico Peque on November 2, 1988 in the Municipality of Dulag, Province of Leyte, herein accused-appellant Edgardo Maceda, together with his two brothers-in-law, Antonio and Teodoro Vacal, were charged with murder in Criminal Case No. 89-02-87 of the Regional Trial Court of Leyte[1] in an information dated February 21, 1989. However, only herein appellant was arraigned and tried on a plea of not guilty, since the Vacals were not apprehended and have since remained at large.[2]

After trial, appellant was found guilty and sentenced to serve the penalty of reclusion perpetua and to indemnify the widow of the deceased in the sum of P30,000.00, without subsidiary imprisonment in case of insolvency.[3]

The antecedents which led to the filing of this criminal action are hereinunder set forth, as synthesized by the court a quo from the testimonies of the witnesses,[4] and as clarified and amplified by us from the transcripts of the stenographic notes of the trial.

As testified by Inocencio Relador,[5] he, together with Peque and a certain Myrna Bautista, were on their way home to Sitio Sinandigan from Barangay Cabacungan proper in the evening of November 2, 1988. About fifty (50) meters from the house of appellant, two (2) flashlights suddenly flashed their beams at them with the lights coming from the yard of appellant.

Appellant and his brothers-in-law, Antonio and Teodoro Vacal, then approached and met them at the front yard of the former's aforestated house, appellant and Antonio being armed with bolos and Teodoro with a local knife known as "pisao." Without warning, Teodoro stabbed Peque at the latter's back. Wounded, Peque fled in the direction of the barangay proper but he was pursued and overtaken by the appellant and his companions about one hundred (100) meters away from the point of initial confrontation.

Because of his confusion, Relador claimed that he also fled toward the same direction where Peque and his armed pursuers were headed but he tripped and sprawled on a grassy spot about fifteen (15) meters from where Peque was overtaken by appellant and the latter's companions. From there, he saw how Maceda and the Vacals took turns in stabbing and hacking Peque.

Appellant understandably submits a different version of the macabre incident.[6] He admits having killed Peque but pleads self-defense and exculpates his brothers-in-law from any participation in the killing. According to appellant, at about 9:00 o'clock in the evening of November 2, 1988, he and his family were eating supper when Peque arrived at their backyard and challenged him to come out and fight. Peque then pushed their kitchen door aside where he was met by appellant's mother-in-law, Rosario Vacal, whom Peque stabbed and wounded on the dorsal portion of her left palm.

Believing that Peque had fled, and fearing that he may return and create further trouble, appellant told his family that they would transfer to his father's house at Barangay Del Carmen. Appellant then carried his 3-year old son and all of them, each carrying one of his children, were about to pass the gate when Peque, who had hidden himself behind a coconut tree, met him with a thrust of a "pisao" about eight inches long.

Allegedly wounded superficially in the inner portion of his right forearm, appellant put down his son, unsheathed his bolo, faced Peque and delivered several stabbing and hacking blows to his body without letup. Peque then struggled and fled from the yard to a distance of about fifteen (15) meters where he fell and bled to death.

In his brief, appellant contends that the trial court erred in finding him guilty of the crime of murder and sentencing him to serve the penalty of reclusion perpetua and to indemnify the widow in the sum of P30,000.00; and in not acquitting him, instead, of the offense charged.[7]

Appellant's pretensions do not inspire credence. Firmly entrenched is the rule that where the accused invokes self-defense, it is incumbent upon him to prove by clear and convincing evidence that he indeed acted in defense of himself. He must rely on the strength of his own evidence and not on the weakness of that of the prosecution. For, even if the prosecution evidence is weak, it could not be disbelieved after the accused himself had admitted the killing.[8]

In the present case, the burden of evidence having been shifted, we find the narrations of the sequence of events by the accused and the witness for the defense, Rosario Vacal, decidedly unconvincing, not only because of their inherent conflict with each other but also on account of their inconsistency with the common experience and observation of mankind.[9]

To support appellant's contention that he acted in self-defense, his mother-in-law, Rosario Vacal, testified as follows:

Q

Now you said that Pacifico Pique[10] and Edgardo Maceda fought in the yard of the house of Edgardo Maceda, did I get you correct?

A

Yes, sir. I said Edgardo Maceda and Pacifico Pique fought but not in the yard of the house of Edgardo Maceda but a little away from the yard, outside of the fence.

.....

Q

Did you see the body of Pacifico Pique that evening of November 2?

A

Nosie (sic) because we already have escaped to the house of Teodoro Vacal in Cabacungan.

.....

Q

After you were wounded you said Edgardo Maceda decided to leave your house for the purpose of going to the house of his father, is that correct?

A

Yes, sir, but we were not able to go to the house of his father because outside the fence Pacifico Pique was hiding and Edgardo Maceda and Pacifico Pique fought with each other.

Q

But the fact is you and the members of the family (of) Edgardo Maceda left your house that evening with intention of going to the house of the father of Edgardo Maceda?

A

Yes, our intention was to go to the house of the father of Edgardo Maceda.

Q

Of course you and Edgardo Maceda were already entertaining fears about his alleged challenge to a fight by Pacifico Pique but despite the fact that you were already afraid you still decided to go down the house that evening?

A

Yes, we proceeded, we wanted to go out of the house and proceed not to the house of the father (of) Edgardo Maceda but to my sons, Teodoro Vacal and Antonio Vacal.

.....

FISCAL:

Q

You said that from the yard of the house of Edgardo Maceda (you) and the wife and the three children of Edgardo Maceda proceeded to the house of your son Antonio Vacal and Teodoro Vacal, how far is the house of Antonio Vacal to the house of Edgardo Maceda?

A

About one kilometer away.

Q

So you want to tell the Honorable Court that you and the wife of Edgardo Maceda and the three children walked all the way thru the darkness of the night from the house of Edgardo Maceda to the house of Teodoro and Antonio?

A

Yes sir.

Q

What time did you arrive (sic) the house of Teodoro Vacal?

A

About 9:30.

COURT:

Q

You saw that Maceda, the accused and Pique the victim were already bololing each other when you were about to leave?

A

Yes, sir.

Q

When you left was the deceased already lying on the ground?

A

Yes, Your honor.

Q

They were still hacking each other?

A

I only saw before I left that Edgardo Maceda had already delivered one hacking blow.

Q

And hitting the victim where?

A

I did not see where Pacifico Pique was hit with that hacking blow of Edgardo Maceda.

Q

And the wife left the husband not knowing whether the husband would be killed or what?

A

Yes because she was afraid.

FISCAL:

Q

So Edgardo Maceda was armed with a bolo when he went down his house?

A

Yes, he was armed with a bolo tied around his waist.

Q

You were still in the yard of the house of Edgardo Maceda when you saw Pacifico Pique delivering a hacking blow hitting Maceda on the right hand, is that correct?

A

Yes, sir.

Q

And after that hacking blow delivered by Pacifico Pique hitting Maceda, you and the wife of Edgardo Maceda left the premises on your way to the house of your children, Antonio Vacal and Teodoro Vacal?

A

Yes, sir.

Q

Your arm was already profusely bleeding, your left arm?

A

Yes my wound was already bleeding.

Q

And upon reaching the house of Teodoro Vacal you called out the name of Teodoro Vacal and Teodoro?

A

Yes, I called my son Teodoro Vacal but he did not go out, go down, it was we who entered the house.

Q

Your son did not advise you to seek medical treatment the following day where the injury was sustained in your left hand?

A

Yes, my son Teodoro advised me to treat my wound the following day but I desisted from going out to have my wound treated because I was afraid.

COURT:

Q

When you testified earlier upon reaching the house of Teodoro and Antonio, you also went there, you said that you were wounded and that when you left the house of Maceda the bolo fight was still going on and you said that Teodoro and Antonio Vacal the brothers did not do anything and both of them went to bed, slept, as if it is

none of their business, although Maceda is their brother-in-law married to their sister, does not impress the court as true to the ordinary nature of people, at least the two or one of them will go there and verify if their brother-in-law was the one who is killed or what. Now the action of your two sons does not conform with the ordinary behavior of man. Okay, did any of your two sons go to the house of Maceda the following morning, if they did not go there that same evening?

A

No, sir.

Q

Now, did Maceda go to the house of Antonio Vacal that same evening?

A

No, sir.

Q

You mean he did not see his wife to report to her that I am safe?

A

No, sir.

Q

He immediately went to Julita to surrender?

A

The following day yes, he went to Julita to surrender.

Q

Never saw the wife?

A

No, sir.

Q

What did the wife do?

A

She kept on crying.

Q

She did not go to her house to determine if it was her husband who was killed or what?

A

No, sir.

FISCAL:

Q

So, when did the wife of Edgardo Maceda return to their house after that incident?

A

She returned to their house only after Edgardo Maceda has surrendered, she only requested the relatives of Edgardo Maceda to accompany her to their house to get the things.

Q

How about you when did you return to the house of Edgardo Maceda?

A

I went back to the house of Edgardo Maceda after almost one month.

Q

You mean you just stayed meanwhile in the house of Teodoro Vacal from the time you arrived there?

A

Yes, sir.

Q

By the way, that evening when you arrived at the house of Teodoro Vacal did you inform Teodoro Vacal that you were wounded by Pacifico Pique?

A

Yes, I told them that I was wounded because I was stabbed by Pacifico Pique.

Q

And you told your children Teodoro Vacal and Antonio Vacal that you left Pacifico Pique and Edgardo Maceda fighting in the yard?

A

Yes, sir.

Q

Then after receiving that information you and Teodoro Vacal went up your house and Antonio Vacal went up his own house?

A

Yes, sir.

Q

Did you sleep soundly that evening?

A

Yes, sir.[11]

We cannot but find the aforequoted testimony as an affront to credulity. Even indulging the witness in the scenario she has presented on the supposed fight between appellant and deceased, and the flight of the witness and her companions to her son's house, it is hard to believe the supposed inaction and lack of concern of appellant's wife and the Vacals -for the fate that could have befallen appellant in his encounter with the deceased. If they could not run to the aid of appellant for fear of the consequences, the least they could have done was to seek the aid of other persons or the proper authorities to avert any further untoward occurrences. They, however, allegedly did not do so. Worse, they let the evening pass just like any other day as if nothing serious had happened, they all just went to sleep. This is an incredible and unnatural reaction of the wife, the mother-in-law and the brothers-in-law of Maceda who, to all appearances, was then in danger of impending death at the hands of Peque.

In his defense, appellant testified on cross-examination as follows:

Q

The following day you did not report the incident to the police of Dulag, Leyte?

A

The following day at about 3 o'clock in the afternoon I surrendered to the Julita Police Department.

Q

Who was your companion when you surrendered to the police department? Why did you report the incident and surrender to the Julita Police department since Cabacungan is under the jurisdiction of the police department of Dulag, Leyte?

A

I did not surrender to the police authorities of Dulag, Leyte instead I surrendered to the police of Julita because in going to the poblacion in order to avoid that place I had to surrender to Julita instead.

Q

It did not occur to you to request the assistance of the barangay captain of Del Carmen or Brgy. Captain of Cabacungan to accompany you to the police department of Dulag, Leyte to report the incident?

A

I went to the house of barangay captain for the purpose of surrendering to him and helping me to surrender to the Dulag Police Department but when I went there the barangay captain was not in the house, it was only the wife who was there.

Q

You did not go to the house of the barangay captain the following morning to secure his assistance in accompanying (you) to report to the police department of Dulag, Leyte, is that correct?

A

I did not, because I was afraid of the reprisal.

Q

So, to whom did you surrender in the police department of Julita Leyte in the afternoon of November 3?

A

Pat. Alipio Lagahit of the Julita INP.

Q

Did you give your statement to this policeman in Julita, Leyte to whom you surrendered the facts and circumstances surrounding this incident?

A

I told him that I surrendered to Julita for having killed somebody.

Q

Did you state to the police the facts and circumstances surrounding the killing of that victim, Pacifico Pique?

A

No, I did not tell him the facts and circumstances of my killing Pique to the policeman, I only told him that I am going to surrender.

Q

Did you surrender also the long bolo which you used in killing Pique to Pat. Lagahit?

A

No, sir.[12]

The testimony above quoted clearly discloses that appellant never informed the police upon his surrender that he had killed the deceased in self-defense. Logically, and in all probability, he would have done so had he really acted in self-defense, even only to minimize his guilt if not to altogether exculpate himself.[13]

Appellant's vacillations in the following testimony further render his account highly suspect:

Q

So from your testimony Mr. Maceda we can gather that aside from the wounds which you allegedly sustained when Pacifico Pique stabbed you while you were about to go out from the gate of your house that evening you did not sustain any wound in the course of your fight with Pacifico Pique that evening?

A

I did not sustain any other wound except the small wound that I sustained in the inner portion of my forearm, right forearm.

Q

And when you said you sustained that wound on your right forearm delivered by Pacifico Pique you were very near Pacifico Pique when he delivered that stab thrust hitting you on your right forearm?

A

Yes, sir I was very near, his arm was extended fully extended when he delivered the stab thrust.

Q

And yet you sustained only a slight wound, a superficial wound which did not necessitate according to you any medical attention?

A

Yes, sir.

Q

Did you state in the direct examination that at the time you were stabbed by Pique you were at that time carrying your son with you as you were about to leave your house?

A

Yes, I was carrying my child when he delivered a stab thrust on me and when he stabbed me I turned around and put down the child and drew my bolo and started wounding him.

Q

So it is clear now that at the time Pique delivered that stab thrust at the time you were going out in the gate of your house you were carrying your child with your right arm?

A

Yes, sir.

Q

Was your son hit with that stab thrust delivered by Pique?

A

No, sir.

COURT:

Q

Now, you have to clarify, if you were carrying your three year old son with your right hand the wound that you sustained is inner portion, how could that have happened without son having been hurt?

A

I was wiggling my three year son with my left hand in such a way that my right hand was free, the buttocks of my child was reaching up to the point where my left arm was carrying the child.

Q

But earlier you said that you were carrying your son with your right arm, that is what you said?

A

I was carrying my child with my left.

FISCAL:

Q

You are now changing your answer. So your testimony before was not correct when you said that you were carrying your son with your right arm?

A

Yes, the first statement that I said that I carrying my son, three year old son, with my right arm was a mistake because the truth is I was carrying him on my left arm.[14]

In any event, self-defense on the part of appellant is further negated by the physical evidence in the case. Specifically, the number of wounds, twelve (12) in all, indicates that Maceda's act was no longer an act of self-defense but a determined effort to kill his victim.[15] As perceptively observed by the trial court, appellant admitted that his first bolo hack across the face of the victim was a mortal wound sufficient to stop further attack and eliminate any peril to appellant. Further we agree that appellant's claim that he acted alone and his theory of self-defense are refuted by the twelve (12) wounds of the victim, especially in the light of the uncontradicted testimony of witness Inocencio Relador.

Considering, moreover, the location and the serious nature of the wounds suffered by the deceased, it is incredible

that he was still able to run the distance of fifteen (15) meters as appellant would make it appear. Indeed, the trial court's suggestion that the deceased ran after he was first stabbed, before the appellant could deal him the fatal blows, stands more to reason and all the more negates self-defense. For, by then, even the supposed unlawful aggression would have ceased; and when unlawful aggression which has begun no longer exists, the one making the defense has no more right to kill or even wound the former aggressor.[16]

Noteworthy is the fact that the corpse of the victim was found about one hundred (100) meters distant from his house and not within the immediate vicinity of appellant's house. Accordingly, the prosecution's version that the deceased was first stabbed in front of his house, after which he ran for his life but was overtaken and hacked by appellant and his companions some one hundred (100) meters away, appears to be more consistent with the truth of what actually transpired in this case.

Parenthetically, whether or not appellant acted in self-defense is essentially a question of fact. Being so and in the absence of any showing that the court a quo failed to appreciate facts or circumstances of weight and substance that would have altered its conclusion, the court below, having seen and heard the witnesses during the trial, is in a better position to evaluate their testimonies. No compelling reason, therefore, exists for this Court to disturb the trial court's finding that appellant did not act in self-defense.[17]

It bears mention, at this point, that the trial court properly convicted appellant of murder. Although it made no disquisition in its decision of the circumstances which qualified the killing to murder, a perusal of the facts of the case will readily reveal that treachery and abuse of superior strength attended the killing.

While the aforementioned circumstances may not simply be deduced from presumption as it is necessary that the existence of these aggravating or qualifying circumstances be duly proven as the crime itself,[18] the rule does not preclude proof of their attendance by circumstantial evidence. By either means of proof, however, said circumstances are amply demonstrable in the case before us.

Here, immediately prior to the stabbing, appellant and his companions flashed the beams of their flashlights on the face of the victim, momentarily blinding the latter, hence the sudden criminal attack, although frontal, was treacherously perpetrated in a manner tending to directly insure its execution and with impunity to the assailants.

In the same breath, when all of the said malefactors, wielding bolos and a knife, simultaneously attacked the victim who was unarmed and trying to flee, abuse of superior strength cannot be more manifest.[19] However, such circumstance can no longer be taken into account to aggravate the liability of appellant since the same is already absorbed in treachery,[20] not to speak of the fact that, under the circumstances of this case and the present state of the law, the penalty imposed on appellant can not be further increased. The same is true with respect to the alleged circumstance of evident premeditation, aside from our persuasion that the evidence does not support a finding of its attendance.

Finally, on the items constituting the civil liability of accused-appellant, the Court hereby awards in favor of the widow of the deceased the sum of P7,000.00 in actual damages, representing funeral and burial expenses which are duly evidenced by receipts and promissory notes corresponding to the loans contracted by her to defray said expenses. The death indemnity is also further increased to P50,000.00 in accordance with the policy adopted by the Court en banc on August 30, 1990.

WHEREFORE, subject to the aforestated modifications, the judgment of the trial court is hereby AFFIRMED.

SO ORDERED.

Melencio-Herrera, (Chairman), Paras, Padilla, and Sarmiento, JJ., concur.

- [1] Judge Pedro S. Espina, presiding.
- [2] Rollo, 5.
- [3] Ibid., 11.
- [4] Ibid., 6-9.
- [5] TSN, July 12, 1989, 5-31.
- [6] TSN, July 13, 1989, 121-127.
- [7] Rollo, 44.
- [8] People vs. Bayocot, 174 SCRA 285 (1989).
- [9] People vs. Acusar, et al., 82 Phil. 490 (1948).
- [10] The victim's surname is spelled "Peque" in the case records and official documents on file therein.
- [11] TSN, July 13, 1989, 113-121.
- [12] Ibid., 136-137.
- [13] People vs. Sarol, et al., 139 SCRA 125 (1985).
- [14] TSN, July 13, 1989, 138-140.
- [15] People vs. Panganiban, et al., 22 SCRA 817 (1968).
- [16] People vs. Alconga, et al., 78 Phil. 366 (1947).
- [17] People vs. Alvarez, etc., 163 SCRA 745 (1988).
- [18] People vs. Ardisa, 55 SCRA 245 (1974).
- [19] People vs. Verzo, et al., 21 SCRA 1403 (1967).
- [20] People vs. Mori, et al., 55 SCRA 382 (1974).

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