



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 200800

Present:

-versus-

SERENO, C.J.,
Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
PEREZ, and
MENDOZA, *JJ.

OSCAR SEVILLANO y
RETANAL
Accused-Appellant.

Promulgated:

FEB 09 2015

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RESOLUTION

PEREZ, J.:

For this Court's resolution is the appeal filed by Oscar Sevillano y Retanal (appellant) assailing the 17 August 2011 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR No. 04257 which affirmed the Regional Trial Court's (RTC) 4 December 2009 Judgment² finding the appellant guilty beyond reasonable doubt of the crime of murder.

Factual Antecedents

Appellant was charged before the RTC, Branch 17, Manila with murder in an information that reads:

* Additional member per raffle dated 5 September 2012.
¹ Rollo, pp. 2-8; Penned by Associate Justice Manuel M. Barrios with Associate Justices Estela M. Perlas-Bernabe (now a member of this Court) and Apolinario D. Bruselas, Jr. concurring.
² Records, pp. 466-469.

That on or about March 11, 2007, in the City of Manila, Philippines, the said accused, with intent to kill and with treachery and evident premeditation, did then and there willfully, unlawfully and feloniously attack, assault and use personal violence upon the person of PABLO MADDAUIN y TAMANG by then and there suddenly and unexpectedly stabbing him several times with a deadly bladed weapon hitting upon the said Pablo T. Maddauin fatal stab wounds which are the direct cause of his death immediately thereafter.³

During arraignment, appellant, assisted by his counsel, pleaded not guilty to the crime charged. Trial thereafter ensued.

Statement of Facts

The version of the prosecution was summarized by the CA thus wise:

Prosecution witnesses Jose Palavorin and Carmelita Cardona, 67 and 46 years old, respectively, testified that at around 3:00 p.m. of 11 March 2007, they, together with Victim Pablo Maddauin, were seated on a long bench having their usual chit-chat at the vacant lot situated at 4th Street Guadal Canal, St., Sta. Mesa, Manila. Witness Jose was the watchman of this property. While conversing, they saw appellant coming towards their direction. Appellant could not walk straight and appeared to be drunk. Without warning, appellant pulled out a knife from his waist and stabbed the victim on the chest. Jose and Carmelita tried to restrain the appellant from attacking the victim, but Jose experienced leg cramps and lost his hold on appellant. Appellant turned again on the victim and continued to stab him several times more. The victim was heard asking appellant, "*Bakit?*". Carmelita shouted for help. The victim's wife came to the scene and embraced appellant as she wrestled for the knife. Thereafter, [the] victim was brought to the University of the East Ramon Magsaysay Memorial Medical center; but unfortunately, he died that same day.⁴

Appellant, for his part, denied the accusations against him. He interposed self-defense to absolve himself from criminal liability. He averred that on that fateful afternoon, he went to the vacant lot where the victim and his friends usually hang-out to feed his chicken. While thereat, the victim, whom he described to have bloodshot eyes, walk towards him and stepped on his injured foot. While he was on his knees because of the pain, he saw the victim draw a knife. The latter thereafter stabbed at him while uttering: "*Ikaw pa, putang ina mo,*" but missed his target. As he and the victim grappled for the knife, the latter was accidentally stabbed. When he saw blood oozing out of the victim, he became apprehensive of the

³ Id. at 1.

⁴ *Rollo*, pp. 3-4.

victim's relative to such extent that he fled the scene and hid to as far as Bulacan where he was eventually apprehended.

Ruling of the RTC

In a Judgment⁵ dated 4 December 2009, the trial court found appellant guilty of murder for the death of Pablo Maddauin (Pablo) and sentenced him to suffer the penalty of *reclusion perpetua* without eligibility of parole and to pay the heirs of the deceased ₱50,000.00 as civil indemnity; ₱50,000.00 as moral damages; and ₱25,000.00 as exemplary damages.

The trial court gave credence to the testimony of the prosecution witnesses that appellant, who appeared to be intoxicated, unexpectedly arrived and stabbed Pablo seven times with a knife. The trial court disregarded appellant's denial as his testimony was outweighed by the positive statements of the prosecution witnesses. It likewise ruled that treachery attended the commission of the crime, as demonstrated by the fact that the victim was seated and engaged in a conversation when suddenly attacked by the appellant. The trial court ruled that such situation foreclosed any opportunity on the part of the victim to ward off the impending harm.

The Ruling of the Court of Appeals

In his appeal before the CA, appellant contended that:

I.

THE TRIAL COURT GRAVELY ERRED IN FINDING THAT THE ACCUSED-APPELLANT'S GUILT FOR THE CRIME CHARGED HAS BEEN PROVEN BEYOND REASONABLE DOUBT.

II

ON THE ASSUMPTION THAT THE ACCUSED-APPELLANT IS LIABLE, THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF MURDER INSTEAD OF HOMICIDE.

III

THE TRIAL COURT ERRED IN NOT FINDING THAT THE ACCUSED-APPELLANT ACTED IN SELF-DEFENSE.⁶

⁵ Records, pp. 466-469.

⁶ *Rollo*, p. 5.

The CA found no reason to disturb the findings of the RTC and upheld its ruling but with modification on the amount of damages awarded. The CA ordered appellant to indemnify the heirs of Pablo in the amounts of ₱75,000.00 as civil indemnity; ₱75,000.00 as moral damages; and ₱30,000.00 as exemplary damages. The appellate court held that the eyewitness accounts of prosecution witnesses Jose Palavorin and Carmelita Cardona, and their positive identification of appellant as the perpetrator, aptly complemented by the findings of the post-mortem examination, are more plausible than the appellant's claim of self-defense.⁷ The CA likewise sustained the trial court's findings that the qualifying circumstance of treachery was present in the case. It held that although the attack on the victim was frontal, it was deliberate, sudden and unexpected, affording the hapless, unarmed and unsuspecting victim no opportunity to resist or to defend himself.⁸

Issues

Undaunted, appellant is now before this Court continuing to insist that his guilt was not proven beyond reasonable doubt, and that the lower courts erred in rejecting his claim of self-defense and convicting him of murder instead of homicide.

Our Ruling

We find the appeal bereft of merit.

Well entrenched in our jurisprudence is the rule that findings of the trial court on the credibility of witnesses deserve great weight, as the trial judge is in the best position to assess the credibility of the witnesses, and has the unique opportunity to observe the witness first hand and note his demeanor, conduct and attitude under gruelling examination.⁹ Absent any showing that the trial court's calibration of credibility was flawed, the appellate court is bound by its assessment.

In the prosecution of the crime of murder as defined in Article 248 of the Revised Penal Code (RPC), the following elements must be established by the prosecution: (1) that a person was killed; (2) that the accused killed that person;

⁷ Id. at 7.

⁸ Id. citing *People v. Lacaden*, 620 phil. 807, 826 (2009); *Gandol v. People*, G.R. Nos. 178233 and 180510, 593 Phil. 509, 526 (2008).

⁹ *People v. Rivera*, 458 Phil. 856, 873 (2003).

(3) that the killing was attended by treachery; and (4) that the killing is not infanticide or parricide.¹⁰

After a careful evaluation of the records, we find that these elements were clearly met. The prosecution witnesses positively identified the appellant as the person who stabbed Pablo several times on the chest which eventually caused the latter's death. They testified that they even tried to stop appellant's attack but unfortunately, were unsuccessful. We find no reason to disbelieve the testimonies of these witnesses considering that their narration of facts were straightforward and replete with details that coincide with the medical examination conducted on the body of the victim. We are not persuaded by the appellant's defense of denial as this cannot prevail over the eyewitnesses' positive identification of him as the perpetrator of the crime. Denial, like alibi, if not substantiated by clear and convincing evidence, is negative and self-serving evidence undeserving of weight in law.¹¹

Anent the presence of the element of treachery as a qualifying circumstance, the prosecution was able to establish that the attack on the unsuspecting victim, who was merely seated on a bench and talking with his friends, was very sudden. In fact, the victim was able to utter only "Bakit?". We note that the essence of treachery is the sudden and unexpected attack on the unsuspecting victim by the perpetrator of the crime, depriving the former of any chance to defend himself or to repel the aggression, thus insuring its commission without risk to the aggressor and without any provocation on the part of the victim.

By invoking self-defense, appellant in effect, admits to having inflicted the stab wounds which killed the victim. The burden was, therefore, shifted on him to prove that the killing was done in self-defense. In *Razon v. People*,¹² this Court held that where an accused admits the killing, he assumes the burden to establish his plea by credible, clear and convincing evidence; otherwise, conviction would follow from his admission that he killed the victim. Self-defense cannot be justifiably appreciated when corroborated by independent and competent evidence or when it is extremely doubtful by itself.

Under Article 11, paragraph 1 of the RPC, the following elements must be present in order that a plea of self-defense may be validly considered in absolving a person from criminal liability:

First. Unlawful Aggression;

¹⁰ *People v. Sameniano*, 596 Phil. 916, 928 (2009).

¹¹ *Malana, et al. v. People*, 573 Phil. 39, 53 (2008).

¹² 552 Phil. 359, 372-373 (2007).

Second. Reasonable necessity of the means employed to prevent or repel it;
Third. Lack of sufficient provocation on the part of the person defending himself.

Appellant's version that it was the victim who was armed with a knife and threatened to stab him was found by the lower court to be untenable. We agree with the lower court's conclusion. Assuming *arguendo* that there was indeed unlawful aggression on the part of the victim, the imminence of that danger had already ceased the moment appellant was able to wrestle the knife from him. Thus, there was no longer any unlawful aggression to speak of that would justify the need for him to kill the victim or the former aggressor. This Court has ruled that if an accused still persists in attacking his adversary, he can no longer invoke the justifying circumstance of self-defense.¹³ The fact that the victim suffered many stab wounds in the body that caused his demise, and the nature and location of the wound also belies and negates the claim of self-defense. It demonstrates a criminal mind resolved to end the life of the victim.¹⁴

As to the penalties and damages

We affirm the penalty imposed upon appellant. Under Article 248 of the RPC, as amended, the crime of murder qualified by treachery is penalized with *reclusion perpetua* to death. The lower courts were correct in sentencing appellant to suffer the penalty of *reclusion perpetua*, upon consideration of the absence of any aggravating and mitigating circumstances that attended the commission of the offense.

We likewise affirm the CA's award of ₱75,000.00 as civil indemnity; ₱75,000.00 as moral damages; and ₱30,000.00 as exemplary damages to the victim's heirs, as these amounts are consistent with current jurisprudence.¹⁵ In addition, we impose on all the monetary awards for damages interest at the legal rate of six percent (6%) per *annum* from date of finality of the resolution until fully paid.¹⁶

WHEREFORE, the petition is **DENIED**. The Decision dated 17 August 2011 of the Court of Appeals in CA-G.R. CR No. 04257 finding Oscar Sevillano y Retanal guilty beyond reasonable doubt of murder, sentencing him to suffer the penalty of *reclusion perpetua* without eligibility of parole, and ordering him to indemnify the heirs of Pablo Maddauin in the amounts of ₱75,000.00 as civil indemnity; ₱75,000.00 as moral damages; and ₱30,000.00 as exemplary damages

¹³ Id. at 373.

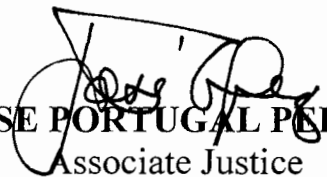
¹⁴ *People v. Hugo*, 457 Phil. 76, 98 (2003).

¹⁵ *People v. Sanchez*, G.R. No. 188610, 29 June 2010, 622 SCRA 548; *People v. Jadap*, 631 Phil. 175 (2010); *People v. Regalario*, G.R. No. 174483, 31 March 2009, 582 SCRA 738.


¹⁶ *People v. Concillado*, G.R. No. 181204, 28 November 2011, 661 SCRA 363, 384.

is hereby **AFFIRMED** with **MODIFICATION** that he shall pay interest at the rate of six percent (6%) per *annum* on the civil indemnity, moral and exemplary damages awarded from finality of this resolution until fully paid.

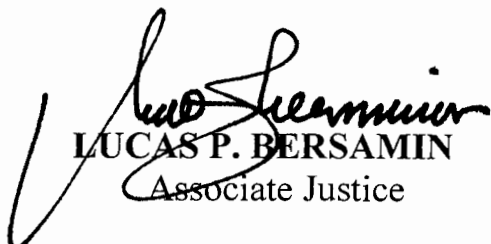
SO ORDERED.



JOSE PORTUGAL PEREZ
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson


TERESITA J. LEONARDO-DE CASTRO
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


JOSE C. MENDOZA
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice