



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 188603

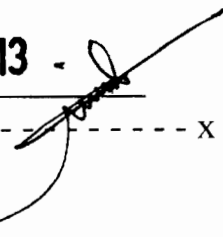
Present:

- versus -

SERENO, *CJ.*,
Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, JR., and
REYES, *JJ.*

**RAMIL RARUGAL alias "AMAY
BISAYA,"**
Accused-Appellant.

Promulgated:

JAN 16 2013 - 

X ----- X

D E C I S I O N

LEONARDO-DE CASTRO, J.:

Before this Court is the appeal of the June 30, 2008 **Decision**¹ of the Court of Appeals in CA-G.R. CR.-H.C. No. 02413,² which affirmed with modification the May 29, 2006 **Decision**³ of the Regional Trial Court (RTC), Branch 86, Quezon City in Crim. Case No. Q-99-82409, entitled *People of the Philippines v. Ramil Rarugal* that found appellant Ramil Rarugal alias "Amay Bisaya" guilty beyond reasonable doubt for the crime of murder.

On December 8, 1998, the following information for the crime of murder was filed against appellant:

That on or about the 19th day of October, 1998, in Quezon City, Philippine, the above-named [appellant], with intent to kill, qualified by evident premeditation and treachery, did, then and there, wil[l]fully, unlawfully and feloniously attack, assault and employ personal violence

¹ Rollo, pp. 2-16; penned by Associate Justice Edgardo F. Sundiam with Associate Justices Monina Arevalo-Zenarosa and Sixto C. Marella, Jr., concurring.

² Entitled *People of the Philippines v. Ramil Rarugal alias "Amay Bisaya."*

³ CA rollo, pp. 14-22; penned by Judge Teodoro A. Bay.



upon the person of one Arnel M. Florendo, by then and there stabbing him with a bladed weapon, hitting him on the different parts of his body, thereby inflicting upon him serious and mortal wounds which were the direct and immediate cause of his untimely death, to the damage and prejudice of the heirs of the said Arnel M. Florendo.⁴

Appellant was only arrested sometime in August 2001. During his arraignment on August 27, 2001, appellant pleaded not guilty.⁵ Trial on the merits ensued.

Based on the testimonies of witnesses presented by the prosecution, the RTC found that on the night of October 19, 1998 at around 9:45 p.m., while victim Arnel Florendo (Florendo) was cycling along Sampaguita Street, Barangay Capari, Novaliches, Quezon City, appellant, with the use of a long double-bladed weapon, stabbed Florendo; thus, forcibly depriving him of his bicycle. Immediately thereafter, appellant hurriedly fled the scene. This incident was witnessed by Roberto Sit-Jar, who positively identified appellant in court.

Florendo arrived home bleeding. He was quickly attended to by his siblings, including his brother Renato. When Renato recounted the events of that night to the court, he testified that Florendo told him and his other relatives that it was appellant who had stabbed him. They then took Florendo to Tordesillas Hospital but had to transfer him to Quezon City General Hospital, due to the unavailability of blood. It was there that Florendo died⁶ on October 26, 1998 with the family spending about ₱2,896.00⁷ for his hospitalization and ₱25,000.00⁸ for his funeral.

Autopsy Report signed by Medico-Legal Officer, Dr. Dominic L. Aguda, showed the following Postmortem Findings⁹:

Cyanosis, lips and fingernailbeds

Brain- pale

Heart-chambers, contain small amount of dark clotted blood

STAB WOUND-

sutured, healing, 3.0 cms, located on left chest, 15.0 cms. from the anterior median line directed backwards and medially involving the skin and underlying tissues passing between the 6th and 7th left ribs, entering the thoracic cavity and severed the lower lobe of the left lung with a depth of 7-8 cms.

THORACOSTOMY INCISIONS-

sutured, 3.5 cms., located on the left chest, 19.0 cms. from the anterior median line; sutured, 3.2 cms. located on the right chest 20 cms. from the anterior median line

Hemothorax- left, 500 cc

Visceral organs- pale

⁴ Records, p. 1; signed by Edgardo T. Paragua, Assistant City Prosecutor.

⁵ Id. at 18.

⁶ Id. at 70.

⁷ Id. at 161-165.

⁸ Id. at 166.

⁹ Id. at 65.

Stomach- empty

CAUSE OF DEATH:

STAB WOUND, LEFT CHEST

In his defense, appellant denied that he stabbed Florendo since he was at that time working as a farm administrator for the town mayor in Pangasinan. He said he was living with his cousin in Urbiztondo, Pangasinan on October 19, 1998, where he had been staying since 1997. He stated that during the period 1997 to 1998, he did not visit Manila at any point. On cross-examination, appellant stated that he was arrested in front of his house in Novaliches, Quezon City.¹⁰

On May 29, 2006, the RTC found appellant guilty beyond reasonable doubt of the crime of murder as defined under Article 248 of the Revised Penal Code. It stated:

After evaluation, the Court finds that the guilt of the [appellant] was proven beyond reasonable doubt. Witness Sit-Jar positively identified [appellant] as the assailant of Florendo. In view of the positive identification made by Sit-Jar, the denial and alibi made by [appellant] [has] no leg to stand on. Under prevailing jurisprudence alibis and denials are worthless in light of positive identification by witnesses who have no motive to falsely testify.

Moreover, [Florendo] did not immediately die after he was stabbed by the [appellant]. [Florendo], apparently conscious that he could die of his wound, identified his assailant as the [appellant] Ramil Rarugal. Under the rules, statements made by a person under the consciousness of an impending death is admissible as evidence of the circumstances of his death. The positive identification made by the victim before he died, under the consciousness of an impending death is a strong evidence indicating the liability of herein [appellant].

X X X X

As shown by the evidence, the killing of Arnel Florendo was sudden indicating treachery and the [appellant] being then armed with a knife, the killing was done with abuse of superior strength. These circumstances qualify the crime to murder, all of the elements of the offense being present.

X X X X

WHEREFORE, premises considered judgment is hereby rendered finding the [appellant] Ramil Rarugal alias "Amay Bisaya" GUILTY beyond reasonable doubt of the crime of murder and hereby sentences him to suffer the penalty of reclusion perpetua and to indemnify the heirs of the victim the amount of ₱28,124.00 for actual damages, ₱50,000.00 for civil indemnity and ₱50,000.00 as and for moral damages.¹¹ (Citations omitted.)

¹⁰ TSN, December 6, 2004.

¹¹ CA *rollo*, pp. 19-22.

Appellant filed his notice of appeal on July 21, 2006.¹² He questioned the RTC's finding of guilt beyond reasonable doubt in the commission of the crime and its appreciation of treachery as a qualifying circumstance. He argued that witness Sit-Jar lacked credibility for giving inconsistent testimony. Moreover, he averred that there was no basis for the finding that treachery qualified the crime to murder since its elements were not established.¹³

On June 30, 2008, the Court of Appeals affirmed with modification the May 29, 2006 decision of the RTC. It stated that witness Sit-Jar's positive identification of appellant as the one who stabbed Florendo takes precedence over appellant's defense of denial and alibi. Moreover, appellant failed to adduce evidence to show that Sit-Jar had any improper motive to falsely testify against him. The Court of Appeals thus disposed of the appeal in the following manner:

WHEREFORE, premises considered, the Decision appealed from is **AFFIRMED** with the **MODIFICATION** that the [appellant] **RAMIL RARUGAL** is hereby ordered to pay the heirs of the victim the amount of ₱27,896.00 as actual damages and the amount of ₱25,000.00 as exemplary damages. The said Decision in all other respect **STANDS**.¹⁴

Hence, this appeal.¹⁵ Petitioner's confinement was confirmed by the Bureau of Corrections on September 30, 2009.¹⁶

Both the appellee¹⁷ and the appellant¹⁸ waived the filing of supplemental briefs and adopted the briefs they filed before the Court of Appeals.

We affirm the June 30, 2008 decision of the Court of Appeals, with modification respecting the award of damages.

This Court has consistently stated that the trial court is in a better position to adjudge the credibility of witnesses, especially if its decision is affirmed by the Court of Appeals.¹⁹ We have been reminded in *People v. Clores*²⁰ that:

When it comes to the matter of credibility of a witness, settled are the guiding rules some of which are that (1) the [a]ppellate court will not disturb the factual findings of the lower [c]ourt, unless there is a showing that it had overlooked, misunderstood or misapplied some fact or

¹² Id. at 23.

¹³ Id. at 45-50.

¹⁴ *Rollo*, pp. 15-16.

¹⁵ Id. at 17.

¹⁶ Id. at 24.

¹⁷ Id. at 26-29.

¹⁸ Id. at 36-39.

¹⁹ *Ilisan v. People*, G.R. No. 179487, November 15, 2010, 634 SCRA 658, 663.

²⁰ 263 Phil. 585, 591 (1990).

circumstance of weight and substance that would have affected the result of the case x x x; (2) the findings of the [t]rial [c]ourt pertaining to the credibility of a witness is entitled to great respect since it had the opportunity to examine his demeanor as he testified on the witness stand, and, therefore, can discern if such witness is telling the truth or not[;] and (3) a witness who testifies in a categorical, straightforward, spontaneous and frank manner and remains consistent on cross-examination is a credible witness. (Citations omitted.)

The rationale for these guidelines is that the trial courts are in a better position to decide the question of credibility, having heard the witnesses themselves and having observed firsthand their deportment and manner of testifying under grueling examination.²¹

We see no need to depart from the aforestated rules. After a careful review of the records, we find that appellant failed to negate the findings of the trial court with concrete evidence that the latter had overlooked, misconstrued, or misapplied some fact or circumstance of weight and substance that would have affected the result of the case. We agree with the Court of Appeals that the prosecution witness recounted the details of that fateful night in a “clear, straightforward and convincing [manner], devoid of any signs of falsehood or fabrication.”²²

First, prosecution witness Sit-Jar positively identified appellant as the victim’s assailant in contrast to the appellant’s defense of denial and alibi. We have stated in *Malana v. People*²³ that:

It is elementary that alibi and denial are outweighed by positive identification that is categorical, consistent and untainted by any ill motive on the part of the eyewitness testifying on the matter. Alibi and denial, if not substantiated by clear and convincing evidence, are negative and self-serving evidence undeserving of weight in law. The prosecution witnesses positively identified appellants as two of the perpetrators of the crime. It is incumbent upon appellants to prove that they were at another place when the felony was committed, and that it was physically impossible for them to have been at the scene of the crime at the time it was committed. x x x. (Citations omitted.)

The records are devoid of any indication that it was physically impossible for appellant to have been in the scene of the crime at the time it was committed. Appellant’s bare alibi that he was working as a farm administrator in Urbiztondo, Pangasinan and was allegedly staying there at the time of the commission of the crime does not suffice to prove the alleged physical impossibility that he committed the crime charged, moreso in the face of positive identification by the witness, who was not motivated by any improper motive to falsely testify against him.

²¹ *People v. Escleto*, G.R. No. 183706, April 25, 2012, 671 SCRA 149, 156.

²² *Rollo*, p. 7.

²³ G.R. No. 173612, March 26, 2008, 549 SCRA 451, 465-466.

Second, the victim was still alive after the stabbing incident. He had time to reach his house and confide in his brother, witness Renato, that it was appellant who had stabbed him.

Rule 130, Section 37 of the Rules of Court provides:

SEC. 37. *Dying declaration*. — The declaration of a dying person, made under the consciousness of an impending death, may be received in any case wherein his death is the subject of inquiry, as evidence of the cause and surrounding circumstances of such death.

The Court has stated in *People v. Maglian*²⁴:

The Rules of Court states that a dying declaration is admissible as evidence if the following circumstances are present: “(a) it concerns the cause and the surrounding circumstances of the declarant’s death; (b) it is made when death appears to be imminent and the declarant is under a consciousness of impending death; (c) the declarant would have been competent to testify had he or she survived; and (d) the dying declaration is offered in a case in which the subject of inquiry involves the declarant’s death.” x x x. (Citation omitted.)

We agree with the Court of Appeals that the statement of Florendo made to his brother Renato has complied with the requisites of a dying declaration. It is important to note that Florendo, after being stabbed by appellant twice on the chest, went home and under labored breathing, told Renato that it was appellant who had stabbed him. Clearly, the statement made was an expression of the cause and the surrounding circumstances of his death, and under the consciousness of impending death. There being nothing in the records to show that Florendo was incompetent, he would have been competent to testify had he survived.²⁵ It is enough to state that the deceased was at the time competent as a witness.²⁶ Lastly, the dying declaration is offered in an inquiry the subject of which involves his death. We reproduce the statement of the RTC:

Moreover, the [victim] did not immediately die after he was stabbed by the [appellant]. The victim, apparently conscious that he could die of his wound, identified his assailant as the [appellant] Ramil Rarugal. Under the rules, statement made by a person under the consciousness of an impending death is admissible as evidence of the circumstances of his

²⁴ G.R. No. 189834, March 30, 2011, 646 SCRA 770, 778.

²⁵ Rule 130, Sections 20 and 21 which provides:

Section 20. *Witnesses; their qualifications*. — Except as provided in the next succeeding section, all persons who can perceive, and perceiving, can make known their perception to others, may be witnesses.

Religious or political belief, interest in the outcome of the case, or conviction of a crime unless otherwise provided by law, shall not be a ground for disqualification.

Section 21. *Disqualification by reason of mental incapacity or immaturity*. — The following persons cannot be witnesses:

(a) Those whose mental condition, at the time of their production for examination, is such that they are incapable of intelligently making known their perception to others;

(b) Children whose mental maturity is such as to render them incapable of perceiving the facts respecting which they are examined and of relating them truthfully.

²⁶ *People v. Santos*, 337 Phil. 334, 349 (1997).

death. The positive identification made by the victim before he died, under the consciousness of an impending death is a strong evidence indicating the liability of herein [appellant].²⁷

It is of no moment that the victim died seven days from the stabbing incident and after receiving adequate care and treatment, because the apparent proximate cause of his death, the punctures in his lungs, was a consequence of appellant's stabbing him in the chest.

Anent the finding of treachery by the RTC, we agree that appellant's act of suddenly stabbing Florendo while he was innocently cycling along Sampaguita Street, Barangay Capari, Novaliches, Quezon City constituted the qualifying circumstance of treachery. As we previously ruled, treachery is present 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.²⁸ Here, appellant surprised Florendo when he suddenly and swiftly attacked and stabbed him in the chest. The swift turn of events left Florendo defenseless to protect himself, allowing appellant to commit the crime without risk to his own person. Thus, we sustain the findings of the trial court and the Court of Appeals that the qualifying circumstance of treachery attended the commission of the crime.

Article 248 of the Revised Penal Code, as amended by Republic Act No. 7659, provides for the penalty of *reclusion perpetua* to death for the crime of murder. There being no aggravating or mitigating circumstance, the RTC, as affirmed by the Court of Appeals, properly imposed the penalty of *reclusion perpetua*, pursuant to Article 63, paragraph 2, of the Revised Penal Code.²⁹

However, to conform to existing jurisprudence, the Court must modify the amount of indemnity for death and exemplary damages awarded by the courts *a quo*.

Anent the award of damages, when death occurs due to a crime, the following may be recovered: (1) civil indemnity *ex delicto* for the death of the victim; (2) actual or compensatory damages; (3) moral damages; (4) exemplary damages; (5) attorney's fees and expenses of litigation; and (6) interest, in proper cases.³⁰

We agree with the Court of Appeals that the heirs of the victim were able to prove before the trial court actual damages in the amount of ₱27,896.00 based on the receipts³¹ they submitted. Moreover, we agree with

²⁷ CA rollo, pp. 19-20.

²⁸ *People v. Laurio*, G.R. No. 182523, September 13, 2012.

²⁹ *People v. Escleto*, supra note 21 at 159-160.

³⁰ *People v. Rebucan*, G.R. No. 182551, July 27, 2011, 654 SCRA 726, 758.

³¹ Records, pp. 161-166.

the Court of Appeals that the award of exemplary damages is proper in this case. We have stated that:

Unlike the criminal liability which is basically a State concern, the award of damages, however, is likewise, if not primarily, intended for the offended party who suffers thereby. It would make little sense for an award of exemplary damages to be due the private offended party when the aggravating circumstance is ordinary but to be withheld when it is qualifying. Withal, the ordinary or qualifying nature of an aggravating circumstance is a distinction that should only be of consequence to the criminal, rather than to the civil, liability of the offender. In fine, relative to the civil aspect of the case, an aggravating circumstance, whether ordinary or qualifying, should entitle the offended party to an award of exemplary damages within the unbridled meaning of Article 2230 of the *Civil Code*.³² (Emphasis omitted.)

We, however, increase the award of exemplary damages to ₱30,000.00³³ and the award for mandatory civil indemnity to ₱75,000.00³⁴ to conform to recent jurisprudence.

We sustain the RTC's award for moral damages in the amount of ₱50,000.00 even in the absence of proof of mental and emotional suffering of the victim's heirs.³⁵ As borne out by human nature and experience, a violent death invariably and necessarily brings about emotional pain and anguish on the part of the victim's family.³⁶

In addition, and in conformity with current policy, we also impose on all the monetary awards for damages interest at the legal rate of 6% per annum from date of finality of this Decision until fully paid.³⁷

WHEREFORE, the appeal is **DENIED**. The June 30, 2008 Decision of the Court of Appeals in CA-G.R. CR.-H.C. No. 02413 is **AFFIRMED**. Appellant **RAMIL RARUGAL alias "Amay Bisaya"** is found **GUILTY** beyond reasonable doubt of **MURDER**, and is sentenced to suffer the penalty of *reclusion perpetua*. Appellant is further ordered to pay the heirs of Arnel M. Florendo the amounts of ₱27,896.00 as actual damages, ₱75,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱30,000.00 as exemplary damages. All monetary awards for damages shall earn interest at the legal rate of 6% per annum from date of finality of this Decision until fully paid.

No pronouncement as to costs.

³² *People v. Salafraanca*, G.R. No. 173476, February 22, 2012, 666 SCRA 501, 517.

³³ *People v. Escleto*, supra note 21 at 160.

³⁴ *People v. Anticamara*, G.R. No. 178771, June 8, 2011, 651 SCRA 489, 520.

³⁵ *People v. Concillado*, G.R. No. 181204, November 28, 2011, 661 SCRA 363, 391; *People v. Fontanilla*, G.R. No. 177743, January 25, 2012, 664 SCRA 150, 162.


³⁶ *People v. Escleto*, supra note 21 at 160.


³⁷ *Id.* at 161.

SO ORDERED.


TERESITA J. LEONARDO-DE CASTRO
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson



LUCAS P. BERSAMIN
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice


BIENVENIDO L. REYES
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision 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