



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,  
Plaintiff-Appellee,

G.R. No. 207818

Present:

SERENO, C.J.,  
Chairperson,  
LEONARDO-DE CASTRO,  
BERSAMIN,  
VILLARAMA, JR., and  
REYES, JJ.

- versus -

ALEX DE LOS SANTOS,  
Accused-Appellant.

Promulgated:

**JUL 23 2014**

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RESOLUTION

REYES, J.:

For review is the Decision<sup>1</sup> dated September 17, 2012 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 03790 which affirmed the Judgment<sup>2</sup> dated January 7, 2008 of the Regional Trial Court (RTC) of Tuao, Cagayan, Branch 11, in Criminal Case No. 1165-T, convicting Alex De Los Santos (accused-appellant) of murder and sentencing him to *reclusion perpetua*.

<sup>1</sup> Penned by Associate Justice Isaias P. Dicdican, with Associate Justices Michael P. Elbinias and Nina G. Antonio-Valenzuela, concurring; CA *rollo*, pp. 130-142.

<sup>2</sup> Issued by Judge Orlando D. Beltran; id. at 9-17.

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### The Facts

Accused-appellant was indicted for killing one Fernando A. Catriz (Catriz) through an information articulating the following criminal charges, *viz.*:

That on or about April 06, 2004, in the Municipality of Tuao, Province of Cagayan and within the jurisdiction of this Honorable Court, the said accused ALEX De LOS SANTOS y AGINAWAN armed with long bolo with intent to kill, with treachery and treachery, (sic) did, then and there willfully, unlawfully and feloniously attack, assault and hack FERNANDO A[.] CATRIZ, inflicting upon him several hack wounds on the different parts of his body which caused his death.

CONTRARY TO LAW.<sup>3</sup>

Upon arraignment, the accused-appellant entered a “not guilty” plea. Pre-trial and trial thereafter ensued. The prosecution presented the testimonies of Reynaldo Bayudan (Bayudan), the victim’s nephew and an eyewitness to the incident, and Dr. Exuperio Yuaga (Dr. Yuaga), Municipal Health Officer of Tuao, Cagayan. The prosecution also adopted the testimony of Eduardo Archibido which was presented during the hearing on the petition for bail. Taken together with documentary evidence marked as Exhibits A to E, the evidence for the prosecution showed that:

Catriz and the accused-appellant were brothers-in-law. The former’s wife was the latter’s sister. At about 4:00 p.m. of April 6, 2004, Catriz and Bayudan were at *Barangay* Mungo, Tuao, Cagayan, unloading culled cob chickens from a Toyota Tamaraw vehicle. While Bayudan and Catriz were transferring the chickens into a cage beside the vehicle, the accused-appellant suddenly appeared behind Catriz and hacked him on his right shoulder with a *tabas* (long-bladed *bolo*). The impact from the blow caused the handle of the *tabas* to dislodge thus enabling Catriz to run towards the nearest house. The accused-appellant, however, drew a “Rambo-type” knife, pursued Catriz and repeatedly stabbed him until he fell. Pleading for his life, Catriz kneeled in front of the accused-appellant and asked him to stop. His pleas were not heeded though and the accused-appellant continued stabbing him until he fell again on the ground. Upon seeing the lifeless Catriz, the accused-appellant jumped and exclaimed: “Happy New Year, *natayen ni Ferdie!*” (Happy New Year, Ferdie is dead!). The accused-appellant thereafter went to a nearby pump well and nonchalantly washed his hands.<sup>4</sup> Meanwhile, Bayudan ran towards a nearby house for fear of his life.<sup>5</sup>

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<sup>3</sup> Id. at 9.

<sup>4</sup> Id. at 10.

<sup>5</sup> Id. at 132.

Dr. Yuaga testified that based on his post-mortem examination of the cadaver, Catriz sustained 11 stab wounds, four (4) of which were in the mid extremity of the heart area that could cause instantaneous death while two (2) were located at the back portion of his body. Catriz also sustained one (1) incised wound on the left scapula. His cause of death was “*hypovolemic shock, secondary to multiple stab wounds.*”<sup>6</sup>

The witnesses for the defense were the accused-appellant himself and his uncle, Joseph Aginawang (Aginawang). According to them, on the night of April 4, 2004, they had a drinking spree with Catriz. After consuming two bottles of gin, Catriz asked the accused-appellant if he can till the family lot in Bagumbayan, Tuao, Cagayan. When the accused-appellant answered that he cannot decide on the matter since the land is family-owned, Catriz suddenly stood up and slapped the accused-appellant’s face.

The accused-appellant did not take offense and simply left, while Catriz summoned his wife and children, and headed home. Catriz, however, returned between 9:00 to 10:00 p.m. looking for the accused-appellant but didn’t find him. Catriz was again unable to find the accused-appellant when he returned the next day.

On April 6, 2004, at about 4:00 p.m., the accused-appellant saw Catriz unloading chickens. He approached him and offered help, but Catriz pushed him away causing the accused-appellant to stumble down. Catriz then tried to hack the accused-appellant twice with a *bolo* but the latter was able to dodge the attacks. On Catriz’s third attempt, the accused-appellant got hold of a knife from the wall of a nearby house and defended himself by plunging the same on Catriz. When Catriz again attempted to hack the accused-appellant, the latter shoved the knife against him once more. The accused-appellant failed to recall how many times he stabbed Catriz because he got dizzy and lost touch with his senses.

Dazed with what he has just witnessed, Aginawang ran to the back of a house towards a creek. The accused-appellant, on the other hand, proceeded towards the road where he met one Abe Ballesil who accompanied him, upon his request, to the police station to surrender.<sup>7</sup>

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<sup>6</sup> Id. at 10.

<sup>7</sup> Id. at 11-12.

### **Ruling of the RTC**

In its Decision<sup>8</sup> dated January 7, 2008, the RTC sustained the testimony of prosecution witness Bayudan, as corroborated by Dr. Yuaga's post-mortem examination, that the accused-appellant struck a hacking blow on Catriz from behind. Treachery was also found to have attended the killing because while Catriz was on a kneeling position begging for his life, the accused-appellant continued to stab him. At that moment, Catriz was totally helpless while the accused-appellant was in no danger from any retaliation.

The accused-appellant's allegation of self-defense was rejected because: (1) he failed to claim it at the earliest opportunity when he surrendered to the police station; (2) the number and seriousness of the wounds he inflicted on Catriz showed a determined effort on his part to kill the victim; and (3) he failed to surrender the weapon to the police and he instead threw it away. Accordingly, the RTC ruling was disposed as follows, *viz*:

WHEREFORE, in view of all the foregoing, judgment is hereby rendered finding the herein accused ALEX DE LOS SA[N]TOS, GUILTY beyond reasonable doubt of the felony of MURDER, defined and penalized under Article 248 of the Revised Penal Code, as amended, and hereby sentencing him:

1. To suffer imprisonment of Reclusion Perpetua;
2. To pay civil indemnity/damages to the heirs of the victim Fernando Catriz[;]
  - 2.1 The amount of [□]50,000.00 as death indemnity;
  - 2.2 The amount of [□]25,000.00 as moral damages;
  - 2.3 The amount of [□]20,000.00 as nominal damages in lieu of actual damages; and
  - 2.4 The amount of [□]25,000.00 as exemplary damages.
3. To pay the costs.

SO ORDERED.<sup>9</sup>

### **Ruling of the CA**

The CA affirmed the conviction and penalty meted upon the accused-appellant adding that "the attitude and behavior of Catriz at that time certainly did not constitute the unlawful aggression which the law requires." The CA further found the defense version of the events

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<sup>8</sup> Id. at 9-17.

<sup>9</sup> Id. at 16-17.

unbelievable because the accused-appellant's claim that he was at a disadvantageous position from Catriz's relentless assault is belied by the fact that the former was actually unscathed. The presence of a knife which the accused-appellant picked up to repel Catriz's alleged attack was likewise held highly specious since it seems to suggest that knives are scattered around the walls of houses in Mungo, Tuao, Cagayan. Thus, the CA ruled as follows:

**WHEREFORE**, in view of the foregoing premises, judgment is hereby rendered by us **DENYING** the appeal filed in this case. The Decision dated January 7, 2008 rendered by Branch 11 of the Regional Trial Court in Tuao, Cagayan in Criminal Case No. 1165-T is hereby **AFFIRMED**.

**SO ORDERED.**<sup>10</sup>

The accused-appellant is now before the Court pleading for his acquittal based on the same and sole argument<sup>11</sup> raised in his Appellant's Brief<sup>12</sup> before the CA that the trial court gravely erred in not giving credence to his claim of self-defense.

### **Ruling of the Court**

The Court affirms the accused-appellant's conviction.

It is immediately apparent that the argument proffered by the accused-appellant essentially assails the evaluation by the trial court of the testimony of the prosecution's principal witness, Bayudan, and its ruling that the same satisfactorily repudiated his claim of self-defense.

Basic is the rule that the matter of assigning values to declarations on the witness stand is best and most competently performed by the trial judge, who had the unmatched opportunity to observe the witnesses and to assess their credibility by the various *indicia* available but not reflected on the record. Hence, the corollary principle that absent any showing that the trial court overlooked substantial facts and circumstances that would affect the final disposition of the case, appellate courts are bound to give due deference and respect to its evaluation of the credibility of an eyewitness and his testimony as well as its probative value amidst the rest of the other evidence on record.<sup>13</sup>

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<sup>10</sup> Id. at 141.

<sup>11</sup> Accused-appellant's Manifestation (In Lieu of Supplemental Brief), *rollo*, pp. 31-32.

<sup>12</sup> CA *rollo*, pp. 109-122.

<sup>13</sup> *People v. Credo*, G.R. No. 197360, July 3, 2013, 700 SCRA 633, 644.

The Court sees no compelling reason to depart from the foregoing tenets especially considering the accused-appellant's failure to pinpoint significant details, which if considered, will alter the outcome of the trial court's judgment and the affirmation accorded it by the CA.

Even an assiduous examination of the records of the case yields a similar finding: the factual basis of accused-appellant's plea of self-defense cannot relieve him from criminal liability.

Generally, the burden lies upon the prosecution to prove the guilt of the accused beyond reasonable doubt rather than upon the accused that he was in fact innocent. However, if the accused admits killing the victim, but pleads self-defense, the burden of evidence is shifted to him to prove such defense by clear, satisfactory and convincing evidence that excludes any vestige of criminal aggression on his part.<sup>14</sup> Self-defense, when invoked, as a justifying circumstance implies the admission by the accused that he committed the criminal act.<sup>15</sup>

Thus, to escape criminal liability, the accused must prove by clear and convincing evidence the concurrence of the following requisites under the second paragraph of Article 11 of the Revised Penal Code (RPC), *viz*: (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.<sup>16</sup>

Unlawful aggression on the part of the victim is the primordial element of the justifying circumstance of self-defense. Without it, there can be no self-defense, whether complete or incomplete, that can validly be invoked.<sup>17</sup> "There is an unlawful aggression on the part of the victim when he puts in actual or imminent danger the life, limb, or right of the person invoking self-defense. There must be actual physical force or actual use of a weapon."<sup>18</sup> "It is present only when the one attacked faces real and immediate threat to one's life."<sup>19</sup>

Here, the accused-appellant failed to prove that unlawful aggression was initiated by Catriz. The physical evidence of Catriz's incised wound on the left scapula belies the version of events adduced by the defense and is more consistent with the narration of the prosecution's eyewitness Bayudan – that the initial blow came from the accused-appellant who suddenly

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<sup>14</sup> *Flores v. People*, G.R. No. 181354, February 27, 2013, 692 SCRA 127, 140-141.

<sup>15</sup> *People v. Maningding*, G.R. No. 195665, September 14, 2011, 657 SCRA 804, 813.

<sup>16</sup> *People v. Concillado*, G.R. No. 181204, November 28, 2011, 661 SCRA 363, 379.

<sup>17</sup> *People v. Paycana, Jr.*, 574 Phil. 780, 787 (2008).

<sup>18</sup> *People v. Comillo, Jr.*, G.R. No. 186538, November 25, 2009, 605 SCRA 756, 772.

<sup>19</sup> *Flores v. People*, *supra* at 142.

emerged behind Catriz and hacked him. The testimony of expert witness Dr. Yuaga further confirmed that such incised wound could have been inflicted from behind.

The accused-appellant's claim that Catriz boxed him first and then tried to hack him with a *bolo* is grounded on contradictory, hence, unreliable testimonies. According to defense witness Aginawang, he saw Catriz push and then box the accused-appellant. It is noticeable, however, from the accused-appellant's own narration that the detail relating to the punching is absent. Also, Aginawang admitted on cross-examination that it was the accused-appellant who delivered the first aggression by stabbing Catriz.<sup>20</sup>

Further, the Court agrees with the CA's observation that the presence of a knife in the wall of the nearby house was highly dubious. The immediate availability of a knife within the accused-appellant's convenient reach in a public place at the exact moment that he was allegedly being hacked by Catriz is too inconceivable to warrant trustworthiness. The sequence of the narration of eyewitness Bayudan is more rational and thus in accord with the spontaneity of a truthful account that – all the while, the accused-appellant had the knife in his possession and he used it to continue stabbing Catriz when the first weapon he used dislodged from its handle.

Further, the location, the number and gravity of the wounds inflicted on Catriz indicate a determined effort to kill and not merely to defend. Based on Dr. Yuaga's post-mortem examination, 4 of the 11 stab wounds inflicted on Catriz were in the mid extremity of the heart area sufficient to cause instantaneous death. True enough, Catriz died of "*hypovolemic shock, secondary to multiple stab wounds*." It has been repeatedly ruled that the nature, number and location of the wounds sustained by the victim disprove a plea of self-defense.<sup>21</sup>

In fine, the courts *a quo* were correct in finding that the accused-appellant failed to discharge his burden of proving the justifying circumstance of self-defense.

The Court also upholds the findings of the courts *a quo* that the killing of Catriz by the accused-appellant was attended with treachery.

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<sup>20</sup> Rollo, pp. 138-140.

<sup>21</sup> *People v. Campos*, G.R. No. 176061, July 4, 2011, 653 SCRA 99, 110.

“There is treachery when the offender commits any of the crimes against persons, employing means, methods or forms in the execution thereof which tend directly and specifically to ensure the execution of the crime without risk to himself arising from the defense which the offended party might make. To establish treachery, two elements must concur: (a) that at the time of the attack, the victim was not in a position to defend himself; and (b) that the offender consciously adopted the particular means of attack employed.”<sup>22</sup>

“The essence of treachery lies in the attack that comes without warning, and the attack is swift, deliberate and unexpected, and affords the hapless, unarmed and unsuspecting victim no chance to resist or escape, thereby ensuring its accomplishment without the risk to the aggressor, without the slightest provocation on the part of the victim. What is decisive is that the execution of the attack made it impossible for the victim to defend himself or to retaliate.”<sup>23</sup>

It is evident in this case that, as testified by eyewitness Bayudan, the accused-appellant attacked Catriz when the latter was defenseless and unable to retaliate. The accused-appellant commenced his attack from behind Catriz and when the latter eventually fell down to his knees begging for his life, the accused-appellant continued stabbing him. Clearly, the accused-appellant took advantage of the vulnerable position of Catriz to ensure the successful execution of the offense without risk, and deny the victim the opportunity to defend himself.

Treachery qualifies the killing to murder. Under Article 248 of the RPC, the penalty for murder is *reclusion perpetua* to death. The two penalties being both indivisible and there being no mitigating nor aggravating circumstance to consider, the lesser of the two penalties which is *reclusion perpetua* should be imposed pursuant to the second paragraph of Article 63 of the RPC.<sup>24</sup> Hence, the courts *a quo* correctly sentenced the accused-appellant to *reclusion perpetua*.

The accused-appellant shall not be eligible for parole pursuant to Section 3 of Republic Act No. 9346 which states that “[p]ersons convicted of offenses punished with *reclusion perpetua*, or whose sentences will be reduced to *reclusion perpetua*, by reason of this Act, shall not be eligible for parole under Act No. 4180, otherwise known as the Indeterminate Sentence Law, as amended.”<sup>25</sup>

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<sup>22</sup> Id. at 111-112, citing *People v. Dela Cruz*, 594 Phil. 381, 395 (2008).

<sup>23</sup> *People v. Nugas*, G.R. No. 172606, November 23, 2011, 661 SCRA 159, 169-170.

<sup>24</sup> *People v. Campos*, supra note 21, at 114.

<sup>25</sup> See *People v. Dejillo*, G.R. No. 185005, December 10, 2012, 687 SCRA 537, 556.



The award of civil indemnity, moral damages and exemplary damages were correct. Civil indemnity is mandatory upon proof of the fact of death of the victim and the culpability of the accused for such death.<sup>26</sup> Despite the absence of any allegation and proof of the heirs' mental anguish and emotional suffering, the award of moral damages is also proper in view of the recognized fact that death invariably and necessarily brings about emotional pain and anguish on the part of the victim's family.<sup>27</sup> The heirs of the victim are likewise entitled to exemplary damages since the killing was attended by treachery.<sup>28</sup>

However, in conformity with current jurisprudence, the amounts granted by the courts *a quo* shall be increased to ₱75,000.00 for civil indemnity, ₱75,000.00 for moral damages, and ₱30,000.00 for exemplary damages.<sup>29</sup>

The award of nominal damages must be deleted and replaced with temperate damages in the amount of ₱25,000.00.<sup>30</sup> Nominal damages are proper when there is no proof of actual damages; and when it is granted, it is as if there was in fact no damage at all.<sup>31</sup> Temperate damages, on the other hand, are awarded when the court finds that some pecuniary loss has been suffered but its amount cannot be proved with certainty.<sup>32</sup> There is no doubt that pecuniary expenses were incurred in the funeral and burial of Catriz and the award of temperate damages shall answer for the same.<sup>33</sup>

Lastly, all the monetary awards shall earn an interest at the legal rate of six percent (6%) *per annum* from the date of finality of this Resolution until fully paid.<sup>34</sup>

**WHEREFORE**, premises considered, the Decision dated September 17, 2012 of the Court of Appeals in CA-G.R. CR-HC No. 03790 finding accused-appellant Alex De Los Santos **GUILTY** beyond reasonable doubt of the crime of Murder is hereby **AFFIRMED** with **MODIFICATIONS**. Accused-appellant Alex De Los Santos is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole and is ordered to pay the heirs of the victim, Fernando Catriz, the amounts of

<sup>26</sup> *People v. Dela Cruz*, G.R. No. 187683, February 11, 2010, 612 SCRA 364, 374.

<sup>27</sup> *People v. Fontanilla*, G.R. No. 177743, January 25, 2012, 664 SCRA 150, 161-162.

<sup>28</sup> *Id.* at 163-164.

<sup>29</sup> Resolution dated March 24, 2014, G.R. No. 184596 (*People of the Philippines, Plaintiff-Appellee v. Estela Lopez, Accused-Appellant*).

<sup>30</sup> *People v. Del Castillo*, G.R. No. 169084, January 18, 2012, 663 SCRA 226, 250-251.

<sup>31</sup> *Rafols v. Batangas Transportation Co.*, 62 O.G. No. 437968, 7 C.A. Rep. (2s) 93-94, as cited in Philippine Law on Torts and Damages, Volume 2, J. Cezar S. Sangco.

<sup>32</sup> *People v. Fontanilla*, *supra* at 162-163.

<sup>33</sup> *People of the Philippines v. Estela Lopez*, *supra*.

<sup>34</sup> Resolution dated February 24, 2014, G.R. No. 177754 (*People of the Philippines, Plaintiff-Appellee v. Anacleto Barbachano y Marquez and Hermingol Barbachano y Samaniego, Accused-Appellant*).


₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱30,000.00 as exemplary damages, and ₱25,000.00 as temperate damages, plus interest at the rate of six percent (6%) *per annum* from the finality of this judgment until fully paid.


The accused-appellant shall pay the costs of suit.

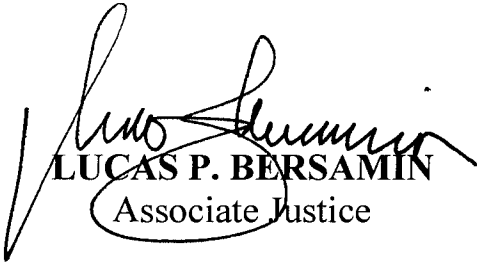
**SO ORDERED.**

  
**BIENVENIDO L. REYES**  
Associate Justice

**WE CONCUR:**

  
**MARIA LOURDES P. A. SERENO**  
Chief Justice  
Chairperson


  
**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice

  
**LUCAS P. BERSAMIN**  
Associate Justice

  
**MARTIN S. VILLARAMA, JR.**  
Associate Justice

## **C E R T I F I C A T I O N**

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

