



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 208678

Present:

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

- versus -

JEFFERSON WARRINER y
NICDAO,
Accused-Appellant.

Promulgated:

JUN 16 2014

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DECISION

REYES, J.:

On appeal is the Decision¹ dated February 24, 2012 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 04766 affirming with modification the Judgment² dated November 5, 2010 of the Regional Trial Court (RTC) of Manila, Branch 17, in Criminal Case No. 07-249527 finding accused-appellant Jefferson Warriner y Nicdao (Jefferson) guilty beyond reasonable doubt of the crime of murder.

¹ Penned by Associate Justice Mariflor P. Punzalan Castillo, with Associate Justices Franchito N. Diamante and Angelita A. Gacutan, concurring; *rollo*, pp. 2-25.

² Issued by Acting Presiding Judge Ma. Theresa Dolores C. Gomez-Estoesta; *CA rollo*, pp. 32-43.

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The Antecedent Facts

In January 2007, Jefferson, together with Jeffrey Warriner y Nicdao (Jeffrey) and Valentino Villaflor y Masangkay (Valentino), was charged before the RTC with the crime of murder, allegedly committed as follows:

That on or about January 5, 2007, in the City of Manila, Philippines, the said accused, conspiring and confederating together and helping each other, with intent to kill, qualified by treachery, did then and there willfully, unlawfully and feloniously attack, assault and use personal violence upon one LOU ANTHONY STA. MARIA y PAMINTUAN by shooting and hitting him on the forehead with the use of a .38 caliber revolver, thereby inflicting upon the latter gunshot wound which was the direct and immediate cause of his death thereafter.

Contrary to law.³

Upon arraignment, Jefferson, duly assisted by a counsel *de officio*, pleaded “not guilty” to the charge. After pre-trial, trial on the merits ensued.⁴

During the trial, the prosecution presented as its witnesses Joshua Candolisas (Joshua) and Claudinick Blacer (Claudinick), friends of the victim Lou Anthony Sta. Maria (Lou Anthony), who were with the latter when he was shot during the wee hours of January 5, 2007 at the Ray Charles Bar in Remedios corner Ignacio Streets, Malate, Manila.

The prosecution witnesses claimed that some crew members of Jollibee-Harrison Plaza branch, particularly Lou Anthony, Joshua, Claudinick and a certain Jeff, Beth, Ruel, Kevin, Christian, Lloyd and Rommel, had a bonding session at the Ray Charles Bar until the early morning of January 5, 2007. Their group stayed at the bar’s patio, and had ordered almost 20 bottles of Red Horse beer. At the height of their revelry at about 2:30 a.m., Lou Anthony noticed that a group of three men from another table kept giving their group dagger looks. He then remarked to Claudinick, “*Pare, parang masama yata yung tingin nung nasa kabilang table.*”⁵ While Claudinick shrugged the matter off, Lou Anthony approached and confronted the members of the other group. By that time, Lou Anthony had taken about three bottles of beer and was already “tipsy”. After Lou Anthony returned to their table, Claudinick approached the other group and apologized for his friend’s actuations, saying, “*pare, pasensya na kayo.*” The two members of the other group, namely, Jeffrey and Valentino, accepted the apology and said, “*okay lang, pare, okay lang.*” Jefferson,

³ Id. at 12.

⁴ Id.

⁵ Id. at 13.

however, did not appear to take the matter lightly and retorted, “*pag-suotin mo ng helmet yan,*” referring to Lou Anthony.⁶

At about 3:00 a.m., the group of Jefferson approached Lou Anthony’s table. Jeffrey embraced Claudinick and said, “*Sige, pare, una na kami.*” Without any warning, however, Jefferson hit Lou Anthony’s head with a gun, and as the latter was about to rise from his seat and face his assailant, Jefferson shot Lou Anthony in the forehead. Jefferson’s group immediately fled from the crime scene. Claudinick came to the assistance of Lou Anthony, whom he and Jeff brought to the Philippine General Hospital.⁷

The testimony for the prosecution of Dr. Roberto Rey C. San Diego of the National Bureau of Investigation (NBI) was dispensed with after the parties stipulated in court on the following matters: (1) the fact of examination of the victim on January 5, 2007 at 9:45 p.m.; and (2) the identity of the deceased.⁸ Per records, the cause of Lou Anthony’s death was “Gunshot [w]ound, [h]ead, [l]eft [s]ide. One (1) metallic fragment was lodged and recovered from the body of the deceased and was submitted to NBI-Firearms Investigation Division for ballistics examination.”⁹

The witnesses for the defense were Jefferson, Jeffrey and Valentino. The defense averred that while Jefferson’s group was having a drinking spree on January 5, 2007 at the Ray Charles Bar, Lou Anthony, who appeared drunk, approached them and tapped their table exclaiming, “*Tang ina nyo, bakit ang sama ng mga tingin nyo, ano ang gusto nyong mangyari?*”¹⁰ Their group did not mind Lou Anthony and after the latter had left, Claudinick approached their group to apologize for his friend’s behavior. Jefferson allegedly replied, “*Sige, okay lang.*”¹¹

Jefferson admitted that he shot the victim, but invoked self-defense. He claimed that before his group left the bar, Valentino went to the restroom while Jeffrey went to the cashier to pay their bill. Jefferson approached the table of Lou Anthony, as he wanted to settle their earlier altercation. Lou Anthony, however, grabbed Jefferson by his collar and uttered offensive words. Alarmed, Jefferson instinctively reached for his gun and then shot Lou Anthony.¹² He immediately left the bar, leaving behind Jeffrey and

⁶ Id.

⁷ Id. at 13-14.

⁸ Id. at 14.

⁹ Id.; Documents that form part of the records include Certificate of Post-Mortem Examination conducted on Lou Anthony Pamintuan Sta. Maria, Autopsy Report N-07-14, Certificate of Identification of Dead Body, Medico-Legal Sketch and photographs of the deceased.

¹⁰ Id.

¹¹ Id. at 15.

¹² Id. at 16-17.

Valentino. He boarded the same passenger jeepney that Jeffrey and Valentino later also boarded.¹³

Both Valentino and Jeffrey denied any liability for Lou Anthony's death. Valentino denied knowing who fired a gunshot at the victim because he ran away from the bar when he heard a commotion. Jeffrey, on the other hand, claimed that he failed to hear a gunshot as he left the bar, as he was then listening to music using his earphones.¹⁴

The Ruling of the RTC

On November 5, 2010, the RTC rendered its Judgment¹⁵ finding Jefferson guilty beyond reasonable doubt of the crime of murder. Jeffrey and Valentino, on the other hand, were acquitted by the court for lack of evidence. The dispositive portion of the judgment reads:

WHEREFORE, for the death of Lou Anthony Sta. Maria y Pamintuan, this Court finds accused **JEFFERSON WARRINER y NICDAO GUILTY** beyond reasonable doubt of the crime of *Murder* qualified by treachery.

Under Article 248 of the Revised Penal Code, as amended by Republic Act No. 7659, murder is punishable by *reclusion perpetua* to death. However, the imposition of the death penalty is prohibited by the 1987 Constitution (Section 19(1), Article III). Hence, the proper imposable penalty would be *reclusion perpetua*.

In this case, therefore, accused **JEFFERSON WARRINER y NICDAO** is meted the penalty of *reclusion perpetua*.

The preventive imprisonment said accused has undertaken shall be fully **CREDITED** to the service of his sentence.

Since the award of civil indemnity and moral damages in *Murder* cases require[s] no further proof other than the fact of death x x x, accused **JEFFERSON WARRINER y NICDAO** is directed to **PAY** the surviving heirs of the deceased Lou Anthony Sta. Maria y Pamintuan the amount of **FIFTY THOUSAND PESOS ([□]50,000.00)** as civil indemnity and **FIFTY THOUSAND PESOS ([□]50,000.00)** as moral damages.

On ground of reasonable doubt, accused **JEFFREY WARRINER y NICDAO** and **VALENTINO VILLAFLORES y MASANGKAY** are **ACQUITTED** of the crime charged.

¹³ Id. at 16.

¹⁴ Id. at 15.

¹⁵ Id. at 32-43.

They are ordered immediately **RELEASED** from detention unless some other cause exists with which to justify their continued custody under the law.

SO ORDERED.¹⁶

Dissatisfied, Jefferson appealed his conviction to the CA, citing the alleged failure of the prosecution to prove his guilt beyond reasonable doubt.

The Ruling of the CA

On February 24, 2012, the CA rendered its Decision¹⁷ affirming with modification the judgment of the RTC, in that Jefferson was also declared liable for the payment of ₱25,000.00 as temperate damages, ₱30,000.00 as exemplary damages, and interest on all damages at the legal rate of six percent (6%) *per annum*. The dispositive portion of the CA decision reads:

WHEREFORE, premises considered, the instant appeal is **DISMISSED**. The decision of the RTC of Manila, Branch 17 dated 5 November 2010 finding accused-appellant guilty of murder qualified by treachery is **AFFIRMED** with **MODIFICATION** on the award of damages. Accused-appellant is sentenced to suffer the penalty of *reclusion perpetua*. He is further ordered to pay the heirs of Lou Anthony Sta. Maria the amount of [₱]50,000.00 as civil indemnity, [₱]50,000.00 as moral damages, [₱]25,000.00 as temperate damages, [₱]30,000.00 as exemplary damages, and interest on all damages at the rate of 6% per annum from the finality of judgment until fully paid.

SO ORDERED.¹⁸

The Present Appeal

Unyielding, Jefferson appealed his case to the Court, invoking the same grounds which he raised before the CA, *viz*:

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THE COURT A QUO GRAVELY ERRED IN FINDING [JEFFERSON] GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED;

¹⁶ Id. at 42.

¹⁷ *Rollo*, pp. 2-25.

¹⁸ Id. at 24.

II

THE COURT A QUO GRAVELY ERRED IN CONVICTING [JEFFERSON] OF THE CRIME OF MURDER NOTWITHSTANDING THE PROSECUTION'S FAILURE TO ESTABLISH THE QUALIFYING CIRCUMSTANCE OF TREACHERY.¹⁹

The Ruling of the Court

The appeal is bereft of merit.

The settled rule is that “the findings of fact of the trial court, its calibration of the testimonies of the witnesses and its assessment of the probative weight thereof, as well as its conclusions anchored on the findings are accorded high respect, if not conclusive effect. This dictum would be more true if the findings were affirmed by the CA, since it is settled that when the trial court’s findings have been affirmed by the appellate court, these findings are generally binding upon this Court.”²⁰ “The justification for this is that [the] trial court was in the best position to assess the credibility of witnesses by virtue of its firsthand observation of the demeanor, conduct and attitude of the witnesses under grilling examination.”²¹ While jurisprudence admits of exceptions to this principle, no such exception attends the present case.

Clearly, Jefferson was correctly convicted of murder, qualified by treachery, given the presence of the following elements of the crime: (1) that a person was killed; (2) that the accused killed that person; (3) that the killing was attended by treachery; and (4) that the killing is not infanticide or parricide.²²

There is no dispute that it was Jefferson who killed the victim. During the trial, Jefferson admitted to have inflicted the gunshot wound which led to Lou Anthony’s eventual demise. While Jefferson claimed to have merely defended himself given the “dagger looks” and “violent tendencies” which were exhibited by his victim, the trial and appellate courts correctly ruled on the weakness of such claim.

¹⁹ CA rollo, p. 79.

²⁰ *People v. Pondivida*, G.R. No. 188969, February 27, 2013, 692 SCRA 217, 226.

²¹ *People v. Valdez*, G.R. No. 175602, January 18, 2012, 663 SCRA 272, 282.

²² *People v. Dolorido*, G.R. No. 191721, January 12, 2011, 639 SCRA 496, 506, citing *People v. Sameniano*, 596 Phil. 916, 928 (2009).

The animosity that transpired between the groups of Jefferson and Lou Anthony could not have justified the assailant's act of killing the victim. The law sets strict parameters for self-defense to be successfully invoked in criminal prosecutions, as it requires the following elements: (1) unlawful aggression on the part of the victim; (2) reasonable necessity of the means employed to prevent or repel such aggression; and (3) lack of sufficient provocation on the part of the person resorting to self-defense.²³ Whenever self-defense is invoked in court, the burden shifts to the appellant to prove the elements of such claim.²⁴

Jefferson failed to discharge such burden. The records indicate the absence of an unlawful aggression which could be ascribed to Lou Anthony. It is settled that not every form or degree of aggression justifies a claim of self-defense. As the Court emphasized in *People v. Nugas*:²⁵

The test for the presence of unlawful aggression under the circumstances is whether the **aggression from the victim put in real peril the life or personal safety of the person defending himself**; the peril must not be an imagined or imaginary threat. Accordingly, the accused must establish the concurrence of three elements of unlawful aggression, namely: (a) there must be a physical or material attack or assault; (b) the attack or assault must be actual, or, at least, imminent; and (c) the attack or assault must be unlawful.²⁶ (Citations omitted and emphasis ours)

From the prosecution and defense witnesses' testimonies, it was clear that Lou Anthony did not perform any act that put Jefferson's life or safety in actual or imminent danger. The perceived violent and aggressive attitude of Lou Anthony did not sufficiently demonstrate through acts that confirmed Jefferson's fear for a real peril. While it was established that Lou Anthony approached his assailant's table and confronted them for alleged dagger looks, he neither uttered threats nor inflicted physical harm upon Jefferson's group and instead voluntarily returned to his table after the confrontation. Such was also the situation at the time that Jefferson inflicted the fatal wound upon Lou Anthony. It was then evident that Jefferson was the aggressor rather than the object of the victim's alleged aggression. Jurisprudence holds that "if no unlawful aggression attributed to the victim is established, self-defense is unavailing, for there is nothing to repel."²⁷

²³ *People v. Duavis*, G.R. No. 190861, December 7, 2011, 661 SCRA 775, 782.

²⁴ *Id.*

²⁵ G.R. No. 172606, November 23, 2011, 661 SCRA 159.

²⁶ *Id.* at 167-168.

²⁷ *People v. Fontanilla*, G.R. No. 177743, January 25, 2012, 664 SCRA 150, 157, citing *Calim v. CA*, 404 Phil. 391, 403 (2001).

Given the manner by which the victim was killed by Jefferson, both the RTC and CA were likewise correct in holding that the victim's killing was attended by treachery, a circumstance which qualified the crime to murder. "The essence of treachery is that the attack comes without a warning and in a swift, deliberate, and unexpected manner, affording the hapless, unarmed, and unsuspecting victim no chance to resist or escape. Otherwise stated, an unexpected and sudden attack which renders the victim unable and unprepared to put up a defense is the essence of treachery."²⁸

From the records, any animosity between the two groups had waned following Claudinick's offer of apology, which was readily accepted by the group of Jefferson. Defense witness Valentino even testified that Jefferson replied to the apology by saying, "*Sige, okay lang.*"²⁹ No further exchange transpired between the two groups until Jefferson's group approached Lou Anthony's group, on the pretext that the former was already leaving the bar. Given the circumstances, the sudden attack of Jefferson upon Lou Anthony by hitting him hard with a gun was clearly without warning and unexpected on the part of the victim, who was then merely seated with his companions. The strike upon Lou Anthony caused him to fall, and even before he could stand up to face his assailant, Jefferson shot him in the forehead. Clearly, the victim had no chance to hold a defense against Jefferson. Considering the circumstances, he could not have anticipated the fatal attack. Not even their earlier confrontation could have warned him against such a severe assault. As correctly observed by the RTC:

Little did the victim know what was coming. He was there to relish some good times with his Jollibee crew members. He may have provoked the group of Jefferson by earlier tapping their table to confront them with the "dagger looks" but that was all. Apologies were extended in the interim which the group appeared to have accepted. Time slowly ticked away, as more liquor was consumed. When everyone thought the group of the accused was about to go home, Jefferson had apparently hatched a surprise attack against Lou Anthony. He was whipped on the head and then shot before he could even defend himself.³⁰

Given the foregoing, the qualifying circumstance of treachery was correctly appreciated in determining Jefferson's criminal liability. The CA correctly found Jefferson guilty beyond reasonable doubt of the crime of murder, and then imposed upon him the penalty of *reclusion perpetua*. The crime of murder qualified by treachery is penalized under Article 248 of the Revised Penal Code, as amended, with *reclusion perpetua* to death. Considering that there was no aggravating or mitigating circumstance that attended the commission of the crime, *reclusion perpetua* was the

²⁸ *People of the Philippines v. Andy Zulieta a.k.a. "Bogarts"*, G.R. No. 192183, November 11, 2013.

²⁹ CA rollo, p. 15.

³⁰ Id. at 21.

appropriate penalty.³¹ It must, however, be emphasized that Jefferson shall not be eligible for parole, pursuant to Section 3³² of Republic Act No. 9346. Furthermore, both the civil indemnity and moral damages awarded to the surviving heirs of the deceased should be increased to ₱75,000.00, to conform to prevailing jurisprudence.³³

WHEREFORE, the Decision dated February 24, 2012 of the Court of Appeals in CA-G.R. CR-H.C. No. 04766 finding accused-appellant Jefferson Warriner y Nicdao guilty beyond reasonable doubt of murder is **AFFIRMED** with **MODIFICATION** in that he is sentenced to suffer the penalty of *reclusion perpetua*, without eligibility for parole, and the awards of civil indemnity and moral damages are each increased to ₱75,000.00.

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

³¹ *People v. Baldomar*, G.R. No. 197043, February 29, 2012, 667 SCRA 415, 418.

³² Sec. 3. Person 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. 4103, otherwise known as the Indeterminate Sentence Law, as amended.

³³ See Court First Division Resolution dated March 24, 2014 in G.R. No. 184596 (*People of the Philippines v. Estela Lopez*), and Resolution dated February 24, 2014 in G.R. No. 177754 (*People of the Philippines v. Anacleto Barbachano y Marquez and Hermingol Barbachano y Samaniego*); *People v. Nazareno*, G.R. No. 196434, October 24, 2012, 684 SCRA 604, 611; *People v. Arbalate*, G.R. No. 183457, September 17, 2009, 600 SCRA 239, 255.


MARTIN S. VILLARAMA, JR.
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