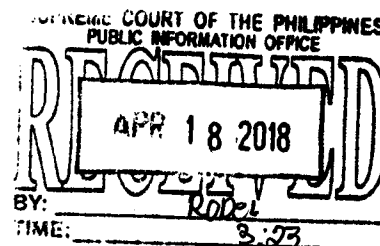




Republic of the Philippines
Supreme Court
 Manila



FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 219591


Present:

- versus -

SERENO, *C.J., Chairperson,*
 LEONARDO-DE CASTRO,
 DEL CASTILLO,
 TIJAM, *and*
 GESMUNDO,* *JJ.*

GENERALDO M. CONDINO,
Accused-Appellant.

Promulgated:
FEB 19 2018

X ----- X 


RESOLUTION

DEL CASTILLO, J.:

Assailed in this appeal is the October 21, 2014 Decision¹ of the Court of Appeals (CA) in CA-G.R. CEB CR-HC No. 01565 which affirmed with modification the May 10, 2011 Decision² of the Regional Trial Court (RTC), Branch 61, Dakit, Bogo, Cebu, finding Generaldo M. Condino (appellant) guilty beyond reasonable doubt of the crime of murder.

The Antecedent Facts

Appellant was charged with the crime of murder in an Information³ dated November 19, 2002 which reads:

That on September 23, 2002 at around 2:30 in the afternoon, at Barangay Lanao, Daanbantayan, Cebu, Philippines and within the 

* Designated as additional member per November 29, 2017 raffle vice J. Jardeleza who recused due to prior action as Solicitor General.
¹ *Rollo*, pp. 4-25; penned by Associate Justice Ma. Luisa C. Quijano-Padilla and concurred in by Associate Justices Ramon Paul L. Hernando and Marie Christine Azcarraga-Jacob.
² *Records*, pp. 84-94; penned by Executive Judge Antonio D. Marigomen.
³ *Id.* at 1.

jurisdiction of this Honorable Court, said accused, with intent to kill, with evident premeditation and treachery did then and there willfully, unlawfully and feloniously stab several times one ISAB[E]LO D. ARRABIS with the use of [a] yellowish pointed metal, hitting the latter on the different parts of his body thereby causing his instantaneous death.

CONTRARY TO LAW.

During his arraignment on April 24, 2003, appellant entered a plea of not guilty.⁴ Trial thereafter ensued.

Version of the Prosecution

The prosecution's version of the incident as summarized by the Office of the Solicitor General is as follows:

On September 23, 2002, at around 2:30 p.m., appellant appeared before the *Lupon Tagapamayapa* at the *Barangay Hall* of *Barangay Lanao*, *Daanbantayan*, *Cebu*, in a hearing for the alleged destruction of a plastic chair owned by the *barangay*.⁵

Also present during the hearing was the victim, *Isabelo D. Arrabis* (*Arrabis*), who was then the first councilor of the *barangay*.⁶

After the hearing, the victim, together with other *barangay* officials went out of the hall and sat down on a nearby bamboo bench for a chat.⁷ While they were talking, appellant, who was just outside the gate of the *Barangay Hall*, calmly walked toward the group, and with his left hand, grabbed the victim's neck from behind and stabbed the latter three to four times using a yellowish pointed metal, hitting a portion just below the victim's left breast.⁸

The victim was taken to the *Daanbantayan District Hospital* but he was pronounced dead on arrival.⁹ The cause of death, as listed in the victim's *Certificate of Death*,¹⁰ is cardio-respiratory arrest secondary to multiple stab wounds.

⁴ Id. at 27.

⁵ CA *rollo*, p. 61.

⁶ Id. at 61-62.

⁷ Id. at 62.

⁸ *Rollo*, p. 6.

⁹ Id.

¹⁰ Records, p. 11.

Version of the Defense

The defense presented appellant as its lone witness who testified that:

After the hearing on September 23, 2002, as appellant was exiting the *Barangay Hall*, Arrabis, who was then armed with a knife, suddenly blocked his path. Appellant struggled to get the knife from Arrabis which resulted in the two of them falling hard on the ground. The next thing appellant saw was Arrabis' chest already bleeding.¹¹


Shocked by the events of the day, appellant went home and then travelled to Masbate. Five days later, his father fetched him from Masbate and asked him to surrender. He was persuaded to surrender, but before proceeding to the police station, he stopped by the house of retired Colonel Virgilio Ynot and the latter accompanied him to the station.¹²

Ruling of the Regional Trial Court

In its Decision dated May 10, 2011, the RTC found appellant guilty beyond reasonable doubt of the crime of murder under Article 248 of the Revised Penal Code.

The RTC gave full faith and credence to the testimonies of the prosecution's witnesses who testified clearly, spontaneously and in a straightforward manner that appellant perpetrated the crime against the victim.¹³ It also noted that the victim's killing was attended by the qualifying circumstances of treachery, since the victim was given no opportunity to defend himself with the attack having been sudden and unsuspected,¹⁴ and evident premeditation, which was manifested by appellant's act of bringing a pointed metal in attending the hearing.¹⁵

Accordingly, the RTC sentenced appellant to suffer the penalty of *reclusion perpetua*. It likewise ordered appellant to pay the heirs of the victim ₱50,000.00 as civil indemnity, ₱100,000 as moral damages, ₱175,000.00 as actual damages, and ₱30,000.00 as attorney's fees.



¹¹ *Rollo*, p. 7.

¹² *Id.*

¹³ *Records*, p. 93.

¹⁴ *Id.* at 92.

¹⁵ *Id.* at 93.

Appellant thereafter appealed the RTC Decision before the CA.

Ruling of the Court of Appeals

In its Decision dated October 21, 2014, the CA affirmed with modification the assailed RTC Decision as follows: a) ₱30,000.00 was awarded to the heirs of the victim as exemplary damages; and b) the amounts of moral and actual damages were reduced to ₱50,000.00 and ₱25,000.00, respectively.¹⁶

The CA rejected appellant's claim of self-defense. It found that appellant was unable to discharge his burden of proving unlawful aggression, as his "version of the events was uncorroborated, and his testimony was found to be less credible by the RTC. Self-defense cannot be justifiably appreciated when uncorroborated by independent and competent evidence or when it is extremely doubtful by itself."¹⁷

In addition, the CA held that the prosecution was able to establish the elements of murder beyond reasonable doubt, given that: *first*, the victim was killed; *second*, appellant judicially admitted to the killing of the victim;¹⁸ *third*, the victim's killing was attended by treachery; and *fourth*, the killing was not parricide or infanticide.¹⁹

The CA pointed out that "the attack on Arrabis was unexpected and without the slightest provocation on the part of the unarmed victim considering that he was casually talking to [Eufemio] delos Santos and [Victoriano] Canales with no inkling that an attack was forthcoming."²⁰ It thus concluded that "[t]he attack was executed in a manner that Arrabis was rendered defenseless and unable to retaliate."²¹

Aggrieved, appellant filed the present appeal.

The Issues

Appellant raises the following issues for the Court's resolution:



¹⁶ *Rollo*, p. 24.

¹⁷ *Id.* at 14.

¹⁸ *Id.* at 15.

¹⁹ *Id.* at 14-19.

²⁰ *Id.* at 19.

²¹ *Id.*

First, whether the prosecution was able to prove his guilt beyond reasonable doubt, considering that “the testimonies of the prosecution witnesses were replete with inconsistencies and contradictions in material points directly going to their perception and recollection of the stabbing incident.”²²

And *second*, whether the victim’s stabbing was attended by treachery.

The Court’s Ruling

The appeal is unmeritorious.

In resolving issues involving the credibility of witnesses, the Court adheres to the well-settled rule that “appellate courts accord the highest respect to the assessment made by the trial court because of the trial judge’s unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct and attitude under grueling examination.”²³

Thus, in *Reyes, Jr. v. Court of Appeals*,²⁴ the Court explained:

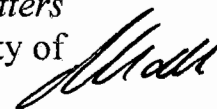
Also, the issue hinges on credibility of witnesses. We have consistently adhered to the rule that **where the culpability or innocence of an accused would hinge on the issue of credibility of witnesses and the veracity of their testimonies, findings of the trial court are given the highest degree of respect.** These findings will not be ordinarily disturbed by an appellate court absent any clear showing that the trial court has overlooked, misunderstood or misapplied some facts or circumstances of weight or substance which could very well affect the outcome of the case. It is the trial court that had the opportunity to observe ‘the witnesses’ manner of testifying, their furtive glances, calmness, sighs or their scant or full realization of their oaths.’ It had the better opportunity to observe the witnesses firsthand and note their demeanor, conduct and attitude under grueling examination. **Inconsistencies or contradictions in the testimony of the victim do not affect the veracity of the testimony if inconsistencies do not pertain to material points.** (Emphasis supplied)

In this case, the alleged inconsistencies in the testimonies of the prosecution’s witnesses pertained to *minor details* and *collateral matters* which did not affect the substance of their declarations and the veracity of

²² CA rollo, p. 27.

²³ *People v. Aquino*, 396 Phil. 303, 306-307 (2000).

²⁴ 424 Phil. 829, 836 (2002).



their statements.²⁵ In fact, the records show that the prosecution's witnesses *never* wavered in their testimonies as to the actual stabbing incident:

Testimony of Eufemio delos Santos

ATTY. ARRIOLA:

Q: You noticed that the accused got hold of the neck of Isabelo Arrabis, do you confirm that?

A: Yes.

Q: Will you kindly demonstrate how the accused got hold of the neck of Isabelo Arrabis?

A: Like this. (Witness demonstrating by placing left hand on the neck.)

Q: You noticed the accused holding the neck of Isabelo Arrabis. What did you notice after that?

A: **He stabbed him.**

Q: Where did the accused stabbed [sic] Isabelo Arrabis?

A: Below the nipple on the left breast.

Q: How many times did the accused stabbed [sic] Isabelo Arrabis?

A: **Maybe 3 or 4 times.**²⁶ (Emphasis supplied)

Testimony of Victoriano Canales

ATTY. ARRIOLA

Q: Then what happened after that while you were sitting in [sic] the bamboo [bed] (*lantay*)?

A: **I saw Isabelo Arrabis being stabbed by Geraldino Condino.**

x x x x

Q: How many times did Geraldino Condino stab Isabelo Arrabis?

A: I cannot recall if how many times but **it was made several times.**²⁷ (Emphasis supplied)

Note, too, that the RTC found the testimonies of Delos Santos and Canales to be "clear, certain, spontaneous and straightforward," and "worthy of full faith and credit."²⁸ The CA, in turn, affirmed the factual findings of the RTC, as it was not shown that the trial court had "overlooked, misunderstood or misapplied some facts or circumstances of weight and substance that would have affected the result of the case x x x."²⁹

²⁵ See *People v. Harovilla*, 436 Phil. 287, 292 (2002).

²⁶ TSN, July 4, 2005, pp. 5-6.

²⁷ TSN, March 29, 2006, pp. 5-6.

²⁸ Records, p. 93.

²⁹ *Rollo*, p. 21.

As for the issue on the presence of the qualifying circumstance of treachery, we agree with the CA's conclusion that "[t]he attack was executed in a manner that [the victim] was rendered defenseless and unable to retaliate."³⁰

"There is treachery when the offender employs means, methods or forms in the execution of any of the crimes against persons that tend directly and especially to ensure its execution without risk to himself arising from the defense which the offended party might make."³¹

In this case, appellant, coming from *behind* the victim, suddenly held the latter's neck using his left hand, and with his right hand, stabbed the victim three to four times using a yellowish pointed metal.³² Clearly, the attack was attended by treachery, considering that: a) the means of execution of the attack gave the victim *no opportunity to defend himself* or to retaliate; and b) said means of execution was *deliberately* adopted by appellant.³³

Given these circumstances, we find no cogent reason to disturb the factual findings of the lower courts, as said findings are duly supported by the evidence on record.

However, the amount of damages awarded must be modified in conformity with prevailing jurisprudence.³⁴ Thus, the awards of civil indemnity, moral damages, and exemplary damages are increased to ₱75,000.00 each³⁵ while the award of actual damages is deleted and in lieu thereof, temperate damages is awarded in the amount of ₱50,000.00.³⁶

WHEREFORE, the appeal is **DISMISSED**. The assailed October 21, 2014 Decision of the Court of Appeals in CA-G.R. CEB CR-HC No. 01565 is hereby **AFFIRMED with MODIFICATIONS** that the awards of civil indemnity, moral damages, and exemplary damages are increased to ₱75,000.00 each; the award of actual damages is deleted and in lieu thereof, temperate damages in the amount of ₱50,000.00 is awarded; and all damages awarded shall earn interest at the rate of 6% *per annum* from finality of this Resolution until fully paid.



³⁰ Id. at 19.

³¹ *People v. Alajay*, 456 Phil. 83, 92 (2003).

³² *Rollo*, p. 6.

³³ See *People v. Alajay*, *supra*.

³⁴ *People v. Juguetta*, G.R. No. 202124, April 5, 2016, 788 SCRA 331.


³⁵ Id. at 382.

³⁶ Id. at 388.

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson



TERESITA J. LEONARDO-DE CASTRO
Associate Justice


NOEL GIMENEZ TIJAM
Associate Justice


ALEXANDER G. GESMUNDO
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