



Republic of the Philippines
Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
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SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff-Appellee,

G.R. No. 238171

Present:

- versus -

CARPIO, J., *Chairperson,*
 PERLAS-BERNABE,
 CAGUIOA,
 J. REYES, JR, and
 LAZARO-JAVIER, JJ.

ARNALDO ENRIQUEZ, JR.,
 Accused-Appellant.

Promulgated:

19 JUN 2019

x-----*Atty. Cabalag for Enrquez*-----x

DECISION

CAGUIOA, J.:

Before the Court is an appeal¹ filed under Section 13(c), Rule 124 of the Rules of Court from the Decision² dated November 9, 2017 of the Court of Appeals (CA) in CA-G.R. CR HC No. 08261, which affirmed the Decision³ dated October 25, 2015 of the Regional Trial Court, Branch 105, Quezon City (RTC), in Criminal Case No. Q-07-144720, finding herein accused-appellant Arnaldo Enriquez, Jr. (Enriquez) guilty of the crime of Murder under Article 248 of the Revised Penal Code (RPC).

The Facts

Enriquez was charged with the crime of Murder under the following Information:

That on or about the 30th day of December 2006, in Quezon City, Philippines, the above-named accused, with intent to kill, with the qualifying aggravating circumstances of evident premeditation and treachery[,] did then and there wilfully, unlawfully and feloniously attack, assault, and employ personal violence upon the person of FLORENCIO DELA CRUZ y DELA CRUZ by then and there stabbing the latter with a bladed weapon on the neck, thorax and different parts of his body, thereby

¹ See Notice of Appeal dated December 11, 2017; *rollo*, pp. 10-12.

² *Rollo*, pp. 2-9. Penned by Associate Justice Marlene B. Gonzales-Sison, with Associate Justices Socorro B. Inting and Rafael Antonio M. Santos concurring.

³ *CA rollo*, pp. 55-58. Penned by Presiding Judge Rosa M. Samson.

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 said victim.

CONTRARY TO LAW.⁴

Upon arraignment, Enriquez pleaded not guilty.

Version of the Prosecution

The version of the prosecution, as summarized by the CA, is as follows:

On December 30, 2006, at around 9:30 in the evening, Luisa and her daughter, Jessica, were in their house watching the television when they heard someone moaning at a nearby house. As they peeped out of the window, they saw a bloodied Dela Cruz coming out of his house and upon reaching the door got stabbed in the back by Enriquez with a bread knife. Dela Cruz managed to ask for help from his uncle's house before collapsing. He was then brought to the hospital but was unfortunately pronounced dead on arrival caused by multiple stab wounds in the neck and thorax.

On the same date, at around 10:30 in the evening, Barangay Security Development Officer Obar received a call about a killing incident in Carreon Village. He went to the reported place and upon arrival, he saw a person being mauled and learned from an unnamed woman [that said person is] the one involved in the killing. He arrested this person whom he later identified as Enriquez. After bringing him to the barangay, Obar returned to the place and recovered a knife. Meanwhile, Enriquez was transferred to Camp Karingal.⁵

Version of the Defense

The version of the defense, as summarized by the CA, is as follows:

On December 30, 2006, Enriquez and his two children went to the house of Dela Cruz. He left the house between 9 o'clock and 10 o'clock in the evening. On the same day, he was brought to Camp Karingal because he was being suspected of killing Dela Cruz. He was informed by his wife of Dela Cruz' death. He told his wife that he could not have killed him because he was on duty as security guard at that time.⁶

Ruling of the RTC

After trial on the merits, in its Decision⁷ dated October 25, 2015, the RTC convicted Enriquez of the crime of Murder. The dispositive portion of said Decision reads:

WHEREFORE, judgment is hereby rendered finding accused ARNALDO ENRIQUEZ JR. **GUILTY** beyond reasonable doubt of the crime of Murder and he is sentenced to suffer the penalty of *reclusion*

⁴ *Rollo*, p. 3.

⁵ *Id.* at 4.

⁶ *Id.*

⁷ *CA rollo*, pp. 55-58.



perpetua. He is likewise ordered to pay the heirs of Florencio Dela Cruz the sum of Php75,000.00 by way of civil indemnity; and the award of Php50,000.00 as moral damages with interest at the rate of six percent (6%) per annum on all the damages awarded from the date of finality of this judgment until fully paid.

SO ORDERED.⁸

The RTC ruled that the defenses of denial and alibi proffered by Enriquez deserve scant consideration.⁹ It further ruled that there is no suggestion that the prosecution's witnesses, Luisa Tolentino (Luisa) and Jessica Tolentino (Jessica), had some ill motive to testify falsely against Enriquez.¹⁰ Lastly, it ruled that treachery attended the commission of the crime as the victim was suddenly stabbed from behind by Enriquez.¹¹ Thus, the victim had no chance to defend himself or repel the assault against him.¹²

Aggrieved, Enriquez appealed to the CA.

Ruling of the CA

On appeal, in its Decision¹³ dated November 9, 2017, the CA affirmed the conviction by the RTC with modifications:

WHEREFORE, premises considered, the appeal is **DENIED** and the October 25, 2015 Decision of the Regional Trial Court, Branch 105, Quezon City in Criminal Case No. Q-07-144720 is **AFFIRMED** with **MODIFICATION** as to the amount of damages as follows:

1. civil indemnity in the amount of PhP 75,000.00;
2. moral damages in the amount of PhP 75,000.00;
3. exemplary damages in the amount of PhP 75,000.00;
4. temperate damages in the amount of PhP 50,000.00
5. interest of six percent (6%) per annum on all damages awarded from the date of finality of this judgment until fully paid.

SO ORDERED.¹⁴

The CA ruled that the prosecution was able to establish all the elements of Murder.¹⁵ It further ruled that the trial court's assessment of the credibility of witnesses and the probative weight of their testimonies is entitled to great respect and will not be disturbed on appeal.¹⁶ Lastly, it ruled that treachery attended the commission of the crime.¹⁷

⁸ Id. at 58.

⁹ Id. at 57.

¹⁰ Id.

¹¹ Id. at 57-58.

¹² Id. at 58.

¹³ *Rollo*, pp. 2-9.

¹⁴ Id. at 8.

¹⁵ Id. at 6.

¹⁶ Id. at 7.

¹⁷ Id. at 8.

Hence, this appeal.

Issues

Whether the CA erred in affirming Enriquez's conviction for Murder.

The Court's Ruling

The appeal is partly meritorious.

It is settled that findings of fact of the trial courts are generally accorded great weight; except when it appears on the record that the trial court may have overlooked, misapprehended, or misapplied some significant fact or circumstance which if considered, would have altered the result.¹⁸ This is axiomatic in appeals in criminal cases where the whole case is thrown open for review on issues of both fact and law, and the court may even consider issues which were not raised by the parties as errors.¹⁹ The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.²⁰

After a careful review and scrutiny of the records, the Court affirms the conviction of Enriquez, but only for the crime of Homicide, instead of Murder, as the qualifying circumstance of treachery was not proven in the killing of Dela Cruz.

Treachery was not established by clear and convincing evidence

In the assailed Decision, the CA affirmed the RTC's finding that the qualifying circumstance of treachery was present thereby making Enriquez liable for Murder instead of Homicide. The CA held:

We likewise sustain the RTC's finding of treachery. The unarmed Dela Cruz was attacked from behind in a sudden and unexpected manner, thus completely depriving him of the chance to defend himself. x x x²¹

It is established that the qualifying circumstance of treachery must be proven by clear and convincing evidence.²² Thus, for Enriquez to be convicted of Murder, the prosecution must not only establish that he killed Dela Cruz; it must also be proven that the killing of Dela Cruz was attended by treachery.

In a catena of cases,²³ the Court has consistently held that treachery cannot be appreciated where the prosecution only proved the events after the

¹⁸ *People v. Duran, Jr.*, G.R. No. 215748, November 20, 2017, 845 SCRA 188, 211.

¹⁹ *Id.* at 211.

²⁰ *Ramos v. People*, 803 Phil. 775, 783 (2017).

²¹ *Rollo*, p. 8.

²² *People v. Latag*, 465 Phil. 683, 685 (2004).

²³ *People v. Calpito*, 462 Phil. 172, 179-180 (2003); *People v. Verino*, 425 Phil. 473, 486 (2002); *People v. Cordero*, 291 Phil. 1, 8 (1993).

attack happened, but not the manner of how the attack commenced or how the act which resulted in the victim's death unfolded. In treachery, there must be clear and convincing evidence on how the aggression was made, how it began, and how it developed. Where no particulars are known as to the manner in which the aggression was made or how the act which resulted in the death of the victim began and developed, it cannot be established from suppositions drawn only from circumstances prior to the very moment of the aggression, that an accused perpetrated the killing with treachery. Accordingly, treachery cannot be considered where the lone witness did not see the commencement of the assault.²⁴

In the instant case, the evidence presented by the prosecution only proved the events after the initial attack had already happened. The prosecution witnesses, Luisa and Jessica, did not see the manner of how the attack commenced or how the acts which resulted in the victim's death unfolded as the attack started inside the house of the victim. **They merely saw Dela Cruz, already bloodied, coming out of his house.²⁵ It was only at this point that they saw Enriquez stab the victim again with a bread knife.²⁶** Thus, what happened inside the house is unknown to the prosecution witnesses.

Moreover, the finding of the trial court, sustained by the CA, that treachery was present proceeds only from the fact that the witnesses saw Enriquez stab the already bloodied victim from behind as he was about to exit his house.

There is treachery when the offender commits any of the crimes against persons, employing means and methods or forms in the execution thereof which tend to directly and specially ensure its execution, without risk to himself arising from the defense which the offended party might make.²⁷ To qualify an offense, the following conditions must exist: (1) the assailant employed means, methods or forms in the execution of the criminal act which give the person attacked no opportunity to defend himself or to retaliate; and (2) said means, methods or forms of execution were deliberately or consciously adopted by the assailant.²⁸ The essence of treachery is the sudden and unexpected attack by an aggressor on the unsuspecting victim, depriving the latter of any chance to defend himself and thereby ensuring its commission without risk of himself.²⁹

In order to appreciate treachery, both elements must be present.³⁰ It is not enough that the attack was "sudden," "unexpected," and "without any warning or provocation."³¹ There must also be a showing that the offender

²⁴ *People v. Latag*, supra note 22, at 694, citing *U.S. v. Perdon*, 4 Phil. 141, 143-144 (1905); *People v. Duran, Jr.*, supra note 18, at 206-207; *People v. Simon*, 284-A Phil. 597, 612 (1992).

²⁵ *Rollo*, p. 4.

²⁶ *Id.* at 4, 7.

²⁷ *People v. Duran, Jr.*, supra note 18, at 205-206.

²⁸ *Id.* at 206, citing *People v. Dulin*, 762 Phil. 24, 40 (2015).

²⁹ *Id.*, citing *People v. Escote, Jr.*, 448 Phil. 749, 786 (2003).

³⁰ *Id.* at 205-206, citing REVISED PENAL CODE, Art. 14, par. 16.

³¹ See *People v. Sabanal*, 254 Phil. 433, 436-437 (1989).

consciously and deliberately adopted the particular means, methods and forms in the execution of the crime which tended directly to insure such execution, without risk to himself.

However, the abovementioned elements of treachery were not proven by clear and convincing evidence in the case at bar. As Luisa and Jessica were only able to witness the events that transpired after the initial attack inside the house, it was not established whether Enriquez deliberately or consciously employed the particular method he used so as to deprive the victim any opportunity to defend himself. Even more telling is the fact that the victim was able to escape from Enriquez and even ask for help from his uncle's house before collapsing.³²

In view of the foregoing, Enriquez should only be liable for the crime of Homicide.

Proper penalty and award of damages

With the removal of the qualifying circumstance of treachery, the crime is therefore Homicide and not Murder. The penalty for Homicide under Article 249 of the RPC is *reclusion temporal*. In the absence of any modifying circumstance, the penalty shall be imposed in its medium period. Applying the Indeterminate Sentence Law, the penalty next lower in degree is *prision mayor* with a range of six (6) years and one (1) day to twelve (12) years.

Thus, Enriquez shall suffer the indeterminate penalty of eight (8) years and one (1) day of *prision mayor*, as minimum, to fourteen (14) years, eight (8) months, and one (1) day of *reclusion temporal*, as maximum.

Finally, in view of the downgrading of the crime to Homicide, the Court's ruling in *People v. Jugueta*³³ directs that the damages awarded in the questioned Decision should be, as it is, hereby modified to civil indemnity, moral damages, and temperate damages of ₱50,000.00 each.

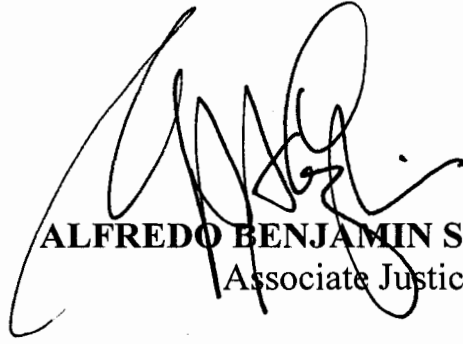
WHEREFORE, in view of the foregoing, the appeal is hereby **PARTIALLY GRANTED**. The Court **DECLARES** accused-appellant **ARNALDO ENRIQUEZ, JR. GUILTY of HOMICIDE**, for which he is sentenced to suffer the indeterminate penalty of eight (8) years and one (1) day of *prision mayor*, as minimum, to fourteen (14) years, eight (8) months, and one (1) day of *reclusion temporal*, as maximum. He is further ordered to pay the heirs of Florencio Dela Cruz the amount of Fifty Thousand Pesos (₱50,000.00) as civil indemnity, Fifty Thousand Pesos (₱50,000.00) as moral damages, and Fifty Thousand Pesos (₱50,000.00) as temperate damages. All monetary awards shall earn interest at the legal rate of six percent (6%) per annum from the date of finality of this Decision until fully paid.

³² *Rollo*, p. 4.

³³ 783 Phil. 806 (2016).




SO ORDERED.




ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

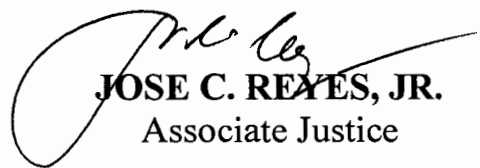
WE CONCUR:




ANTONIO T. CARPIO
Associate Justice
Chairperson



ESTELA M. PERLAS-BERNABE
Associate Justice



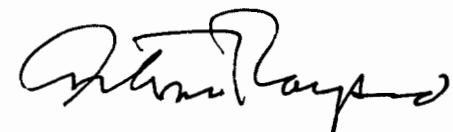
JOSE C. REYES, JR.
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice

ATTESTATION

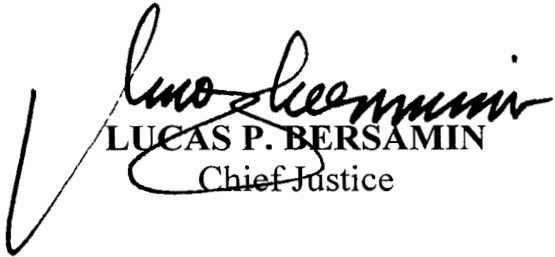
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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.


LUCAS P. BERSAMIN
Chief Justice

