



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated December 9, 2020 which reads as follows:

“G.R. No. 212168 – (PEOPLE OF THE PHILIPPINES, plaintiff-appellee v. JOEL ESPIRITU and TWO (2) JOHN DOES, accused; JOEL ESPIRITU, accused-appellant). – This case seeks to set aside and reverse the Decision¹ dated January 23, 2014 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 00841-MIN. The CA affirmed with modification the Decision² dated November 4, 2009 of the Regional Trial Court (RTC) of Malaybalay City, Branch 8, finding accused-appellant Joel Espiritu (Espiritu) *alias* Jojo guilty beyond reasonable doubt for the crime of murder.

Antecedents

An Information³ dated May 26, 2004 was filed charging Espiritu with murder for the death of Richard Lucbo (Lucbo) allegedly committed as follows:

That on or about 11:30 o'clock, more or less, in the evening of **March 30, 2004** particularly at the Bus Terminal, Poblacion, Valencia City, Bukidnon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating, and mutually helping one another, with intent to kill by means of treachery, with the use of a knife, did then and there, willfully, unlawfully, and criminally stab RICHARD LUCBO, hitting his eye piercing through his head, mortally wounding the latter which injuries caused his instantaneous death, to the damage and prejudice of the legal heirs of RICHARD LUCBO in such amount as may be allowed by law.

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¹ Rollo, pp. 3-20. Penned by Associate Justice Edward B. Contreras, concurred by Associates Justice Edgardo T. Lloren and Marie Christine Azcarraga-Jacob.

² CA rollo, pp. 24-33. Penned by Presiding Judge Pelagio B. Estopia.

³ Rollo, p. 4.

CONTRARY TO and in violation of Article 248 of the Revised Penal Code, as amended by R.A. [No.] 7659.

Espiritu was arraigned on February 1, 2005 and pleaded “not guilty” to the offense charged. The case proceeded to pre-trial and thereafter trial on the merits ensued.⁴

Evidence for the Prosecution

During trial, the prosecution presented two eyewitnesses to the crime, Rogelio Alagaba (Alagaba) and Cresencia Buntan (Buntan).⁵

Alagaba testified that he worked at the bus terminal and knew Espiritu because the latter was a jobless person who used to “hang out or standby” there. That on March 20, 2004, at about 11:30 p.m., he saw Espiritu stab Lucbo. Lucbo was sitting on a stool when somebody kicked him and caused him to fall. While he was down, Espiritu stabbed him in his right eye using a knife about seven inches long. Espiritu then ran away after the incident. Alagaba claimed that he saw the incident since the terminal was lighted by a bulb.⁶

Buntan testified that she is a sidewalk vendor working at the bus terminal. That on March 20, 2004, at about 11:30 p.m. while she was doing her work, she saw Espiritu stab Lucbo. Lucbo was sitting down when a person believed to be Espiritu’s companion kicked him. While Lucbo was already lying on the ground, Espiritu stabbed Lucbo on his eye. Lucbo was also then hit by a plastic monobloc chair by Espiritu’s companion. She later on identified Espiritu when the latter was arrested by the police.⁷

Evidence for the Defense

The defense presented Espiritu as its sole witness. Espiritu denied the accusations against him and gave the alibi that on March 30, 2004, at around 11:30 p.m., he was sleeping at his grandmother’s house located near the bus terminal.⁸

RTC Ruling

After trial, the RTC rendered its Decision⁹ convicting Espiritu of murder for the death of Lucbo, the dispositive portion of which reads:

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⁴ Id.

⁵ Id. at 5.

⁶ Id. at 5-6, CA *rollo*, p. 25.

⁷ Id. at 6-10, id. at 26.

⁸ Id. at 10-11, id. at 26-27.

⁹ CA *rollo*, pp. 24-33.

WHEREFORE, this court finds accused Joel Espiritu alias Jojo guilty beyond reasonable doubt of the crime of Murder and imposes upon him the penalty of reclusion perpetua and to pay the heirs of the victim the sum of P 75,000.00 as civil indemnity, P 75,000.00 moral damages, P 25,000.00 actual damages. He shall serve his penalty in the National Penitentiary of Davao Penal Colony.

SO ORDERED.¹⁰

The RTC gave credence to the testimonies of prosecution witnesses who positively identified Espiritu as the perpetrator of the crime. It noted that these testimonies were from disinterested witnesses with no ill-motive to testify against Espiritu, and thus credible and demolished Espiritu's defense of alibi and mere denial.

CA Ruling

Aggrieved, Espiritu appealed the RTC Decision to the CA raising the sole issue:

WHETHER THE CONFLICTING TESTIMONIES OF THE PROSECUTION WITNESSES ARE MATERIAL ENOUGH TO CAST A SHADOW OF DOUBT AND ACQUIT ACCUSED-APPELLANT.¹¹

The CA summarized the defense's claim of the conflicting testimonies of the witnesses as the following:

- a) As to the date of the crime, the witnesses maintained that it happened on March 20, 2004 but the criminal information states that it happened on March 30, 2004. There was no explanation made by the prosecution's evidence as to the conflicting dates.
- b) Before the actual stabbing. Witness Rogelio Algaba said that the deceased was sitting and the accused-appellant was sitting right beside the deceased. While witness Cresencia [Buntan] never mentioned that the accused-appellant was sitting right beside the deceased. What the witness Cresencia Buntan said was that the accused-appellant approached the deceased.
- c) Cresencia [Buntan] asserted that she was the only one who saw the incident while Rogelio Alagaba also claim that he saw the stabbing; and
- d) Cresencia [Buntan] said that there were two persons who were the companions of the accused-appellant while Rogelio Alagaba said that the accused-appellant has only one companion when he said in

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¹⁰ Id. at 33.

¹¹ Id. at 11.

his testimony 'THAT WAS THE FIRST TIME I SAW HIM'
(Referring to the person who kicked the deceased).¹²

The CA ruled that the foregoing inconsistencies and contradictions were not material to establish the elements of the crime charged and insufficient to overturn the conviction by the RTC.¹³ On January 23, 2014, the CA rendered its Decision¹⁴ of even date denying Espiritu's appeal and affirming the RTC Decision with modification on the civil liability:

WHEREFORE, the petition for review is DENIED. The 04 November 2009 Decision of the Regional Trial Court of Malaybalay City, Branch 08 is hereby AFFIRMED with MODIFICATIONS. The award of moral damages is reduced to Php 50,000.00. The award of Php 25,000.00 as actual damages is deleted. In lieu thereof, the appellant is ordered to pay the heirs of the victim Php 25,000.00 as temperate damages. Likewise, and award of Php 25,000.00 as exemplary damages shall be awarded to the heirs of the victim.

SO ORDERED.¹⁵

Espiritu thus filed the instant appeal. The Court notes that Espiritu and the Office of the Solicitor General have adopted their respective Appellant's and Appellee's Briefs filed in the CA as their present appeal.¹⁶

Issue

As maintained from the briefs filed before the CA, the sole issue to be resolved is:

WHETHER THE CONFLICTING TESTIMONIES OF THE PROSECUTION WITNESSES ARE MATERIAL ENOUGH TO CAST A SHADOW OF DOUBT AND ACQUIT ACCUSED-APPELLANT.

Ruling of the Court

We deny the appeal. The CA committed no reversible error in convicting Espiritu of murder for the death of Lucbo.

The CA Correctly Held that the Alleged Inconsistencies of the

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¹² *Rollo*, pp. 12-13.

¹³ *Id.* at 15.

¹⁴ *Id.* at 3-20.

¹⁵ *Id.* at 19-20.

¹⁶ *Rollo*, pp. 31-31, 34-35.

***Prosecution Witnesses Were
Insufficient to Overturn
Espiritu's Conviction.***

The CA correctly held that the inconsistencies alleged by the defense are minor and not material to the elements of the crime committed. We concur with the CA findings on this issue and quote below:

It is a well settled rule that when the decision hinges on the credibility of witnesses and their respective testimonies, the trial court's observations and conclusions deserve great respect and are often accorded finality.

The Supreme Court in the case of *People vs. Lalli* ruled that,

“x x x inconsistencies pointed out by the accused in the testimony of the prosecution witnesses relating to minor details do not destroy the credibility of the witnesses. On the contrary, they indicate that the witnesses were telling the truth and not previously rehearsed.”

To overturn the ruling of the lower court on the basis of conflicting testimonies, the inconsistencies or contradiction should be in material relation to the elements of the crime committed. If the elements of the crime committed have been properly established by the prosecution, then the inconsistencies in the witnesses' testimonies are considered minor and immaterial to the case.

In the case at bar, the inconsistencies or contradictions pointed by accused-appellant Espiritu relating to the stabbing incident are not material to establish the elements of Murder. The fact that Buntan did not mention that the victim herein was kicked, does not affect the foundation of the prosecution's case. Same with the conflicting testimonies of the prosecution witnesses regarding the number of companions, and the statement of Buntan that she is the sole eyewitness of the stabbing incident. All of the said inconsistencies in the prosecution witnesses' have no bearing on the crime of murder committed by accused-appellant. They are certainly not sufficient to overturn the lower court's conviction.

It has been held that perhaps too much to hope that different eyewitnesses shall give, at all times, testimonies that are in all fours with the realities on the ground. Minor discrepancies in their testimonies are, in fact, to be expected; they neither vitiate the essential integrity of the evidence in its material entirety nor reflect adversely on the credibility of the witnesses.¹⁷

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¹⁷ Id. at 14-15. Citation omitted.

The CA ruling is in accord with the well-settled rule that “**an inconsistency which has nothing to do with the elements of the crime cannot be a ground for the acquittal of the accused.** It is an elementary rule in this jurisdiction that inconsistencies in the testimonies of prosecution witnesses with respect to minor details and collateral matters do not affect the substance of their declaration nor the veracity or weight of their testimony. In fact, these minor inconsistencies enhance the credibility of the witnesses, for they remove any suspicion that their testimonies were contrived or rehearsed.”¹⁸

It is evident from the alleged inconsistencies raised that these refer merely to minor details and collateral matters. The fact remains that the prosecution sufficiently proved the essential elements of the crime of murder and that Espiritu was the perpetrator of the crime. Consequently, these inconsistencies cannot overturn the lower court’s conviction and in fact serve to enhance the witnesses’ credibility.

Espiritu is Guilty of the Crime of Murder.

The crime of murder is penalized under Article 248 of the Revised Penal Code, to wit:

Article 248. *Murder.* - Any person who, not falling within the provisions of Article 246 shall kill another, shall be guilty of murder and shall be punished by reclusion temporal in its maximum period to death, if committed with any of the following attendant circumstances:

1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity. x x x.

The elements of murder are: (1) that a person was killed; (2) that the accused killed him; (3) that the killing was attended by any of the qualifying circumstances mentioned in Article 248; and (4) that the killing is not parricide or infanticide.¹⁹

All the elements of murder are present and duly established in this case.

The existence of the first and fourth element is undisputed. The victim Lucbo died and he was neither an infant less than three days of

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¹⁸ *Calma v. People*, 820 Phil. 858, 866 (2017). Emphasis and underscoring supplied.

¹⁹ *People v. Kalipayan*, 824 Phil. 173, 183 (2018), citing *People v. Bensig*, 437 Phil. 748, 763 (2002).

age to classify the crime as infanticide, nor had any filial relation to Espiritu to classify the crime as parricide.

The second element is also present. The prosecution witnesses Alagaba and Buntan positively identified Espiritu as the one who stabbed and killed Lucbo at the bus terminal. These testimonies were given credence by the RTC and CA as clear and credible testimonies from disinterested witnesses with no ill-motive to testify against Espiritu. The CA correctly held that these testimonies prevail over Espiritu's bare defenses of alibi and denial. It is an established doctrine that "positive identification prevails over alibi since the latter can easily be fabricated and is inherently unreliable."²⁰

The third element is present that the killing of the victims was attended by treachery. Article 14(16) of the RPC provides that "[t]here is treachery when the offender commits any of the crimes against the person, employing means, methods, or forms in the execution thereof which tend directly and specially to insure its execution, without risk to himself arising from the defense which the offended party might make."

Treachery is present when the following two elements concur: (1) the means, methods and forms of execution employed gave the person attacked no opportunity to defend himself or to retaliate; and (2) the means, methods and forms of execution were deliberately and consciously adopted by the accused without danger to his person.²¹

The essence of treachery is "the unexpected and sudden attack on the victim which renders the latter unable and unprepared to defend himself by reason of the suddenness and severity of the attack. This criterion applies, whether the attack is frontal or from behind. Even a frontal attack could be treacherous when unexpected and on an unarmed victim who would be in no position to repel the attack or avoid it. In fact, treachery may still be appreciated even when the victim was forewarned of the danger to his person. What is decisive is that the execution of the attack made it impossible for the victim to defend himself or to retaliate."²²

The Court thus held in *People v. Casela*²³ that treachery was present when the victim stabbed was unarmed and the attack on him was swift and sudden:

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²⁰ *People v. Pulgo*, 813 Phil. 205, 219 (2017), citing *People v. Aquino*, 724 Phil. 739, 755 (2014) and *People v. Dadao*, 725 Phil. 298, 312 (2014).

²¹ *People v. Nugas*, 677 Phil. 168, 179 (2011).

²² *People v. Pulgo*, supra note 21 at 217.

²³ 547 Phil. 690 (2007).

Treachery attended the stabbing of Rañin because he was unarmed and the attack on him was swift and sudden. He had no means and there was no time for him to defend himself. The prosecution was able to establish that appellant's attack on the victim was without any slightest provocation on the latter's part and that it was sudden and unexpected. This is a clear case of treachery. There being treachery, appellant's conviction for murder is in order.²⁴

In this case, the CA held that Espiritu employed treachery "when he suddenly stabbed the victim [Lucbo] without warning while the latter was just sitting down."²⁵ We affirm the CA's finding of treachery, additionally noting that Lucbo was attacked right after he was just kicked from behind and already lying on the ground. It is evident that Espiritu deliberately employed such means of attack to ensure that Lucbo had no opportunity to defend himself and retaliate.

Espiritu's Proper Penalty and Civil Liability

Murder is penalized under Article 248, as amended by Republic Act No. 7659, with *reclusion perpetua* to death. The RTC and CA correctly imposed the penalty of *reclusion perpetua* on Espiritu considering that there were no other aggravating circumstances appreciated aside from treachery.

In this regard, the proper civil liability imposed on Espiritu, pursuant to the landmark case of *People v. Juguetta*,²⁶ should be modified. Espiritu is liable for civil indemnity in the amount of ₱75,000.00. The moral damages awarded shall be increased from ₱50,000.00 to ₱75,000.00. Exemplary damages awarded shall also be increased from ₱25,000.00 to ₱75,000.00. Temperate damages shall also be awarded in the amount of ₱50,000.00.

All amounts due shall be subject to a legal interest of six percent (6%) *per annum* from the finality of this Resolution until fully paid.

WHEREFORE, the Court of Appeals Decision dated January 23, 2014 in CA-G.R. CR-HC No. 00841-MIN is **AFFIRMED** with **MODIFICATIONS**. Accused-appellant Joel Espiritu is **GUILTY** beyond reasonable doubt of the crime of murder and shall suffer the penalty of *reclusion perpetua*. The amount of civil liability is hereby modified, and he is directed to pay the heirs of Richard Lucbo the

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²⁴ Id. at 705.

²⁵ *Rollo*, p. 17.


²⁶ 783 Phil. 806 (2016).

amount of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages, and ₱50,000.00 as temperate damages.

All damages awarded shall earn interest at the rate of six percent (6%) *per annum* from the time of finality of this Resolution until fully paid.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court ⁶⁸¹⁵

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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