

THIRD DIVISION

[G.R. No. 183092, May 30, 2011]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ANTONIO SABELLA Y BRAGAIS, APPELLANT.

D E C I S I O N

We decide the appeal, filed by accused Antonio Sabella y Bragais (*appellant*), from the March 4, 2008 Decision of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 01958.^[1] The appealed Decision affirmed with modification the Decision of the Regional Trial Court (RTC) of San Jose, Camarines Sur, Branch 30, in Criminal Case No. T-1934, finding the appellant guilty with the murder, qualified by treachery, of Prudencio Labides, and sentencing him to suffer the penalty of *reclusion perpetua*.

The Factual Antecedents

On November 19, 1998, the prosecution charged the appellant with murder^[2] before the RTC, under the following information:

That on or about the 28th day of September 1998 in the evening thereof, at Barangay Nato, Municipality of Sagñay, Province of Camarines Sur, Philippines and within the jurisdiction of this Honorable Court the above-named accused with intent to kill by means of treachery and evident premeditation, did then and there willfully, unlawfully and feloniously stab from behind with the use of a bolo commonly known as "palas" one Prudencio Labides, thus inflicting upon the victim mortal stab wounds as shown in the necropsy report issued by Roger E. Atanacio, Municipal Health Officer, Sagñay, Camarines Sur, which was the direct and immediate cause of his instantaneous death, to the damage and prejudice of the heirs of the late Prudencio Labides.^[3]

The appellant pleaded not guilty on arraignment and interposed self-defense at the pre-trial.^[4] Pursuant to Section 11(e), Rule 119 of the Rules of Court, a reverse trial ensued.

The Appellant's Version

The evidence for the appellant consisted of his testimony, the testimonies of four (4) witnesses, namely, Virgilio Bolima, Raymundo Melchor, Marilyn Palma and Leonardo Credo, the formal presentation of the excerpts of the police blotter signed by Police Inspector Efren Moreno, the *bolo* with its scabbard which the appellant surrendered to the police authorities of Sagñay, Camarines Sur, and a sketch.

The appellant's evidence and version of events are summarized below.

At about 9:00 p.m. of September 28, 1998, the appellant was sleeping when he was awakened by the noise of someone trying to break into his house. Once inside, the

unidentified man attacked him with a piece of rounded wood, but he parried the blow and took hold, from his bedside, of an object that he initially thought was a nightstick. He hit the man once, and only then realized that his weapon was a *bolo*. Wounded, the unidentified man went to the lighted portion of his residence. The appellant immediately recognized the man as Prudencio Labides. After Labides left, the appellant immediately surrendered to the police at its station in Sagñay, Camarines Sur and turned over his *bolo*.^[5]

The appellant's story was corroborated by the testimonies of Leonardo Credo and Virgilio Bolima who claimed to be in the vicinity of the appellant's house on the night of the incident. According to the two witnesses, they saw Labides, who appeared to be wounded, coming out of the appellant's house into the illuminated portion of the road from where he shouted for help. Caught by surprise, the two witnesses did not help Labides. Subsequently, they saw two (2) men arrive in a tricycle. They assisted Labides in boarding the tricycle, which then drove away in the direction of the *poblacion* of Sagñay, Camarines Sur.^[6]

The Prosecution's Version

The evidence for the prosecution consisted of the testimonies of the victim's wife, Alicia Labides, and four (4) witnesses, namely, Willy Duro, Romulo Competente, Paterno Laurenio and Dr. Roger Atanacio; the formal presentation of the Necropsy Report signed by Dr. Roger Atanacio; the appellant's *bolo*; the list of funeral and other expenses incurred by the victim's wife, and the latter's sworn statement. From these pieces of evidence, we reconstruct the prosecution's version of events summarized below.

In the evening of September 28, 1998, at approximately 9:00 p.m., Romulo Competente was walking home after talking to the victim at Marcos Verdeflor's home. Along the way, Competente encountered the appellant who suddenly hit him in the back with a *bolo* and threatened to cut off his head if he did not go home. Feeling pain in his back due to the blow, Competente decided to rest beside a nearby banana plant. Moments later, he saw the appellant stab Prudencio Labides (who had just left Marcos Verdeflor's house) in the abdomen with a *bolo* about two (2) feet long. When Labides turned away from the appellant, the latter stabbed Labides a second time in the back. Fearful because of what he had just witnessed, Competente hurried home.^[7]

Meanwhile, Marcos Verdeflor appeared at Willy Duro's house to ask for help for Labides. Duro and Verdeflor boarded Duro's tricycle and proceeded to Kikoy Verdeflor's yard where Labides laid wounded and bleeding. According to Duro, while they were helping Labides into his tricycle, he saw the appellant, ten meters away, still holding the *bolo*. Duro at that point heard the appellant say, "[y]ou must not bring him (Prudencio) anymore to the hospital because he will not survive; that is the way to kill a man."^[8]

Duro and Verdeflor then brought Labides to Paterno Laurenio's house to ask for the latter's assistance in getting an ambulance.^[9] When Laurenio asked Labides who stabbed him, Labides replied "Antonio Sabella."^[10] Laurenio further testified that at the time they loaded the victim into the ambulance, Labides was already "*lupaypay*"

or very weak.^[11] Labides was declared dead on arrival, when they arrived at the Bicol Medical Center in Naga City.^[12]

Dr. Roger Atanacio's postmortem examination revealed that Labides died due to massive blood loss from two stab wounds sustained in the abdomen and at the back.^[13] He described the two wounds as follows:

1. Stabbed (sic) wound, 3 inches long, vertical, 1 inch above umbilicus, along median line with intestinal evisceration.
2. Stabbed (sic) wound, 2 inches long, 3 inches depth, vertical, left, lumbar area.

CAUSE OF DEATH: HEMORRHAGE.^[14]

Alicia Labides, the victim's widow, testified that she spent P30,718.00 for the victim's wake and burial, evidenced by a list of expenses.^[15]

The RTC Ruling

In its July 16, 2001 Decision, the RTC found the appellant guilty of murder. In brushing aside the appellant's claim of self-defense, the RTC noted that the appellant failed to establish unlawful aggression on the part of Labides. The RTC observed that the appellant failed to produce any evidence to support his claim that Labides broke into his house, such as evidence of a damaged door or any damage done to the house. The appellant also failed to introduce into evidence the piece of wood that Labides allegedly tried to attack him with. In contrast, Dr. Atanacio's testimony on the number, location and severity of Labides' wounds disproved the appellant's claim of self-defense.

The RTC also gave credence to the positive testimony of the prosecution witnesses, particularly Laurenio's testimony that Labides identified the appellant as his assailant before he died, classifying the statement as a dying declaration.

The RTC appreciated the qualifying circumstance of treachery because the attack was sudden and unexpected, rendering the victim unable and unprepared to defend himself. But the court disregarded the aggravating circumstance of evident premeditation because it was not duly established at the trial. Appreciating in the appellant's favor the mitigating circumstance of voluntary surrender, the RTC sentenced the appellant to suffer the penalty of *reclusion perpetua*. The RTC ordered the appellant to pay the heirs of the victim P50,000.00 as civil indemnity and P30,718.00 as actual damages for the wake and burial expenses.^[16]

The CA Ruling

On intermediate appellate review, the CA affirmed the findings of the RTC, but modified the award of damages. It deleted the award of P30,718.00 as actual damages for lack of receipts. In lieu thereof, the CA awarded P25,000.00 as temperate damages. The appellate court also awarded P50,000.00 as moral damages.^[17]