

## THIRD DIVISION

[ G.R. No. 229349, January 29, 2020 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. GREG ANTONIO Y PABLEO @ TOKMOL, ACCUSED-APPELLANT.**

### DECISION

**LEONEN, J.:**

An accused's invocation of a justifying circumstance frees the prosecution from the burden of proving that the accused committed the offense charged. The burden shifts to the accused to prove the justifying circumstance with clear and convincing evidence.

For this Court's resolution is an appeal from the Decision<sup>[1]</sup> of the Court of Appeals, which affirmed the conviction of Greg Antonio y Pableo @ Tokmol (Antonio) for the crime of murder.

Before the Regional Trial Court, Antonio was charged in two (2) separate Informations for frustrated murder and murder. The accusatory portions of the two (2) Informations read:

Crim. Case No. 06-246909 (Frustrated Murder).

"That on or about August 15, 2006, in the City of Manila, Philippines, the said accused, conspiring and confederating together with others whose true names, real identities and present whereabouts are still unknown and helping one another, with intent to kill and with treachery and evident premeditation, did then and there willfully, unlawfully and feloniously attack, assault and use personal violence upon one ARSENIO CAHILIG y MALINANA, by then and there stabbing the latter with a bladed weapon at that (*sic*) back of his body, thereby inflicting upon said ARSENIO CAHILIG y MALINANA injuries which are necessarily fatal and mortal, thus performing all the acts of execution which would have produced the crime of murder as a consequence, but nevertheless did not produce it by reason or causes independent of the will of the said accused, that is, by the timely and able medical attendance rendered to said ARSENIO CAHILIG y MALINANA which saved his life.

Contrary to law."

Crim. Case No. 06-246310 (Murder).

"That on or about August 15, 2006, in the City of Manila, Philippines, the said accused, conspiring and confederating together with others whose true names, real identities and present whereabouts are still unknown and helping one another, did then and there willfully, unlawfully and feloniously with intent to kill, and with treachery and evident

premeditation, attack, assault and use personal violence upon one ARTHURO\* VILLALOBOS y BIJASA, by then and there stabbing the latter with a bladed weapon on the different parts of his body, thereby inflicting upon said ARTHURO VILLALOBOS y BIJASA mortal stab wounds which were the direct and immediate cause of his death.

Contrary to law."<sup>[2]</sup>

The cases were consolidated, and Antonio pleaded not guilty to both charges. After pre-trial was terminated, trial on the merits ensued.<sup>[3]</sup>

The prosecution presented David Fresado (Fresado), Ligaya Villalobos (Ligaya), Dr. Romeo T. Salen (Dr. Salen), and Police Inspector Ismael Dela Cruz as its witnesses.<sup>[4]</sup>

From their testimonies, the prosecution alleged that the murder was committed in Tondo, Manila, on the early morning of August 15, 2006. Around this time, Fresado had been drinking in front of a store with Dondon, Emerson Jocson (Jocson), and Arthuro Villalobos (Villalobos).<sup>[5]</sup>

By 2:00 a.m., in the middle of their drinking session, a certain Lorna approached them, trying to sell a cellphone for P400.00. At the sight of Lorna, Villalobos got mad, claiming that she had supposedly sold him a fake cellphone before. In the argument that ensued, Lorna and Villalobos started hitting each other.<sup>[6]</sup>

Fresado, together with some barangay members who arrived, tried to break up the fight. When Lorna and Villalobos were pacified, they were told to go home. Lorna walked toward Delpan Bridge, as she lived underneath it.<sup>[7]</sup>

Moments later, a cousin of Villalobos, Peter, approached Fresado and asked for help, saying he saw Villalobos following Lorna to Delpan Bridge. Fresado, Dondon, and Jocson ran toward the bridge where, upon reaching San Simon Street, they saw Arsenio Cahilig (Cahilig) talking to Villalobos and convincing him to go home.<sup>[8]</sup>

However, while the two were talking, Antonio, Lorna's brother, suddenly sidled up beside them, placed his arm around Villalobos' shoulders, and then stabbed him several times with a foot-long knife.<sup>[9]</sup> Villalobos was able to break free from Antonio, but Lorna stepped in and repeatedly punched him. Her husband Rey joined in, hacking Villalobos' arm with a butcher's knife. <sup>[10]</sup>

Jocson ran toward the barangay to ask for help. Meanwhile, Fresado ran back to the store, where he took his bag and met with his wife. They went straight home. The following day, Fresado's wife informed him that Villalobos had died. He attended Villalobos' wake three (3) days later.<sup>[11]</sup>

Ligaya, Villalobos' mother, testified that she spent around P70,000.00 for her son's embalming and burial expenses. However, she could not present the receipts for her expenses.<sup>[12]</sup> Dr. Salen, who conducted the postmortem examination, testified that Villalobos sustained five (5) stab wounds, with three (3) fatal stab wounds that pierced his lungs and heart. Dr. Salen also testified that Villalobos had s which could have been caused by a fistfight. Villalobos' death certificate stated the cause of his death as "multiple stab wounds of the body."<sup>[13]</sup>

The defense, for its part, presented Antonio as its sole witness.<sup>[14]</sup>

Antonio testified that on August 15, 2006, at about 3:00 a.m., he was with Lorna, buying bread at a bakery on Delpan Street, while Villalobos was drinking nearby with friends. Out of nowhere, Villalobos suddenly grabbed Lorna's cellphone. Villalobos and his drinking companions then ganged up on Lorna and beat her up.<sup>[15]</sup>

When Antonio pleaded with the men to stop hurting his sister, Villalobos turned on him instead. As his companions held Lorna, Villalobos drew out a knife and lunged at Antonio. Antonio managed to evade this first attack. The second time Villalobos tried to stab him, Antonio was able to wrestle the knife away and then use it to stab Villalobos several times, losing count of how many stabs he had inflicted on him. When Antonio fled the scene, he tried to look for his sister, but he could not find her.<sup>[16]</sup>

Antonio admitted killing Villalobos but claimed that he only did it to defend himself and his sister. Nonetheless, he denied killing Cahilig.<sup>[17]</sup>

In a March 4, 2014 Decision,<sup>[18]</sup> the Regional Trial Court acquitted Antonio of the charge of frustrated murder, but convicted him of murder.

The Regional Trial Court stated that Antonio's admission of self-defense shifted the burden of proof from the prosecution to the defense. It then stressed that Antonio's testimony of self-defense was replete with inconsistencies, as his statements varied over who actually mauled his sister and who originally had the knife he eventually used to stab Villalobos. It likewise gave weight to Fresado's eyewitness testimony that Villalobos did not expect to be stabbed by Antonio.<sup>[19]</sup>

The Regional Trial Court further appreciated both the aggravating circumstances of treachery and evident premeditation in the killing of Villalobos, qualifying Antonio's offense to murder.<sup>[20]</sup>

Meanwhile, in acquitting Antonio of frustrated murder, the Regional Trial Court found Fresado's testimony missing as to who had stabbed Cahilig. It pointed out that the prosecution failed to present any testimony as to Cahilig's stabbing.<sup>[21]</sup>

The dispositive portion of the Regional Trial Court Decision read:

**WHEREFORE**, in Criminal Case No. 06-246309, for failure of the prosecution to prove his guilt for the crime of Frustrated Murder, accused GREG ANTONIO y PABLEO @ TOKMOL is hereby **ACQUITTED**.

In Criminal Case No. 06-246310, the Court finds accused GREG ANTONIO y PABLEO @ TOKMOL **GUILTY** beyond reasonable doubt of the crime of Murder as defined and penalized under Article 248 of the Revised Penal Code. He is hereby sentenced to suffer the penalty of *reclusion perpetua*. Furthermore, accused is ordered to pay the heirs of deceased Arturo Villalobos the sum of P75,000.00 as civil indemnity, P50,000.00 as moral damages, and P30,000.00 as exemplary damages.

**SO ORDERED.**<sup>[22]</sup> (Emphasis in the original)

Antonio filed a Notice of Appeal,<sup>[23]</sup> to which the Regional Trial Court gave due course.<sup>[24]</sup>

Antonio's appeal,<sup>[25]</sup> however, was denied by the Court of Appeals in its February 18, 2016 Decision.<sup>[26]</sup> The Court of Appeals gave much weight to Fresado's eyewitness testimony over Antonio's self-serving and uncorroborated version of the facts.<sup>[27]</sup> It also found that treachery attended Villalobos' killing, elevating the offense to murder.<sup>[28]</sup>

Nonetheless, the Court of Appeals disagreed with the Regional Trial Court that evident premeditation attended Villalobos' killing. It found that the prosecution failed to present proof that there was an actual plan to kill Villalobos.<sup>[29]</sup>

The dispositive portion of the Court of Appeals Decision read:

**WHEREFORE**, premises considered, the instant appeal is hereby **DENIED**.

The *04 March 2014 Decision* of Branch 25, Regional Trial Court of Manila in Criminal Case No. 06-246310 is hereby **AFFIRMED** subject to the following **MODIFICATIONS**:

- (1) Accused-appellant Greg Antonio y Pableo is guilty beyond reasonable doubt for the crime of murder qualified by treachery; and
- (2) The award of moral damages is increased to Php75,000.00.

No pronouncement as to costs.

**SO ORDERED.**<sup>[30]</sup> (Emphasis in the original)

Antonio filed a Notice of Appeal.<sup>[31]</sup> The Court of Appeals, having given due course<sup>[32]</sup> to the appeal, elevated<sup>[33]</sup> the case records to this Court.

Accused-appellant and plaintiff-appellee People of the Philippines were directed<sup>[34]</sup> to file their respective supplemental briefs. However, they each manifested<sup>[35]</sup> that they would instead be adopting the Briefs they had filed before the Court of Appeals.

In his Brief,<sup>[36]</sup> accused-appellant insists that the Regional Trial Court erred in failing to appreciate in his favor the justifying circumstances of self-defense and defense of a relative. He avers that he was able to prove that Villalobos and his cohorts were beating up his sister, without any provocation from her, prompting him to rush to her aid and defend her.<sup>[37]</sup>

Additionally, accused-appellant maintains that the Regional Trial Court erred in appreciating treachery as an aggravating circumstance. He insists that Fresado's testimony lacked sufficient detail to conclusively show that the mode and manner of attack was adapted to render Villalobos defenseless. He also points out that the

evidence failed to show that Villalobos was stabbed from behind, or that he was helpless when he was attacked.<sup>[38]</sup>

On the other hand, plaintiff-appellee underscores in its Brief<sup>[39]</sup> that accused-appellant failed to prove all the requisites of self-defense and defense of a relative.<sup>[40]</sup>

Plaintiff-appellee also adds that the Regional Trial Court rightly appreciated the aggravating circumstance of treachery. It maintains that Fresado's testimony showed how the suddenness of the attack ensured the victim's killing: accused-appellant surprised Villalobos when he grabbed his shoulders to prevent retaliation or defense, and thereafter repeatedly stabbing him.<sup>[41]</sup>

The sole issue for this Court's resolution is whether or not the Court of Appeals erred in finding accused-appellant Greg Antonio y Pableo @ Tokmol guilty beyond reasonable doubt of murder.

## I

Accused-appellant's defense centers on his claim of self-defense and defense of his sister, invoking the first and second justifying circumstances under Article 11 of the Revised Penal Code:

ARTICLE 11. Justifying Circumstances. — The following do not incur any criminal liability:

1. Anyone who acts in defense of his person or rights, provided that the following circumstances concur:

First. Unlawful aggression;

Second. Reasonable necessity of the means employed to prevent or repel it;

Third. Lack of sufficient provocation on the part of the person defending himself.

2. Anyone who acts in defense of the person or rights of his spouse, ascendants, descendants, or legitimate, natural or adopted brothers or sisters, or of his relatives by affinity in the same degrees, and those by consanguinity within the fourth civil degree, provided that the first and second requisites prescribed in the next preceding circumstance are present, and the further requisite, in case the provocation was given by the person attacked, that the one making defense had no part therein.

An admission of self-defense or defense of a relative frees the prosecution from the burden of proving that the accused committed the act charged against him or her. The burden is shifted to the accused to prove that his or her act was justified:

It is settled that when an accused admits [harming] the victim but invokes self-defense to escape criminal liability, the accused assumes the burden to establish his plea by credible, clear and convincing evidence; otherwise, conviction would follow from his admission that he [harmed] the victim. Self-defense cannot be justifiably appreciated when uncorroborated by independent and competent evidence or when it is extremely doubtful by itself. Indeed, in invoking self-defense, the burden