

SECOND DIVISION

[G.R. No. 238171, June 19, 2019]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ARNALDO ENRIQUEZ, JR., ACCUSED-APPELLANT.**

DECISION

CAGUIOA, J:

Before the Court is an appeal^[1] filed under Section 13(c), Rule 124 of the Rules of Court from the Decision^[2] dated November 9, 2017 of the Court of Appeals (CA) in CA-G.R. CR HC No. 08261, which affirmed the Decision^[3] 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 Arnalda 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 DFLA CRUZ by then and there stabbing the latter with a bladed weapon on the neck, thorax and different parts of his body, thereby 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 Karingat.^[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 Decision^[7] 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 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 Decision^[13] 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]

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]