

SECOND DIVISION

[G.R. No. 227013, June 17, 2019]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. ARIES REYES Y HILARIO, ARGIE REYES Y HILARIO, ARTHUR HILARIO, AND DEMETRIO SAHAGUN Y MANALILI, ACCUSED, ARIES REYES Y HILARIO AND DEMETRIO SAHAGUN Y MANALILI, ACCUSED-APPELLANTS.

D E C I S I O N

LAZARO-JAVIER, J.:

The Case

This appeal^[1] seeks to reverse and set aside the Decision^[2] dated March 10, 2016 of the Court of Appeals in CA G.R. CR-HC No. 07105 entitled "The People of the Philippines, Plaintiff-Appellee, versus Aries Reyes y Hilario, Argie Reyes y Hilario, Arthur Hilario, and Demetrio Sahagun y Manalili, Accused, Aries Reyes y Hilario and Demetrio Sahagun y Manalili, Accused-Appellants," for murder. Its dispositive portion reads:

WHEREFORE, the instant appeal is **DENIED**. The Decision dated August 27, 2014 of the Manila Regional Trial Court, Branch 3, in Criminal Case No. 08-259395 is hereby **AFFIRMED WITH MODIFICATIONS**, in that, the accused-appellants Aries H. Reyes and Demetrio M. Sahagun are found guilty beyond reasonable doubt of the crime of Murder, qualified by treachery. The payment for actual damages representing medical, funeral and burial expenses is reduced to **Php28,266.15**; moral damages is increased to **P75,000.00**; and exemplary damages is reduced to **P30,000.00**. All damages awarded shall likewise earn interest at the rate of **six percent (6%) per annum** from date of finality of this Decision until full payment thereof.

All other aspects of the assailed Decision STAND.

SO ORDERED.^[3] (Emphasis in the original)

The Charge

By Information^[4] dated November 28, 2007, Aries Reyes y Hilario and Demetrio Sahagun y Manalili, together with Argie Reyes y Hilario and Arthur Hilario were charged with murder for the death of Jun Balmores, viz:

That on or about August 5, 2007, in the City of Manila, Philippines, the said accused, conspiring and confederating together and helping one another, did then and there willfully, unlawfully and feloniously, with intent to kill and with treachery and with abuse of superior strength and evident premeditation, attack, assault and use personal violence upon

the person of one JUN BALMORES Y ATUN, by then and there stabbing the latter on his right arm, hitting him with a plastic chair and a broom and stabbing him on his back, thereby inflicting upon the said JUN BALMORES Y ATUN stab wounds which were the direct and immediate cause of his death thereafter.

Contrary to law.

Arraignment and Plea

On arraignment, Aries Reyes and Demetrio Sahagun pleaded "not guilty."^[5] Their co-accused Argie Reyes and Arthur Hilario have remained at large.

During the trial, Catherine Balmores, Jonalyn Balmores, Fernando S. Dela Cruz, Mary Ann B. Nuñez, Dr. Bienvenido G. Torres and PO2 Joseph Y. Kabigting testified for the prosecution. On the other hand, appellants Aries Reyes and Demetrio Sahagun, Rizalinda Hilario, Jonjon De Leon and Rosalina Reyes testified for the defense.

The Prosecution's Version

The victim Jun Balmores, appellants Demetrio Sahagun and Aries Reyes, and accused Argie Reyes and Arthur Hilario were all vendors who sold their wares along the stretch of Hidalgo Street, Quiapo, Manila. On August 5, 2007, the police apprehended the illegal vendors in the area. Jun asked brothers Aries and Argie Reyes to allow his mother to leave her wares and vegetables in their stall. But the Reyes brothers refused. An argument then ensued between them and Jun.^[6]

In the late afternoon, Jun and his wife Catherine packed up their wares and prepared to go home. But before leaving the area, Jun went back to Hidalgo Street for the shoulder bag he left earlier.^[7]

When Aries, Demetrio, Arthur, and Argie saw Jun, they pursued him. As Jun tried to run away, Demetrio hit him with a plastic chair in the head, causing the former to fall to the ground. Arthur and Aries then alternately hit him with broomsticks. Jun, nonetheless, managed to get back on his feet and run toward Villalobos Street. But when he reached the corner of Villalobos Street, Argie was there waiting. Argie stabbed Jun in the left side of his body. Though wounded, Jun did not stop running. Shortly after, Argie caught up with him and stabbed him a second time, hitting him in the arm. Jun fell anew. Meantime, Arthur and Aries arrived. Before they could further hit Jun, Catherine stepped in and begged them to stop. The two desisted, albeit Arthur uttered "*Putang inang yan eh!*".^[8]

Jun got rushed to the hospital where he was declared dead on arrival.^[9] The Medical and Autopsy Report^[10] revealed he died of "hypovolemic shock secondary to stab wound of the trunk."

The prosecution offered the following exhibits: Medical/Autopsy Report^[11] (Exhibit "A"), Certificate of Death^[12] (Exhibit "B"), Handwritten Statement^[13] dated August 14, 2007 of Catherine Balmores (Exhibit "C"), Sworn Statement^[14] dated August 6, 2007 of Catherine Balmores (Exhibit "D"), Summary of Expenses^[15] (Exhibit "E"), Funeral and Burial receipts^[16] (Exhibit "F"), Receipts of medical and hospitalization

expenses^[17] (Exhibit "G"), Sworn Statement of Jonalyn Balmores^[18] (Exhibit "H"), Sketch of the place of the incident^[19] (Exhibit "I"), Advance Information dated August 10, 2007 prepared by PO2 Joseph Y. Kabigting^[20] (Exhibit "J"), Affidavit of Fernando Dela Cruz^[21] (Exhibit "K"), Medical Report^[22] (Exhibit "L"), Medico Legal Form^[23] (Exhibit "M"), Certificate of Death of Jun Balmores^[24] (Exhibit "N"), and Sworn Statement of Mary Ann Nuñez^[25] (Exhibit "O").

The Defense's Version

Appellants told a different story. According to them, when the stabbing incident took place, they were playing "*pusoy*" inside the Picache Building. The victim came and got into a heated argument with Argie. Jun brandished a small knife at Argie. They grappled for the knife until Argie succeeded in wresting it from Jun. The latter retreated but Argie gave chase. Argie caught up with and stabbed Jun. After Jun fell to the ground, Argie ran away. The incident had already ended when Aries, Demetrio, and Arthur arrived.^[26]

Before the incident, Rosalina Reyes, mother of the Reyes brothers, received threats from Jun's brothers regarding a space she bought from Demetrio.^[27]

The defense did not present any documentary evidence.

The Trial Court's Ruling

By Decision^[28] dated August 27, 2014, the trial court found appellants guilty of murder, viz:

WHEREFORE, the prosecution having established the guilt of accused Aries Reyes y Hilario and Demetrio Sahagun y Manalili beyond reasonable doubt, this Court finds both guilty of the crime of Murder, qualified by abuse of superior strength and aggravated by treachery, thereby sentencing them the penalty of reclusion perpetua, without eligibility for parole, and all its accessory penalties.

Considering that they are detention prisoners, the period of their detention must be credited in the service of their sentence.

Further, they are held solidarity liable to pay the heirs of the victim, Jun Balmores y Atun, the following amounts:

- (1) P75,000.00 as civil indemnity;
- (2) P32,799.65 as medical, funeral and burial expenses;
- (3) P500,000.00 as temperate damages, in lieu of loss of earning capacity;
- (4) P50,000.00 as moral damages; and
- (5) P35,000.00 by way of exemplary damages.

SO ORDERED.^[29]

The Proceedings before the Court of Appeals

On appeal, appellants faulted the trial court for: (1) convicting them of murder despite the prosecution's alleged failure to prove with moral certainty their

complicity and conspiracy; (2) appreciating treachery and abuse of superior strength despite the clear evidence on record that Jun and the Reyes brothers had a misunderstanding prior to the stabbing incident; and (3) disregarding their defense of denial.

On the other hand, the Office of the Solicitor General (OSG) through Assistant Solicitor General Ellaine Rose A. Sanchez-Corro and State Solicitor Lucy L. Butler-Torres maintained that the prosecution was able to sufficiently prove that appellants and their co-accused conspired in killing the victim with treachery and abuse of superior strength.

The Court of Appeals' Ruling

In its assailed Decision^[30] dated March 10, 2016, the Court of Appeals affirmed, with modification. It found that treachery attended the killing. As for abuse of superior strength, it ruled that the same was deemed absorbed in treachery. It further reduced the awards of actual and exemplary damages to P28,266.15 and P30,000.00, respectively; increased the award of moral damages to P75,000.00; and imposed six percent interest per annum on these amounts, from finality of the decision until fully paid.

The Present Appeal

Appellants now seek affirmative relief from the Court and pray anew for a verdict of acquittal. In compliance with Resolution dated November 14, 2016, both appellants and the People manifested^[31] that, in lieu of supplemental briefs, they were adopting their respective briefs filed before the Court of Appeals.

Issue

Did the Court of Appeals err in affirming appellants' conviction for murder?

Ruling

Murder requires the following elements: (1) a person was killed; (2) the accused killed him or her; (3) the killing was attended by any of the qualifying circumstances mentioned in Article 248^[32] of the Revised Penal Code; and (4) the killing is not parricide or infanticide.^[33]

The first and fourth elements - A person was killed and the killing is not parricide or infanticide

The presence of the first and fourth elements was undisputed. Jun Balmores was killed and the killing is not parricide or infanticide.

The second element - the accused killed the victim

Appellants assert they did not kill the victim. They point to Argie as the only one who stabbed the victim to death.

Fernando dela Cruz, a vendor in the area, testified in detail how appellants and their co-accused Argie Reyes and Arthur Hilario acted together in pursuing, hitting, and

stabbing Jun Balmores to death, thus:

xxx xxx xxx

Q. While you were there in that place vending, was there any unusual incident that you can recall that happened?

A. I was shocked, sir because I saw them running after the other, sir.

Q. Who did you see running after the other?

A. I saw Pareng Demet, Aries, and Atoy, sir.

Q. And who was the person they are running after?

A. Jun Balmores, sir.

x x x x

Q. And what happened when you see these persons running after Jun Balmores?

A. Someone hit Jun Balmores with a chair, sir.

Q. Who hit Jun Balmores with a chair?

A. It was Demet, sir, Demetrio.

x x x x

Q. What happened to the man after he was hit with the chair by Demetrio Sahagun?

A. He fell on the ground, sir.

Q. And when Jun-Jun fell on the ground what happened next?

A. He was hit repeatedly, sir with a broom stick.

Q. Who hit Jun-Jun with a broom stick?

A. It was Aries and Atoy, sir.

Q. Now, after that what happened next?

A. Jun had the opportunity to run away, sir and the two were still after him.

Q. Who ran after Jun-Jun after he was hit by (a) broom stick? Who again hit Jun-Jun with broom stick?

A. It was Aries and Atoy, sir.

x x x x

Q. So, after he was hit by broom stick by Atoy and Aries Reyes,