

THIRD DIVISION

[G.R. No. 217974, March 05, 2018]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V.
RESURRECION JUANILLO MANZANO, JR. AND REZOR JUANILLO
MANZANO, ACCUSED, REZOR JUANILLO MANZANO, ACCUSED-
APPELLANT.**

DECISION

MARTIRES, J.:

This resolves the appeal of accused-appellant Rezor Juanillo Manzano (*accused-appellant*) from the 29 October 2014 Decision^[1] of the Court of Appeals (CA), Twentieth Division in CA-G.R. CR-HC No. 01473 affirming *in toto* the 17 April 2012 Decision^[2] of the Regional Trial Court (RTC), Branch 12, San Jose, Antique, finding him guilty beyond reasonable doubt of Murder under Article (Art.) 248 of the Revised Penal Code (RPC).

THE FACTS

The accused-appellant and his elder brother Resurrecion Manzano (*Resurrecion*) were charged with murder before the RTC of San Jose, Antique, in an Information^[3] docketed as Crim. Case No. 10-07-8009, the accusatory portion of which reads:

That on or about the 19th day of March 2010, in the Municipality of Hamtic, Province of Antique, Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being then armed with knives, conspiring, confederating, and mutually helping one another, with intent to kill, did then and there, willfully, unlawfully, and feloniously attack, assault, and stab with said knives one Lucio Silava, thereby inflicting upon the latter wounds on his body which caused his instantaneous death.

With qualifying circumstance of treachery and abuse of superior strength.

Contrary to the provisions of Article 248 of the Revised Penal Code, as amended.

The parties agreed to have an inverted trial after the accused-appellant who, pleading not guilty during the arraignment, raised the justifying circumstance of self-defense. Resurrecion remained at large.

To prove his claim of self-defense, the accused-appellant himself testified. SPO2 Roberto Javier (*SPO2 Javier*) of the Hamtic police office took the witness stand to prove that the accused-appellant voluntarily surrendered.

The prosecution tried to prove its case against the accused-appellant by calling to the witness stand Dr. Ma. Eva D. Pacificador (*Dr. Pacificador*), Victoria N. Silava

(*Victoria*), Atty. Rean S. Sy (*Atty. Sy*), and Luisa P. Monteclaro (*Luisa*).

Version of the Defense

At about 9:30 p.m. on 19 March 2010, while the accused-appellant was home sitting by the window, he saw Lucio Silava (*Lucio*) throwing stones at his house. The electric lamppost was lighted, thus, the accused-appellant, who was then eighteen years old, was sure that it was Lucio.^[4]

The accused-appellant immediately went out to inquire from Lucio why he was throwing stones at his house but Lucio threw a stone at him that hit his right knee and caused him to fall down. Lucio rushed towards the accused-appellant to stab him with a knife but was unsuccessful as they grappled for its possession. It was at that instance that the accused-appellant called out to Resurrecion, who was home that time, to run away so that he would not be involved. Because Lucio was very drunk, the accused-appellant was able to take hold of the knife, but blacked out and started stabbing Lucio. Thereafter, the accused-appellant ran away and proceeded to the house of Reno Manzano (*Reno*), an elder brother, at Barangay San Angel, San Jose, Antique, where he also met Resurrecion. The following day, the accused-appellant surrendered to the police authorities.^[5]

The accused-appellant had known Lucio for eight years already since the latter's house was in front of his house and were separated only by the road. Accused-appellant was as tall as Lucio but the latter had a bigger body build. Resurrecion had a dislocated right shoulder and a smaller build than that of Lucio and the accused-appellant.^[6]

Version of the Prosecution

At about 9:00 p.m. on 19 March 2010, the spouses Lucio and Victoria were inside their store fronting the accused-appellant's house. Lucio was having his dinner at the kitchen inside the store while Victoria was watching the store when the accused-appellant and Resurrecion called out from the gate saying that they would buy cigarettes. Because the gate leading to the store was already closed, Lucio told the accused-appellant and Resurrecion to come in.^[7]

Resurrecion stood outside the store and told Victoria that he wanted to buy Fortune white cigarettes and handed her P20.00. The accused-appellant entered the store and proceeded to where Lucio was having dinner. After realizing that she had no more stock of the Fortune white cigarette, Victoria told Resurrecion who, in reply, said that he would no longer buy cigarettes and then proceeded towards the kitchen. Thereafter, Victoria heard Lucio ask, "What wrong have I committed?" Victoria rushed to the kitchen and there saw Lucio bloodied and leaning on the door, while the accused-appellant and Resurrecion were stabbing him.^[8]

Victoria went out of the store shouting for help and saying that the accused-appellant and Resurrecion were stabbing Lucio. When Victoria went back inside, she saw Lucio run outside the store but still within the fenced premises, and the accused-appellant and Resurrecion were going after him. From where she stood, Victoria saw Resurrecion hold Lucio's hands while the accused-appellant, who was positioned behind Lucio, held Lucio's body with one arm while with his other hand stabbed Lucio's back. When Resurrecion released his grip on Lucio, the latter fell face down but the accused-appellant and Resurrecion continued to stab him causing

Victoria to utter, "I will let you eat the whole body of my husband alive." The accused-appellant and Resurrecion thereafter ran towards the direction of the farm.
[9]

Lucio was brought to the hospital but Victoria had to stay behind to find money for his medical expenses. On her way to the hospital, Victoria was informed that Lucio had died. Luisa, a cousin of Lucio, took pictures of the dead body. Victoria had the pictures^[10] developed and secured Lucio's death certificate.^[11] Victoria incurred a total of P15,000.00^[12] for the funeral expenses.^[13]

On 23 March 2010, Dr. Pacificador conducted a postmortem examination on the body of Lucio, the results of which follow:

Left Anterior Thorax

Stab Wound # 1 - Horizontal in direction about 3 cm in length located at the left anterior chest below the left clavicle penetrating the upper lobe of the left lung and aorta.

Stab Wound # 2 - Vertical in direction about 3 cm in length located below wound #1 resulting into fracture of 3rd rib.

Right Anterior Thorax

Stab Wound # 3 - Vertical in direction about 2 cm in length on the left shoulder, non-penetrating.

Stab Wound # 4 - Vertical in direction about 4.5 cm in length located below right clavicle penetrating the upper lobe of the right lung.

Stab Wound # 5 - Vertical in direction about 4 cm in length below the sternum penetrating the liver.

Stab Wound # 6 - Vertical in direction about 4.5 cm in length about 3 cm below wound # 5 penetrating the liver.

Stab Wound # 7 - Vertical in direction about 1.5 cm in length below wound # 6 non-penetrating.

Extremities

Stab Wound # 8 - Vertical in direction about 3.5 cm in length located on the left upper arm going through the axilla.

Stab Wound # 9- Horizontal in direction about 2.5 cm in length on the left lower arm below the left antecubital fossa, non-penetrating.

Stab Wound# 10- Horizontal in direction about 3 cm in length just below wound # 9 left lower arm.

Stab Wound# 11 -Horizontal in direction about 2 cm in length located below left wrist, non-penetrating.

Posterior Thorax

Stab Wound # 12- Vertical in direction about 2.5 cm in length just below the neck in between scapula, non-penetrating.

Stab Wound# 13- Vertical in direction about 5 cm in length just below wound # 12, non-penetrating.

Stab Wound # 14 - Vertical in direction about 2 cm in length below wound # 13, non-penetrating.

Stab Wound # 15- Horizontal in direction about 1.5 cm in length on the right lumbar area, non-penetrating.

Cause of death:

Hypovolemic Shock secondary to Hemorrhage secondary to Multiple Stab Wounds.^[14]

It was a week after the stabbing incident that Atty. Sy took pictures^[15] of the place where Lucio was attacked. He saw splatters of dried blood inside the store and within the fenced perimeter enclosing the crime scene.^[16]

The Ruling of the RTC

According to the RTC, a careful and deeper examination of the facts and circumstances tend to contradict the accused-appellant's version of the incident and his claim that he acted in self-defense. In so ruling, the RTC considered the following: that if there was no intention on the part of the accused-appellant and Resurrecion to kill Lucio, they could have easily overpowered him because he was very drunk at that time; it was not convinced that Lucio hit the accused-appellant on his right knee causing him to fall since the latter failed to present a medical certificate notwithstanding his contention that he was brought by a police officer to a doctor for his knee injury; it was not satisfied with the accused-appellant's version that after he fell down, Lucio held his neck and stabbed him because not once was the accused-appellant hit; the number of stab wounds sustained by Lucio negates self-defense; the serious injuries sustained by Lucio demonstrate the accused-appellant's intent to kill; the splattered blood inside the store and on the bamboo slats serving as wall of the kitchen are proofs that the incident started at the kitchen of Lucio's store and continued outside but still within the fenced perimeter; that when the accused-appellant blacked out, he was still able to shout at Resurrecion to run away so as not to be involved in the incident; the portrayal on how the accused-appellant singlehandedly stabbed Lucio was not worthy of credence; the claim of the accused-appellant that he hit Lucio frontally was denied by the postmortem examination results; the only plausible explanation for Lucio's back injuries was that these were inflicted by either the accused-appellant or Resurrecion or by both of them; and the accused-appellant had not assailed or contradicted, by testimonial or documentary evidence, the truthfulness and trustworthiness of Victoria's testimony.^[17]

On the one hand, the RTC found that the accused-appellant and Resurrecion conspired as shown by their concerted action of surprising Lucio in the kitchen and, without justifiable reason, helping each other assault their victim. Moreover, the RTC ruled that the commission of the felony was attended by the aggravating circumstance of nocturnity which facilitated the assailants' escape. According to the

RTC, it was unfortunate that this circumstance was not properly appreciated as this was not alleged in the information.^[18]

The RTC, however, was not convinced that the accused-appellant voluntarily surrendered considering the following reasons: he fled from the locus criminis and proceeded to Reno's house in San Jose instead of going to the Hamtic police station; he did not surrender to the San Jose police; and it was Reno who informed the Hamtic police station of the accused-appellant's presence in San Jose, thus, the policemen proceeded to Reno's house and took custody of the accused-appellant.

The dispositive portion of the RTC decision reads:

PREMISES CONSIDERED, judgment is hereby rendered **convicting** accused **REZOR MANZANO y JUANILLO**, beyond reasonable doubt, of Murder under Art. 248 of the Revised Penal Code. Accordingly, he is hereby sentenced to suffer the penalty of **reclusion perpetua**.

He is also ordered to indemnify the legal heirs of Lucio Silava the amount of P75,000.00 for the death of the said victim and to pay the said legal heirs actual expenses in the amount of P15,000.00 as well as moral damages amounting to P25,000.00 and to pay the costs.

SO ORDERED.^[19]

Feeling aggrieved with the decision of the RTC, the accused-appellant appealed before the CA.

The Ruling of the CA

The CA noted the absence of unlawful aggression on the part of Lucio which made the claim of self-defense unavailable. According to the CA, the accused-appellant must rely on the strength of his evidence and not on the weakness of the prosecution's evidence since he had admitted that he killed Lucio. The CA held that there was no proof that the RTC failed to appreciate facts and circumstances which would have merited the accused-appellant's acquittal.^[20]

The CA sustained the ruling of the RTC that treachery and abuse of superior strength attended the killing of Lucio, and that the accused appellant had not voluntarily surrendered to the police authorities.^[21]

In view of its findings, the CA affirmed *in toto* the decision of the RTC, thus:

WHEREFORE, the appeal is hereby DENIED. The Decision dated March 20, 2012 of the RTC, Branch 12, San Jose, Antique in Criminal Case No. 10-07-8009 is hereby AFFIRMED *in toto*.

SO ORDERED.^[22]

ISSUES

I

THE TRIAL COURT ERRED IN GIVING CREDENCE TO THE INCONSISTENT AND IMPROBABLE TESTIMONY OF VICTORIA SILAVA.