

SECOND DIVISION

[G.R. No. 207389, February 17, 2016]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
FEDERICO DE LA CRUZ Y SANTOS, ACCUSED-APPELLANT.**

D E C I S I O N

DEL CASTILLO, J.:

This is an appeal from the September 24, 2012 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 04645. The CA Decision affirmed with modification the August 2, 2010 Decision^[2] of the Regional Trial Court (RTC) of Manila, Branch 41, in Criminal Case No. 02-206926 finding the appellant Federico De La Cruz y Santos guilty beyond reasonable doubt of the crime of Murder and sentencing him to suffer the penalty *reclusion perpetua*.

Proceedings before the Regional Trial Court

Before the RTC of Manila, Branch 41, appellant was charged with Murder for stabbing Corazon Claudio y Nadera (Corazon) to death on March 27, 2002. The Information states:

That on or about March 27, 2002, in the City of Manila, Philippines, the said accused, did then and there [willfully], unlawfully and feloniously, with intent to kill and with evident premeditation and treachery, attack, assault and use personal violence upon one Corazon Claudio y Nadera by then and there stabbing the latter with a knife on the different parts of her body, thereby inflicting upon the said Corazon Claudio y Nadera mortal stab wounds which were the direct and immediate cause of her death.

Contrary to law.^[3]

Arraigned thereon the said appellant entered a negative plea. After a pre-trial conference, trial on the merits ensued.

Version of the Prosecution

The prosecution presented the following witnesses: Joan De Leon Sabilano (Joan), SPO1 Paul Dennis Javier (SPO1 Javier), Dr. Romeo T. Salen (Dr. Salen), Carmelita Ongoco (Carmelita), and Lourdes Evangelista (Lourdes). Their collective testimonies tended to establish these facts -

In the early morning of March 27, 2002, while Corazon and her live-in partner Joan

were having breakfast inside their room in a rented apartment at No. 187 Pedro Alfonso Balasan Street, Balut, Tondo, Manila, appellant suddenly barged into the room and pulled out a *balisong* (fan knife). Without warning, he grabbed Corazon by her neck and stabbed her in the back, causing her to fall down on the bed.^[4] Although she had fallen down on the bed, appellant continued to stab Corazon on the left side of her body, and near her heart.

Joan tried to stop appellant from further hurting Corazon. She placed her right hand between the two and screamed, "*Tama na, Tama na!*"^[5] But Joan's attempt to stop appellant did not work. While trying to stop appellant's attacks, Joan's fingers on her right hand were sliced by appellant's *balisong*. After stabbing Corazon, appellant fled the crime scene. Joan ran outside and called for help. Corazon was brought to the Tondo Medical Center but she was declared dead on arrival.

Joan testified that even before the stabbing incident, she was already familiar with appellant; that two weeks before the stabbing incident, the now deceased Corazon told her (Joan) that appellant had threatened to kill her (Corazon) because he suspected that she (Corazon) was having an affair with his wife, a teacher at the T. Paez Elementary School where Corazon also worked as a janitress. According to Joan, Corazon was a lesbian.^[6]

SPO1 Javier, an investigator assigned at the Homicide Section of the Western (Manila) Police District, testified that on March 27, 2002, he received a phone call from Kiddie Quiling, a security guard of the Tondo General Hospital, who informed him that a dead-on-arrival victim of stab wounds had been brought there. He proceeded to the hospital and took pictures of Corazon's body which sustained multiple stab wounds.

From the Tondo General Hospital, SPO1 Javier proceeded to the crime scene. He testified that the room that greeted his eyes was in disarray, with fresh blood stains all over the place, especially "on the cemented flooring." This, to him, indicated that there had been some kind of fight or struggle.^[7] He recovered a cellphone at the crime scene, which was identified by the wife of the appellant as belonging to the latter. SPO1 Javier thereafter filed a report on the stabbing incident.

Dr. Salen, the medico-legal officer who conducted the postmortem examination and autopsy on the body of Corazon, testified that the victim sustained four stab wounds caused by a sharp-bladed instrument; two stab wounds were in Corazon's front and two at her back. Dr. Salen averred that the stab wounds at the back were superficial, whereas the stab wounds in front were fatal as these pierced Corazon's heart, lungs, and large intestines.

The prosecution also presented Carmelita, sister of Corazon, to prove the expenses incurred by Corazon's heirs. The defense stipulated that on the occasion of Corazon's death, her heirs incurred actual damages in the amount of P74,800.00. The defense also stipulated that at the time of her death, Corazon was receiving a monthly salary in the amount of P5,610.00.

The fifth witness presented by the prosecution was Lourdes, Guidance Counselor at the T. Paez Elementary School. This witness testified that a few days after Corazon was killed, appellant contacted her (Lourdes) and told her that he was angry with

his wife because he suspected her of having an affair with Corazon.^[8] This witness also testified that appellant told her that he would surrender to the proper authorities "soon."^[9] She (Lourdes) answered appellant that there was no truth to his suspicion but appellant refused to believe her.

Version of the Defense

Denying the charges against him, appellant interposed alibi as a defense. He alleged that he was in Orion, Bataan from March 26, 2002 to April 3, 2002 to attend the Holy Week *Salubong* on invitation of his co-worker Manny Alonzo.^[10] He added that he learned about the case against him only on April 11, 2002. He said that he was arrested in Lubao, Pampanga on November 8, 2005, at the instance of his wife who was furious at him when she learned that he had married another woman before he married her.

Ruling of the Regional Trial Court

On August 2, 2010 the RTC of Manila, Branch 41 rendered judgment finding appellant guilty beyond reasonable doubt of the crime of Murder as defined and penalized under Article 248 of the Revised Penal Code and accordingly sentenced him to suffer the penalty of *reclusion perpetua*. The RTC appreciated the qualifying circumstance of treachery, having found the assault against the now deceased victim sudden and unexpected, affording the latter no chance to defend herself.

Even though alleged in the Information, the RTC did not appreciate evident premeditation as an aggravating circumstance because of the prosecution's failure to show that appellant had deliberately planned Corazon's killing.

The dispositive part of the RTC's Decision reads:

WHEREFORE, the prosecution having proved the guilt of the accused FEDERICO DE LA CRUZ y SANTOS Alias "Boy," beyond reasonable doubt of the crime of Murder, the qualifying circumstance of treachery being attendant; and there being no other aggravating or mitigating circumstance, the Court hereby sentences him to suffer the penalty of RECLUSION PERPETUA, with all the accessory penalties of the law, and to indemnify the heirs of the victim the amounts of: (1) P74,800.00 as actual damages; (2) P50,000.00 as civil indemnity; (3) P25,000.00 as exemplary damages; (4) P50,000.00 as moral damages; and P721,670.00 for the unearned income of the victim.

SO ORDERED.^[11]

Ruling of the Court of Appeals

On appeal, the CA agreed with the RTC that appellant killed Corazon with treachery. The CA gave full credence to Joan's testimony: first, with respect to her positive identification of the appellant as the actual killer of Corazon; and second, as regards her narration of the mode or manner as to how the killing was done or executed. The RTC accepted her description of the *balisong* assault against Corazon that early

morning of March 27, 2002 as "sudden and unexpected" equating this with treachery, which qualified Corazon's killing as murder. The CA held that although there were some inconsistencies in Joan's testimony, these inconsistencies were however on minor details that did not at all impair her credibility.

The CA rejected appellant's denial and alibi, not only because he utterly failed to substantiate his claim that he was in Orion, Bataan on the day the crime was committed but also because he failed to prove that it was physically impossible for him to be at the crime scene when the crime was committed that early morning of March 27, 2002.

The CA decretally disposed as follows:

WHEREFORE, premises considered, the instant Appeal is hereby DENIED, The Decision dated 02 August 2010 of Branch 41, Regional Trial Court of Manila, is hereby AFFIRMED with MODIFICATION to read as follows:

WHEREFORE, the prosecution having proved the guilt of the accused FEDERICO DE LA CRUZ y SANTOS Alias "Boy," beyond reasonable doubt of the crime of Murder, the qualifying circumstance of treachery being attendant; and there being no aggravating or mitigating circumstance, the Court hereby sentences him to suffer the penalty of RECLUSION PERPETUA, with all the accessory penalties of the law, and to indemnify the heirs of the victim the amounts of: (1) P74,800.00 as actual damages; (2) P50,000.00 as civil indemnity; (3) P30,000.00 as exemplary damages; (4) P50,000.00 as moral damages; and (5) P695,415.60 [representing] the unearned income of the victim,

SO ORDERED.^[12]

Assignment of Errors

In his Appellant's Brief,^[13] appellant contends that he should have been acquitted of the indictment against him, his guilt not having been proven beyond reasonable doubt. He assails Joan's credibility and insists that the "circumstances under which she identified the [appellant] as the culprit are highly improbable and contrary to human experience;"^[14] and that Joan, the lone eyewitness to Corazon's killing, could not have correctly identified him as the author of the crime because he was not facing her (Joan) when Corazon first pointed him to Joan.

Appellant likewise contends that Joan's testimonies are at war with SPOI Javier's findings; that SPOI Javier's crime investigation report clearly showed that when he inspected the room where Corazon was killed, it was in disarray indicating that Corazon had put up some kind of fight or struggle. This, appellant says, does not square with Joan's claim that Corazon was unable to move because of the suddenness of the attack and because he had grabbed her neck before stabbing her repeatedly.