

FIRST DIVISION

[G.R. No. 194129, June 15, 2015]

**PO1 CRISPIN OCAMPO Y SANTOS, PETITIONER, VS. PEOPLE OF
THE PHILIPPINES, RESPONDENT.**

D E C I S I O N

SERENO, C.J.:

Before this Court is an appeal from the Court of Appeals (CA) Decision^[1] in CA-G.R. CR No. 30957 dated 23 April 2010 and Resolution^[2] dated 13 October 2010. The CA affirmed the Decision of the Regional Trial Court (RTC) dated 10 May 2006 in Criminal Case No. 00-183183, finding accused-appellant Police Officer 1 (PO1) Crispin Ocampo guilty beyond reasonable doubt of the crime of homicide.

On 01 June 2001, accused-appellant was charged with the crime of homicide under Article 249 of the Revised Penal Code (RPC). The Information reads:

That on or about May 27, 2000, in the City of Manila, Philippines, the accused, with intent to kill, did [then] and there wilfully, unlawfully, and feloniously attack, assault and use personal violence upon one MARIO DE LUNA y HALLARE, by then and there firing his service firearm, .9 mm Barreta Pistol with Serial No. M19498Z, hitting the said Mario De Luna y Hallare on the chest and other parts of the body thereby inflicting upon him gunshot wounds which were necessarily fatal and mortal and which were the direct and immediate cause of his death thereafter.

Contrary to law.^[3]

Upon arraignment, accused-appellant pleaded not guilty to the crime charged.^[4]

The prosecution's version of the events as narrated by the CA is as follows:

On May 27, 2000, at about seven o'clock in the evening, Mario De Luna, Emil Hipolito and Florentino Magante were having a drinking session at Mario's house located at Panday Pira Street, Tondo, Manila.

At about 8:30 in the evening, the three, together with Edwin Hipolito and Jaime Mabugat continued their drinking session at the house of Edwin, also at Panday Pira Street, Tondo, Manila. While drinking thereat, they noticed that another group, with appellant (accused-appellant), was also having a drinking session along Panday Pira Street which was about three to four arms length from Edwin's place.

Emil, Mario, Jaime and Florante joined the group in their drinking session. While drinking, appellant (accused-appellant) poked a gun at Jaime and

told him "wag kang magulo, babarilin kita." Jaime retorted, "san, bakit," and was then approached by her sister who asked him to go home to which he acceded. Thereafter, appellant (accused-appellant) called on Mario De Luna and fired several shots at him. Mario de Luna fell down to the ground. He was then immediately brought to the hospital by his mother and sister where he was pronounced dead on arrival.

Dr. Emmanuel Arenas, Medico-Legal Officer of the PNP Crime Laboratory, Camp Crame, Quezon City, conducted a post-mortem examination of the body of Mario De Luna and found that the victim died as a result of the gunshot wounds on the chest and different parts of his body.^[5]

For his part, accused-appellant admitted to having shot the victim to death, but claimed to have done so in self-defense.^[6] In support of this claim, defense witness Marita averred that the shooting incident was precipitated by the victim's unprovoked knife attack upon accused-appellant. The latter was allegedly left with no other recourse but to use his service firearm to neutralize the aggressor.^[7] As testified to by witness Marita:

On May 27, 2000, at about 10:00 p.m., she was in front of their house at 1663 Interior 24, F. Varona, Tondo, Manila, when she saw Ferdie Tapang, her nephew, and four others having a drinking spree beside a lighted electric post. Shortly thereafter, she noticed appellant (accused-appellant) pass by. Then Jaime together with Mario arrived at the scene and approached the group of Ferdie Tapang, uttering the words: "*Gusto nyo itaob ko long lamesang ito.*" Sensing trouble upon seeing two of Ferdie Tapang's drinking buddies rise from the bench where they were seated, Marita rushed to the house of appellant (accused-appellant) to ask for his help in preventing a confrontation between the two groups.

Appellant (accused-appellant) had just arrived from his duty as police officer at the Criminal Investigation and Detection Unit of the Western Police District and was changing into civilian clothes when Marita came and apprised him of the situation. Together with Marita, he proceeded to the site of the drinking spree. Noticing the group was becoming rowdy, appellant (accused-appellant) approached Mario and asked if the latter knew him. When Mario replied yes, appellant (accused-appellant) went on to tell the group to put an end to their drinking session. Mario and Jaime immediately left the scene while the others voluntarily dispersed.

Minutes later, Mario and Jaime went back to the locus. While standing beside appellant (accused-appellant), Marita heard Mario shout towards their direction the words: "*Walang pulis-pulis sa akin!*" Appellant (accused-appellant) likewise heard Mario's utterances: "*Walang pulis-pulis sa amin! Anong akala mo sa amin, basta-basta mo na lang pauwiin.*" Mario then pulled out a knife and lunged at appellant (accused-appellant) who evaded the first thrust. Mario tried to stab appellant (accused-appellant) a second time but the latter dodged the knife, drew his pistol and fired two successive shots at Mario. Appellant (accused-appellant) was leaning backwards when he fired at Mario. Fatally hit, the latter slumped to the ground.

Having immediately left the crime scene after hearing the first gunshot, Marita failed to witness what transpired thereafter.^[8]

On 28 May 2008, accused-appellant, accompanied by Police Senior Inspector (PS/Insp.) Rosauo Dalisay, arrived at the Western Police District and surrendered his service firearm.^[9]

On 10 May 2006, the RTC convicted accused-appellant of homicide. The dispositive portion of the RTC Decision reads:

WHEREFORE, premises considered, this Court finds the accused **GUILTY** of the crime of Homicide and hereby imposes upon him the penalty of six (6) years and one (1) day of *prision mayor* as minimum to twelve (12) years and one (1) day of *reclusion temporal* as maximum and to pay the heirs of Mario De Luna the amount of Php1,600,000.00 as loss of earning capacity; Php50,000.00 as civil indemnity; Php2,577.00 as hospital expenses; and Php300.00 as funeral expenses; and Php250,000 as attorney's fees.

SO ORDERED.^[10]

On appeal, the CA affirmed the conviction of accused-appellant, but modified some of the monetary damages awarded. It affirmed the P50,000 civil indemnity in favor of the victim's heirs.^[11] But instead of the actual damages in the total amount of P2,877 (P2,577 for hospital expense plus P300 for funeral expenses), temperate damages of P25,000 were awarded in their favor.^[12] The appellate court deleted the award of P1,600,000 for loss of earning capacity on the ground of lack of competent proof to substantiate the claim and reduced the attorney's fees from P250,000 to P100,000.^[13] It affirmed the factual findings of the RTC and the latter's assessment of the credibility of the witnesses.^[14] The CA likewise found that the trial court did not err in overruling accused-appellant's plea of self-defense.^[15]

Hence, this appeal.

The sole issue for resolution is whether the prosecution was able to prove accused-appellant's guilt beyond reasonable doubt.

The Court has carefully reviewed the case records and finds accused-appellant's conviction proper.

It is a well-settled doctrine that findings of trial courts on the credibility of witnesses deserve a high degree of respect.^[16] Having observed their deportment in court, the trial judge is in a better position to determine the issue of credibility.^[17] For this reason, the findings of trial judges will not be disturbed on appeal in the absence of any clear showing that they have overlooked, misunderstood or misapplied some facts or circumstances of weight and substance that could have altered the conviction of appellants.^[18] In the case at bar, the circumstances pointed out by accused-appellant are too trivial to affect the assessment and the eventual findings of the trial court that he indeed committed the crime.

The Court therefore finds that the courts *a quo* have correctly appreciated the facts. Their Decisions are fully supported by evidence on record including the transcript of stenographic notes, which are extant and complete.

We are convinced that accused-appellant is guilty of homicide. We note that he admitted to having killed the victim albeit in self-defense. The rule consistently adhered to in this jurisdiction is that when the accused admit that they are the authors of the death of the victim, and their defense is anchored on self-defense, it becomes incumbent upon them to prove the justifying circumstance to the satisfaction of the court.^[19]

Self-defense is a time-worn excuse resorted to by assailants in criminal cases.^[20] We have held in a host of instances that for self-defense to prosper, the following requisites must be met: (1) unlawful aggression on the part of the victim; (2) reasonable necessity of the means employed to prevent or repel the attack; and (3) lack of sufficient provocation on the part of the person engaged in self-defense.^[21]

In this case, accused-appellant has failed to prove by clear and convincing evidence the first element of self-defense: unlawful aggression on the part of the victim.^[22] Appellant showed no attack or assault that had placed his life in imminent or actual danger.^[23] As aptly ruled by the CA:

[A]ppellant's tale of self-defense is negated by the physical evidence, specifically the trajectory of the bullets that penetrated the victim's body. Medico-Legal Report No. W-359-2000, the autopsy report, showed that the victim sustained two gunshot wounds, one at the base of his neck and another in the chest area. In both injuries, after penetrating the victim's body, ***the bullets traveled from left side downward to the right portion of his body.*** Xxx

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The graphic representation of the travel path of the bullets from the entry to the exit points is shown in prosecution's Exhibit "B-5." On the basis of the bullet's trajectory, Dr. Aranas concluded that the shooter must have been positioned higher than the victim when the shots were fired. Thus, ***the trial court concluded that the results of the autopsy disproves appellant's claim that he fired the shots while leaning backward after the victim tried to stab him a second time.***^[24] (Emphasis supplied)

Indeed, physical evidence is a mute but eloquent manifestation of truth, and it ranks higher in our hierarchy of trustworthy evidence.^[25] In criminal cases such as murder/homicide or rape, in which the accused stand to lose their liberty if found guilty, this Court has, on many occasions, relied principally upon physical evidence in ascertaining the truth.^[26] Where the physical evidence on record runs counter to the testimonies of witnesses, the primacy of the physical evidence must be upheld.^[27]

Ineluctably, the victim in this case cannot be considered as the aggressor. For one, an eyewitness attested that accused-appellant shot the victim without any