

FIRST DIVISION

[G.R. No. 208678, June 16, 2014]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
JEFFERSON WARRINER Y NICDAO, ACCUSED-APPELLANT.**

DECISION

REYES, J.:

On appeal is the Decision^[1] dated February 24, 2012 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 04766 affirming with modification the Judgment^[2] dated November 5, 2010 of the Regional Trial Court (RTC) of Manila, Branch 17, in Criminal Case No. 07-249527 finding accused-appellant Jefferson Warriner y Nicdao (Jefferson) guilty beyond reasonable doubt of the crime of murder.

The Antecedent Facts

In January 2007, Jefferson, together with Jeffrey Warriner y Nicdao (Jeffrey) and Valentino Villaflor y Masangkay (Valentino), was charged before the RTC with the crime of murder, allegedly committed as follows:

That on or about January 5, 2007, in the City of Manila, Philippines, the said accused, conspiring and confederating together and helping each other, with intent to kill, qualified by treachery, did then and there willfully, unlawfully and feloniously attack, assault and use personal violence upon one LOU ANTHONY STA. MARIA y PAMINTUAN by shooting and hitting him on the forehead with the use of a .38 caliber revolver, thereby inflicting upon the latter gunshot wound which was the direct and immediate cause of his death thereafter.

Contrary to law.^[3]

Upon arraignment, Jefferson, duly assisted by a counsel *de oficio*, pleaded “not guilty” to the charge. After pre-trial, trial on the merits ensued.^[4]

During the trial, the prosecution presented as its witnesses Joshua Candolisas (Joshua) and Claudinick Blacer (Claudinick), friends of the victim Lou Anthony Sta. Maria (Lou Anthony), who were with the latter when he was shot during the wee hours of January 5, 2007 at the Ray Charles Bar in Remedios corner Ignacio Streets, Malate, Manila.

The prosecution witnesses claimed that some crew members of Jollibee-Harrison Plaza branch, particularly Lou Anthony, Joshua, Claudinick and a certain Jeff, Beth, Ruel, Kevin, Christian, Lloyd and Rommel, had a bonding session at the Ray Charles

Bar until the early morning of January 5, 2007. Their group stayed at the bar's patio, and had ordered almost 20 bottles of Red Horse beer. At the height of their revelry at about 2:30 a.m., Lou Anthony noticed that a group of three men from another table kept giving their group dagger looks. He then remarked to Claudinick, "*Pare, parang masama yata yung tingin nung nasa kabilang table.*"^[5] While Claudinick shrugged the matter off, Lou Anthony approached and confronted the members of the other group. By that time, Lou Anthony had taken about three bottles of beer and was already "tipsy". After Lou Anthony returned to their table, Claudinick approached the other group and apologized for his friend's actions, saying, "*pare, pasensya na kayo.*" The two members of the other group, namely, Jeffrey and Valentino, accepted the apology and said, "*okay lang, pare, okay lang.*" Jefferson, however, did not appear to take the matter lightly and retorted, "*pag-suotin mo ng helmet yan,*" referring to Lou Anthony.^[6]

At about 3:00 a.m., the group of Jefferson approached Lou Anthony's table. Jeffrey embraced Claudinick and said, "*Sige, pare, una na kami.*" Without any warning, however, Jefferson hit Lou Anthony's head with a gun, and as the latter was about to rise from his seat and face his assailant, Jefferson shot Lou Anthony in the forehead. Jefferson's group immediately fled from the crime scene. Claudinick came to the assistance of Lou Anthony, whom he and Jeff brought to the Philippine General Hospital.^[7]

The testimony for the prosecution of Dr. Roberto Rey C. San Diego of the National Bureau of Investigation (NBI) was dispensed with after the parties stipulated in court on the following matters: (1) the fact of examination of the victim on January 5, 2007 at 9:45 p.m.; and (2) the identity of the deceased.^[8] Per records, the cause of Lou Anthony's death was "Gunshot [w]ound, [h]ead, [l]eft [s]ide. One (1) metallic fragment was lodged and recovered from the body of the deceased and was submitted to NBI-Firearms Investigation Division for ballistics examination."^[9]

The witnesses for the defense were Jefferson, Jeffrey and Valentino. The defense averred that while Jefferson's group was having a drinking spree on January 5, 2007 at the Ray Charles Bar, Lou Anthony, who appeared drunk, approached them and tapped their table exclaiming, "*Tang ina nyo, bakit ang sama ng mga tingin nyo, ano ang gusto nyong mangyari?*"^[10] Their group did not mind Lou Anthony and after the latter had left, Claudinick approached their group to apologize for his friend's behavior. Jefferson allegedly replied, "*Sige, okay lang.*"^[11]

Jefferson admitted that he shot the victim, but invoked self-defense. He claimed that before his group left the bar, Valentino went to the restroom while Jeffrey went to the cashier to pay their bill. Jefferson approached the table of Lou Anthony, as he wanted to settle their earlier altercation. Lou Anthony, however, grabbed Jefferson by his collar and uttered offensive words. Alarmed, Jefferson instinctively reached for his gun and then shot Lou Anthony.^[12] He immediately left the bar, leaving behind Jeffrey and Valentino. He boarded the same passenger jeepney that Jeffrey and Valentino later also boarded.^[13]

Both Valentino and Jeffrey denied any liability for Lou Anthony's death. Valentino denied knowing who fired a gunshot at the victim because he ran away from the bar when he heard a commotion. Jeffrey, on the other hand, claimed that he failed to

hear a gunshot as he left the bar, as he was then listening to music using his earphones.^[14]

The Ruling of the RTC

On November 5, 2010, the RTC rendered its Judgment^[15] finding Jefferson guilty beyond reasonable doubt of the crime of murder. Jeffrey and Valentino, on the other hand, were acquitted by the court for lack of evidence. The dispositive portion of the judgment reads:

WHEREFORE, for the death of Lou Anthony Sta. Maria y Pamintuan, this Court finds accused **JEFFERSON WARRINER y NICDAO GUILTY** beyond reasonable doubt of the crime of *Murder* qualified by treachery.

Under Article 248 of the Revised Penal Code, as amended by Republic Act No. 7659, murder is punishable by reclusion perpetua to death. However, the imposition of the death penalty is prohibited by the 1987 Constitution (Section 19(1), Article III). Hence, the proper imposable penalty would be reclusion perpetua.

In this case, therefore, accused **JEFFERSON WARRINER y NICDAO** is meted the penalty of *reclusion perpetua*.

The preventive imprisonment said accused has undertaken shall be fully **CREDITED** to the service of his sentence.

Since the award of civil indemnity and moral damages in Murder cases require[s] no further proof other than the fact of death x x x, accused **JEFFERSON WARRINER y NICDAO** is directed to PAY the surviving heirs of the deceased Lou Anthony Sta. Maria y Pamintuan the amount of **FIFTY THOUSAND PESOS ([P]50,000.00)** as civil indemnity and **FIFTY THOUSAND PESOS ([P]50,000.00)** as moral damages.

On ground of reasonable doubt, accused JEFFREY WARRINER y NICDAO and VALENTINO VILLAFLORES y MASANGKAY are **ACQUITTED** of the crime charged.

They are ordered immediately **RELEASED** from detention unless some other cause exists with which to justify their continued custody under the law.

SO ORDERED.^[16]

Dissatisfied, Jefferson appealed his conviction to the CA, citing the alleged failure of the prosecution to prove his guilt beyond reasonable doubt.

The Ruling of the CA

On February 24, 2012, the CA rendered its Decision^[17] affirming with modification the judgment of the RTC, in that Jefferson was also declared liable for the payment

of P25,000.00 as temperate damages, P30,000.00 as exemplary damages, and interest on all damages at the legal rate of six percent (6%) *per annum*. The dispositive portion of the CA decision reads:

WHEREFORE, premises considered, the instant appeal is **DISMISSED**. The decision of the RTC of Manila, Branch 17 dated 5 November 2010 finding accused-appellant guilty of murder qualified by treachery is **AFFIRMED** with **MODIFICATION** on the award of damages. Accused-appellant is sentenced to suffer the penalty of reclusion perpetua. He is further ordered to pay the heirs of Lou Anthony Sta. Maria the amount of [P]50,000.00 as civil indemnity, [P]50,000.00 as moral damages, [P]25,000.00 as temperate damages, [P]30,000.00 as exemplary damages, and interest on all damages at the rate of 6% per annum from the finality of judgment until fully paid.

SO ORDERED.^[18]

The Present Appeal

Unyielding, Jefferson appealed his case to the Court, invoking the same grounds which he raised before the CA, viz:

I

THE COURT A QUO GRAVELY ERRED IN FINDING [JEFFERSON] GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED;

II

THE COURT A QUO GRAVELY ERRED IN CONVICTING [JEFFERSON] OF THE CRIME OF MURDER NOTWITHSTANDING THE PROSECUTION'S FAILURE TO ESTABLISH THE QUALIFYING CIRCUMSTANCE OF TREACHERY.^[19]

The Ruling of the Court

The appeal is bereft of merit.

The settled rule is that "the findings of fact of the trial court, its calibration of the testimonies of the witnesses and its assessment of the probative weight thereof, as well as its conclusions anchored on the findings are accorded high respect, if not conclusive effect. This dictum would be more true if the findings were affirmed by the CA, since it is settled that when the trial court's findings have been affirmed by the appellate court, these findings are generally binding upon this Court."^[20] "The justification for this is that [the] trial court was in the best position to assess the credibility of witnesses by virtue of its firsthand observation of the demeanor, conduct and attitude of the witnesses under grilling examination."^[21] While jurisprudence admits of exceptions to this principle, no such exception attends the