

## FIRST DIVISION

[ G.R. No. 207818, July 23, 2014 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALEX  
DE LOS SANTOS, ACCUSED-APPELLANT.**

### R E S O L U T I O N

**REYES, J.:**

For review is the Decision<sup>[1]</sup> dated September 17, 2012 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 03790 which affirmed the Judgment<sup>[2]</sup> dated January 7, 2008 of the Regional Trial Court (RTC) of Tuao, Cagayan, Branch 11, in Criminal Case No. 1165-T, convicting Alex De Los Santos (accused-appellant) of murder and sentencing him to *reclusion perpetua*.

#### **The Facts**

Accused-appellant was indicted for killing one Fernando A. Catriz (Catriz) through an information articulating the following criminal charges, *viz*:

That on or about April 06, 2004, in the Municipality of Tuao, Province of Cagayan and within the jurisdiction of this Honorable Court, the said accused ALEX De LOS SANTOS y AGINAWAN armed with long bolo with intent to kill, with treachery and treachery, (sic) did, then and there willfully, unlawfully and feloniously attack, assault and hack FERNANDO A[.] CATRIZ, inflicting upon him several hack wounds on the different parts of his body which caused his death.

CONTRARY TO LAW.<sup>[3]</sup>

Upon arraignment, the accused-appellant entered a "not guilty" plea. Pre-trial and trial thereafter ensued. The prosecution presented the testimonies of Reynaldo Bayudan (Bayudan), the victim's nephew and an eyewitness to the incident, and Dr. Exuperio Yuaga (Dr. Yuaga), Municipal Health Officer of Tuao, Cagayan. The prosecution also adopted the testimony of Eduardo Archibido which was presented during the hearing on the petition for bail. Taken together with documentary evidence marked as Exhibits A to E, the evidence for the prosecution showed that:

Catriz and the accused-appellant were brothers-in-law. The former's wife was the latter's sister. At about 4:00 p.m. of April 6, 2004, Catriz and Bayudan were at *Barangay* Mungo, Tuao, Cagayan, unloading culled cob chickens from a Toyota Tamaraw vehicle. While Bayudan and Catriz were transferring the chickens into a cage beside the vehicle, the accused-appellant suddenly appeared behind Catriz and hacked him on his right shoulder with a *tabas* (long-bladed *bolo*). The impact from

the blow caused the handle of the *tabas* to dislodge thus enabling Catriz to run towards the nearest house. The accused-appellant, however, drew a "Rambo-type" knife, pursued Catriz and repeatedly stabbed him until he fell. Pleading for his life, Catriz knelt in front of the accused-appellant and asked him to stop. His pleas were not heeded though and the accused-appellant continued stabbing him until he fell again on the ground. Upon seeing the lifeless Catriz, the accused-appellant jumped and exclaimed: "Happy New Year, *natayen ni Ferdie!*" (Happy New Year, Ferdie is dead!). The accused-appellant thereafter went to a nearby pump well and nonchalantly washed his hands.<sup>[4]</sup> Meanwhile, Bayudan ran towards a nearby house for fear of his life.<sup>[5]</sup>

Dr. Yuaga testified that based on his post-mortem examination of the cadaver, Catriz sustained 11 stab wounds, four (4) of which were in the mid extremity of the heart area that could cause instantaneous death while two (2) were located at the back portion of his body. Catriz also sustained one (1) incised wound on the left scapula. His cause of death was "*hypovolemic shock, secondary to multiple stab wounds.*"<sup>[6]</sup>

The witnesses for the defense were the accused-appellant himself and his uncle, Joseph Aginawang (Aginawang). According to them, on the night of April 4, 2004, they had a drinking spree with Catriz. After consuming two bottles of gin, Catriz asked the accused-appellant if he can till the family lot in Bagumbayan, Tuao, Cagayan. When the accused-appellant answered that he cannot decide on the matter since the land is family-owned, Catriz suddenly stood up and slapped the accused-appellant's face.

The accused-appellant did not take offense and simply left, while Catriz summoned his wife and children, and headed home. Catriz, however, returned between 9:00 to 10:00 p.m. looking for the accused-appellant but didn't find him. Catriz was again unable to find the accused-appellant when he returned the next day.

On April 6, 2004, at about 4:00 p.m., the accused-appellant saw Catriz unloading chickens. He approached him and offered help, but Catriz pushed him away causing the accused-appellant to stumble down. Catriz then tried to hack the accused-appellant twice with a *bolo* but the latter was able to dodge the attacks. On Catriz's third attempt, the accused-appellant got hold of a knife from the wall of a nearby house and defended himself by plunging the same on Catriz. When Catriz again attempted to hack the accused-appellant, the latter shoved the knife against him once more. The accused-appellant failed to recall how many times he stabbed Catriz because he got dizzy and lost touch with his senses.

Dazed with what he has just witnessed, Aginawang ran to the back of a house towards a creek. The accused-appellant, on the other hand, proceeded towards the road where he met one Abe Ballesil who accompanied him, upon his request, to the police station to surrender.<sup>[7]</sup>

### **Ruling of the RTC**

In its Decision<sup>[8]</sup> dated January 7, 2008, the RTC sustained the testimony of prosecution witness Bayudan, as corroborated by Dr. Yuaga's post-mortem examination, that the accused-appellant struck a hacking blow on Catriz from behind. Treachery was also found to have attended the killing because while Catriz

was on a kneeling position begging for his life, the accused-appellant continued to stab him. At that moment, Catriz was totally helpless while the accused-appellant was in no danger from any retaliation.

The accused-appellant's allegation of self-defense was rejected because: (1) he failed to claim it at the earliest opportunity when he surrendered to the police station; (2) the number and seriousness of the wounds he inflicted on Catriz showed a determined effort on his part to kill the victim; and (3) he failed to surrender the weapon to the police and he instead threw it away. Accordingly, the RTC ruling was disposed as follows, *viz*:

WHEREFORE, in view of all the foregoing, judgment is hereby rendered finding the herein accused ALEX DE LOS SA[N]TOS, GUILTY beyond reasonable doubt of the felony of MURDER, defined and penalized under Article 248 of the Revised Penal Code, as amended, and hereby sentencing him:

1. To suffer imprisonment of Reclusion Perpetua;
2. To pay civil indemnity/damages to the heirs of the victim Fernando Catriz[;]

- 2.1 The amount of [P]50,000.00 as death indemnity;
- 2.2 The amount of [P]25,000.00 as moral damages;
- 2.3 The amount of [P]20,000.00 as nominal damages in lieu of actual damages; and
- 2.4 The amount of [P]25,000.00 as exemplary damages.

3. To pay the costs.

SO ORDERED.<sup>[9]</sup>

### **Ruling of the CA**

The CA affirmed the conviction and penalty meted upon the accused-appellant adding that "the attitude and behavior of Catriz at that time certainly did not constitute the unlawful aggression which the law requires." The CA further found the defense version of the events unbelievable because the accused-appellant's claim that he was at a disadvantageous position from Catriz's relentless assault is belied by the fact that the former was actually unscathed. The presence of a knife which the accused-appellant picked up to repel Catriz's alleged attack was likewise held highly specious since it seems to suggest that knives are scattered around the walls of houses in Mungo, Tuao, Cagayan. Thus, the CA ruled as follows:

**WHEREFORE**, in view of the foregoing premises, judgment is hereby rendered by us **DENYING** the appeal filed in this case. The Decision dated January 7, 2008 rendered by Branch 11 of the Regional Trial Court in Tuao, Cagayan in Criminal Case No. 1165-T is hereby **AFFIRMED**.

**SO ORDERED.**<sup>[10]</sup>

The accused-appellant is now before the Court pleading for his acquittal based on the same and sole argument<sup>[11]</sup> raised in his Appellant's Brief<sup>[12]</sup> before the CA that the trial court gravely erred in not giving credence to his claim of self-defense.

### **Ruling of the Court**

The Court affirms the accused-appellant's conviction.

It is immediately apparent that the argument proffered by the accused-appellant essentially assails the evaluation by the trial court of the testimony of the prosecution's principal witness, Bayudan, and its ruling that the same satisfactorily repudiated his claim of self-defense.

Basic is the rule that the matter of assigning values to declarations on the witness stand is best and most competently performed by the trial judge, who had the unmatched opportunity to observe the witnesses and to assess their credibility by the various *indicia* available but not reflected on the record. Hence, the corollary principle that absent any showing that the trial court overlooked substantial facts and circumstances that would affect the final disposition of the case, appellate courts are bound to give due deference and respect to its evaluation of the credibility of an eyewitness and his testimony as well as its probative value amidst the rest of the other evidence on record.<sup>[13]</sup>

The Court sees no compelling reason to depart from the foregoing tenets especially considering the accused-appellant's failure to pinpoint significant details, which if considered, will alter the outcome of the trial court's judgment and the affirmation accorded it by the CA.

Even an assiduous examination of the records of the case yields a similar finding: the factual basis of accused-appellant's plea of self-defense cannot relieve him from criminal liability.

Generally, the burden lies upon the prosecution to prove the guilt of the accused beyond reasonable doubt rather than upon the accused that he was in fact innocent. However, if the accused admits killing the victim, but pleads self-defense, the burden of evidence is shifted to him to prove such defense by clear, satisfactory and convincing evidence that excludes any vestige of criminal aggression on his part.<sup>[14]</sup> Self-defense, when invoked, as a justifying circumstance implies the admission by the accused that he committed the criminal act.<sup>[15]</sup>

Thus, to escape criminal liability, the accused must prove by clear and convincing evidence the concurrence of the following requisites under the second paragraph of Article 11 of the Revised Penal Code (RPC), viz: (1) unlawful aggression; (2) reasonable necessity of the means employed to prevent or repel it; and (3) lack of sufficient provocation on the part of the person defending himself.<sup>[16]</sup>

Unlawful aggression on the part of the victim is the primordial element of the justifying circumstance of self-defense. Without it, there can be no self-defense, whether complete or incomplete, that can validly be invoked.<sup>[17]</sup> "There is an unlawful aggression on the part of the victim when he puts in actual or imminent