

FIRST DIVISION

[G.R. No. 194564, April 10, 2013]

**SERGIO SOMBOL, PETITIONER, VS. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

D E C I S I O N

SERENO, C.J.:

Before this Court is a Rule 45 Petition for Review^[1] assailing the Decision^[2] and Resolution^[3] of the Court of Appeals (CA) in CA-G.R. CR No. 00530.

The Facts

In an Information dated 7 November 2000, accused Sergio Sombol (Sombol) was charged with the crime of homicide, as follows:

That on or about the 2nd day of August, 2000 at around 5:30 o'clock in the afternoon, more or less, at Barangay Catmon, Municipality of St. Bernard,

Province of Southern Leyte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, did then and there willfully, unlawfully and feloniously, attack, assault and stab one Rogelio Arcibal, with the use of a sharp-pointed bolo known as "sundang" which the accused had provided himself for such purpose, thereby inflicting upon the latter the following injuries:

Findings: Stab wound 3 cm. (R) upper quadrant with omental Herniation, penetrating peritoneal cavity, perforating the ileum # 7, incising the mesentery with massive bleeding.

which cause[d] the death of the said victim, to the damage and prejudice of his heirs and of social order.

CONTRARY TO LAW.^[4]

The evidence for the prosecution showed that on 2 August 2000, about 5:30 in the afternoon, Primo Bungcaras was at a waiting shed with Richard Alcala, Manuel Bacus and Wendel Tanquezon.^[5] A few minutes later, they were joined by the victim, Rogelio Arcibal (Arcibal); and soon, by the accused, Sombol.^[6]

Sombol tapped the right shoulder of Arcibal and said, "*Unsa Gee ika-17?*" (What Gee the seventeenth?).^[7] The former then pulled out a sharp pointed weapon and

stabbed Arcibal in the stomach. The victim staggered, leaned, and sat on a chair at the waiting shed. Sombol was about to attack Arcibal again, but was prevented by the timely intervention of Wendel Tanquezon.^[8]

After the incident, Arcibal was brought to the hospital, but he succumbed to his wounds and died soon afterwards.^[9]

On the other hand, the defense presented as witnesses Fortunato Polo (Polo) and the accused himself.

Polo testified that on 2 August 2000, Primo Bungcaras, Richard Alcala, Wendel Tanquezon and Tanquezon's brother were drinking at a waiting shed.^[10] Arcibal then arrived, followed shortly by Sombol.

Sombol tapped Arcibal on the shoulder and said "*Unsa to ika-17?*" (What was that the seventeenth?) After confirming in a low voice what Sombol said, Arcibal stood up, picked up a soldering iron, and walked towards the former. According to Polo's testimony, Arcibal did not do anything with the soldering iron, but Sombol pulled out a knife and stabbed the victim.^[11]

Sombol testified to the same facts, but he further alleged that he had been attacked by Arcibal with a soldering iron, and that the former stabbed the victim in self-defense.^[12]

After trial, the Regional Trial Court (RTC) of San Juan, Southern Leyte, found Sombol guilty beyond reasonable doubt of the crime of homicide. The lower court ruled that he had not acted in self-defense. Relying on the testimony of defense witness Polo, the RTC found that "Sergio Sombol pulled out a knife from his waist and stabbed Rogelio Arcibal on the stomach despite the fact that the later did nothing with the soldering iron."^[13] As unlawful aggression had not been proven, the trial court refused to give credence to Sombol's plea of self-defense. It then disposed of the case as follows:

Hence, the Court finds accused Sergio Sombol guilty beyond reasonable doubt as principal of the crime of Homicide, defined and penalized by Article 249 of the Revised Penal Code, and, applying the Indeterminate Sentence Law, sentences him to suffer the penalty of imprisonment from Eight (8) Years and One (1) Day of Prision Mayor, as minimum, to Fourteen (14) Years and Eight (8) Months of Reclusion Temporal, as maximum, with all the accessory penalties attached by law.

Accused Sergio Sombol is hereby directed to indemnify the heirs/family of Rogelio Arcibal in the amount of Php 50,000.00 by way of civil indemnity and Php 50,632.24 as actual damages, and to pay the costs.

SO ORDERED.^[14]

On appeal, the CA reviewed the records and found no unlawful aggression on the victim's part. As unlawful aggression is a sine qua non requirement for appreciating

the plea of self-defense, the CA ruled that “absent unlawful aggression, there is no self-defense to speak of.”^[15] Thus, it affirmed the trial court’s finding of guilt, but reduced the amount of actual damages from P50,632.24 to P40,870.74, as it was the latter amount that was substantiated by the prosecution.^[16] The *fallo* of the CA’s decision reads:

WHEREFORE, premises considered, the assailed Decision rendered by the Regional Trial Court – Branch 26 in Southern Leyte is hereby **AFFIRMED WITH MODIFICATION by reducing the award of actual damages from P50,632.34 to P40,870.74.** The other aspects of the fallo of the assailed decision stand.

SO ORDERED.^[17]

The accused moved for a reconsideration,^[18] but his motion was denied by the CA.^[19] He then filed the instant Petition for Review^[20] before this Court.

The Issues

Sombol raises two issues in support of the instant petition:

1. The RTC violated the constitutional requirement that a decision should state clearly and distinctly the facts and the law on which it is based;
2. The RTC erred in failing to appreciate the justifying circumstance of self-defense in his favor.

The Court’s Ruling

We deny the instant petition and affirm the trial court’s finding of guilt.

I.

The RTC Decision adequately stated the facts and law on which it was based.

The accused argues that the RTC decision violated Section 14, Article VIII of the Constitution;^[21] and Section 2, Rule 120 of the Rules of Court.^[22]

We disagree.

A reading of the RTC decision clearly shows that the trial court clearly and distinctly stated the facts and the law on which it was based. It summarized the contents of the testimonies of the witnesses for both the prosecution and the defense;^[23] concluded that the positive testimonies of the prosecution witnesses were to be believed over Sombol’s statement, which contradicted that of his own defense witness;^[24] and ruled that, in the absence of the element of unlawful aggression, the justifying circumstance of self-defense may not be appreciated in the accused’s favor.^[25]