721 Phil. 262

FIRST DIVISION

[G.R. No. 200029, November 13, 2013]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BASILIO VILLARMEA Y ECHAVEZ, ACCUSED-APPELLANT.

D E C I S I O N

VILLARAMA, JR., J.:

Before this Court is an appeal from the May 25, 2006 Decision[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 00021 affirming the judgment[2] of the Regional Trial Court (RTC) of Mandaue City, Branch 28, finding appellant Basilio Villarmea y Echavez (Villarmea) guilty beyond reasonable doubt for the murder of Arnaldo Diez (Diez). The victim was stabbed to death along a street in Mandaue City during a fistfight that involved several persons who allegedly assaulted and ganged up against the victim and his uncle, Jaime Candelada (Candelada).

Appellant was charged before the RTC of Mandaue City, Branch 28, under the following Amended Information, docketed as Criminal Case No. DU-7540 and dated July 10, 2000:

> That on or about the 13th day of March, 2000 in the City of Mandaue, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating together and mutually helping one another, with deliberate intent to kill and with treachery and evident premeditation, did then and there willfully, unlawfully and feloniously stab one Arnaldo Diez y Dadang with a bladed instrument, thereby inflicting upon the latter mortal wounds at his vital portion which caused his death soon thereafter.
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> CONTRARY TO LAW.[3]

Since the original Information[4] only charged appellant, the Amended Information included the following other co-accused: Jonathan Labora, Ronnie Obatay, Florie Aplece and Marlon Canlom. Appellant and Canlom were detained and entered a plea of Not Guilty upon arraignment. The other co-accused remain at-large.

The following facts were admitted by appellant during the pre-trial conference:

1. A few minutes after the incident[,] the accused was arrested at his place of work at J. King Construction. Accused however claimed that he did not flee.

2. The co-accused of Basilio Villarmea are his co-workers at J. King Construction[.]

3. Jaime Candelada, a prosecution witness, saw accused at the police station immediately after the incident.

4. The Death Certificate[,] as well as the fact and cause of death of the victim[,] is Hemorrhage due to multiple stab wounds on the trunk and lower extremities.[5]

The prosecution presented the testimonies of the following witnesses:

Jingle Diez, the wife of the victim, testified that her husband died from stab wounds on March 13, 2000. At around 9:00 p.m. of that day, she was informed by Candelada that her husband was ganged up. She and her stepfather then proceeded to the crime scene and brought the victim to Don Vicente Sotto Memorial Medical Center but he was declared dead on arrival. They later brought the body to St. Anne's Funeral Parlor.[6]

The witness proceeded to Police Station 2 at Wireless, Mandaue City where she met appellant who told her that her husband had mauled a certain Christopher Alfante (Alfante). Appellant also told the witness that her husband was stabbed because the latter allegedly mauled someone from appellant's group. Appellant further enumerated to her the names of his companions: Marlon Canlom, Ronnie Aplece, Jonathan Obatay and Annie Aplece. While appellant denied to the witness that he was involved in the killing of her husband, she saw blood on appellant's foot. Lastly, the witness testified that she spent the following amounts upon her husband's death: P20,000 for the wake and burial; P5,000 for the shipment of her husband's body; and P8,000 for funeral services.[7]

Jaime Candelada, the victim's companion during the incident, testified that he knew the victim because he is the husband of his niece, Jingle Diez. He also stayed at Semense Compound in Tipolo, Mandaue City where the victim resided. He testified that on the night of the killing, he and the victim were buying something from a store which is located around 30 meters from the place of the incident. When they walked out of the store, seven persons followed them. Candelada testified that he was first boxed by appellant. He fell down with the victim since they had their arms around each other's shoulders. Candelada was again hit several times at the back and was too dazed to get up. When he was finally able to regain his composure, he saw the group ganging up on and stabbing the victim. He ran away after he saw the victim being stabbed by the assailants. He recognized appellant as one of the members of the group who stabbed the victim. He knew that appellant was working at J. King Construction – located about 40 meters from the place of the incident. He had also seen appellant in the area several times in the past.[8]

Candelada informed the wife of the victim about the incident. She then proceeded to the scene of the crime while he remained in the house. Three policemen later arrived and he accompanied them to Police Precinct 2. In the precinct, he identified appellant as the one who boxed him. He also identified appellant in court. He admitted that he did not know Canlom, the other co-accused.[9]

PO2 Rico Cabatingan, the third witness for the prosecution, testified that on the night of the incident, at around 9:50 p.m., he happened to be passing by the area near J. King Construction at Hernan Cortes Street, Subangdaku, Mandaue City. While he did not see the actual stabbing, he saw people swarming around a bloodied person lying on the ground. He took a cab and brought the unconscious person – the victim in this case – to the hospital. Upon investigation, he later found out from Candelada that the persons responsible for the stabbing were workers of J. King Construction.[10]

PO2 Cabatingan, together with PO2 Fuentes, PO3 Amal and Candelada, proceeded to the construction site. Cabatingan directed the workers to come out of the bunkhouse. When asked to identify who among the workers were involved, Candelada identified appellant who was then placed under arrest by PO2 Cabatingan. The following observations with respect to the appellant were also made by PO2 Cabatingan: his right hand was swollen; there was a fresh wound or laceration on his knuckle; and there was fresh blood on his slippers. PO2 Cabatingan asked appellant to explain the presence of such blood but he did not answer. Appellant, the only one identified and arrested at that time, was immediately brought to the police station.[11]

Dr. Nestor Sator testified on the results of the autopsy conducted on the victim on March 14, 2000. According to Medico-Legal Report No. M-65-00,[12] the victim was found to have suffered 12 stab wounds and several abrasions on various parts of the body. The wounds numbered as 1, 2, 6, 7, 8 and 9 were fatal wounds as they were penetrating wounds that involved internal and vital organs such as the heart and lung. The fatal wound on the left chest could have also caused instantaneous death because it involved the heart. Another fatal wound was found on the left hypochondriac region which perforated the stomach.[13]

Dr. Sator also testified on the location of the wounds found on the different parts of the victim's body: a lacerated wound on the left foot; eight wounds on the trunk; and, three wounds on the left thigh. He stated that the wounds on the anterior portion of the victim's body could indicate that the victim must have been possibly on a lying position, facing his assailant. The abrasions on the other parts of his body could have been sustained when he fell down on the ground. He believed that more than one person attacked the victim because there were numerous wounds, abrasions and lacerations on his left foot.[14]

The defense presented the testimonies of the following witnesses:

Appellant Basilio Villarmea denied that he participated in the assault. He testified that at around 9:00 p.m. on the night of the incident, he went out of the premises of the construction site where he was a live-in construction worker. He was going to fetch water from the artesian well located across the site. On his way to the well, he saw co-accused Labora and Obatay who are still at-large, and also his fellow live-in construction workers at J. King Construction, playing computer games at a store near the artesian well. At around 10:00 p.m., while he was still at the artesian well, he saw co-accused Labora get into a fight with the victim and Candelada. He claimed that it was Candelada who allegedly kicked Labora. A fight immediately ensued without any heated argument or discussion. At first, the melee only

involved the victim, Candelada, Labora and Obatay. The fight ended with Labora and Alfante stabbing the victim while Candelada ran away. The witness recounted that Alfante allegedly joined in the fight as they were grappling for a knife that Candelada pulled out but dropped.[15]

Appellant maintained that it was Labora and Alfante who stabbed the victim to death. He also insisted that Candelada was not able to point out the person responsible for the crime when he went to the construction site with the police officers. Besides, at the time that Candelada was asked to identify the alleged perpetrators, the witness stated that co-accused Labora, Aplece and Obatay had already escaped through the back portion of the construction site. Nevertheless, he was brought to the police station for investigation where he informed the police that the fight ensued because Candelada kicked Labora, and that Candelada himself was the owner of the knife that Labora used in stabbing the victim. It was this statement made by appellant that allegedly angered Candelada who retaliated by implicating him in the killing. When the police asked about the swelling on his hand, appellant answered that his right small finger was swollen because a hollow block fell on his hand. Appellant also denied knowledge and ownership of the pair of bloodied slippers that the police asked him to identify on the day following the incident.[16]

Co-accused Marlon Canlom corroborated the testimony of appellant that at around 9:00 p.m. of March 13, 2000, he was at the gate of the construction site waiting for appellant while the latter was fetching water from the artesian well located across the guardhouse. He also narrated the same sequence of events as can be gleaned from appellant's testimony – from the time that Candelada allegedly kicked Labora until the police arrested and brought appellant to the police station. He stated that it was his first time to see the victim during the said incident.[17]

Remegias Umayao, the last witness for the defense, testified that at the time of the incident, he was eating at a restaurant near the place where the fight took place. He said that he knew appellant and co-accused Canlom because they used to be co-workers at V and S Construction. He testified that the fight occurred near the place where there were computer games. He corroborated the allegation of appellant that it was Alfante who first stabbed the victim, while Labora followed to deliver blows as the victim was slumped down. He admitted not seeing what weapon was exactly used and whether the victim had a companion.[18]

On rebuttal, PO2 Cabatingan refuted the testimony of appellant denying knowledge and ownership of the bloodied pair of slippers that were recovered from him. PO2 Cabatingan identified the bloodied slippers which he had marked as "BV" – the initials for Basilio Villarmea – to have been recovered from appellant. He stated that appellant was wearing the bloodied pair when he was arrested at the compound of J. King Construction. The right slipper was blue with the "Islander" mark, while the left slipper was black without any mark.[19]

On sur-rebuttal, appellant stated that he was wearing "Spartan" slippers when he was arrested and brought to the police station on the night of March 13, 2000. He alleged that the evidence was planted as it was his first time to see the bloodied pair of slippers the following day when PO2 Cabatingan brought the pair to the police station.[20]

On September 17, 2002, the RTC found appellant guilty beyond reasonable doubt of the crime of murder, as follows:

> **WHEREFORE**, this Judgment is hereby rendered finding the **accused Basilio Villarmea y Echavez, guilty** beyond reasonable doubt of the crime of Murder. Accordingly, the accused Basilio Villarmea is hereby sentenced to the penalty of imprisonment of **Reclusion Perpetua** together with the accessories imposed under the law. Accused is also hereby ordered to pay to the heirs of Arnaldo Diez, the amounts of: P50,000.00 as damages ex delicto; P25,000.00 as actual damages; P10,000.00 as moral damages and P10,000.00 as exemplary damages.
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> For lack of evidence, the accused Marlon Canlom is hereby acquitted. The Court hereby orders the immediate release of Marlon Canlom from detention unless he is being held for some other lawful cause.
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> IT IS SO ORDERED.[21]

The trial court gave full faith and credence to the testimony of eyewitness Candelada who positively identified appellant as one of the assailants who attacked and stabbed the victim. It held that at the time the victim was stabbed, he was unarmed, taken by surprise and had no opportunity to resist or put up any form of defense against the numerical superiority of appellant and his companions. It also held that the results of the medico-legal examination pertaining to the various locations and number of the wounds supported Candelada's testimony, proved that the victim was defenseless at the time of the attack, and showed that the killing was attended with treachery thus qualifying the crime to murder. The trial court also found that conspiracy was proven by positive and conclusive evidence "when the attackers numbering around seven 'ganged up and stabbed Arnaldo'"[22] and the twelve stab wounds corroborated the account of the eyewitness that there were several men who perpetrated the assault with the same criminal intent to kill.[23] The trial court however ruled that the events that transpired before the stabbing did not establish that the persons who attacked the victim had resolved to kill him. Hence the killing could not have been attended by evident premeditation.[24]

Appellant sought to reverse his conviction before the CA. He raised the following errors:

> I. THAT THE LOWER COURT ERRED IN FINDING THAT THE GUILT OF THE ACCUSED-APPELLANT HAD BEEN PROVEN BEYOND REASONABLE DOUBT; and
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> II. THAT THE LOWER COURT ERRED IN GIVING CREDENCE TO THE TESTIMONY OF PROSECUTION WITNESS JAIME CANDELADA.[25]

The appellate court found no reversible error in the lower court's finding that appellant was guilty beyond reasonable doubt as principal in the murder of the victim, but ordered that the amount of moral and exemplary damages awarded to