685 Phil. 733

THIRD DIVISION

[G.R. No. 197807, April 16, 2012]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CECILIA LAGMAN Y PIRING, ACCUSED-APPELLANT.

D E C I S I O N

VELASCO JR., J.:

This is an appeal from the May 14, 2010 Decision[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 03289, which affirmed the January 18, 2008 Decision[2] of the Regional Trial Court (RTC), Branch 18 in Manila, in Criminal Case No. 02-200106 for Murder and Criminal Case No. 02-200107 for Frustrated Murder.

The Facts

Two Informations[3] charged accused Cecilia Lagman as follows:

Criminal Case No. 02-200106

> That on or about February 24, 2002, in the City of Manila, Philippines, the said accused, did then and there willfully, unlawfully and feloniously with intent to kill, with treachery and evident premeditation, attack, assault and use personal violence upon the person of Jondel Mari Davantes Santiago, by then and there stabbing him with a knife with an approximate length of 6 ½ inches (blade and handle) hitting his neck and trunk, thereby inflicting upon said Jondel Mari Davantes Santiago stab wounds which are necessarily fatal and mortal, which were the direct cause of his death immediately thereafter.

Criminal Case No. 02-200107

> That on or about February 24, 2001, in the City of Manila, Philippines, the said accused, did then and there willfully, unlawfully and feloniously, with intent to kill, attack, assault and use personal violence upon the person of Violeta Sicor y Sapitula, by then and there stabbing her hitting her buttocks, thereby inflicting upon the said Violeta Sicor y Sapitula mortal wounds which were necessarily fatal, thus, performing all the acts of execution which would produce the crime of Homicide as a consequence, but nevertheless, did not produce it by reason of causes independent of her will, that is, by the timely and able medical assistance rendered to said Violeta Sicor y Sapitula which prevented her death.

During her arraignment, the accused gave a negative plea to both charges.

At the trial, the prosecution presented the following witnesses: Donna Maniego (Maniego), Violeta Sicor (Sicor), Police Officer 3 Ricardo M. Alateit (PO3 Alateit), and PO3 Ronaldo Samson (PO3 Samson).

On February 24, 2002, at about 1:30 p.m, Maniego was in front of her banana cue store on Lakandula Street, Tondo, Manila. She was seated alongside her mother, Sicor, inside the sidecar of a motorcycle. Without warning, the accused approached her and punched her face several times. The accused turned on Sicor, grabbed her and stabbed her in the middle of her buttocks with a small knife. Maniego got out of the sidecar and ran to the *barangay* hall for help. Upon finding that the barangay chairman was not around, Maniego went to check on her common-law spouse, Jondel Santiago (Santiago), at the house of Santiago's mother.[4] On her way there, she saw the accused stab Santiago four (4) times from a distance of five (5) to six (6) meters. The distance between where Maniego was punched and where Santiago was stabbed was about nine (9) meters.[5] Maniego then saw the accused flee the scene of the crime carrying a knife and heading towards Juan Luna Street. Seeing that Santiago was mortally hurt, Maniego rushed Santiago to Gat Andres Bonifacio Hospital but he later expired. While Maniego was at the hospital, she saw the accused, who was being treated after an angry crowd mauled her. Maniego informed the policeman who was escorting the accused that it was the latter who had stabbed and killed Santiago.[6]

After receiving the information from Maniego, the accused was arrested and brought to police headquarters.[7]

On cross-examination, Maniego testified that she had known the accused for almost ten years and had a close relationship with her. She stated that the accused got angry with her when she eloped with Santiago.[8]

Sicor, Maniego's mother, corroborated Maniego's testimony. She saw the accused punch Maniego several times while they were inside the sidecar on February 24, 2002. The accused then grabbed her and stabbed her in her buttocks with a small knife. She said that after she was stabbed, two sidecar boys came to her aid and brought her to the hospital. She added that she was released from the hospital two hours after receiving treatment.[9]

PO3 Alateit testified that on the day of the incident, he was riding his motorcycle on his way home. While he was on the corner of Juan Luna and Moriones Streets, it was reported to him that a stabbing incident had taken place. He headed towards an area where a crowd was causing a commotion. He then saw a woman who looked like a lesbian running towards him. Her head was bloodied. He handcuffed the injured woman after he was informed that she had stabbed someone. At the time of her arrest, a sharp object fell from the woman's waist. He confiscated the item and brought the woman to the police station and to Gat Andres Bonifacio Hospital. He identified the woman as the accused.[10]

Both the prosecution and the defense stipulated that Senior Police Officer 2 Edison Bertoldo was the police investigator in the case against the accused and that he

prepared the following:

> (1) Sworn Statement of Maniego, Exhibit "A";
> (2) Affidavit of Apprehension of PO3 Alateit, Exhibit "C";
> (3) Booking Sheet and Arrest Report, Exhibit "E";
> (4) Crime Report dated February 25, 2002, Exhibits "F," "F-1" and "F-2"; and
> (5) Request for Laboratory Examination dated February 27, 2002, Exhibit "F-3."[11]

The last witness for the prosecution, PO3 Samson, testified that on the date of the incident, he was assigned at the Western Police District Crime Laboratory Division. He presented before the court the sharp object used in stabbing the victim (Exhibit "M") and the Request for Laboratory Examination (Exhibit "M-1").[12]

For their part, the defense offered the testimonies of the accused and Dr. Mario Lato.

Chiefly relying on denial as her defense, the accused claimed that on the date of the stabbing incident, she confronted Maniego and asked her if it was true that she had been spreading the rumor that the accused was insane. Maniego answered in the affirmative. Angered, the accused slapped Maniego and left, leaving Santiago, Sicor, and Maniego in pursuit. Santiago then hit her with a lead pipe. Since she needed medical treatment after the attack, she was brought to Gat Andres Bonifacio Medical Hospital by her mother and a *barangay kagawad*.[13]

At the police station, the accused denied killing Santiago. She averred that nothing was found on her body when she was frisked. She said that the knife recovered by PO3 Alateit was not hers and that there were other people in the area where it was found. She added that she had an argument only with Maniego, not with Sicor or Santiago.[14]

Dr. Mario Lato testified that on February 24, 2002, he treated the accused, who had a laceration on the head which was possibly caused by a hard object such as a pipe. He said that the accused sustained a two-centimeter laceration in her mid-pectoral area.[15]

Ruling of the Trial Court

On January 18, 2008, the RTC convicted the accused of Murder in Crim. Case No. 02-200106 and Less Serious Physical Injuries in Crim. Case No. 02-200107. The dispositive portion of the RTC Decision reads:

> WHEREFORE, this court finds accused Cecilia Lagman y Pring guilty of Murder in Crim. Case No. 02-200106. She is sentenced to suffer reclusion perpetua and to pay the heirs of the victim Jondel Lari Santiago, the amount of P50,000 as civil indemnity. In Crim. Case No. 02-200107, this court finds same accused guilty of Less Serious Physical Injuries. She is sentenced to suffer six (6) months of arresto mayor and to pay Violeta

Sicor the amount of P25,000 as temperate damages.

SO ORDERED.[16]

Ruling of the Appellate Court

On appeal, accused-appellant faulted the trial court for not considering the inconsistencies and contradictions in the testimony of prosecution witness Maniego. She also averred that the same witness' credibility was improperly appreciated, as the judge who heard the case was different from the one who rendered the decision.

The CA affirmed the findings of the RTC. The appellate court ruled that the totality of the prosecution's evidence showed that accused-appellant's guilt was proved beyond reasonable doubt. It added that accused-appellant failed to show any ill motive on the part of the prosecution witnesses to falsely testify against her. The dispositive portion of the May 14, 2010 CA Decision reads:

> WHEREFORE, premises considered, the Decision dated January 18, 2008 of the Regional Trial Court of Manila, Branch 18 in Criminal Case Nos. 02-200106 and 02200107 is AFFIRMED.[17]

Hence, We have this appeal.

The Issues

I

> Whether the CA erred in finding accused-appellant guilty beyond reasonable doubt

II

> Whether the CA erred in giving credence to the testimony of the prosecution's witness despite patent inconsistencies

III

> Whether the CA erred in finding that the killing of the victim was attended by treachery

The defense reiterates previous arguments calling for an acquittal of accused-appellant. It casts doubt on Maniego's testimony, claiming that it has irreconcilable inconsistencies which affected her credibility.

The defense also calls attention to the fact that Maniego testified before Judge Romulo A. Lopez, while the Decision was penned by Judge Myra Garcia-Fernandez.[18] It is further contended that Maniego did not actually witness Santiago being stabbed, because she admitted in court that she found out that Santiago had been

stabbed when she was already at the hospital attending to her injured mother.

Moreover, it is pointed out by the defense that the victim was 5'8" in height and of average built while accused-appellant is only 4'11". It is, thus, incredible that she could have inflicted fatal wounds on the victim.

Lastly, the defense argues that the prosecution was unable to prove that the killing of Santiago was accompanied by treachery. Assuming that accused-appellant did stab the victim, the defense claims that it was not proved that she deliberately and consciously adopted her mode of attack. The encounter was even preceded by a confrontation between accused-appellant and Maniego, and it was Sicor and Santiago who followed accused-appellant after the confrontation. The stabbing incident should have been considered as having occurred in the spur of the moment.

Our Ruling

We deny the appeal, but modify the CA Decision.

Elements of Murder Established

The elements of murder that the prosecution must establish are (1) that a person was killed; (2) that the accused killed him or her; (3) that the killing was attended by **any** of the qualifying circumstances mentioned in Article 248 of the Revised Penal Code (RPC); and (4) that the killing is not parricide or infanticide.[19]

The prosecution was able to clearly establish that Santiago was killed and that it was accused-appellant who killed him as there was an eyewitness to the crime. Santiago's killing was attended by the qualifying circumstance of treachery as testified to by the prosecution eyewitness, Maniego. Paragraph 16, Art. 14 of the RPC defines treachery as the direct employment of means, methods, or forms in the execution of the crime against persons which tend directly and specially to insure its execution, without risk to the offender arising from the defense which the offended party might make.

Maniego's testimony proved the presence of treachery in this case, as follows:

> Q What did you do after Cecilia Lagman punched you in your face?
> A I went outside of the side car x x x, and I went to the barangay hall to ask help x x x.
> Q And what happened after that?
> x x x
> x
> A 'Papauwi na po ako sa bahay ng biyenan ko sakto po ng pagpunta ko ho doon nasalubong po ni Cecilia Lagman si Jondel Mari wala hong sabi sabi inundayan po niya ng saksak si Jondel Mari.' (When I went home to the house of my mother-in-law because the barangay chairman was not in the barangay hall Jondel Mari meet [sic] Cecilia Lagman and without any word Cecilia Lagman stabbed Jondel Mari.)
> Q And in what place was that where Cecilia Lagman suddenly stabbed Jondel Mari Santiago?