

THIRD DIVISION

[G.R. No. 179278, March 28, 2008]

**PEOPLE OF THE PHILIPINES , Appellee, vs. CHARLIE VILLA, JR.,
Accused,Appellant.**

D E C I S I O N

CHICO-NAZARIO, J.:

For review is the Decision^[1] dated 13 March 2007 of the Court of Appeals in CA-G.R. CR-H.C. No. 00859 which affirmed the Decision^[2] dated 9 October 2002 of the Regional Trial Court (RTC) of Antipolo, Rizal, Fourth Judicial Region, Branch 35, finding appellant Charlie Villa, Jr. guilty of the crime of murder and sentencing him to suffer the penalty of *reclusion perpetua*.

In an Information dated 6 October 1997, appellant Charlie Villa, Jr. was charged before the RTC of Antipolo, Rizal with the crime of murder under Article 248 of the Revised Penal Code, as amended. The accusatory portion of the Information reads:

That sometime on or about 18 July 1997 at around 3:00 o'clock in the morning, in the Municipality of Antipolo, Province of Rizal, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, armed with a brass knuckle, and acting with treachery, abuse of superior strength, and evident premeditation, did then and there willfully, unlawfully and feloniously attack and assault one Rodolfo Arevalo y Gamboa by punching him on the left nape with the use of the hand where he was wearing the brass knuckle thereby resulting in a skull fracture which caused the death of said Rodolfo Arevalo y Gamboa.^[3]

During his arraignment on 26 November 1998, appellant, with the assistance of counsel *de officio*, entered a "not guilty" plea.^[4] Thereafter, trial ensued.

At the trial, the prosecution presented the oral testimonies of the three eyewitnesses to the incident, namely: (1) Orly Arevalo (Orly), the son of the deceased-victim who saw the events prior to, during and after the killing of his father; (2) Marlo Rellosa (Marlo), the person at the wake who was hit by appellant and who was present when the punching of the victim took place; and (3) Roger Herrera (Roger), who corroborated the testimony of Orly. Dr. Ma. Cristina Freyra, the medico-legal officer who conducted the autopsy on the cadaver of the victim, testified on the cause of death of the same.

On 18 July 1997, a wake was held in a house close to that of Rodolfo Arevalo (Rodolfo) located at Zone 10, Barangay San Roque, Antipolo City. Rodolfo was there at the wake drinking coffee. At around 3:00 a.m. of the same day, appellant, who was also attending the wake, suddenly boxed the face of a certain Marlo Rellosa for

no reason at all.^[5] He then turned his direction to a sleeping boy and started putting some biscuits into the boy's mouth.^[6] This caught the attention of Rodolfo who advised appellant not to disturb the boy and said, "*Huwag mo pagtripan ang batang natutulog.*"^[7] Appellant reacted and said, "*Anong pakialam mo?*"^[8]

Soon after, Rodolfo left the wake and headed for home. Appellant, who was wearing a brass knuckle wrapped in a handkerchief, followed Rodolfo and punched the latter three to five times, hitting him on the nape.^[9] Rodolfo fell to the ground. Some people tried to help Rodolfo and carried him to the house of his sister nearby.^[10] They asked appellant to help them carry Rodolfo, but appellant merely smiled and told them that Rodolfo just fainted.^[11] Appellant then crossed the street and boarded a jeepney going to Manila.^[12] Rodolfo was rushed to Unciano Hospital in Antipolo City but the staff there refused to accept him since they felt they could not handle his severe injury. Rodolfo was then transferred to a community hospital in the city, but the hospital staff also refused to accept him for the same reason. Finally, it was at the Amang Rodriguez Hospital in Marikina City that Rodolfo was accepted and treated. Unfortunately, at 3:00 p.m. of the same day, Rodolfo passed away.^[13]

Per autopsy report, the cause of death of the victim is *Intracranial Hemorrhage Secondary to Skull Fracture*.^[14]

Medico-legal Officer Dr. Ma. Cristina Freyra found four external injuries on the cadaver of the victim, all of which were contusions. She said that the three injuries were at the head and the other one was in the trunk. According to her, the fracture in the right *parietal occipital* region could have been caused by a hard blunt object.^[15]

The defense, on the other hand, invoked self-defense. To prove this, the testimonies of the appellant, Randy Jose Gonzales, a friend of appellant, and Walter Villa, appellant's younger brother, were presented.

Appellant testified that on the afternoon of 17 July 1997 until 1:00 a.m. of 18 July 1997, he was assisting his mother sell food to the FX drivers near the Cathedral of Antipolo City.^[16] At around 2:30 in the morning of 18 July 1997, they went home. After asking money from his mother, he proceeded to the wake. There he played cards with his friends. Near the table where they were playing was a little boy. Appellant made fun of this boy by feeding him with biscuits. Rodolfo berated appellant when he saw what the latter was doing with the boy and asked him why he was forcibly feeding the boy. Appellant answered Rodolfo to mind his own business. This reply of the appellant angered Rodolfo who picked up a stone and was about to hit the head of the appellant when the latter's friends prevented Rodolfo.^[17] The people in the wake asked both appellant and Rodolfo to leave the place. But before Rodolfo left, he uttered to the accused, "*Antayin mo ako, babalikan kita.*"^[18] Appellant went home. While he was walking, the victim came back and, armed with a club, hit the former. It was then that appellant boxed the victim on the nape once, causing the latter to fall down.

Defense witness Randy Jose Gonzales, testified that at exactly 3:00 a.m. of the date

in question, he was there at the wake watching appellant gambling with some persons. He then saw Rodolfo hit the hands of the appellant for forcibly feeding a little boy.^[19] Appellant just stood up and left the place to avoid Rodolfo. Armed with a *dos por dos*, Rodolfo ran after appellant until he went past the latter. Having been cornered, appellant was forced to face his attacker. A fistfight ensued which ended with Rodolfo being floored face down.^[20]

Walter Villa declared on the witness stand that he arrived at the scene after the incident had happened. The hitting incident was only recounted to him by a lad. He went along with the victim when the latter was brought to the hospital.^[21] At around 7:00 a.m. he went home.^[22]

Unconvinced that appellant killed the victim in self-defense, the RTC in its decision dated 9 October 2002, convicted the appellant of murder, and imposed upon him the penalty of *reclusion perpetua*. Appellant was also ordered to indemnify the heirs of the victim in the amounts of P50,000.00 as death indemnity, and another P50,000.00 as temperate damages. The dispositive portion of the RTC decision reads:

WHEREFORE, premises considered, accused Charlie Villa, Jr. is hereby found guilty beyond reasonable doubt as charged and is hereby sentenced to *reclusion perpetua*. Said accused is hereby further ordered to pay the heirs of Rodolfo Arevalo y Gamboa the amount of Php50,000.00 as death indemnity and another amount of Php50,000.00 as temperate damages. The period during which the accused had undergone preventive imprisonment shall be credited in his favor in serving the foregoing sentence.^[23]

On 6 November 2002, appellant filed a notice of appeal.^[24] The trial court ordered the transmittal of the entire records of the case to this Court. This Court, however, referred the case to the Court of Appeals for intermediate review, conformably to the ruling in *People v. Mateo*.^[25]

The Court of Appeals, on 13 March 2007, promulgated its Decision affirming the decision of the RTC in all respects, except the award of temperate damages which it reduced from the amount of P50,000.00 to P25,000.00. The Court of Appeals decreed:

WHEREFORE, premises considered, the instant appeal is DISMISSED. The assailed decision of the Regional Trial Court, Branch 73 of Antipolo City dated October 9, 2002 finding accused-appellant Charlie Villa, Jr. guilty beyond reasonable doubt of the crime of murder, sentencing him to suffer the penalty of *reclusion perpetua* is AFFIRMED. The award of temperate damages is hereby reduced to P25,000.00.^[26]

Hence, the instant case.

In his brief, the appellant assigns a single error:

THE TRIAL COURT GRAVELY ERRED IN NOT CONSIDERING THE JUSTIFYING CIRCUMSTANCE OF SELF-DEFENSE INTERPOSED BY THE ACCUSED-APPELLANT.

Appellant takes exception to the trial court's verdict convicting him and maintains that he was able to prove by competent evidence all the elements of self-defense. To support this, he states that there was unlawful aggression on the part of the deceased Rodolfo Arevalo, when the latter hit him with a club or a piece wood. It was fortunate that appellant was able to evade the first swing, but eventually he was hit by the second. Before appellant could further harm him and put his life on the verge of danger, appellant instinctively retaliated by boxing the victim on his nape, which he did not know would result in Rodolfo's demise. Appellant claims he hit the victim only once, but because the latter was drunk, he lost his balance and fell down.

According to appellant, the act of punching the victim was commensurate with the onslaught initiated and continued by the latter, thereby exposing appellant to an imminent and actual danger to his life. Appellant insists that when he boxed the victim, he was merely employing reasonable means to repel the attack carried out by the victim.

Appellant likewise asserts that he was able to prove that there was unlawful aggression on the part of the victim since he initiated the attack by clobbering appellant. Having established all elements of self-defense, appellant argues he deserves acquittal.

The Office of the Solicitor General, however, differs. It is of the conviction that appellant cannot successfully put up self-defense, considering the number of wounds and the nature of the injuries sustained by the victim, especially that fatal wound at the back. It avers that the failure of appellant to surrender to authorities after the incident and to report the same indicates he was not acting in self-defense.

Self-defense as a justifying circumstance may exempt an accused from criminal liability when the following requisites are met, namely: (1) there was an unlawful aggression on the part of the victim; (2) the means employed to prevent or repel such aggression was reasonably necessary; and (3) the person defending himself had not provoked the victim into committing the act of aggression.^[27] The burden of proving by clear and convincing evidence that the killing was justified is on the accused. In doing so, he must rely on the strength of his own evidence and not on the weakness of that of the prosecution.

The varying accounts of the prosecution and of the defense as to who initiated the aggression was resolved by the RTC which gave full faith and credence to the testimonies of the prosecution witnesses over those of the defense, thus:

In the present case, the burden of evidence having been shifted, the Court finds the narrations of the sequence of events by the accused decidedly unconvincing.

x x x x

Be that as it may, self-defense on the part of the accused is further negated by the physical evidence in the case. The wound located at the back of the head of the victim indicates that the accused indeed followed the victim when he left the wake and punched him with a hard blunt object. Such wound, according to the medico-legal officer, was the most

fatal one among those sustained by the victim as it fractured his skull and eventually caused his death. These facts, in addition to the testimonies of prosecution witnesses who did not show any motive to falsely testify and implicate or point on erring finger at the accused inside the courtroom as the perpetrator of the crime, established that the accused's act was not an act of self-defense but a determined effort to kill his victim.^[28]

The trial court, which had the opportunity to observe the demeanor of the witnesses on the stand, was convinced of the veracity of the prosecution witnesses' testimonies and not that of appellant's.

We find no reason to reverse or alter the evaluation of the trial court as affirmed by the Court of Appeals.

The time-tested doctrine is that the matter of assigning values to declarations on the witness stand is best and most competently performed by the trial judge who, unlike appellate magistrates, can weigh such testimony in light of the declarant's demeanor, conduct and position to discriminate between truth and falsehood.^[29] Thus, appellate courts will not disturb the credence, or lack of it, accorded by the trial court to the testimonies of witnesses.^[30] This is especially true when the trial court's findings have been affirmed by the appellate court, because said findings are generally conclusive and binding upon this Court unless it be manifestly shown that the lower courts had overlooked or disregarded arbitrarily the facts and circumstances of significance in the case.^[31] A scrutiny of the records shows that no such error was committed by either the RTC or the Court of Appeals.

An assiduous evaluation of the transcript of stenographic notes indicates that the three prosecution witnesses -- Marlo, Orly and Roger -- whose accounts agree on material points, testified in a candid and straightforward manner as to what had really transpired on that fateful day. Marlo declared on the witness stand the incident prior to the killing of the victim, and also his own experience at the hands of the appellant:

Q: Mr. Witness, do you recall where you were on July 18, 1997 at 3:00 o'clock in the morning?

A: Yes, sir. I was attending a wake, sir.

Q: Where was that, in what place?

A: Barangay San Roque, Antipolo.

Q: You said you were attending a wake, where were you, inside or out where the wake was held?

A: I was near the place.

Q: What were you doing that time?

A: I was sleeping.

Q: Did you wake up from your sleep?