

## SECOND DIVISION

[ G.R. NO. 168100, November 20, 2007 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. MATEO DALEBA, JR., APPELLANT.**

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

**CARPIO, J.:**

This is an appeal from the Decision<sup>[1]</sup> dated 19 April 2005 of the Court of Appeals affirming with modification the decision of the Regional Trial Court of Pasay City, Branch 116 (trial court), finding appellant Mateo Daleba, Jr. (appellant) guilty of Murder under Article 248 of the Revised Penal Code, as amended.

Around noon of 18 March 1997, appellant and the victim, Renato Angeles (Renato), "barkers" in a bus terminal in Pasay City, quarreled over the division of their earnings. A certain Edwin Bernarte (Bernarte) intervened and pacified appellant and Renato. Renato walked away and headed to his house which was near the terminal. For his part, appellant joined Bernarte's group who had just taken their lunch nearby. Suddenly, appellant ran after Renato, pulled a knife from his waistline, held Renato's shoulder by his left hand, slashed Renato on the right forearm and stabbed him at the back, above the right side of the waistline. Renato died that evening from the stab wound. Appellant, who had gone to his home province in Camarines Sur, was arrested four years after the stabbing incident.

Appellant was charged before the trial court with Murder qualified by treachery and evident premeditation.<sup>[2]</sup>

Appellant invoked self-defense, claiming that around noon of 18 March 1997, he went to the Pasay City bus terminal and, once inside, Renato suddenly grabbed his neck, dragged him to the back of the terminal, and, using his right hand which also held a knife, repeatedly boxed appellant in the face. When appellant was able to free himself from Renato's hold, he grabbed a knife lying at a nearby table and stabbed Renato with it. Appellant also claimed that Renato had earlier assaulted him at around 9:00 a.m. of the same day.

In a Decision dated 28 February 2002, the trial court found appellant guilty as charged, sentenced him to *reclusion perpetua*, and ordered him to pay P100,000 actual damages, P75,000 indemnity, and P165,000 for loss of Renato's earning capacity. The trial court gave credence to the testimonies of Bernarte and another eyewitness, Federico Angeles (Federico), over the uncorroborated claims of appellant. The trial court also held that (1) the killing was qualified by treachery as appellant stabbed Renato at the back, while the latter was walking away; (2) evident premeditation did not attend the killing as appellant had no time to mull over his resolve to attack Renato; and (3) appellant's flight should be taken against him as further evidence of guilt.

Appellant appealed to this Court, contending that the trial court erred in appreciating the qualifying circumstance of treachery since the quarrel which preceded the killing must have put Renato on-guard. Appellant pointed to the testimony of Dr. Ravell Ronald Baluyot (Dr. Baluyot), the physician who autopsied Renato, that the incised wound on Renato's forearm was a defensive wound. Appellant also took exception to the trial court's finding that his flight proves his guilt since he left for fear of retaliation from Renato's father who was a policeman.

Following the ruling in *People v. Mateo*,<sup>[3]</sup> we transferred the case to the Court of Appeals.

In its Decision dated 19 April 2005, the Court of Appeals affirmed the trial court's ruling except for the amount of the indemnity which it lowered to P50,000. The Court of Appeals sustained the trial court's finding of treachery because there was an interval after the time appellant and Renato quarreled until appellant stabbed Renato. On the import of appellant's flight, the Court of Appeals found merit in appellant's claim that the same should not be taken against him as appellant feared retaliation from Renato's policeman father.

Hence, this appeal. In separate manifestations, the parties informed the Court that they are no longer filing supplemental briefs.

We affirm the Court of Appeals' ruling with the modification that appellant is further ordered to pay P25,000 as exemplary damages.

Since appellant invoked self-defense, he effectively admitted committing the acts leading to Renato's death albeit under circumstances justifying its commission. Appellant bears the burden of proving such circumstances<sup>[4]</sup> and we sustain the lower courts' findings that appellant failed to discharge this burden as he did not prove the elements of self-defense.<sup>[5]</sup> As the trial court noted, appellant's uncorroborated version of the events leading to Renato's death strains credulity. If, indeed, Renato suddenly attacked appellant inside a bus terminal in broad daylight by grabbing him by the neck and dragging appellant towards the back of the terminal, the ensuing commotion would have attracted the attention of the people around them. Appellant does not explain why no one came to his rescue. In contrast, the testimonies of the prosecution's two eyewitnesses dovetailed on how appellant, moments after quarreling with Renato, ran up to the latter and stabbed him from behind, just above the waistline.

We also find merit in the lower courts' finding that treachery qualified Renato's killing. There is treachery when the offender commits any of the crimes against the person, employing means, methods, or forms in the execution thereof which tend directly and specially to insure its execution, without risk to himself arising from the defense that the offended party might make.<sup>[6]</sup> This circumstance will be appreciated if (1) at the time of the attack, the victim was not in a position to defend himself and (2) the offender consciously adopted the form of attack he employed.<sup>[7]</sup>

Here, Renato was walking away from appellant with no inkling of what would soon befall him, when appellant stealthily came up behind Renato, held the latter's