

FIRST DIVISION

[G.R. No. 135848, March 12, 2002]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RAMONITO SAURE A.K.A. "DODONG", ACCUSED-APPELLANT.**

DECISION

PUNO, J.:

What has been promised as a night of festivity and fun turned out to be Renato Lepasanda's last dance. For his death, an Information for murder was filed against accused-appellant Ramonito Saure *alias* "Dodong" on October 17, 1996 with the Regional Trial Court of Maasin, Southern Leyte. Its accusatory portion reads:

"That on or about the 28th of July 1996 at around 1:30 o'clock a.m., in Barangay Basak, municipality of Maasin, province of Southern Leyte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused with intent to kill, evident premeditation and treachery, and while armed with a fan knife known as "Batangas," which said accused had provided himself for the purpose, did then and there willfully, unlawfully and feloniously attack, assault and stab one Renato Lepasanda, thereby inflicting upon the latter the following injuries:

- a. Stab wound 1 inch in length (L) chest penetrating to thoracic cavity;
- b. Stab wound (R) chest 1 cm. Level T6;
- c. Stab wound 1.5 inch in length (R) chest level T7 (R) posterior axillary line penetrating to thoracic cavity;
- d. Incised wound (R) wrist 1 in. in length muscle deep;
- e. Incised wound 1 inch in length (L) wrist;

which caused the instantaneous death of the said victim to the damage and prejudice of his heirs and of social order.

CONTRARY TO LAW."^[1]

The accused-appellant was arraigned on November 20, 1996 and entered a plea of not guilty.^[2] On trial, the prosecution presented the testimonies of Eleno Alinsub and Ernesto Lacbayo. It also offered the "Batangas" knife^[3] allegedly used by the accused and the victim's Certificate of Death prepared by Dr. Reynaldo Tan who conducted the post-mortem examination.^[4]

The accused-appellant testified on his own behalf along with three (3) corroborating witnesses, namely: (1) Matias Sumampong; (2) Remigio Lacerna; and (3) Relito Dagami.

Prosecution witness Eleno Alinsud testified that on the evening of July 27, 1996, the Barangay Council of Basak organized a benefit dance at the barangay auditorium. Being the chief *barangay tanod*, he was assigned to oversee the peaceful and orderly conduct of the event.^[5]

At around 1:30 am the following day, Alinsud saw accused-appellant Ramonito "Dodong" Saure stab Renato Lepasanda using a "Batangas" knife. He opined that the stabbing must have been related with the previous verbal altercation between the two, wherein the same reprimanded Lepasanda for forcing one Arlene Lacbayo, alleged niece of the latter, to dance against her wishes.^[6]

After Lepasanda's reprimand, accused-appellant went to the side of the dance hall, pulled his "Batangas" knife, rushed towards the victim who was then sitting in an oblique position, and attacked him from the backside. The accused-appellant's first thrust landed on the victim's upper left chest. Attempting to defend himself, Lepasanda picked up a stool. But as he was raising the stool, the accused-appellant stabbed him again several times, hitting different parts of his upper chest.^[7] Alinsud, who was three (3) meters away from the scene, shouted at the accused-appellant to avoid any untoward incident. He was hardly heard, though, because the music was still playing.^[8]

While the victim was being attacked, Alinsud rushed towards the accused-appellant, and hit him on the head with a stool. He shoved the victim away to avoid further harm. The accused-appellant, meanwhile, thrust his knife at Alinsud three times but was unable to injure him because the latter was already on guard.^[9]

Upon seeing the incident, Emie Lacerna (also referred to as Remegio Lacerna), a councilman of barangay Canyuom and a companion of the accused-appellant, instructed the latter to board a motorcycle and surrender himself to the authorities. Lacerna's son drove the motorcycle and accompanied the accused to the Maasin Police Station. For his part, Alinsud proceeded to the barangay captain of Basak to report the incident.^[10]

Alinsud further testified that the accused-appellant, who was bigger and taller than the victim, appeared to be intoxicated when the incident took place.^[11]

Ernesto Lacbayo, brother of Arlene Lacbayo, corroborated the material allegations of Alinsud. He testified that on July 27, 1996 at about 11:30 in the evening, he was at the barangay auditorium of Basak to attend the benefit dance.^[12] He was occupying a table with Renato Lepasanda who was seated in front of him. His sister was seated at another table, roughly three (3) open arms stretch from them. He clarified that Lepasanda was not related by blood to him nor to his sister.^[13]

At about 1:30 in the early morning of July 28, 1996, Lepasanda approached the accused-appellant and reprimanded him for forcing Arlene to dance with him. The two had an exchange of words but were pacified by Eleno Alinsud. Lepasanda returned to his seat but moments later, the accused-appellant appeared with a "Batangas" knife and immediately stabbed him in his left chest.^[14]

Lacbayo declared that the victim was not able to defend himself. After hitting the

victim on the left chest, the accused-appellant continuously and successively struck the victim for around five (5) times more while the victim was picking up a stool to parry the blows. Lacbayo tried to help the victim but Remegio Lacerna prevented him from doing so. Lacerna grabbed the wooden bench which Lacbayo intended to use against the accused-appellant. The two of them grappled for possession of the bench.^[15]

As this was happening, Eleno Alinsub instructed the victim to run. The accused-appellant, however, pursued him. Because of the accused-appellant's persistent pursuit, Alinsub struck him with a bench, hitting him on the forehead. The accused-appellant directed his attack against Alinsub but his attempts were unsuccessful. At this point, Lacerna embraced the accused and ordered him to board a motorcycle.^[16]

Taking the witness stand, accused-appellant belied the foregoing testimonies of the prosecution and interposed the justifying circumstance of self-defense.

Hailing from the nearby Barangay Canyuom, accused-appellant testified that he was in Barangay Basak on the night of July 27, 1996 to attend the benefit dance.^[17] With him were Remegio Lacerna, Matias Sumampong,^[18] and Melovino Bonote.^[19] They were occupying a table just across that of Arlene Lacbayo, Ernesto Lacbayo and Renato Lepasanda. The three were seated beside the entrance door.^[20] Prior to the incident, the accused was not acquainted with either the victim Lepasanda or the Lacbayo siblings.^[21]

At about 1:30 in the morning the following day, he approached Arlene Lacbayo for a special dance. Lepasanda, whom the accused-appellant later learned to be the boyfriend of Arlene, stood up and admonished him. The accused-appellant assured Lepasanda that he would not mind if Arlene would refuse to dance with him. Despite this assurance, however, Lepasanda flared up and a verbal confrontation ensued between them. At this point, Alinsub, a barangay tanod, came and pacified them. Recognizing Alinsub's authority, and considering that he was not from Barangay Basak, accused listened to Alinsub's admonition and went back to his seat. He danced for a while and later on, told his companions that he will urinate.^[22]

On his way to the comfort room, he passed by Lepasanda's table. Without provocation, Lepasanda struck him with a stool, hitting him on the forehead. Lepasanda kept on hitting him for some time. Feeling dizzy, he drew his "Batangas" knife to parry the blows. Alinsub also struck him with a stool, hitting his nape.^[23]

Because of the commotion, he was unsure whether he hurt anyone with his "Batangas" knife. He had a feeling, though, that he might have wounded somebody. So when Lacerna embraced him and told him to surrender, he immediately obliged and went to the Maasin Police Station.^[24] He told the authorities that he might have wounded somebody and surrendered the "Batangas" knife.^[25]

Suffering from swelling, contusion and hematoma, the accused-appellant went to the hospital for medical treatment.^[26] He was accompanied by two policemen whom he identified as Lito and a certain Dumaguit.^[27] The hospital personnel, however, refused to give him a medical certificate. He was instructed to go to the

dispensary, instead. When he arrived at the dispensary, he was told that the doctor was in Tacloban so he went back to the municipal building.^[28]

Matias Sumampong, a cousin of both the witness and the accused-appellant, corroborated the accused-appellant's testimony.^[29] He testified that on July 27, 1996, he was with Ramonito Saure and Ruby Bonote in Barangay Basak auditorium to attend the benefit dance. They occupied a table and the three of them had a drink. They consumed one (1) pocket-size Tanduay Rhum and one (1) family-size Coke.

That evening, Renato Lepasanda was with some lady-companions. They were occupying a table about three (3) meters from that of the accused-appellant. Sumampong and the accused-appellant had a dance with Lepasanda's companions. After some time, the accused-appellant requested Arlene Lacbayo to dance with him again. He likewise sought the permission of Lepasanda who reluctantly acceded to the request. The two danced for a while but sensing Lepasanda's reluctance, the accused-appellant escorted Arlene back to her seat.^[30]

At about 1:30 am the following day, he saw Renato Lepasanda strike the accused-appellant on the face with a stool. The accused-appellant drew his "Batangas" knife, parrying the blows inflicted by Lepasanda. In the process, the accused-appellant wounded Lepasanda on the right chest. The accused-appellant and the victim were facing each other when the former inflicted injury on the latter.^[31]

Seized by fear, Sumampong was unable to do anything. He did not want to get involved with his cousins' quarrel. He finally regained his composure and asked the accused-appellant to stop thrusting his knife at Lepasanda. By then, several people started ganging up on the accused-appellant.^[32]

Defense also presented Remigio Lacerna, a barangay kagawad of Barangay Canyuom. Lacerna testified that he was in Barangay Basak on July 27, 1996, to attend the benefit dance. He arrived at the barangay auditorium at about 10:00 pm. The accused-appellant joined him at his table an hour later.^[33]

Later that night, Lacerna paid one hundred pesos (P100.00) to the organizer of the benefit dance for five (5) musical pieces and asked a lady to dance with him. Accused-appellant also danced but after the first piece, he approached Arlene Lacbayo, presumably to invite her to dance. Lacerna, however, noticed that the accused-appellant did not dance when the second piece was played.^[34]

At about 1:30 am the following day, Lacerna saw Lepasanda hit the accused-appellant with a stool. As the lights were dim, he barely saw what was happening. He thought that the accused-appellant retaliated by boxing Lepasanda only.^[35] It was only later that he realized that the accused-appellant had stabbed Lepasanda.^[36] Nonetheless, he saw Alinsub hit the accused-appellant on the nape using a stool. Seeing this, he embraced the accused-appellant and told him to ride the motorcycle driven by his son, and surrender to police authorities.^[37] He went home to Canyuom right after the incident. Only then did he learn that the victim was his grandson.^[38]

Lacerna claimed that he was not aware of any verbal altercation between the accused-appellant and the victim before the incident.^[39] Although he is acquainted with Matias Sumampong and Ruby Rabonete, did not notice their presence at the benefit dance.^[40]

Finally, defense presented SPO3 Relito Dagami, assigned with the General Assignment Services of the Philippine National Police. He testified that on July 28, 1996, at about 9:00 am, the accused-appellant, who was then detained at the Maasin Police Station, requested a medical examination for the injuries he sustained. With a patrol car, he accompanied the accused to the Integrated Provincial Health Office. The accused-appellant, however, was not given a medical certificate. He was instructed to secure the medical certificate from the Rural Health Unit but when they arrived there, they were informed that the doctor was in Tacloban.^[41] Thus, they went back to the municipal building.^[42] Dagami attested that the face of the accused-appellant was indeed swollen.^[43]

Giving credence to the witnesses for the prosecution, the trial court disregarded the accused-appellant's claim of self-defense, viz:.

"Accused denied the murder charge and invokes self-defense anchored mainly on his self-serving testimony, and pleading a mitigation, tried to establish the circumstance of voluntary surrender. His testimony tried to obtain corroboration from witnesses Matias Sumampong and Remigio Lacerna. But to no avail. They were not able to overcome the positive and straightforward declarations of the prosecution witnesses.

Accused attempts to lay the blame on victim Renato as the one who first assaulted him by striking him with a stool, and to defend himself, he took hold of his fan knife and did not realize that he was able to hit Renato on the chest. This is specious. Between him and Renato he has more teeth to grit, or axe to grind, or hatred to harbor because Renato prevented him for forcing his way on Renato's niece, Arlene. The rancour was more in his heart. He had more motive to do harm.

The Court finds the prosecution witnesses to be more credible than those of the accused no matter how the accused tried to cast doubt on the veracity of the testimonies of the witnesses for the prosecution. The latter's testimonies are eyeball testimonies and far from being perjured. No improper motives impelled the prosecution witnesses to testify as they did."

Accordingly, the trial court found the accused guilty beyond reasonable doubt of the crime charged. Appreciating the mitigating circumstance of voluntary surrender, the trial court sentenced the accused to an imprisonment term of *reclusion perpetua*, including its accessory penalties and costs, viz:

"WHEREFORE, judgment is hereby rendered finding the accused RAMONITO SAURE @ Dodong GUILTY beyond reasonable doubt of the crime charged and sentences him to a determinate indivisible imprisonment term of *RECLUSION PERPETUA*, and its accessory penalties, and to pay the costs.