

## FIFTH DIVISION

[ CA-G.R. CR-H.C. NO. 06484, November 20, 2014 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
GODOFREDO MACARAIG Y GONZALES, ACCUSED-APPELLANT.**

### **DECISION**

**BARZA, J.:**

GODOFREDO MACARAIG (MACARAIG) appeals from the Decision<sup>[1]</sup> dated 16 October 2013, of the Regional Trial Court, Branch 63, Calabanga, Camarines Sur, finding him guilty beyond reasonable doubt of the crime of Murder, and imposing on him the penalty of *reclusion perpetua*.

The Information<sup>[2]</sup> reads:

"That on the 31<sup>st</sup> day of May 2011 in Brgy. Salvacion Baybay, Municipality of Calabanga, Province of Camarines Sur, Philippines, within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, while armed with a bladed instrument, did then and there, willfully, unlawfully and feloniously assault, attack and stab one JOVEN CELESTE y MALANYAON, and with treachery hitting the latter on the vital parts of his body, thereby inflicting upon him stab wound which would caused his death, to the damage and prejudice of the heirs of the victim.

ACTS CONTRARY TO LAW."

When arraigned on 28 June 2011, Macaraig pleaded "Not Guilty"<sup>[3]</sup>. During the Pre-trial<sup>[4]</sup>, only the identity of the accused Macaraig was stipulated on by the parties. Trial thereafter, ensued.

The prosecution sought to establish the following facts:

Francis Losano (Francis), of Salvacion-Baybay, Calabanga, Camarines Sur and a cousin of the victim, testified that at 12:00 o'clock in the morning of 31 May 2011, he had a drinking session with the victim and three other cousins at the basketball court in Salvacion-Baybay, Calabanga, Camarines Sur, in celebration of the Santa Cruzan. He decided to go home at past 1:00 o'clock in the morning when he saw the victim, also on his way home.

However, there was a person following the victim behind. That person got behind the victim and upon getting near the victim, put his arm on the victim's shoulder. With the use of his right arm, that person stabbed the victim.<sup>[5]</sup> Francis identified

the person who stabbed the victim as herein accused Godofredo Macaraig, whom he had known since he was a student.

Upon seeing the incident, Francis ran towards his house to get a flashlight and a *bolo* because he got scared as Macaraig saw him witness the incident. When Francis got out of his house, Macaraig had already fled. Francis ran after Macaraig and when he caught him, asked him why he stabbed the victim. Macaraig did not answer. As Francis was shouting for help, Macaraig ran away to the rice fields.

Herson Heles (Herson), also a resident of Salvacion-Baybay, Calabanga, Camarines Sur, testified that he also attended the celebration of the Santa Cruzan. When he was about to go home at around 2:00 o'clock in the morning of 31 May 2011, he heard somebody uttered that "Kapid" was stabbed. "Kapid" was the victim, Joven Celeste. Herson ran towards where he heard it and saw the father of the victim carrying "Kapid".

According to the mother of the victim, Corazon Celeste, the victim came to their house that night while soaked in blood. He was asking for help. She, however, passed out upon seeing this and only regained consciousness when her son was already brought to the hospital.

Herson helped in bringing "Kapid" to the Poblacion so that he could be boarded on an ambulance and brought to the Bicol Medical Center. While in the ambulance, Herson asked the victim who stabbed him (victim). Speaking in a low voice and appearing very weak, the victim said in what would have been his last words, that it was Godo Macaraig who stabbed him. The victim was already dead upon arrival at the Bicol Medical Center.<sup>[6]</sup>

Dr. Daniel Tan examined the cadaver of the victim and prepared the necropsy report<sup>7</sup> with the following findings:

"x x x

**FINDINGS:**

- in rigor mortis
- stab wound, 8 cm. X 3 cm., midespigastric area, extending to the left upper quadrant, penetrating the liver, abdominal aorta, small intestine, with non-clotted blood pooled in the peritoneal cavity.

**CAUSE OF DEATH – Stab Wound, Abdomen**

x x x"

As explained at the stand, the wound inflicted on the victim is caused by a sharp-edged, sharp-pointed object in the upper portion of the victim's abdomen, penetrating the liver. The necropsy was conducted on the victim at around 8:15 in the morning of 31 May 2011, with the cadaver already beginning to stiffen.

At around 6:40 that morning, Macaraig had already been arrested by the Barangay Tanod of Sogod and Salvacion-Baybay, Calabanga, Camarines Sur, together with

Francis who helped in the search. Macaraig was arrested at the Trade School in Sta. Cruz, Ratay. Thereafter, Macaraig was turned over to the police in Ratay.

On the other hand, the defense presented the sole testimony of Macaraig.

Macaraig is single, a fighting cock breeder and a resident of Paolbo, Calabanga, Camarines Sur. He denies knowing the victim in this case. On 29 May 2011, he visited his best friend, Jeffrey Crobalde, in the latter's house in Sogod, Calabanga, Camarines Sur.

In the evening of 30 May 2011, there was a drinking session at the house of Crobalde's neighbor. When he and Crobalde arrived in the neighborhood from the basketball court, one Joven Celeste was making trouble by throwing stones at the window of Crobalde's house. Macaraig pacified Joven Celeste by telling him to stop. After which, Joven Celeste left the place for his house while Macaraig proceeded cooking.<sup>[8]</sup>

Later that evening, Crobalde asked Macaraig to buy spices in the store. While at the store, three (3) male persons approached Macaraig and collared him. He does not recognize the three persons. Thereupon, somebody poked a "*balisong*" (fan knife) at him and threatened to kill him if they would ever see him (Macaraig) again. Macaraig returned to the house of Crobalde but did not tell the latter of what happened to him.<sup>[9]</sup>

The following evening or on 31 May 2011, two of Macaraig's friends invited him to go attend the Santa Cruzan, wherein he carried the cross. After the Santa Cruzan, Macaraig and his friends attended the dancing celebration. At 3:00 o'clock in the morning, Macaraig excused himself as he was already sleepy. Two persons followed him on his way to the house of his friend, Crobalde. He also noticed one person waiting for him. He did not recognize them. Suddenly, somebody poked something at him, held him on the shoulder and boxed him. Macaraig was able to evade the blows. Then he saw someone holding a *balisong* and tried to stab him. However, it was that person's companion who got hit. Macaraig ran away because he noticed that one of the two persons was carrying a *bolo* and was about to hack him. Afraid, Macaraig ran to the house of his friend.<sup>[10]</sup>

On cross-examination, Macaraig testified that he did not ask Crobalde to help him report the incident to the barangay or police because Macaraig was afraid. He left the house of Crobalde early in the morning and proceeded to his house in Brgy. Paolbo. He did not also report the matter to the police in his barangay. He returned to the place of the incident the following morning to inquire who was the person stabbed.

But Macaraig was arrested in Sta. Cruz Poblacion, Calabanga, on 31 May 2011. He was allegedly identified as the one who stabbed the victim, Joven Celeste. After investigation at the Fiscal's office for the killing of Joven Celeste, he was not released anymore.

Macaraig also testified that he did not recognize any of the three persons who collared him on 30 May 2011. He is certain that Joven Celeste was not one of the three persons. When he went out to attend the dance celebration the following

night, Macaraig also did not recognize the persons who were following him, even the identity of the person stabbed. Neither does Macaraig recognize the person who boxed him. And since he was arrested by the barangay tanod on 31 May 2011, he was not able to go back to his house in Paolbo.

After trial, Macaraig was found guilty for murder. The dispositive portion of the decision reads:

"WHEREFORE, premises considered, the Court finds GODOFREDO MACARAIG y GONZALES GUILTY, beyond reasonable doubt, of the crime of Murder and he is hereby sentenced to suffer the penalty of RECLUSION PERPETUA. In accordance with recent jurisprudence, GODOFREDO MACARAIG is also ordered to PAY the heirs of JOVEN CELESTE as follows:

1. P 75,000.00 as Civil Indemnity
2. 50,000.00 as Moral Damages
3. P 16,570.00 as Actual Damages and
4. P 30,000.00 as Exemplary Damages.

x x x

SO ORDERED.

Hence, this appeal by Macaraig, now the accused-appellant, ascribing the following errors to the trial court, to wit:

I

THE TRIAL COURT GRAVELY ERRED IN DISREGARDING THE THEORY OF SELF-DEFENSE INTERPOSED BY THE ACCUSED-APPELLANT.

II

THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED.

III

HE COURT A QUO GRAVELY ERRED IN APPRECIATING TREACHERY AS A QUALIFYING CIRCUMSTANCE.

In his Brief<sup>[11]</sup>, the Solicitor General, for the State, submitted that the guilt of the accused-appellant of the crime charged has been proven beyond reasonable doubt, and recommended that the assailed Decision be affirmed in *toto*.

The Court affirms the conviction of Macaraig for murder.

Article 248 of the Revised Penal Code states that: