



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 245306

Present:

- versus -

PERALTA, C.J., Chairperson,
CAGUIOA,
CARANDANG,
ZALAMEDA, and
GAERLAN, JJ.

EDGAR GUARIN y VELOSO a.k.a.
"Banong,"

Accused-Appellant.

Promulgated:

DEC 02 2020

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DECISION

PERALTA, C.J.:

This is an appeal from the August 30, 2018 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09494 which affirmed with modification the May 31, 2017 Decision² of the Regional Trial Court (RTC), Branch 69, Lingayen, Pangasinan.

The Facts

Accused-appellant Edgar Guarin y Veloso was indicted for Murder as defined and penalized under Article 248 of the Revised Penal Code (RPC). The accusatory portion of the Information, dated May 30, 2016, alleged:

That sometime in the morning of May 27, 2016 in Gayaman, Binmaley, Pangasinan, and within the jurisdiction of this Honorable Court, the above-named accused with intent to kill and with treachery, did, then and there, willfully, unlawfully and feloniously assault and attack MANNY MANAOIS y FERNANDEZ, victim, by deliberately and suddenly stabbing

¹ Rollo, pp. 3-17. Penned by Presiding Justice Romeo F. Barza, with the concurrence of Associate Justices Elihu A. Ybañez and Maria Elisa Sempio Diy.

² CA rollo, pp. 50-59. Penned by Presiding Judge Loreto S. Alog, Jr.

him several times with a sharp bladed instrument while, he, the hapless, unarmed and unsuspecting victim, was about to board his motorized tricycle and had no chance to resist or defend himself, and as a result, the said victim suffered 'Multiple stab wounds in the chest, upper extremities and abdomen', that caused severe blood loss and the eventual demise of the said victim, to the prejudice and damage of his heirs.³

In his arraignment, Guarin pleaded not guilty⁴ to the offense charged in the information. Thereafter, trial on the merits ensued.

The prosecution presented three (3) witnesses, namely: Arcadio Botial, *Barangay Kagawad* Arnold Rosario and Dr. Carlito Arenas.⁵ The defense, for its part, presented Guarin as its lone witness.⁶

Version of the Prosecution

On May 27, 2016, at around 6:45 a.m., Botial and Manny F. Manaois were in Gayaman, Binmaley, Pangasinan, preparing to leave for work. Botial was loading a welding machine onboard a tricycle while Manaois was about to board and drive the said vehicle. As Manaois was busy putting the key in the ignition, Guarin, without any provocation or warning, suddenly stabbed Manaois with a knife. Manaois tried to run and escape but Guarin pursued him and stabbed him several times. Meanwhile, Botial, being stunned by the incident, was not able to move or even shout for help. At the time the stabbing ceased, Botial boarded Manaois into the tricycle to rush the latter to the Specialist Group Hospital and Trauma Center in Dagupan City.⁷

During the incident, *Barangay Kagawad* Rosario, who was living near the area where the incident happened, was preparing to go to work when he heard people shouting outside. Afterwards, he went outside to check what the commotion was about. He then saw Guarin sitting on the floor holding a bloodied knife. *Barangay Kagawad* Rosario talked to Guarin and watched him until the police authorities arrived. During the investigation, Botial returned and told the police that he witnessed the crime. He identified Guarin as the perpetrator who stabbed Manaois several times. The police officers seized a fifteen (15)-inch knife from Guarin and brought him, together with witnesses Botial and *Barangay Kagawad* Rosario, to the Police Station in Binmaley, Pangasinan for further documentation.⁸

PO1 Ryan S. Danglacruz conducted further investigation at the Specialist Group Hospital and Trauma Center where Manaois was being

³ Records, p. 1.

⁴ *Id.* at 20.

⁵ CA *rollo*, pp. 50-51.

⁶ *Id.* at 52.

⁷ *Id.* at 51.

⁸ *Id.*

treated.⁹ The latter was attended to by Dr. Arenas. At the time Dr. Arenas checked on Manaois, he noticed that the victim was on the brink of death as he was gasping for breath. He looked pale, with no blood pressure and cardiac activity. Manaois suffered twelve (12) stab wounds, four (4) abrasions, and contusions. On the same day, Manaois died.¹⁰

Version of the Defense

On the morning of May 27, 2016, Guarin was on his way to a *sari-sari* store to buy coffee. Meanwhile, Manaois, armed with a knife and who appeared to be drunk, approached and threatened to kill Guarin. Manaois tried to stab Guarin, but the latter was not hit as he was able to step backward. For the second time, Manaois attempted to stab Guarin, but the former fell on the ground. Seizing the opportunity, Guarin disposed Manaois of the knife. However, Guarin did not know what happened next. At the time Guarin was able to regain his senses, he saw blood on his clothes and hands which made him realize that he could have harmed Manaois. Afterwards, he surrendered himself to *Barangay Kagawad* Rosario.¹¹

Guarin added in his testimony that earlier that morning, he woke up with Manaois insulting him by calling him and the other members of his family illiterate which Manaois had done several times before the incident. Due to this, an altercation between them ensued. Guarin also stated that at the time of the incident, Botial was inside his house so he could not have witnessed the same.¹²

On May 31, 2017, the RTC convicted Guarin of the crime charged. The dispositive portion of the Decision states:

WHEREFORE, his guilt for the crime of murder defined and penalized under Article 248 of the Revised Penal Code having been proved beyond reasonable doubt, the accused Edgar Guarin y Veloso is hereby sentenced to suffer the penalty of reclusion perpetua and such accessory penalties provided for by law.

Said accused is likewise found liable to pay the heirs of Manny Manaois indemnity, moral damages and exemplary damages in the amount of [P]75,000.00 each, as well as temperate damages in the amount of [P]25,000.00, all of which to earn interest at the rate of six percent (6%) per annum from the date of finality of this decision until fully paid.

SO ORDERED.¹³

⁹ Records, p. 9.
¹⁰ CA *rollo*, pp. 51-52.
¹¹ *Id.* at 52-53.
¹² *Id.* at 53.
¹³ *Id.* at 59.



In concluding that the requisites of self-defense were not met to justify the killing of Manaois, the RTC ratiocinated:

There is aggression, only when the one attacked faces real and immediate threat to his life. In the case at bar, other than the accused's testimony, no other evidence had been adduced to show that it was Manny who initiated the confrontation before the stabbing incident. Ranged against the testimony of Arcadio, such an account, notably given almost a year after the subject incident transpired which already provided the accused time to cogitate on the facts, is impaled.

Even assuming that the attack was indeed initiated by Manny, the imminence of the peril on the accused's life already ceased the moment he succeeded in disarming Manny of the knife. x x x.

Moreover, gauging from the accused's testimony, it was him, not Manny, who had the reason to show aggression, he and his family members having been the objects of Manny's insulting remarks not only on the day of the subject incident but several times more previously. The incessant remarks on him and his kins being illiterates apparently took its toll on the accused that his mind became consumed by the thought of revenge. His irate mental state can in fact be seen from the number of stab wounds, about eleven in all, he inflicted on Manny.¹⁴

On appeal, the CA agreed with the findings of the trial court that even assuming that unlawful aggression was present on the part of Manaois, there was no longer any danger on Guarin's person from the moment he disarmed the former of his knife. The appellate court was convinced that Botial's testimony was clear, steadfast, convincing, and point to no other conclusion that Guarin stabbed Manaois to death. Likewise, the CA pointed out that the RTC correctly appreciated treachery as a circumstance to qualify the offense to murder. While the judgment of conviction was sustained, the award of damages was modified. The *fallo* of the August 30, 2018 Decision reads:

WHEREFORE, the appeal is DENIED. The assailed Decision dated May 31, 2017 of the RTC in Criminal Case No. L-10992 is AFFIRMED with MODIFICATION in that the award of temperate damages is INCREASED to Fifty Thousand Pesos (P50,000.00).

SO ORDERED.¹⁵

Now before us, the People and Guarin manifested that they would no longer file a Supplemental Brief, taking into account the thorough and substantial discussions of the issues in their respective appeal briefs before the CA.

¹⁴ *Id.* at 55; citation omitted.

¹⁵ *Rollo*, p. 16.

The Court resolves to dismiss the appeal for failure to sufficiently show reversible error in the judgment of conviction to warrant the exercise of our appellate jurisdiction.

Murder is defined and penalized under Article 248 of the RPC, as amended by Republic Act No. 7659. To successfully prosecute the crime, the following elements must be established: (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 RPC; and (4) that the killing is not parricide or infanticide.¹⁶ In the instant case, the prosecution was able to establish that (1) Manaois was stabbed and killed; (2) Guarin stabbed and killed him; (3) the killing of Manaois was attended by the qualifying circumstance of treachery; and (4) the killing of Manaois was neither parricide nor infanticide. We agree with the trial court's finding that the prosecution has proven Guarin's guilt beyond reasonable doubt, as the first element of the offense was proven by presenting the Certificate of Death¹⁷ of Manaois. The RTC correctly held in its Decision that Dr. Arenas sufficiently testified that Manaois sustained multiple stab wounds in the chest, upper extremities and abdomen; that the cause of the latter's death was due to cardiopulmonary arrest, multi-organ failure secondary to severe blood loss; and that these findings were not rebutted by the defense. Meanwhile, the other elements thereof were substantiated by Botial. In addition, the fact that Guarin invoked the justifying circumstance of self-defense is already an admission that he authored the killing of Manaois.

Considering that self-defense is an affirmative allegation and totally exonerates the accused from any criminal liability, it is well settled that when it is invoked, the burden of evidence shifts to the accused to prove it by credible, clear, and convincing evidence. The accused, claiming self-defense, must rely on the strength of his own evidence and not on the weakness of the prosecution. Self-defense cannot be justifiably appreciated when uncorroborated by independent and competent evidence or when it is extremely doubtful by itself.¹⁸

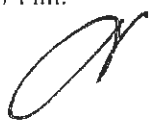
The essential elements of self-defense are the following: (1) unlawful aggression on the part of the victim; (2) reasonable necessity of the means employed to prevent or repel such aggression; and (3) lack of sufficient provocation on the part of the person defending himself. To invoke self-defense successfully, there must have been an unlawful and unprovoked attack that endangered the life of the accused, who was then forced to inflict severe wounds upon the assailant by employing reasonable means to resist the attack.¹⁹

¹⁶ *Johnny Garcia Yap v. People*, G.R. No. 234217, November 14, 2018; and *People v. Rucal*, 817 Phil. 665, 677 (2017).

¹⁷ Records, p. 11.

¹⁸ *People v. Tica*, 817 Phil. 588, 594-595 (2017).

¹⁹ *Id.* at 595.



While all three elements must concur, self-defense relies first and foremost on proof of unlawful aggression on the part of the victim. If no unlawful aggression is proved, no self-defense may be successfully pleaded. Unlawful aggression is a *conditio sine qua non* for upholding the justifying circumstance of self-defense; if there is nothing to prevent or repel, the other two requisites of self-defense will have no basis.²⁰

In the present case, it is apparent that there is no unlawful aggression. Botial, an eyewitness, vividly narrated that at the time of the attack, he and Manaois were occupied in preparing their things in going to work. Manaois, at the time of the attack, was about to put the key in the ignition when Guarin unexpectedly stabbed him with a knife. After the initial attack, Manaois tried to flee but Guarin was determined to kill him. Guarin was able to chase Manaois and stabbed him several times.

Meanwhile, Guarin claims a different version. He maintains that on his way to the store, he saw Manaois suddenly draw a knife and tried to stab him. During the attack, he was able to step back, thus, Manaois was not able to hit him. For the second time, Manaois tried to stab Guarin but the former fell on the ground. At this instance, Guarin took the knife away from Manaois and claimed that he blacked out. Afterwards, when Guarin regained his senses, he had blood stains all over his clothes and was holding a bloodied knife.

Even assuming that the version of facts averred by Guarin is given credence, his claim of self-defense is still wanting. "When an unlawful aggression that has begun no longer exists, the one who resorts to self-defense has no right to kill or even wound the former aggressor. To be sure, when the present victim no longer persisted in his purpose or action to the extent that the object of his attack was no longer in peril, there was no more unlawful aggression that would warrant legal self-defense on the part of the offender."²¹ Undoubtedly, the unlawful aggression ceased when Manaois fell on the ground and Guarin successfully disarmed him.

Guarin went beyond the call of self-preservation when he proceeded to inflict excessive, atrocious, and fatal injuries to Manaois. Assuming, for the sake of argument, that there was unlawful aggression, the second element of self-defense is not present. The means employed by Guarin was not reasonably commensurate to the nature and extent of the alleged attack that he sought to prevent. Records show that Manaois sustained a total of sixteen (16) injuries, twelve (12) of which were stab wounds, concentrated on the area of the heart and his other vital organs, and the other four (4) were abrasions and contusions,²² while Guarin sustained no injury. We have held in the past

²⁰ *Id.* at 595-596.

²¹ *Id.* at 596.

²² Records, pp. 61-61A.

that the nature and number of wounds are constantly and unremittingly considered important indicia which disprove a plea of self-defense.²³

Based from the foregoing, the inevitable conclusion is that the assertion of self-defense by Guarin cannot stand, absent the elements that must be proven to have a successful invocation of self-defense.

Now, it has been established that Guarin stabbed and killed Manaois without the justifying circumstance of self-defense. The other question to be resolved is whether or not the killing was attended by the qualifying circumstance of treachery. Paragraph 16, Article 14 of the RPC defines treachery as the employment of means, methods, or forms in the execution of the crime against a person which tend directly and specially to ensure its execution, without risk to the offender arising from the defense which the offended party might make. The essence of treachery is the sudden attack by the aggressor without the slightest provocation on the part of the unsuspecting victim, depriving the latter of any real chance to defend himself, thereby ensuring the commission of the crime without risk to the aggressor arising from the defense which the offended party might make.²⁴

In order for treachery to be properly appreciated, two elements must be present: (1) at the time of the attack, the victim was not in a position to defend himself or to retaliate or escape; and (2) the accused consciously and deliberately adopted the particular means, methods, or forms of attack employed by him.²⁵

In the instant case, Guarin's attack on Manaois was sudden and unexpected. Manaois, who was then about to board his tricycle with his eyes focused on starting its engine, was not aware of any impending danger. Likewise, he was unarmed and his defenses were down. Hence, he was caught off guard when Guarin stabbed him. The stealth and swiftness by which the attack was carried out rendered Manaois defenseless, and significantly diminished the risk for Guarin to receive retaliation from the victim. Even if Manaois was able to briefly run away after being hit, he was still pursued by Guarin who continued stabbing him. In addition, Botial testified that Guarin was already holding a knife when the latter was approaching them. Hence, the attack was planned ahead of time. Clearly, the prosecution has established that the qualifying circumstance of treachery is present.

On the other issue, Guarin assails the RTC's reliance on the testimony of Botial, claiming that his testimony was doubtful and not worthy of full faith and credit. In support, Guarin imputes that Botial's failure to warn Manaois

²³ *People v. Tica*, 817 Phil. 588, 597 (2017).

²⁴ *People v. Joseph Ampo*, G.R. No. 229938, February 27, 2019.

²⁵ *Id.*



or shout for help is contrary to human experience and that it is not common, thus, not credible.

We are not persuaded.

The fact that Botial failed to warn Manaois or shout for help during the incident does not make his testimony highly suspicious as Guarin would want it to appear. Such reaction was not at all uncommon or unnatural so as to make his testimony incredible. Placed in the same or similar situation, some may choose to intervene, but others may opt to stay away and remain hidden. It is settled that there could be no hard and fast gauge for measuring a person's reaction or behavior when confronted with a startling, not to mention horrifying, occurrence, as in this case. Witnesses of startling occurrences react differently depending upon their situation and state of mind, and there is no standard form of human behavioral response when one is confronted with a strange, startling or frightful experience. The workings of the human mind placed under emotional stress are unpredictable, and people react differently to shocking stimulus — some may shout, some may faint, and others may be plunged into insensibility.²⁶


The trial court finds no reason not to believe the testimony of Botial. Absence of any controverting evidence that the identification and recollection made by Botial were wrongly made or, otherwise, ill-motivated, they deserve full faith and credit.

The Court defers to the trial court in this respect, especially considering that it was in the best position to assess and determine the credibility of the witnesses presented by both parties. When the issues revolve on matters of credibility of witnesses, the findings of fact of the trial court, its calibration of the testimonies of the witnesses, and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings, are accorded high respect, if not conclusive effect because the trial court has the unique opportunity to observe the demeanor of witnesses and is in the best position to discern whether they are telling the truth. Having had the opportunity to observe the witnesses' demeanor and deportment on the stand, and the manner in which they gave their testimonies, the trial judge can better determine if such witnesses were telling the truth, being in the ideal position to weigh conflicting testimonies.²⁷

The CA and the RTC correctly appreciated the mitigating circumstance of voluntary surrender in favor of Guarin. Voluntary surrender is a circumstance that reduces the penalty for the offense. Its requisites as a mitigating circumstance are that: (1) the accused has not been actually

²⁶ *Id.*

²⁷ *Id.*



arrested; (2) the accused surrenders himself to a person in authority or the latter's agent; and (3) the surrender is voluntary.²⁸

All the requisites of voluntary surrender were proven by Guarin. The established facts show that immediately after the incident, Guarin voluntarily surrendered himself and the weapon to *Barangay Kagawad* Rosario after realizing that he had hurt Manaois. In turn, *Barangay Kagawad* Rosario reported the incident to the police and endorsed him to their custody upon information that it was Guarin who killed Manaois. It is clear that there was a manifestation on the part of Guarin to freely submit himself to the *barangay* official, *Barangay Kagawad* Rosario, and to the police authorities for the killing of Manaois.

Hence, as to the penalty, this Court agrees with the CA and the RTC in imposing the penalty of *reclusion perpetua* in accordance with the provisions of Article 248 of the RPC, in relation to Article 63 of the same code.

Moreover, consistent with *People v. Jugueta*,²⁹ the CA and the RTC correctly ordered Guarin to pay the heirs of Manaois the amounts of Seventy-Five Thousand Pesos (₱75,000.00) as civil indemnity, Seventy-Five Thousand Pesos (₱75,000.00) as moral damages, and Seventy-Five Thousand Pesos (₱75,000.00) as exemplary damages. Meanwhile, the CA appropriately increased the amount of temperate damages from Twenty-Five Thousand Pesos (₱25,000.00) to Fifty Thousand Pesos (₱50,000.00), in accordance with the Court's pronouncement in *People v. Jugueta*.³⁰ It cannot be denied that the heirs of the victim suffered pecuniary loss, although the exact amount was not proven. Thus, the amount of Fifty Thousand Pesos (₱50,000.00) shall be awarded.

An interest at the rate of six percent (6%) *per annum* shall be imposed on all damages awarded from the date of finality of this Decision until fully paid.³¹

WHEREFORE, the appeal is **DISMISSED**. The August 30, 2018 Decision of the Court of Appeals in CA-G.R. CR-HC No. 09494, convicting Edgar Guarin y Veloso of Murder, is hereby **AFFIRMED**.



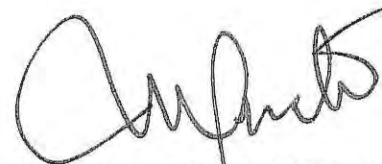
²⁸ *People v. Placer*, 719 Phil. 268, 281-282 (2013).

²⁹ 783 Phil. 806 (2016).

³⁰ *Id.*

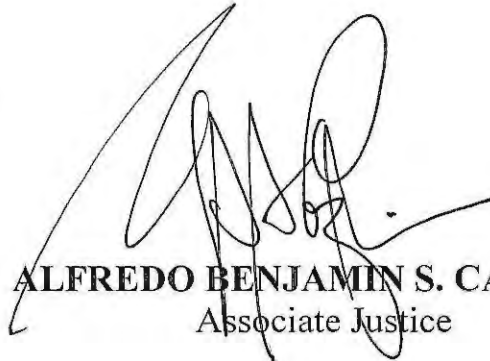
³¹ See Bangko Sentral ng Pilipinas Circular No. 799, Series of 2013, effective July 1, 2013, in *Nacar v. Gallery Frames, et al.*, 716 Phil. 267, 279-281 (2013).

SO ORDERED.



DIOSDADO M. PERALTA
Chief Justice

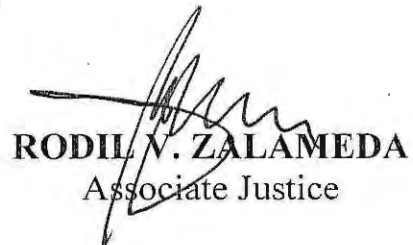
WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



ROMARI D. CARANDANG
Associate Justice



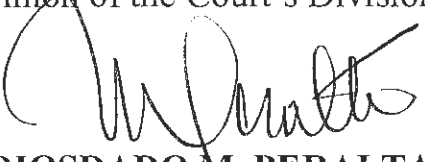
RODIL N. ZALAMEDA
Associate Justice



SAMUEL H. GAERLAN
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



DIOSDADO M. PERALTA
Chief Justice