



Republic of the Philippines
Supreme Court
 Manila

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Wilfredo V. Lapitan
WILFREDO V. LAPITAN
 Division Clerk of Court
 Third Division

AUG 08 2017

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff-Appellee,

G.R. No. 208359

Present:

VELASCO, JR., J.,
Chairperson,
 BERSAMIN,
 *MENDOZA,
 REYES, and
 TIJAM, JJ.

- versus -

DEMETRIO SABIDA y SADIWA,
 Accused-Appellant,

Promulgated:

June 19, 2017

Wilfredo V. Lapitan

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DECISION

TIJAM, J.:

For review before this Court is an appeal seeking to reverse and set aside the Decision¹ dated October 29, 2012 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 04813, which affirmed the Decision² dated August 24, 2010 of the Regional Trial Court (RTC), Branch 42, of Pinamalayan, Oriental Mindoro, in Crim. Case No. P-7824 finding the accused-appellant Demetrio Sabida y Sadiwa guilty of the crime of Murder.

The Facts

Based on the prosecution's evidence, it was established that on July 7, 2009, at 6:30 a.m., Richard Pimentel (Pimentel) and the victim, MacArthur Mawac (Mawac), were walking towards the mountain since Pimentel planned to clean his banana plantation while Mawac was on his way to work

*Designated as additional member as per Raffle dated March 15, 2017.

¹ Penned by Associate Justice Hakim S. Abdulwahid, with Associate Justices Marlene Gonzales-Sison and Edwin D. Sorongon concurring; *rollo*, pp. 2-13.

² Penned by Judge Recto A. Calabocal; *Id.* at 17-26.

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as a guard on duty at the Transco Tower located at the foot of the mountain in Barangay Calingag.³

While Mawac and Pimentel were walking, Sabida unexpectedly emerged from the road and repeatedly stabbed and hacked Mawac with a bolo. Afterwards, Sabida turned to Pimentel and uttered, "*Isa ka pa,*" prompting the latter to run away. Sabida run after Pimentel but he failed to catch the latter. Immediately thereafter, Pimentel reported the incident to Barangay Captain Hintay, who in turn reported the incident to the police station of Pinamalayan.⁴

At around 8:00 a.m. of the same day, PO3 Thaddeus Ferancullo (PO3 Ferancullo) and Investigator Ruelito Magtibay (Investigator Magtibay) proceeded to the crime scene and found the dead body of Mawac on the side of the road, covered with blood, and had several stab wounds at different parts of his body.⁵

Subsequently, PO3 Ferancullo and Investigator Magtibay, accompanied by Pimentel, went to Barangay Malaya since it was the last direction where Sabida was seen when he ran off. At around 3:00 p.m., the police officers received a call from Barangay Captain Hintay and was informed that Sabida was seen hiding in an abandoned house. Thereafter, the police officers, alongside Pimentel, went to the abandoned house and found Sabida wearing a sheet of tin under his shirt with a bolo. The police officers then arrested Sabida, confiscated the bolo and apprised him of his rights.⁶

For his part, Sabida admitted killing Mawac and invoked self-defense. He said that he had a misunderstanding with Mawac and the latter's wife because the couple accused his domestic animals of destroying their *palay*. He alleged that the couple retaliated by poisoning and stealing his chickens and other farm animals on different occasions. He further narrated that on July 7, 2009, while he was working in his vegetable garden, he saw Pimentel and Mawac walking by. He then heard Pimentel warning Mawac to be careful as he was nearby to which Mawac allegedly responded, "*Sige, unahan mo na.*" This prompted him to confront the two and ask why Mawac was intending to kill him when what he merely wanted to know is where his chicken went. He said that Mawac tried to draw out the bolo tucked under his waist but Sabida was able to defend himself so they struggled and fought off each other. Meanwhile, Pimentel fled the scene while they were fighting. He said that he left Mawac lying on the ground, who, even then, was still taunting him to continue fighting.⁷

³ Id. at 3.

⁴ Id. at 3-4.

⁵ Id. at 4.

⁶ Id. at 4.

⁷ Id. at 4-5.

Sabida further said that he sought the help of his aunt Soledad but he was not able to go to her house so he just stayed and rested at an unnamed woman's house. Then he moved to an uninhabited nipa hut and rested there. After an hour, Barangay Captain Hintay arrived, together with armed men, and he surrendered to them.⁸

After trial, the RTC rendered judgment convicting Sabida of the crime of murder qualified by treachery and sentenced him to suffer the penalty of *reclusion perpetua*, without the possibility of parole. He was ordered to indemnify the heirs of the victim with PhP30,000 as actual damages, PhP50,000 as civil indemnity, and PhP50,000 as moral damages.

Sabida filed a Motion for Reconsideration but it was also denied. Thereafter, he filed a Notice of Appeal⁹ before the CA.

Upon review, the CA dismissed the appeal and affirmed the conviction of Sabida, hence, he appealed his conviction to this Court.¹⁰

The Issue Presented

WHETHER THE GUILT OF SABIDA FOR THE CRIME OF MURDER HAS BEEN PROVEN BEYOND REASONABLE DOUBT.

The Court's Rulings

The appeal lacks merit.

In attempting to escape liability, Sabida invokes self-defense. Upon invoking the justifying circumstance of self-defense, Sabida assumed the burden of proving the justification of his act with clear and convincing evidence. Having admitted the killing, Sabida is required to rely on the strength of his own evidence, not on the weakness of the prosecution's evidence, which even if it were weak, could not be disbelieved in view of his admission.¹¹

However, based on the records and the evidence adduced by both parties, it is indisputable that Sabida failed to show that Mawac exhibited unlawful aggression against him. Being the party initiating the attack and armed with a deadly weapon, Sabida cannot successfully claim that there was unlawful aggression. Sabida's self-serving claim of self-defense coupled with the fact that he did not sustain any injury from his supposed attacker fails to support any claim of unlawful aggression. The trial court aptly noted that there was no clear and credible evidence that Mawac was the one who

⁸ Id. at 5.

⁹ Id. at 27-28.

¹⁰ Id. at 13-14.

¹¹ *People v. Benjamin Casas y Vintulan*, G.R. No. 212565, February 25, 2015.

instigated the fight and that Sabida was merely fending off an attack.

Clearly, the trial court did not err in giving credence to the testimony of Pimentel, since he saw the entire event transpire before him, from Sabida's emergence from the road until his attack on the victim, since he was alongside the victim when the incident occurred. Pimentel's testimony is even bolstered by the fact that he immediately reported what he witnessed and revealed the identity of the assailant to the authorities. Moreso, Pimentel has not been shown to have been inspired by any ill-motive to incriminate and testify against Sabida.

The qualifying aggravating circumstance of treachery was correctly appreciated by the CA. In this case, treachery is evident from the fact that the victim could not have been aware of the imminent peril to his life. Mawac was obviously caught off-guard, unprepared for the sudden, unexpected and unprovoked attack on his person when Sabida surprisingly emerged from the road and hacked him with a bolo. The sudden and unexpected attack adopted by Sabida deprived the victim of any chance to defend himself or to retaliate. He had no foreboding of any danger, threat or harm upon his life at the said time, place and occasion. There was treachery not only because of the suddenness of the attack but also because of the absence of an opportunity on the victim's part to repel the attack. Without a doubt, the killing was attended by treachery.

Thus, considering all the above-mentioned facts, Sabida's conviction for the crime of murder must stand.

Following the new jurisprudential ruling in *People v. Jugueta*,¹² where the penalty for the crime committed is death which, however, cannot be imposed, we increase the amounts of indemnity and damages to be imposed as follows: PhP100,000 as civil indemnity; PhP100,000 as moral damages; and PhP100,000 as exemplary damages. The Court likewise affirms the actual damages of PhP30,000 awarded by the RTC as it was expressly provided on record that the heirs of the victim actually incurred such expense for the wake and burial of the victim evidenced by the corresponding receipts.¹³ Lastly, interest at the rate of 6% per annum is imposed on all damages awarded reckoned from the date of the finality of this judgment until fully paid.

WHEREFORE, the instant appeal is **DISMISSED**. The Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 04813 dated October 29, 2012 Decision which found accused-appellant Demetrio Sabida y Sadiwa **GUILTY** in Criminal Case No. P-7824 for the crime of Murder, is **AFFIRMED**, with **MODIFICATION** increasing the amounts of indemnity

¹² G.R. No. 202124, April 5, 2016.

¹³ Id. at 15.

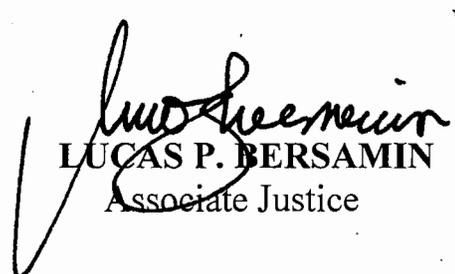
and damages to be imposed as follows: PhP100,000 as civil indemnity; PhP100,000 as moral damages; and, PhP100,000 as exemplary damages. All damages awarded shall earn interest at the rate of 6% per annum from the date of the finality of this judgment until fully paid.

SO ORDERED.


NOEL GIMENEZ TIJAM
Associate Justice

WE CONCUR:


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson


LUCAS P. BERSAMIN
Associate Justice


JOSE CATRAL MENDOZA
Associate Justice


BIENVENIDO L. REYES
Associate Justice

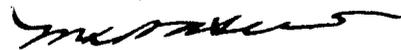
A T T E S T A T I O N

I attest 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.


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson, Third Division

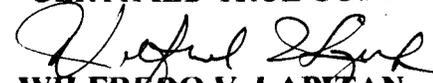
CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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.



MARIA LOURDES P. A. SERENO
Chief Justice

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WILFREDO V. LAPITAN
Division Clerk of Court
Third Division

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