



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated August 27, 2020 which reads as follows:

“G.R. No. 250129 – PEOPLE OF THE PHILIPPINES v. RANDELL JOSE BALAGTAS

Antecedents

Appellant Randell Jose Balagtas was charged with murder under Article 248 of the Revised Penal Code (RPC), *viz.*:

That on or about the 25th day of October 2011, in Quezon City, Philippines, the above-named accused conspiring, confederating with two other persons whose true names, identities, and whereabouts have not as yet been ascertained and mutually helping one another, by then and there willfully, unlawfully and feloniously, with intent to kill, qualified by treachery, evident premeditation, abuse of superior strength, attack, assault and employ personal violence upon the person of one **LANDRICO DELA CRUZ**, by then and there stabbing the latter, thereby inflicting upon said **Landrico Dela Cruz**, serious and mortal wounds, which were the direct and immediate cause of his untimely death, to the damage and prejudice of the heirs of the said victim.

The accused persistently planned the commission of the crime prior to the execution and deliberately adopted sudden and unexpected attack in assaulting his victim to ensure the commission of the crime without risk to himself, taking advantage of his superior strength and number, thereby committing the attendant circumstances of evident premeditation, treachery and abuse of superior strength.

CONTRARY TO LAW.¹

- over – twelve (12) pages ...

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¹ CA rollo, p. 82.

When arraigned, appellant pleaded not guilty.²

The prosecution presented the victim's friend Alvin Mendez (Alvin) and brother Nino Dela Cruz (Nino), and Dr. Francisco Supe (Dr. Supe), while the defense presented appellant and his live-in partner Mutya Quijano.

Version of the Prosecution

In the evening of October 25, 2011, the victim Landrico Dela Cruz (Landrico) asked Alvin to accompany him to A. Bonifacio Avenue, Barangay San Jose, Quezon City to meet his text mate, a woman. As they drew near the place, Landrico asked Alvin to just wait for him nearby as he intended to meet the woman all by himself. Landrico explained that she might get shy if she saw another person in his company. Alvin obliged and positioned himself about fifteen (15) meters away from the spot where Landrico later stopped to wait for his text mate. A lamppost illuminated the place where Landrico was standing and there were vendors along the street.³

From where he stood, Alvin noticed three (3) men position themselves behind Landrico who was then texting on his cellphone. Suddenly, one (1) of them stabbed Landrico with a pointed weapon, causing Landrico to fall on the ground. Landrico held his torso and tried to stand up, but he once again fell. Alvin immediately ran toward his friend to give aid to the latter. He then heard one of the men utter "*Biboy, nadale mo yung tao.*" Before Alvin could get to Landrico, the person who stabbed Landrico, later identified as appellant Randell Jose Balagtas, blocked Alvin, asking "*gusto mo ikaw na isunod ko?*" When appellant lunged at him, Alvin frightfully ran away.⁴

Later that night, Nino received a call that his brother Landrico was stabbed and brought to the Chinese General Hospital. He immediately rushed to the hospital and there saw Landrico gasping for breath. When he asked what happened, Landrico told him appellant stabbed him. Landrico underwent surgery but still died.⁵

The Chief of the Quezon City Police Department Crime Laboratory, Dr. Supe who did a post-mortem examination on Landrico's body found that Landrico died due to a single stab wound which hit his liver, small intestine, stomach, and pancreas.⁶

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² *Id.* at 50.

³ *Id.* at 51.

⁴ *Id.*

⁵ *Id.* at 52,

⁶ *Id.*

Version of the Defense

Appellant denied the charge. He testified that on the date of the alleged incident, he was in La Union with his live-in partner Mutya Quijano. During an altercation with someone, he was told by the latter that he had an outstanding warrant of arrest for estafa. He got arrested and brought to the Aringay Municipal Hall where he was questioned relative to a drug case. Later that day, he was brought to the Caloocan Jail where he was detained for one (1) week and three (3) days. Then he was brought to the Quezon City Prosecutor's Office where he underwent inquest proceedings for murder. He was later detained at the Quezon City Jail. He neither knew nor met Landrico anytime before the incident. He learned, however, that Landrico was the text mate of his former girlfriend.⁷

On cross, he clarified that he was arrested for murder, and not for estafa.⁸

Mutya Quijano corroborated appellant's testimony that they were together when the incident took place, albeit it was in Nueva Ecija and not in La Union, as claimed by appellant.⁹

The Trial Court's Ruling

In its Decision¹⁰ dated October 20, 2016, Regional Trial Court (RTC) Branch 81, Quezon City found appellant guilty as charged, viz.:

WHEREFORE, accused RANDELL JOSE BALAGTAS is hereby pronounced guilty beyond reasonable doubt of the crime of **MURDER** and sentenced to suffer the penalty of *reclusion perpetua*. Accused Balagtas is further ordered to indemnify the heirs of Landrico Dela Cruz the following: (a) ₱75,000.00 as civil indemnity; (b) ₱50,000.00 as moral damages; (c) ₱30,000.00 as exemplary damages and (d) interest on all damages awarded at the rate of 6% *per annum* from the date of finality of this judgment.

SO ORDERED.¹¹

The trial court gave full credence to the testimonies of the prosecution witnesses and the medico-legal report of Dr. Supe. It noted that Alvin positively identified appellant as the one who fatally

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⁷ *Id.* at 53.

⁸ *Id.* at 53.

⁹ *Id.* at 53 and 83.

¹⁰ Penned by Presiding Judge Madonna C. Echiverri, *id.* at 50-58.

¹¹ *Id.* at 58.

stabbed Landrico. Too, Alvin was not shown to have any ill motive to falsely testify against appellant. In contrast, appellant had nothing but denial and alibi.¹²

The trial court also held that appellant employed treachery when he stabbed Landrico from behind while the latter was texting on his cellphone. Hence, the crime committed was murder.¹³

Ruling of the Court of Appeals

In its assailed Decision¹⁴ dated February 6, 2018, the Court of Appeals affirmed, with modification, thus:

WHEREFORE, the appealed October 20, 2016 Decision of Branch 81 of the Regional Trial Court of Quezon City, convicting accused-appellant *Randell Jose Balagtas* of murder and sentencing him to *reclusion perpetua* is **AFFIRMED** with **MODIFICATIONS** that the awards of *moral* and *exemplary* damages are *each* increased to SeventyFive Thousand Pesos (P75,000.00) and an additional amount of TwentyFive Thousand Pesos (P25,000.00) is further imposed as temperate damages, with interest on all the awards for damages at the rate of 6% *per annum* from the date of finality of this Decision until fully paid. The award of civil indemnity in the amount of Seventy-Five Thousand Pesos (P75,000.00) is sustained.

SO ORDERED.¹⁵

The Court of Appeals affirmed appellant's conviction based on the eyewitness account of Alvin who positively identified appellant as the one who stabbed Landrico from behind while the latter was texting on his cellphone. It also noted that the *situs criminis* was well lighted by a lamppost. Alvin and appellant actually came face to face with each other when the latter blocked Alvin from giving aid to Landrico. Appellant even threatened Alvin "*gusto mo ikaw na ang isunod ko?*". Appellant's positive identification was further bolstered by the fact that during the pre-trial conference, appellant admitted that he was called by the name "Biboy," the same name Alvin heard one (1) of the men utter during the incident, *i.e.*, "*Biboy, nadale mo yung tao!*"¹⁶

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¹² *Id.* at 55-56.

¹³ *Id.* at 56-57.

¹⁴ Penned by Associate Justice Ricardo R. Rosario and concurred in by Associate Justice Marie Christine Azcarraga-Jacob and Associate Justice Ronaldo B. Martin, *id.* at 81-90.

¹⁵ *Id.* at 89.

¹⁶ *Id.* at 84-85.

Too, Landrico's statement to his brother that it was "Biboy" who stabbed him may be admitted as a dying declaration.¹⁷

The Court of Appeals also noted that the trial court correctly considered treachery as a qualifying circumstance. As for evident premeditation, although it was likewise alleged in the Information, the same was not duly proven. On abuse of superior strength, the same was already deemed absorbed in treachery.

Lastly, the Court of Appeals modified the award of moral and exemplary damages in accordance with prevailing jurisprudence. It also awarded P25,000.00 as temperate damages in lieu of the unproven amount of actual expenses for Landrico's funeral and burial.¹⁸

The Present Petition

Appellant now seeks affirmative relief from the Court and prays anew for his acquittal. In accordance with the Court's Resolution¹⁹ dated January 27, 2020, both appellant and the Office of the Solicitor General (OSG) manifested that in lieu of supplemental briefs, they were adopting their respective briefs before the Court of Appeals.²⁰

Issue

Did the Court of Appeals err in affirming appellant's conviction for murder?

Ruling

In the main, appellant, faults the Court of Appeals for affirming the trial court's factual findings on the credibility of Alvin's testimony. He maintains that the prosecution was not able to sufficiently prove his identity as the assailant. By Alvin's own account, he was approximately fifteen (15) meters away from Landrico when the latter got stabbed. This distance made it allegedly impossible for Alvin to properly identify the assailant, more so because Alvin even admitted he had not met appellant anytime prior to the alleged incident. Further, none of the vendors who were allegedly at the *situs criminis* corroborated Alvin's testimony.²¹

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¹⁷ *Id.* at 85.

¹⁸ *Id.* at 88.

¹⁹ *Rollo*, pp. 19-20.

²⁰ *Id.* at 21-23 and 26-28.

²¹ *CA rollo*, pp. 41-44.

Alvin purportedly gave inconsistent testimony as to the weapon used by the assailant. In his sworn statement, he said that the assailant was holding a knife; but he later testified that the assailant used a weapon similar to an ice pick.²²

On the other hand, the People, through Senior State Solicitor Alexander S. Salvador, State Solicitor-Officer-In-Charge Linda Mae C. Aguirre, and State Solicitor Ron Winston A. Reyes, defends the verdict of conviction. It calls attention to the fact that the light coming from the lamppost gave Alvin a clear view of the incident including the identity of the assailant in the person of appellant. Not only that. Alvin actually came face to face with appellant when the latter blocked his way to prevent him from giving succor to the victim. Appellant also asked if he wanted to go next and thereafter lunged at him. Their gazes even locked while all this was ongoing.

As for the weapon used, if at all, the same refers to a minor detail which does not affect the credibility of Alvin's testimony.²³

We affirm the verdict of conviction.

Positive identification of the assailant

When the issue is one of credibility of witnesses, the Court will generally not disturb the trial court's factual findings especially when affirmed in full by the Court of Appeals, as in this case. For indeed, the trial court is in a better position to decide the question as it heard the witnesses themselves and observed their deportment and manner of testifying during the trial.²⁴ Here, records bear Alvin's detailed narration of the incident when Landrico was fatally stabbed on that fateful night. Alvin was steadfast in his categorical and positive identification of appellant as the one who fatally stabbed Landrico, causing the latter's death.

For one, it was established that the *situs criminis* was well lighted by lampposts and lamps used by the street vendors along the road. This gave Alvin a clear view of the place where Landrico was standing and its immediate surroundings. In *People v. Ordon*,²⁵ the Court ordained:

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²² *Id.* at 44-45.

²³ *Id.* at 71-72.

²⁴ See *People v. Mabalo*, G.R. No. 238839, February 27, 2019; also see *People v. Bay-Od*, G.R. No. 238176, January 14, 2019.

²⁵ 818 Phil. 670, 678 (2017).

x x x What is material in this case is the act of stabbing. That the second witness did not see accused-appellant momentarily leave the place of the commission of the crime does not negate Hubay's killing. Also, **both witnesses testified that the place was well-lit for them to see the incident. Regardless of the source of illumination, both witnesses saw accused appellant stab Hubay twice.** (Emphasis supplied)

Also, in *People v. Amodia*,²⁶ the Court sustained the identification of the assailant despite the fact that the witnesses were fifteen (15) meters away from the incident. The Court pronounced:

The RTC and CA found the identification made by Romildo and Luther to be clear, categorical, and consistent. We observed that in accepting the truth of the identification and the account of how the stabbing took place, the RTC and CA considered the witnesses' **proximity to the victim and his assailants at the time of the stabbing - they were about three arms length away and 15 meters away**, respectively; the **well-lighted condition of the crime scene**; and the familiarity of these eyewitnesses with the victim and his assailants - they were all residents of the same area. Similarly, we also note that **no evidence was presented to establish that these eyewitnesses harbored any ill-will against Pablo and had no reason to fabricate their testimonies.** The weight of jurisprudence is to accept these kinds of testimonies as true for being consistent with the natural order of events, human nature and the presumption of good faith.

Aside from these, we additionally note that Romildo and Luther **never wavered, despite the contrary efforts of the defense, in their positive identification of Pablo as one of the assailants of the victim.** x x x (Emphasis supplied)

Too, Alvin heard one (1) of the men warning the assailant "*Biboy, nadale mo yung tao!*" During the pre-trial, appellant admitted to being called by the name "Biboy."²⁷

In any case, Alvin narrated how he came face to face with appellant, thus affording him the chance to positively identify the latter, *viz.*:

Q: So when you said earlier that you attempted or you tried to approach Landrico to give him help, when you were approaching Landrico, where were the [other three (3) persons] including the accused @ 'Biboy' positioned at that time?

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²⁶ 602 Phil. 889, 906-907 (2009).

²⁷ CA rollo, pp. 51 and 82.

A: "Nakaalalay po yung dalawa," 'Biboy' approached me and when he was about to attack me and asked me, 'Gusto mo ikaw na ang isunod ko,? [sic] [T]hat's why I r[a]n away."

x x x

x x x

x x x

Q: And you are very sure until now that that person is the accused 'Biboy'?

A: Yes, because [w]e had the chance to stare at each other.²⁸ (Emphasis supplied)

Verily, Alvin knew exactly the face of the person who stabbed Landrico. He positively identified appellant in open court and continuously pointed to him as the same person he saw stab Landrico. To be sure, Alvin was not shown to have been impelled by any ill motive to falsely testify against appellant.

More important, Landrico, when asked by his brother who stabbed him, readily identified "Biboy" as his assailant. This statement qualifies as a dying declaration. In *People v. Garma*,²⁹ the Court explained:

We agree with the Court of Appeals that the statement of Sixto uttered shortly after the assault and hours before his death identifying the appellant as one of the assailants, qualifies both as dying declaration and as part of res gestae. To elaborate, there are four (4) requisites which must concur in order that a dying declaration may be admissible in evidence, to wit: (a) it must concern the crime and the surrounding circumstances of the declarant's death; (b) at the time it was made, the declarant was under a consciousness of an impending death; (c) the declarant was competent as a witness; and (d) the declaration was offered in a criminal case for homicide, murder or parricide in which the decedent was the victim.

In this case, the foregoing requirements are undoubtedly present. First, Sixto's statement that "they were three (3) but I recognize[d] only Alex Garma," is a statement of the surrounding circumstances of his death as the same refers to the identity of his assailants. Second, Sixto gave such declaration under the consciousness of an impending death as shown by the serious nature of his wounds, which in fact resulted in his death several hours later. Third, prior to his death, Sixto was competent to be a witness in court. And fourth, Sixto's dying declaration is offered in a criminal prosecution for murder where he was himself the victim.

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²⁸ *Id.* at 84-85.

²⁹ 338 Phil. 232, 237-239 (1997).

The same is true here. *One*, Landrico told his brother Nino that it was “Biboy” who stabbed him. This statement pertained to the surrounding circumstances of the declarant’s death. *Two*, Landrico gave the declaration under the consciousness of an impending death as shown by the fatal nature of his wound, which actually resulted in his death mere hours later. *Three*, prior to his death, Landrico was competent to be a witness in court being of sound mind and capable to relay his thoughts. *Four*, Landrico’s declaration was offered in a criminal prosecution for his murder.

No material inconsistency in the testimony

As for the alleged inconsistency on whether it was a knife or an ice pick which Alvin saw appellant use in stabbing Landrico, suffice it to state that the same refers to a minor detail which does not affect at all Alvin’s testimony that it was appellant who stabbed the victim from behind while the victim was busy texting on his cellphone.

The Court has invariably ruled that inconsistencies in the testimonies of prosecution witnesses with respect to minor details and collateral matters do not affect the substance of their declarations, their veracity, or the weight of their testimonies. Such minor flaws may even enhance the worth of a testimony, for they guard against memorized falsities.³⁰ *Cirera v. People*³¹ decreed:

Petitioner points to alleged inconsistencies that pertain only to collateral and inconsequential matters. He directs this court’s attention to inconsistent statements regarding the positions of private complainants at the time of the incident. He also points to the alleged impossibility of him committing the offense without being noticed by Naval and to the alleged failure to recover the knife used in stabbing private complainants.

These alleged inconsistencies do not affect the credibility of the testimonies of the prosecution witnesses, specially with respect to the “principal occurrence and positive identification” of petitioner. Slight inconsistencies in the testimony even strengthen credibility as they show that the “testimony [was] not rehearsed.” What is important is that there is consistency as to the occurrence and identity of the perpetrator.

Further, the alleged failure to retrieve the knife supposed to have been used in perpetrating the offense does not destroy the credibility of the testimonies. The crime is proved not by presenting the object but by establishing the existence of the elements of the crime as written in law. (Emphasis supplied)

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³⁰ *People v. Lusabio, Jr.*, 619 Phil. 558, 580 (2009).

³¹ 739 Phil. 25, 37-38 (2014).

What truly matters is Alvin's consistent statement that he saw up close appellant stabbing Landrico from behind while the latter was busy texting on his cellphone, as a result of which, Landrico died.

This mode of attack constitutes treachery.³² The essence of treachery hinges on the aggressor's attack sans any warning, done in a swift, deliberate, and unexpected manner, affording the hapless, unarmed, and unsuspecting victim no chance to resist or escape.³³

All told, the Court of Appeals did not err when it rendered a verdict of conviction for murder against appellant in accordance with Article 248 of the RPC, thus:

Art. 248. *Murder*. — Any person who, not falling within the provisions of Article 246 shall kill another, shall be guilty of murder and shall be punished by reclusion temporal in its maximum period to death, if committed with any of the following attendant circumstances:

1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity.

x x x

x x x

x x x

Penalty

Murder is punishable by *reclusion perpetua* to death if committed through any of the attendant circumstances mentioned in Article 248 of the Revised Penal Code (RPC), as amended by Republic Act 7659.³⁴

Applying Article 63(2) of the RPC,³⁵ the lesser of the two (2) indivisible penalties, *i.e.*, *reclusion perpetua*, shall be imposed provided there is no mitigating or aggravating circumstance which attended the killing, as in this case. Verily, both the trial court and the Court of Appeals correctly sentenced appellant to *reclusion perpetua*.

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³² Article 14 par. 16 of the Revised Penal Code; also see *People v. Racal*, 817 Phil. 665, 667 (2017).

³³ *People v. Sota*, 821 Phil. 887, 908 (2017).

³⁴ An Act to Impose the Death Penalty on Certain Heinous Crimes, Amending for that Purpose the Revised Penal Laws, as Amended, Other Special Penal Laws, and for Other Purposes.

³⁵ Art. 63. *Rules for the application of indivisible penalties*. — x x x

In all cases in which the law prescribes a penalty composed of two indivisible penalties, the following rules shall be observed in the application thereof:

x x x x

2. When there are neither mitigating nor aggravating circumstances and there is no aggravating circumstance, the lesser penalty shall be applied.

As for appellant's civil liabilities, *People v. Gervero, et al.*³⁶ decreed:

Following the jurisprudence laid down by the Court in *People v. Jugueta*, accused-appellants are ordered to pay the heirs of Hernando Villegas, Jose Villegas, and Benito Basug, Jr. P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P75,000.00 as exemplary damages. It was also ruled in *Jugueta* that **when no documentary evidence of burial or funeral expenses is presented in court, the amount of P50,000.00 as temperate damages shall be awarded.** In addition, **interest at the rate of six percent per annum shall be imposed on all monetary awards from the date of finality of this decision until fully paid.** (Emphasis supplied)

All told, both the trial court and Court of Appeals correctly awarded civil indemnity in the amount of P75,000.00. The Court of Appeals, too, properly increased the award of moral and exemplary damages from P50,000.00 and P30,000.00, respectively, to P75,000.00 each. The amount of temperate damages, however, should be increased from P25,000.00 to P50,000.00.

WHEREFORE, the appeal is **DENIED**. The Decision dated February 6, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 08922 is **AFFIRMED with MODIFICATION**.

Appellant Randell Jose Balagtas is found **GUILTY** of **Murder** defined and penalized under Article 248 of the Revised Penal Code. He is sentenced to **reclusion perpetua** and ordered to **PAY** the heirs of Landrico Dela Cruz the following amounts:

- (1) P75,000.00 as civil indemnity;
- (2) P75,000.00 as moral damages;
- (3) P75,000.00 as exemplary damages; and
- (4) P50,000.00 as temperate damages

These amounts shall earn six percent (6%) interest *per annum* from finality of this resolution until fully paid.

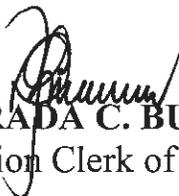
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³⁶ G.R. No. 206725, July 11, 2018.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *m 11/20*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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The Solicitor General
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(CA-G.R. CR HC No. 08922)

The Hon. Presiding Judge
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(Crim. Case No. 12-177852)

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