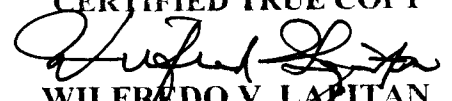




Republic of the Philippines
Supreme Court
 Manila

CERTIFIED TRUE COPY

 WILFREDO V. LAPITAN
 Division Clerk of Court
 Third Division

MAR 27 2018

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff-Appellee,

G.R. No. 215320

Present:

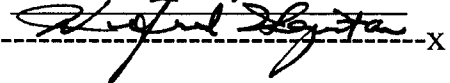
VELASCO, JR., J.,
Chairperson,
 BERSAMIN,
 LEONEN,
 MARTIRES, and
 GESMUNDO, JJ.

- versus -

MANUEL CORPUZ,
 Accused-Appellant.

Promulgated:

February 28, 2018



X

X

DECISION

MARTIRES, J.:

On appeal is the 14 March 2014 Decision¹ of the Court of Appeals (CA) in CA-G.R. CEB CR-HC No. 01355, which affirmed with modification the 25 March 2011 Decision² of the Regional Trial Court of Abuyog, Leyte, Branch 10 (RTC), in Criminal Case Nos. 2389 and 2390, finding herein accused-appellant Manuel Corpuz (*Manuel*) guilty beyond reasonable doubt of two (2) counts of Murder, defined and penalized under Article 248 of the Revised Penal Code (RPC).

THE FACTS

On 18 January 2005, Manuel was charged with two (2) counts of murder committed upon the persons of Romana P. Arcular (*Romana*) and Leonila C. Histo (*Leonila*) under two (2) Informations, which accusatory portions read:



¹ Rollo, pp. 4-20; penned by Associate Justice Carmelita Salandanan-Manahan, and concurred in by Associate Justices Edgardo L. Delos Santos, and Ma. Luisa Quijano-Padilla.

² Records (Criminal Case No. 2390), pp. 155-164; penned by Presiding Judge Buenaventura A. Pajaron.

Criminal Case No. 2389

That on or about the 29th day of October 2004, in the Municipality of Abuyog, Province of Leyte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused with deliberate intent to kill, with treachery and abuse of superior strength, the victim being a woman and 74 years old, did then and there willfully, unlawfully and feloniously attack, assault, hack and wound one ROMANA P. AR[C]ULAR with the use of a long bladed weapon locally known as “sundang” which the accused provided himself for the purpose, thereby hitting and inflicting upon the said ROMANA P. AR[C]ULAR a [hack] wound at the right occipital area with fracture of underlying bone which was the direct and proximate cause of her death.³

Criminal Case No. 2390

That on or about the 29th day of October 2004, in the Municipality of Abuyog, Province of Leyte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused with deliberate intent to kill, with treachery and abuse of superior strength the victim being a woman and 64 years old, did then and there willfully, unlawfully and feloniously attack, assault, hack and wound one LEONILA C. [H]ISTO with the use of a long bladed weapon locally known as “sundang” which the accused provided himself for the purpose, thereby hitting and inflicting upon the said LEONILA C. [H]ISTO a [hack] wound with laceration of the right earlobe at left sternocleidomastoid area which was the direct and proximate cause of her death.⁴

On 3 May 2005, Manuel, with the assistance of counsel, was arraigned and pleaded not guilty to the charges against him.⁵ Trial on the merits thereafter ensued.

Evidence for the Prosecution

The prosecution presented four (4) witnesses, namely: Pedro Dejaresco (*Pedro*), Leonilo Bongalan (*Leonilo*), Teodoro Queri-queri (*Teodoro*), and Dr. Amelia C. Gacis (*Dr. Gacis*). Their combined testimonies tended to establish the following:

On 29 October 2004, at around 2:00 o'clock in the afternoon, Leonila told Leonilo, her son-in-law, that she would go to her farm situated at Barangay Maitom, Abuyog, Leyte.⁶ Later, at around 4:00 o'clock in the afternoon, Leonilo went to the farm to check on his mother-in-law.⁷ Upon reaching the farm, he saw Manuel hacking Leonila and Romana with a bolo about 26 inches in length.⁸ Leonila was hit in the right nape,⁹ while Romana

³ Records (Criminal Case No. 2389), p. 1.

⁴ Records (Criminal Case No. 2390), p. 16.

⁵ Id. at 22.

⁶ TSN, 13 September 2006, p. 14.

⁷ Id. at 4.

⁸ Id. at 5-7.

was hit in the left nape.¹⁰ Both victims fell to the ground.¹¹ After witnessing the incident, Leonilo ran towards the house of Juaquinito Poliquit (*Juaquinito*), the Barangay Captain of Barangay Maitom.¹² After reporting the incident and that Manuel was the assailant,¹³ Leonilo and Juaquinito proceeded to the police station where the incident was again reported. Thereafter, the victims were brought to the chapel and later autopsied at the Rural Health Unit.¹⁴

Meanwhile, at around 4:00 o'clock in the afternoon of the same day, Pedro and Teodoro were on their way home when they saw Manuel on the trail, half-naked and holding a bolo. They noted that Manuel came from the direction of the place where the incident happened.¹⁵

The postmortem examinations¹⁶ conducted by Dr. Gacis on the cadavers of the deceased revealed that each victim sustained a fatal hack wound. In particular, Dr. Gacis testified that Romana sustained a hack wound in the back close to the heart which possibly hit the occipital area about five (5) inches long, and which fractured the underlying bone; while Leonila sustained a hack wound six (6) inches long which lacerated the right ear lobe at the left sternum occipital area. Dr. Gacis stated that it was possible that the assailant used a sharp-bladed weapon such as a *bolo* or *sundang*.¹⁷

At the time of death, Romana was 74 years old,¹⁸ while Leonila was 65 years old.¹⁹

Evidence for the Defense

The defense presented Manuel and his wife Annabelle Corpuz (*Annabelle*) as witnesses. Their testimonies sought to establish the defenses of alibi and denial, as follows:

On 29 October 2004, at around 4:00 o'clock in the afternoon, Manuel was at Barangay Capilian, Abuyog, Leyte, with one Nestor Castos (*Nestor*), and a certain Ike, who hired him to cultivate and plow his rice field.²⁰ On

⁹ Id. at 6.

¹⁰ Id. at 7.

¹¹ Id. at 8.

¹² Id. at 8-9.

¹³ Id. at 15.

¹⁴ Id. at 9-10.

¹⁵ TSN, 14 March 2006, pp. 4-5; TSN, 19 February 2007, pp. 4-6.

¹⁶ Records (Criminal Case No. 2390), p. 7 and 9; Exhibits "A" and "C."

¹⁷ TSN, 16 July 2008, pp. 5-6.

¹⁸ Records (Criminal Case No. 2390), p. 8; Exhibit "B."

¹⁹ Id. at 10; Exhibit "D"

²⁰ TSN, 17 July 2009, p. 4.

that day, he arrived at Barangay Capilian at around 8:00 o'clock in the morning and stayed there until 4:30 p.m.. He took his lunch at the said barangay.²¹ After completing his task, he walked home with Nestor and Ike and arrived at his house at Barangay Maitom, Abuyog, Leyte, at around 5:30 p.m..²² Manuel maintained that he only learned of the deaths of Leonila and Romana after he was apprehended by the police.²³

Manuel was 40 years old when he took the witness stand on 17 July 2009.²⁴

Annabelle corroborated Manuel's testimony that he plowed Nestor's rice field on 29 October 2004, from morning until around 5:00 o'clock in the afternoon.²⁵ She stated that at that time she was actually at Nestor's house which faced the rice field as she was tasked to cook lunch.²⁶ After Manuel finished plowing Nestor's rice field, they left and arrived at their house at around 6:00 o'clock in the afternoon.²⁷ In answer to the clarificatory questions by the judge, Annabelle stated that the distance between their house in Brgy. Maitom and Nestor's house is the same as the distance from the courtroom to the market place, estimated to be around 200 meters.²⁸

The defense further submitted in evidence a copy of the police blotter²⁹ taken when Leonilo and Juaquinito reported the incident to the Abuyog Police Station. In the said police blotter, it was stated that the suspect was still unknown; and that Leonilo saw the dead bodies of Leonila and Romana, without any indication about witnessing the actual hacking of the two by Manuel.

The RTC Ruling

In its decision, the RTC found Manuel guilty beyond reasonable doubt of two (2) counts of murder. The trial court gave credence to the testimony of Leonilo considering that he knew Manuel prior to the incident; that the incident happened in broad daylight; and that no improper motive was attributed to him in testifying against the accused. The trial court was also convinced that the qualifying aggravating circumstance of abuse of superior strength attended the commission of the crimes. The dispositive portion of the decision reads:



²¹ Id. at 5.

²² Id. at 5-6.

²³ Id. at 11.

²⁴ Id. at 3.

²⁵ TSN, 1 June 2010, pp. 7-8.

²⁶ Id. at 6-7.

²⁷ Id. at 15.

²⁸ Id.

²⁹ Records (Criminal Case No. 2390), p. 124; Exhibit "1."

WHEREFORE, premises considered, the Court finds accused **MANUEL CORPUZ** guilty beyond reasonable doubt of the crime of **MURDER** and is hereby sentenced to suffer the penalty of **RECLUSION PERPETUA** in each of the aforesaid cases and to pay each of the heirs of the victims ₱75,000.00 by way of civil indemnity, ₱50,000.00 as moral damages and ₱25,000.00 as exemplary damages to the heirs of the victims.³⁰

Aggrieved, Manuel appealed before the CA.³¹

The CA Ruling

In its appealed decision, the CA affirmed with modification the RTC decision. The appellate court ruled that Manuel offered no sufficient reason to disturb the trial court's evaluation of the prosecution eyewitness' credibility. The appellate court further ruled that treachery and abuse of superior strength attended the commission of the crimes thereby qualifying them to murder. The appellate court, however, modified the RTC decision with respect to the award of damages by increasing exemplary damages to ₱30,000.00 from ₱25,000.00, and additionally awarding ₱25,000.00 as temperate damages for each count of murder. The dispositive portion of the appealed decision provides:

WHEREFORE, premises considered, the Appeal is **DENIED**. The *Decision* dated 25 March 2011 of the Regional Trial Court, Branch 10, Abuyog, Leyte in Criminal Case Nos. 2389 and 2390 finding accused-appellant Manuel Corpuz guilty beyond reasonable doubt for the crime of Murder is hereby **AFFIRMED with MODIFICATION**. He is sentenced to suffer the penalty of *Reclusion Perpetua* without eligibility for parole.

He is further ordered to pay the heirs of Leonila Histo and Romana Arcular the following:

1. Seventy-Five Thousand Pesos (Php 75,000.00) as civil indemnity;
2. Fifty Thousand Pesos (Php 50,000.00) as moral damages;
3. Thirty Thousand Pesos (Php 30,000.00) as exemplary damages; and
4. Twenty-Five Thousand Pesos (Php 25,000.00) as temperate damages.

All monetary awards for damages shall earn interest at the legal rate of 6% per annum from date of finality of this Decision until fully paid.³²



³⁰ Records (Criminal Case No. 2390), p. 164.

³¹ Id. at 165.

³² *Rollo*, pp. 18-19.

Hence, this appeal.

ISSUE

WHETHER THE TRIAL AND APPELLATE COURTS ERRED IN CONVICTING ACCUSED-APPELLANT MANUEL CORPUZ FOR THE DEATHS OF ROMANA ARCULAR AND LEONILA HISTO DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.³³

THE COURT'S RULING

The appeal lacks merit.

No reason to disturb factual findings by the trial court; prosecution eyewitness is credible.

Manuel insists that the trial and appellate courts erred in ruling that the prosecution was able to prove his guilt beyond reasonable doubt. He argues that his conviction was based mainly on the testimony of Leonilo who, however, is not a credible witness. He points out that the police blotter clearly contradicts Leonilo's testimony that he actually saw Manuel hack Leonila and Romana. Thus, there is reasonable doubt on Leonilo's identification of Manuel as the person responsible for the deaths of the two victims.

The Court is not persuaded.

Entries in the police blotter are not evidence of the truth thereof but merely of the fact that the entries were made.³⁴ Affidavits executed before the police or entries in such police blotters cannot prevail over the positive testimony given in open court.³⁵ The entry in the police blotter is not necessarily entitled to full credit for it could be incomplete and inaccurate, sometimes from either partial suggestions or for want of suggestions or inquiries. Without the aid of such the witness may be unable to recall the connected collateral circumstances necessary for the correction of the first suggestion of his memory and for his accurate recollection of all that pertain to the subject. It is understandable that the testimony during the trial would be more lengthy and detailed than the matters stated in the police blotter.³⁶

³³ CA rollo, p. 41.

³⁴ *People v. Gomez*, 357 Phil. 684, 694 (1998); *People v. Ledesma*, 320 Phil. 215, 221-222 (1995).

³⁵ *People v. Ledesma*, 320 Phil. 215, 222 (1995); *People v. Gomez*, id. at 694; *People v. Matildo*, 300 Phil. 681, 688 (1994); *People v. Malazarte*, 330 Phil. 193, 201-202 (1996).

³⁶ *People v. San Gabriel*, 323 Phil. 102, 111 (1996).

In this case, Leonilo positively identified Manuel as the person who hacked the two victims. He was certain that it was Manuel whom he saw having known him for years prior to the incident, thus:

PROS. MONTALLA:

Q. Did you recognize the person who hacked your mother-in-law?

A. Yes, Sir.

Q. Who was he?

A. Manuel Corpuz.

Q. If Manuel Corpuz is in court now, will you please point him out?

A. That one.

INTERPRETER:

Witness pointing to a lone accused seated at the accused bench and identified himself as Manuel Corpuz.

[PROS. MONTALLA:]

Q. About how long have you known Manuel Corpuz?

A. About six (6) years already.³⁷

Moreover, Leonilo offered sufficient explanation regarding the apparent inconsistencies between his testimony and the police blotter. During cross-examination, Leonilo answered the questions in this wise:

ATTY. MAQUILAN:

Q. Was this your report to the Brgy. Captain blotted in their office?

A. Yes, Ma'am.

Q. And immediately after it was blotted you went together with him to the police station?

A. Yes, Ma'am.

Q. So what time was that when the [Brgy.] Captain and you went to the police station?

A. We reached there at the police station past 8:00 o'clock in the evening.

Q. And upon reaching the police station, you again made a report of what you have seen?

A. Yes, Ma'am.

Q. And did you tell exactly the name of the [person] whom you saw who hacked your mother-in-law?

³⁷ TSN, 13 September 2006, pp. 6-7.



A. Yes, Ma'am.

Q. And you have seen the same blotted on their blotter book?

A. I did not observe.³⁸

Clearly, Leonilo had no part in the apparent inconsistencies caused by the contents of the police blotter. Indeed, he merely reported what he witnessed; whether the police officer accurately recorded his report is beyond his control. Thus, the statement in the said police blotter to the effect that the suspect was unknown could in no way prevail over his positive identification of the accused-appellant as the person who hacked and killed Leonila and Romana.³⁹

As to Manuel's defense of alibi, suffice it to state that the same is an inherently weak defense which cannot prevail over the positive and credible testimony of the prosecution witness that accused-appellant has committed the crime. Further, for such defense to prosper, he must prove that he was somewhere else when the offense was committed and that he was so far away that it was not possible for him to have been physically present at the place of the crime or at its immediate vicinity at the time of its commission.⁴⁰

In this case, Manuel's own wife testified that at the time of the incident, he was just 200 meters away from their house in Brgy. Maitom, where Leonila and Romana were killed. Clearly, the required physical impossibility due to distance for alibi to prosper was not sufficiently demonstrated.

The crime committed is Murder qualified by abuse of superior strength; presence of treachery not established.

The circumstance of abuse of superior strength is present whenever there is inequality of force between the victim and the aggressor, assuming a situation of superiority of strength notoriously advantageous for the aggressor, and the latter takes advantage of it in the commission of the crime.⁴¹ Evidence must show that the assailants consciously sought the advantage or that they had the deliberate intent to use this advantage.⁴²

³⁸ Id. at 16-17.

³⁹ *People v. Ledesma*, supra note 35.

⁴⁰ *People v. Piosang*, 710 Phil. 519, 527 (2013).

⁴¹ *Espineli v. People*, 735 Phil. 530, 544-545 (2014); *People v. Quisayas*, 731 Phil. 577, 596 (2014).

⁴² *Valenzuela v. People*, 612 Phil. 907, 917 (2009).

The appreciation of the aggravating circumstance of abuse of superior strength depends on the age, size, and strength of the parties.⁴³ Thus, in a long line of cases, the Court has consistently held that an attack made by a man with a deadly weapon upon an unarmed and defenseless woman constitutes the circumstance of abuse of that superiority which his sex and the weapon used in the act afforded him, and from which the woman was unable to defend herself.⁴⁴ There is also abuse of such superiority when the victim is old and weak, while the accused is stronger on account of his relatively younger age.⁴⁵

Here, it has been established that the two victims were defenseless old women – Romana at 74 years old, and Leonila at 65 years old. In contrast, Manuel was shown armed with a deadly weapon. Further, at the time of the incident, Manuel was around 36 years old, in the prime of his years. Thus, the trial and appellate courts correctly convicted Manuel of two (2) counts of murder for the deaths of Romana and Leonila.

The Court, however, disagrees with the appellate court with respect to its pronouncement that treachery attended the crime.

Treachery is present when the offender commits any of the crimes against persons, employing means, methods or forms in the execution thereof, tending directly and specially to insure its execution without risk to himself arising from the defense which the offended party might make.⁴⁶ For treachery to be appreciated, the concurrence of two conditions must be established: *first*, the employment of means of execution that gives the person attacked no opportunity to defend himself or to retaliate; and *second*, the means of execution was deliberately or consciously adopted.⁴⁷

The appellate court opined that treachery attended the commission of the felony because of the suddenness of the attack. However, mere suddenness of an attack is not sufficient to constitute treachery where it does not appear that the aggressor adopted such mode of attack to facilitate the perpetration of the killing without risk to himself.⁴⁸ In this case, the prosecution failed to present any evidence which would show that Manuel consciously adopted his mode of attack without risk to himself. Thus, treachery cannot be appreciated in this case.



⁴³ *People v. Calpito*, 462 Phil. 172, 179 (2003).

⁴⁴ *People v. Appegu*, 429 Phil. 467, 482 (2002); *People v. Molas*, 291-A Phil. 516, 525 (1993).

⁴⁵ *People v. Lopez*, 396 Phil. 604, 613 (2000).

⁴⁶ *People v. De Leon*, 428 Phil. 556, 581 (2002).

⁴⁷ *People v. De Gracia*, 765 Phil. 386, 396 (2015).

⁴⁸ *People v. Camilet*, 226 Phil. 316, 324 (1986).

Penalties and monetary awards

Under Article 63(2) of the RPC, in cases where the penalty prescribed is composed of two indivisible penalties, and there are neither mitigating nor aggravating circumstances, the lesser penalty shall be applied. In this regard, Article 248 of the RPC, as amended by Section 6 of Republic Act (R.A.) No. 7659, punishes murder with the penalty of *reclusion perpetua* to death.

In this case, other than the circumstance of abuse of superior strength which already qualified the crimes to murder, no other modifying circumstance is present, whether aggravating or mitigating. Thus, the lesser penalty *reclusion perpetua* shall be imposed. The Court modifies the decision of the appellate court by deleting the phrase “without eligibility for parole” from the penalty imposed. The penalty of *reclusion perpetua* without eligibility for parole is applicable only when *reclusion perpetua* is imposed in lieu of death due to the latter’s suspension under R.A. No. 9346.⁴⁹ Such is not the case here.

The Court further modifies the CA decision with respect to the monetary awards. In *People v. Jugueta*,⁵⁰ the Court summarized the amounts of damages which may be awarded for different crimes. In said case, the Court held that when the penalty imposed is *reclusion perpetua*, the following amounts may be awarded: (1) ₱75,000.00, as civil indemnity; (2) ₱75,000.00, as moral damages; and (3) ₱75,000.00 as exemplary damages. The aforesaid amounts are proper in this case. The Court further retains the award of temperate damages in the amount of ₱25,000.00 in lieu of actual damages.

WHEREFORE, accused-appellant Manuel Corpuz is found **GUILTY** beyond reasonable doubt of two (2) counts of the crime of Murder, defined and penalized under Article 248 of the Revised Penal Code, as amended. He is sentenced to suffer the penalty of *reclusion perpetua* for each count. He is further ordered to pay the respective heirs of the deceased Romana P. Arcular and Leonila C. Histo for each count of murder in the following amounts: (1) ₱75,000.00 as civil indemnity; (2) ₱75,000.00 as moral damages; (3) ₱75,000.00 as exemplary damages; and (4) ₱25,000.00 as temperate damages. All monetary awards shall earn interest at the rate of six percent (6%) per annum reckoned from the finality of this decision until their full payment.⁵¹



⁴⁹ *People v. Sibbu*, G.R. No. 214757, 29 March 2017.

⁵⁰ G.R. No. 202124, 5 April 2016, 788 SCRA 331, 381-382.


⁵¹ *People v. Combate*, 653 Phil. 487, 518 (2010).

SO ORDERED.




SAMUEL R. MARTIRES
Associate Justice

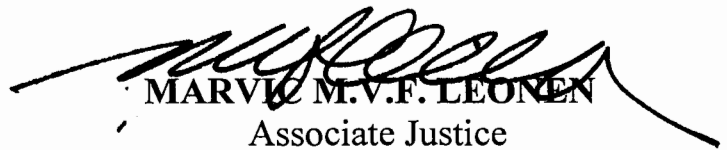
WE CONCUR:



PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson



LUCAS P. BERSAMIN
Associate Justice




MARVIC M.V.F. LEONEN
Associate Justice



ALEXANDER G. GESMUNDO
Associate Justice

ATTESTATION

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

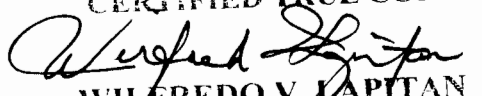
CERTIFICATION

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

MAR 27 2018