



THE COURT OF THE PHILIPPINE
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Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 232493

Present:

CARPIO, J., *Chairperson,*
PERLAS-BERNABE,
CAGUIOA,
J. REYES, JR., and
LAZARO-JAVIER, *JJ.*

- versus -

CESAR VILLAMOR CORPIN @
"BAY",
Accused-Appellant.

Promulgated:

19 JUN 2019

x-----*Atty. Cabalag Perfecto*-----x

DECISION

CAGUIOA, J.:

Before this Court is an appeal¹ filed under Section 13(c), Rule 124 of the Rules of Court from the Decision² dated January 27, 2017 of the Court of Appeals (CA), in CA-G.R. CR-H.C. No. 07635 which affirmed the Decision³ promulgated on June 24, 2015 of the Regional Trial Court, National Capital Judicial Region, Branch 201, Las Piñas City (RTC), in Criminal Case No. 10-0718, finding herein accused-appellant Cesar Villamor Corpin @ "Bay" (Corpin) guilty of the crime of Murder under Article 248 of the Revised Penal Code (RPC).

The Facts

Corpin was charged for the crime of Murder under the following Information:

"That on or about the 1st day of September, 2010, in the City of Las Piñas, Philippines and within the jurisdiction of this Honorable Court,

¹ See Notice of Appeal dated February 23, 2017; *rollo*, pp. 17-18.

² *Rollo*, pp. 2-16. Penned by Associate Justice Remedios A. Salazar-Fernando, with Associate Justices Priscilla J. Baltazar-Padilla and Socorro B. Inting concurring.

³ *CA rollo*, pp. 40-48. Dated June 16, 2015 but promulgated on June 24, 2015; penned by Presiding Judge Lorna Navarro Domingo.

the above-named accused, with intent to kill and with treachery, did then and there willfully, unlawfully and feloniously attack, assault and swiftly hack one PAULO MENDOZA PINEDA, with a butcher's knife on his face, giving the latter no opportunity to defend himself, thereby inflicting upon said victim serious and mortal wound which directly caused his death.

CONTRARY TO LAW.”⁴

Upon arraignment, Corpin pleaded not guilty to the charge.

Version of the Prosecution

The version of the prosecution, as summarized by the CA, is as follows:

x x x [T]he prosecution presented Marilyn Pineda, Helen Raymundo, Dr. Ethel Punzalan, Marlon Ramos, Christopher Opalda Quides, and SPO2 Aristotle Raquion as witnesses.

x x x x

Helen Raymundo (Raymundo for brevity) testified that: at around 2:30 o'clock in the afternoon of September 1, 2010, while she was tending to her vegetable stall in Las Piñas Public Market, she saw Kuya Bay, herein accused-appellant Corpin, kill Kuya Paulo; accused-appellant Corpin sold pork in the public market while Paulo was a chicken vendor; their stalls were situated at the back of each other and had the same entrance and exit; prior to the hacking incident, accused-appellant Corpin and Paulo were always joking at each other; Paulo often said “*Ang baho*” which made accused-appellant Corpin frown as he thought he was the one being alluded to; there was no provocation on the part of Paulo at the time the hacking incident happened; accused-appellant Corpin and the victim were not facing each other and the latter was in no position to defend himself; she was one (1) meter away from them; after accused-appellant Corpin hacked Paulo, the victim was able to get a knife but the former embraced him; at that juncture, one of the meat vendors, Kuya Kris, arrived and pushed accused-appellant Corpin away from Paulo; and, Paulo ran away for about three (3) meters and fell down in front of the canteen, in front of Raymundo's stall. Raymundo identified the *Sinumpaang Salaysay* she executed.

Dr. Ethel Punzalan (Dr. Punzalan for brevity) testified that: on September 1, 2010, she was at home when the resident doctor at Las Piñas Doctors' Hospital called her to attend to a patient named Paulo Pineda; she rushed to the hospital because she was told that the patient was continuously bleeding; due to the profuse bleeding, Paulo developed hypovolemic shock; they tried to give him blood transfusion but before they could do so, the patient expired; their hospital issued a Medical Certificate stating that the patient was admitted with a hacking wound in the maxillary zygomatic area and that his blood pressure was 60/40; the maxillary zygomatic area is from the cheekbone to the neck; Dr. Funtilla took a picture of the patient when he was in the hospital; at that time, Dr. Punzalan was beside the patient; the Medical Certificate was signed by the

⁴ *Rollo*, p. 3.

resident physician, Dr. Michael Galope; and, it is questionable whether the patient could have survived the hacking wound because of the trauma on the major blood vessels, and also because it is very hard to get blood for transfusion.

Marlon Ramos (Ramos for brevity) testified that: he knows both accused-appellant Corpin and Paulo as he is also a pork and chicken vendor in Las Piñas Public Market, employed by a certain Manny Pareja; at about 2:30 o'clock in the afternoon of September 1, 2010, he was sleeping after having worked early in the morning; it was their rest time as they would start selling again at 3:00 o'clock in the afternoon; Paulo, the victim, woke him up and asked for his help to carry a tray of chicken; he helped the victim carry the yellow Magnolia tray which was about ten (10) kilos and as wide as the stenographer's table; they were facing each other while they carried the tray of chicken; when they put the tray down, accused-appellant Corpin came from behind the victim and hacked him in his right jaw; at that time, Ramos was very near Paulo as they were just in front of each other; accused-appellant Corpin hacked Paulo with a butcher's knife used in chopping pork; the knife has a rectangular shape and as long as a ruler; it is long and wide; when he was hacked, the victim said to accused-appellant Corpin, "*Bay, bakit mo ako tinaga*"; accused-appellant Corpin did not answer; and, Marlon was in front of them at the time of the hacking but he ran away as he was shocked and afraid.

Christopher Opalda Quides (Quides for brevity) testified that: he knows accused-appellant Corpin being his co-meat vendor in Las Piñas Public Market, while the victim, Paulo Pineda, was his *kumpare*; the victim was the godfather of his youngest child although accused-appellant Corpin is also his friend; at around 2:30 o'clock in the afternoon of September 1, 2010, he was in his stall when accused-appellant Corpin suddenly hacked Paulo who was "*walang kamalay-malay*"; he was about two (2) to three (3) meters away from the place where the hacking happened; he told Paulo to run away, then he called the guards; Paulo ran away then fell down near the canteen; the victim was able to board a tricycle and went to the Las Piñas District Hospital; and, the security guards arrived as they were just near the crime scene.⁵

Version of the Defense

The version of the defense, as summarized by the CA, is as follows:

Accused-appellant Cesar Villamor Corpin testified that: he hacked the victim but it was unintentional; he knew Paulo Pineda because every afternoon they would sell meat side by side at the Las Piñas Public Market, located in Zapote near the flyover; he had known Paulo for quite a long time, since the market opened in 2003; they knew each other and sometimes they exchanged stories; every morning, Paulo sold meat in the middle of the market, and transfer[r]ed to the back of accused-appellant Corpin's stall in the afternoon; accused-appellant Corpin's stall is just one (1) meter away from Paulo's; at about 3:00 o'clock in the afternoon of September 1, 2010, accused-appellant Corpin was chopping liempo for display in his stall; while he was chopping liempo, his vision suddenly darkened ("*biglang dumilim ang paningin ko*"); this always happens to

⁵ Id. at 3-6.

him every three (3) months, even at home, but in the market it happened only once; he was not aware that he hacked Paulo who was at his back; he remembered that Paulo embraced him and asked for help; he did not see Paulo but he heard his voice; the victim said, “*Nataga mo ako bay*”; when accused-appellant Corpin regained his senses, he saw blood and realized that he indeed hacked Paulo; accused-appellant Corpin told Paulo that he would bring him to the hospital and that he would surrender to the police afterwards; accused-appellant Corpin helped the victim walk outside the market but when they reached the eatery, Paulo pushed him away; he went back to his stall and waited for his consciousness to regain; Paulo used to badmouth him (“*sinisiraan*”) everyday but he just ignored him as he was suffering from highblood; Paulo always mocked him by saying “*Ang baho*” everytime he passed by; accused-appellant Corpin would smell himself and he did not stink; and, the mockery happened in the past four (4) months prior to the incident but accused-appellant Corpin just kept silent as he did not want any trouble.⁶

Ruling of the RTC

In its Decision⁷ promulgated on June 24, 2015, the RTC found Corpin guilty of Murder, to wit:

WHEREFORE, premises considered, the Court hereby finds the accused CESAR VILLAMOR CORPIN @ “BAY” **GUILTY** beyond reasonable doubt of the crime of MURDER penalized under Article 248 of the Revised Penal Code and [is] hereby sentenced to suffer the penalty of *reclusion perpetua* and to pay the heirs of the victim Paulo Pineda x x x the following amount:

1. Php 50,000.00 as civil indemnity;
2. Php 51, 673.76 as actual damages;
3. Php 50,000.00 as moral damages; and
4. Php 10,000.00 as exemplary damages.

SO ORDERED.⁸

The RTC ruled that all the elements of Murder were established by the prosecution.⁹ It further ruled that treachery attended the commission of the crime.¹⁰ The prosecution witnesses’ account of what transpired from the inception of the attack, as well as the presence of the aggravating circumstance of treachery, was factual and convincing.¹¹ It is clear that the attack was sudden and the victim had no opportunity to defend himself.¹²

Aggrieved, Corpin appealed to the CA.

⁶ Id. at 7.

⁷ CA rollo, pp. 40-48.

⁸ Id. at 48.

⁹ Id. at 47.

¹⁰ Id.

¹¹ Id.

¹² Id.

Ruling of the CA

In the Decision¹³ dated January 27, 2017, the CA affirmed the conviction by the RTC with modifications:

WHEREFORE, premises considered, the instant appeal is **DENIED**. The assailed Decision dated June 16, 2015 of the RTC, Branch 201, Las Piñas City in Criminal Case No. 10-0718 is hereby **AFFIRMED with the MODIFICATION** that accused-appellant Cesar Villamor Corpin is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole, and is ordered to pay the heirs of Paulo Mendoza Pineda the amounts of: (1) Php 75,000.00 as civil indemnity; (2) Php 75,000.00 as moral damages; (3) Php 75,000.00 as exemplary damages; and (4) Php 51,673.76 as actual damages. All damages awarded shall earn interest at the legal rate of six percent (6%) per annum from the date of finality of this Decision until fully paid.

SO ORDERED.¹⁴

The CA ruled that the RTC committed no reversible error in convicting Corpin of the crime of Murder.¹⁵ It further ruled that the killing of Paulo was attended by treachery.¹⁶ The allegation that the victim uttered “*Ang baho*” moments before the hacking incident does not negate the treacherous character of the attack.¹⁷ Also, contrary to Corpin’s contention, the hacking was not done on impulse, but deliberately and with murderous intent.¹⁸ Moreover, the fact that the victim was unsuspecting of any attack is bolstered by the coherent testimonies of the prosecution witnesses that his back was turned when Corpin suddenly hacked him from behind.¹⁹

Hence, this appeal.

Issues

Whether the CA erred in affirming Corpin’s conviction for Murder.

The Court’s Ruling

The appeal is partly meritorious.

It is settled that findings of fact of the trial courts are generally accorded great weight; except when it appears on the record that the trial court may have overlooked, misapprehended, or misapplied some significant

¹³ *Rollo*, pp. 2-16.

¹⁴ *Id.* at 15-16.

¹⁵ *Id.* at 9.

¹⁶ *Id.*

¹⁷ *Id.* at 10.

¹⁸ *Id.* at 13. *

¹⁹ *Id.* at 14.



fact or circumstance which if considered, would have altered the result.²⁰ This is axiomatic in appeals in criminal cases where the whole case is thrown open for review on issues of both fact and law, and the court may even consider issues which were not raised by the parties as errors.²¹ The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.²²

After a careful review and scrutiny of the records, the Court affirms the conviction of Corpin, but only for the crime of Homicide, instead of Murder, as the qualifying circumstance of treachery was not proven in the killing of Paulo.

Treachery was not established by clear and convincing evidence

Seeking the reduction of his criminal liability to Homicide, Corpin admits that he indeed killed Paulo, but contends that said killing was not attended by the aggravating circumstance of treachery.²³ He argues that the prosecution failed to prove that he consciously adopted the particular mode of attack he employed to facilitate the perpetration of the killing without risk to himself.²⁴

The Court finds merit in Corpin's argument.

The fact that Corpin killed the victim is undisputed as said act was admitted by Corpin himself.²⁵ However, the Court is not convinced that treachery attended the commission of the crime.

It is established that qualifying circumstances must be proven by clear and convincing evidence.²⁶ Thus, for Corpin to be convicted of Murder, the prosecution must establish by clear and convincing evidence that the killing of Paulo was qualified by the aggravating circumstance of treachery.

There is treachery when the offender commits any of the crimes against persons, employing means and methods or forms in the execution thereof which tend to directly and specially ensure its execution, without risk to himself arising from the defense which the offended party might make.²⁷ To qualify an offense, the following conditions must exist: (1) the assailant employed means, methods or forms in the execution of the criminal act

²⁰ *People v. Duran Jr.*, G.R. No. 215748, November 20, 2017, 845 SCRA 188, 211.

²¹ *Id.* at 211.

²² *Ramos v. People*, 803 Phil. 775, 783 (2017).

²³ See CA rollo, pp. 34-35.

²⁴ *Id.* at 36.

²⁵ *Id.* at 34.

²⁶ *People v. Latag*, 465 Phil. 683, 685 (2004).

²⁷ *People v. Duran, Jr.*, supra note 20, at 205-206.

which give the person attacked no opportunity to defend himself or to retaliate; and (2) said means, methods or forms of execution were deliberately or consciously adopted by the assailant.²⁸ The essence of treachery is the sudden and unexpected attack by an aggressor on the unsuspecting victim, depriving the latter of any chance to defend himself and thereby ensuring its commission without risk of himself.²⁹

In order to appreciate treachery, both elements must be present.³⁰ It is not enough that the attack was “sudden”, “unexpected,” and “without any warning or provocation.”³¹ There must also be a showing that the offender consciously and deliberately adopted the particular means, methods and forms in the execution of the crime which tended directly to insure such execution, without risk to himself.

In this case, the following circumstances negate the presence of treachery:

First, although the attack was sudden and unexpected as he was hacked from behind, the prosecution did not prove that Corpin deliberately chose the particular mode of attack he used to ensure the execution of the criminal purpose without any risk to himself. As testified by the witnesses of the prosecution, the incident happened in a public market where there were numerous other people, including the witnesses, who could have offered their help. In a similar case, the Court held that when aid is easily available to the victim, such as when the attendant circumstances show that there were several eyewitnesses to the incident, no treachery could be appreciated because if the accused indeed consciously adopted the particular means he used to insure the facilitation of the crime, he could have chosen another place or time.³² Moreover, after he was attacked by Corpin, Paulo was able to run away and escape,³³ which shows that the victim had the opportunity to defend himself.

Second, Corpin did not deliberately seek the presence of the victim. As testified by the prosecution witnesses and Corpin himself, he and Paulo have been working as meat vendors in the same public market for several years.³⁴ In addition, the weapon he used to kill the victim was a butcher’s knife that he regularly used for his work. In this connection, the Court ruled in another case that the fact that the victim and the accused were already within the same vicinity when the attack happened and that the accused did not deliberately choose the particular weapon he used to kill the victim as he merely picked it up from within his reach is proof that there is no treachery involved.³⁵

²⁸ Id. at 206, citing *People v. Dulin*, 762 Phil. 24, 40 (2015).

²⁹ Id., citing *People v. Escote, Jr.*, 448 Phil. 749, 786 (2003).

³⁰ See id. at 205-206, citing REVISED PENAL CODE, Art. 14, par. 16.

³¹ See *People v. Sabanal*, 254 Phil. 433, 436-437 (1989).

³² *People v. Caliao*, G.R. No. 226392, July 23, 2018, p. 7.

³³ *Rollo*, p. 6.

³⁴ Id. at 7.

³⁵ *People v. Bacolot*, G.R. No. 233193, October 10, 2018, pp. 8-9.

All told, based on the first and second circumstances abovementioned, Corpin's decision to attack the victim was more of sudden impulse than a planned decision. The prosecution failed to prove the elements of treachery. Thus, Corpin can only be held guilty of the crime of Homicide.

Proper penalty and award of damages

With the removal of the qualifying circumstance of treachery, the crime is therefore Homicide and not Murder. The penalty for Homicide under Article 249 of the RPC is *reclusion temporal*. In the absence of any mitigating circumstance, the penalty shall be imposed in its medium period. Applying the Indeterminate Sentence Law, Corpin should be sentenced to an indeterminate penalty whose minimum shall be within the range of *prision mayor* (the penalty next lower in degree to that provided in Article 249 of the RPC) and whose maximum shall be within the range of *reclusion temporal* in its medium period. There being no mitigating or aggravating circumstance proven in the present case, the penalty should be applied in its medium period of fourteen (14) years, eight (8) months, and one (1) day to seventeen (17) years and four (4) months.

Thus, applying the Indeterminate Sentence Law, the maximum penalty will be selected from the above range, with the minimum penalty being selected from the range of the penalty one degree lower than *reclusion temporal*, which is *prision mayor* (six [6] years and one [1] day to twelve [12] years). Hence, the indeterminate sentence of eight (8) years and one (1) day of *prision mayor*, as minimum, to fourteen (14) years, eight (8) months, and one (1) day of *reclusion temporal*, as maximum, should be as it is hereby imposed.³⁶

Finally, in view of the Court's ruling in *People v. Jugueta*,³⁷ the damages awarded in the questioned Decision are hereby modified to civil indemnity, moral damages, and temperate damages of ₱50,000.00 each.

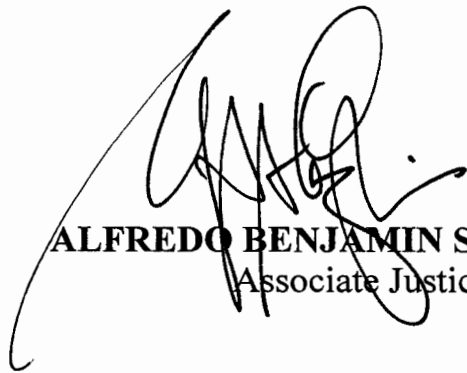
WHEREFORE, in view of the foregoing, the appeal is hereby **PARTIALLY GRANTED**. The Court **DECLARES** accused-appellant **Cesar Villamor Corpin @ "Bay" GUILTY** of **HOMICIDE**, for which he is sentenced to suffer the indeterminate penalty of eight (8) years and one (1) day of *prision mayor*, as minimum, to fourteen (14) years, eight (8) months, and one (1) day of *reclusion temporal*, as maximum. He is further ordered to pay the heirs of Paulo Mendoza Pineda the amount of Fifty Thousand Pesos (₱50,000.00) as civil indemnity, Fifty Thousand Pesos (₱50,000.00) as moral damages, and Fifty Thousand Pesos (₱50,000.00) as temperate damages. All monetary awards shall earn interest at the legal rate of six percent (6%) per annum from the date of finality of this Decision until fully paid.

³⁶ *People v. Duavis*, 678 Phil. 166, 179 (2011).

³⁷ 783 Phil. 806 (2016).



SO ORDERED.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

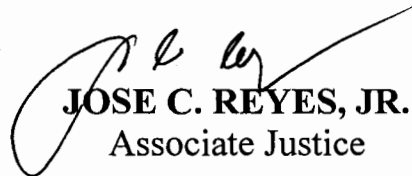
WE CONCUR:



ANTONIO T. CARPIO
Associate Justice
Chairperson



ESTELA M. PERLAS-BERNABE
Associate Justice



JOSE C. REYES, JR.
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice

ATTESTATION

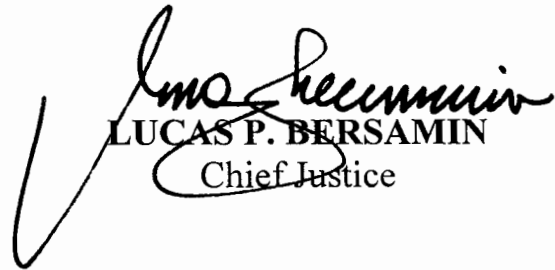
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ANTONIO T. CARPIO
Associate Justice
Chairperson, Second 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.


LUCAS P. BERSAMIN
Chief Justice

