



Republic of the Philippines
 Supreme Court
 Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 241952
 Plaintiff-Appellee,

Present:

LEONEN, J., Chairperson,
 HERNANDO,
 INTING,
 ZALAMEDA,* and
 DELOS SANTOS, JJ.

- versus -

Promulgated:

JOEBERT TAROMA ZAPATA,
 Accused-Appellant.

March 17, 2021

~~MISDOC 6-11~~

X-----X

DECISION

INTING, J.:

Before the Court is an appeal¹ from the Decision² dated October 25, 2017 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 07125. The CA affirmed the Decision³ dated October 1, 2014 of Branch 222, Regional Trial Court (RTC), Quezon City in Criminal Case Nos. Q-09-157338-39 which found Joebert Taroma Zapata (accused-appellant) guilty beyond reasonable doubt of two counts of Murder.

The Facts

Accused-appellant was charged with two counts of Murder under the following Informations:

* Designated additional member per raffle dated February 23, 2021.

¹ *Rollo*, p. 11-13.

² *Id.* at 2-10; penned by Associate Justice Jhosep Y. Lopez (now a member of the Court) with Associate Justices Ramon M. Bato, Jr. and Samuel H. Gaerlan (now a member of the Court), concurring.

³ *CA rollo*, pp. 67-72; penned by Judge Edgar Dalmacio Santos.

Criminal Case No. Q-09-157338

“That on or about the 14th day of August [2008], in Quezon City, Philippines, the above-named accused, with intent to kill qualified by treachery and evident premeditation and abuse of superior strength, did then and there willfully[,] [u]nlawfully and feloniously attack, assault and employ personal violence upon the person of RANDY M. NUEVO by then and there hacking and stabbing him, thereby inflicting upon the said RANDY M. NUEVO serious and mortal wounds which was direct and immediate cause of his untimely death, to the damage and prejudice of the heirs of the said offended party.

The above attendan[t] circumstances were present in the commission of the crime because accused planned the commission of the crime prior to its execution until its commission consciously adopting the means or adopting the means or methods of attack, done suddenly and unexpectedly in order that the victim will not be able to defend himself and to ensure commission of the crime without the risk to the accused.

CONTRARY TO LAW.”⁴

Criminal Case No. Q-09-157339

“That on or about the 14th day of August [2008], in Quezon City, Philippines, the above-named accused, with intent to kill qualified by treachery and evident premeditation and abuse of superior strength, did then and there willfully, unlawfully and feloniously attack, assault and employ personal violence upon the person of ALMAR A. RANIEN by then and there hacking and stabbing him, hitting him on the body, head and nape thereby inflicting upon the said ALMAR A. RANIEN serious and mortal wounds which was direct and immediate cause of his untimely death, to the damage and prejudice of the heirs of the said offended party.

The above attendan[t] circumstances were present in the commission of the crime because accused planned the commission of the crime prior to its execution until its commission consciously adopting the means or methods of attack, done suddenly and unexpectedly in order that the victim will not be able to defend himself and to ensure commission of the crime without the risk to the accused.

⁴ *Id.* at 67.



Accused-appellant entered pleas of not guilty to the two charges.

The prosecution presented the following witnesses: Teody Tambua (Tambua); Emily Ranien, the widow of victim Almar A. Ranien (Ranien); Reggie Nuevo, the widow of victim Randy M. Nuevo (Nuevo); and Dr. Filemon Porciuncula.

The defense presented accused-appellant as its witness for and his behalf.⁶

Version of the Prosecution

Tambua testified that on August 14, 2008, at around 9:30 p.m., Nuevo and Ranien went to his house for a drinking spree. Nuevo bought two bottles of Red Horse beer. While they were drinking, accused-appellant passed by and glanced at them. Tambua saw accused-appellant and invited him to join them. While they were drinking, Ranien and accused-appellant had a conversation about their respective identification cards (IDs). Ranien made a joke about accused-appellant's ID. Ranien pointed out that the ID indicated Crime Monitoring Section. Ranien claimed that he had been to Camp Aguinaldo, but it was his first time to see such an ID. Accused-appellant got mad and went home, which is near Tambua's house.⁷

Tambua further testified that accused-appellant returned after a few minutes, carrying a *bolo* with his left hand but hidden behind his back. Accused-appellant rushed towards Ranien, transferred the *bolo* from his left hand to his right hand, and hacked Ranien several times. After hacking Ranien, accused-appellant went on to hack Nuevo.⁸

Tambua got scared and ran towards the house of their *barangay* chairperson to ask for help. However, no one responded when he knocked on the chairperson's door. Tambua saw accused-appellant approaching, and fearing that accused-appellant would also harm him, he ran towards the house of Vany Nuevo (Vany), Nuevo's brother. Tambua told Vany what transpired. Both rushed to Tambua's house.

⁶ *Rollo*, p. 4.

⁷ *Id.*

⁸ *Id.*

There, Tambua and Vany saw the lifeless bodies of Ranien and Nuevo. Tambua and Vany brought the bodies to the hospital, but Ranien and Nuevo were already dead.⁹

The autopsy report showed that Nuevo's cause of death was a hacked wound on his head and a stab wound on his trunk; while Ranien's death was due to a hacked wound on his head.¹⁰

Version of the Defense

For the defense, accused-appellant testified that he and Tambua are neighbors; however, they were not in good terms since December 2007 when Tambua accused him of treating his wife as a mistress; and for that reason, they were not on speaking terms.¹¹

Accused-appellant further alleged the following: on August 14, 2008, at around 10:00 p.m., he went out of his house to buy cigarettes from a store. On his way back, Tambua blocked his way and invited him to his house. He went with Tambua. When they entered Tambua's house, he saw Nuevo and Ranien having a drinking spree. One of them offered him a drink, but he declined as he was not feeling well and wanted to go home. The person who offered him a drink got mad and punched him at the side of his body. Accused-appellant retaliated by punching his assailant on the chin. Accused-appellant then saw that the other man was holding a *bolo* and was about to hack him. Accused-appellant grabbed the *bolo* and was able to get hold of it. He saw Tambua hand a knife to one of the men. When the man with the knife was about to attack him, he hacked that person with the *bolo*. He saw that the other man was about to attack him also; thus, he hacked him. Accused-appellant admitted that he could not remember the details of the incident, saying "*nagdilim na po yung paningin ko nun.*"¹²

The Ruling of the RTC

In the Decision¹³ dated October 1, 2014, the RTC ruled that the prosecution was able to prove accused-appellant's guilt beyond

⁹ *Id.* at 5.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ CA rollo, pp. 67-72.

reasonable doubt. It ruled that evident premeditation was not duly proved. However, it declared that the prosecution was able to prove beyond reasonable doubt the attendant circumstance of treachery; and that accused-appellant's attack on Nuevo and Ranien was sudden and unexpected, depriving them of any real chance to defend themselves.¹⁴

The RTC rejected the insinuation of ill motive on the part of Tambua considering that accused-appellant failed to substantiate such allegation. The RTC found incredulous accused-appellant's allegation that he accepted Tambua's invitation to go the former's house with his earlier statement that both of them were in bad terms.¹⁵

Finally, the RTC ruled that accused-appellant failed to prove that he was merely acting in self-defense considering that his actions failed to meet the elements of self-defense. Accused-appellant himself admitted that he could not remember all the details of the incident.¹⁶

The dispositive portion of the RTC Decision reads:

WHEREFORE, finding accused Joebert Taroma Zapata guilty beyond reasonable doubt of two (2) counts of the crime of Murder, he is hereby sentenced to suffer the penalty of imprisonment of Reclusion Perpetua for each count with all its accessory penalties and pay the heirs of Randy M. Nuevo and Almar A. Ranien, each, the sums of Seventy Five Thousand Pesos as civil indemnity (P75,000.00), Fifty Thousand Pesos (P50,000.00) as moral damages, Twenty Five Thousand Pesos (P25,000.00) as exemplary damages, and Twenty Five Thousand Pesos (P25,000.00) as temperate damages considering that not all actual damages were proven by the private complainants.

SO ORDERED.¹⁷

Accused-appellant filed a Notice of Appeal.¹⁸

¹⁴ *Id.* at 70-71.

¹⁵ *Id.* at 71.

¹⁶ *Id.*

¹⁷ *Id.* at 72.

¹⁸ *Id.* at 9.

The Ruling of the CA

In the Decision¹⁹ dated October 25, 2017, the CA affirmed the ruling of the RTC.

The CA declared that accused-appellant admitted to the killing of Nuevo and Ranien, but raised self-defense as a justifying circumstance.²⁰ The CA ruled that accused-appellant failed to prove the existence of the elements of self-defense, *i.e.*: (1) unlawful aggression on the part of the victim; (2) reasonable necessity of the means employed to prevent or repel the aggression; and (3) lack of sufficient provocation on the part of the person defending himself. The CA further ruled that accused-appellant failed to prove the existence of unlawful aggression on the side of Nuevo and Ranien: (1) there must be a physical or material attack or assault; (2) the attack or assault must be actual, or at least, imminent; and (3) the attack or assault must be unlawful.

The CA gave more weight on the testimony of Tambua as accused-appellant's attempt to discredit Tambua as a witness was without basis.

Lastly, the CA ruled that treachery attended the commission of the crimes charged.²¹

The dispositive portion of the CA Decision reads:

WHEREFORE, the appeal is DENIED. The Decision dated 01 October 2014 rendered by the Regional Trial Court, Branch 222 of Quezon City is affirmed.

SO ORDERED.²²

Hence, the appeal.

¹⁹ *Rollo*, p. 2-10.

²⁰ *Id.* at 6.

²¹ *Id.* at 8.

²² *Id.* at 9.

The Issue

The sole issue before the Court is whether the guilt of accused-appellant has been proven beyond reasonable doubt.

The Ruling of the Court

The appeal has no merit.

There is no question that accused-appellant admitted to the killing of Nuevo and Ranien. However, accused-appellant invokes self-defense to exculpate himself from criminal liability.

It is a settled rule that in criminal cases, the prosecution has the burden to prove the guilt of the accused beyond reasonable doubt.²³ Nevertheless, once the accused invokes self-defense, the burden of proof shifts from the prosecution to the defense and as such, the accused must rely on the strength of his evidence and not on the weakness of the prosecution's evidence.²⁴

In order to successfully invoke self-defense, accused-appellant must prove the concurrence of the following elements: (1) unlawful aggression on the part of the victim; (2) reasonable necessity of the means used to prevent or repel the unlawful aggression; and (3) lack of sufficient provocation on the part of the person defending himself.²⁵ For unlawful aggression to be appreciated, the test is "whether the aggression from the victim put in real peril the life or personal safety of the person defending himself; the peril must not be imagined or imaginary threat."²⁶ To prove unlawful aggression, accused-appellant must establish the following elements: (1) there must be a physical or material attack or assault; (2) the attack or assault must be actual, or at least, imminent; and (3) the attack or assault must be unlawful.²⁷

In this case, the Court agrees with the CA and the RTC that accused-appellant did not act in self-defense. As between the self-

²³ *People v. Gajila*, G.R. No. 227502, July 23, 2018, 873 SCRA 337, 344, citing *People v. Lopez*, 830 Phil. 771, 778 (2018).

²⁴ *Id.* at 344-345, citing *People v. Rubiso*, 447 Phil. 374, 380-381 (2003).

²⁵ *People v. Panerio*, 823 Phil. 738, 746 (2018), citing *People v. Ramelo*, 821 Phil. 636, 644 (2017).

²⁶ *People v. Gajila*, *supra* note 23 at 345-346, citing *People v. Nugas*, 677 Phil. 168, 177 (2011).

²⁷ *Id.*

servicing allegations of accused-appellant and the straightforward testimony of Tambua, the latter deserves more credence.

It is well-settled that when the issue involves the credibility of witnesses, the findings of the trial court carry great weight and respect because of its unique opportunity to observe the witnesses when they are placed on the stand to testify.²⁸ As such, appellate courts will not overturn the factual findings of the trial court in the absence of facts or circumstances of weight and substance that would affect the result of the case.²⁹

In his defense, accused-appellant merely alleged that the two persons inside the house of Tambua were about to attack him; thus he hacked them. This version of accused-appellant is way contrary to the positive statements of Tambua, who categorically testified that accused-appellant went home after his argument with Ramen and returned a few minutes later holding a *bolo*, which he hid behind his back. He then saw accused-appellant hack Nuevo and Ranien. It is evident that accused-appellant attacked first. Even assuming that accused-appellant was attacked first, his own testimony that he was able to wrest the *bolo* from his attacker showed his disproportionate response to the aggression, meaning there was no reasonable necessity of the means he used to prevent or repel the aggression. Moreover, the fact that accused-appellant ran after Tambua, who fled the scene for fear that he might also be hacked proves that accused-appellant was the aggressor.

Treachery likewise attended the attack. Article 14, paragraph 16 of the Revised Penal Code provides:

ART. 14. *Aggravating circumstances.* — x x x

x x x x

16. That the act be committed with treachery (*alevosia*).

There is treachery when the offender commits any of the crimes against the person, employing means, methods, or forms in the execution thereof which tend directly and specially to insure its execution, without risk to himself arising from the defense which the offended party might make.

²⁸ *People v. Gerola*, 813 Phil. 1055, 1063 (2017), citing *People v. Gahi*, 727 Phil. 642, 658 (2014).

²⁹ *Id.* at 1064.

To prove treachery, it is important to establish that: (1) the victim was in no position to defend himself or herself when attacked; and (2) the assailant consciously and deliberately adopted the methods, means, or form of one's attack against the victim.³⁰ In this case, accused-appellant hid the *bolo* behind his back and attacked Nuevo and Ranien who were caught unaware and unable to defend themselves or to retaliate. The acts of accused-appellant clearly indicate that the attack was sudden, unexpected, and consciously adopted. The lower courts did not err in ruling that treachery attended the commission of the crimes and qualified them to Murder.

The Court finds no reason to reverse the Decision of the CA. However, in line with *People v. Jugueta*,³¹ when the circumstances attending the commission of the crime call for the imposition of the penalty of *reclusion perpetua* and there is no ordinary aggravating circumstance, the amount of damages awarded to the heirs of the victim should be as follows: ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱75,000.00 as exemplary damages, regardless of the number of aggravating circumstances present.³² In addition, the temperate damages awarded to the heirs of the victim in cases where the actual damages proven during the trial is less than the amount allowed by the court as temperate damages has been fixed to ₱50,000.00.³³ Hence, the Court sustains the civil indemnity awarded by the RTC and affirmed by the CA but increases the moral and exemplary damages to ₱75,000.00 and the temperate damages to ₱50,000.00.

WHEREFORE, the Court **AFFIRMS** the Decision promulgated on October 25, 2017 of the Court of Appeals in CA-G.R. CR-HC No. 07125 finding accused-appellant Joebert Taroma Zapata guilty beyond reasonable doubt of two counts of Murder with **MODIFICATIONS** as to the damages awarded by increasing the award of moral damages to ₱75,000.00, exemplary damages to ₱75,000.00, and temperate damages to ₱50,000.00. In addition, interest at the rate of 6% *per annum* shall be imposed on all monetary awards from the date of finality of this decision until fully paid.

³⁰ *People v. Abina, et al.*, 830 Phil. 352, 361 (2018), citing *People v. Calinawan*, 805 Phil. 673, 683 (2017).

³¹ 783 Phil. 806 (2016).

³² *People v. Racal*, 817 Phil. 665, 685 (2017).

³³ *Id.* at 686.

SO ORDERED.

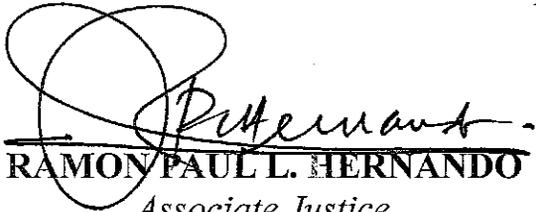


HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:



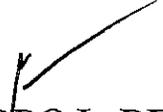
MARVIC M.V.F. LEONEN
Associate Justice
Chairperson



RAMON PAUL L. HERNANDO
Associate Justice



RODIL V. ZALAMEDA
Associate Justice



EDGARDO L. DELOS SANTOS
Associate Justice

ATTESTATION

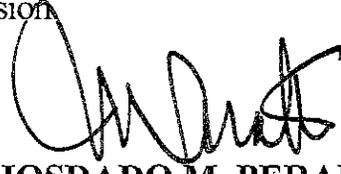
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M.V.F. LEONEN
Associate Justice
Chairperson

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.



DIOSDADO M. PERALTA
Chief Justice

