



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

RULIE COMPAYAN G.R. No. 260353  
CAMILLO,\*  
*Petitioner,*

– versus –

Present:

LEONEN, *Chairperson*  
LAZARO-JAVIER,  
LOPEZ, M.,  
LOPEZ, J.,  
KHO, JR., *JJ*

PEOPLE OF THE  
PHILIPPINES,  
*Respondent.*

Promulgated:

FEB 08 2023

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DECISION

**M. LOPEZ, J.:**

Unlawful aggression manifests in various forms. It cannot be pigeonholed to scenarios where there are dangerous weapons involved. Persistent, reckless, and taunting fist blows can equally cause grave danger and harm. To a discriminating mind, the imminence of unlawful aggression is obscured by the instinct of self-preservation. This is particularly true in the case of a laborer who, while doing a strenuous job, was suddenly boxed by a drunk person for no apparent reason.

\* Also referred to as Rolly Cumpayan Camillo in some parts of the *rollo*.

Rulie Compayan Camillo (Rulie) appeals his conviction for homicide in this Petition for Review on *Certiorari*<sup>1</sup> assailing the Decision<sup>2</sup> dated December 11, 2020 and the Resolution<sup>3</sup> dated February 21, 2022 of the Court of Appeals-Cagayan de Oro City (CA) in CA-G.R. CR No. 01826-MIN.

On February 12, 2012, Rulie was working at the store of his employer where he delivered sacks of rice from Olingan, Dipolog City. While he was carrying a sack of rice, Noel Angcla (Noel) suddenly boxed him. At that time, Noel was drunk. Rulie continued working but Noel boxed him again. Rulie put down the sack of rice and punched Noel's nose and jaw. Noel fell down hitting the concrete pavement leading to his death.<sup>4</sup> Rulie was charged with homicide, thus:

That in the afternoon, on or about the 12<sup>th</sup> day of February, 2012, in the Municipality of Roxas, Zamboanga del Norte, and within the jurisdiction of this [Honorable] Court, the said accused, with intent to kill and without justifiable cause or sufficient provocation, did then and there wil[l]fully, unlawfully and feloniously attack, assault and box one NOEL ANGCLA, thereby inflicting upon him injuries on the [vital] parts of his body which caused his death shortly thereafter, that as a result of the commission of the said crime the heirs of the herein victims suffered the following damages, viz:

a) Indemnity of victim's death	-----	P50,000.00
b) Loss of earning capacity	-----	20,000.00
	-----	P70,000.00

CONTRARY TO LAW, (Viol. of Art. 249, of the Revised Penal Code)<sup>5</sup>

Rulie pleaded self-defense. However, the trial court found that he acted in retaliation and not self-defense.<sup>6</sup> The trial court convicted him of homicide, to *wit*:

**WHEREFORE**, judgment is rendered declaring accused **RULIE COMPAYAN CAMILLO** guilty beyond reasonable doubt for the crime of **HOMICIDE**. He is hereby meted the indeterminate sentence of **TEN (10) years of prison mayor as minimum, to Fourteen (14) years, Eight (8) months, and One (1) day of reclusion temporal, as maximum** with all its accessory penalties.

<sup>1</sup> *Rollo*, pp. 16–29.

<sup>2</sup> *Id.* at 35–52. Penned by Associate Justice Richard D. Mordeno with the concurrence of Associate Justices Edgardo T. Lloren and Loida S. Posadas-Kahulugan.

<sup>3</sup> *Id.* at 31–33. Penned by Associate Justice Richard D. Mordeno with the concurrence of Associate Justices Loida S. Posadas-Kahulugan and Anisah B. Amanodin-Umpa.

<sup>4</sup> *Id.* at 78–79.

<sup>5</sup> *Id.* at 77.

<sup>6</sup> *Id.* at 82–83.

Accused is ordered to pay the heirs of Noel Angcla the sum of P50,000.00 as civil indemnity, P50,000.00 as moral damages as well as the costs of the suit.

**SO ORDERED.**<sup>7</sup> (Emphasis in the original)

Rulie appealed to the CA docketed as CA-G.R. CR No. 01826-MIN. He was granted discretionary bail pending appeal.<sup>8</sup> By Decision<sup>9</sup> dated December 11, 2020, the CA affirmed Rulie's guilt for homicide, *viz.*:

WHEREFORE, the appeal is DENIED. The Decision dated 22 October 2018 of the Regional Trial Court, 9<sup>th</sup> Judicial Region, Branch 6, Dipolog City in Criminal Case No. 17482 is AFFIRMED with the MODIFICATIONS that accused-appellant Rulie Compayan Camillo is ordered to pay Noel Angela's heirs: (1) civil indemnity of Php50,000.00; (2) moral damages of Php50,000.00; and (3) temperate damages of Php50,000.00. All damages awarded shall be subject to the rate of six percent (6%) per annum from the finality of this Decision until full satisfaction.

The cash bond posted before the trial court by accused-appellant Rulie Compayan Camillo for his temporary liberty pending appeal under Official Receipt No. 8469832 A dated 22 March 2012 is hereby CANCELLED and the trial court is ordered to ISSUE the corresponding WARRANT OF ARREST for his apprehension and service of sentence.

SO ORDERED.<sup>10</sup>

According to the CA, the element of unlawful aggression is absent,<sup>11</sup> that:

In this case, while it is true that Noel boxed [Rulie] several times, the imminence of that alleged danger had already ceased after Noel had punched [Rulie] while the latter was carrying a sack of rice [*sic*]. After this, there was no longer any unlawful aggression to speak of that would have necessitated [Rulie] to box or strike Noel. Instead, what [Rulie] did was that he put down the sack of rice and retaliated by boxing or striking Noel with such force that caused the latter to fall down and his head hitting the pavement resulting to his death. Indubitably, [Rulie] went beyond the call of self-preservation when he proceeded to inflict fatal injuries to Noel, even when the alleged unlawful aggression had already ceased.

Even assuming that the unlawful aggression emanated from Noel, the means employed by [Rulie] was not reasonably commensurate to the nature and extent of the alleged attack that he sought to prevent. It has been held that the means employed by the person invoking self-defense contemplates a rational equivalence between the means of attack and the

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<sup>7</sup> *Id.* at 82-83.

<sup>8</sup> *Id.* at 84-85.

<sup>9</sup> *Id.* at 35-52.

<sup>10</sup> *Id.* at 51.

<sup>11</sup> *Id.* at 45-46.

defense. The means employed by a person resorting to self-defense must be rationally necessary to prevent or repel unlawful aggression.

It is significant to note that the victim, Noel, was at the time of the incident 50 years of age, and having an impaired and slowed physical reflexes [*sic*] on account of his intoxication. [Rulie], on the other hand, was a youthful and sober 29[-]year-old laborer, in full possession of his physical faculties. [Rulie] was bigger in built, while Noel was lanky. Given these conditions, it would have been easy for the younger, sober [Rulie] to subdue the intoxicated and unarmed victim Noel.<sup>12</sup> (Citations omitted)

Rulie sought reconsideration,<sup>13</sup> which the CA denied.<sup>14</sup>

Hence, this recourse.

Rulie pitches his last chance for exoneration. He argues that he validly defended himself. He contends that there was unlawful aggression on the part of Noel when the latter boxed him several times. Noel was also in a fighting stance when he (Rulie) was defending himself. To save his life, he put down the sack of rice and punched Noel. He adds that he adopted reasonable means to repel Noel's aggression. He only used his fist and did not use any weapon to attack Noel. There was also no sufficient provocation on his part. He was just doing his job when he was suddenly attacked. He maintains his innocence and professes lack of intent to kill Noel.<sup>15</sup>

*Is Rulie guilty of homicide?*

No, Rulie is innocent of homicide. We acquit him.

The admission of self-defense frees the prosecution from the burden of proving that the accused authored the victim's death. The burden is shifted to the accused to prove that the act was justified. This justifying circumstance must be clearly established through convincing evidence. It cannot be appreciated if uncorroborated by competent evidence or is patently doubtful. Here, Rulie admitted killing Noel with his powerful punch, but he invoked the justifying circumstance of self-defense. Thus, the burden of evidence shifted to Rulie to prove self-defense.<sup>16</sup>

Self-defense requires the following: (1) unlawful aggression on the part of the victim; (2) reasonable necessity of the means employed to prevent or repel such aggression; and (3) lack of sufficient provocation on the part of the person resorting to self-defense.<sup>17</sup>

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<sup>12</sup> *Id.* at 46.

<sup>13</sup> *Id.* at 53–59.

<sup>14</sup> *Id.* at 31–33.

<sup>15</sup> *Id.* at 21–25.

<sup>16</sup> *Labosta v. People*, G.R. No. 243926, June 23, 2020, 940 SCRA 130, 138–141 [Per J. J. Reyes, Jr., First Division].

<sup>17</sup> Article 11(i) of the REVISED PENAL CODE, as amended.

The *first* requisite of “*unlawful aggression on the part of the victim*” is the indispensable element of self-defense.<sup>18</sup> If no unlawful aggression attributed to the victim is established, the defense is unavailing for there is nothing to prevent or repel.<sup>19</sup> “[F]or unlawful aggression to be present, there must be a real danger to life or personal safety.”<sup>20</sup>

In *People v. Nugas*,<sup>21</sup> we discussed that:

Unlawful aggression is of two kinds: (a) actual or material unlawful aggression; and (b) imminent unlawful aggression. Actual or material unlawful aggression means an attack with physical force or with a weapon, an offensive act that positively determines the intent of the aggressor to cause the injury. Imminent unlawful aggression means an attack that is impending or at the point of happening; it must not consist in a mere threatening attitude, nor must it be merely imaginary, but must be offensive and positively strong (like aiming a revolver at another with intent to shoot or opening a knife and making a motion as if to attack). Imminent unlawful aggression must not be a mere threatening attitude of the victim, such as pressing the right hand to [the] hip where a revolver was holstered, accompanied by an angry countenance, or like aiming to throw a pot.<sup>22</sup> (Citation omitted)

In *Senoja v. People*,<sup>23</sup> we instructed that unlawful aggression exists if persons invoking self-defense “*believe, in due exercise of [their] reason, [that their lives or limbs are] in danger[.] x x x, the guilt of the accused [should] depend upon the circumstances as they reasonably appear to [the accused].*”<sup>24</sup> We reiterated this in *People v. Olarbe*,<sup>25</sup> in which we declared that “*the circumstances as the accused perceived them at the time of the incident, not as others perceived them, should be the bases for determining the merits of the plea.*”<sup>26</sup>

Here, the trial court and the CA did not find the presence of unlawful aggression. According to the trial court, Noel’s aggression had ceased by the time Rulie had put down the sack of rice. Thus, when Rulie punched Noel after putting down the sack of rice, he was only retaliating and not defending himself. Meanwhile, the CA ratiocinated that Noel was drunk and unable to walk properly during the incident. Noel would not have been physically strong enough to pose a danger to Rulie.

<sup>18</sup> *People v. Fontanilla*, 680 Phil. 155, 165 (2012) [Per J. Bersamin, First Division].

<sup>19</sup> *Calim v. Court of Appeals*, 404 Phil. 391, 403 (2001) [Per J. Gonzaga-Reyes, Third Division].

<sup>20</sup> *P/Cpl. Andal v. Sandiganbayan*, 258-A Phil. 591, 596 (1989) [Per J. Padilla, *En Banc*].

<sup>21</sup> 677 Phil. 168 (2011) [Per J. Bersamin, First Division].

<sup>22</sup> *Id.* at 177–178. See also *Gregorio, Fundamentals of Criminal Law Review*, 1997 Ninth Edition, pp. 55–56.

<sup>23</sup> 483 Phil. 716 (2004) [Per J. Callejo, Sr., Second Division].

<sup>24</sup> *Id.* at 725.

<sup>25</sup> 836 Phil. 1015 (2018) [Per J. Bersamin, Third Division].

<sup>26</sup> *Id.* at 1019.

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We disagree with the reasoning of the trial court and the CA. They failed to recognize the presence of unlawful aggression from the perspective or vantage point of Rulie.

Noel was drunk and unruly. His intoxication and physical violence morphed into a real, imminent, and actual danger. Noel, at the flashpoint of the incident, was not only inebriated with alcohol, but he was also exuding—and prevailed by—a reckless and taunting temperament. The danger that his deportment lurked is not hard to imagine. In many cases of irresponsible alcohol intake, the drunk person either has caused injury or death to somebody, or the drunk person dies or becomes injured because of running amok. Violence brought about by intoxication is not uncommon. The survival instinct of one who was physically assaulted and persistently targeted by a drunk person will naturally resort to a swift, successive, and unfathomed fight or flight response.

The trial court and the CA desired restraint on the part of Rulie. They found it unbelievable that Noel could still assume a fighting stance to harm Rulie given that Noel was intoxicated and unable to walk properly. Further, Rulie himself testified that Noel had no motive nor reason to challenge him to a fight as they did not have any misunderstanding or disagreement. Rulie offered no explanation why he did not immediately go to the police to report the alleged unlawful aggression of Noel towards him.

Yet it is arbitrary to expect restraint from Rulie. He was physically and persistently assaulted by a wild, drunk Noel. At the time he was attacked by Noel, Rulie was exerting too much physical effort in carrying a heavy sack of rice. Unlawful aggression manifests in various forms. It cannot be pigeonholed to scenarios where there are dangerous weapons involved. Persistent, reckless, and taunting fist blows can equally cause grave danger and harm. To a discriminating mind, the imminence of unlawful aggression is obscured by the instinct of self-preservation. This is particularly true in the case of Rulie who, while doing a strenuous job, was suddenly boxed by a drunk person for no apparent reason.

We disagree that unlawful aggression had ceased when Rulie had put down the sack of rice. All the eyewitnesses attested that Noel did not stop attacking Rulie after the latter put down the first and second sacks of rice. Noel was still in a fighting stance until he met the wrath of Rulie's defense. In his right, Rulie had to enable himself to repel the unlawful aggression with reasonable force. Otherwise, he might lose his balance and incur fatal injuries, apart from the ones caused by Noel's indiscriminate fist blows.

The flaw in the trial court and the CA's identical reasoning is that it is a product of tranquil minds basking in the comfort of judicial chambers. Unlike magistrates, Rulie had no equanimity to think, calculate and make comparisons that can easily be made in the calmness of reason. Confronted with an immediate threat and danger to his life and limb, he had no choice but



to defend himself against the reckless assailant. As we have emphasized in *Olarbe*:

In judging pleas of self-defense and defense of stranger, the courts should not demand that the accused conduct [themselves] with the poise of [persons] not under imminent threat of fatal harm. [The accused] had no time to reflect and to reason out [their] responses. [They] had to be quick, and [their] responses should be commensurate to the imminent harm. This is the only way to judge [them], for the law of nature—the foundation of the privilege to use all reasonable means to repel an aggression that endangers one’s own life and the lives of others—did not require [them] to use unerring judgment when [they] had the reasonable grounds to believe [themselves] in apparent danger of losing [their lives] or suffering great bodily injury. **The test is whether [the accused’s] subjective belief as to the imminence and seriousness of the danger was reasonable or not, and the reasonableness of [their] belief must be viewed from [their] standpoint at the time [they] acted.** The right of [the people] to take life in self-defense arises from [their] belief in the necessity for doing so; and [their] belief and the reasonableness thereof are to be judged in the light of the circumstances as they then appeared to [them], not in the light of circumstances as they would appear to others or based on the belief that others may or might entertain as to the nature and imminence of the danger and the necessity to kill.<sup>27</sup> (Emphasis and underscoring supplied; citations omitted)

Is there *reasonable necessity of the means employed by Rulie to prevent or repel Noel’s aggression?*

We answer in the affirmative.

The *second* element of self-defense envisions a rational equivalence between the perceived danger and the means employed to repel the attack. Yet, the Court recognized that in self-defense, the instinct for self-preservation will outweigh rational thinking. Thus, “*when it is apparent that a person has reasonably acted upon this instinct, it is the duty of the courts to sanction the act and hold the actor irresponsible in law for the consequences.*”<sup>28</sup>

Here, Rulie’s defense of using his fists—and nothing more—is reasonably necessary to ward off Noel’s unlawful aggression. Rulie inflicted only two blows on Noel’s face. This strongly indicates that he only intended to repel and deter Noel from further boxing him. Unfortunately, the adrenaline force that came with his punch, which knocked Noel out on the floor, was compounded by Noel’s intoxication. Nevertheless, such defensive act is not coupled with criminal intent. *Actus non facit reum, nisi mens sit rea.*<sup>29</sup> As such, Rulie cannot be liable for the consequences of his act. Indeed, Article

<sup>27</sup> *Id.* at 1028–1029.

<sup>28</sup> *People v. Encomienda*, 150–B Phil. 419, 434 (1972) [Per *J. Makasiar*], citing *People v. Lara*, 48 Phil. 153, 160 (1925) [Per *J. Street*].

<sup>29</sup> “*A crime is not committed if the mind of the person performing the act complained of is innocent.*” *De Guzman v. People*, 590 Phil. 474, 481 (2008) [Per *J. Velasco, Jr.*, Second Division].

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4(1) of the Revised Penal Code, as amended, states that criminal liability shall be incurred by “*any person committing a felony (delito) although the wrongful act done be different from that which he intended.*” In this case, Rulie was not committing a felony when he punched Noel in self-defense. Therefore, he cannot be liable for the consequences of his act.

Anent the *third* requisite, *i.e.*, “*lack of sufficient provocation,*” a person invoking self-defense should not have antagonized the attacker. “*Provocation*” is defined to be any unjust or improper conduct or act capable of exciting, inciting, or irritating anyone.<sup>30</sup> “*Provocation is sufficient when it is proportionate to the aggression, that is, adequate enough to impel one to attack the person claiming self-defense.*”<sup>31</sup>

In this case, it is undisputed that Rulie did not sufficiently provoke Noel. He was just doing his job when he was suddenly attacked by Noel. They had no proven altercation or misunderstanding that excited Noel to box Rulie. What “provoked” Noel, if any, was his own drunkenness, which corrupted his sense of sobriety and civility. His intoxication courted his death.

While it is regretful that a life was lost, justice in its imperfect but truest sense cannot condone the conviction and incarceration of a person innocent in the eyes of the law. We find guidance in our penal laws’ Classical and Positivist schools of thought, thus:

The law on self-defense embodied in any penal system in the civilized world finds justification in [people]’s natural instinct to protect, repel, and save [their] person[s] or rights from impending danger or peril; it is based on that impulse of self-preservation born to [individuals] and part of [their] nature as human being[s]. Thus, in the words of the Romans of ancient history: *Quod quisque ob tutelam corporis sui fecerit, jure suo fecisse existimetur.*<sup>32</sup> To the Classicists in penal law, lawful defense is grounded on the impossibility on the part of the State to avoid a present unjust aggression and protect a person unlawfully attacked, and therefore it is inconceivable for the State to require that the innocent succumb to an unlawful aggression without resistance; while to the Positivists, lawful defense is an exercise of a right, an act of social justice done to repel the attack of an aggressor.<sup>33</sup>

Finally, self-defense is a justifying circumstance that relieves Rulie of criminal and civil liabilities.<sup>34</sup> Although Rulie killed Noel, his act did not

<sup>30</sup> *Pepito v. Court of Appeals*, 369 Phil. 378, 396 (1999) [Per J. Mendoza, Second Division].

<sup>31</sup> *People v. Boholst-Caballero*, 158 Phil. 827, 845 (1974) [Per J. Munoz Palma, First Division]. See also *People v. Nabora*, 73 Phil. 434, 434–435 (1941) [Per J. Moran].

<sup>32</sup> See I Viada, 172, 5th edition. “That which anyone should do for the safety of his own person is to be adjudged as having been done justly in his own favor.” *People v. Boholst-Caballero*, *id.* at 832, footnote 9.

<sup>33</sup> *People v. Boholst-Caballero*, *id.* at 832–833.

<sup>34</sup> See Article 101 of the REVISED PENAL CODE, as amended.



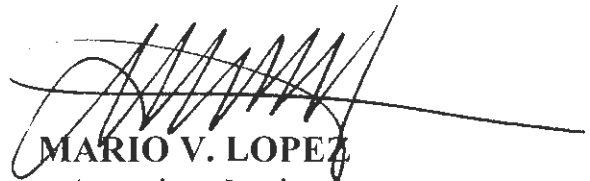
violate the law.<sup>35</sup> There is no civil liability incurred because Rulie acted without criminal intent and there is no crime committed.<sup>36</sup>

**ACCORDINGLY**, Rulie Compayan Camillo's Petition for Review on *Certiorari* is **GRANTED**. The Court of Appeals-Cagayan de Oro City's Decision dated December 11, 2020 and Resolution dated February 21, 2022 in CA-G.R. CR No. 01826-MIN are **REVERSED**. Rulie Compayan Camillo is **ACQUITTED** of homicide and is **ORDERED IMMEDIATELY RELEASED** from detention, unless he is being lawfully held for another cause.

Let entry of judgment be issued immediately.

Let a copy of this Decision be furnished the Director of the Bureau of Corrections, Muntinlupa City for immediate implementation. The Director is directed to report to the Court the action taken within five (5) days from receipt of this Decision.

**SO ORDERED.**




**MARIO V. LOPEZ**  
Associate Justice

**WE CONCUR:**



**MARVIC M.V.F. LEONEN**  
Senior Associate Justice



**AMY C. LAZARO-JAVIER**  
Associate Justice



**JHOSEP Y. LOPEZ**  
Associate Justice

<sup>35</sup> See *People v. Maticdem*, 698 Phil. 408, 419-420 (2012) [Per *J. Leonardo-De Castro*, First Division].

<sup>36</sup> *Id.*



**ANTONIO T. KHO, JR.**  
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**  
Senior 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.



**ALEXANDER G. GESMUNDO**  
Chief Justice