



Republic of the Philippines  
 Supreme Court  
 Manila

SECOND DIVISION

PEOPLE OF THE G.R. No. 264913  
 PHILIPPINES,

Plaintiff-appellee, Present:

-versus-

RONALD  
 APORADO,

PARADERO

Accused-appellant.

LEONEN, S.A.J., Chairperson,  
 LAZARO-JAVIER,  
 LOPEZ, M.,  
 LOPEZ, J., and  
 KHO, JR., JJ.

Promulgated:

FEB 05 2024

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DECISION

LOPEZ, M., J.:

We review in this appeal<sup>1</sup> the conviction of Ronald Paradero Aporado (Ronald) for the crime of murder under Article 248 of the Revised Penal Code (RPC) in the Decision<sup>2</sup> dated November 18, 2020 and the Resolution<sup>3</sup> dated April 20, 2022 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 02268-MIN.

<sup>1</sup> See Notice of Appeal dated May 23, 2022; *rollo*, pp. 4-5.

<sup>2</sup> *Id.* at 9-16. Penned by Associate Justice Oscar V. Badelles, with the concurrence of Associate Justices Lily V. Biton and Richard D. Mordeno of Court of Appeals, Cagayan de Oro City, Twenty-Third Division.

<sup>3</sup> *Id.* at 18-19.

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## ANTECEDENTS

Ronald was charged with murder for stabbing Amado B. Halasan (Amado) in an Information that reads:

That sometime on January 28, 2017, in the Municipality of Bansalan, Province of Davao del Sur, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, and with intent to kill, armed with a bolo, with treachery, did then and there willfully, unlawfully and feloniously attack, assault and stab Amado B. Halasan in a sudden and unexpected manner without giving the victim the chance to defend himself, a mode of attack which the accused consciously and deliberately adopted inflicting upon him stab wounds on the different parts of his body, which caused his instantaneous death, to the damage and prejudice of his heirs.

CONTRARY TO LAW.<sup>4</sup>

When arraigned, Ronald pleaded not guilty to the charge.<sup>5</sup> At the trial, the prosecution proved that on January 28, 2017, Ronald, alias Tunay, Jay Amoy (Jay), Amado, and Fritz Montalba (Fritz) were having a drinking spree outside the house of Jomar Amoy (Jomar) in Sitio San Roque, Barangay Mabuhay, Bansalan, Davao del Sur.<sup>6</sup> The group teased Ronald that he looked like a killer and told him that he was ugly.<sup>7</sup> Amado even challenged Ronald if he knew how to kill a person.<sup>8</sup> Unknown to the group, Ronald was enraged by their mockery. He took it to mean that the group degraded his person. After a while, Ronald's sister called and asked him to go home since he was already drunk.<sup>9</sup> Ronald went home as instructed. When he returned, Jay offered him a drink. Suddenly, Ronald tried to punch Amado, but Jay held his hand.<sup>10</sup> Jay then noticed that Ronald had a knife, so he let go of Ronald's hand and ran towards Jomar's house. Fritz followed.<sup>11</sup> Inside, Jay saw Ronald stab Amado several times in the breast area.<sup>12</sup> At that time, Amado was asleep and seated with his head bowed.<sup>13</sup>

After that, Ronald went to the house of Rey Amoy, came back with a backpack, and again stabbed Amado while shouting, "*do you think that I do not know how to kill a person, I have killed many times.*"<sup>14</sup> Ronald left with a warning that he will kill them all.<sup>15</sup> Amado was brought to Centeno Hospital where he was proclaimed dead on arrival.<sup>16</sup>

<sup>4</sup> Records, p. 1.

<sup>5</sup> *Rollo*, pp. 11 and 21.

<sup>6</sup> TSN, Jay Amoy, June 19, 2017, pp. 4-5.

<sup>7</sup> TSN, Ronald Paradero Aporado, August 6, 2018, p. 5.

<sup>8</sup> *Id.* at 7.

<sup>9</sup> TSN, Jay Amoy, June 19, 2017, pp. 5 and 11.

<sup>10</sup> *Id.* at 5.

<sup>11</sup> *Id.* at 6.

<sup>12</sup> *Id.* at 5-6.

<sup>13</sup> *Id.* at 6. *See also rollo*, pp. 9-10 and 21-22.

<sup>14</sup> TSN, Jay Amoy, June 19, 2017, pp. 7-8 and 10.

<sup>15</sup> *Id.* at 8. *See also rollo*, pp. 10 and 22.

<sup>16</sup> TSN, Ann Melodie T. Halasan, August 9, 2017, pp. 6-7.

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Ronald was apprehended by barangay tanod Janilo Espinosa (Janilo) along the road going to New Visayas. Janilo bodily frisked him and saw a knife in his backpack.<sup>17</sup> He then brought Ronald to the barangay hall. When asked why he stabbed Amado, Ronald answered that he just liked to kill (“*natripingan lang niya*”).<sup>18</sup>

For the defense, Ronald admitted that he stabbed Amado in the breast five times.<sup>19</sup> He reasoned that Amado mocked him. Ronald got mad, so he went home and got a knife, which he used to stab Amado.<sup>20</sup> However, he denied that he went back and stabbed Amado again.<sup>21</sup> Ronald claimed that he walked to Matanao where he was a resident to surrender because he did not know the location of the municipal hall of Bansalan.<sup>22</sup> While on his way, he flagged down a vehicle, not knowing that Barangay Mabuhay owned the car.<sup>23</sup>

In a Decision<sup>24</sup> dated January 3, 2019, the Regional Trial Court of Digos City, Branch 21 (RTC) convicted Ronald of murder. It found the presence of treachery since Ronald repeatedly stabbed Amado while the latter was asleep.<sup>25</sup> Thus:

WHEREFORE, premises considered, this court finds the accused **GUILTY BEYOND REASONABLE DOUBT** of the crime of **MURDER** and is hereby sentenced to suffer the penalty of **RECLUSION PERPETUA** with accessory penalties provided by law; and the accused is also ordered to pay the heirs of the deceased, the following sums:

1. **Forty Seven Thousand Seven Hundred Ninety Five Pesos ([PHP] 47,795)** for Actual Damages;
2. **One Hundred Thousand Pesos ([PHP] 100,000.00)** for Moral Damages; and
3. **One Hundred Thousand Pesos ([PHP] 100,000.00)** for Exemplary Damages.

**SO ORDERED.**<sup>26</sup> (Emphasis in the original)

On appeal,<sup>27</sup> the CA affirmed Ronald’s murder conviction in the assailed Decision.<sup>28</sup> The CA declared Ronald not entitled to the benefit of the

<sup>17</sup> TSN, Janilo Espinosa, April 2, 2018, pp. 4–6.

<sup>18</sup> *Id.* at 6. *See also* rollo, p. 10.

<sup>19</sup> TSN, Ronald Paradero Aporado, August 6, 2018, pp. 10–11.

<sup>20</sup> *Id.* at 5–8.

<sup>21</sup> *Id.* at 14.

<sup>22</sup> TSN, Ronald Paradero Aporado, August 6, 2018, p. 8.

<sup>23</sup> *Id.* at 9, 15–16, and 19. *See also* rollo, pp. 22–23.

<sup>24</sup> Rollo, pp. 21–24. Penned by Acting Presiding Judge Carfelita B. Cadiente-Flores.

<sup>25</sup> *Id.* at 23–24.

<sup>26</sup> *Id.* at 24.

<sup>27</sup> *See* Appellant’s Brief dated September 4, 2019; CA rollo, pp. 19–32.

<sup>28</sup> Rollo, pp. 9–16.

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mitigating circumstances of passion and obfuscation, sufficient provocation, and voluntary surrender.<sup>29</sup> It disposed:

WHEREFORE, premises considered, accused-appellant Ronald Paradero Aporado's appeal is hereby DENIED. The Decision dated January 3, 2019 of the 11<sup>th</sup> Judicial Region, Regional Trial Court, Branch 21, Digos City in Crim. Case No. XXI-2163(17) finding accused-appellant Ronald Paradero Aporado, guilty beyond reasonable doubt of Murder, STANDS.

SO ORDERED.<sup>30</sup>

Ronald sought reconsideration<sup>31</sup> arguing that treachery was not proven beyond reasonable doubt.<sup>32</sup>

On April 20, 2022, the CA issued the assailed Resolution<sup>33</sup> that denied Ronald's Motion for Reconsideration, to wit:

Accused-appellant invites Us to reconsider Our decision to reduce the crime charged from Murder to Homicide as the element of treachery was not proven.

The motion must fail.

The findings of the RTC, which We had affirmed, was that accused-appellant repeatedly stabbed the victim when the latter was asleep. The attack swift and sudden; [sic] the unsuspecting victim had no expectation of the coming assault, as he was asleep when he was attacked and therefore, treacherous.

WHEREFORE, premises considered, accused-appellant's Motion for Reconsideration is DENIED.

SO ORDERED.<sup>34</sup>

Hence, this appeal.<sup>35</sup> The parties manifested<sup>36</sup> that they are adopting the briefs filed with the CA.

Ronald insists that the prosecution failed to prove treachery. There was no evidence that Amado was asleep or had no opportunity to defend himself. Besides, the mere suddenness of the attack is not sufficient to support the finding of treachery. Ronald adds that he is entitled to the mitigating

<sup>29</sup> *Id.* at 12–15.

<sup>30</sup> *Id.* at 15.

<sup>31</sup> See Motion for Reconsideration dated December 22, 2020; CA *rollo*, pp. 75–78.

<sup>32</sup> *Id.* at 75–77.

<sup>33</sup> *Rollo*, pp. 18–19.

<sup>34</sup> *Id.* at 19.

<sup>35</sup> See Notice of Appeal dated May 23, 2022; *id.* at 4–5.

<sup>36</sup> See the People's Manifestation and Motion dated May 23, 2023 (*id.* at 27–30); and Ronald's Manifestation in lieu of Supplemental Brief dated July 26, 2023 (*id.* at 36–37).

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circumstances of sufficient provocation, passion and obfuscation, voluntary surrender, and intoxication.<sup>37</sup>

### RULING

It is hornbook doctrine that where the accused admits full responsibility for the killing of the victim, it is incumbent upon them to prove by clear and convincing evidence that the killing was justified and that they incurred no liability therefor. The burden of evidence is shifted to the accused, and they must rely on the strength of their own evidence and not on the weakness of that of the prosecution, for even if the latter were weak, it would not be disbelieved after their open admission of responsibility for the killing.<sup>38</sup>

Here, Ronald admitted that he killed Amado. He testified in open court how he was enraged by the mockery of Jay, Fritz, and Amado that he decided to go home, get a knife, and stab Amado to death:

Q: Mr. Witness, what happened while the four (4) of your [sic] were drinking?

A: There was an argument, Ma'am.

Q: Who in particular did you have an altercation?

A: The three of them Ma'am, Amado Halasan, Jay Amoy and that person whom I forgot the name [sic].

Q: What was the caused [sic] of your altercation, Mr. Witness?

A: They mocked at [sic] me and humiliated my person.

Q: Will you please tell to this Honorable Court the words or other examples of the mockery that were thrown to you Mr. Witness?

A: They told me that my face looks like a killer.

Q: What else if any, Mr. Witness?

A: I am ugly and degrading my person.

Q: Will you please tell to this Honorable Court, if you know the reason why they allegedly told you that you look like a killer Mr. Witness?

A: Maybe [because] of my hair because during that time my hair was long.

Q: What was your reaction when you heard those statements, if any Mr. Witness?

A: Because I was drunk at that time I was not able to hold my temper.

Q: Now, will you please tell to this Honorable Court what actions did you make if any, Mr. Witness?

A: I went home then, I got a knife.

.....

<sup>37</sup> CA rollo, pp. 24-31.

<sup>38</sup> *People v. Hubilla, Jr.*, 322 Phil. 520, 530-531 (1996) [Per J. Davide, Jr., Third Division].

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Q: After you went home Mr. Witness, where did you proceed, if any?

A: I went back to where we were drinking.

Q: Will you please tell this Honorable Court Mr. Witness, what was the reason why you went back to the area where you had your drinking spree and brought with you a knife?

A: They challenged me Ma'am, reason why I went back to the place where we were drinking.

Q: Will you please tell to this Honorable Court who in particular challenge [sic] you, Mr. Witness?

A: This Amado Halasan.

Q: And what was the challenged [sic] all about?

A: He told me do you know how to kill a person.

....

Q: After that Mr. Witness, what happened next when you went back to the area?

A: I stabbed him.<sup>39</sup>

Having admitted the crime, conviction follows unless Ronald submits evidence that would justify the killing. He failed to do so. Instead, he insisted that treachery did not attend the killing and that he was entitled to the mitigating circumstances of passion and obfuscation, sufficient provocation, voluntary surrender, and intoxication.

***Treachery is not present to qualify the killing***

We agree with Ronald that the killing was not treacherous.

There is treachery when the offender commits any of the crimes against persons<sup>40</sup> by employing means, methods, or forms that tend directly and especially to ensure its execution without risk to the offender arising from the defense that the offended party might make.<sup>41</sup> Two conditions must occur: (1) the employment of means, methods, or manner of execution that would insure the offender's safety from any retaliatory act on the part of the offended party, who thus has no opportunity for self-defense or retaliation—the objective element; and (2) the deliberate choice of means, methods, or manner of execution—the subjective element.<sup>42</sup> We have held that to constitute *alevosia*, the offender must plan the mode of attack; the attack must not spring

<sup>39</sup> TSN, Ronald Paradero Aporado, August 6, 2018, pp. 5–7.

<sup>40</sup> REV. PEN. CODE, Book Two, Title Eight.

<sup>41</sup> REV. PEN. CODE, art. 14(16).

<sup>42</sup> *People v. Marzan*, 840 Phil. 395, 406 (2018) [Per J. Castillo, First Division]; and *People v. Domingo*, 414 Phil. 628, 634 (2001) [Per J. Yñares-Santiago, First Division].

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from an unexpected turn of events.<sup>43</sup> In *People v. Magbuhos*,<sup>44</sup> the Court expounded:

Treachery cannot be appreciated from the mere fact that the attack was sudden and unexpected. The Court has held that “the circumstance that an attack was sudden and unexpected on the person assaulted did not constitute the element of *alevosia* necessary to raise homicide to murder, where it did not appear that the aggressor consciously adopted such mode of attack to facilitate the perpetration of the killing without risk to himself. Treachery cannot be appreciated if the accused did not make any preparation to kill the deceased in such manner as to insure the commission of the killing or to make it impossible or difficult for the person attacked to retaliate or defend himself.”<sup>45</sup>

Thus, while the essence of treachery has often been described as a sudden and unexpected attack without the slightest provocation on the part of the person attacked,<sup>46</sup> this definition is incomplete, as it fulfills only one of two elements of *alevosia*—the objective element. The subjective element, i.e., that the accused deliberately chose this method of assault with the particular objective of accomplishing the act without risk to themselves arising from any defense that the victim might put up,<sup>47</sup> must also be complied with. Therefore, an attack done impulsively during a casual meeting—however sudden and unexpected—is not done with treachery.<sup>48</sup>

The totality of the prosecution witnesses’ testimonies demonstrates that the killing was Ronald’s impulsive reaction to a provocation. Jay testified that they were engaging in a drinking spree, and in the course of their session, they were teasing Ronald about his physical appearance. The teasing offended Ronald, who took it as if they were degrading his person. He then went home upon the instruction of his sister but returned with a knife and stabbed Amado without warning. Indeed, Ronald did not consciously and deliberately adopt the sudden attack to facilitate the perpetration of the killing. The subjective element of treachery is not present.<sup>49</sup>

In *People v. Sabanal*,<sup>50</sup> we ruled that “[i]t does not always follow that because the attack is sudden and unexpected, it is tainted with treachery. Indeed, it could have been done on impulse, as a reaction to an actual or imagined provocation offered by the victim.”<sup>51</sup> In *Cirera v. People*,<sup>52</sup> we

<sup>43</sup> *People v. Ilo*, 440 Phil. 852, 861 (2002) [Per J. Callejo, Sr., Second Division].

<sup>44</sup> 842 Phil. 1145 (2018) [Per J. Caguioa, Second Division].

<sup>45</sup> *Id.* at 1155, citing *People v. Caliao*, 836 Phil. 966, 976 (2018) [Per J. Martires, Third Division].

<sup>46</sup> *People v. Kalipayan*, 824 Phil. 173, 186 (2018) [Per J. Gesmundo, Third Division], citing *People v. Sebastian*, 428 Phil. 622, 626 (2002) [Per J. Yñares-Santiago, First Division].

<sup>47</sup> *People v. Camacho*, 411 Phil. 715, 728 (2001) [Per J. Mendoza, Second Division].

<sup>48</sup> *See People v. Petalino*, 840 Phil. 409, 422 (2018) [Per J. Bersamin, First Division].

<sup>49</sup> *People v. Abut*, 449 Phil. 522, 544–545 (2003) [Per J. Callejo, Sr., *En Banc*]; and *People v. Arellano*, 390 Phil. 273, 290 (2000) [Per J. Kapunan, First Division].

<sup>50</sup> 254 Phil. 433 (1989) [Per J. Cruz, First Division].

<sup>51</sup> *Id.* at 436–437.

<sup>52</sup> 739 Phil. 25 (2014) [Per J. Leonen, Third Division].

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declared that provocation on the part of the victim negates the presence of treachery:

The attack might “have been done on impulse [or] as a reaction to an actual or imagined provocation offered by the victim.” In this case, petitioner was not only dismissed by Austria when he approached him for money. There was also an altercation between him and Naval. The provocation might have been enough to entice petitioner to action and attack private complainants.

Therefore, the manner of attack might not have been motivated by a determination to ensure success in committing the crime. What was more likely the case, based on private complainants’ testimonies, was that petitioner’s action was an impulsive reaction to being dismissed by Austria, his altercation with Naval, and Naval’s attempt to summon Austria home.

Generally, this type of provocation negates the existence of treachery. This is the type of provocation that does not lend itself to premeditation. The provocation in this case is of the kind which triggers impulsive reactions left unchecked by the accused and caused him to commit the crime. There was no evidence of a modicum of premeditation indicating the possibility of choice and planning fundamental to achieve the elements of treachery.<sup>53</sup>

### ***The provocation is not mitigating***

Nonetheless, the provocation was not grave enough to constitute a mitigating circumstance.

Under Article 13(4) of the RPC, the criminal liability of the accused shall be mitigated if “sufficient provocation or threat on the part of the offended party immediately preceded the act” of the accused. Sufficient provocation refers to any unjust or improper conduct or act of the victim adequate to excite a person to commit a wrong, which is proportionate in gravity. To be mitigating, provocation on the part of the victim must be sufficient and should immediately precede the act of the offender.<sup>54</sup> It is considered mitigating because it diminishes the offender’s intelligence and intent.

While the provocation or threat under Article 13(4) of the RPC need not and indeed should not amount to an attack or material aggression, lest it constitute unlawful aggression giving rise to the circumstance of self-defense<sup>55</sup> or incomplete self-defense,<sup>56</sup> it must nevertheless be “sufficient.” In *People v. Nabora*,<sup>57</sup> we defined sufficiency under Article 13(4) as “adequate to excite the person to commit the wrong and must accordingly be

<sup>53</sup> *Id.* at 46; citations omitted.

<sup>54</sup> *Cruz v. People*, 882 Phil. 424, 501 (2020) [Per J. Caguioa, First Division].

<sup>55</sup> REV. PEN. CODE, art. 11(1).

<sup>56</sup> REV. PEN. CODE, arts. 13(1) and 69.

<sup>57</sup> 73 Phil. 434 (1943) [Per J. Moran, *En Banc*].



proportionate to its gravity.”<sup>58</sup> In that case, accused Vicente Nabora (Nabora) had been walking along Luneta when he came across the deceased, who pointed at Nabora, asked him what he was doing there and said, “[d]on’t you know we are watching for honeymooners here?” Enraged, Nabora pulled out a knife and stabbed the deceased, causing the latter’s instant death. Deciding whether the mitigating circumstance of sufficient provocation was present, we ruled in the negative.<sup>59</sup> We explained:

The provocation, to constitute a mitigating circumstance, must, in the language of the law, be “sufficient”, **that is, adequate to excite the person to commit the wrong and must accordingly be proportionate to its gravity.** In the instant case, it can hardly be said that the acts of the deceased in pointing his finger at the defendant and uttering the question aforementioned constitute a sufficient cause for him to draw out his knife and kill the deceased.<sup>60</sup> (Emphasis supplied)

In other words, the test of sufficiency of provocation or threat, which must come from the offended party, is whether the answering or retaliatory act of the accused was a *proportionate response* to said provocation or threat. Thus, by this standard, we have ruled that a “short but heated exchange of words” between the accused and the victim is not sufficient to elicit the reaction of firing a gun at the victim.<sup>61</sup> A shove and curses from the victim to the accused are likewise insufficient to warrant retaliation with a knife.<sup>62</sup> The repeated blowing of car horns is not provocation at all, let alone provocation sufficient to incite violence.<sup>63</sup>

But, where the offended party entered the house of the accused, cursing and wielding a knife at the latter immediately before the accused stabbed the victim to death, we appreciated the mitigating circumstance of sufficient provocation in favor of the accused, as the offended party’s “violent behavior” was adequate to impel the accused to hurt the victim.<sup>64</sup> Similarly, where the victim thrust a bolo at the accused and threatened to kill the latter while hacking at the walls, we held that these acts were “sufficient provocation to enrage any [person]” and appreciated the mitigating circumstance in favor of the accused.<sup>65</sup>

In this case, the alleged mockery and humiliation that Ronald received from his drinking buddies do not amount to sufficient provocation that could mitigate his criminal liability. Certainly, the teasing statements here given by Jay, Fritz, and Amado—that Ronald “looks like a killer” or that he is “ugly”—may be annoying or unreasonable, but these were not sufficiently provocative to merit Ronald’s extreme retaliatory act of homicide. To mitigate

<sup>58</sup> *Id.* at 435.

<sup>59</sup> *Id.* at 434–435.

<sup>60</sup> *Id.* at 435.

<sup>61</sup> *Cruz v. People*, 882 Phil. 484, 502 (2020) [Per J. Caguioa, First Division].

<sup>62</sup> *People v. Leonor*, 364 Phil. 766, 783 (1999) [Per C.J. Davide, Jr., *En Banc*].

<sup>63</sup> *People v. CA*, 405 Phil. 247, 266 (2001) [Per J. Yñares-Santiago, First Division].

<sup>64</sup> *Pacu-an v. People*, G.R. No. 237542, June 16, 2021 [Per J. Delos Santos, Third Division].

<sup>65</sup> *Romera v. People*, 478 Phil. 606, 612–613 (2004) [Per J. Quisumbing, Second Division].

a criminal act, the provocation must be proportionate in gravity to the wrong done in response.

Further, the provocation did not immediately precede the act. The teasing happened while the group was in a drinking spree, which started in the morning. Significantly, Ronald endured the teasing the whole time and was not provoked into doing or saying anything. It was only after a while, when his sister called him home and Ronald could not “hold [his] temper” anymore that he went home and got a knife.<sup>66</sup> But, he did not immediately attack Amado when he came back. Ronald drank the liquor Jay offered him, then he tried to punch Amado. Thereafter, he stabbed the victim.<sup>67</sup> There was a lapse of time between the teasing and the stabbing that negated sufficient provocation, which the law requires not only come from the offended party but “immediately [precede] the act.” When there is an interval of time between the provocation and the commission of the crime, the conduct of the offended party could not have excited the accused to commit the crime, the accused having had time to regain reason and to exercise self-control.<sup>68</sup>

In *People v. Tan*,<sup>69</sup> where the deceased was not killed immediately after uttering provocative threats against the accused but after he had already fled from the accused, we ruled that provocation given at the commencement of a fight does not mitigate liability for the crime done while the deceased was already fleeing, and the deceased did not give any further provocation.<sup>70</sup>

Similarly, where almost a day had elapsed between the victim’s threat and the accused’s crime, we concluded that the accused had not, in fact, been sufficiently provoked by the victim’s threat the day before, and that the accused’s act of shooting him was “not the natural reaction of a human being to ward off a serious threat or to immediately retaliate when provoked” but “a deliberate act of vengeance,” which is no longer mitigating.<sup>71</sup>

### ***Passion and obfuscation cannot be appreciated***

The mitigating circumstance of passion and obfuscation cannot also be appreciated in Ronald’s favor.

For passion and obfuscation to be appreciated, the following elements should concur: (1) there is an act, both unlawful and sufficient to produce such condition of the mind; and (2) said act which produced the obfuscation was not far removed from the commission of the crime by a considerable length

<sup>66</sup> TSN, Ronald Paradero Aporado, August 6, 2018, p. 5.

<sup>67</sup> TSN, Jay Amoy, June 19, 2017, pp. 5–6.

<sup>68</sup> LUIS B. REYLS, THE REVISED PENAL CODE, CRIMINAL LAW, BOOK ONE 293 (20th ed., 2021).

<sup>69</sup> 165 Phil. 268 (1976) [Per J. Concepcion, Jr., Second Division].

<sup>70</sup> *Id.* at 276.

<sup>71</sup> *People v. Benito*, 159 Phil. 408, 413–414 (1975) [Per J. Aquino, *En Banc*].

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of time during which the perpetrator might have recovered their normal equanimity.<sup>72</sup>

Both requisites are lacking. Amado teasing Ronald's looks or even challenging Ronald whether he "knows how to kill" might be an attack on his ego, but it is not by itself an unlawful act. Nor should it be deemed sufficient to produce such obfuscation that would lead Ronald to crime. To reiterate, Ronald did not immediately attack Amado; he endured the teasing and challenges the entire time, went home upon his sister's request, got a knife, returned, and drank more liquor. Only then did he stab Amado. To mitigate criminal liability, obfuscation must originate from lawful feelings, and not from the excitement inherent in all persons who quarrel and come to blows<sup>73</sup> or from the spirit of revenge.<sup>74</sup> "Indeed, the passion and obfuscation, to be mitigating, must originate from lawful feelings, not from vicious, unworthy, and immoral passions. The turmoil and unreason that result from a wounded ego were not enough to obfuscate one's sanity and self-control. Nor would a risen temper, or anger mitigate."<sup>75</sup>

This case is similar to *People v. Rabanillo*.<sup>76</sup> There, as in this case, the accused and the victim found themselves in the same drinking party. The victim reprimanded Vicente Rabanillo (Rabanillo) in front of their drinking mates for accidentally dousing him with water. Humiliated, Rabanillo came into a fistfight with the victim, which their companions broke up. Rabanillo and the victim returned to their respective homes. 30 minutes later, Rabanillo went and hacked the victim to death with a sword. We did not appreciate passion or obfuscation in Rabanillo's favor because he acted out of "the spirit of revenge or [anger] and resentment for having been publicly berated[.]"<sup>77</sup> The same holds true in this case.

### ***There is no voluntary surrender***

Furthermore, Ronald did not voluntarily surrender.

For the mitigating circumstance of voluntary surrender to mitigate the criminal liability, the accused must satisfactorily comply with three requisites: (1) they have not been actually arrested; (2) they surrendered themselves to a person in authority or the latter's agent; and (3) the surrender is voluntary.<sup>78</sup> In *Roca v. CA*,<sup>79</sup> we stressed that "[t]here must be a showing of spontaneity and an intent to surrender unconditionally to the authorities, either because the

<sup>72</sup> *People v. Javier*, 370 Phil. 596, 605 (1999) [Per Acting C.J. Romero, *En Banc*].

<sup>73</sup> *People v. Rabanillo*, 367 Phil. 114, 126 (1999) [Per C.J. Davide, Jr., *En Banc*].

<sup>74</sup> *People v. Caber, Sr.*, 399 Phil. 743, 753 (2000) [Per J. Mendoza, Second Division].

<sup>75</sup> *Alforte v. People*, G.R. No. 159672, December 3, 2014 [Notice, First Division].

<sup>76</sup> 367 Phil. 114 (1999) [Per C.J. Davide, Jr., *En Banc*].

<sup>77</sup> *Id.* at 127.

<sup>78</sup> *Roca v. CA*, 403 Phil. 326, 337-338 (2001) [Per J. Quisumbing, Second Division].

<sup>79</sup> *Id.*

accused acknowledges [their] guilt or [they wish] to spare them the trouble and expense concomitant to [their] capture.”<sup>80</sup>

Here, Janilo chased Ronald and traversed the road to New Visayas. They then arrested him when he flagged down their multicab. Janilo testified:

Q: And you also said that the person responsible for the stabbing was no longer in the place of the incident. Now, who informed you that?

A: We were told by the person we met in going to the particular area of the incident.

Q: What else did you discover? What did you find out when you went to the area?

A: The assailant had already left and we chased the assailant.

Q: To what direction did you go?

A: We chased the assailant to the direction of New Visayas.

Q: Who was with you when you decided to chase the person responsible in stabbing the victim to New Visayas?

A: Our neighbors, Sir together with the driver of the barangay.

Q: Now, in going to New Visayas, what is your mode of transportation?

A: We were on board the multicab of the barangay. We proceeded to the boundary of Bansalan and New Visayas.

Q: Now, while traveling going to New Visayas, what did you do, if any?

A: We asked the people at the different crossings we crossed if they saw a person passed [sic] by with long hair and with a backpack.

Q: And why did you particularly look for that person with long hair and with a backpack?

A: That was the description of the assailant given to us.

Q: And what was the reply of those persons you asked?

A: They told us that that person passed by the road leading to New Visayas.

Q: Now, while passing by the road leading to New Visayas, what did you see, if any?

A: We saw him walking fast as if running.

Q: Who was that person you saw?

A: The assailant.

.....

Q: Now, after you spotted the person walking and at the same time running, what did you do?

A: We overtook him and we stopped at the dark. That person tried to flag us down because he wants to take a ride.

Q: Now, you said that you stopped at the dark, why did you stop at the dark portion of the road?

<sup>80</sup> *Id.* at 338.

A: We stopped at the dark portion of the road because he might recognize the marking of the multicab that it is from the barangay and aside from that, I was also wearing a camouflage.

Q: Now, while waiting for this person in the dark, what transpired?

A: I met him and arrested him.<sup>81</sup>

### ***Intoxication was not proven***

Finally, intoxication as a mitigating circumstance requires that it should not be habitual or subsequent to the plan to commit the crime.<sup>82</sup> The accused must establish the state of their intoxication at the time of the commission of the crime and prove that they took such a quantity of alcohol as would blur their reason.<sup>83</sup> Additionally, the accused must show that such intoxication was not habitual or subsequent to the plan to commit the felony.<sup>84</sup>

Here, no clear evidence was presented to show the degree of Ronald's intoxication or if it affected his reasoning and intelligence. Ronald merely argues that "he has been intoxicated for about twelve (12) hours already"<sup>85</sup> since he "joined the drinking spree as early as 9:00 in the morning until the time of the incident at 9:00 in the evening."<sup>86</sup> Yet, it is not sufficient to merely claim intoxication. There must be convincing proof of the nature and effect of one's intoxication.<sup>87</sup> Thus, a medical certificate stating that the accused's breath smelled of alcohol at the time the crime was committed, paired with the testimony of the accused that he had imbibed some alcohol before committing the crime, has been held insufficient for this Court to appreciate intoxication as a mitigating circumstance.<sup>88</sup> This is because the law presumes every person to be of sound mind unless proven otherwise. In the absence of satisfactory proof that intoxication clouded one's sense and reason, it should be presumed that one was sober.<sup>89</sup> We stressed in *People v. Inngo*:<sup>90</sup>

Intoxication to be aggravating must have been the source of bravado that propelled the accused to commit the crime. As we have previously held:

Our penal laws do not look kindly on habitual drunkards, or if the accused already resolved to commit the crime, then got intoxicated so as to fortify that resolve with false courage dictated by liquor, his liability should be aggravated. Although there is no hard and fast rule on the amount of liquor that the accused imbibed on that occasion, but the test is that it must have sufficed to affect his mental

<sup>81</sup> TSN, Janilo Espinosa, April 2, 2018, pp. 4-5.

<sup>82</sup> *Planos v. People*, G.R. No. 232506, November 18, 2020 [Notice, First Division].

<sup>83</sup> *People v. Mat-an*, 826 Phil. 512, 527 (2018) [Per J. Martires, Third Division].

<sup>84</sup> *People v. Borbon*, 469 Phil. 132, 146 (2004) [Per J. Callejo, Sr., Second Division].

<sup>85</sup> CA rollo, p. 30.

<sup>86</sup> *Id.*

<sup>87</sup> *Licyayo v. People*, 571 Phil. 310, 328 (2008) [Per J. Chico-Nazario, Third Division].

<sup>88</sup> *People v. Bermudo*, 835 Phil. 748, 761 (2018) [Per J. Martires, Third Division].

<sup>89</sup> *Id.* at 762.

<sup>90</sup> 452 Phil. 678 (2003) [Per J. Quisumbing, *En Banc*].

faculties, to the extent of blurring his reason and depriving him of self-control.<sup>91</sup>

### ***Penalty***

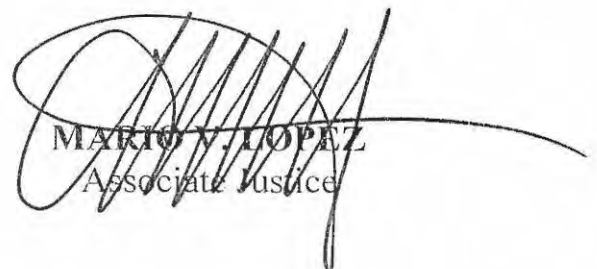
Without *alevosia* to qualify the crime, Ronald is guilty of homicide and not murder.

Under Article 249 of the RPC, the prescribed penalty for homicide is *reclusion temporal*. Without any modifying circumstance, the penalty shall be imposed in its medium period. Applying the Indeterminate Sentence Law, the penalty next lower in degree is *prision mayor* with a range of six years and one day to 12 years. Thus, Ronald shall suffer the indeterminate penalty of eight years and one day of *prision mayor*, as minimum, to 14 years, eight months, and one day of *reclusion temporal*, as maximum.

Finally, applying the Court's ruling in *People v. Jugueta*,<sup>92</sup> the damages awarded shall be modified to civil indemnity, moral damages, and temperate damages of PHP 50,000.00 each.<sup>93</sup> These amounts shall earn legal interest at the rate of 6% interest per annum from the finality of this Decision until full payment.<sup>94</sup>

**ACCORDINGLY**, the appeal is **DENIED**. The Decision dated November 18, 2020 and the Resolution dated April 20, 2022 of the Court of Appeals in CA-G.R. CR-HC No. 02268-MIN are **AFFIRMED with MODIFICATION**. Ronald Paradero Aporado is **GUILTY** beyond reasonable doubt of **HOMICIDE** under Article 249 of the Revised Penal Code. He is sentenced to suffer the indeterminate penalty of eight years and one day of *prision mayor*, as minimum, to 14 years, eight months, and one day of *reclusion temporal*, as maximum, and **ORDERED** to pay the heirs of Amado B. Halasan the amounts of PHP 50,000.00 as civil indemnity, PHP 50,000.00 as moral damages, and PHP 50,000.00 as temperate damages. All monetary awards shall earn legal interest at the rate of 6% per annum from the finality of this Decision until full payment.

**SO ORDERED.**

  
MARIO V. LOPEZ  
Associate Justice

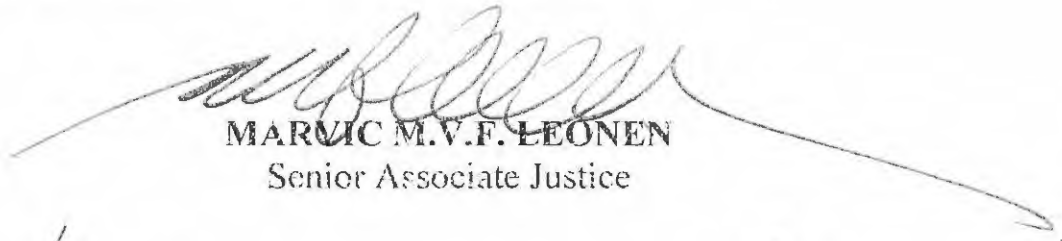
<sup>91</sup> *Id.* at 695; citation omitted.

<sup>92</sup> *People v. Jugueta*, 783 Phil. 806 (2016) [Per J. Peralta, *En Banc*].

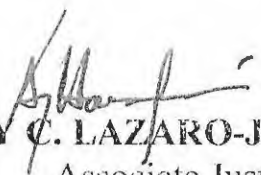
<sup>93</sup> *Id.* at 852–853.

<sup>94</sup> *People v. XXX*, G.R. No. 231386, July 13, 2022 [Per J. Caguioa, Third Division]; and *Navar v. Gallery Frames*, 716 Phil. 267, 282–283 (2013) [Per J. Peralta, *En Banc*].

**WE CONCUR:**



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



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




**JHOSEP Y. LOPEZ**  
Associate Justice



**ANTONIO T. KHO, JR.**  
Associate Justice

**ATTESTATION**

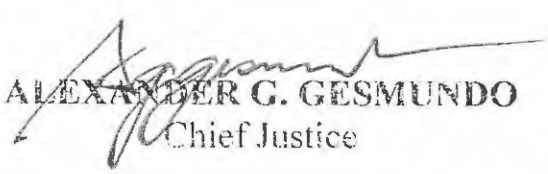
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**MARVIC M.V.F. LEONEN**  
Senior Associate Justice  
Chairperson, Second Division

**CERTIFICATION**

Pursuant to Article VIII, Section 13 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