



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE G.R. No. 268355
PHILIPPINES,

Plaintiff-appellee, Present:

-versus-

DOMINGO BANGUILAN y
GULAN,
Accused-appellant.

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

Promulgated:

JUN 10 2024

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DECISION

LOPEZ, M., J.:

In this appeal,¹ accused-appellant Domingo Banguilan y Gulan (Domingo) assails the Decision² dated November 15, 2022 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 15262 which affirmed his conviction for murder under Article 248 of the Revised Penal Code (RPC).

¹ See Notice of Appeal dated December 9, 2022; *rollo*. pp. 3-4.

² *Id.* at 8-28. Penned by Associate Justice Rafael Antonio M. Santos and concurred in by Associate Justices Mariflor P. Punzalan Castillo and Lorenza R. Bordios of the Court of Appeals, Manila, Third Division.

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ANTECEDENTS

Domingo was charged with murder for the death of John Paloma y Fuentes (John) under the following Information:

That on or about the 29th day of December 2017, in Caloocan City, Metro Manila, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a bladed weapon known as “*BALISONG*”, with treachery and evident premeditation, and with intent to kill, did then and there, willfully, unlawfully, and feloniously attack, assault and stab one JOHN PALOMA y FUENTES, thereby inflicting upon the latter mortal stab wounds on the neck and upper back of the body, which caused the death of JOHN PALOMA y FUENTES thereafter.

CONTRARY TO LAW.³

Upon arraignment, Domingo pleaded not guilty and trial ensued thereafter.⁴

For the prosecution, Sheila Caitan (Sheila), John’s coworker, testified that on December 29, 2017, at 9:00 p.m., she was eating with John, his wife Analyn Paloma (Analyn), and his family at the canteen of their employer, Cybertizing Philippines, Inc. (CPI) at 158 Nadura Street, 7th Avenue, Caloocan City. John then decided to step out of the canteen to check on his roosters located in the vacant lot across CPI’s premises.⁵

Sheila then received a call from her mother. She too stepped out of the canteen and proceeded to the vacant lot since her companions were noisy. Sheila then heard John shout “Ah!” She saw Domingo stab John on his left neck while John was sitting and leaning on his *manukan*. Sheila screamed and called for help. Analyn rushed to the scene and saw her husband covered in blood while asking for assistance. Analyn then brought her husband to Manila Central University Hospital where he was pronounced dead.⁶

E-Are Perez (E-Are), the security guard on duty on that day, corroborated Sheila’s testimony. He was roving around CPI’s premises when he heard a scream emanating from the vacant lot. He rushed to the scene and saw Domingo stab John on the neck. E-Are ordered Domingo to stop but instead of complying, Domingo pulled the *balisong* out of John’s neck and ran away. E-Are ran after him. When E-Are caught up with Domingo, Domingo pulled out his *balisong* and pointed it at E-Are. E-Are then got hold of his service firearm and ordered Domingo to drop his weapon and lie on the ground. Domingo eventually surrendered.⁷

³ *Id.* at 9, 31.

⁴ *Id.*

⁵ *Id.* at 10, 31.

⁶ *Id.*

⁷ *Id.* at 10, 32.

Police Chief Inspector Caryl Escaro conducted the autopsy and observed that John suffered from two stab wounds — one at the left neck region and another at the left upper back. Both stab wounds were fatal and could have caused his death.⁸

Domingo was the sole witness for the defense. While he admitted to stabbing John, he countered that it was out of self-defense. Domingo narrated that on December 29, 2017, he was drinking with his nephew in a warehouse situated across the vacant lot. He then saw an unidentified man, later revealed to be John, entering the vacant lot and attempting to steal a rooster. Domingo walked up to John to stop him.⁹ Agitated, John allegedly attempted to hit Domingo with a metal rod. Fearing for his life, Domingo took his *balisong* and stabbed John on his chest and back.¹⁰

In its Decision¹¹ dated December 9, 2020, the Regional Trial Court of Caloocan City, Branch 232 found Domingo guilty of murder. According to the trial court, the prosecution was able to prove the existence of treachery in the killing of John because of the swift, deliberate, and unexpected nature of Domingo's attack. Further, it ruled that the testimonies of Sheila and E-Are were straightforward, consistent, and unequivocal. On the other hand, it concluded that Domingo's version of events deserves scant consideration since it was solely based on his self-serving testimony. It could not accept Domingo's version of events since, at the time of the incident, he was under the influence of liquor and could not have perceived John's actions clearly. However, the trial court did not rule on the prosecution's allegation of evident premeditation.¹² The dispositive portion of the Decision states:

WHEREFORE, the Court finds accused **DOMINGO BANGUILAN y GULAN** guilty beyond reasonable doubt and sentences him to suffer the penalty of *reclusion perpetua*.

In line with prevailing jurisprudence, accused is ordered to pay the amount of **PAY [PHP] 75,000.00** for civil indemnity in favor of the heirs of John Paloma; **[PHP] 75,000.00** for moral damages; **[PHP] 75,000.00** as exemplary damages; and **[PHP] 50,000.00** as temperate damages, with an interest of six percent (6%) per annum from finality of this Decision until fully paid [*People v. Gabrino*, G.R. No. 189981, March 9, 2011].

SO ORDERED.¹³ (Emphasis in the original)

⁸ *Id.* at 10.

⁹ *Id.* at 11, 32.

¹⁰ *CA rollo*, p. 46.

¹¹ *Rollo*, pp. 31–34. Penned by Presiding Judge Rosalia I. Hipoloto-Bunagan.

¹² *Id.* at 32–33.

¹³ *Id.* at 34.

8

Domingo elevated his case to the CA. In his Brief,¹⁴ he argued that he only acted in self-defense when he attacked John, and that the trial court erred in relying on the testimonies of Sheila and E-Are as neither of them saw how the stabbing incident commenced.¹⁵ Further, the trial court erred in appreciating the aggravating circumstance of treachery.¹⁶

The CA affirmed Domingo's conviction in its Decision¹⁷ dated November 15, 2022. It held that by raising the mitigating circumstance of self-defense, it was incumbent upon Domingo to prove all its elements with clear and convincing evidence, which he failed to do. Domingo did not offer any other evidence, aside from his self-serving testimony, to substantiate his claim that there was an actual or imminent peril to his life or limb.¹⁸ There was also no evidence that John was armed with a metal rod during the stabbing incident.¹⁹ In fact, the location of the stab wounds militates against Domingo's claim of self-defense. Specifically, that John was stabbed at his neck and upper back, which were both fatal, indicate a determined effort to kill and not merely to defend.²⁰

Finally, the appellate court likewise appreciated the presence of treachery in the killing of John. It held that treachery was present because John was stabbed without warning and from behind, leaving him with no opportunity to protect and defend himself.²¹ The dispositive portion states:

WHEREFORE, the appeal is **DENIED** for lack of merit. The Decision dated 9 December 2020 of the Regional Trial Court of Caloocan City, Branch 232, in Crim. Case No. C-102815, is hereby **AFFIRMED**.

SO ORDERED.²² (Emphasis in the original)

Hence, this appeal.²³

RULING

We deny the appeal.

We emphasize that the task of assigning values to the testimonies of witnesses and weighing their credibility is best left to the trial court, which forms its first-hand impressions as witnesses testify before it.²⁴ As a rule, the

¹⁴ See Brief for the Accused-appellant dated April 5, 2022; CA *rollo*, pp. 41–54.

¹⁵ *Id.* at 48–49.

¹⁶ *Id.* at 51–52.

¹⁷ *Rollo*, pp. 8–28.

¹⁸ *Id.* at 13–14.

¹⁹ *Id.* at 21.

²⁰ *Id.* at 22.

²¹ *Id.* at 24–25.

²² *Id.* at 27–28.

²³ See Notice of Appeal dated December 9, 2022; *id.* at 3–4.

²⁴ *People v. Del Rosario*, 657 Phil. 635, 642 (2011) [Per J. Nachura, Second Division].

findings and conclusions of trial courts on the credibility of witnesses enjoy a badge of respect because they have the advantage of observing the demeanor of witnesses as they testify.²⁵ It will not be disturbed absent any showing that the trial court overlooked certain facts and circumstances which could substantially affect the outcome of the case.²⁶ We find no cogent reason to depart from this rule.

Here, the trial court gave credence to the detailed account of prosecution witnesses Sheila and E-Are, whose testimonies were deemed “[straightforward], consistent and unequivocal.”²⁷ Indeed, Sheila’s testimony narrated in certain terms how Domingo stabbed John, which caused John’s death:

Court: So, you did not follow John Paloma to where he is moving. You incidentally passed also by that place where he went to?

A: Yes, ma’am.

Q: What did you see when you went there at the place where John Paloma was?

A: John Paloma was stabbed and then he shouted, your Honor. . .

Q: You heard him shouting. You heard the victim shouting[?]

A: Yes, your Honor.

Q: Did you see him being stabbed by someone?

A: Yes, your Honor.

Q: You saw someone stabbing John Paloma[?]

A: Yes, your Honor.

Q: Who did you see stabbing John Paloma?

A: Domingo, your Honor.

Q: The accused[?]

A: Yes, your Honor.²⁸

Sheila’s testimony was corroborated by E-Are on all points:

Q: And when you heard that shout coming from that vacant lot, Mr. Witness, what did you do next, if any?

A: I went to the vacant lot, Ma’am, to check the shout that I heard, Ma’am. . .

....

Q: And then when you check [sic] the vacant lot, what did you see if you remember, Mr. Witness?

²⁵ *People v. Lacaden*, 620 Phil. 807, 819 (2009) [Per J. Chico-Nazario, Third Division].

²⁶ *People v. Regaspi*, 768 Phil. 593, 598 (2015) [Per J. Peralta, Third Division].

²⁷ *Rollo*, p. 32.

²⁸ *Id.* at 17.

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A: I saw Domingo Banguilan stabbed John Paloma in his neck, Ma'am.

Q: Around what time is this Mr. Witness, if you remember?

A: 9PM. Ma'am.

Q: So 9PM at the evening [sic], Mr. Witness, what is the lightning [sic] condition at that place for you to be sure that it was the accused who stabbed John Paloma?

A: There was a light, Ma'am.

Q: And then after you saw the accused stabbing John Paloma, what did you do next, if any Mr. Witness?

A: I shouted [at] Domingo, Ma'am, and commanded him to stop, Ma'am.

Q: And then, what happened next, if any after you commanded him to stop?

A: He pulled away the knife from the neck of John Paloma and he immediately runaway [sic], Ma'am.²⁹

The trial court's evaluation of the prosecution witnesses was likewise bolstered by the CA's conclusion that Sheila's and E-Are's testimonies were consistent on material points.³⁰ Thus, this Court is bound by the concurrent factual findings of the courts *a quo*.³¹

More importantly, Domingo miserably failed to substantiate his claim of self-defense. It is settled that in the invocation of self-defense, the accused assumes the burden to establish their plea by credible, clear, and convincing evidence; otherwise, conviction would follow from their admission that they killed the victim.³² Thus, Domingo was duty bound to prove the elements of self-defense, namely: (1) unlawful aggression on the part of John; (2) reasonable necessity of the means employed to prevent or repel such aggression; and (3) lack of sufficient provocation on the part of Domingo. The first requisite of "*unlawful aggression on the part of the victim*" is the indispensable element of self-defense.³³

It is settled that self-defense cannot be justifiably appreciated when uncorroborated by independent and competent evidence or when it is extremely doubtful by itself.³⁴ Here, Domingo's testimony that it was John who first showed aggression is unconvincing because he offered no other evidence than his bare testimony. Moreover, Domingo's claim of self-defense is unreliable since he was under the influence of liquor at the time of the attack and he could not have perceived John's actions with clarity. The location of the stab wounds, *i.e.*, at the back of the victim, also negates the possibility that there was unlawful aggression on the part of the victim.

²⁹ *Id.* at 19-20.

³⁰ *Id.* at 21-22.

³¹ *Labosta v. People*, 875 Phil. 506, 513 (2020) [Per J. J. Reyes, Jr., First Division].

³² *People v. Areo*, 452 Phil. 36, 45-46 (2003) [Per J. Corona, Third Division].

³³ *Abuyo v. People*, G.R. No. 250495, July 6, 2022 [Per J. M. Lopez, Second Division].

³⁴ *Belbis, Jr. v. People*, 698 Phil. 706, 719 (2012) [Per J. Peralta, Third Division].

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While it was not discussed in the courts *a quo*, we find it prudent to determine if there was evident premeditation in this case since it was alleged in the Information. The elements of evident premeditation are: (1) a previous decision by the appellant to commit the crime; (2) an overt act/acts manifestly indicating that the appellant clung to his or her determination; and (3) a lapse of time between the decision to commit the crime and its actual execution sufficient to allow appellant to reflect upon the consequences of his acts.³⁵ We find that these elements were not duly established by the prosecution. There was no showing that Domingo performed other overt acts to show that he was determined to commit murder.

Finally, we do not agree that the aggravating circumstance of treachery was proved by the prosecution beyond a reasonable doubt. Treachery is defined under the RPC as follows:

Article 14. *Aggravating circumstances.* — The following are aggravating circumstances:

....

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

There is treachery when the offender commits any of the crimes against the person, employing the 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.

Treachery exists when the offender commits any of the crimes against persons, employing means, methods, or forms in the execution thereof which tend directly and specially to ensure its execution, without risk to them arising from the defense which the offended party might make. For treachery to be appreciated, two requirements must be established, *first*, the victim was in no position to defend himself or herself when attacked; and *second*, the assailant *consciously* and *deliberately* adopted the methods, means, or form of one's attack against the victim.³⁶

In *People v. Villalba*,³⁷ we stressed that treachery is never presumed. We reiterated that suddenness of the attack, the vulnerability of the position of the victim at the time of the attack, or even the fact that the victim was unarmed, do not by themselves render the attack as treacherous. The attack must have been preconceived by the accused:

³⁵ *People v. Garcia*, 467 Phil. 1102, 1107 (2004) [Per J. Ynares-Santiago, First Division].

³⁶ *People v. Suatog*, G.R. No. 250852, October 10, 2022 [Per J. M. Lopez, Second Division].

³⁷ *People v. Villalba*, 746 Phil. 270 (2014) [Per J. Leonardo-De Castro, First Division].

This Court has held that the suddenness of the attack, the infliction of the wound from behind the victim, the vulnerable position of the victim at the time the attack was made, or the fact that the victim was unarmed, do not by themselves render the attack as treacherous. This is of particular significance in a case of an instantaneous attack made by the accused whereby he [or she] gained an advantageous position over the victim when the latter accidentally fell and was rendered defenseless. The means employed for the commission of the crime or the mode of attack must be shown to have been consciously or deliberately adopted by the accused to insure the consummation of the crime and at the same time eliminate or reduce the risk of retaliation from the intended victim. For the rules on treachery to apply, the sudden attack must have been preconceived by the accused, unexpected by the victim, and without provocation on the part of the latter. Treachery is never presumed.³⁸

Thus, to prove the second element of treachery, the prosecution must establish how the aggression was made, how it began, and how it developed. The particulars of the attack which resulted in the death of the victim must be presented, and not merely derived from circumstances prior to the aggression:

In a catena of cases, the Court has consistently ruled that **treachery cannot be appreciated where the prosecution only proved the events after the attack happened, but not the manner of how the attack commenced or how the act which resulted in the victim's death unfolded.** In treachery, there must be clear and convincing evidence on how the aggression was made, how it began, and how it developed. Where no particulars are known as to the manner in which the aggression was made or how the act which resulted in the death of the victim began and developed, it cannot be established from the suppositions drawn only from the circumstances prior to the very moment of the aggression, that an accused perpetrated the killing with treachery. **Accordingly, treachery cannot be considered where the lone witness did not see the commencement of the assault.**³⁹ (Emphasis supplied)

Simply put, the prosecution must be able to prove the unfolding of events that ultimately resulted in the death of John. Here, the records are bare of any attempt on the part of the prosecution to show how Domingo deliberately chose the manner on how he attacked John. None of the prosecution witnesses saw the commencement of the assault nor the "unfolding of the events" of the killing of John. **Both prosecution witnesses, Sheila and E-Are, merely chanced upon the attack of Domingo after hearing John scream. Thus, what happened prior to the attack is unknown to them.** The prosecution failed to establish that John was oblivious to the impending attack or that he had no opportunity to mount a meaningful defense. Ultimately, there was reasonable doubt on how the aggression started, developed, and ended.

³⁸ *Id.* at 289, citing *People v. Dagani*, 530 Phil. 501, 520 (2006) [Per J. Austria-Martinez, First Division].

³⁹ *People v. Enriquez, Jr.*, 854 Phil. 609, 616 (2019) [Per J. Caguioa, Second Division].

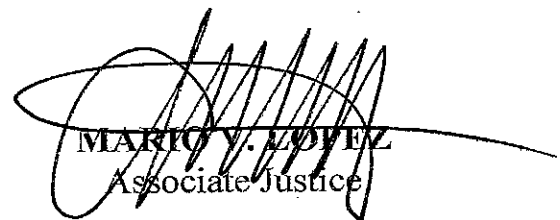
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Without any qualifying circumstance, the stabbing and death of John only amounts to homicide and not murder. The penalty prescribed under Article 249 of the RPC for the crime of homicide is *reclusion temporal*. Applying the Indeterminate Sentence Law without any mitigating or aggravating circumstance, the maximum of the sentence should be within the range of *reclusion temporal* in its medium term, which has a duration of 14 years, eight months, and one day, to 17 years and four months; and that the minimum should be within the range of *prision mayor*, which has a duration of six years and one day to 12 years. In the instant case, the Court sentences Domingo to imprisonment of eight years of *prision mayor*, as minimum, to 15 years of *reclusion temporal*, as maximum.

Consequently, pursuant to prevailing jurisprudence,⁴⁰ we decrease civil indemnity and moral damages to PHP 50,000.00 each and delete the award of exemplary damages. The award of temperate damages amounting to PHP 50,000.00 is sustained. These monetary awards are subject to a legal interest at the legal rate of 6% per annum from the finality of this Decision until full payment.³¹


ACCORDINGLY, the appeal is **DENIED**. The Decision dated November 15, 2022 of the Court of Appeals in CA-G.R. CR-HC No. 15262 is **AFFIRMED WITH MODIFICATION**. Accused-appellant Domingo Banguilan y Gulan is **GUILTY** beyond reasonable doubt of **HOMICIDE** under Article 249 of the Revised Penal Code. He is sentenced to suffer the indeterminate penalty of imprisonment of eight years of *prision mayor*, as minimum, to 15 years of *reclusion temporal*, as maximum, and **ORDERED** to pay the heirs of John Paloma y Fuentes civil indemnity, moral damages, and temperate damages in the amount of PHP 50,000.00 each. All monetary awards shall earn legal interest at the legal rate of 6% per annum from the finality of this Decision until full payment.

SO ORDERED.



MARIO Y. LOPEZ
Associate Justice


⁴⁰ *People v. Jugueta*, 783 Phil 806, 852-853 (2016) [Per J. Peralta, *En Banc*].

WE CONCUR:


MARVIC M.V.F. LEONEN
 Senior Associate Justice

See Concurring & Dissent


AMY C. LAZARO-JAVIER
 Associate Justice

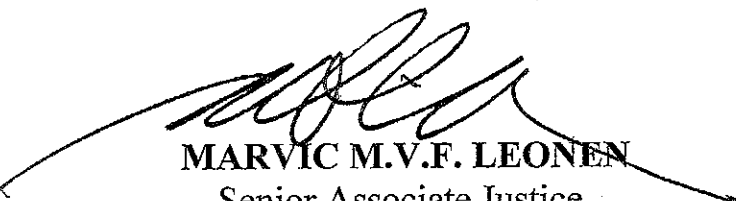

JHOSEF Y. LOPEZ
 Associate Justice

join the concurring & dissenting opinion of J. Lazaro-Javier


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.

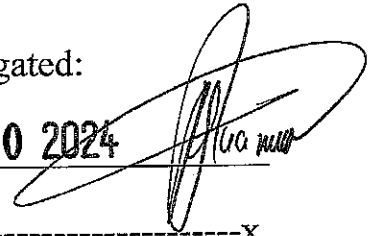

ALEXANDER G. GESMUNDO
 Chief Justice

SECOND DIVISION

G.R. No. 268355 (PEOPLE OF THE PHILIPPINES, Plaintiff-appellee, v. DOMINGO BANGUILAN y GULAN, Accused-appellant)

Promulgated:

JUN 10 2024



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CONCURRENCE AND DISSENT

I concur in the verdict of conviction against accused-appellant Domingo Baguilan y Gulan (Domingo) but for murder, instead of homicide. I am of the view that the qualifying circumstance of treachery attended the killing.

The *ponencia* does not dispute the presence of the first requisite: at the time of the attack, the victim was not in a position to defend or retaliate. It, however, finds that the second one is lacking: the offender deliberately chose a form of attack which would render him immune from risk or retaliation by the victim.¹

In ordaining that treachery may not be appreciated, it is posited that “the prosecution is still burdened to prove that the means were consciously adopted by Domingo in committing the crime – which it failed to do in this case. The records are bare of any attempt on the part of the prosecution to show how Domingo deliberately chose the manner on how he attacked John.”²

I respectfully disagree.

The second requisite of treachery refers to the state of mind of the accused vis-à-vis the manner of killing he or she employed, which cannot be definitely ascertained. Thus, since intention is a mental process or an internal state of mind, the accused’s intention must be judged by his or her conduct and *external overt acts*.³ Here, Domingo’s external overt acts clearly show that he deliberately chose to stab John Paloma (John) in fatal parts of his body to ensure his death.

¹ See *People v. Magdaluyo*, G.R. No. 232305, November 29, 2022 [Notice, First Division].

² *Ponencia*, p. 7.

³ *Wacoy v. Quibac*, 761 Phil. 560, 572 (2015) [Per J. Perlas-Bernabe, First Division].



The narration of facts, as culled from the eyewitnesses' accounts, clearly stated: the victim, John, was sitting and leaning on his *manukan*. He was oblivious, when Domingo suddenly stabbed him in his left neck with a *balisong*. Startled, John shouted, "Ah!". He was subsequently rushed to the hospital where he was pronounced dead. Per the autopsy, he sustained two fatal wounds: one on the left side of his neck, and one on his left upper back.

From the totality of these circumstances, no reasonable conclusion can be reached other than that Domingo deliberately chose his manner of attack to ensure the consummation of the crime. **First.** Domingo had, at the onset, been carrying with him a *balisong*. **Second.** Domingo's attacks were unprompted, since John was merely sitting and looking at his chickens, oblivious to John's impending attack. **Third.** The placement and gravity of John's wounds are most telling. Domingo already stabbed John once in the left upper back. Thus, his second attack, this time, in another fatal part of the body—the neck—evinces an undeniable and determined effort by Domingo to kill John.

It would have been different if Domingo's attacks came at the spur of the moment, e.g., if there had been a prior altercation or a heated argument. Here, however, no circumstances suggest that Domingo's act of stabbing John in the back and the neck were spontaneous. On the contrary, his walking up to his victim, the suddenness of the attack, and the targeted parts of the body that were stabbed, all clearly show a deliberate and conscious decision on Domingo's part taken together with the manner by which he suddenly attacked the victim from behind.

I therefore vote that Domingo be found guilty of murder.


AMY C. LAZARO-JAVIER
Associate Justice