



Republic of the Philippines
Supreme Court
 Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 207389

Present:

- versus -

CARPIO, *Chairperson*
 DEL CASTILLO,
 BRION,
 MENDOZA, *and*
 LEONEN, *JJ.*

FEDERICO DE LA CRUZ y
SANTOS,
Accused-Appellant.

Promulgated:
17 FEB 2016

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DECISION

DEL CASTILLO, J.:

This is an appeal from the September 24, 2012 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 04645. The CA Decision affirmed with modification the August 2, 2010 Decision² of the Regional Trial Court (RTC) of Manila, Branch 41, in Criminal Case No. 02-206926 finding the appellant Federico De La Cruz y Santos guilty beyond reasonable doubt of the crime of Murder and sentencing him to suffer the penalty of *reclusion perpetua*.

Proceedings before the Regional Trial Court

Before the RTC of Manila, Branch 41, appellant was charged with Murder for stabbing Corazon Claudio y Nadera (Corazon) to death on March 27, 2002. The Information states:

That on or about March 27, 2002, in the City of Manila, Philippines, the said accused, did then and there [willfully], unlawfully and feloniously, with

¹ CA rollo, pp. 115-128; penned by Associate Justice Rodil V. Zalameda and concurred in by Presiding Justice Andres B. Reyes, Jr. and Associate Justice Ramon M. Bato, Jr.
² Records, pp. 283-287; penned by Acting Presiding Judge Teresa P. Soriaso.

intent to kill and with evident premeditation and treachery, attack, assault and use personal violence upon one Corazon Claudio y Nadera by then and there stabbing the latter with a knife on the different parts of her body, thereby inflicting upon the said Corazon Claudio y Nadera mortal stab wounds which were the direct and immediate cause of her death.

Contrary to law.³

Arraigned thereon the said appellant entered a negative plea. After a pre-trial conference, trial on the merits ensued.

Version of the Prosecution

The prosecution presented the following witnesses: Joan De Leon Sabilano (Joan), SPO1 Paul Dennis Javier (SPO1 Javier), Dr. Romeo T. Salen (Dr. Salen), Carmelita Ongoco (Carmelita), and Lourdes Evangelista (Lourdes). Their collective testimonies tended to establish these facts –

In the early morning of March 27, 2002, while Corazon and her live-in partner Joan were having breakfast inside their room in a rented apartment at No. 187 Pedro Alfonso Balasan Street, Balut, Tondo, Manila, appellant suddenly barged into the room and pulled out a *balisong* (fan knife). Without warning, he grabbed Corazon by her neck and stabbed her in the back, causing her to fall down on the bed.⁴ Although she had fallen down on the bed, appellant continued to stab Corazon on the left side of her body, and near her heart.

Joan tried to stop appellant from further hurting Corazon. She placed her right hand between the two and screamed, “*Tama na, Tama na!*”⁵ But Joan’s attempt to stop appellant did not work. While trying to stop appellant’s attacks, Joan’s fingers on her right hand were sliced by appellant’s *balisong*. After stabbing Corazon, appellant fled the crime scene. Joan ran outside and called for help. Corazon was brought to the Tondo Medical Center but she was declared dead on arrival.

Joan testified that even before the stabbing incident, she was already familiar with appellant; that two weeks before the stabbing incident, the now deceased Corazon told her (Joan) that appellant had threatened to kill her (Corazon) because he suspected that she (Corazon) was having an affair with his wife, a teacher at the T. Paez Elementary School where Corazon also worked as a janitress. According to Joan, Corazon was a lesbian.⁶

³ Id. at 1.

⁴ TSN, April 19, 2006, p. 12.

⁵ Id. at 15.

⁶ Id. at 22.

SPO1 Javier, an investigator assigned at the Homicide Section of the Western (Manila) Police District, testified that on March 27, 2002, he received a phone call from Kiddie Quiling, a security guard of the Tondo General Hospital, who informed him that a dead-on-arrival victim of stab wounds had been brought there. He proceeded to the hospital and took pictures of Corazon's body which sustained multiple stab wounds.

From the Tondo General Hospital, SPO1 Javier proceeded to the crime scene. He testified that the room that greeted his eyes was in disarray, with fresh blood stains all over the place, especially "on the cemented flooring." This, to him, indicated that there had been some kind of fight or struggle.⁷ He recovered a cellphone at the crime scene, which was identified by the wife of the appellant as belonging to the latter. SPO1 Javier thereafter filed a report on the stabbing incident.

Dr. Salen, the medico-legal officer who conducted the postmortem examination and autopsy on the body of Corazon, testified that the victim sustained four stab wounds caused by a sharp-bladed instrument; two stab wounds were in Corazon's front and two at her back. Dr. Salen averred that the stab wounds at the back were superficial, whereas the stab wounds in front were fatal as these pierced Corazon's heart, lungs, and large intestines.

The prosecution also presented Carmelita, sister of Corazon, to prove the expenses incurred by Corazon's heirs. The defense stipulated that on the occasion of Corazon's death, her heirs incurred actual damages in the amount of ₱74,800.00. The defense also stipulated that at the time of her death, Corazon was receiving a monthly salary in the amount of ₱5,610.00.

The fifth witness presented by the prosecution was Lourdes, Guidance Counselor at the T. Paez Elementary School. This witness testified that a few days after Corazon was killed, appellant contacted her (Lourdes) and told her that he was angry with his wife because he suspected her of having an affair with Corazon.⁸ This witness also testified that appellant told her that he would surrender to the proper authorities "soon."⁹ She (Lourdes) answered appellant that there was no truth to his suspicion but appellant refused to believe her.

Version of the Defense

Denying the charges against him, appellant interposed alibi as a defense. He alleged that he was in Orion, Bataan from March 26, 2002 to April 3, 2002 to

⁷ TSN, June 21, 2006, p. 9.

⁸ TSN, August 26, 2009, p. 9.

⁹ Id. at 12.

attend the Holy Week *Salubong* on invitation of his co-worker Manny Alonzo.¹⁰ He added that he learned about the case against him only on April 11, 2002. He said that he was arrested in Lubao, Pampanga on November 8, 2005, at the instance of his wife who was furious at him when she learned that he had married another woman before he married her.

Ruling of the Regional Trial Court

On August 2, 2010 the RTC of Manila, Branch 41 rendered judgment finding appellant guilty beyond reasonable doubt of the crime of Murder as defined and penalized under Article 248 of the Revised Penal Code and accordingly sentenced him to suffer the penalty of *reclusion perpetua*. The RTC appreciated the qualifying circumstance of treachery, having found the assault against the now deceased victim sudden and unexpected, affording the latter no chance to defend herself.

Even though alleged in the Information, the RTC did not appreciate evident premeditation as an aggravating circumstance because of the prosecution's failure to show that appellant had deliberately planned Corazon's killing.

The dispositive part of the RTC's Decision reads:

WHEREFORE, the prosecution having proved the guilt of the accused FEDERICO DE LA CRUZ y SANTOS Alias "Boy," beyond reasonable doubt of the crime of Murder, the qualifying circumstance of treachery being attendant; and there being no other aggravating or mitigating circumstance, the Court hereby sentences him to suffer the penalty of RECLUSION PERPETUA, with all the accessory penalties of the law, and to indemnify the heirs of the victim the amounts of: (1) ₱74,800.00 as actual damages; (2) ₱50,000.00 as civil indemnity; (3) ₱25,000.00 as exemplary damages; (4) ₱50,000.00 as moral damages; and ₱721,670.00 for the unearned income of the victim.

SO ORDERED.¹¹

Ruling of the Court of Appeals

On appeal, the CA agreed with the RTC that appellant killed Corazon with treachery. The CA gave full credence to Joan's testimony: first, with respect to her positive identification of the appellant as the actual killer of Corazon; and second, as regards her narration of the mode or manner as to how the killing was done or executed. The RTC accepted her description of the *balisong* assault against Corazon that early morning of March 27, 2002 as "sudden and unexpected"

¹⁰ TSN, October 20, 2008, pp. 4-7.

¹¹ Records, p. 287.

equating this with treachery, which qualified Corazon's killing as murder. The CA held that although there were some inconsistencies in Joan's testimony, these inconsistencies were however on minor details that did not at all impair her credibility.

The CA rejected appellant's denial and alibi, not only because he utterly failed to substantiate his claim that he was in Orion, Bataan on the day the crime was committed but also because he failed to prove that it was physically impossible for him to be at the crime scene when the crime was committed that early morning of March 27, 2002.

The CA decretally disposed as follows:

WHEREFORE, premises considered, the instant Appeal is hereby DENIED. The Decision dated 02 August 2010 of Branch 41, Regional Trial Court of Manila, is hereby AFFIRMED with MODIFICATION to read as follows:

WHEREFORE, the prosecution having proved the guilt of the accused FEDERICO DE LA CRUZ y SANTOS Alias "Boy," beyond reasonable doubt of the crime of Murder, the qualifying circumstance of treachery being attendant; and there being no aggravating or mitigating circumstance, the Court hereby sentences him to suffer the penalty of RECLUSION PERPETUA, with all the accessory penalties of the law, and to indemnify the heirs of the victim the amounts of : (1) ₱74,800.00 as actual damages; (2) ₱50,000.00 as civil indemnity; (3) ₱30,000.00 as exemplary damages; (4) ₱50,000.00 as moral damages; and (5) ₱695,415.60 [representing] the unearned income of the victim.

SO ORDERED.¹²

Assignment of Errors

In his Appellant's Brief,¹³ appellant contends that he should have been acquitted of the indictment against him, his guilt not having been proven beyond reasonable doubt. He assails Joan's credibility and insists that the "circumstances under which she identified the [appellant] as the culprit are highly improbable and contrary to human experience;"¹⁴ and that Joan, the lone eyewitness to Corazon's killing, could not have correctly identified him as the author of the crime because he was not facing her (Joan) when Corazon first pointed him to Joan.

¹² CA rollo, p. 127.

¹³ Id. at 59-74.

¹⁴ Id. at 67.

Appellant likewise contends that Joan's testimonies are at war with SPO1 Javier's findings; that SPO1 Javier's crime investigation report clearly showed that when he inspected the room where Corazon was killed, it was in disarray indicating that Corazon had put up some kind of fight or struggle. This, appellant says, does not square with Joan's claim that Corazon was unable to move because of the suddenness of the attack and because he had grabbed her neck before stabbing her repeatedly.

Appellant likewise argues that Joan was impelled by ill motive into testifying falsely against him because Corazon had earlier told Joan that he (appellant) had threatened to kill Corazon because he was suspecting that Corazon was having an affair with his wife.

Our Ruling

After a careful review of the records, we find no reason to depart from the uniform findings of the RTC and the CA. Both courts correctly found appellant guilty of murder.

It bears stressing that the Information for murder instituted in this case alleged only two aggravating/qualifying circumstances in support thereof, to wit: evident premeditation and treachery. But, as correctly found by both the RTC and the CA – with which finding we are in full accord – the aggravating/qualifying circumstance of evident premeditation did not attend the killing of the deceased Corazon because there is no evidence at all that the killing was preceded by cool thought and reflection upon the decision to carry out the criminal intent during the space of time sufficient to arrive at a calm judgment. In fact, the prosecution here has adduced no evidence at all to show that sufficient time had lapsed before appellant decided or determined to commit the crime; nor that appellant, by some convincing act or action, had indeed clung to his determination to kill the victim; let alone that sufficient time had indeed lapsed or transpired between the decision to kill and its actual execution, to allow appellant time or opportunity to reflect upon the consequences of his act.

We also find no cogent reason to disturb the assessment of the RTC, as affirmed by the CA, that Joan is a credible witness. The records reveal that Joan was able to positively identify appellant as the perpetrator of the crime since she witnessed the stabbing incident from start to finish. Joan was just a few steps away from appellant when he stabbed Corazon to death inside their apartment room. We are convinced that Joan could not have mistaken appellant's identity.

Moreover, an examination of Joan's testimony reveals that her statements are consistent in all material points. Joan testified as follows:

Pros. Go:

Q: What happened after Federico Dela Cruz went inside your house, Madam Witness?

A: He entered our house and he held Corazon Claudio by the neck and stabbed her at the back.

Q: Again, Madam Witness, who stabbed Corazon Claudio?

A: Federico Dela Cruz, sir.

Q: What part of the body of Corazon Claudio [did] accused [stab], Madam Witness?

A: *'Una po sa likod, sumunod po sa tagiliran* (Witness pointing to the left side of her body), *tapos sa may puso tapos sa may bust po* (witness pointing to her left breast, near the heart). *Mga apat na saksak po.'*

Pros. Go:

Q: Madam Witness, how far were you when the accused held the victim by the neck?

A: About two steps, sir. I was beside Corazon Claudio.¹⁵

We find Joan's testimony credible as the crime was committed in her presence inside their apartment room.

As regards appellant's argument that the testimony of Joan contradicts that of SPO1 Javier, we find the contention unmeritorious.

SPO1 Javier's testimony that the room was in disarray and with bloodstains all over thereby indicating struggle on the part of Corazon does not necessarily contradict the version of Joan. In fact, their testimonies tend to corroborate each other.

That the room was in disarray is only a natural consequence of the stabbing incident that occurred therein. It would be contrary to human experience if Corazon and Joan remained perfectly still and just allowed appellant free hand at stabbing them. In fact, as Joan narrated, Corazon fell down on the bed after the first thrust. Joan tried to parry appellant's attacks to defend Corazon hurting herself in the process. For sure, all these require a modicum of movement from all participants causing disarray inside the room. In any event, assuming that there is any inconsistency, this does not detract us from the fact the Joan positively identified appellant as Corazon's assailant.

Appellant's alibi fails to persuade. For the defense of alibi to prosper, the accused must prove (a) that he was present at another place at the time of the perpetration of the crime, and (b) that it was physically impossible for him to be at the crime scene during its commission.¹⁶ Physical impossibility refers to distance and the facility of access between the crime scene and the location of the accused

¹⁵ TSN, April 19, 2006, pp. 6-7.

¹⁶ *People v. Ramos*, G.R. No. 190340, July 24, 2013, 702 SCRA 204, 217.

when the crime was committed. He must demonstrate that he was so far away and could not have been physically present at the crime scene and its immediate vicinity when the crime was committed.¹⁷

In this case, appellant failed to satisfy these requirements. He was not able to satisfactorily establish his claims that he was in Orion, Bataan during the time of the commission of the crime and that it was physically impossible for him to be at or near the place of the crime. Aside from his own statement, appellant did not bother to present other witnesses or any other proof to support his defense. His defense of alibi must necessarily fail.

We are likewise convinced that the killing was qualified by treachery. “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.”¹⁸ “The essence of treachery is that the attack comes without a warning and in a swift, deliberate, and unexpected manner, affording the hapless, unarmed, and unsuspecting victim no chance to resist or escape.”¹⁹

In this case, appellant’s sudden attack on Corazon inside her apartment amply demonstrates that treachery was employed in the commission of the crime. Corazon could not have been aware that her life was in imminent danger inside the comforts of her own home. When appellant barged in, Corazon was having coffee with Joan totally unaware that she would be attacked inside the confines of her own house. When appellant grabbed her neck and stabbed her in the back, Corazon was afforded no chance to defend herself and retaliate or repel the attack. Although she struggled, such was not enough to protect or extricate her from the harm posed by appellant. Undoubtedly, the CA correctly held that the crime committed was murder under Article 248 of the RPC in view of the qualifying circumstance of treachery.

All told, Corazon was unaware of the imminent danger on her life, and was not in a position to defend herself. Verily, treachery attended the commission of the crime.

Turning now to the awards for civil indemnity, and for actual, exemplary and moral damages made by the CA, we believe that certain modifications are in order. Based on prevailing jurisprudence, the awards for civil indemnity and for moral damages in favor of Corazon’s heirs should be increased from ₱50,000.00

¹⁷ *People v. Bravo*, 695 Phil. 711, 728 (2012), citing *People v. Jacinto*, 661 Phil. 224, 248 (2011).

¹⁸ REVISED PENAL CODE, Art. 14(16).

¹⁹ *People v. Jalbonian*, G.R. No. 180281, July 1, 2013, 700 SCRA 280, 294, citing *People v. De la Cruz*, 626 Phil. 631, 640 (2010).

to ₱75,000.00.²⁰ The CA also correctly upgraded the award of exemplary damages from ₱25,000.00 to ₱30,000.00.

This Court likewise sustains the award of actual damages in the amount of ₱74,800.00, which represents actual expenses incurred for the burial of Corazon; indeed the defense agreed to pay this sum during the trial. Nevertheless, this Court must correct the CA's computation relative to the loss of earning capacity. The proper formula for the computation of recoverable damages for loss of earning capacity is as follows:

$$\begin{aligned}\text{Net Earning Capacity} &= \text{life expectancy} \times [\text{gross annual income} - \text{living} \\ &\text{expenses}] \\ &= \frac{2}{3} [80 - \text{age of the victim at time of death}] \times [\text{gross annual income} - 50\% \\ &\text{of gross annual income}] \\ &= \frac{2}{3} [80 - 49 \text{ years}] \times [₱67,320.00 - ₱33,660.00] \\ &= 20.6666667 \times ₱33,660.00 \\ &= ₱695,640.00\end{aligned}$$

WHEREFORE, the appeal is **DISMISSED**. The September 24, 2012 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 04645 finding appellant Federico De La Cruz guilty of murder and sentencing him to suffer the penalty of *reclusion perpetua* is **AFFIRMED with MODIFICATIONS** that appellant is ordered to pay ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and loss of earning capacity in the amount of ₱695,640.00.

All monetary awards shall earn interest at the rate of 6% *per annum* from the date of finality of this Decision until fully paid.

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

²⁰ *People v. Arbalate*, 616 Phil. 221, 238 (2009).

WE CONCUR:



ANTONIO T. CARPIO
Associate Justice
Chairperson

(On leave)
ARTURO D. BRION
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice



MARVIC M. F. LEONEN
Associate Justice

ATTESTATION

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



ANTONIO T. CARPIO
Associate Justice
Chairperson

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.



MARIA LOURDES P. A. SERENO
Chief Justice

