



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated October 19, 2022, which reads as follows:

“G.R. No. 251987 (*People of the Philippines v. Mike Taboada Majan*). — This is an appeal¹ under Rule 124² of the Rules of Court challenging the October 29, 2019 Decision³ of the Court of Appeals (CA) in CA G.R. CR-HC No. 02688, which affirmed the September 8, 2017 Decision⁴ of the Regional Trial Court (RTC), Branch 24 of Cebu City in Criminal Case No. CBU-87085 finding accused-appellant Mike Taboada Majan (Majan) guilty of Murder.

Version of the Prosecution

On September 22, 2009, at around 10:30 p.m., the minor⁵ victim, AAA,⁶ was hosting a beer session along the roadside curb of Cabantan Street, which was across the house of Majan in *Barangay Luz*, Cebu City. AAA was drinking beer with his friends/eyewitnesses, Dan Jovi Eusebio (Eusebio), Adonis Altar (Altar), and Dave Amores (Amores). They noticed that Majan seemed drunk and acted belligerent towards other people.⁷

At around 11:00 p.m., Majan approached them from behind. With no warning or provocation, he used two knives to stab AAA on the upper right side of his back, near his nape, and on his left arm close to the elbow. Eusebio and Amores pulled the victim to his feet and ran away while Altar attempted to

¹ *Rollo*, pp. 19-20, 22-23.

² As amended by A.M. No. 00-5-03-SC.

³ *Rollo*, pp. 5-18. Penned by Associate Justice Alfredo D. Ampuan and concurred in by Associate Justices Edgardo L. Delos Santos (a retired Member of this Court) and Marilyn B. Lagura-Yap.

⁴ *CA rollo*, pp. 37-47. Penned by Presiding Judge Jose Nathaniel S. Andal.

⁵ Records, p. 8; Birth Certificate of Dayawon.

⁶ The real name of the victim, his personal circumstances and other information which tend to establish or compromise his identity, as well as those of his immediate family, or household members, shall not be disclosed to protect his privacy, and fictitious initials shall, instead, be used, in accordance with *People v. Cabalquinto* [533 Phil. 703 (2006)] and Supreme Court Amended Administrative Circular No. 83-2015 dated September 5, 2017.

⁷ *Rollo*, p. 7; records, p. 5; TSN, March 16, 2010, pp. 7-16; November 9, 2010, pp. 3-6.

fight with Majan. When they saw that Majan was armed, they left the scene and fled to the direction leading to *Sitio Lubi*. Majan chased them but relented shortly after. The group of friends kept running until AAA complained that he could no longer see the road. Eusebio supported AAA by carrying him (AAA) as he ran. Since AAA became too heavy and clumsy, they bumped onto a wall and then the victim fell unconscious. Eusebio called Altar and Amores, who in turn carried AAA to the side of the street. Subsequently, Eusebio hailed a cab to transport the victim to the hospital.⁸ However, AAA eventually expired.

At around 11:15 p.m., the members of the *barangay tanod* who responded to the stabbing report found Majan in a narrow alley carrying two blood-stained knives. They ordered Majan to lay his weapons down. Majan complied then requested to be escorted in order to protect him from the mob of spectators. Majan, as well as the knives, were brought to the police station for investigation.⁹ After submission of the Request for Human Blood Determination,¹⁰ the authorities released Medico-Legal Report No. S-029-2009¹¹ which confirmed that the knives were stained with human blood.

AAA's friends alleged that Majan was a drug user and that there were times when he was out of his mind. Furthermore, they claimed that on the day of the incident, Majan stabbed and killed a dog in the same vicinity.¹² Eusebio even alleged that Majan appeared drunk, looked for trouble, and had a conflict with another group of bystanders in the area.¹³ He added that they did not have any prior disagreement with Majan before the incident.¹⁴

On September 23, 2009, at around 9:00 a.m., an autopsy¹⁵ of the victim's body was conducted. The autopsy report revealed that the fatal wound was the one inflicted by a sharp-bladed and pointed instrument on the upper right side of the victim's back since it pierced his liver and part of his small intestine. The time of death¹⁶ was estimated to be at around 12 hours prior to the conduct of the autopsy.¹⁷

Version of the Defense

Majan denied the charge and countered that on September 22, 2009, at around 11:00 p.m., he was manning the barbeque stall in front of his house along Cabantan Street near the public market of *Barangay Luz*, Cebu City. At the time, there were two groups having separate liquor sessions along the

⁸ *Rollo*, p. 7; records, p. 5; TSN, March 16, 2010, pp. 7-16; November 9, 2010, pp. 3-6.

⁹ *Rollo*, p. 8; records, pp. 5-6; TSN, September 19, 2011, pp. 2-3; May 7, 2012, pp. 3-4.

¹⁰ Records, p. 9.

¹¹ Id. at 81.

¹² Records, p. 5; TSN, April 27, 2010, p. 4.

¹³ TSN, April 27, 2010, p. 5; January 11, 2011, pp. 9-10.

¹⁴ TSN, April 27, 2010, p. 5; March 15, 2011, pp. 7-8.

¹⁵ Records, p. 66.

¹⁶ Id. at 7; Death Certificate of Dayawon.

¹⁷ *Rollo*, p. 8; TSN, July 19, 2010, pp. 6-9.

street. An individual from one of the groups approached Majan and explained that he and his companions wanted to seek retribution from Majan's hired helper who was a member of a rival gang. Majan went inside his house to call the police and relay the news to them. Yet, he was informed that the police had just been deployed to handle reports of a nearby shooting.¹⁸

After Majan emerged from his house, he became distraught when he noticed that the street in front of his stall had become the center of an intense skirmish between the two drinking groups. To protect his wares from collateral damage, Majan stepped out to the street. Yet, he was knocked down and kicked on the right side of his body. Infuriated, Majan grabbed his cutting knife and chased after the person whom he believed had just attacked him. As he failed to catch his assailant, Majan walked back to his stall but he was subsequently picked up by the members of the *barangay tanod*. He was immediately charged with stabbing and killing AAA. Majan insisted on his innocence and averred that the victim received fatal injuries during the scuffle between the two rival groups.¹⁹

The Proceedings

In an Information²⁰ dated September 24, 2009, Majan was charged with Murder under Article 248 of the Revised Penal Code (RPC), the accusatory portion of which reads:

That on or about the 22nd day of September, 2009, at about 11:15 p.m., in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, armed with knives, with deliberate intent and with intent to kill, with treachery and evident premeditation, did then and there suddenly and unexpectedly attack, assault and use personal x x x violence upon one [AAA], a minor, 17 years old, by stabbing the latter with the use of the said knives, hitting him on the vital parts of his body, thereby inflicting upon him 'STAB WOUNDS TO THE TRUNK (BACK) AND LEFT ARM' which were the direct and immediate cause of his instantaneous death.

CONTRARY TO LAW.²¹

During his arraignment, Majan entered a plea of "not guilty."²²

At the pre-trial, the parties stipulated on the identity of Majan.²³

¹⁸ *Rollo*, p. 8; TSN, July 19, 2013, pp. 4-11.

¹⁹ *Rollo*, pp. 8-9; TSN, July 19, 2013, pp. 4-11.

²⁰ Records, pp. 1-2.

²¹ *Id.* at 1.

²² *Id.* at 13-14.

²³ *Id.* at 15.

Ruling of the Regional Trial Court

In a Decision²⁴ dated September 8, 2017, the RTC ruled that the positive and straightforward testimonies of the prosecution witnesses established Majan's guilt. As further proof of his culpability, it considered Majan's admission that he intentionally armed himself with a knife to chase after an unidentified person during the alleged scuffle.²⁵ The trial court noted that after the stabbing and while the victim as well as his friends were fleeing from the scene, Majan, still armed with a knife, pursued them until he was apprehended.²⁶ It held that treachery attended the killing since Majan unexpectedly attacked the defenseless victim.²⁷

The dispositive portion of the RTC's Decision reads:

WHEREFORE, premises considered, judgment is hereby rendered:

FINDING accused MIKE TABOADA MAJAN GUILTY of the crime of MURDER.

SENTENCING accused MIKE TABOADA MAJAN to suffer the penalty of reclusion perpetua.

ORDERING accused MIKE TABOADA MAJAN to pay the heirs of AAA P75,000.00 as civil indemnity, P50,000.00 as moral damages, and P52,738.41 as actual damages.

SO ORDERED.²⁸ (Emphases in the original)

Aggrieved, Majan appealed²⁹ before the CA and assigned this sole error:

THE COURT A QUO ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.³⁰

Majan mainly argued that the prosecution failed to sufficiently allege in the Information that treachery³¹ (as a qualifying circumstance) attended the commission of the felony since unexpectedness of the attack does not always equate to treachery.³²

²⁴ CA rollo, pp. 37-47.

²⁵ Id. at 39-41.

²⁶ Id. at 45.

²⁷ Id. at 46.

²⁸ Id. at 47.

²⁹ Records, pp. 149, 151-152.

³⁰ CA rollo, p. 22.

³¹ Id. at 28-29.

³² Id. at 32-34.

On the other hand, the People of the Philippines, through the Office of the Solicitor General, contended that the RTC correctly found Majan guilty beyond reasonable doubt of committing Murder³³ qualified by treachery.³⁴

Ruling of the Court of Appeals

The CA, in its assailed October 29, 2019 Decision,³⁵ affirmed the RTC's ruling that Majan murdered the victim.³⁶ It ruled that the Information is sufficient in form and substance, considering his deliberate use of knives in committing a sudden and unexpected attack which resulted to the victim's death. Additionally, the records showed that Majan has already waived any objection to the form and substance of the Information since he failed to raise these arguments before his arraignment.³⁷ It aptly found that:

In this case, the prosecution was able to show that the victim had died due to a stab wound near the side of his back, and that it was the appellant who stabbed him with knives in a sudden and unforeseen attack. These were sufficiently established by Eusebio's unfettered testimony, which was corroborated on all material points by Altar's testimony. Both had essentially stated that: 1) on that fateful night, they were on the sidewalk facing the appellant's house partaking in Colt 45 beer bought by the victim from a nearby store; 2) they saw the appellant loitering in the vicinity of his house; 3) they were acquainted with the appellant and, prior to the night in question, they knew of no animosity that existed between him and the victim; 4) the appellant approached them suddenly from behind, stabbed the victim, and chased them; and, 5) the victim collapsed after running a short distance and succumbed to his injuries afterward.³⁸

The appellate court held that treachery qualified the killing as the victim had no chance to defend himself. Majan quietly attacked from behind using weapons, with impunity, and without danger to himself.³⁹ It added that the findings of fact by the RTC should be accorded respect, especially its assessment of the credibility of the witnesses.⁴⁰ The CA modified the amount of the award of moral damages and additionally awarded exemplary damages (due to the existence of treachery) in view of *People v. Jugueta*.⁴¹ Also, it imposed the legal interest of six percent (6%) per *annum* on all the monetary awards.⁴² The *fallo* of the CA's Decision reads:

WHEREFORE, the appeal is **DENIED**. The *Decision* dated 08 September 2017 rendered by Branch 24 of the Regional Trial Court of Cebu City in Criminal Case No. CBU-87085 is **AFFIRMED** and **MODIFIED** to

³³ Id. at 62-63.

³⁴ Id. at 61, 63-64.

³⁵ *Rollo*, pp. 4-14.

³⁶ Id. at 12-13.

³⁷ Id. at 11-12.

³⁸ Id. at 13.

³⁹ Id. at 13-14.

⁴⁰ Id. at 14-15.

⁴¹ 783 Phil. 806, 847-848 (2016).

⁴² *Rollo*, pp. 15-17.

read, as follows:

'WHEREFORE, premises considered, judgment is hereby rendered:

*FINDING accused MIKE TABOADA MAJAN GUILTY of the crime of **MURDER.***

*SENTENCING accused MIKE TABOADA MAJAN to suffer the penalty of **reclusion perpetua.***

ORDERING accused MIKE TABOADA MAJAN to pay the heirs of AAA PHP75,000.00 as civil indemnity, PHP75,000.00 as moral damages, PHP75,000.00 as exemplary damages, and PHP52,738.41 as actual damages. All monetary awards shall earn interest at the legal rate of six percent (6%) per annum from date of finality of this Decision until fully paid.'

IT IS SO ORDERED.⁴³ (Emphases and underscoring in the original)

Discontented, Majan appealed⁴⁴ his case before this Court.

Issue

The issue is whether accused-appellant Majan is guilty beyond reasonable doubt of committing Murder.

Our Ruling

The appeal has no merit.

Art. 248 of the RPC, as amended, defines and penalizes Murder as follows:

Article 248. *Murder.* – Any person who, not falling within the provisions of Article 246, shall kill another, shall be guilty of murder and shall be punished by *reclusion perpetua*, to death if committed with any of the following attendant circumstances:

1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity.⁴⁵

The prosecution should prove the existence of the following elements before Majan can be convicted of Murder: (1) that a person was killed; (2) that the accused killed that person; (3) that the killing was attended by treachery or any of the qualifying circumstances mentioned in Art. 248 of the RPC; and (4) that the killing is not infanticide or parricide.⁴⁶

⁴³ Id. at 17.

⁴⁴ Id. at 19-20, 22-23.

⁴⁵ REVISED PENAL CODE, ART. 248.

⁴⁶ *People v. Dongail*, G.R. No. 217972, February 17, 2020.

There is no dispute that AAA perished during the stabbing incident, and that it was not infanticide or parricide. Based on the evidence, this Court concluded that Majan slayed AAA and that treachery qualified the killing to Murder. As found by the RTC and the CA, Majan murdered AAA by stabbing him unexpectedly and without provocation on the part of the victim. Majan even admitted that he equipped himself with a knife during the purported scuffle between the two gangs, and that he ran after the person who supposedly kicked him at the time.⁴⁷ Taking this into account, there is more reason to believe that Majan committed the felony.

Indeed, the CA and the RTC's assessment on the credibility of the prosecution witnesses and the veracity of their testimonies are given the highest degree of respect,⁴⁸ especially if there is no fact or circumstance of weight or substance that was overlooked, misunderstood or misapplied, which could affect the result of the case.⁴⁹ Moreover, the trial court had the best opportunity to determine the credibility of the prosecution witnesses, having evaluated their emotional state, reactions, and overall demeanor in open court. In the case at bench, AAA's friends, as eyewitnesses, positively identified Majan as the felon who stabbed the victim from behind without warning. Majan failed to prove that AAA's friends harbored any ill motive against him. Instead, it appeared that they were driven by the genuine desire to seek justice for the senseless death of their friend.

Relevantly, the qualifying circumstance of treachery attended the killing. Jurisprudence teaches that:

Treachery is present when the offender commits any of the crimes against a person, employing means, methods, or forms in the execution thereof which tend directly and specially insure its execution, without risk to himself arising from the defense which the offended party might make x x x.⁵⁰

For [such attending circumstance] to be appreciated, the following element must be shown: (1) the employment of means, methods, or manner of execution would ensure the safety of the malefactor from the defensive or retaliatory acts of the victim, no opportunity being given to the latter to defend himself or to retaliate; and (2) the means, method, or manner of execution was deliberately or consciously adopted by the offender.⁵¹

According to the witnesses, AAA was merely drinking with his friends when Majan suddenly stabbed him from behind. Without a doubt, the way that Majan executed the attack ensured that there would be no risk to himself. The fatal stabbing was unexpected and abrupt, rendering AAA unable to properly

⁴⁷ TSN, July 19, 2013, p. 8.

⁴⁸ *People v. Elimancil*, G.R. No. 234951, January 28, 2019, citing *People v. Castel*, 593 Phil. 288, 315-316 (2008).

⁴⁹ *Id.*

⁵⁰ *People v. Manzano*, 827 Phil. 113, 126 (2018), citing *People v. Sibbu*, 808 Phil. 276, 289 (2017).

⁵¹ *People v. Manzano*, 827 Phil. 113, 141 (2018), citing *People v. Bugarin*, 807 Phil. 588, 600 (2017).

defend himself due to the intensity and timing of the assault.⁵² AAA had no inkling that he would be attacked, since there was no warning whatsoever, and given the time that night. Furthermore, the witnesses alluded to Majan's intoxication or mental state which could be attributed to his use of dangerous drugs. Eusebio even stated that Majan previously killed a dog. These observations point to Majan's culpability.

Nonetheless, Majan argued that the Information failed to specifically allege the acts which would amount to treachery. Section 6, Rule 110 of the Rules of Court, provides:

Sec. 6. *Sufficiency of complaint or information.* – A complaint or information is sufficient if it states the name of the accused; the designation of the offense by the statute; the acts or omissions complained of as constituting the offense; the name of the offended party; the approximate time of the commission of the offense; and the place where the offense was committed.

The Information in this case complied with the directives of the aforementioned provision. For reference, the Information stated the following:

That on or about the 22nd day of September, 2009, at about 11:15 p.m., in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, armed with knives, with deliberate intent and with intent to kill, with treachery and evident premeditation, did then and there suddenly and unexpectedly attack, assault and use personal x x x violence upon one [AAA], a minor, 17 years old, by stabbing the latter with the use of the said knives, hitting him on the vital parts of his body, thereby inflicting upon him 'STAB WOUNDS TO THE TRUNK (BACK) AND LEFT ARM' which were the direct and immediate cause of his instantaneous death.⁵³

It is apparent that the Information sufficiently alleged and described the assault as sudden and unexpected, and that the victim was swiftly stabbed on the vital parts of his body which led to his death. These statements showed that AAA did not have the opportunity to defend himself due to the suddenness of the attack, and should reasonably be interpreted as treachery. Thence, the qualifying circumstance of treachery was specifically alleged in the Information, and Majan was informed of the said charge against him.⁵⁴

In addition, Majan did not question the sufficiency of the Information during his arraignment or before he entered his plea. He did not file a motion to quash for failure of the Information to substantially conform to the prescribed form or a motion for a bill of particulars. In fact, he voluntarily participated during the trial. There is thus an assumption that he understood the acts being impugned against him as stated in the Information. In other words, Majan is deemed to have waived any defects or infirmities, if ever

⁵² *People v. Pulgo*, 813 Phil. 205, 217 (2017).

⁵³ Records, p. 1.

⁵⁴ *People v. Natindim*, G.R. No. 201867, November 4, 2020.

there was any, in the Information filed against him.⁵⁵

Notably, though, the Information alleged that evident premeditation attended the commission of the crime. However, both the RTC and the CA did not discuss this matter. All the same, this Court finds that although evident premeditation was alleged in the Information, such circumstance was not adequately proven. To stress, “[s]imilar to treachery, evident premeditation must be clearly proven, established beyond reasonable doubt, and based on external acts that are evident, not merely suspected, and which indicate deliberate planning.⁵⁶ x x x. Absent any proof as to how and when the plan was hatched or what time elapsed before it was carried out, evident premeditation cannot be appreciated.”⁵⁷ The prosecution did not submit proof showing that: (a) Majan plotted to commit the felony beforehand; (b) he performed overt acts indicating that he clung to his determination; and (c) there was a sufficient lapse of time between the decision and the execution which would allow the offender to reflect on the possible consequences of his acts.⁵⁸

To conclude, accused-appellant is found guilty beyond reasonable doubt⁵⁹ of committing Murder. According to jurisprudence, “[u]nder Article 248 of the RPC, the penalty for murder is *reclusion perpetua* to death. There being no other aggravating circumstance other than the qualifying circumstance of treachery, the [appellate court] correctly affirmed the RTC’s imposition of *reclusion perpetua*, the lower of the two indivisible penalties.”⁶⁰ As for the award of damages, the CA correctly increased the award of moral damages to ₱75,000.00 and aptly awarded exemplary damages in the amount of ₱75,000.00, in view of *People v. Jugueta*.⁶¹ To stress, it is a settled rule that “when the circumstances surrounding the crime call for the imposition of *reclusion perpetua* only, there being no ordinary aggravating circumstance, x x x, the proper amounts should be ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages, regardless of the number of qualifying aggravating circumstances present.”⁶² Therefore, the ruling of the CA should be affirmed.

WHEREFORE, the appeal is **DISMISSED**. The assailed October 29, 2019 Decision of the Court of Appeals in CA G.R. CR-HC No. 02688 is **AFFIRMED**.

The Letter dated March 7, 2022 of Atty. Celeste Virma-Fleur Y. Espina, Clerk of Court V, Regional Trial Court, Branch 24, Cebu City, in compliance

⁵⁵ *Corpuz v. People*, G.R. No. 241383, June 8, 2020. Citation omitted.

⁵⁶ *People v. Vargas*, G.R. No. 230356, September 18, 2019. Citation omitted.

⁵⁷ *Id.*, citing *People v. Tortosa*, 391 Phil. 497, 507 (2000).

⁵⁸ *Id.* Citations omitted.

⁵⁹ RULES OF COURT, RULE 133, § 2.

⁶⁰ *People v. Pulgo*, supra note 51 at 220

⁶¹ *People v. Jugueta*, supra note 40 at 847.

⁶² *People Racal*, 817 Phil. 665, 685 (2017), citing *People v. Jugueta*, supra note 40 at 848.

with the Resolution dated December 6, 2021, directing the lower court to inform the Court of the whereabouts of accused-appellant, and upon inquiry from and per letter of the City Jail Warden of Cebu City Jail as attached therein, the accused-appellant has not yet been transferred to the Leyte Regional Prison and is still currently detained at their facility; the Letter dated May 25, 2022 of Atty. Celeste Virma-Fleur Y. Espina, Clerk of Court V, Regional Trial Court, Branch 24, Cebu City, submitting the thereto attached letter of Jail Superintendent Jose Rusylvi T. Abueva, Jail Warden of Cebu City Jail-Male Dormitory, informing the lower court that the accused-appellant was already transported to the Leyte Regional Prisons in Abuyog, Leyte, on May 16, 2022; the aforesaid Letter dated May 18, 2022 of J/Supt. Jose Rusylvi T. Abueva MPA, Cebu City Jail-Male Dormitory, addressed to the Presiding Judge, Regional Trial Court, Branch 24, Cebu City, informing the lower court that the accused-appellant was already transported to the Leyte Regional Prisons in Abuyog, Leyte, on May 16, 2022; and the Letter dated July 25, 2022 of Atty. Celeste Virma-Fleur Y. Espina, Clerk of Court V, Regional Trial Court, Branch 24, Cebu City, stating that they already informed the Court of the whereabouts of the accused-appellant in their Letter dated May 25, 2022, with thereto attached copy of the said letter, are all **NOTED**.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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The Hon. Presiding Judge
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