



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **January 23, 2023** which reads as follows:*

“G.R. No. 253899 (*Angelito Baluyot y De Guzman vs. People of the Philippines*). — This Appeal by *Certiorari*¹ seeks to reverse and set aside the January 31, 2020 Decision² and the October 12, 2020 Resolution³ of the Court of Appeals (CA) in CA-G.R. CR No. 42778. The CA affirmed the December 5, 2018 Decision⁴ of the Regional Trial Court of Balanga City, Bataan, Branch 2 (*RTC*) in Criminal Case No. 10773, which found Angelito Baluyot y De Guzman (*petitioner*) guilty beyond reasonable doubt of Homicide as defined and penalized under Article 249 of the Revised Penal Code (*RPC*).

Antecedents

Petitioner was charged with Homicide in an Information⁵ dated March 12, 2007, the accusatory portion of which reads:

That on about March 11, 2007, in Morong, Bataan, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and use personal violence upon Walter Aquino, by then and there stabbing him with a bladed weapon on the different parts of his body, thereby inflicting upon the said Walter Aquino, mortal physical injuries which caused his death, to the damage and prejudice of the heirs of the said deceased victim.

CONTRARY TO LAW.⁶

¹ *Rollo*, pp. 9-25.

² *Id.* at 66-77; penned by Associate Justice Ramon A. Cruz and concurred in by Associate Justices Fernanda Lampas Peralta and Gabriel T. Robeniol.

³ *Id.* at 83-84.

⁴ *Id.* at 30-35; penned by Presiding Judge Antonio Ray A. Ortiguera.

⁵ *Records*, pp. 1-2.

⁶ *Id.* at 1.

During arraignment, petitioner pleaded not guilty to the crime charged.⁷ After pre-trial was terminated,⁸ trial on the merits ensued.

Evidence for the prosecution

The prosecution's main eyewitness, Joselito Labandilo (*Joselito*), testified that while driving his tricycle at around 2:30 p.m. on March 11, 2007, he and his passenger encountered people in the middle of the road where there appeared to be an ongoing fistfight. He then parked his tricycle about 50 meters away from the commotion. He did not initially recognize the persons involved in the fight, but when he moved closer, he identified one of them as petitioner. He alleged that he knew petitioner because they reside in the same *barangay*.⁹

Joselito recalled shouting, "*tama na*" when he was about 30 meters away from the commotion. His passenger then noticed petitioner's reddish hands while carrying a bladed weapon.¹⁰ Thereafter, Joselito saw petitioner stab the victim multiple times, and thereafter ran and rode a tricycle, leaving the victim, Walter Aquino (*Aquino*), lying on the ground. Aquino was then brought to the Morong Rural Health Unit, while Joselito reported the incident to the police station.¹¹

At around 2:35 p.m., petitioner voluntarily surrendered at the Morong Police Station.¹²

The prosecution submitted Aquino's Death Certificate,¹³ as well as the and Post-Mortem Report¹⁴ issued by the Municipal Health Office of Morong, Bataan, both of which indicated that Aquino died from "Massive Internal Hemorrhage secondary to stab wounds."

Evidence for the defense

Petitioner, on the other hand, testified that on March 11, 2007, between 2:00 p.m. to 2:30 p.m., he was heading home from Barangay Sabang when Aquino blocked his path and punched him. Aquino suddenly drew a knife from behind and tried to stab him while saying, "*papatayin kita*."¹⁵ After

⁷ Id. at 15.

⁸ Id. at 50-51.

⁹ *Rollo*, pp. 30-31.

¹⁰ Id. at 58.

¹¹ Id. at 68.

¹² Id. at 58.

¹³ Records, p. 6.

¹⁴ Id. at 8.

¹⁵ *Rollo*, p. 68.

grappling for possession of the knife for about three minutes, he got hold of the knife and stabbed Aquino at least five times while the latter continued uttering, “*papatayin kita.*” He then left the crime scene and later surrendered himself to the police station.¹⁶

On cross-examination, he professed that he knew Aquino as an acquaintance, and denied any misunderstanding with the latter. He reiterated that he stabbed Aquino more than three times before his mind went blank. He justified his action because the latter tried to kill him.¹⁷

To corroborate petitioner’s version of the incident, Alfredo Eva, Jr. (*Alfredo*) testified that at around 2:35 p.m. on March 11, 2007, he was on his way home from Barangay Sabang when he saw Aquino approach petitioner. When petitioner tried evading him, Aquino drew a bladed weapon and tried to stab petitioner, but the latter was able to avoid the attack by holding Aquino’s hands. Both petitioner and Aquino fell on the ground and wrestled for about three minutes until petitioner got hold of the bladed weapon and stabbed Aquino.¹⁸

The RTC Ruling

In its December 5, 2018 Decision, the RTC found petitioner guilty beyond reasonable doubt of Homicide. The dispositive portion of the decision reads:

WHEREFORE, *premises considered*, the Court finds the accused Angelito D.G. Baluyot GUILTY beyond reasonable doubt of the crime of Homicide and is sentenced to suffer the indeterminate penalty of seven (7) years and four (4) months of *prision mayor*, as minimum, to twelve (12) years and one (1) day of *reclusion temporal*, as maximum; and to pay the heirs of Walter Aquino civil indemnity of P50,000.00; moral damages of P50,000.00; and temperate damages of P50,000.00. In addition, interest at the rate of six percent (6%) per annum shall be imposed on all monetary awards from the date of finality of this decision until fully paid.

No costs.

SO ORDERED.¹⁹

The RTC held that the prosecution was able to establish the presence of all the elements of Homicide. It did not give credence to petitioner’s plea of

¹⁶ Id. at 68-69.

¹⁷ Id. at 69.

¹⁸ Id.

¹⁹ Id. at 35.

self-defense considering that he invoked it for the first time only when he took the witness stand. The RTC noted from a perusal of the joint sworn statement of Police Officer 2 Ricardo Bamba (*PO2 Bamba*) and Police Officer 1 Christopher Bautista (*PO1 Bautista*), that petitioner did not claim self-defense when he surrendered at the police station and admitted killing Aquino. His failure to inform the police of such circumstance proved fatal to his defense.²⁰ The RTC also faulted petitioner for failing to raise self-defense in his counter-affidavit.²¹

Moreover, the RTC observed material inconsistencies between the testimonies of petitioner and Alfredo. The RTC pointed out that while petitioner testified that Aquino first punched him and drew a knife only after they fell on the ground, Alfredo, on the other hand, narrated that Aquino immediately drew a knife and tried to stab petitioner when the latter attempted to walk away.²² Lastly, the RTC rejected petitioner's assertion that his mind went blank because he was able to narrate what happened in sequence, as well as the number of times he stabbed Aquino.²³

The CA Ruling

In its January 31, 2020 Decision, the CA affirmed the ruling of the RTC, *viz.*:

WHEREFORE, the appeal is **DISMISSED**. The Decision dated December 5, 2018 rendered by the Regional Trial Court of Balanga City, Bataan, Branch 2 in Criminal Case No. 10773 finding Angelito Baluyot y De Guzman guilty beyond reasonable doubt of the crime of Homicide is **AFFIRMED**. Accordingly[,] accused-appellant is sentenced to suffer the penalty of imprisonment for an indeterminate period of seven (7) years and four (4) months of *prision mayor*, as minimum, to twelve (12) years and one (1) day of *reclusion temporal*, as maximum, and ordered to pay the heirs of Walter Aquino the amounts of Php50,000.00 as civil indemnity, Php50,000.00 as moral damages, and Php50,000.00 as temperate damages, all with interest at the rate of six percent (6%) *per annum* from the finality of this Decision until fully paid.

SO ORDERED.²⁴

The CA held that petitioner failed to discharge the burden of proving self-defense. It concurred with the ruling of the RTC that the testimonies of

²⁰ Id. at 33.

²¹ Id.

²² Id. at 34.

²³ Id.

²⁴ Id. at 74-75.

petitioner and Alfredo were inconsistent and incredible to establish the justifying circumstance of self-defense.²⁵

His Motion for Reconsideration²⁶ having been denied by the CA in its October 12, 2020 Resolution, petitioner filed the instant appeal by *certiorari*.

Issue

Petitioner raises the lone error allegedly committed by the CA, *viz.*:

THE COURT OF APPEALS COMMITTED A GRAVE AND HIGHLY-REVERSIBLE ERROR IN AFFIRMING THE CRIMINAL AND CIVIL LIABILITIES OF PETITIONER FOR THE CRIME OF HOMICIDE DESPITE THE UTTER FAILURE OF THE PROSECUTION TO PROVE HIS [GUILT] BEYOND REASONABLE DOUBT.²⁷

Petitioner submits that the CA gravely erred when it affirmed his conviction of the offense charged despite failure of the prosecution to prove his guilt beyond reasonable doubt. He maintains that the CA grossly ignored the absence of a witness who could testify on the alleged stabbing incident considering that Joselito did not actually see the fistfight and even failed to initially recognize the persons involved.²⁸ He avers that Joselito could not have seen him stabbing Aquino in different parts of the body since he was more or less fifty meters away from the place of the incident.²⁹

Most importantly, petitioner insists that the CA failed to appreciate his claim of self-defense.³⁰ He maintains that he had subsequently proven the presence of real danger to his life when, after blocking and punching him, Aquino drew a knife and threatened to kill him.³¹ Thus, he had no choice but to defend himself from Aquino's unlawful aggression.³²

In its May 6, 2021 Comment,³³ the Office of the Solicitor General (*OSG*) maintains that the prosecution was able to establish all the elements of homicide.³⁴ Contrary to petitioner's claim, Joselito testified that petitioner and Aquino were in a fistfight, and that he saw petitioner stab Aquino.³⁵ Joselito's

²⁵ Id. at 71-73.

²⁶ Id. at 79-81.

²⁷ Id. at 13.

²⁸ Id. at 14.

²⁹ Id. at 15.

³⁰ Id. at 17-18.

³¹ Id. at 18.

³² Id.

³³ Id. at 93-107.

³⁴ Id. at 98.

³⁵ Id. at 99.

testimony was also corroborated by the joint sworn statement of PO2 Bamba and PO1 Bautista who attested that petitioner voluntarily surrendered to them after killing Aquino.³⁶ Since petitioner invoked self-defense, he had the burden to prove that the killing was done in such manner. However, he failed to discharge said burden.³⁷

Based on the above arguments, the sole issue to be resolved is whether the CA seriously erred in rejecting petitioner's claim of self-defense.

The Court's Ruling

The petition is bereft of merit.

Petitioner was charged with Homicide pursuant to Art. 249 of the RPC, which reads:

Article 249. *Homicide*. – Any person who, not falling within the provisions of Article 246, shall kill another without the attendance of any of the circumstances enumerated in the next preceeding article, shall be deemed guilty of homicide and punished by *reclusion temporal*.

Petitioner pleads self-defense by claiming that he only stabbed Aquino to save himself from the latter's unlawful aggression.

The Court is not persuaded.

To successfully plead self-defense under Art. 11 of the RPC, the following facts must be established: (1) unlawful aggression on the part of the victim; (2) reasonable necessity of the means employed to prevent or repel such aggression; and (3) lack of sufficient provocation on the part of the person resorting to self-defense,³⁸ or at least any provocation executed by the person claiming self-defense was not the proximate and immediate cause of the victim's aggression.³⁹

Although all of the three elements must concur, unlawful aggression must be proved first in order for self-defense to be successfully pleaded, whether complete or incomplete.⁴⁰ In *People v. Placer*,⁴¹ the Court expounded

³⁶ Id.

³⁷ Id. at 102.

³⁸ *People v. Olarbe*, 836 Phil. 1015, 1024 (2018).

³⁹ *Sombilon v. People*, 818 Phil. 695, 705 (2017).

⁴⁰ *People v. Escobal*, 820 Phil. 92, 106 (2017).

⁴¹ 719 Phil. 268 (2013), citing *People v. Nugas*, 677 Phil. 168, 177-178 (2011).

on the character of unlawful aggression as an indispensable element of self-defense:

x x x The test for the presence of unlawful aggression under the circumstances is whether the aggression from the victim put in real peril the life or personal safety of the person defending himself; the peril must not be an imagined or imaginary threat. Accordingly, the accused must establish the concurrence of three elements of unlawful aggression, namely: (a) there must be a physical or material attack or assault; (b) the attack or assault must be actual, or, at least, imminent; and (c) the attack or assault must be unlawful.

Unlawful aggression is of two kinds: (a) actual or material unlawful aggression; and (b) imminent unlawful aggression. Actual or material unlawful aggression means an attack with physical force or with a weapon, an offensive act that positively determines the intent of the aggressor to cause the injury. Imminent unlawful aggression means an attack that is impending or at the point of happening; it must not consist in a mere threatening attitude, nor must it be merely imaginary, but must be offensive and positively strong (like aiming a revolver at another with intent to shoot or opening a knife and making a motion as if to attack). Imminent unlawful aggression must not be a mere threatening attitude of the victim, such as pressing his right hand to his hip where a revolver was holstered, accompanied by an angry countenance, or like aiming to throw a pot.⁴²

The accused who pleads self-defense admits the authorship of the crime.⁴³ The admission of the act of killing requires the accused to establish the plea of self-defense with clear and convincing evidence. Such admission would also require the accused to rely on the strength of their own evidence, not on the weakness of the prosecution's which, despite its weakness, cannot be disbelieved because of the admission by the accused.⁴⁴ Self-defense cannot be justifiably appreciated when uncorroborated by independent and competent evidence or when it is extremely doubtful by itself.⁴⁵ Conviction follows if the evidence for the accused fails to prove the existence of justifying circumstances.⁴⁶

In the case at bar, petitioner failed to establish unlawful aggression on the part of the victim. Accordingly, his claim of self-defense has no leg to stand on.

Petitioner insists that the prosecution failed to prove his liability because their main eyewitness, Joselito, did not actually see him stab Aquino. Unfortunately, petitioner must have forgotten that when he raised the

⁴² Id. at 278-279.

⁴³ *People v. Dulin*, 762 Phil. 24, 36 (2015).

⁴⁴ *Sombilon v. People*, supra at 705.

⁴⁵ *People v. Tica*, 817 Phil. 588, 595 (2017).

⁴⁶ *People v. Manzano*, 827 Phil. 113, 134 (2018).

justifying circumstance of self-defense, he already admitted to the act of killing Aquino. The perceived weakness of the prosecution's evidence will not be considered because of his admission. Petitioner's burden is to present clear and convincing evidence establishing unlawful aggression on the part of Aquino which may have led him to defend himself.

The Court perused the records and agrees with the findings of the courts *a quo* that petitioner's testimony did not jibe with that of Alfredo as to how Aquino assaulted him.

In his version of the incident, petitioner claimed that Aquino suddenly blocked him and struck him, which ended in a brawl. Petitioner also maintained that the knife he used came from Aquino who drew it from his behind while they were wrestling on the ground.⁴⁷

On the other hand, Alfredo testified that Aquino drew a bladed weapon from his behind while approaching petitioner who was 100 meters away; and that after fending off the attack, petitioner held Aquino's arms until they both fell on the ground.⁴⁸

Indeed, both narrations were inconsistent on how Aquino initiated the alleged unlawful aggression. Alfredo failed to corroborate petitioner's claim that it was the victim who suddenly blocked and punched him. On the contrary, Alfredo testified that Aquino already drew a knife while approaching petitioner, while the latter claimed that they were already wrestling on the ground when Aquino pulled out the knife. These inconsistencies significantly eroded the credibility of their testimonies. Verily, petitioner's claim that Aquino initiated an unlawful aggression against him remained uncorroborated by independent and competent evidence.

Even assuming that Aquino initiated the aggression, the Court would still refuse to appreciate self-defense since the unlawful aggression had ceased from the time that petitioner was able to wrest possession of the knife from Aquino.

Time and again, this Court has held that when an unlawful aggression that had begun ceases to exist, the one who resorts to self-defense has no right to kill or even wound the former aggressor. Aggression, if not continuous, does not constitute aggression warranting defense of one's self. The fact that the victim was the initial aggressor does not *ipso facto* prove unlawful aggression. Although the victim may have initiated the attack, he ceased to be

⁴⁷ TSN, October 5, 2016, p. 3.

⁴⁸ TSN, April 4, 2018, pp. 3-4.



the aggressor as soon as he was dispossessed of the weapon. Any subsequent act on the part of the accused is no longer self-defense, but retaliation.⁴⁹

In here, petitioner testified that he was able to parry Aquino's attack. He was likewise able to hold Aquino's arms which led them to fall on the ground. Based on his version of the incident, petitioner was more than capable of defending himself even without the use of the knife, most especially when he claimed that Aquino was drunk.⁵⁰ Moreover, petitioner was already on top of Aquino when he successfully disarmed the latter.⁵¹ At that point, Aquino was not only unarmed but also physically restrained, which meant that petitioner no longer faced any imminent or immediate danger to his life.

Another instance which negates petitioner's claim of self-defense was the number and nature of the stab wounds he inflicted on Aquino.

It bears emphasis that self-defense cannot be appreciated if there is evident lack of reasonable means employed to repel the attack. In *People v. Olarbe*,⁵² this Court explained:

Reasonable necessity of the means employed to repel the unlawful aggression does not mean absolute necessity. It must be assumed that one who is assaulted cannot have sufficient tranquility of mind to think, calculate and make comparisons that can easily be made in the calmness of reason. The law requires rational necessity, not indispensable need. In each particular case, it is necessary to judge the relative necessity, whether more or less imperative, in accordance with the rules of rational logic. The accused may be given the benefit of any reasonable doubt as to whether or not he employed rational means to repel the aggression.⁵³

In ascertaining the reasonable necessity of the means employed, the courts may also consider the number of wounds inflicted. The large number of wounds sustained by the victim can indicate a determined effort on the part of the accused to kill the victim and may belie the reasonableness of the means adopted to prevent or repel an unlawful act of an aggressor.⁵⁴

The Post-Mortem Report dated March 12, 2007 issued by the Office of the Municipal Health Officer of Morong, Bataan indicated that Aquino's cause of death was "Massive Internal Hemorrhage secondary to stab

⁴⁹ *People v. Archivido*, G.R. No. 233085, September 21, 2020, citing *People v. Dulin*, supra at 38.

⁵⁰ TSN, November 15, 2017, pp. 2-3.

⁵¹ See TSN of Alfredo Eva, Jr., April 4, 2018, pp. 8-9.

⁵² Supra note 38.

⁵³ Id. at 1029.

⁵⁴ Id. at 1030; *Labosta v. People*, G.R. No. 243926, June 23, 2020.

wounds.” These stab wounds were located in different parts of Aquino’s upper body, *viz.*:

- a. Mid-portion, upper abdomen.
- b. Left, mid-axillary line between the 8th-9th intercostal space.
- c. Left, mid-axillary line between the 6th-7th intercostal space.
- d. Breast, bilateral about 2-3 inches above the nipple.
- e. Chest, bilateral near the axilla.⁵⁵

It is settled rule that the presence of multiple stab wounds on the victim strongly indicates a determined effort to kill the victim.⁵⁶ Clearly, the number and location of the wounds sustained by Aquino belie petitioner’s claim of self-defense. Petitioner overstepped the acceptable boundaries of self-preservation when he deliberately inflicted fatal injuries on the victim despite the purported aggression having already ceased. In killing Aquino, petitioner is deemed to not have acted in self-defense, but his acts may be construed as retaliation against the former.⁵⁷

Clearly, there is no showing that the courts *a quo* had overlooked, misunderstood, or misapplied facts or circumstances which would have affected the outcome of the case. Thus, this Court finds no reason to deviate from the findings of both the trial and appellate courts.

Penalty and Damages

As for the penalty imposed and the damages awarded to the heirs of Aquino, the Court likewise finds no reason to modify the same.

The penalty for Homicide under Art. 249 of the RPC is *reclusion temporal*. Both the RTC and the CA had properly appreciated the mitigating circumstance of voluntary surrender in petitioner’s favor. Taking the mitigating circumstance of voluntary surrender into consideration, the imposable penalty is the minimum period of *reclusion temporal*, that is, from 12 years and 1 day to 14 years and 8 months. The range of the indeterminate penalty under the Indeterminate Sentence Law⁵⁸ is *prision mayor* in any of its periods, as minimum, to the minimum period of *reclusion temporal* minimum, as maximum.⁵⁹ Accordingly, the lower courts correctly imposed upon petitioner the indeterminate penalty of imprisonment of 7 years and 4

⁵⁵ Records, p. 8.

⁵⁶ *People v. Panerio*, 823 Phil. 738, 748 (2018).

⁵⁷ See *People v. Raytos*, 810 Phil. 1007, 1024 (2017).

⁵⁸ Act No. 4103, As Amended by Act No. 4225 and Republic Act No. 4203, both approved on June 19, 1965.

⁵⁹ *People v. Placer*, *supra* note 41, at 282-283.

months of *prision mayor*, as minimum, to 12 years and 1 day of *reclusion temporal*, as maximum.

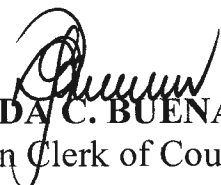
Finally, the Court affirms the awards of civil indemnity and moral damages of ₱50,000.00 each based on prevailing jurisprudence.⁶⁰ Temperate damages in the amount of ₱50,000.00 was likewise properly awarded pursuant to *People v. Racal*.⁶¹

WHEREFORE, the appeal is **DENIED**. The January 31, 2020 Decision and the October 12, 2020 Resolution of the Court of Appeals in CA-G.R. CR No. 42778 are **AFFIRMED**. Petitioner Angelito Baluyot y De Guzman is found **GUILTY** beyond reasonable doubt of the crime of Homicide as defined and penalized under Article 249 of the Revised Penal Code. Accordingly, petitioner is sentenced to suffer the penalty of imprisonment for an indeterminate period of 7 years and 4 months of *prision mayor*, as minimum, to 12 years and 1 day of *reclusion temporal*, as maximum.

Petitioner is **ORDERED** to **PAY** the heirs of Walter Aquino the amounts of ₱50,000.00 as civil indemnity; ₱50,000.00 as moral damages; and ₱50,000.00 as temperate damages, all with interest at the rate of six percent (6%) per *annum* from finality of this Resolution until fully paid.

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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FEB 03 2023

⁶⁰ *People v. Jugueta*, 783 Phil. 806, 852 (2016).

⁶¹ 817 Phil. 665, 686 (2017); see also *People v. Toro*, G.R. No. 245922, January 25, 2021 and *People v. Galam*, G.R. No. 224222, October 9, 2019.

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