



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **February 27, 2023** which reads as follows:*

“**G.R. No. 256235 (People of the Philippines v. Diego Mataverde)**. – This is an Appeal¹ from the Decision² dated July 14, 2020 of the Court of Appeals (CA) Manila, in CA-G.R. CR-HC No. 10809, which affirmed with modification the Decision³ dated January 22, 2018 of the Regional Trial Court (RTC) of Sorsogon City, Branch 53, in Criminal Case No. 2010-7833, which in turn, found Diego Mataverde (Mataverde) guilty beyond reasonable doubt of the crime of Murder, defined and penalized under Article 248 of the Revised Penal Code⁴ (RPC).

Mataverde was charged with the crime of Murder in an Information,⁵ which reads as follows:

That on or about 8:30 o'clock in the evening of March 31, 2010, at Barangay Gimagaan, Municipality of Donsol, Province of Sorsogon, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, and by treachery and evident premeditation, did then and there willfully, unlawfully, feloniously and acting with discernment, attack, assault and stab **Ronel Gonzales** at the back of his body, inflicting upon the latter mortal wound, which caused his immediate death, to the damage and prejudice of his legal heirs.

CONTRARY TO LAW.⁶

During arraignment on February 14, 2012, Mataverde pleaded not guilty to the crime charged. Pre-trial was conducted on March 12, 2012 and trial on the merits ensued thereafter.⁷

¹ Rollo, pp. 15-16.

² Id. at 4-14. Penned by Associate Justice Louis P. Acosta, and concurred in by Associate Justices Japar B. Dimaampao (now a Member of the Court) and Bonifacio S. Pascua.

³ CA rollo, pp. 94-105. Penned by Presiding Judge Rofebar F. Gerona.

⁴ Entitled “AN ACT REVISING THE PENAL CODE AND OTHER PENAL LAWS.” Approved: December 8, 1930.

⁵ Records, pp. 1-2.

⁶ Rollo, pp. 4-5.

⁷ Id. at 5.

During trial, the prosecution presented the following witnesses: 1) Dr. Owen B. De Guzman (Dr. De Guzman); 2) Josie Orticio (Orticio); 3) Rogelio Gonzales; and 4) Police Officer 1 Ronel Tarog. As for the defense, the following were presented as witnesses: 1) Mataverde; 2) Jaime Mataverde; and 3) Richard Mataverde.⁸

The version of the prosecution is summarized by the CA and the RTC, as follows:

On March 31, 2010, at 8:30 in the evening, Orticio saw his cousin Ronel Gonzales (“Ronel”), the victim, outside the gate of Vocational High School, Gimagaan, Binisitahan, Donsol, Sorsogon. As [Ronel] wanted to borrow her cellphone, they walked towards the direction of the sea from Vocational High School. While they were walking towards the sea, they passed by a videoke house where Ronel stopped by. Orticio went ahead and made a phone call along the seashore. After several minutes, Ronel followed Orticio to the seashore and borrowed her phone. [Mataverde] and his companion approached them and uttered “*kahiwas kan dagat*” ([t]he sea is very wide), to which [Ronel] agreed. Ronel thereafter told [Mataverde] that he and Orticio will go home. As Ronel and Orticio were walking towards the kiosks and away from the shore, [Mataverde] reached for a double-bladed knife and stabbed Ronel at the back.⁹

x x x Ronel walked for about five steps, turned around, then fell.¹⁰

[Mataverde] immediately fled from the scene [while] Orticio cried for help. Ronel was brought to Donsol District Hospital but he was declared dead on arrival.¹¹

[Orticio] was able to identify [Mataverde] at that time because [the latter] was sporting long hair. She [knew Mataverde] as she heard [his] name for some time. [Orticio identified Mataverde] in court as the person who stabbed [Ronel]. On cross-examination, she said x x x that there was no disagreement or previous arguments between [Mataverde] and the victim. x x x [T]he place where Ronel was stabbed x x x is near a street light [which was] why she was able to identify [Mataverde] and [that she was] sure that it was [the latter who] stabbed the victim (she again pointed to [Mataverde] at this juncture).¹²

On the other hand, the defense presented the following version of facts:

[Mataverde] denied the offense charged against him. Instead, he alleged that at 7:00 in the evening of [March 31,] 2010, he was at home sleeping. [He] reside[d] in Barangay Irawan, Donsol, Sorsogon. According to him, it will take two (2) hours to walk from Barangay Irawan to

⁸ Id.

⁹ Id. at 5-6.

¹⁰ CA rollo, p. 96.

¹¹ Rollo, p. 6.

¹² CA rollo, p. 96.

Barangay Gimagaan where the stabbing incident took place. He also denie[d] having met Ronel.¹³

On January 22, 2018, the RTC promulgated a Decision finding Mataverde guilty of the crime of Murder defined under Art. 248 of the RPC. The dispositive portion of the Decision reads, as follows:

WHEREFORE, premises considered, finding the accused guilty beyond reasonable doubt of the crime of Murder, he is hereby sentenced to suffer the penalty of **Reclusion Perpetua**. He is further ordered to pay the heirs of Ronel Gonzales ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages and ₱75,000.00 as exemplary damages.

SO ORDERED.¹⁴

Aggrieved, Mataverde appealed before the CA.

In the assailed Decision dated July 14, 2020, the CA denied the appeal for lack of merit and affirmed the RTC Decision with modification. The dispositive portion of the Decision reads, as follows:

ACCORDINGLY, the appeal is **DENIED**. The Decision dated 22 January 2018 of the Regional Trial Court, Branch 53, Sorsogon City in Criminal Case No. 2010-7833 is **AFFIRMED with a MODIFICATION** that the awards of civil indemnity *ex delicto*, moral and exemplary damages against accused-appellant Diego Mataverde shall be increased to [₱]100,00.00 each.

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

SO ORDERED.¹⁵

Hence, on March 9, 2018, Mataverde filed a Notice of Appeal.¹⁶ The accused-appellant filed a Manifestation in lieu of Supplemental Brief¹⁷ stating that since the Brief for the Accused-Appellant¹⁸ adequately discussed all the matters pertinent to his defense, he is adopting the same as his Supplemental Brief. In his Brief before the CA,¹⁹ Mataverde argued that the RTC erred in failing to prove beyond reasonable doubt the identity of the perpetrator of the crime charged. The RTC also erred in convicting him of the crime of Murder despite the prosecution's failure to prove treachery in its commission.²⁰

¹³ *Rollo*, p. 6.

¹⁴ *CA rollo*, p. 105.

¹⁵ *Rollo*, p. 13.

¹⁶ *CA rollo*, pp. 11-12.

¹⁷ *Rollo*, pp. 23-24.

¹⁸ *CA rollo*, pp. 86-92.

¹⁹ *Id.* at 65-73.

²⁰ *Id.* at 67.

In a Manifestation,²¹ the People of the Philippines, through the Office of the Solicitor General (OSG), stated that it will dispense with the filing of a supplemental brief considering that the issues were fully discussed in the Brief for the Plaintiff-Appellee²² before the CA, where it argued that the RTC correctly found Mataverde guilty beyond reasonable doubt of the crime of Murder through the strength of the testimonies of the prosecution witnesses.²³

The sole issue for consideration is whether the CA correctly affirmed with modification the Decision dated January 22, 2018 of the RTC, which found Mataverde guilty beyond reasonable doubt of the crime of Murder.

We answer in the affirmative. Thus, We deny the appeal.

The crime of Murder is defined and penalized under Art. 248 of the RPC, as amended. It reads, as follows:

ART. 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.

2. In consideration of a price, reward, or promise.

3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a railroad, fall of an airship, by means of motor vehicles, or with the use of any other means involving great waste and ruin.

4. On occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic or other public calamity.

5. With evident premeditation.

6. With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse.

In order to secure a conviction for the crime of Murder under Art. 248 of the RPC, the prosecution must prove the following elements:

- 1) that a person was killed;
- 2) that the accused killed him or her;

²¹ *Rollo*, pp. 28-32.

²² *CA rollo*, pp. 110-123.

²³ *Id.* at 116.



- 3) that the killing was attended by any of the qualifying circumstances mentioned in Article 248 of the RPC; and
- 4) that the killing is not parricide or infanticide.²⁴

As correctly found by the RTC and the CA, the prosecution sufficiently established the presence of all the elements of the crime of Murder, as follows:

- 1) the fact of death of the victim, as evidenced by the Certificate of Death of Ronel and the Necropsy of Dr. De Guzman that Ronel died of “Cardiopulmonary Arrest secondary to Tension Hemothorax, Right secondary to Stab Wound”;
- 2) the positive identification by prosecution witness Orticio that [Mataverde] is the perpetrator of the crime;
- 3) the attendance of [the qualifying circumstance of] treachery; and
- 4) the killing of Ronel was neither parricide nor infanticide.²⁵

Orticio positively identified Mataverde as the one who stabbed Ronel while they were walking away from Mataverde. Orticio’s relevant testimony is quoted below:

Q (Public Prosecutor) – Am I correct to say Madam Witness that you were then facing the sea at that time?

A – We were in [front] of the sea.

Q – What happened next, if any?

A – Manoy Ronel asked permission from Diego Mataverde saying, “*Pare, we are going home.*”.

Q – And what was the reply of Diego Mataverde?

A – He did not reply.

Q – What did Ronel Gonzales do, if any, when Diego Mataverde did not reply?

A – We walked towards the Kiosks and Diego Mataverde followed.

Q – What happened next, if any?

A – Diego Mataverde suddenly stabbed Manoy Ronel.

Q – This Manoy Ronel you are then referring who (sic) is the victim in this case Ronel Gonzales?

A – Yes, Sir.

Q – Was Ronel Gonzales hit by that stabbing blow?

A – In what part of his body was he hit? (sic) (witness pointing to her right side of her back).

Q – Were you able to observe what kind of instrument did the accused Diego Mataverde used [sic] in stabbing at the back?

A (sic) – Double blade knife?

²⁴ *People v. Gaborne*, 791 Phil. 581, 592 (2016).

²⁵ *Rollo*, pp. 8-9.

A – Yes sir.²⁶

The RTC correctly found that Orticio clearly narrated the events that happened during the stabbing of Ronel. She was the only companion of the victim and positively identified Mataverde as the person who suddenly attacked Ronel and stabbed him from behind. She could not have mistakenly identified Mataverde as the place was well-lit and also because she personally knew Mataverde. Orticio identified Mataverde in open court, to wit:

Pros. Balicano – Could you point to us Madam Witness, this Diego Mataverde whom you said stabbed Ronel Gonzales at the back?

Interpreter – The witness pointed to a man in court who identified himself as Rodrigo Mataverde.

Court – Did he not earlier identify himself as Diego Mataverde?

Interpreter – Yes, Your Honor.

x x x x

Pros. Balicano – This person who named as Rodrigo Mataverde is the accused in this case, Your Honor, and he was positively identified by this witness, Your Honor.

Court – At any rate, the witness already pointed to the accused as the one who stabbed the victim in this case.²⁷

Moreover, no improper motive or ill will was attributed to Orticio for the latter to falsely testify against Mataverde. The testimony of a lone eye witness, if credible and positive, can prove the guilt of the accused beyond reasonable doubt.²⁸

The existence of the qualifying circumstance of treachery was also clearly established in this case. In *People v. Guro*,²⁹ this Court explained the concept of treachery, as follows:

There is treachery when the offender commits any of the crimes against persons, employing means and methods or forms in the execution thereof which tend to directly and specially ensure its execution, without risk to himself arising from the defense which the offended party might make. To appreciate treachery as a qualifying offense, the following conditions must exist: (1) the assailant employed means, methods or forms in the execution of the criminal act which give the person attacked no opportunity to defend himself or to retaliate; and (2) said means, methods or forms of execution were deliberately or consciously adopted by the assailant. **The essence of treachery is the sudden and unexpected attack**

²⁶ *Id.* at 9-10. TSN, July 17, 2012, pp. 6-7.

²⁷ *CA rollo*, pp. 101-102.

²⁸ *People v. Abierra*, 833 Phil. 276, 296 (2018).

²⁹ G.R. No. 230619, April 10, 2019.

by an aggressor on the unsuspecting victim, depriving the latter of any chance to defend himself and thereby ensuring its commission without risk of himself.³⁰ (Emphasis supplied)

As testified to by Orticio, Ronel told Mataverde that he and Orticio were leaving and thus, turned their backs to walk away. As they were walking toward the kiosks, Mataverde swiftly and suddenly stabbed Ronel, thus, leaving him defenseless. The victim was unsuspecting of the attack considering that he was unarmed and was already leaving with Orticio. In addition, there was no indication of a dispute or quarrel between the victim and Mataverde. The execution of the stabbing was deliberately and consciously adopted to guarantee that Ronel would not have the chance to escape, defend himself or retaliate.

For his defense, Mataverde denied the commission of the crime and claimed that he was at home and already sleeping at 7:00 p.m. of March 31, 2010. He added that it would take two hours' travel by foot to arrive from *Barangay Irawan* to *Barangay Gimagaan* where the victim was stabbed to death, and that the other mode of transportation is riding a *banca*.³¹

The arguments of Mataverde are untenable. Both denial and alibi are inherently weak defenses which cannot prevail over the positive and credible testimony of the prosecution witness that the accused committed the crime. Thus, as between a categorical testimony which has a ring of truth on one hand, and a mere denial and alibi on the other, the former is generally held to prevail.³² Furthermore, for the defense of alibi to prosper, the accused must prove not only that he was at some other place when the crime was committed, but also that it was physically impossible for him to be at the scene of the crime or its immediate vicinity through clear and convincing evidence.³³

In this case, Mataverde failed to prove the physical impossibility for him to be at the scene of the crime. More importantly, the positive identification and testimonies of the prosecution witnesses outweigh his bare denials.

Considering the foregoing discussion, the CA correctly affirmed the RTC's conviction of Mataverde of the crime of Murder and correctly imposed upon him the penalty of *reclusion perpetua*.

³⁰ *Id.*

³¹ *CA rollo*, p. 88.

³² *People v. Villaros*, 841 Phil. 595, 610 (2018).

³³ *People v. Sayo*, G.R. No. 227704, April 10, 2019. See also *People v. Desalisa*, 451 Phil. 869, 876 (2003).

However, the CA's modification of the RTC's grant of civil indemnity, moral damages and exemplary damages is erroneous. In *People v. Jugueta*,³⁴ We explained:


When the circumstances surrounding the crime call for the imposition of *reclusion perpetua* only, there being no ordinary aggravating circumstance, the Court rules that the proper amounts should be P75,000.00 as civil indemnity, P75,000.00 as moral damages and P75,000.00 exemplary damages, regardless of the number of qualifying aggravating circumstances present.³⁵

In this case, the presence of treachery qualified the crime to murder. There being no ordinary aggravating circumstance that would have called for the imposition of death had it not been prohibited by Republic Act No. 9346,³⁶ the award of civil indemnity, moral damages, and exemplary damages should be pegged at ₱75,000.00 each. All monetary awards shall earn interest at the rate of six percent (6%) *per annum* from the date of finality of this Resolution until fully paid.

WHEREFORE, the Appeal is **DENIED**. The Decision dated July 14, 2020 of the Court of Appeals in CA-G.R. CR-HC No. 10809 is **AFFIRMED with MODIFICATION**. The Court finds Diego Mataverde **GUILTY** beyond reasonable doubt of the crime of Murder. He is sentenced to suffer the penalty of *reclusion perpetua*. He is further **ORDERED** to pay the heirs of Ronel Gonzales ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages. All monetary awards shall earn interest at the rate of six percent (6%) *per annum* from the date of finality of this Resolution until fully paid.

SO ORDERED."

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *in 2/27*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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³⁴ 783 Phil. 806 (2016).

³⁵ Id. at 840.

³⁶ Entitled "AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES." Approved: June 24, 2006.

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