



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 22, 2023 which reads as follows:

“G.R. No. 258313 (*People of the Philippines v. Emeterio Rubrica y Ymana*).—This is an appeal¹ under Rule 124² of the Rules of Court challenging the August 28, 2020 Decision³ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 12860, which affirmed the March 15, 2019 Decision⁴ of the Regional Trial Court (RTC) of Urdaneta City, Pangasinan, Branch 48, in Criminal Case No. U-23689, finding accused-appellant Emeterio Rubrica y Ymara (Rubrica) guilty of Murder.

The Facts

On March 5, 2018, at around 12:00 noon, Victoriano Bucsit (Victoriano), along with Jose Ribo and Eugenio Ligot (Eugenio), was having a drinking session. Rubrica joined them but left after drinking two shots. At around 6:00 p.m., Eugenio announced that he wanted to sleep then proceeded to the hut which is around two meters away from where they were drinking. Notably, there were lamps beside the place where Eugenio slept and their drinking spot. However, at around 10:00 p.m., Rubrica returned, strode directly in the direction of the hut, and stabbed Eugenio while the latter was lying down. Eugenio died of shock secondary to stab wounds.⁵

Rubrica voluntarily surrendered to *Barangay* Captain Herminigildo Ibaan (*Barangay* Capt. Ibaan). Thereafter, after receiving word from *Barangay* Capt. Ibaan, the police officers arrested Rubrica. He was brought to the hospital to undergo medical examination.⁶

¹ *Rollo*, pp. 3-5.

² As amended by A.M. No. 00-5-03-SC.

³ *Rollo*, pp. 9-20. Penned by Associate Justice Marie Christine Azcarraga-Jacob and concurred in by Associate Justices Ramon R. Garcia and Bonifacio S. Pascua.

⁴ *Id.* at 22-25. Penned by Presiding Judge Gonzalo P. Marata.

⁵ *Rollo*, p. 11; records, pp. 8, 11; TSN, May 21, 2018, pp. 5-8.

⁶ *CA rollo*, p. 28; records, pp. 9-10.

Dr. Ma. Luciana Bautista conducted the autopsy on Eugenio's body and confirmed that the cause of death was the stab wounds.⁷

The proceedings

In an Information⁸ dated March 6, 2018, Rubrica was charged with Murder under Article 248 of the Revised Penal Code (RPC), as amended by Republic Act No. (RA) 7659,⁹ the accusatory portion of which reads:

Criminal Case No. U-23689 (Murder):

That on or about 8:30 in the evening of March 5, 2018 at Brgy. Malokiat, Pozorrubio, Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused *armed with a bladed weapon, with intent to kill and treachery*, did then and there willfully, unlawfully and feloniously **stab to death Eugenio Ligot y Fernandez alias "Elyo"** inflicting upon him **"Penetrating thru and thru lacerated wound on the left thorax exiting on the left armpit; (+) lacerated wound left upper arm"** which caused his death to the damage and prejudice of his heirs.

That treachery attended the killing when the accused suddenly and unexpectedly **stab** the defenseless victim, **Eugenio Ligot y Fernandez alias "Elyo."**

CONTRARY to Art. 248, Revised Penal Code as amended by R.A. 7659.¹⁰

During arraignment, Rubrica entered a plea of "not guilty."¹¹ The defense admitted during pre-trial that Rubrica is the same person charged in the Information.¹² Trial ensued.

The parties stipulated that Rubrica surrendered to *Barangay* Capt. Ibaan and that a certain Police Officer Andaya took custody of accused-appellant from *Barangay* Capt. Ibaan to escort Rubrica to the police station.¹³

Elma Ligot, the victim's daughter, testified that their family spent PHP 78,064.64¹⁴ for expenses due to Eugenio's death.

Significantly, Rubrica waived his right to present his evidence.¹⁵

⁷ TSN, June 25, 2018, pp. 4-5.

⁸ Records, pp. 2-3.

⁹ Entitled "AN ACT TO IMPOSE THE DEATH PENALTY ON CERTAIN HEINOUS CRIMES, AMENDING FOR THAT PURPOSE THE REVISED PENAL CODE, AS AMENDED, OTHER SPECIAL PENAL LAWS, AND FOR OTHER PURPOSES." Approved: December 13, 1993.

¹⁰ Records, p. 2.

¹¹ Id. at 26.

¹² Id. at 13, 26-27.

¹³ Id. at 46.

¹⁴ Records, p. 46; TSN, June 4, 2018, pp. 4-5.

¹⁵ *Rollo*, p. 11.

Ruling of the Regional Trial Court

In a Decision¹⁶ dated March 15, 2019, the RTC ruled that based on the testimony of Victoriano, the eyewitness to the stabbing, Rubrica is the perpetrator. Victoriano witnessed the incident as the place was illuminated by lamps. Furthermore, treachery attended the stabbing as Eugenio was sleeping on a bamboo bed, without any opportunity to defend himself.¹⁷ The dispositive portion of the RTC Decision reads:

WHEREFORE, premises considered, accused Emeterio Rubrica y Ymana having been found guilty beyond reasonable doubt for the felony of "MURDER" he is hereby sentenced to suffer the penalty of RECLUSION PERPETUA and to pay the heirs of deceased Eugenio Ligot y Fernandez as follows:

1. P50,000.00 as civil indemnity;
2. P78,064.64 as actual damages; and
3. P50,000.00 as moral damages.

The bolo used in the commission of the crime is ordered forfeited in favor of the government to be turned over to the PNP, Provincial Office, Lingayen, Pangasinan for proper disposition thereat.

SO ORDERED.¹⁸ (Emphasis in the original)

Aggrieved, Rubrica appealed¹⁹ to the CA.

Rubrica argued that Victoriano was severely drunk when he saw the incident, which greatly undermined his reliability and credibility.²⁰ Victoriano left out crucial details regarding the stabbing²¹ and failed to prove the existence of treachery.²² Regardless, Rubrica underscored that he voluntarily surrendered to the authorities.²³

Meanwhile, the People, through the Office of the Solicitor General, asserted that the totality of evidence pointed to Rubrica's guilt beyond reasonable doubt.²⁴ Relevantly, Victoriano denied being drunk because he controlled the amount of liquor he consumed, plus his vision remained normal. In addition, he was only two meters away from the well-lit area where the victim was sleeping.²⁵ It maintained that treachery was present since Rubrica chose to attack a sleeping victim, which was deliberately

¹⁶ Id. at 22-25.

¹⁷ Id. at 24-25.

¹⁸ Id. at 25.

¹⁹ CA *rollo*, pp. 11-12.

²⁰ Id. at 30.

²¹ Id. at 31.

²² Id. at 32-33.

²³ Id. at 34.

²⁴ Id. at 53.

²⁵ Id. at 54-56.

employed to guarantee success in the execution of the crime.²⁶

Ruling of the Court of Appeals

The CA, in its assailed August 28, 2020 Decision,²⁷ ruled that although Rubrica is guilty of the killing (qualified by treachery),²⁸ the mitigating circumstance of voluntary surrender should be credited in his favor since he spontaneously and voluntarily surrendered.²⁹ The trial court's assessment of the credibility of the eyewitness should be accorded respect, if not conclusive effect. Even if Victoriano had been drinking, he controlled his alcohol intake and was busy chatting with his friends for most of the time, and he had normal vision when he witnessed the incident. Likewise, his testimony is consistent with the Joint Affidavit of Arrest of the police officers which indicated that Rubrica was already identified as the killer.³⁰

Moreover, the appellate court affirmed the imposition of the penalty of *reclusion perpetua* due to the existence of the mitigating circumstance of voluntary surrender, but modified the monetary awards pursuant to recent jurisprudence and then imposed the legal interest on the said awards.³¹

The *fallo* of the CA Decision reads:

WHEREFORE, the instant appeal is hereby **DENIED**.

Accordingly, the *Decision dated 15 March 2019* of Branch 48, RTC of Urdaneta City, Pangasinan [in] Criminal Case No. U-23689 is **AFFIRMED with modifications**.

Accused-appellant Emeterio Rubrica y Ymana is found **GUILTY** beyond reasonable doubt of MURDER for the killing of Eugenio Ligot y Fernandez and is hereby sentenced to suffer the penalty of *reclusion perpetua*. He is ordered to pay the heirs of the victims the amount of Seventy-Five Thousand Pesos (P75,000.00) as civil indemnity; Seventy-Five Thousand Pesos (P75,000.00) as moral damages; Seventy-Five Thousand Pesos (P75,000.00) as exemplary damages; and Seventy-Eight Thousand Sixty Four Pesos and 64/100 (Php 78,064.64) as actual damages.

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

SO ORDERED.³²

²⁶ Id. at 58-59.

²⁷ *Rollo*, pp. 9-20.

²⁸ Id. at 16-17.

²⁹ Id. at 13.

³⁰ Id. at 14-15.

³¹ Id. at 17-18.

³² Id. at 18-19.

Dissatisfied, Rubrica appealed³³ before the Court.

Issue

The main issue is whether Rubrica is guilty beyond reasonable doubt of committing Murder.

Our Ruling

The appeal has no merit.

It has long been established that “appellate courts will not overturn the factual findings of the RTC unless there is a showing that the latter overlooked facts or circumstances of weight and substance that would affect the result of the case.³⁴ The foregoing rule finds an even more stringent application where the findings of the RTC are sustained by the CA.”³⁵ In this case, there is no indication that the trial court and the appellate court misconstrued the facts. Thus, as found by the RTC and the CA, Victoriano’s testimony bolstered the prosecution’s charge that Rubrica committed the felony. Victoriano averred that he drank moderately because he was also chatting with his companions, and he could still see clearly that night.³⁶ Withal, he undoubtedly witnessed the incident. Since the defense waived its right to present evidence, Victoriano’s assertions remained un rebutted.

Furthermore, both the RTC and the CA held that Rubrica caused the death of the victim, which was supported with pertinent laws and jurisprudence. Under Art. 248 of the RPC, Murder is described 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 of persons to insure or afford impunity.

The following elements must be proven in order to successfully prosecute an accused for Murder: “(1) a person was killed; (2) the accused killed him or her; (3) the killing was attended by any of the qualifying circumstances

³³ Id. at 3-5.

³⁴ *People v. Tagluocop*, G.R. No. 243577, March 15, 2022, citing *People v. Dayaday*, 803 Phil. 363, 371 (2017).

³⁵ *People v. Tagluocop*, id.

³⁶ TSN, May 21, 2018, pp. 13-14, 18.

mentioned in [Art.] 248 of the RPC; and (4) the killing is not parricide or infanticide.”³⁷

The existence of the first and fourth requisites is undisputed due to the victim’s demise and given that Rubrica is not related to Eugenio, which would not categorize the killing as Parricide or Infanticide. Regarding the second requisite, the totality of evidence, primarily anchored on Victoriano’s testimony, established that Rubrica committed the crime beyond reasonable doubt.³⁸ In the same vein, Rubrica’s surrender to the authorities demonstrated his guilt.

As regards the third requisite, the factual circumstances confirmed that Rubrica employed treachery, which qualified the killing to Murder. According to the RPC, “[t]here 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 ensure its execution, without risk to himself [or herself] arising from the defense which the offended party might make.”³⁹ Similarly, jurisprudence teaches that:

To appreciate treachery as a qualifying circumstance, two conditions must be met: (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/herself 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 by an aggressor on the unsuspecting victim, denying the latter any chance to protect himself [or herself], and thereby ensuring its commission without posing any risk to the aggressor.⁴⁰

Here, Rubrica armed himself with a bolo, a deadly weapon to fatally stab Eugenio to death. More importantly, the attack was sudden, leaving the victim with no opportunity to defend himself since he was lying down and sleeping. The crime was committed at nighttime, which added to the suspicion that the darkness of the night fueled his courage to do such a dastardly act.

Notwithstanding the finding of Rubrica’s guilt, the attendant facts showed that he should benefit from the mitigating circumstance of voluntary surrender, the requisites of which are: “(1) the offender has not been actually arrested; (2) the offender surrendered himself [or herself] to a person in authority or the latter’s agent; and (3) the surrender was voluntary.”⁴¹

³⁷ *People v. Macalindong*, G.R. No. 248202, October 13, 2021, citing *People v. Maron*, G.R. No. 232339, November 20, 2019.

³⁸ RULES OF COURT, Rule 133, Sec. 2.

³⁹ REVISED PENAL CODE, Art. 14, par. 16.

⁴⁰ *People v. Alegre*, G.R. No. 254381, February 14, 2022, citing *People v. Guro*, G.R. No. 230619, April 10, 2019.

⁴¹ *People v. Pereira*, G.R. No. 220749, January 20, 2021, citing *De Vera v. De Vera*, 602 Phil. 877, 886 (2009).

Rubrica voluntarily surrendered himself to *Barangay* Capt. Ibaan, a person in authority,⁴² who in turn contacted the police which eventually led to Rubrica's transfer of custody to the appropriate law enforcement department. To clarify, the police officers, although they initially sought the whereabouts of Rubrica, later on received word that he already surrendered to *Barangay* Capt. Ibaan.⁴³

As for the penalties, since there is a mitigating circumstance (voluntary surrender) proven during the trial, pursuant to Art. 63⁴⁴ of the RPC,⁴⁵ the imposition of the lower penalty of *reclusion perpetua* is proper. Additionally, pursuant to Administrative Matter No. 15-08-02-SC, the phrase "*without eligibility for parole*" need not be specified in the dispositive portion of the judgment.⁴⁶

Lastly, in light of the pronouncement of *People v. Jugueta*,⁴⁷ the awards for civil indemnity, moral damages, and exemplary damages should be fixed at ₱75,000.00 each when the penalty consists of indivisible penalties (*i.e.*, for Murder) and the penalty imposed is *reclusion perpetua*. In addition, the monetary awards shall be subject to the legal interest of six percent (6%) per *annum* from the finality of the judgment until fully satisfied.⁴⁸ In the case at bench, the CA properly imposed the penalty, monetary awards, and legal interest. Thus, there is no need to depart from the ruling of the CA.

WHEREFORE, the appeal is **DISMISSED**. The assailed August 28, 2020 Decision of the Court of Appeals in CA-G.R. CR-HC No. 12860 is **AFFIRMED**.

The accused-appellant's Manifestation in lieu of supplemental brief, pursuant to the Resolution dated March 21, 2022; and the Office of the

⁴² See: LOCAL GOVERNMENT CODE, REPUBLIC ACT NO. 7160, Sec. 388.

Section 388. Persons in Authority. - For purposes of the Revised Penal Code, the *punong barangay*, *sangguniang barangay* members, and members of the *lupong tagapamayapa* in each *barangay* shall be deemed as persons in authority in their jurisdictions, while other *barangay* officials and members who may be designated by law or ordinance and charged with the maintenance of public order, protection and security of life and property, or the maintenance of a desirable and balanced environment, and any *barangay* member who comes to the aid of persons in authority, shall be deemed agents of persons in authority.

⁴³ Records, pp. 9-10.

⁴⁴ **ARTICLE 63. Rules for the Application of Indivisible Penalties.** - In all cases in which the law prescribes a single indivisible penalty, it shall be applied by the courts regardless of any mitigating or aggravating circumstances that may have attended the commission of the deed.

In all cases in which the law prescribes a penalty composed of two indivisible penalties, the following rules shall be observed in the application thereof:

x x x x

3. When the commission of the act is attended by some mitigating circumstance and there is no aggravating circumstance, the lesser penalty shall be applied.

⁴⁵ *People v. Guarin*, G.R. No. 245306, December 2, 2020.

⁴⁶ *People v. Pigar*, G.R. No. 247658, February 17, 2020, citing Guidelines for the Proper Use of the Phrase "without eligibility for parole" in Indivisible Penalties, August 4, 2015; see also *People v. Ursua*, 819 Phil. 467, 476 (2017).

⁴⁷ *People v. Jugueta*, 783 Phil. 806, 847-848 (2016).

⁴⁸ *Nissan Gallery-Ortigas v. Felipe*, 720 Phil. 828, 840 (2013), citing *Nacar v. Gallery Frames*, 716 Phil. 267, 281-283 (2013) which cited BSP-MB Circular No. 799 effective July 1, 2013.

Solicitor General’s Manifestation and Motion, also in pursuant to the Resolution dated March 21, 2022, praying that it be excused from filing of the supplemental brief, as it had comprehensively argued all relevant issues in its brief for the appellee, and the filing of a supplemental brief might only result in the repetition of the same arguments, are both **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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MAR 06 2023

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