



which accused had provided himself for the purpose, thereby inflicting and hitting the victim fatal stab wounds on the different parts of his body, which wounds caused his death.

CONTRARY TO LAW.<sup>5</sup>

Upon his arraignment, Raytos entered a plea of “not guilty,”<sup>6</sup> and during the pre-trial conference, Raytos invoked self-defense.<sup>7</sup> Trial ensued with the defense presenting its evidence first.

### *The Facts*

The factual narrations, for both defense and prosecution, were summarized by the CA, as follows:

#### *Version of the Defense*

Raytos testified that he knew the victim, David Araza, since birth, who was residing in Brgy. Igot, Villareal, Samar, which is 300 meters away from his residence in Brgy. Nagcaduha, Villareal, Samar. On February 1, 2010, at around 8:00 in the evening, he was in Purok 1, Brgy. Nagcaduha Villareal, Samar, coming from his cousin’s place, when he was invited by Indo Sabio to partake on some leftovers from the fiesta and to join them as a dance session was being held. He joined the table where Indo Sabio, Anita Sabio, Kanor Sabio, Domingo Sabio, Romeo Nacase and Edgar Papiona were seated. Seated on the other table beside them were Indo Sabio’s wife, a certain Tina, Elsa Sabio, Rudy Araza and Rudy’s wife. At around 11:30 in the evening, David Araza (victim), coming from Purok 2, passed by Purok 1 and was approached by Edgar Papiona, and the two danced. After they danced, the victim approached the table where Anita Sabio was seated and invited her to dance, but the latter refused. Thereafter, the victim and Edgar Papiona danced again. After dancing, the victim approached again Raytos’ table and asked who was brave enough while drawing a knife tucked in the waistband of his pants. Raytos tried to escape by moving backwards and, while doing so, he got hold of the victim’s right hand. Raytos twisted the victim’s arm, got hold of the knife and then stabbed the victim several times on the chest. He delivered three (3) successive stabbing blows in a quick and swift manner because he panicked. He ran away immediately and surrendered himself to the barangay officials and they proceeded to the police station.

Dionisio Mado y Bardaje (hereafter Mado) testified that he knew Raytos because the latter often comes to Brgy. Guintarcan, where Mado resides. He also knew the victim personally. On February 1, 2010, at around 10:00 in the evening, he was at Brgy. Nagcaduha, Villareal, Samar, watching the dance session being held, and he saw the victim enter the dance area and challenge the people seated on one table to a fight. When the victim saw Raytos, he pointed at Raytos and said “You are the one I want” and Raytos answered saying “I [h]ave no fault against you.” Then, the victim drew a knife from his waist and stabbed Raytos but the latter was able to parry the stabbing blow and wrested possession of the knife

<sup>5</sup> Id. at 1.

<sup>6</sup> *Rollo*, p. 6.

<sup>7</sup> Id.

from the victim. Mado recalled that Raytos used both his hands in parrying the stabbing blow delivered by the victim and when Raytos got hold of the knife, he stabbed the front portion of the victim's body. Mado did not see anything more because Raytos ran away after the incident, and a commotion then ensued.<sup>8</sup>

### *Version of the Prosecution*

The prosecution presented three witnesses, Edgardo Papiona, Romeo Nacase and Francisca Araza, whose testimonies constitute the following version:

Edgardo Papiona y Hermo (hereafter Papiona), a resident of Brgy. Nagcaduha, Villareal, Samar, testified that he knew both the victim and Raytos. On February 1, 2010, at around 12:00 a.m., he was in front of his house with Raytos and ten (10) others occupying three (3) tables and having a dance session as it was just the day after their barangay fiesta. While he was dancing with the victim, Raytos approached them and said that he wanted to dance with the victim. Papiona acceded and went to the side of the road just an arm's length away from the dance area. From his position at the side of the road, he saw Raytos stab the victim when the latter turned his back from Raytos while dancing. Papiona recalled that he saw Raytos hold the right back shoulder of the victim and stab the latter's back several times with the use of a knife measuring 8 inches in length. Raytos then went to a hilly portion of their barangay while Papiona helped in loading the victim on a truck and in bringing the latter to the hospital. He did not hear any argument from both the victim and Raytos prior to the incident. Three days later, the victim died.

Romeo Nacase y Tarayo (hereafter Nacase), testified that he is a resident of Brgy. Nagcaduha, Villareal, Samar, and knew both the victim and Raytos. On February 1, 2010, at around 9:00 in the evening, he was having a drinking spree with the victim and a certain Dado Nacase. Soon thereafter, he saw the victim and Edgar dancing and while the two danced, he saw Raytos pull a knife from his pocket and approach the victim from the back. When the victim was about to turn around, Raytos took hold of the victim's shirt and stabbed the victim in the back. He was about 4 ½ meters away when the incident happened. He did not hear the victim and Raytos argue or talk before the stabbing incident.

Francisca Araza y Macasalabang (hereafter Francisca), wife of the victim, is left with eleven (11) children. She presented and identified official receipts as proof of the expenses incurred for the hospitalization and other medical expenses of her husband amounting to ₱4,986.00 and a certification from Rendeza Funeral Parlor for embalming services amounting to ₱8,000.00. With the death of her husband, she felt sadness, the heavy weight of present and future difficulties, and longing for him that even the amount of ₱1,000,000.00 will be an insufficient compensation. Her deceased husband used to earn an average monthly income of ₱2,000.00.<sup>9</sup>

### *Ruling of the RTC*

After trial on the merits, the RTC found Raytos guilty of the crime of Murder qualified by treachery:

---

<sup>8</sup> Id. at 6-7.

<sup>9</sup> Id. at 7-8.

**WHEREFORE**, premises considered, the court finds accused **LORENZO RAYTOS Y ESPINO GUILTY** beyond reasonable doubt of the crime of **Murder** qualified by treachery, defined and penalized under Article 248 of the Revised Penal Code and hereby sentences him to suffer the penalty of *reclusion perpetua*.

He is likewise ordered to pay the heirs of the victim David Araza the following amounts:

1. P50,000.00 as civil indemnity;
2. P50,000.00 as moral damages; and
3. P12,896.00 as actual damages.

No pronouncement as to costs.

**SO ORDERED.**<sup>10</sup>

Raytos appealed to the CA via Notice of Appeal dated December 10, 2012.<sup>11</sup> Raytos then filed his Brief dated March 16, 2015,<sup>12</sup> while the plaintiff-appellee, through the Office of the Solicitor General, filed its Brief dated October 14, 2015.<sup>13</sup> In a Manifestation dated November 9, 2015, Raytos waived his right to file a Reply Brief.<sup>14</sup>

### *Ruling of the CA*

In the questioned Decision, the CA affirmed Raytos' conviction while modifying the award of damages. The dispositive portion reads:

WHEREFORE, the appeal is hereby DENIED. The Decision of the RTC, Branch 33, Calbiga, Samar, in Criminal Case No. C-2010-1748 is hereby AFFIRMED with MODIFICATIONS. Lorenzo Raytos y Espino is GUILTY beyond reasonable doubt of Murder and is sentenced to suffer the penalty of *reclusion perpetua*. Raytos is further ordered to pay the heirs of the victim the following: civil indemnity of ₱50,000.00, moral damages of ₱50,000.00, exemplary damages of ₱30,000.00 and temperate damages of ₱25,000.00. The amounts of damages awarded are subject further to interest of 6% per annum from the date of finality of this judgment until they are fully paid.

**SO ORDERED.**<sup>15</sup>

On March 14, 2016, Raytos brought the instant case before this Court via Notice of Appeal<sup>16</sup> of even date.

In lieu of supplemental briefs, Raytos and plaintiff-appellee filed separate manifestations respectively dated February 9, 2017<sup>17</sup> and January 30, 2017,<sup>18</sup> foregoing their right to file the same.

<sup>10</sup> CA rollo, pp. 60-61.

<sup>11</sup> Records, p. 225.

<sup>12</sup> CA rollo, pp. 29-45.

<sup>13</sup> Id. at 101-118.

<sup>14</sup> Id. at 121-123.

<sup>15</sup> Rollo, p. 15.

<sup>16</sup> Supra note 1.

<sup>17</sup> Id. at 28-31.

<sup>18</sup> Id. at 33-35.



*Issue*

In the instant appeal, Raytos seeks to reverse the questioned Decision based on the following assignment of errors:

[WHETHER OR NOT THE CA] ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME OF MURDER AND NOT APPRECIATING THE SELF-DEFENSE INTERPOSED BY THE ACCUSED -APPELLANT.

[WHETHER OR NOT THE CA] ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME OF MURDER AS THE QUALIFYING CIRCUMSTANCE OF TREACHERY WAS NOT ESTABLISHED.<sup>19</sup>

Simply put, the basic issue for the Court's resolution is whether Raytos' guilt for the crime of Murder was sufficiently proven beyond reasonable doubt.

*The Court's Ruling*

The Court finds the appeal lacking in merit.

In this case, the opposing sides are incessant on the truthfulness of their version of the story, which differ in material points of fact; the State, on one hand, has successfully presented strong evidence of guilt for Murder, while Raytos, on the other hand, maintains his innocence based on his plea of self-defense.

At this point, it bears noting that the issue of whether the accused acted in self-defense is essentially a question of fact.<sup>20</sup> The RTC's assessment of the credibility of witnesses is accorded great weight and respect, especially when affirmed by the CA.<sup>21</sup> This is a rule borne out of necessity given the distinct vantage point of the trial court in observing and assessing the witnesses while undergoing the rigors of direct and cross-examination; it is only in the crucible of this exercise that the trial court is able to extract incommunicable evidence from the witnesses based on their demeanor on the stand.<sup>22</sup> Hence, in the absence of a clear showing that the lower courts erred in their appreciation of the facts, or in their application of the pertinent laws and jurisprudence to such facts, their findings will no longer be disturbed on appeal.

In fine, given the concurrent findings of guilt made by both the RTC and CA, the Court finds that no cogent reason exists to reverse Raytos' conviction.

---

<sup>19</sup> CA rollo, p. 31.

<sup>20</sup> *Martinez v. Court of Appeals*, 549 Phil. 683, 705 (2007).

<sup>21</sup> *People v. Sanico*, 741 Phil. 356, 374 (2014).

<sup>22</sup> See *People v. Sanico*, id.



*Raytos Failed To Establish The Elements Of Self-Defense*

A plea of self-defense admits the commission of the act charged as a crime; accordingly, the *onus probandi* falls on the accused to prove that such killing was justified – failure to discharge which renders the act punishable.<sup>23</sup>

Thus, to exonerate himself, the accused must establish: (i) that there was unlawful aggression by the victim; (ii) that the means employed to prevent or repel such aggression were reasonable; and (iii) that there was lack of sufficient provocation on his part.<sup>24</sup> Of the three, unlawful aggression is the foremost requirement; absent such element, self-defense, whether complete or incomplete, cannot be appreciated.<sup>25</sup>

After poring over the records of this case, the Court is convinced that Raytos failed to establish unlawful aggression on the part of the victim, David Araza (Araza). Necessarily, Raytos' claim of self-defense has no more leg to stand on.

In his version of the incident, Raytos claimed that Araza drew a knife from his left waist following a brief exchange of words between them.<sup>26</sup> Raytos then moved back, allegedly intending to escape, but instead ended up wresting possession of the knife from Araza.<sup>27</sup> After doing so, Raytos stabbed Araza numerous times, leading to the latter's demise.<sup>28</sup>

The Court finds this narration of events to be incredible. Self-defense, like alibi, is a defense easy to concoct.<sup>29</sup> Testimonial evidence, to be believable, must not only proceed from the mouth of a credible witness but must also be credible following common experience and leading to the inference of its probability under the circumstances.<sup>30</sup> Here, it is difficult to imagine how Raytos, while attempting to escape, was suddenly able to grab hold of Araza's hand and after relieving the latter of the knife, proceeded to stab him multiple times in quick succession:

- Q - So, Mr. Witness, when you saw this David Araza drew a knife from the left side tucked in his belly, what did you do?
- A - At the time when he drew his knife tucked on his left waist, and at the same time said "who was braver", **I moved backward and even the chair almost fall (sic), I decided to**

<sup>23</sup> See *People v. Escarlos*, 457 Phil. 580, 594-595 (2003).

<sup>24</sup> *Id.* at 732.

<sup>25</sup> *People v. Dulin*, G.R. No. 171284, June 29, 2015, 760 SCRA 413, 425.

<sup>26</sup> See CA rollo, p. 49.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.* at 49, 51.

<sup>29</sup> *Arcona v. Court of Appeals*, 442 Phil. 7, 13 (2002).

<sup>30</sup> *People v. Domingcil*, 464 Phil. 342, 357 (2004).

**escape by moving my body backward and I even got hold of his right hand.**

Q - So, upon holding the right hand of David Araza, what happened next, Mr. Witness?

A - After I got hold of his hand, I twisted his hand, that's why I was able to got (sic) hold the possession of the knife.

x x x x

Q - Do you remember, Mr. Witness, in what particular part of the body did you stab David Araza?

A - I think, he was hit on the chest, at this area.

(Witness touching his chest with his right arm and said)

Somebody even told me that David Araza sustained six (6) wounds.

Q - Mr. Witness, setting aside what this person had told you, from your own recollection, how many stab thrusts (sic) did you in-fact in-lict (sic) on the victim?

A - **What I could remember, I stabbed him several times.**<sup>31</sup>  
(Emphasis supplied)

But even if the Court were to believe this version of the events, it is evident that no unlawful aggression can be deduced. Stated differently, there was clearly no imminent danger on the person of Raytos as would justify his killing Araza.

Unlawful aggression is predicated on an actual, sudden, unexpected, or imminent danger – not merely a threatening or intimidating action.<sup>32</sup> In *People v. Dulin*,<sup>33</sup> the Court had the occasion to elaborate on the kinds and nature of unlawful aggression, viz.:

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.<sup>34</sup>

<sup>31</sup> TSN, August 19, 2010, pp. 10-11; records, pp. 47-48.

<sup>32</sup> *People v. Escarlos*, supra note 23, at 596.

<sup>33</sup> Supra note 25.

<sup>34</sup> Id. at 426.

In *People v. Escarlos*,<sup>35</sup> the Court ruled that the mere drawing of a knife by the victim does not constitute unlawful aggression, whether actual or imminent, as the peril sought to be avoided by the accused was both premature and speculative:

In the present case, appellant claims that there was unlawful aggression on the part of the victim when the latter unceremoniously boxed him on the forehead in the heat of their argument. Appellant adds that he had initially thought of hitting back when he noticed that the victim was pulling out a kitchen knife. Hence, to save his life, the former grabbed the weapon and used it to stab the latter. Appellant insists that under the circumstances, he was legally justified in using the knife to ward off the unlawful aggression. For him to wait for the knife to be raised and to fall on him before acting to defend himself would be asking too much, he argues.

The contentions of appellant are untenable. **While the victim may be said to have initiated the confrontation, we do not subscribe to the view that the former was subjected to an unlawful aggression within the legal meaning of the phrase.**

The alleged assault did not come as a surprise, as it was preceded by a heated exchange of words between the two parties who had a history of animosity. Moreover, **the alleged drawing of a knife by the victim could not have placed the life of appellant in imminent danger. The former might have done it only to threaten or intimidate the latter.**

Unlawful aggression presupposes actual, sudden, unexpected or imminent danger — not merely threatening and intimidating action. **Uncertain, premature and speculative was the assertion of appellant that the victim was about to stab him, when the latter had merely drawn out his knife. There is aggression, only when the one attacked faces real and immediate threat to one's life.** The peril sought to be avoided must be imminent and actual, not just speculative.<sup>36</sup> (Italics omitted; emphasis supplied)

Following a similar *ratio*, in *People v. Borreros*,<sup>37</sup> the Court likewise held that the act of drawing a gun from the waist could not yet be categorized as unlawful aggression.

Applying the foregoing to this case, Araza's alleged act of simply drawing a knife from his waist fell short of the threshold required by law and prevailing jurisprudence.<sup>38</sup> At that point, and as correctly observed by the courts below, there was yet no actual risk or peril to the life or limb of Raytos.<sup>39</sup>

Parenthetically, the Court notes the testimony of Dionisio B. Mado (Mado), the other witness for the defense, who supplied additional details on

---

<sup>35</sup> Supra note 23.

<sup>36</sup> Id. at 596.

<sup>37</sup> 366 Phil. 360, 370 (1999).

<sup>38</sup> See CA *rollo*, p. 55.

<sup>39</sup> *Rollo*, p. 12.

the incident. In his narration of events, Mado was purporting to show unlawful aggression on the part of Araza, claiming that the latter *actually* delivered stabbing blows to Raytos:

Q - Mr. Witness, when the victim challenged Lorenzo Raytos for a fight, what was the distance of David Araza with respect to Lorenzo Raytos?

A - At this distance.

(Witness stood up from where he is seated and pointed to the distance where the defense counsel is standing which measures four (4) feet in distance.[])

Q - After David Araza challenged Lorenzo Raytos for a fight, what did Lorenzo Raytos do after that?

A - Lorenzo Raytos answered: "I have no fault against you."

Q - After that answer from Mr. Lorenzo Raytos, what did David Araza do?

**(The witness demonstrated while he was standing and getting something from his waist and as if holding something moving his right hand forward in the level of his waist doing a stabbing blow forward)**

A - **David Araza drew his fan knife from his waist and stabbed Lorenzo Raytos, ma'am.**

x x x x

Q - In what particular body (sic) was the victim, David Araza was (sic) stabbed by Lorenzo Raytos?

A - What I saw only was the front portion of his body, ma'am.

(Witness demonstrated by holding his chest and rolling his palm around his chest).<sup>40</sup> (Emphasis supplied)

Despite such positive testimony, however, this was not given any weight by the RTC in arriving at a judgment of conviction,<sup>41</sup> even noting certain inconsistencies in the testimonies of the defense witnesses.<sup>42</sup> The following material portions in Mado's cross-examination sheds light on his credibility as a witness for the defense:

Q - Do you have an acquaintance by the name of Juanito Rado, Mr. Mado?

A - Yes. [H]e is my friend and compadre.

Q - And this Juanito Rado is related to Elisa Rado, the wife of Lorenzo Raytos?

<sup>40</sup> TSN, November 11, 2010, pp. 5-7; records, pp. 82-84.

<sup>41</sup> See *CA rollo*, p. 56.

<sup>42</sup> *Id.* at 55.

- A - I am not aware if they were related?
- Q - But they have the same surname?
- A - I am not certain; maybe they have the same surname.
- Q - Is it not a fact that it was Juanito Rado who requested you to testify before this Honourable Court to help Lorenzo Raytos in his case?
- A - He did not ask me for such.
- Q - Who then, contacted you to testify before this Honourable Court, since Lorenzo Raytos is already detained at Samar Provincial Jail?
- A - Nobody, ma'am.
- Q - Meaning, you come (sic) here on your own to testify?
- A - I just came here alone to testify in favour of Lorenzo.

COURT:

- Q - How did you come to know that this case will be heard on November 11, 2010, for you to testify?
- A - I was informed by a friend in Guintarcan that this case will be tried on that day, your Honor.

PROS. NAVAL:

- Q - So, that friend was Juanito Rado?
- A - No, ma'am.
- Q - Who would that be?
- A - Someone from Guintarcan.
- Q - Can you name that person?
- A - Jesus Bardaje.
- Q - **This is not the first time that you testified before this Honourable Court, [a]m I right, Mr. Mado?**
- A - **It's my first time.**
- Q - **Are you sure of that, Mr. Mado?**
- A - **Yes, ma'am.**
- Q - **Is it not a fact Mr. Mado that you were here before this Honourable Court years ago to testify in favour of one accused in the name of Pablo Hilvano?**
- A - **Yes, ma'am. It was long (sic) time ago.**



- Q - **And that Pablo Hilvano was even acquitted on that case because of your corroborative testimony?**
- A - **Yes, ma'am.**
- Q - **So, it is now clear and you are changing your answer that it is not the first time you testified before this Honourable Court.**
- A - **Yes, ma'am.**
- Q - **So, your previous answer was a lie?**
- A - **Yes, ma'am.**
- Q - You likewise claim Mr. Mado that during the incident on February 1, 2010, you saw the accused Lorenzo delivered stab blows on the **front portion of the body of the victim David**. Did I get it right?
- A - Yes ma'am, because they were into wrestling and grappling over the weapon and it was David that was wounded.
- Q - **Here at the front?**
- (Prosecutor is pointing on the front of her body upon asking question)**
- A - **Yes, ma'am.**
- Q - Are you sure of that? You will not change your answer?
- A - I will not change my answer.
- Q - Is it not because you said that David was hit at the front portion of the body because it was what Lorenzo Raytos told you that David was hit at the front portion?
- A - No, I actually saw that?
- Q - **You will not change your answer Mr. Mado, even if I will tell you before this Honourable Court that the victim did not sustain any single injury on the chest?**
- A - **I will not.**<sup>43</sup> (Emphasis supplied)

Notably, nowhere in his testimony did Raytos make mention of any threatening behavior from Araza, aside from the drawing of the knife, which would have necessitated immediate retaliation on his part. Worse, Mado's testimony was unsupported by the Medico Legal Report<sup>44</sup> dated February 4, 2010. Were the testimony of Mado true, *i.e.*, that Araza actually delivered stabbing blows to Raytos, such material detail would certainly have been mentioned by the latter during his testimony, especially considering that his freedom was hanging in the balance. Unfortunately, notwithstanding

<sup>43</sup> TSN, December 2, 2010, pp. 4-7; records, pp. 96-99.

<sup>44</sup> Records, p. 34.

numerous opportunities to supply details on the incident, Raytos' testimony was utterly silent on such matter. Accordingly, the Court affirms the uniform findings of the RTC and CA and adopts the latter's appreciation of the evidence on record.

Further on this point, even assuming *arguendo* that unlawful aggression was present on the part of Araza, there was no longer any danger on Raytos' person from the moment he disarmed the former by wresting possession of the knife. Raytos' admission during his cross-examination dispels all doubt:

COURT:

Q - Now, you said you were able to wrestle the knife from the victim when he first delivered the stab blow at your direction, is that correct?

A - Yes, your Honor.

Q - **In other words, when you wrestled the knife from the possession of the victim, you were no longer in any danger?**

A - **Yes, your Honor, but I do not know what I have done.**

Q - **In other words, because the victim was no longer in possession of any weapon, there was no more reason for you to stab him?**

A - **Your Honor, it was so sudden and that's all I remember.**

Q - And despite the fact that the victim was no longer in possession of the weapon, you continued stabbing him for three (3) times in succession?

A - When I got hold and wrestled the knife from him, he did not move apart, he was just very close and I immediately stab (sic) him successively. That's all I remember.<sup>45</sup> (Emphasis supplied)

Time and again, this Court has held that when an unlawful aggression that has begun has ceased to exist, the one who resorts to self-defense has no right to kill or even to wound the former aggressor.<sup>46</sup> Aggression, if not continuous, does not constitute aggression warranting defense of one's self.<sup>47</sup>

Here, Raytos admitted that after obtaining possession of the weapon, he no longer had any reason to stab Araza as in fact, there was no showing that the latter persisted in his alleged purpose of wanting to hurt Raytos. Thus, based on his own statements, Raytos overstepped the acceptable boundaries of self-preservation when he deliberately inflicted fatal injuries

<sup>45</sup> TSN, September 23, 2010, pp. 9-10; records, pp. 69-70.

<sup>46</sup> *People v. Escarlos*, supra note 23, at 597.

<sup>47</sup> *Martinez v. Court of Appeals*, supra note 20, at 707.

on Araza, even when the purported aggression had already ceased.<sup>48</sup> By killing Araza, Raytos was no longer acting in self-defense but in retaliation against the former.<sup>49</sup>

All told, the Court finds the evidence sorely lacking in establishing self-defense on the part of Raytos.

*The Qualifying Circumstance  
Of Treachery Was Sufficiently  
Established By The Evidence*

To alleviate his conviction, Raytos contends that there was a dearth of evidence to show that the killing was attended by the qualifying circumstance of treachery.<sup>50</sup> Raytos specifically avers that had he wanted to ensure that no risk would come to him, he would have chosen another time and place to stab Araza instead of inside the dancing area, where many people were around.<sup>51</sup>

The Court disagrees.

Treachery or *alevosia*, is present when the offender adopts means, methods, or forms in the execution of the felony that ensure its commission without risk to himself arising from the defense which the offended party might make.<sup>52</sup> *Alevosia* is characterized by a deliberate, sudden and unexpected assault from behind, without warning and without giving the victim a chance to defend himself or repel the assault and without risk to the assailant.<sup>53</sup>

In appreciating such circumstance, the RTC disposed as follows:

The victim was dancing when he was attacked. There was no confrontation. No forewarning. His dancing partner was even misled into believing that accused only wanted to dance with the victim. But of course, it was just an excuse, so that it would be easier for the accused to attain his purpose. It was so sudden that even the others were unprepared to do anything to prevent the attack or at least minimize the injuries. It was an unexpected occurrence right in the middle of a celebration which was intended to be a joyous one.

The medico legal report shows the following wounds:

- (+) stab wound, scapular area, (R) 2 cm.
- (+) stab wound, posterior axillary line (R), 3 cm.
- (+) stab wound, (R) flank area, 3.5 cm.
- (+) stab wound, infrascapular area, (L)

<sup>48</sup> See *People v. Escarlos*, supra note 23, at 597.

<sup>49</sup> See *Martinez v. Court of Appeals*, supra note 20, at 707.

<sup>50</sup> CA rollo, p. 40.

<sup>51</sup> Id. at 43.

<sup>52</sup> *People v. Arguelles*, 294 Phil. 188, 194 (1993).

<sup>53</sup> *People v. Villanueva*, 215 Phil. 58, 60 (1984).

These wounds clearly disprove the claim of accused that he was suddenly able to stab the victim because he wrestled with him, because actually, there was no fight that preceded the attack. There was plainly, murder.<sup>54</sup>

To stress, the testimonies of the witnesses for the prosecution were unwavering as to the manner of killing – that Raytos suddenly stabbed Araza from the back while holding the latter's shoulder. Further, that there were other people around that could have lent their help to Araza is inconsequential as treachery considers only the victim's means of defense at the time of the attack. Thus, so long as the accused deliberately employed means to ensure the commission of the crime without risk to himself from retaliation by the victim, treachery can be properly appreciated.

On this point, the Court's ruling in *People v. Rellon*<sup>55</sup> finds relevance. In that case, the victim was stabbed from behind while he was watching the singing and dancing during the *Sinulog* festival. Interestingly, the accused therein, as in this case, claimed self-defense in stabbing the victim. Said the Court:

The accused Eugenio Rellon took the witness stand claiming self-defense. He narrated that on January 16, 1983 at around 5:30 in the afternoon, while walking towards his house at Tres de Abril, accused saw Arsenio Ram sitting at the roadside when the latter suddenly stood up, took his knife and thrust it towards Rellon. Accused was able to ward off the thrust by holding the deceased's arm and grappled for the possession of the knife. Having succeeded in getting the knife, accused accidentally stabbed the deceased in the right chest. After the stabbing incident, the accused left the scene.

The principal question, as in most criminal cases, is the credibility of witness. A review of the records of the case, however, shows that the evidence undoubtedly supports the findings and conclusions of the trial court in its judgment and conviction.

**Through the testimony of Virginia Lusareto, the lone eyewitness to the crime, it has been established beyond reasonable doubt that appellant stabbed Arsenio Ram at the back with a butcher's knife.**

**The trial court held that the crime committed was murder. It appreciated treachery when it took note of the fact that the victim was suddenly stabbed from behind while he was watching the Sinulog dance.** The trial court stated:

x x x x

Treachery was appreciated in cases where the victim while sitting on the ground unarmed and absolutely unprepared, and without the least suspicion of the danger he was incurring was suddenly and abruptly assaulted by

---

<sup>54</sup> CA rollo, pp. 58-59.

<sup>55</sup> 249 Phil. 73 (1988).

the 2 accused, without a word being uttered, and the first blow hit him on the nape of the back, knocking him backwards to the ground, and as he tried to get up he was stabbed in the abdomen x x x. The same thing happened in the case at bar. The characteristic and unmistakable manifestation of alevosia is the deliberate, sudden and unexpected attack of the victim from behind, without any warning and without giving him an opportunity to defend himself or repel the initial assault x x x.

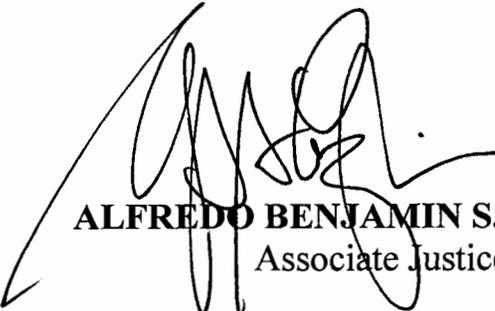
**When appellant stabbed the victim, the latter was sitting on a bench watching the singing and dancing during the Sinulog festival. The victim was engrossed in the merrymaking when suddenly appellant stealthily stabbed him from behind. An attack from behind is treachery x x x.**<sup>56</sup> (Citations omitted; emphasis supplied)

Proceeding from the foregoing, the Court finds no reason to overturn the concurring findings of the RTC and the CA with respect to the qualifying circumstance of treachery.

Finally, in view of the Court's ruling in *People v. Jugueta*,<sup>57</sup> the damages awarded in the questioned Decision are hereby modified, increasing the civil indemnity, moral damages, and exemplary damages to ₱75,000.00 each. The temperate damages are likewise increased to ₱50,000.00.

**WHEREFORE**, in view of the foregoing, the appeal is **DISMISSED** for lack of merit. The Decision dated February 26, 2016 of the Court of Appeals in CA-G.R. CR-HC. No. 01556, finding accused-appellant Lorenzo E. Raytos **GUILTY** beyond reasonable doubt of the crime of Murder under Article 248 of the Revised Penal Code, is hereby **AFFIRMED** with **MODIFICATION**. Accused-appellant is sentenced to suffer the penalty of *reclusion perpetua* and ordered to pay the heirs of David Araza the amount of Seventy-Five Thousand Pesos (₱75,000.00) as civil indemnity, Seventy-Five Thousand Pesos (₱75,000.00) as moral damages, Seventy-Five Thousand Pesos (₱75,000.00) as exemplary damages, and Fifty Thousand Pesos (₱50,000.00) as temperate damages. All monetary awards shall earn interest at the legal rate of six percent (6%) per annum from the date of finality of this Decision until fully paid.

**SO ORDERED.**

  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

<sup>56</sup> Id. at 75-76.

<sup>57</sup> G.R. No. 202124, April 5, 2016, 788 SCRA 331.

WE CONCUR:



**MARIA LOURDES P. A. SERENO**  
Chief Justice  
Chairperson



**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice



**MARIANO C. DEL CASTILLO**  
Associate Justice



**ESTELA M. PERLAS-BERNABE**  
Associate Justice

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, 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

