Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

GERONIMO R. LABOSTA,
Petitioner

- versus -

PEOPLE OF THE PHILIPPINES,
Respondent.

G.R. No. 243926

Present:

PERALTA, C.J., *Chairperson,*
CAGUIOA, *Working Chairperson,*
REYES, J. JR.,
LAZARO-JAVIER, *and*
LOPEZ, *JJ.*

Promulgated:

JUN 23 2020

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DECISION

REYES, J. JR., *J.:*

Before the Court is a Petition for Review on *Certiorari* filed under Rule 45 of the Rules of Court assailing the Decision[1] dated May 31, 2018 of the Court of Appeals (CA) and its subsequent Resolution[2] dated December 17, 2018 in CA-G.R. CR No. 38997.

These are the facts:

Geronimo R. Labosta (Labosta) was charged with homicide through an Information dated November 5, 2003, which reads:

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1 Penned by Associate Justice Ronaldo Roberto B. Martin, with Associate Justices Ricardo R. Rosario and Eduardo B. Peralta, Jr., concurring; *rollo*, pp. 31-39.

2 Id. at 95-96

> That on or about the 25th day of September 2003 at around 6:00 o'clock in the evening, at barangay Lipata, municipality of Buenavista province of Marinduque, Philippines (sic), and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, did then and there, [willfully], unlawfully and feloniously attack, assault and stab with a [*balisong*] one Maximo Saludes y Pelendiana, inflicting upon the latter, wounds causing his death, to the damage and prejudice of his legal heirs.
>
> CONTRARY TO LAW.[3]

At his arraignment on January 27, 2004, Labosta pleaded not guilty.

Trial proceeded and the prosecution presented four witnesses: Erlino De Luna (De Luna), Dr. Eleanor May Grate (Dr. Grate), Police Inspector Tomas Regis Magdalita (Insp. Magdalita) and SPO2 Wenifredo Barreno (SPO2 Barreno).

Based on their testimonies, the prosecution sought to prove that on September 25, 2003, at around 6:00 p.m., De Luna was working at the *peryahan* located in Barangay Lipata, Buenavista, Marinduque, when he saw from a distance of about 10 meters, Labosta stabbed Maximo Saludes (victim) with a *balisong*. Labosta held a plastic chair with his left hand which he used to push the victim to the ground. Then Labosta stabbed the victim three or four times. After stabbing the victim, Labosta wiped the *balisong* with a plastic bag and carried it when he left.

The victim suffered 12 injuries inflicted by a sharp instrument.

The accused also voluntarily surrendered to the authorities and gave the *balisong* that was used in the crime.

In his defense, Labosta testified that the victim was his *kumpare* and that he only acted in self-defense. On the night in question, he was on his way home and passed by the *peryahan* when the victim angrily approached him with a knife. As the victim approached him, the latter said "*papatayin kita*" then attempted to stab him twice. Labosta was able to parry the stabbing thrusts with the use of a plastic chair. The victim continued stabbing him so he backtracked fearing that the victim might kill him. When he was cornered, he let go of the chair and pulled out his *balisong* hidden in his underwear and stabbed the victim.

Labosta further related that he surrendered first to the *barangay* captain then, soon after, to the police.[4] Thereafter, Labosta posted bail.[5]

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3 *See* CA Decision, id. at 42.
4 *Rollo*, pp. 32-34.
5 Id. at 92-95

The RTC Ruling

On June 8, 2016, the Regional Trial Court (RTC), Branch 94 of Boac, Marinduque, rendered its Decision, disposing as follows:

> **WHEREFORE,** this Court finds accused GERONIMO LABOSTA Y REANZARES **GUILTY BEYOND REASONABLE DOUBT** of the crime of Homicide and hereby sentenced to an indeterminate penalty ranging from three (3) years, four (4) months and one (1) day of [*prision correccional*] as minimum and eight (8) years and one (1) day of [*prision mayor*] as maximum, and to pay the heirs of Maximo Saludes the amount of Fifty Thousand (₱50,000.00) Pesos as civil indemnity and Fifty Thousand (₱50,000.00) Pesos as moral damages.
>
> Accused **GERONIMO LABOSTA Y REANZARES** is hereby ordered committed to the National Penitentiary, New Bilibid Prisons, Muntinlupa City for the service of this sentence.
>
> SO ORDERED.[6]

The trial court gave weight to the testimony of the prosecution witness, De Luna, that it was Labosta who was the aggressor in the incident. It held that Labosta was more likely the aggressor and not the victim as he was positively identified by the eyewitness as the one who initiated the attack. Labosta also had more reason to initiate the conflict as he had an existing grudge against the victim arising from a land dispute between the two. Another factor which belied the claim that the accused merely acted in self-defense was the number of wounds inflicted upon the victim.

The trial court however appreciated the mitigating circumstances of voluntary surrender and seniority in lowering the penalty. The defense was able to prove that Labosta was already 74 years old at the time of the incident.[7]

Labosta filed an appeal alleging that the trial court erred in giving undue weight to the testimonies of the prosecution witnesses and in not finding that he merely acted in self-defense.[8]

The CA Ruling

On May 31, 2018, the CA rendered the herein assailed Decision denying Labosta's appeal, finding that he failed to prove the existence of the justifying circumstance of self-defense. The *fallo* reads:

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6 Id. at 34.
7 Id. at 62-65.
8 Id. at 35.

> **WHEREFORE,** premises considered, the Appeal is hereby **DENIED**. The Decision, dated 08 June 2016 of the Regional Trial Court, Fourth Judicial Region, Branch 94, Boac, Marinduque in Criminal Case No. 118-03 is **AFFIRMED**.
>
> **SO ORDERED.**[9]

The CA held that the trial court correctly rejected the plea of self-defense and ruled that Labosta was in fact the aggressor in this case. The RTC noted that during his direct testimony, Labosta admitted that he had a grudge against the victim because the latter was able to transfer the title of Labosta's land to the victim's name.

The CA further noted De Luna's testimony that it was Labosta who approached the victim and pushed the latter to the ground with a plastic chair. When the victim was on the ground, Labosta even stooped down in order to stab the victim. If Labosta had no evil intent against the victim, he could have just ran away after the victim fell to the ground. The number of wounds sustained by the victim is also inconsistent with a plea of self-defense.

The appellate court gave weight to Dr. Grate's report which found that the lacerated wounds, measuring 7.5 inches (anterior chest, left radiating to the neck), 5.0 cm. (anterior check, near anterior axillary line, left), 2.5 cm (anterior chest, left) and 2.0 cm (level 5^{th}-6^{th} rib, left) caused the victim's bleeding, leading to a hypovolemic shock. Hypovolemic shock involves blood loss, damaging the internal organs such as the heart and kidney, which causes instantaneous death.

The CA likewise observed that Labosta failed to present any witness to corroborate his claim. Since the place where the incident happened was a *peryahan*, it would have been easy to find someone to corroborate Labosta's defense, if what he said was true.[10]

On August 8, 2019, Labosta filed a Motion for Substitution of Bail Bond to which the Office of the Solicitor General did not object.[11]

The Present Petition

Labosta is now before the Court raising the following issues:

> I
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> WHETHER THE COURT OF APPEALS GRAVELY ERRED IN AFFIRMING THE REGIONAL TRIAL COURT'S DECISION DESPITE THE FACT THAT THE LATTER GAVE UNDUE WEIGHT AND CREDENCE TO THE SELF-SERVING TESTIMONY OF THE

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9 Id. at 38.
10 Id. at 36-37.
11 Id. at 21-23.

PROSECUTION'S LONE EYEWITNESS.

II

WHETHER THE COURT OF APPEALS COMMITTED GRAVE ERROR IN FINDING THE PETITIONER GUILTY OF THE CRIME OF HOMICIDE DESPITE CLEAR AND CONVINCING EVIDENCE THAT HE MERELY ACTED IN SELF-DEFENSE.[12]

Labosta argues that De Luna's testimony should have been given scant consideration by the RTC and the CA since it was self-serving and uncorroborated by other witnesses.

Granting that De Luna's testimony was worthy of credence, Labosta asserts that, still, he should have been acquitted since he merely acted in self-defense. There was unlawful aggression on the part of the victim. The victim suddenly attacked him (Labosta) twice with a knife which he was able to parry with the use of a chair. There was also reasonable necessity to use the means employed to avert the aggression. Labosta was already 74 years old when he was attacked by the victim with the use of a knife. After Labosta was cornered, he had no choice but to defend himself with the use of a knife. The prosecution also failed to establish that there was sufficient provocation on the part of petitioner.[13]

The Court's Ruling

The Court denies the petition.

Settled is the doctrine that the findings of the trial courts on the credibility of witnesses deserve a high degree of respect and will not be disturbed during appeal in the absence of any clear showing that the trial court overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which could have altered the conviction of the appellant. Moreover, factual findings of the trial court, when affirmed by the CA, are considered binding and conclusive. While there are recognized exceptions, such as when the evaluation was reached arbitrarily or when the trial court overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which could affect the result of the case,[14] the Court is of the view that none of these exceptions exist in the case at bar.

It is true that De Luna's testimony was uncorroborated as he was the lone eyewitness of the prosecution. This, however, does not lessen the weight of his account.

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12 Id. at 19.

13 Id. at 21-23.

14 *Napone, Jr. v. People*, G.R. No. 193085, November 29, 2017, 847 SCRA 79.

Cases have settled that the testimony of a single, trustworthy and credible witness could be sufficient to convict an accused. This is because witnesses' accounts are weighed, not numbered. "The testimony of a sole witness, if found convincing and credible by the trial court, is sufficient to support a finding of guilt beyond reasonable doubt. Corroborative evidence is necessary only when there are reasons to warrant the suspicion that the witness falsified the truth or that his observation had been inaccurate."[15]

In this case, there is no reason to doubt the truthfulness of De Luna's account as it was detailed and straightforward. There was also no indication that he had any ill motive against the accused that would have impelled him to give false testimony.

Thus, we find no reason to depart from the well-established rule that the evaluation of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct and attitude under grueling examination.[16]

Labosta next laments the lower courts' resolve not to give merit to his claim of self-defense, insisting that he merely parried the attacks of the victim who made the first acts of aggression.

We are not swayed.

A plea of self-defense is as much a confession as it is an avoidance. By invoking self-defense, the accused admits having killed or having deliberately inflicted injuries on the victim, asserting only that he has not committed any felony and is not criminally liable therefor.[17]

When an accused invokes the justifying circumstance of self-defense, the burden of evidence shifts to him. This is because, by his admission, he is to be held criminally liable for the death of the victim unless he satisfactorily establishes the fact of self-defense. It is incumbent upon the accused to prove his innocence by clear and convincing evidence. He must rely on the strength of his evidence and not on the weakness of the prosecution for, even if the latter is weak, it could not be denied that he has admitted to be the author of the victim's death.[18]

To successfully claim self-defense, the accused must satisfactorily prove the concurrence of the following elements: (1) unlawful aggression; (2) reasonable necessity of the means employed to prevent or repel it; and

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15 *People v. Orosco*, 757 Phil. 299, 305 (2015).
16 *People v. Mancao*, G.R. No. 228951, July 17, 2019.
17 *People v. Panerio*, G.R. No. 205440, January 15, 2018.
18 *Napone, Jr. v. People*, supra note 14.

(3) lack of sufficient provocation on the part of the person defending himself.[19]

Here, both lower courts rejected Labosta's plea of self-defense after finding that he was in fact, the aggressor. Giving weight to the testimony of prosecution witness De Luna, the trial court found that Labosta pushed the victim with the chair he was holding with his left hand. And while the victim was on the ground, Labosta stabbed the victim three or four times.[20] This is consistent with the autopsy report which showed that the victim sustained seven lacerated wounds, five contusions and abrasions.[21]

As correctly observed by the appellate court, the number of wounds of the victim belies the accused's claim of self-defense. In determining the reasonable necessity of the means employed, the courts may look at and consider the number of wounds inflicted. A large number of wounds inflicted on 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.[22]

The trial court also noted that in his direct testimony, Labosta admitted that he had an existing grudge against the victim because of a land dispute wherein the victim was able to transfer the title of Labosta's land to the victim's name.[23] This admission coupled with the unbiased testimony of De Luna bolsters the prosecution stance that it was Labosta and not the victim who initiated the attack.

Given the circumstances, the prosecution correctly found Labosta to be guilty of homicide.

Article 249 of the Revised Penal Code states that:

> ART. 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 preceding article, shall be deemed guilty of homicide and be punished by *reclusion temporal*.

In this case, De Luna positively identified Labosta as the one who killed the victim:

> A: What I saw is that Geronimo Labosta was holding a bench "bangko" and a knife.
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> Q: Describe to us the bench he was holding?

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19 Id.
20 *Rollo*, p. 33.
21 Id. at 36.
22 *People v. Olarbe*, G.R. No. 227421, July 23, 2018.
23 *Rollo*, p. 36.

A: Plastic chair…

Q: [Who] is bigger, Geronimo Labosta or Maximo Saludes?

A: Geronimo Labosta…

Q: Did accused get the plastic chair in order to protect him from the deceased Maximo Saludes?

A: Yes, sir.

Q: So, in other words, Maximo Saludes was approaching the accused Geronimo Labosta when the latter was holding a plastic chair?

A: It was Geronimo Labosta who is at that time approaching Maximo Saludes…

Q: What did accused Geronimo Labosta do with the plastic chair?

A: He used the plastic chair in pushing Maximo Saludes and then he stabbed Saludes.

Q: Did Maximo Saludes fall on the ground when he was pushed allegedly by the accused?

A: Yes, sir.

Q: So when accused allegedly stabbed Maximo Saludes, the latter was already lying on the ground, is that what you want to impress the Honorable Court?

A: Yes, sir.

Q: How many times did accused allegedly stab Maximo Saludes?

A: Three or four times, sir…

Q: So, when accused allegedly hit the victim, was he in a prone position when he was allegedly stabbing the victim? I mentioned a prone position, what was actually the accused, what was the actual position of the accused when the alleged stabbing incident happened?

A: He was holding the chair and he stooped and delivered the stabbing thrust.[24]

As for the penalty, the trial court correctly imposed the indeterminate penalty of three years, four months and one day of *prision correccional* as minimum and eight years and one day of *prision mayor* as maximum, in view of the mitigating circumstances of voluntary surrender and age of the accused. The RTC also correctly imposed damages in the amount of ₱50,000.00 as civil indemnity and ₱50,000.00 as moral damages, consistent with prevailing jurisprudence. In addition, however, we find that all

[24] Comment, *rollo*, pp. 117-119.

damages awarded should be subject to the rate of 6% legal interest per annum from finality of this Decision until full satisfaction.[25]

WHEREFORE, the petition is **DENIED** for lack of merit. The Court of Appeals Decision dated May 31, 2018 and the Resolution dated December 17, 2018 are **AFFIRMED** with **MODIFICATION**. Geronimo Labosta y Reanzares is found guilty of Homicide and is hereby sentenced to an indeterminate penalty of three (3) years, four (4) months and one (1) day of *prision correccional* as minimum to eight (8) years and one (1) day of *prision mayor* as maximum, and to pay the heirs of Maximo Saludes the amount of Fifty Thousand (₱50,000.00) Pesos as civil indemnity and Fifty Thousand (₱50,000.00) Pesos as moral damages, which amounts shall be subject to 6% legal interest per annum from finality of this Decision until fully paid.

SO ORDERED.

JOSE C. REYES, JR.
Associate Justice

WE CONCUR:

DIOSDADO M. PERALTA
Chief Justice
Chairperson

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

AMY C. LAZARO-JAVIER
Associate Justice

MARIO V. LOPEZ
Associate Justice

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25 *People v. Jugueta*, 783 Phil. 806, 856 (2016).

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.

DIOSDADO M. PERALTA
Chief Justice