



Republic of the Philippines
Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
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THIRD DIVISION

ISIDRO MIRANDA y PARELASIO, G.R. No. 234528
 Petitioner,

Present:

PERALTA, J.,
Chairperson,
 LEONEN,
 A. REYES, JR.,
 HERNANDO, and
 CARANDANG,* JJ.

- versus -

PEOPLE OF THE PHILIPPINES,
 Respondent.

Promulgated:

January 23, 2019

[Signature]

X-----X

DECISION

A. REYES, JR., J.:

This treats of the Petition for Review on *Certiorari*¹ under Rule 45 of the Revised Rules of Court filed by petitioner Isidro Miranda y Parelasio (Miranda), seeking the reversal of the Decision² dated May 15, 2017, and Resolution³ dated September 13, 2017, rendered by the Court of Appeals (CA) in CA-G.R. CR No. 38523, which affirmed the trial court's ruling convicting him of the crime of Frustrated Homicide.

The Antecedents

On September 28, 2011, an Information was filed against Miranda for the crime of frustrated homicide, committed as follows:

* Designated as additional Member per Special Order No. 2624 dated November 28, 2018.

¹ *Rollo*, pp. 12-35.

² Penned by Associate Justice Jhosep Y. Lopez, with Associate Justices Normandie B. Pizarro and Samuel H. Gaerlan, concurring; *id.* at 41-49.

³ *Id.* at 51-52.

[Signature]

That on or about the 14th day of August 2011 in Barangay Binonoan of Infanta, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, armed with [a] bolo, did then and there, willfully, feloniously and unlawfully, assaulted and repeatedly hacked a certain WINARDO PILO Y MORTIZ, on the different part[s] of his body thereby inflicting upon the latter mortal wounds on the parts of his body, thus, performing all acts of execution which would produce the crime of Homicide as a consequence but which nevertheless do not produce the same by reason of causes independent of the will of the accused. To wit: the timely and able medical assistance rendered to the complainant (minor) which prevented his instantaneous death.

CONTRARY TO LAW.⁴

When arraigned on December 6, 2011, Miranda pleaded not guilty to the crime charged. During the pre-trial, he interposed self-defense, which led to a reverse trial of case.⁵

The antecedent facts show that in the evening of August 14, 2011, victim Winardo Pilo (Pilo) attended the party of his niece at Barangay Binonoan, Infanta, Quezon. After the party, he and his friend Danilo Damaso (Damaso) left. While on their way home, they passed by the house of Miranda and threw stones at the latter's home.⁶

While Pilo was on his way home, Miranda suddenly went outside and started hacking Pilo. He hit Pilo's right forehead. Again, Miranda tried to hit Pilo, but the latter parried the attack with his left arm.⁷

In an attempt to stop Miranda, Damaso threw a stone at him. Thereafter, Damaso grabbed possession of the bolo.⁸

In his defense, Miranda admitted that he hacked Pilo with the bolo twice, but claimed that his acts were done in self-defense.⁹ He narrated that on August 14, 2011, at around 7:00 p.m., while he was at home with his wife and daughter, he suddenly heard a thud at their door, followed by several other thuds and stones hurled at their house. Miranda peeped through the window and saw Pilo, throwing stones. He claimed that before he peeped through the door, he heard Pilo challenge him to come out so that they could kill each other.¹⁰ Miranda asked Pilo if something was wrong, but the latter

⁴ Id. at 42.

⁵ Id. at 73.

⁶ Id. at 43.

⁷ Id.

⁸ Id. at 79.

⁹ Id. at 74.

¹⁰ Id. at 75.

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ignored him and continued hurling stones.¹¹ According to Miranda, Pilo approached him and hit his upper left cheek with a stone. When Pilo stretched his two arms downwards to pick up something from the ground, Miranda suddenly hacked Pilo's arm with his bolo, in order to defend himself from Pilo's oncoming attack.¹²

At this instance, Damaso, arrived and grappled with Miranda to get a hold of the latter's bolo. Because of this, Damaso likewise sustained injuries.

Ruling of the Trial Court

On January 7, 2016, the Regional Trial Court (RTC) rendered a Decision¹³ finding Miranda guilty beyond reasonable doubt of the crime of frustrated homicide. The RTC held that Miranda's claim of self-defense is biased, self-serving, inconsistent, illogical and contrary to the common experience of man.¹⁴ The RTC further held that Miranda failed to prove that his act of hacking Pilo was legally justified.¹⁵ The dispositive portion of the RTC ruling reads:

IN THE LIGHT OF THE FOREGOING, judgment is hereby rendered against [Miranda], finding him GUILTY beyond reasonable doubt of the crime of frustrated homicide, and there being [sic] aggravating nor mitigating circumstance and applying the Indeterminate Sentence Law, this Court hereby imposes upon the said accused the penalty of imprisonment which is the maximum of *prision correccional* in its medium period which is Four (4) years and Two (2) months, as minimum, up to the maximum of *prision mayor* in its medium period which is Ten (10) years, as maximum, to suffer all the accessory penalties, to pay private complainant [Pilo] the amount of Thirty Thousand Pesos (Php30,000.00) as actual and/or temperate damages, Twenty Thousand Pesos (Php20,000.00) as moral damages, Ten Thousand Pesos (Php10,000.00) as exemplary damages, and to pay the costs of suit.

SO ORDERED.¹⁶

Dissatisfied with the ruling, Miranda filed an appeal with the CA.

¹¹ Id. at 15.
¹² Id. at 74; 15.
¹³ Rendered by Presiding Judge Arnelo C. Mesa; id. at 73-92.
¹⁴ Id. at 82.
¹⁵ Id. at 85.
¹⁶ Id. at 92.

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Ruling of the CA

On May 15, 2017, the CA rendered the assailed Decision¹⁷ affirming the conviction meted by the trial court against Miranda. The CA ratiocinated that Miranda's claim of self-defense had no leg to stand on, considering that the act of Pilo of hurling stones at the house of Miranda cannot be regarded as an unlawful aggression that warranted the latter's act of hacking Pilo with a bolo.¹⁸

However, the CA held that although the act may not be regarded as an unlawful aggression, it may nonetheless be appreciated as sufficient provocation on the part of Pilo, which mitigates Miranda's liability. Pilo's act of throwing stones at the house of Miranda is sufficient provocation to enrage him, or stir his anger and obfuscate his thinking, more so, when the lives of his wife and children were placed in danger.¹⁹

However, the CA held that there was no voluntary surrender on Miranda's part considering that he did not actually voluntarily surrender to the police authorities. Thus, the CA modified the penalty meted by the RTC unto Miranda, as follows:

WHEREFORE, premises considered, the appeal is **DISMISSED**. The Decision dated January 7, 2016 of the [RTC] of Infanta, Quezon, in Criminal Case No. 2011-150-I is **AFFIRMED** with **MODIFICATION**. Accused-appellant **ISIDRO MIRANDA y PARELASIO** is found guilty of frustrated homicide and sentenced to suffer imprisonment from four (4) years of *prision correccional*, as minimum, to seven (7) years of *prision mayor*, as maximum. He is also ordered to pay **WINARDO PILO** the sum of Twenty-Five Thousand Pesos (Php25,000.00) as temperate damages and Ten Thousand Pesos (Php10,000.00) as moral damages. The award of exemplary damages is hereby ordered **DELETED**.

SO ORDERED.²⁰

The Issue

The main issue raised for the Court's resolution rests on whether or not the prosecution proved the guilt of Miranda for frustrated homicide beyond reasonable doubt.

In Miranda's petition for review, he staunchly maintains that the CA erred in failing to exonerate him, as he merely acted in self-defense.

¹⁷ Id. at 41-49.

¹⁸ Id. at 46.

¹⁹ Id.

²⁰ Id. at 48.

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On the other hand, the People, through the Office of the Solicitor General (OSG), counters that the prosecution sufficiently proved the guilt of Miranda beyond reasonable doubt. The OSG maintains that Miranda may not claim self-defense in the absence of an unlawful aggression from Pilo. Moreover, the OSG avers that Miranda's intent to kill Pilo was evident from the kind of weapon he used and the number and nature of wounds the latter sustained.

Ruling of the Court

The instant petition is devoid of merit.

It must be noted at the outset that in criminal cases, the factual findings of the trial court are generally accorded great weight and respect on appeal, especially when such findings are supported by substantial evidence on record. It is only in exceptional circumstances, such as when the trial court overlooked material and relevant matters, that the Court will evaluate the factual findings of the court below.²¹ Guided by this principle, the Court finds no cogent reason to disturb the RTC's factual findings, which were affirmed by the CA.

The Prosecution Proved Beyond Reasonable Doubt that Miranda is Guilty of Frustrated Homicide

Significantly, in cases of frustrated homicide, the prosecution must prove beyond reasonable doubt that: "(i) the accused intended to kill his victim, as manifested by his use of a deadly weapon in his assault; (ii) the victim sustained [a] fatal or mortal wound but did not die because of timely medical assistance; and (iii) none of the qualifying circumstances for murder under Article 248 of the Revised Penal Code (RPC), as amended, are present."²²

It bears stressing that the main element in frustrated homicide is the accused's intent to take his victim's life. The prosecution has to prove this clearly and convincingly to exclude every possible doubt regarding homicidal intent. Intent to kill, being a state of mind, is discerned by the courts only through external manifestations, such as the acts and conduct of the accused at the time of the assault and immediately thereafter.²³ Likewise, such homicidal intent may be inferred from, among other things,

²¹ *People v. Palma, et al.*, 754 Phil. 371, 377 (2015).

²² *De Guzman, Jr. v. People*, 748 Phil. 452, 458 (2014).

²³ *Id.* at 458-459.

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the means the offender used, and the nature, location, and number of wounds he inflicted on his victim.²⁴

In fact, in *De Guzman, Jr. v. People*,²⁵ the Court, quoting *Rivera v. People*,²⁶ enumerated the factors that determine the presence of intent to kill, to wit:

(1) the means used by the malefactors; (2) the nature, location, and number of wounds sustained by the victim; (3) the conduct of the malefactors before, during, or immediately after the killing of the victim; and (4) the circumstances under which the crime was committed and the motives of the accused.²⁷

In the case at bar, Miranda's intent to kill was clearly established by the nature and number of wounds sustained by Pilo. The records show that Miranda used a bolo measuring 1½ feet. The hacking wound was about five inches long, and 1 inch deep fracturing Pilo's skull in the parietal area.²⁸ Relentless in his attack, Miranda continuously made several thrusts against Pilo, while the latter was already sprawled on the ground. This caused Pilo to sustain two additional wounds. These deep gashes measured four inches long by one-inch deep, and 1.5 inch long by one-inch deep in Pilo's forearm. In fact, these continuous attacks were stopped only when Damaso arrived and grappled with the weapon.²⁹ Undoubtedly, the manner of attack and the injuries sustained show forth a clear resolve to end Pilo's life. Indeed, these injuries cannot simply be brushed aside as grazing injuries, especially considering that one of which, was an injury to the head of Pilo, which may have caused the latter's untimely demise, if not for the timely medical assistance.

Miranda's Claim of Self-Defense is Unbelievable

In a bleak attempt to exonerate himself from the crime charged, Miranda claims that he merely acted in self-defense.

The Court is not persuaded.

To begin with, when the accused invokes self-defense, in effect, he admits to the commission of the acts for which he was charged, albeit under circumstances that, if proven, would exculpate him. As such, the burden of

²⁴ *Abella v. People*, 719 Phil. 53, 66 (2013), citing *Colinares v. People*, 678 Phil. 482, 494 (2011).

²⁵ 748 Phil. 452 (2014).

²⁶ 511 Phil. 824 (2006).

²⁷ *De Guzman, Jr. v. People*, supra note 25, at 458.

²⁸ *Rollo*, p. 88.

²⁹ *Id.* at 88-89.

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proving that his act was justified, shifts upon him.³⁰ This means that the accused must prove by clear and convincing evidence that the attack was accompanied by the following circumstances: (i) unlawful aggression on the part of the victim; (ii) reasonable necessity of the means employed to prevent or repel such aggression; and (iii) lack of sufficient provocation on the part of the person resorting to self-defense.³¹ The accused must rely on the strength of his own evidence and not on the weakness of the prosecution, for even if the prosecution's evidence is weak, it cannot be disbelieved after the accused himself has admitted his acts.³²

It, likewise, bears stressing that the most important element of self-defense is unlawful aggression. This is a condition *sine qua non* for upholding self-defense.³³ Significantly, the accused must establish the concurrence of three elements of unlawful aggression, namely: (i) there must have been a physical or material attack or assault; (ii) the attack or assault must be actual, or, at least, imminent; and (iii) the attack or assault must be unlawful.³⁴ To be sure, the accused must show that the aggression caused by the victim in fact put his life or personal safety in real and grave peril. This danger must not be a mere imagined threat.

Equally important, imminent unlawful aggression means that the attack against the accused is impending or at the point of happening. This scenario must be distinguished from a mere threatening attitude, nor must it be merely imaginary, but must be offensive and positively strong.³⁵

Applying the foregoing doctrines to the case at bar, it becomes all too apparent that the evidence on record does not support Miranda's contention that Pilo employed unlawful aggression against him. It must be remembered that Pilo was merely throwing stones at the house of Miranda. Miranda himself admitted during the trial that Pilo did not throw stones at him, much less, utter any invectives, or threatening words against him. In fact, the stones Pilo threw merely hit Miranda's roof and door.³⁶

Equally telling is the fact that when Miranda asked Pilo why he was throwing stones, the latter did not respond but simply remained mum, and threw a stone at Miranda's iron door. Miranda even further narrated that after throwing stones, Pilo even approached him, which made him believe that Pilo was trying to make peace with him.³⁷ This certainly belies an impending threat to Miranda's life. The following exchange proves the absence of an unlawful aggression, *viz.*:

³⁰ *Dela Cruz v. People, et al.*, 747 Phil. 376, 384-385 (2014).

³¹ *Guevarra, et al. v. People*, 726 Phil. 183, 194 (2014).

³² *Dela Cruz v. People*, supra note 30, at 384-385.

³³ *People v. Dulin*, 762 Phil. 24, 36 (2015).

³⁴ *Id.* at 37.

³⁵ *Id.*

³⁶ *Rollo*, p. 85, 87.

³⁷ *Id.* at 86.

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ATTY. CAYANAN:

Q: What did you do after you heard the thug (sic thud) which you felt to be caused by stones that was [sic] thrown to your door?

A: I looked at the window to find out where those thug (sic thud) coming from and I saw Winardo Pilo throwing stones, sir.

x x x x

Q: When you saw the private complainant throwing stones at your door, what did you do next, if there was any?

A: I asked him why he was throwing stones at my door while the door did not commit any mistake, sir.

x x x x

Q: After the said private complainant still continued to throw stones at your door, what happened next, if there was any?

A: I went out of the house and asked him again why he was throwing stones at my house, sir.

Q: What did the private complainant answer to you, if there was any?

A: **He remained silent and then he approached me and I thought that he was going to make peace with me, sir.**³⁸

It is all too apparent that Miranda's life was not in grave peril. The stones were never directed against Miranda. More than this, Miranda even believed that Pilo was going to make peace with him. Obviously, Miranda was certainly not faced with any actual, sudden, unexpected or imminent danger for him to have the need to defend himself.

Moreover, the Court cannot lose sight of the fact that Miranda hacked Pilo four times, when the latter was completely defenseless. This continuous hacking by Miranda constitutes force beyond what is reasonably required to repel the private complainant's attack—and is certainly unjustified. Notably, in *Espinosa v. People*,³⁹ which also involves the continuous hacking by the accused even after the aggressor had been neutralized, the Court stressed that “the act of the accused in repeatedly hacking the victim was in no way a reasonable and necessary means of repelling the aggression allegedly initiated by the latter.”⁴⁰

Additionally, even assuming for the sake of argument that Pilo stooped down to the ground, which Miranda perceived as a threat that Pilo was going to pick up a stone, there is absolutely nothing life-threatening in such a situation. It must be emphasized that imminent unlawful aggression

³⁸ Id. at 85-86.

³⁹ 629 Phil. 432 (2010).

⁴⁰ Id. at 439.

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must not be a mere threatening attitude of the victim.⁴¹ Undoubtedly, Pilo's act of simply stooping down to the ground was in no way a threat to Miranda's life.

It, likewise, bears stressing that Miranda cannot seek exoneration on the simple pretext that the attack was initiated by Pilo. Suffice to say, in the case of *People v. Dulin*,⁴² the Court held that the fact that the victim was the initial aggressor does not *ipso facto* show that there was unlawful aggression. The Court elucidated that although the victim may have been the initial aggressor, he ceased to be the aggressor as soon as he was dispossessed of the weapon. Whatever the accused did thereafter is no longer self-defense, but retaliation, which is not the same as self-defense. In retaliation, the aggression that the victim started already ceased when the accused attacked him, but in self-defense, the aggression was still continuing when the accused injured the aggressor.⁴³ In the instant case, Miranda continued to hack Pilo even after the latter stopped throwing stones. Plainly, Miranda's act constituted a retaliation against Pilo. Certainly at this point, Miranda was no longer motivated by the lawful desire of defending himself, but of the evil intent of retaliating and harming Pilo.

In addition to the fact that there was no unlawful aggression, the Court, likewise, notes that the means employed by Miranda was not reasonably commensurate to the nature and extent of the alleged attack, which he sought to avert. In *Dela Cruz v. People, et al.*,⁴⁴ the Court emphasized that, "the means employed by the person invoking self-defense contemplates a rational equivalence between the means of attack and the defense. The means employed by a person resorting to self-defense must be rationally necessary to prevent or repel an unlawful aggression."⁴⁵ Here, the victim Pilo was armed with a stone, in contrast to the 1½-inch bolo that Miranda was brandishing.

More so, as correctly observed by the CA, Miranda could have stayed hidden and protected at his house. He himself even admitted that he hid among the banana shrubs before hitting Pilo. In fact, he waited for Pilo to come out of his house, while he was hiding among the banana shrubs outside of the yard of their house.⁴⁶

***Miranda is Entitled to the
Mitigating Circumstance of
Sufficient Provocation***

⁴¹ *People v. Dulin*, supra note 33, at 37.

⁴² 762 Phil. 24 (2015).

⁴³ Id. at 38.

⁴⁴ 747 Phil. 376 (2014).

⁴⁵ Id. at 391.

⁴⁶ *Rollo*, p. 77.

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Although Pilo's act of hurling stones may not be regarded as an unlawful aggression, admittedly, however, such deed was vexatious, improper and enough to incite Miranda into anger. The fact that Miranda was stirred to rage was understandable considering that his wife and daughter were at his home, and were peacefully having supper when Pilo threw the stones.

In *Gotis v. People*,⁴⁷ the Court held that while an act cannot be considered an unlawful aggression for the purpose of self-defense, the same act may be regarded as sufficient provocation for the purpose of mitigating the crime.⁴⁸ "As a mitigating circumstance, sufficient provocation is any unjust or improper conduct or act of the victim adequate enough to excite a person to commit a wrong, which is accordingly proportionate in gravity."⁴⁹ The victim must have committed a prior act that incited or irritated the accused.⁵⁰ Likewise, in order to be mitigating, the provocation must be sufficient and should immediately precede the act.⁵¹

In fact, in a long line of cases, the Court considered that although there may have been no unlawful aggression on the part of the victim, if the latter was nonetheless deemed to have given sufficient provocation, then the accused's liability shall be mitigated. Such acts which were deemed vexatious range from the victim's act of challenging the accused's family while armed with a bolo;⁵² or thrusting a bolo at the accused while threatening to kill him with the lives of the accused's wife and children placed in peril;⁵³ and the victim attempting to hack the accused.⁵⁴ Certainly, Pilo's act of hurling stones while Miranda's family was peacefully enjoying their supper falls within this range. Accordingly, the Court shall consider in favor of Miranda the mitigating circumstance of sufficient provocation.

The Proper Penalty

Article 249 of the RPC states that the penalty for homicide shall be *reclusion temporal*. Considering that the crime committed was frustrated homicide, then the penalty imposed shall be one degree lower than *reclusion temporal*, which is *prision mayor* in its minimum term, in view of the presence of the mitigating circumstance of sufficient provocation.

⁴⁷ 559 Phil. 843 (2007).

⁴⁸ Id. at 850.

⁴⁹ Id., citing *L. Reyes*, *The Revised Penal Code Book One* 265 (13th ed., 1993), 264-265.

⁵⁰ *Pepito v. CA*, 369 Phil. 378, 396 (1999).

⁵¹ Id., citing *People v. Pagal*, 169 Phil. 550, 558 (1977).

⁵² *Pepito, et al. v. CA*, supra.

⁵³ *Gotis v. People*, supra note 47, at 850-851, citing *Romero v. People*, 478 Phil. 606, 612-613 (2004).

⁵⁴ *Gotis v. People*, id. at 851.

Reyes

Furthermore, applying the Indeterminate Sentence Law, an indeterminate sentence shall be imposed, consisting of a maximum term, which is the penalty under the RPC properly imposed after considering any attending circumstance; while the minimum term is within the range of the penalty next lower than that prescribed by the RPC for the offense committed.⁵⁵ Accordingly, the CA correctly meted the penalty of four (4) years of *prision correccional*, as minimum, to seven (7) years of *prision mayor*, as maximum.


However, the Court shall modify the amount of damages awarded in order to conform with current jurisprudence. Guided by the Court's ruling in *People v. Jugueta*,⁵⁶ the amount of damages imposed against Miranda shall be as follows: (i) Php 50,000.00 as civil indemnity, (ii) Php 50,000.00 as moral damages, and (iii) Php 50,000.00 as exemplary damages. These amounts shall be subject to the legal rate of interest of six percent (6%) *per annum* from the finality of the Court's ruling until full payment.

WHEREFORE, premises considered, the instant petition is **DENIED for lack of merit**. The Decision dated May 15, 2017, rendered by the Court of Appeals in CA-G.R. CR No. 38523, convicting petitioner Isidro Miranda y Parelasio of the crime of Frustrated Homicide, is hereby **AFFIRMED with modification**, in that Miranda is hereby ordered to pay victim Winardo Pilo the following amounts of damages in line with *People v. Jugueta*: (i) Php 50,000.00 as civil indemnity, (ii) Php 50,000.00 as moral damages, and (iii) Php 50,000.00 as exemplary damages. The total amount due shall earn a legal rate of interest of six percent (6%) *per annum* from the date of the finality of this Decision until the full satisfaction thereof.

SO ORDERED.

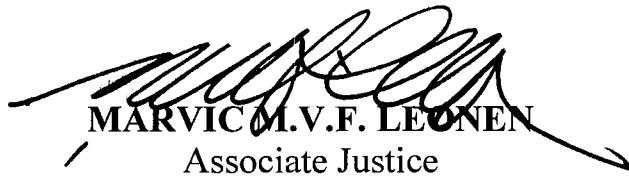

ANDRES B. REYES, JR.
Associate Justice

WE CONCUR:



DIOSDADO M. PERALTA
Associate Justice
Chairperson

⁵⁵ Act No. 4103, Section 1.

⁵⁶ 783 Phil. 806 (2016).



MARVIC M.V.F. LEONEN
Associate Justice



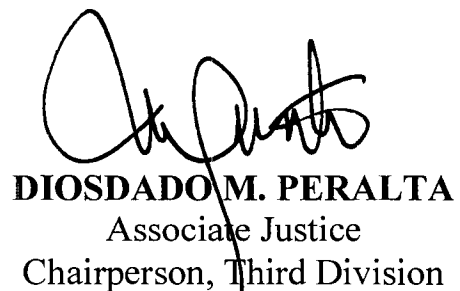
RAMON PAUL L. HERNANDO
Associate Justice



ROSMARI D. CARANDANG
Associate Justice

ATTESTATION

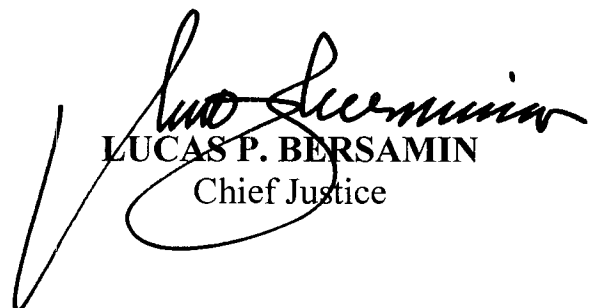
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



DIOSDADO M. PERALTA
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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.



LUCAS P. BERSAMIN
Chief Justice