

Republic of the Philippines
Supreme Court
 Manila

SECOND DIVISION

THE PEOPLE OF THE PHILIPPINES,

G.R. No. 220486

Plaintiff-appellee,

Members:

- versus -

CARPIO, *Chairperson*
 PERLAS-BERNABE,
 CAGUIOA,
 REYES, J., JR., and
 LAZARO-JAVIER, *JJ.*

ELINJER CORPUZ y DAGUIO,
Accused-appellant.

Promulgated:
26 JUN 2019

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DECISION

LAZARO-JAVIER, J.:

The Case

This appeal assails the Decision¹ dated February 18, 2015 of the Court of Appeals in CA-G.R. CR-H.C. No. 06274 affirming appellant's conviction for murder with modification of the monetary awards.

The Proceedings Before the Trial Court

The Charge

Appellant Elinjer Daguio Corpuz was charged with murder for the death of Jerry Corpuz, *viz:*

That on or about the 2nd day of September, 2011, at around 4:00 o'clock in the afternoon at Brgy. Padapada, Municipality of Sta. Ignacia, Province of Tarlac,

¹ CA rollo, pp. 85-105, penned by Associate Justice Stephen C. Cruz and concurred in by Associate Justice Fernanda Lampas Peralta and Associate Justice Ramon Paul L. Hernando (now a member of this Court).

Philippines, and within the jurisdiction of this Honorable Court, the said accused armed with a gun, with treachery and evident premeditation, did then and there willfully, unlawfully and feloniously shot Jerry Corpuz on the head causing his instantaneous death.²

The case was raffled to Regional Trial Court, Branch 68, Camiling, Tarlac.

On arraignment, appellant pleaded “not guilty”.³ Trial thereafter followed. Ofelia Domingo Corpuz and Jerick Corpuz testified for the prosecution. On the other hand, appellant and Jomer Corpuz testified for the defense.

The Prosecution’s Evidence

Prosecution witnesses testified that on September 2, 2011, about 4 o’clock in the afternoon, Jerry left their house and rode his motorcycle to buy feeds. Just after a few meters, he was flagged down by Porfirio Corpuz, Jr..⁴ When Jerry stopped, Porfirio confronted him about a dog. Jerry’s wife Ofelia saw the altercation and she got worried. Together with her son Jerick, she walked toward the direction where Jerry and Porfirio were arguing and pushing each other. She saw Jerry falling to the ground and Porfirio immediately going on top of him. While the two were fighting, Porfirio’s brother, appellant appeared with a gun in hand. He walked up to Jerry and shot the latter twice.

Ofelia shouted for help and begged Porfirio to help bring Jerry to the hospital. But Jerry died even before they got to the hospital. Meanwhile, appellant, still holding his gun, walked away into the fields.

The Defense’s Evidence

Appellant denied the charge and averred that on September 2, 2011, about 4 o’clock in the afternoon, he was cooking dinner inside his house in Pada-Pada, Sta. Ignacia, Tarlac. He later stepped out to gather malunggay leaves for the dish he was cooking. He saw his brother Porfirio who was holding a “*pamalo and pamingwit ng palaka*”.

On his way back to the house, he also saw Jerry’s motorcycle parked by the roadside. When Jerry saw him, he blocked his path and angrily asked him, “*Hoy! Papanam?*” (Where are you going?). He replied “*Ni apay? Annia ti problema, uncle?*” (Why, what is the problem, uncle?). Jerry uttered, “*Maysa kamet a gago.*” (You are also a fool.) Then, Jerry suddenly drew out his .38 caliber gun. Appellant was shocked and tried to grab the gun from Jerry. He was able to get hold of the gun, but Jerry pulled his shirt and whipped him with it. As a result, appellant accidentally pulled the

² Record, p. 1.

³ *Id.* at 19.

⁴ “Porfirio Corpuz” in other parts of the *rollo*.

trigger and fired the gun. But Jerry persisted in taking back the gun from him until they both slid and fell.

While Jerry was down on his knees, appellant noticed he was reaching for a knife from his back. He tried once again to wrestle the gun away from Jerry. Then another shot was fired, hitting Jerry in the chest. He was shocked when he saw him falling to the ground. Soon after, he heard people rushing toward them. He got scared and ran.

The Trial Court's Ruling

The trial court rendered a verdict of conviction. It gave full credence to the testimonies of the prosecution witnesses. It found treachery attended the killing for although appellant's brother had already pinned the victim to the ground, appellant just walked in and shot the hapless victim. Appellant's sudden, swift and unexpected attack effectively deprived the victim of the ability to defend himself, let alone, retaliate. The trial court thus ruled:

WHEREFORE, premises considered, accused Elinjer Daguio Corpuz is found guilty beyond reasonable doubt of the offense of Murder punishable under Article 248 of the Revised Penal Code, as amended and hereby sentences him to a penalty of reclusion perpetua.

He is also ordered to pay the heirs of the victim Jerry Corpuz the amount of Php75,000.00 as civil indemnity, Php50,000.00 as moral damages, Php30,000.00 as exemplary damages, and Php100,000.00 as actual damages.⁵

SO ORDERED.

The Proceedings Before the Court of Appeals


On appeal, appellant faulted the trial court for finding him guilty of murder despite the alleged inconsistencies and improbabilities in the testimonies of the prosecution witnesses; his defense that the shooting was an accident; and the supposed lack of evidence showing that treachery attended the killing.⁶

On the other hand, the Office of the Solicitor General (OSG) through Solicitor General Francis H. Jardeleza (now an Associate Justice of the Supreme Court), Assistant Solicitor General Ma. Antonia Edita C. Dizon and Associate Solicitor John Dominic S. Obias riposted that the trial court correctly relied on the direct and straightforward account of the eyewitnesses Ofelia and Jerick regarding the slaying and the presence of treachery.⁷

⁵ CA rollo, p. 53.

⁶ *Id.* at 35-47.

⁷ *Id.* at 62-77.



The OSG further invoked the rule that the trial court's factual findings will not be disturbed on appeal unless some facts or circumstances of weight have been overlooked, misapprehended or misinterpreted so as to materially affect the disposition of the case.⁸

The Court of Appeals' Ruling

In its assailed *Decision*⁹ dated February 18, 2015, the Court of Appeals affirmed with modification as to the amount of damages. It concurred with the trial court's findings that treachery attended the killing of Jerry. It deleted the award of actual damages, and in lieu thereof, granted Php25,000.00 as temperate damages.

Its dispositive portion reads:

WHEREFORE, all the foregoing considered, the Decision of the Regional Trial Court of Camiling, Tarlac, Branch 68, is hereby **AFFIRMED with MODIFICATION**. Accused-appellant Elinjer Daguio Corpuz is found **GUILTY** beyond reasonable doubt of Murder as defined in Article 248 of the Revised Penal Code, as amended by Republic Act No. 7659, qualified by treachery, and he is sentenced to suffer the penalty of *Reclusion Perpetua*. Accused-appellant is **ORDERED** to pay the heirs of Jerry Corpuz, the following sums: a) Php75,000.00 as and for civil indemnity; b) Php50,000.00 as and for moral damages; c) Php25,000.00 as and for temperate damages, as there was no evidence of burial and funeral expenses; and d) Php30,000.00 as and for exemplary damages as provided by the Civil Code in line with recent jurisprudence, with costs.

SO ORDERED.¹⁰

The Present Appeal

Appellant now seeks affirmative relief from the Court and prays anew for his acquittal.¹¹ In compliance with *Resolution*¹² dated November 23, 2015, both OSG and appellant manifested¹³ that in lieu of supplemental briefs, they are adopting their respective briefs submitted before the Court of Appeals.

Issue

Did the Court of Appeals err in affirming appellant's conviction for murder?

⁸ *Id.* at 75.

⁹ *Id.* at 85-105.

¹⁰ *Id.* at 104-105.

¹¹ *Id.* at 92-94.

¹² *Rollo* at 28-29.

¹³ *Id.* at 30-33; CA *rollo*, pp. 79-81.

Ruling

The appeal utterly lacks merit.

Murder is defined and penalized under Article 248 of the Revised Penal Code, *viz*:

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 aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity;

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Murder requires the following elements: (1) a person was killed; (2) the accused killed him or her; (3) the killing was attended by any of the qualifying circumstances mentioned in Article 248 of the Revised Penal Code; and (4) the killing is not parricide or infanticide.¹⁴

We focus on the second and third elements, the presence of which appellant vigorously disclaims.

Second Element: Appellant was positively identified as the assailant who fatally shot the victim

Ofelia Corpuz, the victim's wife, narrated in detail the circumstances attendant to the slaying of her husband, thus:

Q: Mr. (sic) Witness, do you recall where were you (sic) on September 2, 2011 at around 4:00 in the afternoon?

A: Yes, sir.

Q: Where were you then?

A: In our house, sir.

Q: How about this Jerry Corpuz, do you recall where was he at that time?

A: On that date and time, he is (sic) going to buy feeds, sir.

Q: What vehicle did he use if there is any?

A: A motorcycle, sir.

Q: What kind of motorcycle?

A: Honda TMX, sir.

Q: Were you able to see him going away from the house?

A: Yes, sir.

¹⁴ *People vs. Gaborne*, 791 Phil. 581, 592 (2016); citing *People vs. Dela Cruz*, 626 Phil. 631, 639 (2010).

Q: As you said, you saw your husband going away from the house. Do you remember if there was anything that transpired?

A: None, sir. When my husband left our house he said he is going to buy feeds.

Q: While going to buy feeds, what happened if there was any?

A: It is about the flagging down, sir.

Q: Who stopped your husband?

A: Junior, sir.

Q: What is the full name of that Junior?

A: Porfirio Corpuz, Jr., sir.

X XX

PROS. GUARDIANO:

Q: At the distance, were you able to see what is happening when your husband was flagged down by Porfirio Corpuz, Jr.?

A: Yes, sir.

Q: What was that?

A: He confronted my husband about the dog, sir.

Q: You mean to say, Porfirio Corpuz confronted your husband about the dog. What happened next after Porfirio Corpuz Jr. confronted your husband about the dog?

A: They had a verbal altercation, sir.

Q: What did you do when you saw your husband and Porfirio Corpuz Jr. had an altercation?

A: I called my son, sir.

Q: Who is your son?

A: Jerick, sir.

Q: Did your son arrive when you called him?

A: Yes, sir.

Q: What did you do when your son arrived?

A: We went to the place where my husband and Porfirio Corpuz were.

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Q: What did you see if there was any while you were going near the place?

A: When I ran towards my husband and Porfirio Corpuz, Jr., I saw them pushing each other and my husband fell down.

Q: What did you see when your husband fell down?

A: When my husband fell down and Porfirio Corpuz was on top of him, I saw Elinjer armed with a gun and approached my husband.

Q: What did Elinjer Corpuz do if there was any when he went near to (sic) your husband and Porfirio?

A: He shot my husband, sir.

Q: Just to clarify, are you saying that Porfirio Corpuz Jr. was on top of your husband when this Elinjer arrived and shot your husband?

A: Yes, sir.

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Q: How many times did Elinjer Daguio Corpuz shot (sic) your husband?

A: Twice, sir.¹⁵

The victim's son Jerick Corpuz corroborated his mother Ofelia's testimony, viz:

Q: Mr. Witness, could you recall where were you on September 2, 2011 at around 4:00 o'clock in the afternoon?

A: Yes, sir.

Q: Where were you then at that time?

A: I was in our house, sir.

Q: While you were inside your house, do you remember if there was any unusual incident that transpired, if any?

A: yes, sir.

Q: What was that unusual incident?

A: My father was killed, sir.

Q: So while you were inside your house, what happened?

A: My mother called me, sir.

Q: What's the name of your mother?

A: Ofelia Corpuz, sir.¹⁶

x x x

Q: And while you went out of your house, what happened?

A: While I was on my way to the place, I heard gunshots, sir.

Q: How many gunshots did you hear?

A: Two, sir.

Q: How far from you from that place where you heard a gunshot?

A: About fifteen meters, sir.

Q: And in what manner are you proceeding to that place?

A: I was running, sir.

Q: So you were running in going to that place, you heard two shots?

A: Yes, sir.

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Q: And when you reached that place, what did you see if there is any?

A: I saw Elinjer Corpuz, Porfirio Corpuz, Jr. and my father already dead.

Q: Okay. You saw three persons. So where is your father then in relation to these two persons Elinjer and Porfirio Corpuz, Jr.?

A: He was lying on the ground face down.

Q: Bloodied?


A: Yes, sir.

Q: And where is Elinjer at that time?

A: He was going away and holding a gun, sir.

¹⁵ CA rollo. at 67-69.

¹⁶ TSN dated April 24,2012, pp. 2-3.



Q: How far is that Elinjer with a gun who is then moving away from your father?

A: About ten meters.

Q: How about Porfirio Corpuz, Jr., where is he?

A: Also in the premises, sir.

Q: What was he doing?

A: He was just standing, sir.

Q: Now you came running and saw your father bloodied on the ground, Porfirio Corpuz, Jr. just near standing there while Elinjer is moving about ten meters away holding a gun, what did you do?

A: I attempted to chase them, sir.

Q: And were you able to catch them?

A: No, sir.

Q: This Elinjer, while holding his gun, to what direction is he taking?

A: Towards the fields, sir.¹⁷

The trial court found the testimonies of prosecution witnesses Ofelia and Jerick to be spontaneous, categorical and straightforward.¹⁸ They were able to clearly narrate the details of the fatal shooting^a of the victim and positively identified appellant as the perpetrator. When a testimony is given in a candid and straightforward manner, there is no room for doubt that the witness is telling the truth.¹⁹

In another vein, the fact that the prosecution witnesses here are the wife and son of the victim does not weaken their credibility. On the contrary, their close relationship with the victim makes their testimony more credible for it would be unnatural for them who are interested in vindicating the crime to charge and prosecute just some fall guy other than the real culprit.²⁰ In any event, there is no showing that Ofelia and Jerick were impelled by any improper motive to falsely testify against appellant who himself is a nephew of the victim.

At any rate, appellant's claim that the killing was an accident must fail. In his version, he was caught in a middle of an altercation with Jerry who was then armed with a gun. In order to avoid getting shot, he attempted to wrestle for the gun but when he managed to hold on to it, Jerry used appellant's own shirt and whipped him, which caused the first shot to be accidentally discharged. As the fight continued, both men were holding on to the gun. In his attempt to free himself and the gun from Jerry's grasp, the second shot was discharged, accidentally hitting the victim's chest.²¹

We are not persuaded. The prosecution witnesses positively identified appellant as the person who walked toward the victim while the latter was pinned to the ground by appellant's brother. Then, without any warning, appellant suddenly, swiftly and unexpectedly shot the victim not

¹⁷ *Id.* at 2-5.

¹⁸ *People v. Aquino*, 724 Phil. 739, 749 (2014).

¹⁹ *People v. Dagsa*, G.R. No. 219889, January 29, 2018.

²⁰ *People v. Dayaday*, 803 Phil. 363, 371-372 (2017).

²¹ *CA rollo*, pp. 87-88.

once but twice. For sure, this is far from being an accident. What appellant did was a cold-blooded slaying of the hapless victim.

Third Element: Treachery attended the killing

There is treachery when the offender commits any of the crimes against persons, employing means, methods, or forms in the execution of the crime that tend directly and especially to ensure its execution without risk to himself arising from the defense which the offended party might make.²²

Here, Jerry was wrestling with his nephew Porfirio after a heated verbal altercation which became physical. They both fell and Porfirio was able to pin his uncle down. Appellant suddenly came carrying a gun and shot Jerry twice.

Appellant's act of shooting the victim while the latter was pinned down by another effectively denied the victim the chance to defend himself or to retaliate against his perpetrators.²³ Further, the victim was shot twice, as if making sure he would be mortally injured or killed.

Evident premeditation did not attend the killing

Evident premeditation requires the following elements: (1) a previous decision by the accused to commit the crime; (2) an overt act or acts manifestly indicating that the accused clung to his determination; and (3) a lapse of time between the decision to commit the crime and its actual execution enough to allow the accused to reflect upon the consequences of his acts.²⁴ To warrant a finding of evident premeditation, it must appear that the decision to commit the crime was a result of meditation, calculation, reflection or persistent attempt.²⁵ The prosecution is tasked to show how or when appellant's plan to kill was hatched and how much time had elapsed before it was carried out.

Here, both the trial court and the Court of Appeals found that the prosecution was not able to sufficiently establish evident premeditation.

We agree. The victim's slaying was more spontaneous than planned. Eyewitnesses testified that when appellant saw the victim pinned on the ground by Porfirio, he walked to them and shot Jerry twice. Hence, there was no showing that the killing was plotted or that there was enough time for appellant to reflect on the consequences of killing his victim before actually carrying it out.

²² *Cicera v. People*, 739 Phil. 25, 44 (2014).

²³ *CA rollo*, pp. 95-96.

²⁴ *People v. Kalipayan*, G.R. No. 229829, January 22, 2018.

²⁵ *People v. Davido*, 434 Phil. 684, 690 (2002).

Penalty

The crime of Murder is penalized under Article 248 of the RPC, as amended by Republic Act No. 7659, with *reclusion perpetua* to death. In the absence of any aggravating circumstance, both the trial court and the Court of Appeals correctly meted the penalty of *reclusion perpetua*.

As for the monetary awards, the Court sustains the grant of P75,000.00 as civil indemnity. But the grant of P50,000.00 as moral damages should be increased to P75,000.00; P30,000.00 as exemplary damages increased to P75,000.00; and P25,000.00 as temperate damages increased to P50,000.00, in accordance with prevailing jurisprudence.²⁶ Finally, these amounts shall earn an interest of six percent per annum from the finality of judgment until fully paid.

WHEREFORE, the appeal is **DISMISSED** for lack of merit. The Decision dated February 18, 2015 of the Court of Appeals in CA-G.R. CR-HC No. 06274, is **AFFIRMED** with **MODIFICATION**.

Appellant Elinjer Corpuz y Daguio is found guilty of murder and sentenced to *reclusion perpetua*.

Appellant is ordered to pay P75,000.00 civil indemnity; P75,000.00 moral damages; P75,000.00 exemplary damages and P50,000.00 as temperate damages. These amounts shall earn six percent (6%) interest *per annum* from the finality of this decision until fully paid.

SO ORDERED.

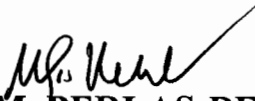

AMY C. LAZARO-JAVIER
Associate Justice

²⁶ *People v. Jugueta*, 783 Phil. 806, 845 (2016).

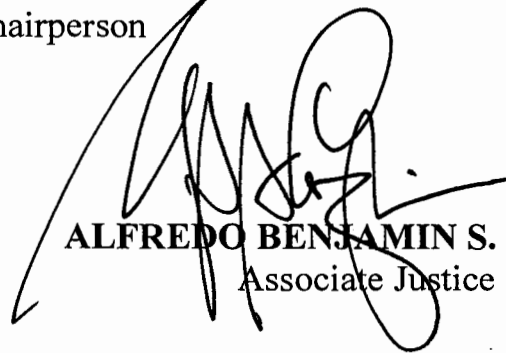
WE CONCUR:



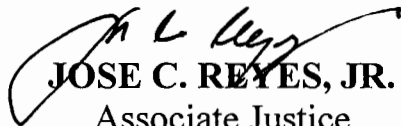
ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



ESTELA M. PERLAS-BERNABE
Associate Justice



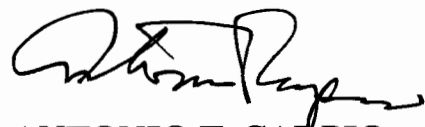
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



JOSE C. REYES, JR.
Associate Justice

ATTESTATION

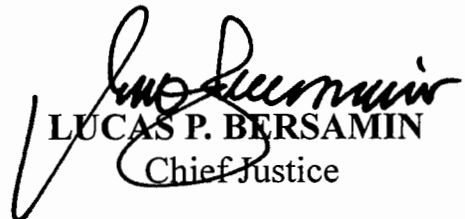
I attest that the conclusion in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ANTONIO T. CARPIO
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VII 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

