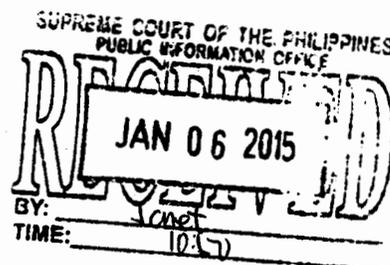




Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **November 17, 2014** which reads as follows:*

**“G.R. No. 211677 (*People of the Philippines v. Lou Cabiles y Consegra*).** – The Office of the Solicitor General’s manifestation that it will no longer file a supplemental brief considering that its arguments have been amply discussed in its Brief for the Appellee filed before the Court of Appeals as well as the accused-appellant’s manifestation, in lieu of supplemental brief, that he will no longer file a supplemental brief and that he is adopting his Appellant’s Brief in CA-G.R. CR H.C. No. 05602 as his supplemental brief are both **NOTED**.

The confirmation of confinement of accused-appellant Lou Cabiles y Consegra at the New Bilibid Prison on September 17, 2010 in compliance with the Resolution dated June 9, 2014 is likewise **NOTED**.

This is an appeal taken from the Decision<sup>1</sup> of the Court of Appeals (CA) dated 12 December 2013 (CA-G.R. CR-H.C. No. 05602), affirming with modification the Decision<sup>2</sup> of the Regional Trial Court (RTC), Branch 76, San Mateo, Rizal (Criminal Case No. 7679), which found the Accused-Appellant Lou Cabiles (Cabiles) **GUILTY** of the crime of Murder against victim Luis Nilo (Nilo), sentencing Cabiles with a penalty of *reclusion perpetua*, and ordering him to indemnify the heirs of the victim in the amount of Php 75,000.00, plus Php 75,000.00 as moral damages. The CA’s modification of the RTC’s Decision added exemplary damages to the tune of Php 30,000.00.

Case records show that on August 1, 2004 at around 4:00 o’clock in the afternoon, victim Nilo and his adopted daughter Marilyn Nilo (Marilyn) were tending to their store beside their house. Meanwhile, victim’s nephew Romeo Caboteja stood in front of their house which was about 8 to 15

<sup>1</sup> *Rollo*, pp. 2-14; Penned by Associate Justice Ramon R. Garcia with Associate Justices Rebecca De Guia-Salvador and Danton Q. Bueser concurring.

<sup>2</sup> *CA Rollo*, pp. 48-57; Penned by Judge Josephine Zarate Fernandez.

meters away from the victim's store. Not long after, Accused-Appellant Lou Cabiles went to victim's store to buy milk on credit for his child as they had run out of milk. Victim Nilo refused saying that he does not sell on credit. Accused-Appellant begged for consideration, appealing to victim to take pity on his child. Despite Cabiles's actuations, Nilo sternly refused to sell milk on credit.<sup>3</sup>

Failing to buy milk, Cabiles went home and got a bolo which he tucked to his waist. He then went back to Nilo's store and bought a bottle of Red Horse Beer from victim's adopted daughter Marilyn. Cabiles drank his beer in front of Nilo's store. Afterward, Nilo went out of his store and sat in front of Cabiles who was drinking. Cabiles offered him his beer but Nilo refused. After taking two swigs from his beer, Cabiles suddenly got his bolo and started hacking Nilo on his left side. A struggle ensued and Cabiles dropped the bolo which Nilo tried to grab. However, since Nilo was already weak from the hack wounds inflicted on him by Cabiles, the latter got the bolo and continued hacking the victim, striking him at his arms, hands, and neck.<sup>4</sup>

Marilyn pleaded to Cabiles to stop attacking his father, but to no avail. Victim Nilo tried to run away, but Cabiles still caught up with him and persisted with hacking the victim who was already prostrate on the ground. Before leaving, Cabiles again hacked Nilo on his neck and stabbed him in the chest.<sup>5</sup>

Cabiles, on the other hand, alleged that he killed Nilo in self-defense. When Cabiles went to Nilo's store to buy milk for his child, he saw the victim already drinking gin. When Nilo refused to sell milk on credit to Cabiles, a spat erupted between them. Nilo chided Cabiles for raising children he could not support, to which Cabiles retorted by citing Nilo's inability to sire children and thus being insensitive to the pangs of a hungry child. Cabiles further testified that Nilo was so incensed with his remark that Nilo cursed and punched him, causing Cabiles to fall to the ground. Nilo tried grabbing Cabiles's bolo but he failed as Cabiles was able to kick Nilo. Nilo then got a knife and lunged at Cabiles. This prompted Cabiles to defend himself and thus he hacked Nilo to death.<sup>6</sup>

#### THE RTC RULING

The RTC ruled that Cabiles failed to prove the elements of self-defense as evidenced by the lack of any unlawful aggression from the victim, plus the unreasonableness of the means employed by Cabiles in deflecting the alleged aggression, as seen in the multiple hack and stab

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<sup>3</sup> *Rollo*, p. 4.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Rollo*, p. 4.

wounds (totalling 12) inflicted upon the victim.<sup>7</sup> The RTC likewise found the qualifying element of treachery owing to the surprise attack employed by Cabiles, where he even tried to invite Nilo to have a drink with him thus dispelling any notion of Cabiles's ill intentions.<sup>8</sup>

### THE CA RULING

The CA, seeing merit in the RTC's ruling, affirmed the murder conviction and award of death indemnity plus moral damages. The CA even added exemplary damages since the killing was attended by the qualifying circumstance of treachery.<sup>9</sup>

**We deny the petition.**

### OUR RULING

We affirm the appealed CA Decision. We have scrutinized the Decision and found it to be exhaustive in its evaluation of the facts and its legal conclusions well supported by applicable jurisprudence.

As ruled in the case of *Lapasaran v. People of the Philippines*<sup>10</sup> which states that the best arbiter of the issue of credibility of the witnesses and their testimonies is the trial court. When the inquiry is on that issue, appellate courts will not generally disturb the findings of the trial court, considering that the latter was in a better position to decide the question, having heard the witnesses themselves and having observed their deportment and manner of testifying during the trial. Its finding thereon will not be disturbed, unless it plainly overlooked certain facts of substance and value which, if considered, may affect the result of the case.<sup>11</sup>

Considering that this case underwent the scrutiny of the RTC in terms of observing witness testimonies and appreciation of documentary evidence, and given that the CA wholly affirmed the RTC's Decision, we find no cogent reason to disturb their findings. As if these findings were not enough, we even cite the arguments of the Office of the Solicitor General, which basically re-echo the findings of the RTC.<sup>12</sup>

As for the monetary awards, we likewise affirm the amounts granted by the lower courts and attach an interest of 6% *per annum* on each amount

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<sup>7</sup> *CA Rollo*, pp. 55-56

<sup>8</sup> *Rollo*, p. 12.

<sup>9</sup> *Id.* at 13.

<sup>10</sup> G.R. No. 179907, February 12, 2009

<sup>11</sup> *Id.* at 478-479

<sup>12</sup> *Rollo*, pp. 85-88.

from the date of finality of this judgment until fully paid,<sup>13</sup> to wit: (a) ₱75,000 as civil indemnity; (b) ₱75,000 as moral damages; (c) ₱30,000 as exemplary damages.

**WHEREFORE**, herein Petition is **DENIED**. The Decision of the Court of Appeals (CA) dated 12 December 2013 in CA-G.R. CR-H.C. No. 05602 is hereby **AFFIRMED** with the modification that an interest on all monetary awards is imposed at the rate of 6% *per annum* from the date of finality of this judgment until fully paid.

**SO ORDERED.**” **BERSAMIN, J.**, on official travel; **VELASCO, JR., J.**, acting member per S.O. No. 1870 dated November 4, 2014.

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court  
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The Solicitor General (x)  
Makati City

Court of Appeals (x)  
Manila  
(CA-G.R. CR H.C. No. 05602)

The Director  
Bureau of Corrections  
1770 Muntinlupa City

The Hon. Presiding Judge  
Regional Trial Court, Br. 76  
San Mateo, Rizal 1850  
(Crim. Case No. 7679)

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No. 12-7-1-SC)

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SR

<sup>13</sup> *People v. Gunda*, G.R. No. 195525, 05 February 2014.