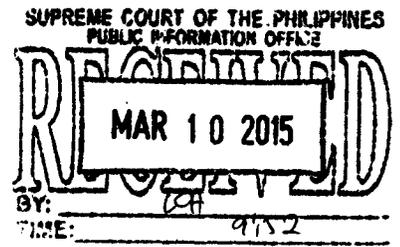




Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated February 16, 2015 which reads as follows:

“G.R. No. 212342 (*People of the Philippines v. Ronie Requiron alias “Oning”*). – We resolve the appeal filed by accused-appellant Ronie Requiron alias “Oning” (Requiron) from the Decision¹ of the Court of Appeals (CA) dated 30 September 2013 (CA-G.R. CR-H.C. No. 00964). The CA affirmed his conviction by the Regional Trial Court (RTC) of Himamaylan, Negros Occidental (Branch 55), in the latter’s Decision² dated 1 October 2007 (Crim. Case No. 1541). The RTC had convicted Requiron of the crime of murder for which he was penalized with *reclusion perpetua*.

The RTC’s factual findings were based on the testimonies of the prosecution witnesses. The witness testimonies show that around six o’clock in the evening on 17 November 2002, the victim, Nicasio Cordero Jr. – along with his friends Zaldy Flores, Elias Gonzales, Sr. and Elias Gonzales, Jr. – were drinking Tanduay whiskey at his yard. They had been drinking for about one and a half hours when they noticed accused-appellant Requiron standing outside the fence. He entered the gate and went towards the group. While standing around one and a half meters away from them, he told the victim, “Boy, I will kill you,” and without any provocation stabbed him with a 15-inch knife. The stabbing disemboweled the victim, who desperately asked his companions to bring him to the hospital.³

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¹ *Rollo*, pp. 4-18; penned by Associate Justice Ma. Luisa C. Quijano-Padilla with Associate Justices Ramon Paul L. Hernando and Carmelita Salandanan-Manahan, concurring.

² *CA rollo*, pp. 38-47; penned by Judge Franklin J. Demonteverde.

³ *Rollo*, pp. 6-7.

Requiron left the group and walked towards the beach. A responding *barangay tanod* accosted him there and confiscated the knife used in the stabbing. Meanwhile, the companions of the victim brought him to the hospital in a tricycle, but he eventually died of his stab wound.⁴

The prosecution witnesses likewise testified that about an hour prior to the stabbing, the victim had requested Requiron to lower the volume of the latter's karaoke machine, since it was blaring so loudly. This admonition apparently irked accused-appellant and led him to kill the victim. To bolster the prosecution's evidence, another witness testified that about a year prior to the stabbing incident, the victim and Requiron had figured in fisticuffs, thus, establishing that the latter was already holding a grudge against the victim.⁵

Meanwhile, Requiron justified his actions by claiming self-defense and alleging that he had been attacked first by the victim and the latter's companions. Accused-appellant testified that on the date the crime happened, his wife had asked him to have dinner, but he excused himself by saying that he first had to go to the beach to defecate. On his way to the beach, Zaldy Flores approached him and invited him for a drink. Requiron acceded and they proceeded to the victim's house. There he saw the victim, along with Elias Gonzales, Sr. and Elias Gonzales, Jr., drinking Tanduay whiskey at the yard.

As accused-appellant was being handed a glass, Elias Gonzales⁶ suddenly hit him on the forehead with a plastic chair. Requiron was thrown against the fence and was also attacked by the victim with another plastic chair. As the former fell down, he parried with his right arm the second blow dealt by the victim. Cornered at the fence, accused-appellant stabbed him, then left the scuffle, and proceeded to the beach. There he was accosted by a *barangay tanod* to whom he handed the knife used in the stabbing. When the police officers arrived, Requiron willingly surrendered to them.

THE RTC RULING

In its Decision dated 1 October 2007, the RTC found accused-appellant Requiron guilty of murdering his neighbor Nicasio Cordero, Jr. (Nicasio Jr.). It considered the qualifying circumstances of treachery and

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⁴ Id.

⁵ CA rollo, pp. 39-40

⁶ Id. at 42. Records are unclear whether it was Elias, Sr. or Elias, Jr. who hit the accused with a plastic chair, as the cited source only mentions "Elias Gonzales."

evident premeditation in ruling that the crime committed was murder and not merely homicide, as was being pushed by the defense. The trial court found treachery in the sudden and unexpected attack perpetrated.⁷ As for evident premeditation, the RTC held that when accused-appellant was irked by the victim's request to turn down the volume of his karaoke machine an hour before the stabbing took place, the time that elapsed gave him an opportunity to mull over his plan to kill the victim.⁸

THE CA RULING

On appeal, the CA affirmed the conviction of accused-appellant. In consonance with the RTC ruling, it gave more weight to the corroborating testimonies of the prosecution witnesses, which established beyond reasonable doubt his murderous deed. Furthermore, the CA also agreed that the killing was qualified by treachery, thus upholding his conviction for murder.

The CA, however, disagreed with the RTC's finding of evident premeditation. The appellate court reasoned that there was an insufficient lapse of time between the decision of accused-appellant to commit the crime and his actual execution thereof. The time that elapsed was insufficient, because it did not give him enough opportunity to fully reflect upon the consequences of his act and to effectively prepare for its execution.⁹

On the issue of voluntary surrender as a mitigating circumstance, the CA dismissed it on the ground that the *barangay tanod* had accosted accused-appellant, thus making the surrender involuntary despite the latter's willingness to go with the police officers.¹⁰

We now rule on the final review of the case.

OUR RULING

We deny the appeal.

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⁷ Id. at 44.

⁸ Id. at 47.

⁹ *Rollo*, p. 16.

¹⁰ Id. at 17.

Given that the CA affirmed the factual findings as well as the reasoning of the RTC, we see no reason to reverse the conviction, since the Court gives premium to concurring judgments rendered by the CA and the RTC.

The jurisdiction of this Court in cases brought before it from the CA is limited to reviewing or revising errors of law. The latter's findings of fact are conclusive, for it is not the function of this Court to analyze and weigh the evidence all over again. Our jurisdiction is in principle limited to reviewing errors of law that might have been committed by the CA. Factual findings of trial courts, when adopted and confirmed by the CA, are final and conclusive on this Court unless these are not supported by the evidence on record.¹¹

In dismissing the appeal, we see no error of law when both the RTC and the CA agree that the killing of the victim was qualified by treachery and hold the accused guilty of murder. In the recent case of *People v. Sumilhig*,¹² we ruled that treachery could be seen in the suddenness and unexpectedness of the assault, which deprived the victim of an opportunity to resist it or offer any defense. In the present case, the fact that the attack against the victim was frontal did not eclipse the presence of treachery, since it was swift and sudden and thus deprived him of the chance to properly defend himself. As the Court held in *People v. Caboquin*:

From the evidence adduced, the stabbing, although frontal, was so unexpected and sudden that it left Pablito and his friends, all unarmed, with nary an opportunity to put up a defense. Indeed, the essence of treachery is the swift and unexpected attack on an unarmed victim that insures its execution without risk to the assailant arising from the defense of his victim. Clearly then, in the case at bar, treachery qualified the killing to murder.¹³

On the matter of evident premeditation, the Court agrees with the CA in not finding any in this case. The Court's ruling in *People v. Nell* clarifies this point:

Evident premeditation indicates a stubborn adherence to a decision to commit a felony. It requires a showing of: (1) a previous decision by the accused to commit the crime; (2) overt act(s) 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 sufficient to allow the accused to reflect upon the consequences of his acts. Evident premeditation connotes a deliberate adherence to a plan to commit a crime.

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¹¹ *Republic v. Regional Trial Court, Br. 18, Roxas, Capiz*, 607 Phil. 547 (2009).

¹² G.R. No. 178115, 28 July 2014.

¹³ 420 Phil. 744, 750 (2001).

Returning to the scene of an earlier fight about four hours later does not establish these elements. Mere lapse of time is not equivalent to evident premeditation. Time and again, we have held that evident premeditation cannot be appreciated to qualify a killing to murder in the absence of evidence, not only of sufficient lapse of time, but also of the planning and preparation to kill when the plan was conceived. x x x.¹⁴

The Court agrees with the CA that the mere lapse of time in the present case does not measure up to the standard set forth in jurisprudence, since evidence is insufficient to prove the other elements of evident premeditation. Records fail to show that accused-appellant performed overt acts pointing to his determination to kill the victim. For evident premeditation to be appreciated, concrete evidence must substantiate these overt acts. As we stated in *People v. Nell*, the mere lapse of time is not enough to prove the qualifying circumstance.¹⁵

Neither is the mitigating circumstance of voluntary surrender present in this case. First of all, evidence shows that after leaving the scene of the crime, Requiron was accosted by a *barangay tanod*, to whom he turned over the murder weapon. Afterwards, accused-appellant was indorsed to the police officer who came to investigate the crime. Even if Requiron did not show any resistance to the police officers, this lack of resistance does not prove voluntary surrender. He had already been accosted by the *barangay tanod* in what can be seen as a form of citizen's arrest under Rule 113 (Arrest) of the Rules of Criminal Procedure.¹⁶

This ruling conforms to *Belbis, Jr. and Brucales v. People of the Philippines*:

For voluntary surrender to be appreciated, the following requisites should be present: (1) the offender has not been actually arrested; (2) the offender surrendered himself to a person in authority or the latter's agent; and (3) the surrender was voluntary. x x x.¹⁷

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¹⁴ 341 Phil. 20, 33-34 (1997).

¹⁵ *Id.*

¹⁶ Section 5. *Arrest without warrant; when lawful.* — A peace officer or a private person may, without a warrant, arrest a person: x x x (b) When an offense has just been committed, and he has probable cause to believe based on personal knowledge of facts or circumstances that the person to be arrested has committed it. x x x x.

Section 9. *Method of arrest by private person.* — When making an arrest, a private person shall inform the person to be arrested of the intention to arrest him and cause of the arrest, unless the latter is either engaged in the commission of an offense, is pursued immediately after its commission, or has escaped, flees, or forcibly resists before the person making the arrest has opportunity to so inform him, or when the giving of such information will imperil the arrest.

¹⁷ G.R. No. 181052, 14 November 2012, 685 SCRA 518, 538-539.

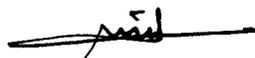
As to the penalty for murder, Article 248 of the Revised Penal Code imposes *reclusion perpetua* to death. There being no other aggravating circumstance other than the qualifying circumstance of treachery, the CA correctly held that the proper imposable penalty is *reclusion perpetua*, the lower of the two indivisible penalties. Requiron, however, shall not be eligible for parole¹⁸ pursuant to Section 3¹⁹ of Republic Act No. 9346.

As regards the monetary awards, the amount of civil indemnity and exemplary damages must be increased to ₱75,000.00²⁰ and ₱30,000.00²¹ respectively. The Court further awards moral damages in the amount of ₱75,000.00²² and affirms the temperate damages awarded to the heirs of the victim in the amount of ₱25,000.00²³. Lastly, all damages awarded shall earn interest at the rate of 6% *per annum* from date of finality of this judgment until fully paid.²⁴

WHEREFORE, herein appeal is **DENIED** and the Decision of the Court of Appeals dated 30 September 2013 in CA-G.R. CR-H.C. No. 00964, which affirmed accused-appellant's conviction by the Regional Trial Court in the latter's Decision dated 1 October 2007, is hereby **AFFIRMED with MODIFICATIONS**. As modified, the penalty that shall be imposed on accused-appellant is *reclusion perpetua* without eligibility for parole, and he is ordered to pay the heirs of the victim the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱30,000.00 as exemplary damages, plus the previously adjudged temperate damages of ₱25,000.00. 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.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court *ma/25*

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¹⁸ *People v. Gunda*, G.R. No. 195525, 05 February 2014.

¹⁹ “Persons convicted of offenses punished with *reclusion perpetua*, or whose sentences will be reduced to *reclusion perpetua*, by reason of this Act, shall not be eligible for parole under Act No. 4180, otherwise known as the Indeterminate Sentence Law, as amended.”

²⁰ *People v. Jalbonian*, G.R. No. 180281, 01 July 2013, 700 SCRA 280; citing *People v. Asis*, G.R. No. 177573, 2 July 2010, 624 SCRA 509, 530.

²¹ *Id.*; citing *People v. Lucero*, G.R. No. 197044, 6 December 2010, 636 SCRA 533, 543.

²² *People v. Jaime*, G.R. No. 210711 (Notice), 22 September 2014.

²³ *Id.*

²⁴ *People v. Gunda*, G.R. No. 195525, 05 February 2014.

The Solicitor General (x)
Makati City

Court of Appeals
6000 Cebu City
(CA-G.R. CR H.C. No. 00964)

The Hon. Presiding Judge
Regional Trial Court, Br. 55
Himamaylan 6108 Negros Occidental
(Crim. Case No. 1541)

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