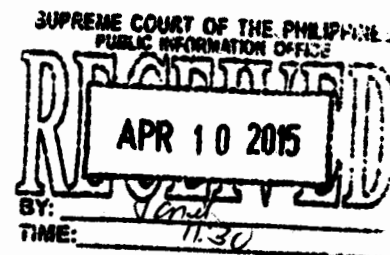




Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE



Sirs/Mesdames:

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

“G.R. No. 206971 (*People of the Philippines vs. Elpedio Micmic y Letran*). – On appeal is the September 27, 2012 Decision¹ of the Court of Appeals (CA) which affirmed the Decision² of the Regional Trial Court, Branch 13 of Carigara, Leyte, finding appellant Elpedio Letran Micmic guilty beyond reasonable doubt of the crime of murder under Article 248 of the Revised Penal Code.

Stated briefly, the evidence for the prosecution showed that at around 11:00 p.m. on June 18, 2006, the appellant along with Benedicto Acebedo, Norberto Lego and the victim Edwin Nedruda were drinking outside the videoke house of appellant’s cousin, Renato Micmic. Around midnight, the appellant *sans* any altercation/provocation went to Nedruda and hacked him on the neck with a 21-inch bolo³ and which made Nedruda fall to the ground and die instantly. Appellant ran from the scene. The witnesses to the hacking incident went to the house of their barangay councilor after which they proceeded to the house of the barangay chairman. Police authorities were then called who, after viewing the corpse and making their investigation, recorded the incident in the police blotter of the Philippine National Police station in Capoocan, Leyte. The Municipal Health Officer of Carigara, Leyte, did the post-mortem examination on Nedruda and declared the cause of death as “Hypovolemic Shock, secondary to hacking wound, neck” in the Medical Certificate issued thereafter.⁴

Appellant (as the sole witness for the defense) interposed self-defense. He claimed that on the night of June 18, 2006 while he was with Nedruda, the latter was bragging about a certain woman and his sex appeal to women. In the course thereof, Nedruda stood up and attempted to stab the appellant

¹ *Rollo*, pp. 3-14. Penned by Associate Justice Pampio A. Abarintos, with Associate Justices Gabriel T. Ingles and Melchor Q. C. Sadang concurring. The assailed Decision was rendered in CA-G.R. CR-HC. No. 01332.

² *CA rollo*, pp. 29-38. Penned by Presiding Judge Crisostomo L. Garrido.

³ More popularly known as “sundang” in the vernacular.

⁴ *Rollo*, p. 4.

and which attempt the appellant was able to avoid. In retaliation, the appellant hacked Nedruda behind his neck which caused his death. The incident was witnessed by Acebedo and Lego. The appellant then fled and proceeded to Barangay Balucanad. The following day, appellant surrendered himself to the police authorities of Capoocan, Leyte.⁵ The appellant raised the possibility that his mental condition on that fateful night may have triggered his sudden attack on Nedruda. As basis therefor, the appellant presented the evaluation of the National Center for Mental Health which was done during the course of the trial with the findings that appellant was "suffering from a psychosis classified as schizophrenia."⁶

After trial and hearing, the trial court came out with its Decision on February 22, 2011 where it took into account the qualifying circumstance of treachery and found appellant guilty of murder under Article 248 of the Revised Penal Code. The trial court held that the prosecution was able to prove the guilt of the appellant beyond reasonable doubt, with the appellant's claim of self-defense unsubstantiated. The dispositive portion of the Decision reads:

WHEREFORE, premises considered, the Court found accused, ELPEDIO MICMIC y LETRAN, GUILTY, beyond reasonable doubt for the crime of MURDER under Article 248 of the Revised Penal Code, and is hereby sentenced to suffer the maximum penalty of RECLUSION PERPETUA, and ordered to pay civil indemnity in the amount of Fifty Thousand (PhP50,000.00) Pesos, moral damages in the amount of Fifty Thousand (PhP50,000.00) Pesos and exemplary damages in the amount of Twenty Five (PhP25,000.00) Pesos, to the heirs of the victim, Edwin Nedruda, and

Pay the Cost.

SO ORDERED.⁷

Dissatisfied, the appellant filed his appeal to the CA. On September 27, 2012, the appellate court denied the appeal and affirmed the trial court's judgment. The CA did not give due consideration to the claim that there was an attempt on the life of the appellant which prompted the hacking incident and held that the claim was self-serving. The appellate court further held that such claim was belied by the testimonies of the witnesses (Acebedo and Lego) who affirmed the suddenness of the appellant's attack on the victim Nedruda. Hence, the present recourse.

After a careful review of the case and in the absence of cogent or compelling reasons to overturn the Decision of the CA, we affirm. As ruled by the appellate court, the sole issue brought before it centered not on the

⁵ Id. at 5.

⁶ Id. at 10.

⁷ CA rollo, p. 38.

culpability of the appellant but rather on the presence of treachery which qualifies the killing to murder and of the mitigating circumstance of voluntary surrender. The appellate court held that the suddenness of appellant's attack on Nedruda amounts to treachery and it indeed qualifies the crime to murder. The testimonies of two witnesses to the incident have corroborated this fact, and whose testimonies have put to naught the appellant's claim of retaliation purportedly triggered by an initial attack of Nedruda on him. The trial court aptly held: "The victim, Edwin Nedruda, when hacked was unarmed with his arms on top of the table and his head stooping was in no position to defend himself. In fact, he was in such a position, because he was tired having just come from his farm work. He was only compelled to join the group, because of the invitation of his compadre, Acebedo."⁸ Having stated this, we defer to the trial court's appreciation of the facts surrounding the incident and the credibility of the witnesses. Deference to the trial court's appreciation of the facts and the credibility of witnesses is consistent with the principle that when the testimony of a witness meets the test of credibility, that alone is sufficient to convict the accused. This is especially true when the factual findings of the trial court are affirmed by the appellate court. Thus absent any showing that the lower courts overlooked, misunderstood or misappreciated substantial facts and circumstances, which if considered would change the result of the case, this Court gives deference to the trial court's appreciation of the facts and of the credibility of witnesses.⁹

As to the damages awarded, we find the award of ₱50,000.00 as moral damages to be in order. However and in accordance with prevailing jurisprudence,¹⁰ civil indemnity is increased to ₱75,000.00. The award of exemplary damages is also increased from ₱25,000.00 to ₱30,000.00.¹¹ We are further ordering appellant to pay legal interest at the rate of six percent (6%) per annum on the moral damages, exemplary damages and civil indemnity herein awarded reckoned from the finality of this Resolution until full payment by the appellant.

WHEREFORE, the instant appeal is **DISMISSED**. The Decision of the Court of Appeals dated September 27, 2012 in CA-G.R. CR-HC. No. 01332 is **AFFIRMED** with **MODIFICATION** in that the award of ₱50,000.00 as civil indemnity is increased to ₱75,000.00, the award of exemplary damages is increased to ₱30,000.00 and appellant is further ordered to pay interest at the legal rate of six percent (6%) per annum on the moral damages, exemplary damages and civil indemnity herein awarded reckoned from the finality of this Resolution until fully paid. In all other respects, the mandate of the Court of Appeals Decision remains.

⁸ Id. at 37.

⁹ *People v. Obina*, 632 Phil. 288, 293 (2010).


¹⁰ *People v. Rolida*, 599 Phil. 737, 745 (2009), citing *People v. Dela Cruz*, 551 Phil. 406, 425 (2007) and *People v. Tubongbanua*, 532 Phil. 434, 454 (2006).

¹¹ *People v. Dadao*, G.R. No. 201860, January 22, 2014, 714 SCRA 524, 541.

Costs against appellant. (**Jardeleza, J.**, no part, due to his prior action as Solicitor General; **Mendoza, J.**, designated Member per Raffle dated January 5, 2015.)

SO ORDERED.”

Very truly yours,


WILFREDO V. LAPITAN
Division Clerk of Court, 3/24/15
A

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The Presiding Judge
REGIONAL TRIAL COURT
Branch 13, Carigara
6529 Leyte
(Crim. Case No. 4663)

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