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disability benefits should be SIX THOUSAND PESOS (P6,000.00) and that the respondent should now pay the prescribed fees of SIXTY-ONE PESOS (P61.00) to the Ministry of Labor and Employment. Attorney's fees are also awarded in the sum of SIX HUNDRED PESOS (P600.00).

SO ORDERED.

Feria (Chairman), Fernan, Alampay, and *Paras, JJ.,* concur.

EN BANC

[G.R. Nos. L-47228-32. December 15, 1986]

THE PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **NAPOLEON MARANAN Y ANGCO,** *defendant-appellant.*

[G.R. No. L-46587. December 15, 1986]

NAPOLEON A. MARANAN, *petitioner, vs.* **HONORABLE ONOFRE A. VILLALUZ,** *respondent.*

SYLLABUS

1. **REMEDIAL LAW; EVIDENCE; CREDIBILITY OF TESTIMONY; CLAIM OF SELF-DEFENSE MUST BE SUPPORTED BY CLEAR AND CONVINCING EVIDENCE.**— Appellant admitted that he hacked all the victims, but he invoked self-defense. To be worthy of credence, the same must be supported by clear and convincing evidence. A cursory study of the evidence on record reveals unmistakably that aside from his testimony, the "self-defense" version of the appellant was not supported by any other evidence to render the same of probative value. Moreover, it is beyond human credulity that the appellant did not suffer any injury, considering that he was

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allegedly assaulted simultaneously by at least five men with deadly weapons. No proof has been adduced by him to indicate he was possessed of extraordinary strength or amazing dexterity in physical combat.

2. **ID.; ID.; FLIGHT; EVIDENTIARY OF GUILT AND INCOMPATIBLE WITH SELF-DEFENSE.**— The appellant went into hiding after the hacking incident. Suffice it to state that flight after the commission of the crime is highly evidentiary of guilt, and incompatible with self-defense *(People vs. Maruhom,* 132 SCRA 116).

3. **CRIMINAL LAW; QUALIFYING CIRCUMSTANCES; TREACHERY; ESTABLISHED IN CASE AT BAR.**— The employment of treachery is established by the suddenness of his assault, which rendered it impossible for his unsuspecting victims to parry and avoid his blows.

4. **REMEDIAL LAW; COURTS; EXCLUSIVE JURISDICTION OF CRIMINAL CIRCUIT COURT UNDER R.A. NO. 5179 AS AMENDED BY P.D. 126; CASE AT BAR.**— Under Republic Act No. 5179 as amended by PD 126, the Judge of the Circuit Criminal Court of the then 7th Judicial District (with station at Pasig, Rizal) has jurisdiction to decide cases involving offenses that took place in Cavite (also within the then 7th Judicial District); furthermore, although the jurisdiction of said court is generally concurrent with that of the Court of First Instance, still since the cases were filed in the Circuit Criminal Court on June 21, 1977, and again in the Cavite Court of First Instance two days later (or June 23, 1977) *exclusive* jurisdiction was vested in the Circuit Criminal Court.

APPEARANCES OF COUNSEL

The Solicitor General for plaintiff-appellee.

Ramon L. Miraflores, Jr., Jacinto Dominguez for Napoleon Dominguez.

D E C I S I O N

PARAS, *J.*:

Two sets of informations were filed against the accused-appellant, namely: one set, consisting of five (5) informations

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docketed as Criminal Cases Nos. CCC-VII-2076, 2077, 2078, 2079, and 2080 for Murder, Frustrated Murder and Attempted Murder, in the Circuit Criminal Court of Pasig, Metro Manila; and, another set for Murder, Double Murder and Slight Physical Injuries, docketed as Criminal Case No. TG-439-77 in the Court of First Instance of Cavite.

All the aforementioned informations recited the same allegations covering the same incident. Thus on July 5, 1977, the accused filed an Urgent Motion to Dismiss Criminal Cases Nos. CCC-VII-2076, 2077, 2078, 2079, 2080 before the Circuit Criminal Court of Pasig on the ground that the Court of First Instance of Cavite had already acquired jurisdiction over the case (p. 27, Tsn.). On July 6, 1977, however, appellant pleaded not guilty in the five informations aforementioned and the said Circuit Criminal Court began trial of the cases on the merits.

On August 1, 1977, the appellant filed a petition for *Certiorari* with the Supreme Court, docketed as G.R. No. L-46587, praying, among others, that a restraining order be issued against respondent judge of the Circuit Criminal Court of Pasig from proceeding with the joint trial of the subject five cases and from rendering a decision therein.

Pending resolution of the said petition, or on September 5, 1977, respondent judge rendered his decision in the five cases aforementioned convicting the appellant as charged and sentencing him to death. The decision is now before Us on automatic review.

The facts determined by the trial court are briefly as follows:

At about eleven o'clock in the evening of February 1, 1977, while Edgardo Bayani and Edilberto Bay were returning home from the wake of their deceased grandfather, they stopped on the street to listen to Rodolfo, Efraim, and Nolasco Villanueva who were telling stories with Isaias Bayani at the corner of Barrio Maymangga, Amadeo, Cavite, in front of Councilor Ambion's house. In the course of their conversation, the appellant suddenly arrived and hacked each of them with a bolo, about twenty centimeters long. The appellant first hacked Edgardo,

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who was hit on the left shoulder; then he turned to Edilberto, who was hit on the chest; the appellant next hacked Rodolfo, who was hit on the head, and Nolasco, who was hit in the face. Thereafter, the appellant turned to Isaias whom he fatally hacked on the neck.

The wounded victims identified the appellant as their co-farmer and townmate, who probably had a long-time grudge against their family (the Villanueva clan, of which Isaias was also a member), because Nolasco had been previously charged with a crime against chastity committed against appellant's sister. The victims claimed that because they were attacked by surprise they were unable to move from their respective positions. After the hacking incident, they did not notice where the accused fled.

The physicians who examined the victims testified, among other things, that the victims were confined in the hospital for the treatment of incise or hack wounds; that as a result of the incident, Nolasco's left eye had become blind and Rodolfo's speech had been impaired (p. 252, Tsn); and that Isaias' death resulted from the cutting of the carotid and jugular veins (p. 94, Tsn).

Pfc. Jose M. Leachon, a policeman of Amadeo, Cavite testified that at about 7:00 in the morning of February 2, 1977, Jeremias Villanueva and Councilor Ambion reported to the police a hacking incident; and that they immediately proceeded to the scene of the crime, together with a photographer, and collected the following pieces of evidence: pictures of the dead body of Isaias and of bloodstains on the grass and the sahara tree (p. 216, Tsn.); Isaias' bloodstained clothes, offered as part of the *corpus delicti* of the crime; and strands of hair, probably belonging to Rodolfo, who was hacked on the head (p. 206, Tsn.).

The appellant, on the other hand, invoked self-defense, and presented a different account of the incident. Thus:

"That in the afternoon of February 1, 1977, he was at Barrio Maymangga, having come from Lalaan, after plowing the field.

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At around 10:30 in the evening, he saw Edilberto Bay and Edgardo Bayani at the corner of the barrio road and they invited him to a drinking spree. The appellant refused, whereupon Edilberto and Edgardo gave him a "sapok" and stoned him. The appellant parried the blows and asked why they were doing this to him, but the two pulled their "patalim." Sensing their plan to kill him, the appellant took the initiative to save his life and hacked them with his "bolo." Then, Rodolfo and Nolasco Villanueva, both armed with a piece of wood, together with Isaias Bayani, who was holding a chain, simultaneously launched at him. Isaias tried to beat him with the chain but he was able to hold Isaias' hand, so the chain did not touch his body. When he heard gunshots being fired by Romeo Bay, son of Edilberto, and saw Jeremias Villanueva at a distance, also holding a gun, he moved towards his sister's house and escaped. (pp. 256-257, Tsn.).

Basically, the issue rests on credibility, and after a judicious perusal of the evidence on record, We find the prosecution's version deserving of more credence.

Appellant admitted that he hacked all the victims, but he invoked self-defense. To be worthy of credence, the same must be supported by clear and convincing evidence. On this point, the defense miserably failed. For instance, appellant testified on cross-examination:

Q. You want to impress the court, that there are two sharp pointed weapons, and two guns being fired?

Q. The two men with weapons, and one with cadena who attacked you and you were not or you did not even suffer any injury at all?

A. No, your Honor.

Q. And you did not have any weapon during the incident?

A. None, your Honor.

Q. You, against five, and you left them all?

A. Because they were the ones who ran away, your Honor.

Q. Answer the question?

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A. Yes, your Honor

(Tsn, pp. 279-280)

x x x x x x x x x

Q. Immediately after the incident did you surrender to any police authority and reported that you have hacked four and killed one but you acted in self-defense and did you make a statement to that effect?

A. Hindi na ho ako nakapunta sa Bayan dahil umiilag akong umuwi dahil baka binabantayan nila ako.

Court:

The fact remains that you escape after hacking the five?

A. Yes, sir, hindi ko alam kung saan ako pupunta dahil sa takot.

Court:

Just answer the question.

A. Lumayo na po ako dahil natakot po ako. Opo.

(Tsn, pp. 384-386)

A cursory study of the evidence on record reveals unmistakably that aside from his testimony, the "self-defense" version of the appellant was not supported by any other evidence to render the same of probative value.

Moreover, it is beyond human credulity that the appellant did not suffer any injury, considering that he was allegedly assaulted simultaneously by at least 5 men with deadly weapons. Nolasco Villanueva, one of the victims testified:

Q. The court is just wondering why there is only one assailant, and yet, there were five victims, and you, being one of them, and still a soldier of the Philippine Navy, you were hit. Why were you not able to wrest the bolo of Napoleon Maranan?

A. Because it was a surprised attack, your Honor.

x x x x x x x x x

(tsn., pp. 67-68)

Q. Do you want to impress the court that you were suddenly attacked by Napoleon Maranan?

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A. Yes, Your Honor.

Q. You were not able to or you did not have anytime to defend yourself?

A. No more time, your Honor.

Q. You did not even have time to run away?

A. No more, Your Honor. There is no more chance to run. (Tsn., p. 80)

No proof has been adduced by him to indicate he was possessed of extraordinary strength or amazing dexterity in physical combat.

Indubitably, the appellant had a motive for wanting to kill the victims. Appellant himself admitted that his family and the Villanuevas have ill feelings towards each other because Nolasco had planned to rape his sister in 1964. (p. 266. tsn.).

The appellant went into hiding after the hacking incident. Suffice it to state that flight after the commission of the crime is highly evidentiary of guilt, and incompatible with self-defense (*People vs. Maruhom*, 132 SCRA 116).

The trial court properly convicted the appellant for the crimes he was charged with.

His intent to kill is manifest from the nature and location of the wounds he had inflicted. Furthermore, the employment of treachery is established by the suddenness of his assault, which rendered it impossible for his unsuspecting victims to parry and avoid his blows.

Anent the *certiorari* petition, suffice it to say that under Republic Act No. 5179 as amended by PD 126, the Judge of the Circuit Criminal Court of the then 7th Judicial District (with station at Pasig, Rizal) has jurisdiction to decide cases involving offenses that took place in Cavite (also within the then 7th Judicial District); furthermore, although the jurisdiction of said court is generally concurrent with that of the Court of First Instance, still since the cases were filed in the Circuit Criminal Court on June 21, 1977, and again in the Cavite Court of First

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Instance two days later (or June 23, 1977) *exclusive* jurisdiction was vested in the Circuit Criminal Court.

Accordingly, the *certiorari* petition must be as it is hereby dismissed for the respondent Judge did not act without or in excess of jurisdiction.

Accordingly also, the trial court's judgment of conviction is hereby AFFIRMED, however, due to the lack of the necessary votes, the sentence of death is hereby reduced to *reclusion perpetua*. The civil indemnity to the heirs of the victim, Isaias Bayani, is however increased from P12,000.00 to P30,000.00.

SO ORDERED.

Teehankee, C.J., Feria, Yap, Fernan, Narvasa, Melencio-Herrera, Alampay, Gutierrez, Jr., Cruz, and *Feliciano, JJ.*, concur.

SECOND DIVISION

[G.R. No. L-47360. December 15, 1986]

PETRA FABRICA, EUGENIO BAS, PETRONA BAS, ANTONIO BAS, VICENTE BAS, FLAVIANA BAS, JOSEFINA BAS, NUMERIANA BAS, PASCUAL ZAFRA, MARCIAL BAS, RUFINA LAREGO, FAUSTA OBEJERO, TEOFILO TABAY, VICTORIA OBEJERO, PEDRO GAHUM, ARSENIO CANEDA, FAUSTINA BAS, MOISES BAS, and GIL OBEJERO, *petitioners, vs.* **HONORABLE COURT OF APPEALS and ZACARIAS BAS, CIPRIANO BAS, ELEUTERIA BAS, AGUSTIN BAS, ISIDRO OBEJERO, DEMETRIA BAS, JOSE BAS, OSMUNDO BAS, ANDREA BAS, VIVENCIA BAS, FRANCISCO BAS, ESTELITA BAS,**