

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JULIET ATILANO, ROGELIO IBAÑEZ A.K.A. “ROGER”, HERNANDO AMPARO A.K.A. “BADJAO” AND ROLANDO FAMY A.K.A. “LANDO”, ACCUSED, ROGEL...

Ponente: GARCIA, R. R. J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/46b9086d6a61/>

GARCIA, R. R. J.:

Before Us is an appeal from the Decision[1] dated June 25, 2012 of the Regional Trial Court, Branch 152, Pasig City, in Crim. Case Nos. 124319-H and 124320-H finding herein accused-appellants Rogelio Ibañez[2] a.k.a. “Roger”, Hernando Amparo a.k.a. “Badjao”, and Rolando Famy a.k.a. “Lando” guilty beyond reasonable doubt of two (2) counts of murder defined and penalized under Article 248 of the Revised Penal Code, the dispositive portion of which reads:

WHEREFORE, this Court finds the accused Rogelio Ibañez a.k.a. Roger, Hernando Amparo a.k.a. Badjao and Rolando Famy a.k.a. Lando Guilty beyond reasonable doubt of the crime of Murder in Criminal Case No. 124319-H and hereby sentences them to suffer the indivisible penalty of RECLUSION PERPETUA, to indemnify the heirs of Melanie Guillermo Tablit in the amounts of Php20,000.00 as actual or compensatory damages; Php50,000.00 as civil indemnity for [her] death; and another Php50,000.00 as moral damages, and to pay the costs and in Criminal Case No. 12430-H this Court finds the accused Rogelio Ibañez a.k.a. Roger, Hernando Amparo a.k.a. Badjao and Rolando Famy a.k.a. Lando Guilty beyond reasonable doubt of the crime of Murder in Criminal Case No. 124319-H and hereby sentences them to suffer the indivisible penalty of RECLUSION PERPETUA, to indemnify the heirs of Joan Castrence Tindugan in the amounts of Php20,000.00 as actual or compensatory damages; Php50,000.00 as civil indemnity for [her] death; and another Php50,000.00 as moral damages, and to pay the costs.

The period of detention of the accused are hereby credited in their favor.

With respect to accused Juliet Atilano as she has not yet been arrested, let these cases as far as she is concerned be archived pending her arrest. Let an alias warrant of arrest be issued against her.

SO ORDERED.[3]

THE FACTS

In two separate Informations[4], both dated October 2, 2002, filed before the Regional Trial Court, Branch 262[5], Pasig City accused-appellants Rogelio Ibañez a.k.a. “Roger”, Hernando[6] Amparo a.k.a. “Badjao”, and Rolando Famy[7] a.k.a. “Lando”, and their co-accused Juliet Atilano were charged with two (2) counts of murder, committed as follows:

CRIMINAL CASE NO. 124319-H

That on or about July 17, 2002, in Pasig City and within the jurisdiction of this Honorable Court, the accused, armed with deadly weapons, conspiring and confederating together and all of them mutually helping and aiding one another, with intent to kill, qualified by treachery, evident premeditation and cruelty, and aggravated by the employment of craft, did then and there willfully, unlawfully and feloniously attack, assault, stab, strangle and employ personal and other forms of violence against Melanie Guillermo Tablit to sustain wounds and/or to be choked, which directly caused her death. Contrary to law.[8]

CRIMINAL CASE NO. 124320-H

That on or about July 17, 2002, in Pasig City and within the jurisdiction of this Honorable Court, the accused, armed with deadly weapons, conspiring and confederating together and all of them mutually helping and aiding one another, with intent to kill, qualified by treachery, evident premeditation and cruelty, and aggravated by the employment of craft, did then and there willfully, unlawfully and feloniously attack, assault, stab, strangle and employ personal and other forms of violence against Joan Castrence Tindugan to sustain wounds and/or to be choked, which directly caused her death.

Contrary to law.[9]

During the arraignment on December 9, 2002, appellants, with the assistance of their respective counsels, pleaded not guilty.[10] Meanwhile, accused Juliet Atilano remains at large.

The prosecution presented two (2) witnesses, namely: George[11] Bituin[12] and Wilma Vicente[13].

The testimony of Dr. David B. Cazenias was dispensed with after the parties stipulated that he was the Medical Officer who performed the autopsies on the bodies of the victims and prepared the reports therefor.[14] The testimony of Harry Vicente was likewise dispensed with after the parties stipulated that he was the one who filed a complaint against appellants and their co-accused Juliet Atilano.[15]

The version of the prosecution may be summarized as follows:

Victims Melanie Guillermo Tablit[16] and Joan Castrence Tindugan were the caretaker and housekeeper, respectively, of a house and lot owned by Aneth Chua located Palmetto St., Greenwoods Village, Pasig City. Sometime in 2002, Chua put the subject property on sale for P6.5 Million.

On July 16, 2002, at around six to seven o'clock in the evening, appellant Rogelio Ibañez approached prosecution witnesses George Bituin and Wilma Vicente at the tricycle terminal in Baclaran. He asked them if they wanted a job that would pay One Million Pesos which they and their cohorts would share. When they asked what the work was, appellant Ibañez told them that they would be serving as lookouts while he would restrain and intimidate Aneth Chua, along with her helpers and her son, to sign a deed of sale over the subject property that accused Atilano wanted to buy. When they acceded, appellant Ibañez instructed them to get on a Mitsubishi Adventure where a driver, accused Juliet Atilano, and appellants Rolando Famy and Hernando Amparo were already on board. At around nine o'clock in the evening, they arrived at Greenwood Village in Pasig City. They were told to spend the night at an establishment called Archie's Parlor.

The following day, July 17, 2002, at around seven o'clock in the morning, accused Juliet Atilano, appellants and prosecution witnesses George Bituin and Wilma Vicente went to the subject house owned by Aneth Chua. When they arrived at the house, only victim Melanie Guillermo Tablit was present, but she allowed them inside because she knew accused Atilano as a prospective buyer of the subject property. Appellants then toured the house, accompanied by Tablit, while prosecution witness Bituin stayed at the living room. Thereafter, appellant Amparo

asked victim Tablit for a glass of water. After receiving the water, appellant Amparo brought out a knife and pointed it at victim Tablit who fought back and tried to wrest possession of the knife. Appellants Amparo and Ibañez boxed victim Tablit, hitting her on the stomach. Once she was overpowered, appellants Amparo and Ibañez tied her hands and feet before bringing her to the comfort room. Accused Atilano then told appellants and witnesses Bituin and Vicente that another house helper would arrive at around one in the afternoon.

At around one-thirty in the afternoon of that same day of July 17, 2002, victim Joan Castrence Tindugan arrived, accompanied by another woman and the minor son of the owner of the house. Victim Tindugan asked accused Juliet Atilano where victim Tablit was, but the latter's answer was inaudible. Later, victim Tindugan's female companion and the minor boy left the house while she guided accused Atilano and appellants around. Victim Tindugan asked appellant Rogelio Ibañez what materials were needed to repair the property. As appellant Ibañez was answering, appellant Amparo brought out a hammer and, without warning, hit victim Tindugan's head. Appellants then took advantage of her dizziness and tied her hands and feet with a piece of cloth. She was then carried into the comfort room. Later, accused Atilano brought out black garbage bags and instructed appellants to put the two women inside. At that time, prosecution witness George Bituin saw that victim Tindugan was still moving. Thereafter, the two women were loaded into a Tamaraw FX, which was then boarded by accused Atilano, appellants, and a driver. Before leaving, accused Atilano instructed those left behind not to let anyone inside the house. However, prosecution witnesses Bituin and Wilma Vicente opted to return home.

The following day, July 18, 2002, the news that the bodies of two women were salvaged and were dumped in Cavite City was published on the front page of a newspaper. This prompted prosecution witnesses George Bituin and Wilma Vicente to go to the Baclaran police station to report the incident. They were advised to go to the Western Police District instead. However, they knew that accused Juliet Atilano exerted influence on some police officers there, so they opted to go directly to the National Bureau of Investigation the following day of July 19, 2002.

For the defense, all three appellants took the witness stand in their respective behalf, all of whom interposing the twin defenses of denial and alibi,

Appellant Rogelio Ibañez testified that he was a stay-in worker in a piggery located at Sto. Niño, Pasay owned by Marina Lopez. On July 17, 2002, he was working in the piggery. Since he worked alone, it was his duty to feed the pigs thrice a day. He also collected food from a fast food restaurant in the afternoon and mixed them with cooked rice in the evening. He claimed that he did not know accused Juliet Atilano or prosecution witnesses George Bituin and Wilma Vicente. He only met appellants Hernando Amparo and Rolando Famy in jail after being charged with the instant case.[17]

Appellant Hernando Amparo testified that he was a pedicab driver in Baclaran. On July 17, 2002, he was plying his pedicab from morning until four o'clock in the afternoon. He likewise denied knowing accused Juliet Atilano or appellants Rogelio Ibañez and Rolando Famy. He only met the two other appellants after he was arrested by the NBI.[18]

Appellant Rolando Famy testified that on July 17, 2002, he was at home in Tondo the entire day because he was sick. He also did not know accused Juliet Atilano, appellants Rogelio Ibañez and Fernando Amparo, or victims Melanie Guillermo Tablit and Joan Castrence Tindugan.[19]

In a Decision[20] dated June 25, 2012, the court a quo found appellants guilty beyond reasonable doubt of two (2) counts of murder. It gave full credence to the clear and straightforward testimony of prosecution witness George Bituin and Wilma Vicente who categorically identified appellants as the persons who entered with them the house of Aneth Chua. Appellants Hernando Amparo and Rogelio Ibañez attacked victims Melanie Guillermo Tablit and

Joan Castrence Tindugan and thereafter bound their hands and feet. Later, they, with the help of appellant Rolando Famy, slid the victims into garbage bags and then into an awaiting vehicle. Such positive identification cannot prevail over appellants' twin defenses of denial and alibi. There being treachery in appellants' sudden and unexpected attack against the victims, the killing was qualified as murder. The pertinent portions of the Decision are quoted:

The Court had noticed that the testimonies of eyewitnesses George/Jorge Bituin and Wilma Vicente were straightforward, candid and unshaken even under grueling cross-examinations. There were minor inconsistencies in the testimonies in the testimonies of the eyewitnesses but said inconsistencies do not affect their credibility. There is no reason to doubt their credibility. It is part of jurisprudence that eyewitness' identification of the accused is vital to the evidence of the prosecution and in most cases, it is decisive of the success or failure of the prosecution.

x x x

This Court finds all of the accused's defense of alibi to be weak and unconvincing. The defense of the accused failed to overcome the clear, positive, straight forward testimonies of the eyewitness who belonged originally to the group of the accused. Alibi and denial cannot prevail over the eyewitnesses' narration of the incident subject matter of these cases. This Court humbly believes that the accused in these cases had committed the crimes charged.

x x x

There was conspiracy among all of the accused. x x x

Aside from conspiracy in doing the grisly murders, evident premeditation was so apparent, as even on the night before the crimes happened, accused Juliet Atilano and Rogelio Ibañez had talked to their co-accused on how they will go through with the gruesome murders of the victims. Accused took advantage of their superior strength, as having great in numbers compared to the victims and to make sure that they will not fail in their plan, accused had used treachery in the manner of execution of the twin murders. As testified by prosecution witness Dr. David B. Cazenaz x x x the victims Lani and Joan died of "asphyxia" secondary to strangulation. Obviously the victims were finished off by the accused even before they were placed at the black garbage bags otherwise eyewitnesses could notice a struggle from the victims while they were being placed at the garbage bags.

The accused were in union in the commission of the crimes as shown by the following: Badjao suddenly poked a kitchen knife at Lani who fought back by sitting on the floor and was able to get hold of the knife and had tried to get it from Badjao. But Badjao boxed her. When she felt weak, Roger and Badjao tied the hands and feet of Lani with a piece of cloth in the kitchen near the sala. Lani was brought upstairs by Rogelio Ibañez a.k.a. Roger, Hernando Amparo a.k.a. Badjao and Rolando Famy a.k.a. Lando.

Badjao suddenly hit the head of Joan with a hammer. When she felt dizzy, Badjao and Roger also tied her hands and feet of Joan and placed at the mouth of Joan a piece of cloth and brought her inside the comfort room. Juliet arrived together with the driver of the vehicle and they handed them a black garbage bag. Juliet asked them to put the two maids inside the black garbage bag. Roger followed the order of Juliet. They brought the 2 garbage bags to the garage and had them boarded on a Tamaraw FX. The four accused x x x altogether boarded at the Tamaraw FX that brought the bodies of the victims to Cavite.[21]

Hence, this appeal in which appellants raised the following ASSIGNMENT OF ERRORS[22], to wit:

I

THE COURT A QUO GRAVELY ERRED IN FINDING APPELLANTS GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED DESPITE THE PROSECUTION'S FAILURE TO

OVERTHROW THE CONSTITUTIONAL PRESUMPTION OF INNOCENCE IN THEIR FAVOR; AND

II

THE PROSECUTION FAILED TO ADDUCE ANY EVIDENCE TO PROVE THE QUALIFYING CIRCUMSTANCES OF TREACHERY AND EVIDENT PREMEDITATION.

THE ISSUE

The sole issue in the instant case is whether or not appellants' guilt was proven beyond reasonable doubt.

THE RULING

The appeal is bereft of merit.

Appellants contend that the court a quo erred in finding them guilty beyond reasonable doubt of the crime of murder based on the testimonies of prosecution witnesses George Bituin and Wilma Vicente. They however, testified only to the extent that they saw appellants hit, tie and load the victims into a vehicle. They were silent with regard to how the victims were killed. There was a dearth of evidence linking appellants to the death of the victims. Furthermore, the prosecution also failed to establish the presence of treachery and/or evident premeditation that would qualify the killing into murder.

These fail to persuade.

The elements of murder under Article 248 of the Revised Penal Code are: (1) that a person was killed; (2) that the accused killed him; (3) that the killing was attended by any of the qualifying circumstances mentioned in Article 248 of the Revised Penal Code; and (4) that the killing was not parricide or infanticide.[23]

In *People vs. Loreto*[24], the Supreme Court held that since crimes are usually committed in secret, there are times when there is an absence of direct evidence to prove the accused's guilt beyond reasonable doubt. This, however, does not mean that the accused is absolved from criminal liability. Thus, under Section 4, Rule 133 of the Rules of Court, in the absence of direct evidence, circumstantial evidence is sufficient to convict the accused if: (a) there is more than one circumstance; (b) the facts from which the inferences are derived are proven; and (c) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.[25] To sustain a conviction based on circumstantial evidence, it is essential that the circumstantial evidence presented must constitute an unbroken chain which leads one to a fair and reasonable conclusion pointing to the accused, to the exclusion of the others, as the guilty person. The circumstantial evidence must exclude the possibility that some other person has committed the crime.[26]

Here, the court a quo correctly found the presence of several circumstances which, taken together, constitute an unbroken chain of events pointing to the logical conclusion that appellants, in collusion with accused Juliet Atilano, killed the victims.

First, appellant Rogelio Ibañez approached prosecution witnesses George Bituin and Wilma Vicente with a job to serve as lookouts while the victims would be tied up, intimidated, and thereafter killed.

Second, after appellants and prosecution witnesses George Bituin and Wilma Vicente gained entry into the subject house owned by their target Aneth Chua by pretending to be carpenters, appellant Hernando Amparo, assisted by appellant Rogelio Ibañez, attacked victim Melanie Guillermo Tablit with a knife, and when she resisted, he boxed her. After she was overpowered, her hands and feet were tied before she was locked up in a comfort room.

Third, while discussing the improvements needed for the subject house, appellant Hernando Amparo suddenly hit

victim Joan Castrence Tindugan with a hammer. Once she was dizzy, her hands and feet were also bound. She was also locked up in a comfort room together with victim Melanie Guillermo Tablit.

Fourth, accused Juliet Atilano later arrived with black garbage bags. Appellants placed the victims into separate garbage bags. At that time, prosecution witness George Bituin saw victim Joan Castrence Tindugan still moving.

Sixth, appellants loaded the victims into an awaiting Tamaraw FX.

Seventh, appellants, along with accused Juliet Atilano, boarded the same Tamaraw FX while prosecution witnesses George Bituin and Wilma Vicente were left at the subject house.

Finally, the victims were found dead in Cavite the following morning, July 18, 2002, with their hands and feet still bound.

The foregoing circumstances are consistent with the culpability of appellants. When all of these circumstances are taken together, it leads to no other conclusion but that appellants are guilty. The peculiarity of circumstantial evidence is that the guilt of the accused cannot be deduced from scrutinizing just one particular piece of evidence. It is more like a puzzle which, when put together, reveals a convincing picture pointing towards the inescapable conclusion that the accused is the author of the crime.[27]

The court a quo also correctly gave credence to the testimonies of George Bituin and Wilma Vicente, which appellants did not even attempt to discredit. Their answers to the questions propounded to him were intelligible, candid and unwavering. Being in the best position to discriminate between the truth and falsehood, the court a quo's assignment of values and weight on his testimony should be respected. It is an oft-repeated rule that appellate courts will not disturb the trial court's evaluation of the credibility of witnesses in the absence of a clear showing that the trial judge had overlooked, misunderstood or misapplied some facts or circumstances of weight and substance.[28] We quote the testimony of prosecution witness George Bituin, to wit:

Q

What happened next, if there was any?

x x x

A

Badjao asked water from Lani, sir.

Q

Did Lani give water to Badjao during that time?

A

Yes, sir.

Q

What happened after that?

A

Badjao suddenly poked a kitchen knife to Lani, sir.

x x x

Q

x x x what happened after that?

A

Lani fought back sir.

Q

How did Lani fight back?

A

She sat on the floor and she was able to get hold of the knife and trying to get it from Badjao, sir.

Q

When Lani did that, do you know what, if any, did Badjao do?

A

He was boxing Lani, sir.

Q

What happened to Lani?

A

She felt weak, sir.

Q

When Lani felt weak, as you stated, what happened to her?

A

Badjao and Roger tied the hands and feet of Lani with a piece of cloth, sir.

x x x

Q

After that, what happened?

A

Roger was telling the maid the materials that will be bought but Badjao suddenly hit the head of Joan with a hammer, sir.

Q

You are talking of this Joan, who is this Joan?

A

The second victim, the [one] who arrived at around 1 o'clock in the afternoon, sir.

x x x

Q

Have you seen if this Joan was hit when Badjao hit her with a hammer?

A

Yes, sir.

Q

What happened when Joan was hit?

A

She felt dizzy, sir.

Q

After that, do you know what this Badjao and Roger did?

A

They also tied the hands, feet and the mouth of Joan with a piece of cloth and brought inside the comfort room, sir.

x x x

Q

After that, what happened when they went back to the sale?

A

Juliet arrived together with the driver of the vehicle and they handed them a black garbage bag, sir.

Q

Do you know what they did to this black garbage bag?

A

Juliet asked them to put the two maids inside the black garbage bag, sir.

x x x

Q

After the bodies of these maids were put inside the bag, do you know if they were still alive during that time?

A

The one was still moving, sir.

Q

You are referring to whom?

A

Joan was still moving, sir.

Q

After these victims were put inside the sack, what else happened to them?

A

They were brought down to the garage, sir.

Q

Do you know what happened at the garage?

A

Yes, sir.

Q

What happened?

A

They were boarded on a Tamaraw Fx, sir.

Q

Were you able to see the loading of these bodies inside the Tamaraw FX?

A

Yes, sir.

Q

After that, when these bodies were loaded inside the FX, what happened next?

A

I heard them saying that they will bring the bodies to Cavite, sir.[29]

It may also be well to state that prosecution witnesses George Bituin and Wilma Vicente have no reason to falsely testify against appellants. There being no evidence of ill-motive for the prosecution witnesses to testify against appellants, there can be no other conclusion but that no such improper motive exists.[30] Hence, their respective testimonies are worthy of full faith and credit.

The testimonies of prosecution witnesses George Bituin and Wilma Vicente were also corroborated by the physical evidence on record, that is, the autopsy and medical examination reports[31] of the victims. Prosecution witness Bituin testified that appellant Hernando Amparo boxed victim Melanie Guillermo Tablit on the stomach and that once she was overpowered, her hands and feet were tied. This corresponds to the autopsy and medical examination reports on victim Melanie Guillermo Tablit that she had a contusion on her left pectoral region, as well as contusions and ligature marks on her wrists and left leg. Prosecution witness Bituin also testified that appellant Amparo hit victim Joan Castrence Tindugan with a hammer before her hands and feet were tied. Per the autopsy and medical examination reports, victim Tindugan suffered abrasion on her left zymagotic region, as well as ligature marks and abrasions on her wrists and legs.

The court a quo also correctly appreciated the qualifying circumstance of treachery in the killing of the victims, qualifying the crimes into murder. The essence of treachery is the sudden and unexpected attack by the aggressor on an unsuspecting victim, depriving the latter of any real chance to defend himself, thereby ensuring its commission without risk to the aggressor, and without the slightest provocation on the part of the victim.[32] In this case, the victims were completely deprived of a real chance to defend themselves. Not only were they caught by surprise by appellants' sudden attack, their hands and feet were bound, rendering them defenseless and unable to retaliate.

On the other hand, all appellants could offer in their defense are denials and alibis. Unfortunately, alibi and denial are inherently weak defenses, which cannot prevail over the positive testimonies of prosecution witnesses who, as is the case here, were not shown to have any ill motive to testify against appellants.[33]

Anent the penalty imposed by the court a quo for the murder of victim Melanie Guillermo Tablit, We affirm the imposition of imprisonment of reclusion perpetua.

Article 248 of the Revised Penal Code provides that the penalty for the crime of murder is punishable by reclusion perpetua to death. There being no aggravating or mitigating circumstance that attended the killing since the element of treachery was already considered as a qualifying circumstance, the proper imposable penalty is reclusion perpetua, pursuant to Article 63(2) of the Revised Penal Code. Besides, the death penalty has already been abolished.

We now come to the award of damages due to the heirs of victim Melanie Guillermo Tablit.

When death occurs due to a crime, the following may be awarded: (1) civil indemnity ex delicto for the death of the victim; (2) actual or compensatory damages; (3) moral damages; (4) exemplary damages; and (5) temperate damages.[34]

Anent the court a quo's award of civil indemnity and moral damages both pegged at P50,000.00, it is proper to increase the same to P75,000.00 each, in to conform with recent jurisprudence.[35] In *People of the Philippines vs. Mercado*[36], the Supreme Court ruled thus:

We modify the award of damages to make their amounts consistent with the law and jurisprudence relating to an accused adjudged guilty of a crime covered by Republic Act No. 7659, regardless of aggravating or mitigating circumstances. The correct amounts are P75,000.00 as civil indemnity; P75,000.00 as moral damages; and P30,000.00 as exemplary damages, all to be granted without proof or pleading. x x x [Emphasis supplied]

With respect to the award of P20,000.00 as actual damages, the same must be deleted considering that the prosecution failed to present receipts to substantiate burial and funeral expenses.

In lieu of actual damages, it is proper to award P25,000.00 as temperate damages since it was reasonable to expect that the heirs of victim Melanie Guillermo Tablit incurred expenses for her coffin and burial.

We also deem it proper to award P30,000.00 as exemplary damages. Article 2230 of the Civil Code states that exemplary damages may be imposed when the crime was committed with one or more aggravating circumstances, as in this case. Thus, the heirs of the victim are entitled to exemplary damages in the amount of P30,000.00 pursuant to the latest jurisprudence on this matter.[37]

In addition to the damages awarded, We also impose on all the amounts of damages an interest at the legal rate of 6% from date of finality of this Decision until fully paid.[38]

For the same reason, We affirm the imposition of the penalty of imprisonment of reclusion perpetua for the murder of victim Joan Castrence Tindugan.

Similarly, the award in favor of the heirs of victim Joan Castrence Tindugan are modified as follows: (1) the award of civil indemnity is increased from P50,000.00 to P75,000.00; (2) the award of moral damages is increased from P50,000.00 to P75,000.00; (3) the award of actual damages is deleted in the absence of any evidence to support the same; (4) temperate damages amounting to P25,000.00 is awarded as it is reasonable to expect that the heirs of victim Tindugan incurred expenses for her coffin and burial; (5) exemplary damages amounting to P30,000.00 is also proper considering the presence of treachery in the case at bench; and (6) the amounts of damages are subject to interest at the legal rate of 6% from date of finality of this Decision until fully paid.

WHEREFORE, premises considered, the appeal is hereby DENIED. The Decision[39] dated June 25, 2012 of the Regional Trial Court, Branch 152, Pasig Cit is AFFIRMED with MODIFICATION in that the award of actual damages are deleted. Consequently, accused-appellants Rogelio Ibañez a.k.a. "Roger", Hernando Amparo a.k.a.

“Badjao”, and Rolando Famy a.k.a. “Lando” are ORDERED to pay the heirs of victim Melanie Guillermo Tablit the award, as follows: (a) Seventy-Five Thousand Pesos (P75,000.00) as civil indemnity; (b) Seventy-Five Thousand Pesos (P75,000.00) as moral damages; (c) Twenty-Five Thousand Pesos (25,000.00) as temperate damages; (d) Thirty Thousand Pesos (P30,000.00) as exemplary damages; and (e) interest on all award of damages at the rate of six percent (6%) per annum reckoned from the date of finality of this Decision until fully paid.

Accused-appellants are further ordered to pay the heirs of victim Joan Castrence Tindugan the award, as follows: (a) Seventy-Five Thousand Pesos (P75,000.00) as civil indemnity; (b) Seventy-Five Thousand Pesos (P75,000.00) as moral damages; (c) Twenty-Five Thousand Pesos (25,000.00) as temperate damages; (d) Thirty Thousand Pesos (P30,000.00) as exemplary damages; and (e) interest on all award of damages at the rate of six percent (6%) per annum reckoned from the date of finality of this Decision until fully paid.

SO ORDERED.

De Guia-Salvador, (Chairperson) and Sorongon, JJ., concur.

[*]Vice Justice Danton Q. Bueser who is on official business per Raffle dated May 20, 2014.

[1]Penned by Judge Danilo S. Cruz, Rollo, pp 62-97.

[2] Also spelled as Ibanez.

[3] Id., at pp 96-97.

[4] Records, pp 1-3; 60-62.

[5] Later re-raffled to Branch 152, Pasig City per Order dated October 24, 2005.

[6] Should have been Fernando.

[7] Also spelled as Fami.

[8] Id., p 1.

[9] Id., p 60.

[10]See appellants' respective Certificates of Arraignment, all dated December 9, 2002, Records, pp 73, 74, 75; Order dated December 9, 2002, Rollo, p 77.

[11] Also spelled as Jorge.

[12] TSN dated November 18, 2003; TSN dated March 17, 2004.

[13] TSN dated August 18, 2004; TSN dated April 27, 2005.

[14] See Order dated April 22, 2003, Records, p 103; See also TSN dated April 22, 2003.

[15] Order dated August 8, 2005.

[16] Also referred to as Melanie Salazar.

[17] TSN dated October 11, 2010.

[18] TSN dated October 7, 2008; TSN dated February 2, 2009; TSN dated May 25, 2009.

[19] TSN dated June 6, 2011; TSN dated February 13, 2012.

[20] Supra, see note 1.

[21] Id., pp 91, 93, 95-96.

[22] Rollo, pp 47-48.

[23] People of the Philippines vs. Bensig, G.R. No. 138989, September 17, 2002.

[24] G.R. No. 137411-13, February 28, 2003.

[25] See also Lozano vs. People of the Philippines, G.R. No. 165582, July 9, 2010.

[26] Ibid.

[27] People of the Philippines vs. Turtoga, et al., G.R. No. 135536, June 6, 2002.

[28] People of the Philippines vs. Larin, G.R. No. 128777, October 7, 1998.

[29] TSN dated November 18, 2003, pp 8-10, 16-18.

[30] People of the Philippines vs. Rendoque, Sr., et al., G.R. No. 106282, January 20, 2000; People of the Philippines vs. Satonero, G.R. No. 186233, October 2, 2009.

[31] Records, pp 307-308, 309, 303-304, 205.

[32] People of the Philippines vs. Glino, G.R. No. 173793, December 4, 2007; People of the Philippines vs. Lucero, G.R. No. 179044, December 6, 2010.

[33] People of the Philippines vs. Baluya, G.R. No. 181822, April 13, 2011.

[34] People of the Philippines vs. Asis, G.R. No. 177573, July 7, 2010.

[35] People of the Philippines vs. Honor, et al., G.R. No. 175945, April 7, 2009; People of the Philippines vs. Obligado, G.R. No. 171735, April 16, 2009.

[36] G.R. No. 168871, February 2, 2011.

[37] People of the Philippines vs. Jadap, March 30, 2010.

[38] People of the Philippines vs. Asis, G.R. No. 177573, July 7, 2010; People of the Philippines vs. Ninuman, G.R. No. 182918, June 6, 2011.

[39] Supra at note 1.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.