

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
TOMAS LACANDAZO, ET AL., ACCUSED. FELIZARDA SANDOVAL,
MOTHER OF THE OFFENDED PARTY AND APPELLANT.**

G.R. No. L-29058. January 30, 1970

Ponente: DIZON, J.

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DIZON, J.:

Tomas and Alexander Lacandazo were charged with murder and frustrated forcible abduction of Matilde Sandoval in the Court of First Instance of Palawan (Criminal Cases Nos. 3115 and 3196, respectively). After due trial upon a plea of not guilty, they were convicted only of "homicide through simple negligence", as follows:

"IN VIEW OF ALL THE FOREGOING CONSIDERATIONS, the Court holds that the charges under Criminal Cases Nos. 3115 and 3196, against Alexander Lacandazo and against Tomas Lacandazo in Criminal Case No. 3196 have not been proven beyond reasonable doubt and, therefore, acquits them of the crime charged. Under Criminal Case No. 3115, the Court holds that Tomas Lacandazo is guilty beyond reasonable doubt of the crime of Homicide thru simple negligence, and not murder, penalized under the 2nd paragraph of Article 365 of the Revised Penal Code, and sentences him to an imprisonment of SIX (6) MONTHS of arresto mayor, to indemnify the heirs of the deceased in the amount of SIX THOUSAND (P6,000.00) PESOS, with subsidiary imprisonment in case of insolvency, and to pay the cost. The bonds posted by the two accused are ordered cancelled, and the bondsmen absolved from any responsibility whatsoever thereon."

Felizarda Sandoval, mother of the deceased Matilde Sandoval, appealed from the decision in so far as the civil indemnity awarded therein was concerned, contending that it should have been in the amount of P12,000 or more, in accordance with the later decisions of this court on the matter.

The case was submitted for decision without any brief submitted by the defendants.

Considering the circumstances of the case, particularly the trial court's own finding that it "could not believe that the shooting was accidental under the circumstances testified to by the accused Tomas Lacandazo", We are of the opinion and so hold that the civil indemnity should be increased to P12,000.00 to be paid, jointly and severally, by Tomas and Alexander Lacandazo.

The decision appealed from, therefore, is modified as above indicated, with costs.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Sanchez, Castro, Fernando, Teehankee, and Barredo, JJ., concur.

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