

**PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
BALWINDER SINGH, GURMOK SINGH, DALVIR SINGH, DIAL SINGH,
AMARJIT SINGH, MOHINDER SINGH, MALKIT SINGH DHILLON,
JOHINDER SIN...**

G.R. No. 129782. June 29, 2001

Ponente: BUENA, J.

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BUENA, J.:

Appellants Balwinder, Malkit, Mohinder and Dalvir, all surnamed Singh, were convicted of the crime of Murder in Criminal Case No. 8683 for killing Surinder Singh, and Frustrated Murder in Criminal Cases No. 8682 for stabbing Dilbag Singh. Each of them were sentenced to suffer the penalty of reclusion perpetua for murder, and the indeterminate penalty of 8 years and one (1) day of prision mayor as minimum, to twelve (12) years and one (1) day of reclusion temporal as maximum for frustrated murder.

It appears that these four (4) appellants, who are Indian nationals, were charged with murder and frustrated murder along with their six (6) compatriots, namely: Gurmok, Dalvir, Dial, Johinder, Kuldeep and Amarjit Singh. Only these four (4) appellants were prosecuted because the rest of their co-accused are at-large, except for Dial Singh, who died while under detention.

Dilbag Singh, private complainant for frustrated murder in Criminal Case No. 8682, recounts that on November 26, 1993, at around 7:30 in the morning while he was cleaning his motorbike in front of the Mendiola Apartment in Barangay Canlalay, Biñan, Laguna, Dalvir, Balwinder, Gurmok, Jarnail, Amarjit, Mohinder, Dial, Kuldeep- all surnamed Singh-Johander Singh Dhillon, and Malkit Singh Dhillon arrived, shouting foul remarks in their native language and demanding Surinder Singh to come out of the apartment. When Surinder Singh came out of his apartment, Dalvir Singh tried to stab him but Surinder Singh was able to move away. Dalvir Singh told his companions to hold Surinder Singh as he will kill him. Thereafter, Dial Singh and Johinder Singh each held the right and left arms of Surinder Singh, with Kuldeep Singh pushing Surinder Singh on his back. Dalvir Singh then stabbed Surinder Singh, hitting him on the right side of his stomach, and causing him to fall on the ground. Dial Singh remarked that Surinder Singh failed to give money and if others will likewise refuse, the same fate will befall them. As Surinder Singh tried to get up, Malkit Singh Dhillon and Jarnail Singh started hitting him with lead pipes all over his body, while Johinder Singh and Dial Singh punched and kicked Surinder. Amarjit Singh, who was holding a gun, warned everyone not to help Surinder Singh or else he will shoot. Thereat, when all these things were going on, private complainant Dilbag Singh tried to stop them but Balwinder Singh stabbed him on the left side of his back. Gurmok Singh likewise stabbed him with a bolo, but he was not hit as he was able to move to one side. After that, the ten (10) accused Indians left.

Dilbag Singh and Surinder Singh, both injured, were brought to the Perpetual Help Hospital, Biñan, Laguna, by Jaswinder Singh, Johinder Singh Gill, Balwinder Singh Gill and Alwan Singh, for treatment. There, Surinder Singh was pronounced dead on arrival.

From the hospital, private complainant Dilbag Singh, Jaswinder Singh, Balwinder Singh Gill, a lady named Vilma, and other companions went to the police station in Biñan, Laguna, and reported the incident. Both Dilbag Singh and Jaswinder Singh executed a sworn statement.

On the basis of the sworn statement, the Chief Investigator of the Biñan Police Station filed on November 28, 1993, a complaint for the crime of homicide with the Municipal Trial Court (MTC) of Biñan, Laguna for purposes of preliminary investigation.

On January 7, 1994,[1] after finding probable cause, the MTC recommended to upgrade the charges to "Murder" and "Frustrated Murder", and forwarded the records of the case to the Provincial Prosecutor.[2]

On February 17, 1994, 3[rd] Assistant Prosecutor of Laguna, Fernando V. Balinado, rendered a resolution recommending that only Dalvir Singh be charged with homicide, and that frustrated homicide be filed against Balwinder and Gurmok Singh.[3] Thereafter, the Information for homicide was filed against Dalvir Singh, and frustrated homicide against Balwinder and Gurmok Singh[4] with the Regional Trial Court of Laguna. Before arraignment, private complainants Dilbag Singh and their heirs of Surinder Singh, thru their counsel, moved for reinvestigation.[5]

On June 30, 1994, a "resolution on reinvestigation"[6] resulted in the filing of two (2) Informations - for Murder and Frustrated Murder - against all ten (10) Indian nationals, to wit:

"CRIMINAL CASE No. 8683[7] `For Murder`

"That on or about November 26, 1993, in the Municipality of Biñan, Province of Laguna, Philippines and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually helping with one another, and armed with a fan knife, hand gun and lead pipes, did then and there willfully, unlawfully and feloniously attack, assault, stab and wound and hit with said knife and lead pipes one SURINDER SINGH thereby inflicting upon him fatal wounds, with abuse of superior strength, treachery and with evident premeditation, the said accused, having inflicted the wounds upon SURINDER SINGH while being held by the other accused, and as a result thereof, the said wounds being necessarily mortal/fatal, thereby causing the direct and immediate death of said SURINDER SINGH, to the damage and prejudice of his surviving heirs.

"All contrary to law and with the qualifying/aggravating circumstances of abuse of superior strength, evident premeditation and alevosia, and the generic aggravating circumstance of known conspiracy.

"Criminal Case No. 8682[8] `Frustrated Murder`

"That on or about November 26, 1993 in the Municipality of Biñan, Province of Laguna, Philippines and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually helping with one another, did then and there willfully, unlawfully and feloniously, with abuse of superior strength, treachery and evident premeditation, while armed with bolos, lead pipes, fan knife and hand-gun, with the intent of taking the life of DILBAG SINGH, attack, assault thereby inflicting upon him mortal wound on the left side of his body directly by overt acts thus, performing all the acts of execution which would have nevertheless did not produce it, by reason of causes independent of their will, that is: the able and timely medical assistance given the said DILBAG SINGH which prevented his death.

"CONTRARY TO LAW."

Initially, the case was filed with the Regional Trial Court of Biñan, Laguna and was raffled to Branch 24. Both cases were tried jointly.

Upon arraignment, on September 23, 1994, three (3) appellants, Balwinder, Malkit and Mohinder Singh,

manifested that they are not entering any plea. Thus, the court entered for them a plea of not guilty pursuant to Section 1(c), Rule 116 of the Rules of Court.[9] The arraignment of Dalvir and Dial Singh followed on October 25, 1994.[10]

On October 6, 1994, appellants filed a petition for bail.[11] While hearing the petition for bail, appellants filed a motion to inhibit and a petition for change of venue.[12] Subsequently, on May 30, 1995, the hearing on the petition for bail was continued before the Regional Trial Court of San Pedro, Laguna. On December 13, 1995, RTC of San Pedro, Laguna denied the petition for bail.[13]

The evidence presented during the bail hearings were automatically reproduced at the trial.

The events, according to appellants, happened in this wise. Appellant Dalvir Singh testified that on November 26, 1993, at around 7:30 in the morning, he was conducting his buy and sell business along Brgy. Canlalay, Biñan, Laguna. While collecting from his customers, he was accosted by Jaswinder, Dilbag and Surinder Singh to stop at the corner of the street. When he stopped, he alighted from his motorcycle. Jaswinder, Dilbag and Surinder Singh accused him of squealing their status to the immigration authorities. Then, Jaswinder Singh punched him. Appellant Dalvir Singh retaliated by slapping Jaswinder Singh after which, Jaswinder Singh, went inside his apartment to get a pipe. When Surinder Singh was about to stab him, he wrestled the knife from him and, in the process, private complainant Dilbag Singh was stabbed on his back with the same knife.[14] As Dalvir Singh grappled for the possession of the knife from Surinder Singh, both of them fell down, with him landing on top of Surinder Singh and that was the time when Surinder Singh was stabbed on the right portion of his stomach. Then, Surinder Singh lost his grip and appellant Dalvir Singh was able to get hold of the knife. Appellant Dalvir Singh was so nervous that he left the place on his motorcycle while holding the knife. He threw the knife along the highway of Biñan, Laguna.[15]

To bolster this version, appellants offered the testimonies of Wilfredo Rivera and SPO4 Manuel Francisco. Wilfredo Rivera corroborated the testimonies of appellant Dalvir Singh. According to him, he testified in court in exchange for the favor extended to him by an Indian national who is a friend of appellant Dalvir Singh. With respect to the testimonies of SPO4 Manuel Francisco, then chief investigator of the PNP, Biñan, Laguna, the same were confined to the fact that private complainants Dilbag Singh and Jaswinder Singh executed their respective sworn statements of the incident.

After trial, appellants were convicted of the crime charged, thus -

"WHEREFORE, the guilt of accused Balwinder Singh, Malkit Singh Dhillon, Mohinder Singh, Dalvir Singh and Dial Singh having been established beyond reasonable doubt of the crimes of frustrated murder in Criminal Case No. 8282 and murder in Criminal Case 8683 defined and penalized in Articles 248 and 250 of the Revised Penal Code, this Court hereby sentences them (except Dial Singh who died during the presentation of defense evidence on the main case) as follows:

"Criminal Case No. 8682

"1. each to suffer an indeterminate penalty of imprisonment of from eight (8) years and one (1) day of prison mayor as minimum, to twelve (12) years and one (1) day of reclusion temporal maximum;

"2. jointly and severally, to pay private complainant Dilbag Singh the amounts of P16,000 representing his hospitalization and medical expenses, and P30,000 for and as attorney's fees; and

"3. jointly and severally, to pay the costs of suit.

"Criminal Case No. 8683

"1. each to suffer the penalty of reclusion perpetua;

"2. jointly and severally, to pay the heirs of Surinder Singh the following sums:

a) P50,000.00 as civil indemnity;

b) P41,500.00 representing funeral, wake and transportation expenses;

c) P5,760,000.00 for lost earnings/income;

d) P400.00 for hospitalization expenses;

e) P50,000.00 for moral damages; and

f) P500,000.00 for and as attorney's fees; and

"3. jointly and severally, to pay the costs of suit.

"Since accused Jarnail Singh, Gurmok Singh, Amarjit Singh, Johinder Singh and Kuldip Singh have remained at-large to date, in order not to clog the docket of this court, let the records of these two cases be sent to the files and warrant be issued for their immediate arrest.

"SO ORDERED." [16]

Due to the penalty of reclusion perpetua imposed in murder, the case is now before us on appeal.

Appellants challenge their conviction and interpose the following errors allegedly committed by the trial court-[17]

"1. The court a quo erred in sanctioning errors and irregularities of procedure which resulted in denial of due process to accused-appellants.

"2. The court a quo erred in accepting the prosecution's version of the incident which gave rise to these cases, overlooking the testimonies of the three (3) unbiased witnesses thereto.

"3. The court a quo erred in awarding excessive damages against accused-appellants.

First error

According to appellants, an irregularity attended the admission of the amended Informations. They claim that the prosecution failed to conduct a preliminary investigation for the upgraded crime of murder and frustrated murder. This claim lacks basis.

Evidence on record reveals that when private complainants filed a motion for re-investigation to upgrade the charge to murder and frustrated murder, in the course thereof, the prosecutor who handled the reinvestigation[18] conducted another preliminary investigation. "Subpoenas were issued and sent to both contending parties requiring them to appear and be present on the scheduled date and time for the said re-investigation, and to present, or submit, their evidence in support of their complaints and defense, respectively." [19] The prosecutor propounded clarificatory questions to the prosecution witnesses revealing the necessity to raise the category of the criminal charge to murder and frustrated murder.

Appellants likewise alleged that the procedure followed by the trial court in resolving their petitions for bail departed from the usual course of judicial proceedings, because the prosecution presented its evidence ahead of appellants, and the presentation of the prosecution took 10 months from January 27 to October 30, 1995, while the accused were afforded only two days to rebut the prosecution evidence. This allegation is misplaced.

In hearing the petition for bail, the prosecution has the burden of showing that the evidence of guilt is strong. Section 8, Rule 114 of the Rules of Court specifically provides that the burden of proof in bail application lies in the prosecution, thus-

"Section 8, Burden of proof in bail application.- At the hearing of an application for admission to bail filed by any person who is in custody for the commission of an offense punishable by death, reclusion perpetua or life imprisonment, the prosecution has the burden of showing that evidence of guilt is strong. The evidence presented during the bail hearings shall be considered automatically reproduced at the trial, but upon motion of either party, the court may recall any witness for additional examination unless the witness is dead, outside of the Philippines or otherwise unable to testify."

In bail proceedings, the prosecution must be given ample opportunity to show that the evidence of guilt is strong. While the proceeding is conducted as a regular trial, it must be limited to the determination of the bailability of the accused. It should be brief and speedy, lest the purpose for which it is available is rendered nugatory. Antecedents of this case show that the case was initially raffled to Branch 24, RTC, Biñan, Laguna, and then transferred to RTC San Pedro, Laguna. From the filing of the two (2) criminal Informations, several motions and petitions were received by the trial court, which include, among others, application for bail, motion for re-investigation, motion to inhibit and change of venue, motion to transfer appellants from the municipal jail to Sta. Cruz provincial jail, petition for review filed with the Department of Justice and motion for postponements. In the course of hearing the petition for bail, several petitions and motions cluttered the records of the trial court. In fact, the records of the case were not immediately forwarded to RTC San Pedro, Laguna when the hearing was transferred. We have scoured the records of this case and we found that the delay was caused by these factors. These, however, did not justify the length of time consumed by the prosecution in the presentation of its evidence because the trial court, exercising its discretion, ought to control the course of bail proceedings, "avoiding unnecessary thoroughness in the examination and cross-examination of witnesses, and reducing to a reasonable minimum the amount of corroboration particularly on details that are not essential to the purpose of the hearing." [20] While the prosecution tarried too long, such fact did not amount to a denial of due process because bail is granted only "where it is uncertain whether the accused is guilty or innocent," [21] which is not attendant in this case.

Appellants also challenge their transfer from the municipal jail in Biñan, Laguna, to the provincial jail in Sta. Cruz, Laguna. The transfer of appellants to the Sta. Cruz provincial jail was sought for because during the scheduled hearings, appellants were always late. [22] Considering that the jail guards in the municipal jail at Biñan reasoned that they are undermanned, thus, late in going to court, the trial court deemed it best to transfer appellants to the provincial jail. Besides, the trial court took cognizance of the fact that appellants complained of poor jail facilities in Biñan, Laguna. [23] Circumstances surrounding this case justify appellants' transfer to the provincial jail for the purpose of insuring the speedy disposition of the case.

Appellants claim that no evidence was presented by the prosecution to prove the allegations in the amended information, and that "there is nothing in the records of these cases which support the statement of the court a quo that "the documentary evidence, as well as the testimonies of the xxx witnesses presented by the prosecution in a petition for bail, was considered as automatically reproduced at the trial on the main cases", [24] is misleading.

On May 30, 1995, the trial court declared that the evidence presented during the bail hearings are considered automatically reproduced at the trial of the main case. [25] In fact, Section 8, Rule 114 of the Rules of Court specifically provides that "the evidence presented during the bail hearings shall be considered automatically reproduced at the trial." The mandate of the Rules is clear and there is no need for the trial court to issue an order so that the evidence presented in the bail proceedings may be considered automatically reproduced at the trial.

Appellants contend that they were deprived of their rights to be heard and to present evidence with the issuance of the trial court Order dated February 24, 1997. As culled from the records, appellants were protracting the trial by filing motions for postponement on scheduled hearings. On February 24, 1997, the scheduled date for appellants' presentation of additional evidence, appellants filed a motion for leave to file demurrer to evidence and set the same for hearing on that same day.[26] It bears stressing that judicial action on a motion to dismiss, or demurrer to evidence, is left to the exercise of sound judicial discretion.[27] The trial court, mindful of the violation of the three-day notice rule by appellants, declared that the trial court must be given time to resolve the motion, and ordered the parties to proceed with the hearing, without prejudice to the outcome of the motion. The trial court emphasized that there should be a limitation or an end to unnecessary postponements. Thus, it disclosed that when the Court of Appeals denied appellants' "Petition for Certiorari" with a prayer for temporary restraining order,[28] no legal hindrance existed to defer the scheduled hearings. Appellants were given all the opportunity to be heard and defend their cause but opted not to utilize the same by its continued refusal to proceed with the trial. Nevertheless, appellants were given time to file their formal offer of exhibits to bolster their defense.[29] This negates the appellants' claim of denial of due process.

Second error

Appellants fault the trial court in accepting the prosecution's version. This Court is convinced that appellants are guilty of the crime charged. Appellants Dalvir Singh admitted stabbing the deceased and wounding Dilbag Singh, which was claimed to have been caused while grappling for the possession of the knife. This version invoking the justifying circumstance of self-defense must be proven by clear and convincing evidence.[30] After invoking self-defense, for exculpation, appellants have the burden of proving their allegation to substantiate such assertion, which they failed to do so. In addition, their imputation of alleged discrepancy between the sworn statement executed by private complainants Dilbag and Jaswinder Singh on November 26, 1993, and their joint sworn statement executed on December 13, 1993,[31] is not impressed with merit. Reviews of both sworn statements negate any inconsistency. Immediately after the incident, private complainants Dilbag and Jaswinder Singh, reported the circumstances surrounding the death of Surinder Singh, and the stab wound sustained by Dilbag Singh to police authorities.[32] Both of them revealed the presence of all the appellants and disclosed their participation in the incident. On November 26, 1993, their narrations collectively and individually demonstrate appellants' concerted action to inflict injury upon private complainant Dilbag Singh and the deceased Surinder Singh. In fine, we quote with approval, the trial court's findings, holding all the appellants guilty of murder and frustrated murder, thus-

" x x x prosecution evidence has established that Surinder Singh was stabbed in the stomach by accused Dalvir Singh while the former was being held on his arms by accused Dial Singh and Johinder Singh, and pushed on his back by accused Kuldeep Singh. At that juncture, accused Malkit Singh Dhillon and Jarnail Singh held lead pipes, accused Balwinder Singh, a big bolo-like knife, accused Gurmok Singh, a small bolo-like knife, and Amarjit Singh, a hand gun. Also, accused Mohinder Singh shouted 'kill him, I'm responsible, I will bring you out of trouble' in Punjabi and the rest of the accused remarked 'come on, kill him, kill him' also in Punjabi. While all these acts were transpiring, accused Amarjit Singh threatened to shoot anybody who will help with the gun that he was holding. After he was stabbed, Surinder Singh was still hit with lead pipes by accused Malkit Singh Dhillon and Jarnail Singh and boxed and kicked by Johinder Singh and Dial Singh and pushed at his back by Kuldeep Singh. When Dilbag pleaded with the accused not to hit anymore (sic) Surinder Singh, he, too, was stabbed on his back by Balwinder Singh followed by an attempt to stab him also by Gurmok Singh. Evidently, the foregoing concerted acts sufficiently demonstrated a common purpose or design to kill Surinder Singh and Dilbag Singh with treachery. As held in a number of cases, there is treachery when offender commits any of the crimes against person, employing means, methods or forms in the execution thereof, without risk to himself from the defense which the offended party might make. xxx xxx xxx Thus, treachery

which was alleged in the informations, qualifies the killing of Surinder Singh to murder and the inflicting of a mortal wound on Dilbag Singh with intent to kill to frustrated murder. Where criminal conspiracy is shown to exist, all the conspirators are liable as co-principals regardless of the extent and character of their participation, in contemplation of law, the act of one conspirator is the act of all xxx xxx xxx and the participation in all details of execution of the crime is not necessary for such a finding. xxx xxx xxx Although superior strength is found to be attendant in the killing of Surinder Singh and wounding of Dilbag Singh, it is deemed absorbed in treachery and is not appreciated as a separate aggravating circumstances. As regards the circumstance of evident premeditation, prosecution evidence failed to show when accused meditated and reflected upon their decision to kill their victims. In short, it cannot also be appreciated because there is wanting of any direct evidence of the planning and the preparation to kill."[33]

The other errors allegedly committed by the trial court call for the calibration of credibility of witnesses, which we find no reason to disturb since it is best left to the trial court to pass upon, having had the opportunity to observe firsthand the demeanor and actuation of the witnesses while on the witness stand.[34]

Third error

In Criminal Case No. 8682 for frustrated murder, the trial court awarded private complainant Dilbag Singh the amount of P16,000.00 representing his hospitalization and medical expenses, and P 30,000.00 as attorney's fees. For his hospitalization and medical expenses, the receipts submitted to support said claim amounted only to P370.50.[35] Hence, private complainant Dilbag Singh is entitled only to the said amount.[36] The award of attorney's fees is hereby deleted.[37] Nonetheless, private complaint is entitled to moral damages[38] in the amount of P50,000.00 for the suffering he endured from appellants' felonious acts.

In Criminal Case No. 8683 for murder, the following amount of actual damages were duly proven - P16,500.00 funeral expenses[39] and air ticket/freight of the cadaver - \$600.27.[40] The amount of P400.00 for hospitalization expenses should be deleted for not being supported by evidence. The trial court's award of P50,000.00 as civil indemnity, and P50,000.00 moral damages are affirmed. The award of P500,000.00 as attorneys' fees[41] and P5,760,000 as compensation for loss of earning capacity, are likewise deleted for lack of basis. Awards for loss of earning capacity partake of damages which must be proven not only by credible and satisfactory evidence, but also by unbiased proof.[42] The testimony of Balwinder Singh Gill, first cousin of the deceased, on the alleged income of the deceased while in the Philippines, is not enough. The best evidence to substantiate income earned by foreigners while in the Philippines is the payment of taxes with the Bureau of Internal Revenue. Absent such proof, bare allegation is insufficient. Nevertheless, considering that the definite proof of pecuniary loss cannot be offered, and the fact of loss has been established, appellants shall pay the heirs of Surinder Singh temperate damages[43] in the amount of P200,000.00.

WHEREFORE, in accordance with the foregoing disquisition, the decision appealed from is hereby affirmed subject to the following modifications-

1. In Criminal Case No. 8682 for frustrated murder, appellants shall only be liable to pay -
 - a. P370.50 for hospitalization expenses;
 - b. P50,000.00, as moral damages, plus costs; and,
2. In Criminal Case No. 8683 for murder, in addition to the civil indemnity, moral damages and attorney's fees awarded by the trial court, appellants shall pay-
 - a. P16,500.00, as funeral expenses;
 - b. \$600.27, as air ticket/freight of the cadaver, to be computed at the prevailing rate of exchange at the time of the

promulgation of this decision; and,

c. P200,000.00, as temperate damages, plus costs.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Quisumbing, and De Leon, Jr., JJ., concur.

[1] Typed as 1993 in the records, it should be 1994.

[2] Records, pp. 67-70; pp. 191-194.

[3] Ibid., pp. 215-225.

[4] Ibid., 302-305.

[5] Ibid., pp. 309-316.

[6] Ibid., pp. 226-241; p. 257-270.

[7] Ibid., pp. 251-255.

[8] Ibid., pp. 299-305.

[9] Ibid., p. 324.

[10] Ibid., p. 588.

[11] Ibid., pp. 325-327.

[12] See TSN, March 17, 1995.

[13] Records, pp. 877-879.

[14] TSN, p. 30, August 28, 1996

[15] TSN, p. 33, August 28, 1996.

[16] RTC Decision, Fourth Judicial Region, Branch 31, San Pedro, Laguna, Rollo, pp. 181-197 at p. 197.

[17] Brief for accused-appellants, p. 18; Rollo, p. 149.

[18] Per 3rd Assistant Prosecutor Eusebio H. Gatbonton.

[19] Records, pp. 257-270 at p. 258.

[20] Ocampo vs. Bernabe, et. al., 77 Phil. 55.

[21] Obosa vs. CA, 266 SCRA 281 at p. 302.

[22] See TSN, p. 2 August 7, 1996; TSN, pp. 3-5 August 28, 1996.

[23] TSN, pp. 7-8, August 28, 1996.

[24] Appellants' brief, Rollo, pp. 157-158.

[25] TSN, p. 12, May 30, 1995.

[26] Records, pp. 1545-1546.

- [27] *People vs. Mercado*, 159 SCRA 453 [1988].
- [28] Records, p. 1542; 1544; 1438-1459; 1465-1487.
- [29] TSN, pp. 1-25, February 24, 1997; Records, p. 1550.
- [30] *People vs. Molina*, 292 SCRA 742, 776 [1998].
- [31] Records, pp. 28; 167; 694.
- [32] Records, pp. 2 & 4.
- [33] RTC Decision, Records, pp. 1680-1697 (Citations omitted).
- [34] See *People vs. Edgar Crispin*, 327 SCRA, 167 [2000]
- [35] Records, pp. 1007-1008.
- [36] Article 2199 Civil Code of the Philippines.
- [37] Article 2208 Civil Code of the Philippines.
- [38] Articles 2217 and 2219 Civil Code of the Philippines.
- [39] Records, p. 993.
- [40] *Ibid.*, p. 994.
- [41] See Article 2208 Civil Code of the Philippines.
- [42] *People vs. Samolde*, G.R. 128551, July 31, 2000 citing *People vs. Cotas*, G.R. No. 132043, May 31, 2000.
- [43] Art. 2224 of the Civil Code of the Philippines; see *People vs. dela Tongga*, G.R. No. 133246, July 31, 2000, where this Court held that in lieu of actual damages which was not proven or documented, temperate damages may be awarded in a murder case.

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