

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. PEPITO (PITING) SEBASTIAN Y SINDOL, ACCUSED-APPELLANT.

G.R. No. 131734. March 07, 2002

Ponente: YNARES-SANTIAGO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-131734/>

YNARES-SANTIAGO, J.:

This is an appeal from the Decision[1] of the Regional Trial Court of Cagayan, Branch 9, in Criminal Case No. 09-700, convicting accused-appellant of the crime of Murder and sentencing him to suffer the penalty of reclusion perpetua and to pay the heirs of the deceased the sum of P50,000.00 as death indemnity.

The facts as narrated by the prosecution witnesses are as follows: On the night of June 3, 1991, a certain Cesar Dumaoal hosted a pre-wedding celebration in his house in Buguey, Cagayan. The victim and the accused-appellant were among those invited to attend the celebration. At about 8:00 o'clock of the same evening, when the victim and his companions were about to enter the gate of the host's house, accused-appellant approached them and told the victim that he had been wanting to see him. Thereafter, accused-appellant entered the house of Cesar Dumaoal. The victim sensed danger, thus he was advised by his friends to go home. When the victim's group was about to go home, however, accused-appellant and his cohorts blocked their way. The victim's group decided to stay inside the house of Cesar Dumaoal, and they were told to stay in the mess hall. In the course of the celebration, the operator played a loud rock song. At that instant, accused-appellant rushed to the victim and shot him. The bullet tore through the abdomen of the victim, causing his death. Then, accused-appellant fled.[2]

On the other hand, accused-appellant denied the accusation against him. He testified that he was on the dance floor with a lady companion when he heard that somebody was shot. When he ran towards the scene of the disturbance, he saw the wounded victim being carried by a certain Celso Upano. He thereafter entered and sought cover inside the house of Cesar Dumaoal.[3]

On March 14, 1997, the trial court rendered the assailed decision, the dispositive portion thereof states:

WHEREFORE, for all the foregoing considerations, the Court hereby finds the accused guilty beyond any reasonable doubt of the crime charged and sentences him to reclusion perpetua. He is further directed to indemnify the heirs of the victim in the amount of P50,000.00.

No costs.[4]

In the instant appeal, accused-appellant contends that the trial court erred in appreciating the qualifying circumstances of treachery and evident premeditation and that he should be convicted only of homicide.

It is well settled that there is treachery when the offender commits any of the crimes against persons, employing means, method or forms in the execution thereof which tend directly and especially to insure its execution, without risk to himself arising from the defense which the offended party might make. The essence of treachery is the sudden and unexpected attack without the slightest provocation on the part of the person being attacked. [5]

In the case at bar, the sudden and unexpected attack on the unarmed victim clearly shows that the killing was attended by the qualifying circumstance of treachery. The alleged animosity between the victim and accused-appellant, as well as their encounter which preceded the shooting incident, will not preclude treachery because said qualifying circumstance may still be considered even when the victim was forewarned of danger to his person. What is decisive is that the execution of the attack made it impossible for the victim to defend himself or to retaliate.[6] Here, accused-appellant evidently timed his attack with the sudden blast of music. The shot was therefore a complete surprise to the victim, rendering him utterly defenseless at the time of the assault. Hence, the trial court correctly appreciated the qualifying circumstance of treachery.

However, as to the aggravating circumstance of evident premeditation, there is merit in accused-appellant's contention that said circumstance should not have been considered in the case at bar. The elements of evident premeditation are: (1) a previous decision by the accused to commit the crime; (2) an overt act or acts manifestly indicating that the accused has clung to his determination; (3) a lapse of time between the decision to commit the crime and its actual execution enough to allow the accused to reflect upon the consequences of his acts.[7] As there is neither evidence of planning or preparation to kill nor of the time when the plot was conceived, evident premeditation cannot be considered in the instant case.[8]

Nevertheless, the crime committed is still murder in view of the presence of the qualifying circumstance of treachery. At the time of the commission of the crime on June 3, 1991, murder was punishable by reclusion temporal in its maximum period to death. Since neither mitigating nor aggravating circumstances were proved, the penalty should be imposed in its medium period,[9] i.e., reclusion perpetua.

In addition to the civil indemnity of P50,000.00, the heirs of the deceased are entitled to moral damages in the amount of P50,000.00, which needs no proof considering that the conviction of accused-appellant for the crime charged is sufficient to justify said award.[10]

WHEREFORE, in view of all the foregoing, the Decision of the Regional Trial Court of Cagayan, Branch 9, in Criminal Case No. 09-700, finding accused-appellant Pepito (Piting) Sebastian y Sindol guilty beyond reasonable doubt of the crime of Murder, sentencing him to suffer the penalty of reclusion perpetua and ordering him to pay the heirs of the deceased the sum of P50,000.00 as death indemnity is **AFFIRMED** with the **MODIFICATION** that accused-appellant is further ordered to pay moral damages in the amount of P50,000.00.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, and Kapunan, JJ., concur.

[1] Penned by Judge Emerito M. Agcaoili.

[2] TSN, August 19, 1992, pp. 3-12 and October 12, 1993, pp. 4-11.

[3] TSN, April 4, 1995, pp. 7-13.

[4] Rollo, p. 31.

[5] *People v. Lascota*, 275 SCRA 591, 598 [1997], citing *People v. Torres*, 247 SCRA 212 [1995]; and *People v. Abapo*, 239 SCRA 469 [1994].

[6] *People v. Tobias*, 267 SCRA 229, 255 [1997], citing *People v. Manlusoc*, 258 SCRA 1 [1996].

[7] *People v. Salvador, et al.*, 279 SCRA 164, 178 [1997], citing *People v. Ganzagan, Jr.*, 247 SCRA 220 [1995].

[8] *People v. Nazareno, et al.*, 260 SCRA 256, 282 [1996], citing *People v. Salvador*, 224 SCRA 819 [1993].

[9] Article 64(1), Revised Penal Code.

[10] *People v. Panado*, 348 SCRA 679, 690-691 [2000].

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.