

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. JOSE CASITAS JR., APPELLANT.

G.R. No. 137404. February 14, 2003

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

Qualifying and aggravating circumstances must be proven as clearly as the crime itself. In any event, even if they are established beyond reasonable doubt, they cannot be appreciated unless they are alleged in the information, pursuant to the current Rules on Criminal Procedure. This is a requirement of due process.

The Case

For automatic review before this Court is the January 15, 1999 Decision[1] of the Regional Trial Court (RTC) of Tabaco, Albay (Branch 15) in Criminal Case No. T-2970, finding Jose Casitas Jr. y Cea guilty of murder and sentencing him to death. The dispositive portion of the Decision reads as follows:

“WHEREFORE, judgment is hereby rendered finding the accused JOSE CASITAS, JR. y CEA alias ‘BOBOY’ guilty beyond reasonable doubt of the crime of MURDER as defined and penalized under Art. 248 of the Revised Penal Code, as amended by Rep. Act 7659 with the aggravating circumstance of the commission of the crime in the dwelling of the offended party under par. 3 Art. 14, Revised Penal Code, and hereby sentences him to suffer the supreme penalty of DEATH.

“Additionally, the accused is hereby ordered to pay the heirs of Haide Marbella the sum of P50,000.00 as civil liability.”[2]

In an Information dated June 25, 1998 and filed in the RTC on July 3, 1998,[3] appellant was charged in these words:

“That on or about the 25[th] of March 1998 at 8:00 o’clock in the morning, more or less, at Karangahan Blvd., Barangay Bombon, Municipality of Tobaco, Province of Albay, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, while armed with a bladed weapon, with evident premeditation, taking advantage of superior strength, and with cruelty, did then and there willfully, unlawfully and feloniously assault, attack and stab HAIDE BOMBALES-MARBELLA, thereby inflicting upon the latter mortal wounds on the different parts of her body which caused her painful death, to the damage and prejudice of her heirs.”[4]

During his arraignment on July 28, 1998, appellant, with the assistance of his counsel,[5] pleaded not guilty.[6] After pretrial and due trial, the court a quo rendered the assailed Decision.

The Facts

Version of the Prosecution

In its Brief, the Office of the Solicitor General (OSG) presents the prosecution’s version of the facts as follows:

“At around 7:30 o’clock in the morning of March 2[5], 1998, at Karangahan, Bombon, Tabaco, Albay, appellant Jose Casitas, Jr., also known as Boboy, was at the store of Romeo Briones. This store is located near the house of Mario Chan, the house where Haide Marbella was working as caretaker.

“Appellant and Romeo Briones were able to converse for about 20 minutes. During their conversation, appellant showed Romeo the 3 25-centavo coins which he had and said, ‘and lakaw kong ini sapalaran x x x (this venture of mine is being taken on a chance).[’]

“Thereafter, Romeo turned away and lay down on the table. He never noticed when appellant left his store.

“Nearby, Corazon Goyena passed by the store of Romeo Briones going towards the Jasmin Street for the purpose of dumping the sand piled at the side of the road on the drainage. This pile of sand was on the road beside the house of Mario Chan.

“While she was proceeding to the pile of sand, Corazon saw Haide standing in the middle of the road near the steel gate of the house of Mario Chan talking with Meriam Manzano.

“Seeing that Haide wanted to talk with her, Corazon went to the store of Romeo and waited there for Haide. At the store, Haide asked Corazon if the latter was willing to lend her P200.00 to which the latter agreed. Before Haide left to go back to the house of Mario Chan, she looked at appellant who was still at the store.

“Thereafter, Corazon followed Haide to borrow the shovel which she would use for the pile of sand. She then proceeded towards the pile of sand and began to shovel sand to a pail and dumped it on the drainage.

“After 3 trips, Corazon felt thirsty. As the house of Mario Chan was the closest house, she went there to ask Haide for cold drinking water.

“Calling out to Haide, Corazon decided to enter the compound as there was no answer from inside the house. Since the gate and the door to the house were not locked, Corazon entered the house to look for Haide. Again, she called for Haide but still she did not get any response.

“Looking inside the room of Haide, Corazon saw that there was nobody there. So, she proceeded towards the kitchen of the house of Mario Chan.

“At the kitchen, she saw Haide sprawled on the kitchen floor lying face down and bloodied. Surprised, Corazon ran outside and asked for help from Romeo.

“On the other side of the house of Mario Chan, Nemesio Capiz, the house boy of Gerardo Musa Jr., while bringing out a gas tank to the car of latter, saw a man inside the compound of the residence of Mario Chan.

“At a distance of about 25 meters, Nemesio saw the man looking from side to side and then jumped over the fence. Then, this man casually walked away from the house of Mario Chan tucking in his shirt inside his pants. Nemesio noticed that the man’s shirt was bloodied and very red and the edge of his pants [was] red. Nemesio recognized this man to be appellant.

“However, Nemesio did not mind appellant. Instead, he went back to the house of Gerardo Musa and informed the latter that he saw a man jumping from the fence of the house of Mario Chan and that the man’s shirt and pants were very red. Thereafter, he went to the pigsty and continued to work.

“Outside the house of Mario Chan, Remegio Almonte, Jr. saw the commotion and entered the house of Mario Chan. There, he saw the bloodied cadaver of Haide. He suggested that the cadaver be brought to the hospital and one man lifted the cadaver and brought it outside. Outside, people commented that there were many stab wounds on the neck of Haide. Remegio tried to look for clues about the murder but he found nothing. Then he decided to go home.

x x x x x x x x

“The autopsy report issued by Dr. Audwin Adaza enumerated around 17 wounds suffered by Haide Marbella. The cause of death was hemorrhagic shock secondary to multiple stab wounds. x x x”[7]

Version of the Defense

On the other hand, appellant invokes denial and alibi as defenses. We quote from his Brief as follows:

“The defense presented the oral testimonies of Gerondina Casitas and Jose Casitas, Jr.

“[Gerondina Casitas] testified that on March 25, 1998, between 7:00 to 7:30 a.m., Jose Casitas, Jr. was preparing and packing his clothes because he was busy going to Manila. But before going to Manila, he will [pass] by Legaspi City where he will get the money she borrowed from Angelo Orenze. At around 9:30 to 10:00 a.m., two (2) policemen came by the house to inquire about the whereabouts of Jose, to which she answered that he already left for Manila. The two (2) policemen came back at around 10:30 or 11:00 a.m. and asked for a picture of his son, to which she obliged and gave them an ID of her son. After the policemen left, she noticed a commotion outside. Upon inquiry, she learned from a neighbor that Haide was killed and that there was plenty of blood which caused her to be nervous.

“The last witness is Jose Casitas, Jr. He testified that at around 6:00 a.m., March 25, 1998, he woke up and ate his breakfast because he was leaving for Manila. But before proceeding to Manila, he dropped by Legaspi, Albay to get the money which his mother was borrowing from Angelo Orense[.] He waited for Angelo Orense up to 12:00 noon of the same day. He left Legaspi at around 6:00 p.m. and arrived in Manila at around 4:00 o’clock a.m. the next day, March 26, 1998. He proceeded to the house of his cousin, Benjur Camu, but since his cousin [was] not around, he proceeded to the house of his aunt Adoracion, in Cogeo. He stayed there for three (3) days. In the morning of March 28, 1998, while he was at the house of his half-brother, Roberto Casitas, two (2) men arrived and asked his aunt if he was around. The smaller of the two (2) men asked him whether he was ‘Boboy Casitas’ and he answered yes. They told him they have a warrant of arrest for him and he asked them to show him the warrant. When he was about to [approach] them, the big man fired at him and he was hit at his left leg. He decided to [run] because of fear and he entered a house to hide. The two (2) men found him inside the house while sitting beside the bed. He was brought to the E. Rodriguez Hospital for treatment of his wound and after which he was detained at the Quezon City jail. On March 28, 1998, he was brought back to Tabaco and detained at the Municipal Jail of Tabaco. He said that there are several persons in their neighborhood who [fit] the description given by Nemesio Capiz, Jr., of the person whom [the latter] saw jumping out of the Chan’s compound, aside from [appellant].”[8] (Citations omitted)

Ruling of the Trial Court

The RTC convicted appellant of murder on the basis of circumstantial evidence pointing to him as the perpetrator of the crime. To support its finding of guilt, the trial court enumerated specific factual circumstances relative to his whereabouts and actuations before and after the commission of the crime.

In particular, the trial court noted his presence in the immediate vicinity of the crime scene prior to the discovery of the victim’s body. It noted, as well, that he was identified as the man who had jumped over the fence from inside the house where the body was found. It also took into account how he had precariously climbed over the fence and suspiciously looked from side to side to check if there were other people around.

Likewise, the trial court considered physical evidence like the bloodied lower front portion of the shirt of appellant who, while leaving the house, had been seen by one of the witnesses. It also mentioned that the main gate of the house was open, so the former could have conveniently exited through that gate, if he was not escaping or hiding something.

Moreover, the trial court considered the following circumstances as indicative of the guilt of appellant: his hasty departure for Manila, his act of running away and hiding from the authorities for almost one hour after he was

shown a warrant of arrest, and his restless demeanor before the witness stand.

The trial court ruled that the killing had been attended by the qualifying circumstance of superior strength. It also appreciated the aggravating circumstance of dwelling, since the victim had been killed inside the house where she was staying, as shown by traces of blood found in the kitchen.

Hence, this automatic review.[9]

The Issues

In his Brief, appellant raises the following alleged errors for our consideration:

“I

“The lower court erred in relying mainly on circumstan[t]ial [evidence] presented by the prosecution as basis for the conviction of the accused.

“II

“The lower court erred in finding the accused guilty beyond reasonable doubt of the crime of murder as defined and penalized under Article 248 of the Revised Penal Code as amended by RA 7659.”[10]

The Court’s Ruling

We affirm the trial court’s finding of guilt, but rule that the crime committed was only homicide and not murder.

First Issue:

Sufficiency of the Prosecution’s Evidence

Appellant argues that the prosecution’s evidence is insufficient to prove his guilt beyond reasonable doubt. While he does not deny the death of the victim, he disclaims any participation or involvement in it. Moreover, he avers that the trial court erroneously relied on circumstantial evidence in convicting him.

Circumstantial Evidence

Sufficient to Convict

At the outset, we may well emphasize that direct evidence of the commission of a crime is not the only basis on which a court draws its finding of guilt. Established facts that form a chain of circumstances can lead the mind intuitively or impel a conscious process of reasoning towards a conviction.[11] Certainly, rules on evidence and principles in jurisprudence sustain the conviction of the accused through circumstantial evidence.[12]

The following are the requisites for circumstantial evidence to be sufficient for a conviction: (a) there is more than one circumstance, (b) the facts from which the inferences are derived have been proven, and (c) the combination of all the circumstances results in a moral certainty that the accused, to the exclusion of all others, is the one who has committed the crime.[13] Thus, to justify a conviction based on circumstantial evidence, the combination of circumstances must be interwoven in such a way as to leave no reasonable doubt as to the guilt of the accused.[14]

After a careful review of the records of the case, we find that the circumstantial evidence presented by the prosecution is sufficient to identify him as the author of the killing. When viewed as a whole, this evidence effectively establishes his guilt beyond reasonable doubt.

Specifically, the combination of the following established facts and circumstances affirm the trial court’s finding of guilt:

First, appellant was in a store right in front of the house where the crime was committed, just before the victim was found dead.

Second, he was seen climbing over the fence of the house where the murder had occurred a few moments before.

Third, he was spotted walking away from the house while tucking in his bloodied shirt.

Fourth, he was the only person seen leaving the house prior to the discovery of the victim's lifeless body.

Fifth, he hastily left for Manila soon after the commission of the crime.

Sixth, he attempted to elude the police authorities until a warrant for his arrest was presented to him.

Seventh, he was observed by the trial court to be restless and fidgety during the course of his testimony.

It is worth noting that the failure of the prosecution to present eyewitnesses to the actual killing does not ipso facto dispel appellant's guilt.[15] Otherwise, the prosecution of vicious felons who commit heinous crimes in secret or secluded places will be hard, if not impossible, to prove. Indeed, resorting to circumstantial evidence becomes essential when insisting on direct testimony would invariably result in setting felons free.[16]

In *People v. Whisenhunt*,[17] the Court expounded on this matter thus:

"While it may be true that there was no eyewitness to the death of [the victim], the confluence of the testimonial and physical evidence against accused-appellant creates an unbroken chain of circumstantial evidence that naturally leads to the fair and reasonable conclusion that accused-appellant was the author of the crime, to the exclusion of all others. Circumstantial evidence may be resorted to in proving the identity of the accused when direct evidence is not available, otherwise felons would go scot-free and the community would be denied proper protection." [18]

The accused may be convicted on the basis of circumstantial evidence, when the circumstances constitute an unbroken chain leading to one fair reasonable conclusion and pointing to the accused -- to the exclusion of all others -- as the guilty person.[19] The peculiarity of circumstantial evidence is that guilt cannot be deduced from scrutinizing just one particular piece of evidence. Establishing it is akin to weaving a tapestry of events that culminate in a vivid depiction of the crime of which the accused is the author.[20]

The pieces of circumstantial evidence in the case at bar, when analyzed and taken together, definitely lead to no other conclusion than that appellant perpetrated the dastardly deed.[21]

On the basis of the foregoing established facts, it can reasonably be inferred that appellant was the only person inside the house with the victim when the latter was brutally killed. Before the dead body was found, no other person had been seen entering or leaving the house. The act of appellant -- climbing over the fence of the house with his clothes soaked in blood, coupled with the subsequent discovery of the dead body lying in a pool of blood -- impels us to arrive at the logical conclusion that he was responsible for the killing. If he truly had nothing to do with it, he would have gone out through the gate of the house and immediately asked for help from the neighbors. Instead, he left the victim sprawled in a dreadful bloodbath and surreptitiously fled from the scene of the crime, hoping that nobody would notice him leaving.

Furthermore, appellant immediately left for Manila when the police authorities began to look for him. When he was finally located there, he tried to run away again, even when the police had shown him a valid warrant for his arrest. If he were really innocent of the charges as he claims, he would have wasted no time in submitting himself to the investigators, so that he would have a chance to disprove the accusations against him at the soonest possible opportunity.

To be sure, conviction in a criminal case does not entail absolute certainty.[22] What is required only is that degree of proof which, after an examination of the entire records of the case, produces in an unprejudiced mind moral certainty of the culpability of the accused.[23]

Finally, absent any showing that certain facts of substance and significance have been overlooked by the trial court, or that its findings have been arbitrary, the conclusions it arrives at must be respected and its judgment based thereon affirmed.[24]

Defense of Alibi

For his part, appellant interposes denial and alibi as defenses. He claims that it was impossible for him to have killed the victim, because he was at home preparing for his departure for Manila when she was killed.

For his alibi to prosper, he must prove that he was somewhere else when the crime was committed, and that it was physically impossible for him to have been at the crime scene at the time of its commission.[25]

Appellant insists that he was nowhere near the crime scene when the murder was committed. However, his assertion was positively overturned by the testimony of Prosecution Witness Romeo Briones, who said that he had seen and even talked with the former in the vicinity around 7:30 a.m. on March 25, 1998. Briones testified thus:

“Q

Now Mr. Briones, do you recall where you were on March 25, 1998 at around 7:30 in the morning?

A:

I was at the store at around 7:30 in the morning.

Q:

Where is that store situated?

A:

In front where Haide Marbella resides.

Q:

Who were there aside from you, if any?

A:

We were the only two (2) there talking to each other.

Q:

Who was the other persons aside from you who were there?

ATTY. GONZAGO:

Objection, very leading.

PROSECUTOR BERANGO:

Q:

You said there were two (2) of you, who were the two (2) x x x there?

A:

I and Boboy Casitas.

Q:

This Boboy Casitas is the accused in this case?

A:

I do not know but we were the only two (2) talking together.

Q:

Now, you said you were talking with somebody at around 7:30 in the morning on March 25, 1998. To whom you were talking to is present in the courtroom, will you please point at him?

(witness points to accused Boboy Casitas)

Q:

Now, what were you talking about?

A:

We talked for about twenty (20) minutes. He was holding three (3) twenty-five (25) [centavo] coins and he said 'ANG LAKAW KONG INI SAPALARAN.'

x x x x x x x x

PROSECUTOR BERANGO:

Q:

After accused, Jose Casitas[,] said these words, what happened next?

A:

I did not mind anymore because he turned away from me. He remained [seated] in front of the store of his aunt.

Q:

[How about] you, what did you do?

A:

I did not mind him. After he turned away I lie down on the table.

Q:

After that what happened next?

A:

After that, while I was lying on the table, I noticed Corazon Goyena carrying a pail of sand. She carried around 3 pails of sand. After that, she went x x x to get x x x ice when she felt thirsty in the house where Haide Marbella lives.

x x x x x x x x

Q:

While you were lying down and this Corazon Goyena was carrying three (3) pails of sand, where was Boboy then?

A:

He was no longer there in the place where we were talking.”[26]

Indubitably, appellant cannot rule out his presence at the scene of the crime when the killing took place. He had been seen in a store right in front of the house where the victim was found dead a few moments later. The store owner testified that appellant even talked with him before leaving the store immediately after their conversation. Later, around 8:00 a.m., as the latter was climbing over the fence of the house where the victim was killed, he was seen by another witness, Nemesio Capiz, who positively identified him as follows:

“Q:

All right, in the morning of March 25, 1998 were you still there working with the Mosas?

A:

Yes, sir.

Q:

At about past 8:00 o'clock in the morning, what were you doing?

A:

I was ordered by Mrs. Mosa to bring the gas tank to the store because it was already empty.

Q:

All right. While you were bringing out the gas tank what if any did you see?

A:

I saw 'Boboy' holding on the fence of the house of Haide Marbella, inside.

Q:

What kind of fence was it?

A:

It was made of cement with iron grills.

Q:

You mentioned the word, Boboy, how long have you known this person before seeing him on that morning past 8:00 o'clock on March 25, 1998?

A:

From the start of my employment at Mrs. Mosa.

Q:

That was since the first week of April, 1997?

A:

Yes, sir.

Q:

Where did you see him?

A:

At the store, sir.

Q:

All right, since the time you entered the service of Mr. and Mrs. Mosa how many time[s] have you seen Boboy?

A:

Many time[s], sir.

Q:

You mentioned his name is Boboy, don't you know his full name then?

A:

No, sir.

Q:

If this Boboy is present in Court will you point to him?

A:

Yes, sir.

Q:

Will you point to him?

INTERPRETER:

Witness points to a man in white shirt, who when asked answered to the name of Jose Casitas, Jr.

Q:

All right, seeing Boboy holding on to the rail what did you do?

A:

I did not mind him.

Q:

From the place where you saw him up to the point where he was standing holding to the rail what was the distance more or less?

A:

Fifteen meters, sir.

Q:

Why could you see this person from the place where you were standing?

A:

The fence of Mrs. Mosa was made of bamboo tops and the place was clear so I can see him clearly.

Q:

Now having seen [him], what did you do?

ATTY. GONZAGA:

Already answered.

[PRIVATE PROSECUTOR] BONTO:

Q:

And then what did you do?

A:

I proceeded outside to board the gas tank.

Q:

To where were you going to board the gas tank?

A:

To the owner type jeep, sir.

Q:

Belonging to whom?

A:

Mrs. Mosa's jeep, sir.

Q:

And then while you are going to load it to the owner type jeep, what did you see next if any?

A:

Boboy stepped on the cement and jumped over the fence outside going out coming from the inside.

Q:

How far were you from Boboy during this second time that you saw Boboy jumping from the fence?

A:

Twenty[-]five meters, sir.

Q:

And the moment this Boboy landed what did you notice if any?

A:

His t-shirt was bloodied and very red.

Q:

And what did he do with that front portion of his t-shirt?

A:

He rolled it over and inserted it inside his pants.

Q:

What else did you see?

A:

The edge of his pants were red.

Q:

And then what happened next?

A:

He went away.”[27]

It is a hornbook doctrine that when credible witnesses positively identify the accused as the perpetrator of the crime, the defense of alibi becomes negative and self-serving.[28] Moreover, an alibi that is unsubstantiated by clear and convincing evidence deserves no weight in law. It cannot be given greater evidentiary value than the testimonies of credible witnesses who testify on affirmative matters.[29] Positive identification destroys the defense of alibi and renders it impotent, especially where such identification is credible and categorical.[30]

Second Issue:

Proper Penalty

While we uphold the trial court's finding that appellant was criminally liable for the killing of the victim, we do not agree with its conclusion that the crime committed was murder.

The RTC qualified the killing to murder by appreciating the circumstance of abuse of superior strength. Settled is the rule that such circumstance is present whenever there is inequality of forces between the victim and the aggressor, superior strength is advantageous for the aggressor, and the latter takes advantage of it in the commission of the crime.[31]

Under the facts, no one actually saw how the killing was perpetrated. No evidence, whether direct or circumstantial, was presented to establish that there had been inequality of strength between the appellant and the victim, or that the former had purposely or consciously taken advantage of superior strength in committing the crime. Thus, the RTC erroneously relied on mere suppositions on the manner of the killing and improvidently concluded that there was abuse of superior strength despite the lacuna of evidence thereof.

Indeed, to qualify a killing to murder, the circumstances invoked must be proven as indubitably as the killing itself. It cannot be deduced from mere supposition.[32]

Likewise, we find that the RTC erred in appreciating the aggravating circumstance of dwelling to justify the imposition of the death penalty. As a general rule, dwelling is considered aggravating if the crime was committed by the accused in the home of the offended party, and if the latter had not provoked the former.[33]

However, this Court has categorically ruled that when the aggravating circumstance of dwelling is not alleged in the information, it cannot be appreciated to raise the penalty from reclusion perpetua to death.[34] Thus, in *People v. Gallego*,[35] the Court ratiocinated in this wise:

"In *People v. Albert*, we admonished courts to proceed with more care where the possible punishment is in its severest form – death – because the execution of such a sentence is irrevocable. Any decision authorizing the State to take life must be as error-free as possible, hence it is the bounden duty of the Court to exercise extreme caution in reviewing the parties' evidence. Safeguards designed to reduce to a minimum, if not eliminate, the grain of human fault ought not to be ignored in a case involving the imposition of the capital punishment for an erroneous conviction 'will leave a lasting stain in our escutcheon of justice.' The accused must thence be afforded every opportunity to present his defense on an aggravating circumstance that would spell the difference between life and death in order for the Court to properly 'exercise extreme caution in reviewing the parties' evidence.' This, the accused can do only if he is apprised of the aggravating circumstance raising the penalty imposable upon him to death. Such aggravating circumstance must be alleged in the information, otherwise the Court cannot appreciate it. The death sentence being irrevocable, we cannot allow the decision to take away life to hinge on the inadvertence or keenness of the accused in predicting what aggravating circumstance will be appreciated against him." [36] (*Italics supplied*)

In any case, it is worth noting that the Revised Rules on Criminal Procedure, which took effect on December 1, 2000, now require that the aggravating as well as the qualifying circumstances be expressly and specifically alleged in the complaint or information. Otherwise, they cannot be considered by the trial court, even if they are subsequently proved during trial.[37] The pertinent portions of Rule 110 of the Revised Rules are reproduced hereunder:

"SEC. 8. Designation of the offense. – The complaint or information shall state the designation of the offense given by the statute; aver the acts or omissions constituting the offense, and specify its qualifying and aggravating circumstances. If there is no designation of the offense, reference shall be made to the section or subsection of the statute punishing it.

"SEC. 9. Cause of the accusation – The acts or omissions complained of as constituting the offense and the qualifying and aggravating circumstances must be stated in ordinary and concise language and not necessarily

in the language used in the statute but in terms sufficient to enable a person of common understanding to know what offense is being charged as well as its qualifying and aggravating circumstances and for the court to pronounce judgment.” (Emphasis supplied)

Certainly, the foregoing amendments which are favorable or beneficial to appellant, should be applied retroactively inasmuch as procedural rules are applicable to actions pending and undetermined at the time they were approved.[37-a]

A perusal of the Information filed against appellant clearly shows that dwelling was not alleged as an aggravating circumstance. Even assuming that this circumstance was subsequently proven during trial, the lower court was precluded from appreciating it because of the new requirement under the rules. Accordingly, the penalty to be imposed on appellant should be reclusion temporal in its medium period in accordance with Article 249 of the RPC, which defines and penalizes the crime of homicide. Applying the Indeterminate Sentence Law and considering the absence of aggravating or mitigating circumstances, the proper penalty is prision mayor in its medium period, as minimum; to reclusion temporal in its medium period, as maximum.[38]

Although the trial court correctly awarded P50,000 to the heirs of the victim as civil indemnity, it failed to grant actual and moral damages, which were prayed for and proven during the trial. An examination of the records of the case will show that the defense agreed to the stipulation of P39,000 as actual damages, which the heirs had spent for the funeral of the victim. Moreover, the prosecution presented one of her children to prove the pain and the moral anguish they had suffered by reason of her untimely demise.[39]

WHEREFORE, the automatically appealed Decision is hereby MODIFIED. Appellant is found GUILTY of HOMICIDE and is sentenced to an indeterminate penalty of eight (8) years and one (1) day of prision mayor medium, as minimum; to 14 years eight (8) months and one (1) day of reclusion temporal medium, as maximum. In accordance with prevailing jurisprudence, he shall pay the heirs of the victim the amounts of P50,000 as civil indemnity, P50,000 as moral damages and P39,000 as actual damages.[40] No costs.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Mendoza, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, and Azcuna, JJ., concur.
Callejo, Sr., J., no part.

[1] Penned by Judge Arnulfo B. Cabredo.

[2] Assailed Decision, p. 13; rollo, p. 34; records, p. 95.

[3] Records Vol. I, p. 22. The Information was signed by Prosecutor II Niceto N. Villamin and approved by Provincial Prosecutor Isabelo D. Mediavillo Jr.

[4] Ibid.

[5] Atty. Dionisio Marollano.

[6] See Order dated July 28, 1998; records, p. 28.

[7] Appellee’s Brief, pp. 4-14; rollo, pp. 102-112; signed by Assistant Solicitors General Carlos N. Ortega and Fernanda Lampas Peralta and Solicitor Brigido Artemon M. Luna II.

[8] Appellant’s Brief, pp. 10-11; rollo, pp. 64-65; signed by Attys. Arceli A. Rubin, Bartolome P. Reus and Ma.

Vanessa B. Donato-Balmaceda of the Public Attorney's Office (PAO).

[9] This case was deemed submitted for decision upon receipt by this Court of appellant's Reply Brief on March 21, 2001. Appellant's Brief was received by this Court on August 1, 2000, while appellee's Brief was submitted on December 28, 2000.

[10] Appellant's Brief, p. 1; rollo, p. 55. Original in upper case.

[11] *People v. Acuram*, 331 SCRA 129, April 27, 2000.

[12] *People v. Sia*, GR No. 137457, November 21, 2001.

[13] *People v. Fegidero*, 337 SCRA 274, August 4, 2000; *People v. De la Cruz*, 326 SCRA 324, February 23, 2000.

[14] *People v. Acosta*, 326 SCRA 49, February 18, 2000.

[15] *People v. Santos*, 332 SCRA 394, May 31, 2000.

[16] *People v. Salas*, 327 SCRA 319, March 7, 2000.

[17] GR No. 123819, November 14, 2001.

[18] *Ibid.*, per Ynares-Santiago, J.

[19] *People v. Labuguen*, 337 SCRA 488, August 9, 2000.

[20] *People v. Sirad*, 335 SCRA 114, July 5, 2000.

[21] *People v. Nanas*, GR No. 137299, August 21, 2001.

[22] *People v. Carillo*, 333 SCRA 338, June 8, 2000.

[23] *People v. Capili*, 333 SCRA 354, June 8, 2000.

[24] *People v. Arlee*, 323 SCRA 201, June 25, 2000.

[25] *People v. Blanco*, 324 SCRA 280, February 1, 2000.

[26] TSN, August 17, 1998, pp. 5-8.

[27] TSN, August 21, 1998, pp. 13-16.

[28] *People v. Templo*, 346 SCRA 626, December 1, 2000.

[29] *People v. Llamó*, 323 SCRA 791, January 28, 2000.

[30] *People v. Esmana*, 345 SCRA 719, November 23, 2000.

[31] *People v. Riglos*, 339 SCRA 562, September 4, 2000.

[32] *People v. Baltar Jr.*, 347 SCRA 579, December 11, 2000; *People v. Llanes*, 324 SCRA 727, February 4, 2000.

[33] *People v. Juan*, 322 SCRA 598, January 20, 2000.

[34] *People v. Gallego*, 338 SCRA 21, August 15, 2000.

[35] *Ibid.*

[36] Id., p. 43, per Puno, J.

[37] People v. Costales, GR Nos. 141154-56, January 15, 2002.

[37-a] People v. Vicente, GR No. 142447, December 21, 2001.

[38] People v. Ayupan, GR No. 140550, February 13, 2002.

[39] TSN, September 10, 1998, pp. 24-31.

[40] Angcaco v. People, GR No. 146664, February 28, 2002; People v. Salva, GR No. 132351, January 10, 2002.

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