

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. REY SAN PASCUAL, SANTOS SAN PASCUAL, JR., ARNULFO BOATES, RICO BODINO, AND EMILIANO BODINO (AT LARGE), ACCUSED-APPELLANTS.

G.R. No. 137746. October 15, 2002

Ponente: PUNO, J.

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PUNO, J.:

In his frontyard, barangay captain Roberto Canuel laid, fallen cold and dead. Long after the last drop of his blood had dried on the ground, the circumstances of his death continue to puzzle the mind of his constituents. Was he a loyal footsoldier caught in the crossfire of a hotly-contested struggle for political power? Or was he the marked target of alleged subversive elements who liquidated him?

Before us on appeal is the decision dated July 16, 1998, of the Regional Trial Court, Branch 12, of Ligao, Albay, finding accused-appellants Rey San Pascual, Santos San Pascual, Jr., Arnulfo Boates, Rico Bodino, and Emiliano Bodino (at large) guilty beyond reasonable doubt of the crime of murder and sentencing them to suffer the penalty of reclusion perpetua.[1] For purportedly orchestrating the murder of Roberto Canuel, they were charged in an Information which reads as follows:

“That at or about 11:00 o’clock in the evening of May 14, 1995 at Barangay Danao, Municipality of Polangui, Province of Albay, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused together with two other persons whose identities are yet unknown, with intent to kill, conspiring, confederating and helping one another, with evident premeditation, treachery and seeking the cover of nighttime (sic), to facilitate commission of the offense, did then and there wilfully, unlawfully and feloniously shoot one ROBERTO CANUEL causing his instantaneous death, to the damage and prejudice of his legal heirs.

ACTS CONTRARY TO LAW.”[2]

Upon being arraigned, all of them entered a plea of Not Guilty, and trial ensued. The version of the prosecution was culled mainly from the eyewitness account of Anselmo Sidro. To corroborate his story, the following witnesses were also presented: Jesus Canuel, Wilfredo Canuel, PO3 Edgardo Goyena, Charlie Bombase, Sonia Canuel, and Dr. Vivian Bustamante.

Anselmo Sidro testified that at about 11:00 in the evening of May 14, 1995, two armed men came to his house and woke him up from his sleep. When he opened the door, they poked their guns at him and asked him to accompany them to the house of the victim. He recognized the first intruder as Rey San Pascual, and his companion Santos San Pascual, Rey’s brother. While he was not aware of their names, the siblings are known to him as the brothers-in-law of his wife’s cousin, Arnulfo Boates. He used to see them both in the barangay. In particular, he remembered seeing Rey at an amateur singing program on the occasion of the barrio fiesta.

When they arrived at the victim’s house, Sidro noticed that there were three other men who apparently were with

the brothers. Owing to their distance from him, and considering that it was already late at night, he failed to make out the identity of the three. The two armed men knocked at the door of the victim's house. After about fifteen minutes, the barangay captain came out. The three talked for a while, then the official went back to his house. He returned a little later with some cups of coffee. The armed men took their coffee in a nearby dilapidated house where they once more talked with the barangay captain. A few minutes passed and the victim went inside his house again only to return outside. Then, as he was about to go back to his house for the third time, he was suddenly shot by Rey San Pascual. Sidro heard at least four more shots. Then, Rey together with his brother Santos approached the fallen victim and almost simultaneously, the three other persons ran away towards the same direction. It was during this commotion that Sidro was able to recognize two of them: Arnulfo Boates and Rico Bodino. He failed to identify the third one in the group. The shock that gripped him made him run home.

Upon his arrival, Sidro immediately informed his wife of what he witnessed. His wife noticed that the two armed men had three other companions as she followed them when the group forced him to go with them. He and his wife were seized with fear and he kept mum on the whole incident. It was only when his conscience got the better part of him that he told his wife's uncle, Jose Bracino, about the incident. Bracino, in turn, informed the wife of the barangay captain, Sonia Canuel. They went to the Legazpi City office of the National Bureau of Investigation (NBI) where he gave a sworn statement recounting the incident that transpired. With the help of his description, the NBI was able to compose a cartographic sketch of the accused Rey and Santos San Pascual.

Jesus Canuel, half-brother of the deceased, testified that he was already sleeping at about 10:00 in the evening of May 14, 1995 when unexpected visitors came knocking at their door. He was then with his mother, Asuncion Verches. Awakened, he stood up to check who they were. Two armed men poked their guns at his chest. They inquired whether his brother was inside the house. He explained that while his brother oftentimes spent the night there, the latter was not around that time. He was able to recognize their faces due to the light coming from a kerosene lamp. He identified the two as the appellant brothers Rey and Santos San Pascual. Moreover, he noticed that with them were several other persons. In particular, he was able to single out Arnulfo Boates, his second cousin, who was standing and looking at their house. By his estimate, there should be some eight men in the group. When they could not find his brother, the group bade him farewell towards the direction of his brother's house, but not without first clarifying that whenever they visit a certain place, they usually first look for the barangay captain. Thirty minutes after the group left, he heard two gunshots at an interval of almost a minute. The following day he learned that his brother was already dead.

The widow of the victim vividly remembered the events of that fateful evening of May 14, 1995. Sonia Canuel stated that at 10:30 in the evening, a group of about six men went to their house looking for her husband. One of them knocked at their door and asked if he was around. As it was already late in the night, and fearful of who they might be, she told him that her husband slept at the house of her in-laws. Through a small hole in the door, she saw someone carrying a long gun while others were positioned a little farther away. The man at the door insisted that she should let them in to check whether her husband was not really there. He assured her that they meant not to rape her. At this point, her husband stood up, opened the door, and invited the men to come inside. They, however, refused the invitation and her husband himself stepped out of the house. They talked about the number of his tanods, his children, and a police report that he made. After a few minutes, her husband returned to the house and prepared five cups of coffee for the visitors and then requested her to cook rice for them as they have not eaten supper. One of the men asked her husband to go out of the house again because they wanted to ask him more questions. Her husband complied. Thereafter, she heard a thud and a gunshot. She peeked through a hole and saw a man firing his gun. When she went out, she saw her husband lying lifeless. His assailants fled. The wake for her husband lasted six days and nights. They consumed four sacks of rice and butchered three pigs, for a total expenditure of P30,000.00. The sixth day of the wake was held at the ABC Hall of Polangui, and she spent

another P5,000.00. Her other expenses included the following: P3,400.00 for the priest, P15,000.00 for the coffin and P2,000.00 for the tomb. She claimed that at the time of his death, her husband was earning approximately P10,000.00 every three months from planting corn, aside from the P1,000.00 salary he receives as a barangay captain. She asked that she be compensated P500,000.00 as moral damages. No receipts were presented by the widow in support of these claims.

Gunshots and the barking of his dogs roused Wilfredo Canuel, a brother of the victim, from his sleep late that night of May 14, 1995. Thinking there was a robber, he furtively crept out of his house with a bolo in his hand, and hid himself near a pathway. Instead of robbers, he saw the brothers Rey and Santos San Pascual carrying long firearms. Behind them were their co-appellants: Rico Bodino, Arnulfo Boates, Emiliano Bodino, and another person he failed to recognize. They were walking briskly, with Santos in the lead. Rico Bodino urged them to hurry up. The group was about ten meters away when they passed by him. They proceeded to the house of barangay kagawad Maria Bodino, 30 meters from his own home. The next day he learned that his brother had been killed.

Charlie Bombase testified that on the night of May 14, 1995, at about 6:00 in the evening, he joined his friends[3] at the house of barangay kagawad Maria Bodino[4] for a drinking spree. At about 12:00 midnight, they heard gunshots emanating from the house of the victim, some five hundred meters away. The gunshots were followed by the barking of dogs. Not long after, four men arrived. Of the four, he recognized only appellants Rico Bodino and Emiliano Bodino. They both passed by the porch going to the main house. The two, whom he did not recognize, carried long firearms. They proceeded towards the kitchen. He took his last glass of liquor and went home. The following day he was shocked by the news that the victim was dead.

Dr. Vivian Bustamante[5] conducted the autopsy on the victim. She testified that the cause of death was hemorrhage and massive, multiple gunshot wounds. The victim sustained ten (10) gunshot wounds on different parts of the body, some of which were located at the back.[6] She noted the wounds at the buttocks which are tell-tale signs that the victim was shot from behind. She opined that there must have been more than one assailant owing to different distances of the wounds: some were apparently fired from afar, others nearer.

PO3 Edgardo Goyena of the Polagui Police Station identified an entry in the police blotter indicating that on April 7, 1995, the victim reported that Municipal Kagawad Jose Zamora threatened to have him killed after they had a verbal tussle. He also identified another entry dated May 15, 1995, where a report was made by Josefina Canuel[7] that her son, the victim in this case, was shot to death by some six (6) unidentified men on the night of May 14, 1995.

In their defense, all of the accused-appellants disavowed knowledge and responsibility for the murder. Appellant Arnulfo Boates claimed that on the afternoon of May 14, 1995 he and his friends Efren Sistena, Celso Carullo, and Romualdo Ostonal went to a cockpit at Naga-naga, Tabaco, Albay. They returned to Danao at about 4:00 o'clock in the afternoon. Since he won, Celso Carullo bought some drinks and they engaged in a drinking spree which lasted until 10:00 o'clock in the evening. He, Sistena and Ostonal then went home. They took a short-cut route passing by the house of the victim. In the yard, he noticed that the victim was talking with two men. There were also some men in the banana grove a little farther away. He reckoned that there were about nine individuals within the victim's premises that night. They had barely walked some twenty meters when they heard gunshots. Out of fear, they all rushed home.

Appellant Rico Bodino also offered an alibi. He claimed that at about one o'clock in the afternoon of May 14, 1995, he went with his friend Dante Bitara to a cockpit at Naga-naga, Tabaco, Albay. Three hours later, he went home alone, passing by the house of a certain Celso Carullo, where he saw his co-appellants Arnulfo Boates, Efren

Sestina, and Romualdo Ostonal having a drink. The group invited him to join the spree but he declined. When he arrived home, he found Charlie Bombase, Dante Bitara, and Honesto Camacho having a drink. He joined them until 10:00 o'clock in the evening and called it a night.

The testimony of Rico was corroborated by his mother, barangay kagawad Maria Bodino. According to her, she stayed in her house the whole day and night of May 14, 1995. They were entertaining some visitors that evening, one of whom was courting her daughter. They were drinking along with her son Rico. Her son got drunk and slept on top of a bench. The spree lasted up to 10:00 o'clock in the evening. The visitors went their way an hour later. Before they left, they heard gunshots from where the victim's house was located. She denied that the accused in the case at bar went to their house that evening to hide. Upon learning that her son was implicated in the case, she surrendered him to NBI operatives at Legazpi City. She insisted on her son's innocence, adding that there was no previous quarrel between the victim's family and theirs, notwithstanding that they belonged to different political parties and supported different candidates.

A native of Labaon, Buhi, Camarines Sur, appellant Rey San Pascual swore that in his lifetime, he went to Barangay Danao, Polangui, Albay only once when he participated in an amateur singing contest in 1993. After that, he went to Manila and stayed with his brother in Bicutan. He stayed there up to November 1995, intermittently going back to Iriga City to attend a murder trial where he and his brother Santos San Pascual were accused but eventually acquitted. He denied knowing the victim. It was only while attending the hearing at Iriga City in November 1995 that he first learned of the charges against him in the case at bar when police authorities accosted him. He surmised that he and his brother were implicated by the widow Sonia Canuel based on the latter's misplaced belief that since they were among the accused in the Iriga City murder case,[8] then they must also have something to do with her husband's death. He based his suspicion from the information given by Hilda Canuel, a friend of his, that she saw the widow talking with one of his co-accused in the Iriga City case, a certain Rogelio Serva.[9] He further insinuated that he was implicated because his brother-in-law, appellant Arnulfo Boates, and his family supported a candidate different from that of the victim.

Appellant Santos San Pascual, Jr. likewise denied participation in the killing, asserting that he does not know the victim in this case. He declared that from May 8, 1995 to October 1995, he was working in the field owned by one Marcial Lapabe. He cultivated the land and planted rice, pineapple and other root crops. He claimed he was not at Barangay Danao, Polangui, Albay at the time of the incident. Like his brother, appellant Rey San Pacual, he alleged that he was implicated because of the political conflict in the barangay involving his relative and the victim.

As the police investigator assigned in this case, P/O Efren Sabao took the statements of witnesses Dante Bitara,[10] Honesto Camacho,[11] Edgar Buisa,[12] and the widow herself, Sonia Canuel.[13] Based on their statements, he filed a complaint before the MCTC of Polangui, Albay against members of the New People's Army (NPA). The case was docketed as Criminal Case No. 7447-P, entitled "People of the Philippines vs. Ronnie Borromeo, Vicente Bodino alias 'Ka Rufo', Ireneo Bronosa alias 'Ka Gigi', Arnulfo Borromeo, Nelson Bron, John Doe." During the pendency of the case before the MCTC, Sonia Canuel informed him that she was not satisfied with the set of suspects being charged. She asked the NBI to investigate. It was the NBI that filed the case at bar against herein appellants after procuring a new set of witnesses. Sabao admitted that the investigation conducted by the NBI was more thorough and that he concurred with its findings.

Sgt. Delfin Calleja, the Detachment Commander of an army camp stationed at Maysuha, Polangui, Albay, revealed that the victim was a military informer. He personally believed that the NPA was responsible for his death. He recalled that on April 5, 1995, the victim approached him at a bus terminal and said he would request for security in light of the hotly contested election taking place at that time. The NPA was demanding from him

the money distributed by politicians and candidates. He learned of the victim's tragic death the morning of May 15, 1995 when the latter's mother asked for his help. He told her to go to the Mayor and seek police assistance as it was beyond their duty to investigate the killing.

A member of the CAFGU (Citizen's Armed Forces Geographical Unit), Edgar Buison, stayed at Sitio Maypina, Barangay Danao doing kaingin farming. He testified that at about 10:00 o'clock in the evening of May 14, 1995, he was sleeping when he heard four gunshots. Thinking that it was enemy fire, he rose and hid himself on the trail. After a few minutes, he saw nine persons, one of whom was a female, running in single file from the direction of the house of the victim and heading towards Naga-naga, Tabaco, Albay. They were all carrying assorted firearms: M-16, M-14 and Garand rifles. He knew them to be members of the NPA, since he himself was a former comrade-in-arms.[14] Of the nine, he was able to identify five, namely, Ronnie Borromeo,[15] Vicente Cuertas alias "Ka Rufo",[16] Ireneo Bronosa alias "Ka Gigi",[17] Arnulfo Borromeo,[18] and Nelson Bron.[19] The squad was headed by Vicente Bodino, a nephew of Maria Bodino. Three days later, he related what he saw to the victim's widow.

The victim's widow testified as a rebuttal witness. She refuted the testimony of Sgt. Calleja that her husband or their family received any death threat from the NPA. According to her, if there was a threat to her husband, it came from municipal kagawad Jose Zamora. The threat was entered in the blotter of the Polangui Police Station. She denied having seen appellant Arnulfo Boates at the wake of the deceased. What she saw were only pictures and video tapes showing Boates among those carrying the casket of the victim during the funeral ceremony at the church.

As sur-rebuttal witness, municipal kagawad Jose Zamora, denied having threatened the victim. He downplayed the argument they had in the Polangui Municipal Hall. He said he only confronted him regarding an information which he received that if he goes to Barangay Danao, he will be shot. He declared that he does not know the appellants Arnulfo Boates, the San Pascual brothers, and Rico Bodino.

After trial, the lower court found the appellants guilty of the crime of murder and sentenced them accordingly, viz.:

"WHEREFORE, premises considered, the prosecution having proven the guilt of all the accused, REY SAN PASCUAL, SANTOS SAN PASCUAL JR., ARNULFO BOATES and RICO BODINO, beyond reasonable doubt, this Court finds them GUILTY as charged for the crime of MURDER. Accordingly, they are hereby sentenced, the penalty of RECLUSION PERPETUA, each and to suffer the accessory penalties provided for by law. Further, for them to indemnify, jointly and solidarily, the heirs of the deceased in the amount of Thirty thousand Pesos (P30,000.00) as actual damages and Fifty Thousand Pesos (P50,000.00) as moral and exemplary damages and to pay the costs.

SO ORDERED."[20]

Taking vigorous objection to the verdict of conviction, appellants interposed this appeal. In their brief, they made the following assignment of errors:

"I. The Court a quo gravely erred (sic) convicting the accused despite the failure of the prosecution to prove beyond reasonable doubt the identities of the alleged assailants.

II. The Court a quo gravely erred in giving credence to the testimonies of the prosecution witnesses despite their apparent ill motive in implicating the accused in the crime charged.

III. Granting arguendo that herein accused-appellants are guilty, the court a quo gravely erred in convicting them (sic) to the crime of murder despite the failure of the prosecution to prove beyond reasonable doubt the presence of the qualifying circumstances alleged in the information."[21]

The appellants impugn the testimony of the lone eyewitness Anselmo Sidro as incredible. It is contended that it is hard to believe that the appellants would fetch him if their intent was to kill the victim. They say no criminal would desire the presence of a witness at the crime scene, much less invite one to see the commission of the crime.

The argument fails to impress. It is clear that appellants fetched Sidro because they did not know the residence of the victim. They did not bring him along to witness his killing.

They further assail Sidro's credibility because of the length of time it took him before he reported the shooting incident to the authorities. The delay, they argue, should have cautioned the trial court in accepting "his testimony as gospel truth." [22]

This contention is similarly unimpressive. Delay of a witness in reporting to police authorities the crime he had witnessed, when adequately explained, does not impair his credibility; neither will it render his testimony biased, nor will it destroy its probative value. Fear of reprisal not only from the accused but from the members of his family as well is a valid excuse for the momentary reticence of the victim and prosecution witnesses. [23] In this regard, Sidro explained that his fear temporarily forced him to keep quiet. He decided to testify only after his conscience bothered him, thus:

"ATTY. BACLAO: [24]

Q - Mr. Witness, after that incident on May 14, 1995, what did you do if any in connection with what you have witnessed?

WITNESS

A - None.

Q - Why?

A - Because I was afraid.

Q - Finally, how come that you are now the witness in this case?

A - Because I was bothered by my conscience.

Q - Because of the bothering of your conscience, what did you do?

A - I confessed to the uncle of my wife.

Q - What did you tell him?

A - Those things which I have witnessed." [25]

Notwithstanding the delay in reporting the crime, we find Sidro a credible witness. He has no ill-motive to testify against the appellants. His wife is even the second cousin of appellant Arnulfo Boates. Where there is nothing to indicate that a witness was actuated by improper motives, his positive and categorical declarations on the stand

under oath deserves full faith and credence.[26] Equally important, he testified in a categorical, straightforward, spontaneous, and frank manner and remained consistent. A witness who does so is a credible witness.[27]

Well to emphasize, where the credibility of the witness is in issue, the findings of the trial court are generally left undisturbed by this court.[28] We have always accorded a trial court's evaluation of the testimonies of the witnesses the highest respect owing to the court's unique opportunity to observe the conduct and demeanor of the witness under gruelling examination. Hence, absent any cogent reason to disturb the findings of the trial court, we are doctrinally bound to refuse to do so.[29]

Appellants next claim that there is overwhelming evidence proving the victim's death was the responsibility of subversive elements. They point to the testimony of Sgt. Calleja that there were threats made by the NPA on the life of the victim.

The contention is unmeritorious. Sgt. Calleja testified as follows:

"Q On May 5, 1995, do you recall having seen or talked with the barangay captain?

A Yes Sir.

Q Where?

A In the Polangui Centro Bus Terminal.

Q Were you able to talk with him?

A He saw me and approached me.

Q What did he tell you if any?

A He told me he is going to the detachment.

Q Why?

A Because he told me he is going to request a security assistance regarding the incoming election.

Q Why?

A I asked him why. He told me that the election is sort of hotly contested and there is danger.

Q What else did he tell you?

A I asked him what is the trouble happening there in Maydanao. He said that the money coming from the politicians were being forcibly asked from him to be delivered to the NPAs.”[30]

We agree with the Solicitor-General that “there was absolutely nothing in the witness’ testimony about any threat on the victim’s life. At most, the victim was merely signifying his intention to seek military assistance due to the

hotly contested elections and because the NPAs were forcibly asking for money. It was clear however that the NPAs did not threaten to kill him nor was there any such threat that existed.”[31]

Likewise, the victim’s wife, Sonia Canuel, emphatically denied that they received any threat from the NPA. Thus, she testified on rebuttal:

"ATTY BACLAO:

Q Sgt. Calleja testified that during the life time of your husband then Barangay Captain Roberto Canuel, he received threats from the NPA, what can you say to (sic) that?

WITNESS:

A No, sir. We have not received any threats.”[32]

Appellants cannot rely on the testimony of defense witness Edgar Buison , a brother-in-law of appellant Rico Bodino. His testimony, which is uncorroborated in the first place, must be taken with caution. His relationship with appellant Bodino renders his declaration that he saw NPA members coming from the house of the victim suspect.

Appellants then question the trial court’s appreciation of the qualifying circumstances averred in the information. They insist that there is no evidence adduced by the prosecution to qualify the death of the victim to the crime of murder.

The argument does not hold water. The records bear out the presence of treachery. The crime was committed at an unholy hour in the evening, after the appellants have practically roused the victim from his sleep. The victim received the appellants with hospitality. He served them coffee and even asked his wife to cook some rice for them when he learned that they have not yet eaten. Then, after talking with each other, he was shot when he was about to go inside his house. Clearly, he had no inkling of the fate that would befall him and, unarmed, there was no way he could have defended himself from the unexpected attack.[33] These circumstances prove treachery, i.e., the employment of means of execution that gives the person attacked no opportunity to defend himself or to retaliate, and that said means of execution was deliberately or consciously adopted.[34]

Lastly, appellants claim that conspiracy was not established by the prosecution. They contend that appellants Rico Bodino, Emiliano Bodino, and Arnulfo Boates merely stood near the house of the barangay captain and that there was not any allegation as to their overt participation in the execution of the supposed preconceived plan. They asserted that being in the company of the assailants does not necessarily presuppose conspiracy in the absence of any showing that they participated in the commission of the crime charged.

We do not agree. We find the existence of conspiracy among the appellants as their actions, at the time of the commission of the crime, showed a unity of purpose among them.[35] Evidence shows that Rico Bodino, Emiliano Bodino, and Arnulfo Boates were with the San Pascual brothers from the time they went to the houses of witnesses Jesus Canuel and Anselmo Sidro to look for the victim. At the latter’s house, the three positioned themselves at a strategic distance to serve as lookouts. When the victim was finally shot, the five of them ran together and went in the same direction. They then all sought refuge in the house of appellant Rico Bodino’s mother.

Well-established is the doctrine that conspiracy need not be proved by direct evidence of prior agreement to

commit the crime.[36] Conspiracy may be inferred from the acts of the accused prior to, during and subsequent to the incident.[37] Where conspiracy is established, it matters not who among the accused actually shot and killed the victim.[38] That criminal act is attributable to the accused for the act of one is the act of all.[39]

Before we finally dispose of this case, we deem it necessary to modify the amount of damages awarded by the lower court in favor of the victim's heirs. First, we delete the P30,000.00 given as actual damages in the absence of competent proof and best evidence obtainable on the actual amount of loss suffered. Only expenses supported by receipts and appear to have been actually expended in connection with the death of the victim should be allowed for actual damages.[40] The P50,000.00 given as "moral and exemplary damages" should similarly be cancelled. Instead, it must be replaced with the award of P50,000.00 as moral damages for the mental anguish and sleepless nights the death of the victim caused his wife, and P25,000.00 as exemplary damages.[41] In addition, the amount of P50,000.00 must be granted as civil indemnity which, under present case law, is mandatory upon the finding of fact of murder.[42]

Lastly, we rule that the heirs of the victim are also entitled for the latter's loss of earning capacity. The following factors should be considered in determining the compensable amount of lost earnings: (1) the number of years for which the victim would have otherwise lived; and (2) the rate of loss sustained by the heirs of the deceased. Life expectancy is computed using the formula adopted in the American Expectancy Table of Mortality or the Actuarial Combined Experience Table of Mortality: $2/3 \times (80 - \text{age at death})$. [43] The rate of loss is arrived at by multiplying life expectancy by the net earnings of the deceased, i.e., the total earnings less expenses necessary in the creation of such earnings or income and less living and other incidental expenses.[44] The net earning is ordinarily pegged at fifty percent of the gross earnings.[45]

Evidence on record reveals that the victim was 27 years old at the time of his death.[46] From the testimony of his wife, witness Sonia Canuel, he was making approximately P20,000.00 as net income in a year.[47] This was not disputed by the defense. Thus, applying the formula above, the appellants should pay his heirs P706,600.00 as shown by the following computation:

$$2/3 \times (80 - 27 [\text{age at the time of death}]) = 35.33 (\text{life expectancy})$$

$$35.33 \times \text{P}20,000.00 (\text{annual net income}) = \text{P}706,600.00$$

$$\text{Loss of earning capacity} = \text{P}706,600.00.[48]$$

IN VIEW WHEREOF, the appealed decision is AFFIRMED. We find appellants Rey San Pascual and Santos San Pascual, Jr., Arnulfo Boates, Rico Bodino, and Emiliano Bodino (at large), GUILTY as charged for the crime of murder and hereby sentence each to suffer the penalty of reclusion perpetua, and the accessory penalties provided by law. In addition, they are ordered to pay jointly and severally the heirs of the victim Roberto Canuel the amount of P50,000.00 as civil indemnity, P50,000.00 as moral damages, P25,000.00 as exemplary damages and P706,600.00 for the victim's loss of earning capacity.

SO ORDERED.

Panganiban, Sandoval-Gutierrez, Corona, and Carpio-Morales, JJ., concur.

[1] Criminal Case No. 3411.

[2] Information, Original Records, p. 40.

[3] Whom he identified as Allan Mangaste, Honesto Camacho and Camacho's wife.

- [4] Mother of Accused Rico Bodino.
- [5] Municipal Health Officer of the municipality of Polangui.
- [6] Specifically on the right side of the head, left side of the chest, upper portion; left side portion of the chest, upper portion; left side portion of the chest, middle part, left side of the leg, upper and middle portion and also at the buttocks, right and left side portion.
- [7] Mother of the victim.
- [8] The murder subject of the trial therein allegedly took place at San Vicente, Buhi, Camarines Sur.
- [9] Resident of San Vicente, Buhi, Camarines Sur.
- [10] Who gave his statement on May 16, 1995.
- [11] Who gave his statement on May 16, 1995.
- [12] Who gave his statement on May 18, 1995.
- [13] Who gave her statement on May 22, 1995.
- [14] He was known as a poste.
- [15] From Cangum, Malinao, Albay.
- [16] From Naga-naga, Tabaco, Albay.
- [17] From Naga-naga, Tabaco, Albay.
- [18] From Danao, Polangui, Albay.
- [19] From Cotmon, Polangui, Albay.
- [20] Judgment, p. 14; Original Records, p. 263.
- [21] Appellants' Brief, p. 2; Rollo, p. 86.
- [22] Id., p. 13; id., p. 97.
- [23] *People v. Padoa*, 267 SCRA 64 (1997).
- [24] Private Prosecutor.
- [25] TSN, June 28, 1996, p. 35.
- [26] *People v. Mira*, 341 SCRA 631 (2000).
- [27] *People v. Optana*, 351 SCRA 485 (2001).
- [28] *People v. Dorado*, 303 SCRA 61 (1999).
- [29] *People v. Cabansay*, 353 SCRA 686 (2001).
- [30] TSN, June 5, 1997, p. 7.
- [31] Brief for the Appellee, pp. 19-20; Rollo, pp. 150 - 151.
- [32] TSN, September 11, 1997, p. 9.

- [33] *People v. Batidor*, 303 SCRA 335 (1999).
- [34] *People v. Torrefiel*, 256 SCRA 369 (1996).
- [35] *Sison v. People*, 250 SCRA 58 (1995).
- [36] *People v. Hayahay*, 279 SCRA 567 (1997).
- [37] *People v. Maldo*, 307 SCRA 424 (1999).
- [38] *People v. Araneta*, 300 SCRA 80 (1998).
- [39] *People v. Marcelino*, 316 SCRA 104 (1999).
- [40] *People v. Baltazar*, 352 SCRA 678 (2001).
- [41] See *People v. Catubig*, G.R. No. 137842, August 23, 2001.
- [42] *People v. Bangcado*, 346 SCRA 189 (2000).
- [43] *People v. Villanueva*, 302 SCRA 438 (1999).
- [44] *People v. Reyes*, 309 SCRA 622 (1999).
- [45] *People v. De Vera, Sr.*, 308 SCRA 102 (1999).
- [46] Certificate of Death, Exhibit B, Original Records, p. 3.
- [47] TSN, September 20, 1996, p. 15.
- [48] See *People v. Langit*, G.R. Nos. 134757-58, August 4, 2000.

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