

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FLORENDIA CASTRO AND CHRISTOPHER TALITA, ACCUSED-APPELLANTS.*G.R. No. 172370. October 06, 2008*

Ponente: REYES, R.T., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-172370/>**REYES, R.T., J.:**

THE BRUTAL crimes of parricide and murder are on target in this automatic review of the Decision[1] of the Court of Appeals (CA) affirming with modification that of the Regional Trial Court (RTC) in Malolos, Bulacan. The RTC found appellant Florendia Castro guilty of parricide and murder for the death of her husband and father-in-law, respectively, and her co-appellant Christopher Talita liable for two counts of murder, sentencing them to suffer the supreme penalty of death.

The Facts

On May 17, 1998, appellant Christopher Talita contracted the services of the victims Elpidio and Alfredo Castro, father and son, for the installation of window grills at an unspecified location in Santol, Balagtas, Bulacan. The Castros agreed to undertake the job for a consideration of P90.00 per square feet. They received instructions to proceed to Santol the next day, May 18. They were to look for a certain Betty, who was supposed to show them where the job was to be done.[2]

Alfredo and his welder Jaime Carrazcal did as they were told. They, however, failed to locate Betty in Santol. That same night, Christopher re-emerged at the Castro household in Pandi, Bulacan and volunteered to accompany them to the job site the next morning.[3]

On May 19, at around 7:00 a.m., appellant Christopher arrived on schedule. Elpidio excused himself to fetch their service vehicle, an owner-type jeepney. Alfredo, together with his mother Lolita de Leon Castro, waited for the elder Castro at the balcony of their home while Christopher and Jaime waited on the street below.[4]

As Elpidio arrived on board the service jeepney, he turned to Christopher and said "Pare, sandali lang." He then instructed Alfredo and Jaime to board the vehicle. Jaime was the first to board and took the back seat. As Alfredo was about to enter the vehicle's passenger side, Christopher unexpectedly drew a .38 caliber revolver. He then fired at Alfredo twice, hitting him in the head. At that time, Alfredo and Christopher were a mere arms-length of each other.[5]

Christopher then went around the jeepney and trained his gun at Elpidio, shooting him twice. Elpidio instantly fell down. As Alfredo lay sprawled on the ground, Christopher shot him again.[6]

Jaime immediately got down from the vehicle as the first shot was fired. He hid for cover at a nearby fence.[7]

After the shooting, Christopher stood at the crime scene, waiting for something. A few minutes later, a mint green Nissan Sentra arrived. In it were three passengers, including appellant Florendia, who was seated behind the driver. The door at the passenger side of the said car was open. Christopher boarded the car, which then sped

away from the locus criminis.[8]

Alfredo died instantaneously from massive external and intracranial hemorrhage due to multiple gunshot wounds. Elpidio was rushed to the nearest hospital where he was treated for injuries in the abdomen and thorax. He expired two days later.[9]

According to Lolita Castro, she incurred P142,500.00[10] for the hospitalization of Elpidio Castro and P260,000.00[11] for the wake and burial expenses of the two victims. However, only P262,520.00 is substantiated by proper receipts.[12]

On December 11, 1998, appellant Florenda was indicted for parricide and murder for the death of her husband Alfredo and father-in-law Elpidio, respectively. Appellant Christopher was charged with two counts of murder. The two separate amended informations against appellants bear the following accusations:

Criminal Case No. 1087-M-98 (Murder):

That on or about the 19[th] day of May 1998 in the municipality of Pandi, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, armed with a gun and with intent to kill one Elpidio Castro y de Leon, did then and there willfully, unlawfully and feloniously, with evident premeditation and treachery, attack, assault and shoot with the said gun said Elpidio Castro y de Leon, hitting the latter on the different parts of his body, thereby inflicting mortal wounds which directly caused his death.[13]

Criminal Case No. 1087-M-98 (Parricide):

That on or about the 19[th] day of May 1998 in the municipality of Pandi, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, having deliberately planned to kill Alfredo Castro with whom she was united in a lawful wedlock, conspiring and confederating with one another, accused who were armed with a gun, did then and there wilfully, unlawfully and feloniously, with treachery and evident premeditation, attack, assault and shot with said gun said Alfredo Castro, hitting him in the head and chest thereby inflicting mortal wounds which directly caused his death.[14]

At their arraignment, both appellants entered a negative plea. Trial on the merits ensued.

The evidence for the People, which portrayed the foregoing facts, was principally supplied by Godofredo del Rosario, Christopher del Rosario, Francisco Domingo, Jaime Carrazcal, Ruperto Cruz and Lolita de Leon Castro, wife to Elpidio and mother to Alfredo.

It was further revealed that appellant Florenda and the victim Alfredo had been separated since February 1998. Florenda also had a falling-out with her father-in-law over an unpaid debt. Elpidio likewise resented Florenda's bad credit standing which tended to bring shame to the Castro name.[15]

Florenda did not attend the five-day wake of her husband and father-in-law. On the date of the burial, however, she was seen filing a claim for death benefits before the Bureau of Customs, where her husband was previously employed.

Upon the other hand, denial and alibi were appellants' main exculpating line. For her part, appellant Florenda narrated that she and the victim Alfredo were married on February 13, 1993. They established a conjugal abode in Pandi, Bulacan, adjacent to that of her parents-in-law. Alfredo was a former employee of the Bureau of Customs. He was also a part-time public works contractor.[16]

Florenda testified that the first five years of her marriage with Alfredo were blissful, although they failed to conceive a child of their own. Sometime in February, 1998, she decided to leave their home in Pandi after she and

Alfredo had a heated argument. She refused to extend a loan amounting to P380,000.00 to her brother-in-law. She moved to Makati City and stayed with the family of her son from a previous marriage.[17]

She denied that she was in Pandi, Bulacan the day her husband Alfredo and father-in-law Elpidio were shot to death. According to Florenda, she could not have left their Makati home because at that time, her right leg was swollen due to diabetes-induced boils. She likewise had no Nissan Sentra car. Anent her failure to visit the wake of her husband, she intimated that it was due to the prodding of a certain Mayor Andres of Pandi. The mayor informed her that she was a suspect in the twin killings.[18]

Appellant Christopher denied that he knew appellant Florenda. He testified that he was in Taguig City and not in Pandi, Bulacan, on the day of the incident. He likewise denied contracting the services of the Castros for the installation of window grills. He knew of no reason why the prosecution witnesses would point to him as the gunman in the shooting of Alfredo and Elpidio Castro. At present, he is serving sentence at the New Bilibid Prisons in Muntinlupa City for a different murder conviction by a Parañaque court.[19]

RTC and CA Dispositions

On August 16, 2002, the trial court handed down a judgment of conviction, disposing as follows:

WHEREFORE, the foregoing considered, this Court hereby finds accused Florenda Castro GUILTY beyond reasonable doubt of the crimes of Murder in Crim. Case No. 1087-M-98 and Parricide in Crim. Case No. 1088-M-98, and accused Christopher Talita GUILTY beyond reasonable doubt of two counts of Murder for Crim. Cases Nos. 1087 and 1088-M-98, and sentences each of them to suffer the penalty of DEATH for each count and to pay private complainant Lolita de Leon Castro the amounts of P150,000.00 (P75,000.00) as civil indemnities for the death of Elpidio Castro and Alfredo Castro, P100,000.00 (P50,000.00 each) as moral damages, P50,000.00 (P25,000.00 each) as exemplary damages, P402,500 as actual damages, and the costs of suit.

SO ORDERED.[20]

Pursuant to *People v. Mateo*,[21] which modified Rules 122, 124 and 125 of the 2000 Rules of Criminal Procedure insofar as they provide for direct appeals from the RTC to this Court in cases in which the penalty imposed by the trial court is death, reclusion perpetua or life imprisonment, this case was referred to the CA for intermediate review.

On March 16, 2006, the CA rendered judgment affirming with modification that of the RTC. The fallo of the said decision reads:

WHEREFORE, in view of the foregoing, the decision dated August 16, 2002 of the Regional Trial Court of Malolos, Bulacan, Branch 78, in Criminal Case Nos. 1087-M-98 and 1088-M-98, convicting accused-appellant FLOREND A. CASTRO of murder and parricide, and accused-appellant CHRISTOPHER G. TALITA, of two counts of murder, and sentencing them to suffer the penalty of DEATH in both cases, is hereby AFFIRMED with the MODIFICATION that accused-appellants are ordered:

(1) in Criminal Case Nos. 1087-M-98 and 1088-M-98, to pay solidarily (in solidum) the heirs of the victims Elpidio Castro and Alfredo Castro the amount of P264,520.00 in actual damages;

(2) in Criminal Case No. 1087-M-98, to pay solidarily (in solidum) the heirs of the victim Elpidio Castro the amounts of P50,000.00 as civil indemnity, P25,000.00 as exemplary damages and P50,000.00 as moral damages; and

(3) in Criminal Case No. 1088-M-98, to pay solidarily (in solidum) the heirs of the victim Alfredo Castro the amounts of P50,000.00 as civil indemnity, P25,000.00 as exemplary damages and P50,000.00 as moral

damages.

SO ORDERED.[22]

Hence, this review.

Issues

On June 13, 2006, the Court resolved to require the parties to file their respective supplemental briefs, if they so desired. In a Manifestation dated July 5, 2006, the Office of the Solicitor General (OSG), representing the People, informed the Court that it would no longer file a supplemental brief; it was adopting its main brief on record. Appellants likewise omitted to submit a supplemental brief.

In the main, appellants impute to the trial court twin errors, viz.:

I.

THE PROSECUTION FAILED TO PROVE THE GUILT OF THE ACCUSED-APPELLANTS BEYOND REASONABLE DOUBT;

II.

THE HONORABLE COURT ERRED IN HOLDING THAT ACCUSED, FLORENDA CASTRO, CONSPIRED WITH HER CO-ACCUSED, CHRISTOPHER TALITA, IN ALLEGEDLY KILLING ELPIDIO CASTRO AND ALFREDO CASTRO. (Underscoring supplied)[23]

Our Ruling

I. Proof of guilt beyond reasonable doubt.

A. Alleged contradiction vis-à-vis positive testimonies

In minimizing the sufficiency of the proof of their guilt, both appellants assail the contradictory testimonies and credibility of prosecution witnesses. According to them, there is conflict as to the position of Alfredo prior to and at the time of the shooting; as to the entry and exit points of the bullets fired; as to when witness Jaime started to run away; and as to the origin, position, model and color of the get-away vehicle. They harp on these inconsistencies, claiming that these do not refer merely to trivial matters but strike at the very manner of the commission of the crime.

We have consistently ruled that not all inconsistencies in the witnesses' testimony affect their credibility. Inconsistencies on minor details and collateral matters do not affect the substance of their declaration, their veracity, or the weight of their testimonies.[24] Thus, although there may be inconsistencies on the testimonies of witnesses on minor details, they do not impair credibility where there is consistency in relating the principal occurrence and positive identification of the assailants.[25]

In *People v. Sabalones*,[26] it was alleged that the prosecution account had inconsistencies relating to the number of shots heard and the interval between the gunshots and the victims' positions when they were killed. The Court dismissed those allegations as "minor and inconsequential flaws" which strengthen, and rather than impaired, the credibility of said eyewitnesses. In the same breath, the Court held then that "such harmless errors are indicative of truth, not falsehood,"[27] and did not cast serious doubt on the veracity and reliability of the testimony of complainant. Also, in *People v. Gonzales*,[28] the Court held that testimonial discrepancies could be caused by the natural fickleness of memory which tends to strengthen rather than weaken credibility as they erase any suspicion of rehearsed testimony.

We hold that the cited inconsistencies refer to trivial matters and are insufficient to destroy credibility. The testimonies of the witnesses for the People placed appellants at the locus criminis. More importantly, the witnesses steadfastly related the principal occurrence and have consistently and invariably identified appellants as the perpetrators of the gruesome killings.

For instance, at the bail hearing for appellant Florenda, where Christopher was absent, Godofredo del Rosario testified:

Pros. Santiago:

Q:

If this assailant, the one who shot Elpidio and Alfredo, is now in Court, would you be able to recognize him again?

A:

Yes, Sir.

Q:

Will you please point to him if he is now in Court?

A:

He is not here.[29]

x x x x

Pros. Santiago:

Q:

This Florenda, if she is now in Court, would you be able to identify her?

A:

Yes, Sir.

Q:

Will you please point to her if she is now in Court?

A:

She is the one. (Witness pointing x x x)

Q:

Will you please go down and pat her shoulder?

A:

(Witness patting the shoulder of the person, who, when asked, answered to the name Florenda Castro).

Q:

Do you know Florenda Castro?

A:

Yes, Sir.

Q:

Why do you know her?

A:

She is the wife of Alfredo.

Q:

The one shot by the assailant?

A:

Yes, Sir.

Q:

And since when have you known Florenda Castro?

A:

For a long time because she resided in our place for a long time also.

Q:

Let us go back to your sketch, what did the car do when it stops (sic) from this place?

A:

The car is (sic) approaching the corner near the gunman.

Q:

Where did the car stop?

A:

The car stop (sic) at the middle near a corner.

Q:

When the car stopped at the middle of this place, what did you see or notice?

A:

The woman is (sic) pointing to someone.

Q:

You are referring to Florenda Castro?

A:

Yes, Sir.

Q:

Towards what direction was the woman pointing?

A:

Towards the gunman.[30]

For her part, private complainant Lolita Castro partly testified:

Q:

After the shooting incident, what happened next?

A:

When my husband and son fell down, I am about to approach them and so the gunman and I met.

Q:

When meeting the gunman, what happened next?

A:

He poked a gun at me that is why I returned.

Q:

To your house?

A:

Yes, Sir.

Q:

What did you do in your house?

A:

The gunman followed me but he stopped at the gate. I proceeded to the terrace to call to the municipal building to ask for help.

x x x x

Q:

After the lapse of one minute, what happened next?

A:

A car arrived, the front door was already opened and the gunman boarded the said car.

Q:

What kind of car arrived?

A:

Color mint green.

Q:

Were you able to recognize the driver of the jeep (sic)?

A:

I did not recognize the driver because my focus was on the passengers.

Q:

Aside from the driver, there are others who are occupants of the car?

A:

Yes, Sir.

Q:

Who?

A:

My daughter-in-law, Florenda.

Q:

If Florenda Castro is now in Court, would you be able to recognize him (sic) again?

A:

Yes, Sir.

Q:

Will you please point to her?

A:

(Witness pointing to the person who, when asked, answered the name of Florenda Castro).[31]

Admittedly, an accused in a criminal case may only be convicted if his or her guilt is established beyond reasonable doubt. But proof beyond reasonable doubt requires only a moral certainty or that degree of proof which produces conviction in an unprejudiced mind; it does not demand absolute certainty and the exclusion of all possibility of error.[32] After all, We do not expect witnesses to give an "error-free testimony." Hindi tayo umaasa na ang mga saksi ay makapagsasalaysay nang walang anumang kamalian.

B. Credibility of the witnesses for the People.

Upon a review of the entire records, the Court finds no cogent reason to depart from the findings and conclusions reached by both the trial and the appellate courts.

On this point, the trial court aptly observed:

Buttressing the above findings of the Court are the credible, consistent, straightforward and categorical testimonies of prosecution witnesses, particularly Godofredo del Rosario, Francisco Domingo, Lolita Castro, Ruperto Cruz, Corazon del Rosario, and Jaime Carrazcal, as supported by the testimonies of the two medico-legal officers, SPO4 Rodante Evangelista and NBI Agent Serafin Gil.

All their testimonies, as well as those of the representatives of the Bureau of Customs, if woven together and taken in the light of the supporting documentary exhibits point to nothing but the clear and unequivocal guilt of accused Florenda Castro and Christopher Talita.

That some of the prosecution witnesses are relatives of the victim does not affect their credibility.

Blood or conjugal relationship between a witness and the victim does not per se impair the credibility of the

witness - on the contrary, relationship itself could strengthen credibility in a particular case, for it is unnatural for an aggrieved relative to falsely accuse someone other than the actual culprit. (People v. Rendoque, 322 SCRA 622).

Private complainant Lolita Castro, who herself witnessed the incident, testified categorically on every detail of it. As ruled: The testimony of the widow of the victim is far more credit-worthy than not because of her natural interest to bring to justice the real perpetrators. (People v. Repollo, 332 SCRA 375).

The prosecution likewise showed beyond doubt the identities of herein two accused. Eyewitnesses Godofredo del Rosario, Francisco Domingo, Lolita Castro, Corazon del Rosario, Ruperto Cruz and Jaime Carrazcal positively identified accused Florenda Castro as the one they saw inside the get-away car. Witnesses Lolita Castro and Jaime Carrazcal, however, pointed to accused Talita as the assailant.

The Court finds no reason to doubt the testimonies of aforesaid witnesses on their identification of herein two accused. The incident happened at around 7:00 in the morning along the road of E. Rodriguez St., Poblacion, Pandi, Bulacan.

Where conditions of visibility are favorable and the witnesses did not appear to be biased against the accused, their assertions as to the identity of the malefactors should normally be accepted. (People v. Geral, 333 SCRA 453)

All of the eyewitnesses knew both the victims and accused Castro even before the subject incident.

When the prosecution eyewitnesses were familiar with both victim and accused, and where the locus criminis afforded good visibility, and where no improper motive can be attributed to them for testifying against the accused, then their version of the story deserves much weight. (People v. Tolibas, 326 SCRA 453).

Moreover, on these prosecution witnesses - from the eyewitnesses, to the police investigator, to the NBI agent, and the Bureau of Customs employees, not to mention the two medico-legal officers - no improper motive can be imputed.[33]

In the same vein, the CA found:

There is likewise no basis to doubt the positive identification of accused-appellants by the prosecution eyewitnesses.

Witnesses Godofredo Del Rosario, Christopher del Rosario and Ruperto Cruz were residents of Poblacion, Pandi, Bulacan where accused-appellant Florenda Castro and her husband Alfredo Castro resided before they separated; witness Francisco Domingo is a jeepney driver who regularly passes by at Poblacion, Pandi, Bulacan and has known accused-appellant Florenda Castro's husband Alfredo Castro since their childhood days in Siling Bata, Pandi, Bulacan; and witness Lolita Castro is accused-appellant's mother-in-law while witness Jaime Carascal works as welder in their iron works business. In view of their familiarity with accused-appellant Florenda Castro, these witnesses could not have been mistaken as to the identity of the woman seated at the back seat of the gunman's get away vehicles. Said vehicle had lightly tinted windows and was traveling at a slow pace, providing said eyewitnesses with a good look at its occupants.

On the other hand, the assailant accused-appellant Christopher Talita was positively identified by witnesses Lolita Castro and Jaime Carascal as the same person who was at the residence of the victim Alfredo Castro on May 17, 1998 and pretended to be a customer of said victim's iron works business. Said assailant shot his victims in broad daylight and in full view of these two (2) witnesses and witnesses Godofredo del Rosario, Christopher del Rosario and Ruperto Cruz, thus, their identification of accused-appellant Christopher Talita can be trusted.

x x x x

That witnesses Lolita Castro and Christopher del Rosario are relatives of the victims is no reason to denigrate their testimonies, for it is established rule that the mere fact that the witness is a relative of a victim is not a valid or sufficient ground to disregard the former's testimony nor does it render the same less worthy of credit.

Finally, the testimonies of the abovenamed prosecution eyewitnesses, as corroborated by the evidence furnished by Dr. Benito Caballero who conducted the post mortem examinations on the bodies of victims Elpidio and Alfredo Castro, and Dr. Joselito Mendoza, who performed the emergency surgery operation on Elpidio Castro before he eventually died, confirm that the fatal wounds sustained by the victims could definitely have been inflicted by the weapon they have seen held by accused-appellant Christopher Talita during the commission of the crime.

x x x x

Furthermore, accused-appellants aver that the testimonies of prosecution witnesses are inconsistent with the entries in the police blotter, i.e., the color of the gunman's get away car was white, and not green as testified to by the prosecution eyewitnesses; the non-identification of the gunman who was merely alleged to be accused-appellant Florenda Castro's former bodyguard; and no mention about the presence of accused-appellant Florenda Castro during the incident. Suffice it to state, however, that entries in a police blotter should not be given significance or probative value as they do not constitute conclusive proof of the truth thereof. A police blotter, like any other extrajudicial statement, cannot prevail over testimony in an open court. They are not given undue significance or probative value as they are not evidence of the truth of their contents but merely of the fact that they were recorded.

We thus give full credence to the appreciation of testimonial evidence by the trial court. The oft-repeated principle is that where the credibility of a witness is an issue, the established rule is that great respect is accorded to the evaluation of the credibility of witnesses by the trial court because of its unique opportunity to observe the witnesses firsthand and note their demeanor, conduct and attitude under grilling examination.[34]

This Court places great weight on the factual findings of the trial judge. He conducted the trial and heard the testimonies of the witnesses. He personally observed their conduct, demeanor and deportment while responding to the questions propounded by both the prosecutor and defense counsel. He had the opportunity to pose clarificatory questions to the parties. Tersely put, when a trial judge makes his findings as to the issue of credibility, such findings bear great weight, at times even finality, on the appellate court.[35]

In *People v. Quijada*,[36] the Court, speaking through then Chief Justice Hilario Davide, aptly held:

x x x Settled is the rule that the factual findings of the trial court, especially on the credibility of witnesses, are accorded great weight and respect. For, the trial court has the advantage of observing the witnesses through the different indicators of truthfulness or falsehood, such as the angry flush of an insisted assertion or the sudden pallor of a discovered lie or the tremulous mutter of a reluctant answer or the forthright tone of a ready reply; or the furtive glance, the blush of conscious shame, the hesitation, the sincere or the flippant or sneering tone, the heat, the calmness, the yawn, the sigh, the candor or lack of it, the scant or full realization of the solemnity of an oath, the carriage and mien. x x x[37]

Our pronouncement in *People v. Sanchez*[38] is further illuminating on this point:

The matter of assigning values to declarations on the witness stand is best and most competently performed by the trial judge who had the unmatched opportunity to observe the witnesses and to assess their credibility by the various indicia available but not reflected in the record. The demeanor of the person on the stand can draw the line between fact and fancy. The forthright answer or the hesitant pause, the quivering voice or the angry tone, the flustered look or the sincere gaze, the modest blush or the guilty blanch - these can reveal if the witness is telling the truth or lying in his teeth.[39]

II. Proof of conspiracy versus denial and alibi

Both appellants relied on the defenses of denial and alibi. It bears stressing that positive identification by credible witnesses of the accused as the perpetrator of the crime demolishes the alibi - the much abused sanctuary of felons.[40] In the case under review, appellant Florenda was positively identified by key prosecution witnesses as one of the passengers of the get-away vehicle used by the assailant Christopher. The witnesses for the People are sufficiently and adequately familiar with Florenda. The witnesses for the prosecution were either appellant's neighbors or related to her by affinity. As for appellant Christopher, the evidence pointing to him as the triggerman that fell both Alfredo and Elpidio is overwhelming.

Moreover, appellants failed to present corroborating evidence to buttress their respective alibi. Other than their bare allegations, no witness was introduced by the defense to corroborate their respective accounts and controvert the People's version of the incident placing them at the scene of the crime. Time and again, the Court has held that the defense of alibi is inherently weak especially when wanting in material corroboration.[41] Categorical declarations of witnesses for the prosecution of the details of the crime are more credible than the uncorroborated alibi interposed by accused.[42] We quote with approval the CA's elucidation along this line:

Unsubstantiated by clear and convincing proofs, accused-appellants' respective denials necessarily fail. An intrinsically weak defense, denial must be buttressed by strong evidence of non-culpability in order to merit credibility. Mere denial, just like alibi, is a self-serving negative evidence which cannot be accorded greater evidentiary weight than the declaration of credible witnesses who testify on affirmative matters.

Denial and alibi are weak defenses which are unavailing in the face of positive identification.

At any rate, it was for the trial judge, using his sound discretion and his observations at the trial, to determine whom to believe among the witnesses of the parties who gave conflicting testimonies on the whereabouts of accused-appellants in the unholy morning of May 19, 1998. As earlier said, findings of fact and assessment of credibility of witnesses, are matters which are best left to the trial court because of its unique position of having observed that elusive and incommunicable evidence of the witnesses' behavior on the stand while testifying, which opportunity is denied to the appellate courts. Thus, unless the trial court has plainly overlooked certain facts of substance and value which, if considered, might affect the result of the case, his assessment of the credibility of witnesses will be respected by the appellate court. We have meticulously examined the records, and found that the trial court's decision has considered every material fact and piece of evidence in this case.[43]

In fine, the defense of denial and alibi is an issue of fact that hinges on the credibility of witnesses. As adverted to earlier, We find the determination by the trial and the appellate courts on the matter of the credibility of the prosecution witnesses to be clearly consistent. Thus, it must be accepted.

III. Crimes committed

All told, the Court is convinced that the evidence for the People proved beyond reasonable doubt that appellant Florenda is guilty of parricide for the killing of her husband Alfredo and for murder for the death of her father-in-law Elpidio. The crime of parricide, defined in Article 246 of the Revised Penal Code, states:

Art. 246. Parricide. - Any person who shall kill his father, mother, or child, whether legitimate or illegitimate, or any of his ascendants, or descendants, or his spouse, shall be guilty of parricide and shall be punished by the penalty of reclusion perpetua to death.

Parricide is committed when: (1) a person is killed; (2) the deceased is killed by the accused; (3) the deceased is the father, mother, or child, whether legitimate or illegitimate, or a legitimate other ascendant or other descendant,

or the legitimate spouse of accused.[44]

The elements of murder, penalized under Article 248 of the Revised Penal Code, are: (1) a person is killed; (2) the deceased is killed by accused; (3) the killing is attended by any of the qualifying circumstances mentioned in Article 248 of the Revised Penal Code; and (4) the killing is neither parricide nor infanticide.[45]

The records bear out that appellant Florenda conspired and confederated with her co-appellant Christopher in carrying out the brutal killing of Alfredo and Elpidio. While Christopher acted as the gunman, Florenda sowed the seeds of violence by masterminding the reprehensible deed. Undeniably, their concerted actions showed community of purpose

and design that formed a chain of evidence that established conspiracy to commit parricide and murder.

The Court, however, was recently informed[46] that appellant Florenda Castro died on February 14, 2008 while under the custody of the Bureau of Corrections in Muntinlupa City. Considering that said appellant died before her conviction for parricide and murder attained finality, her criminal as well as civil liabilities are extinguished.[47]

Verily, the CA sentencing needs modification with respect to appellant Florenda.

Proper penalty

Since the killings were committed in 1998, the trial court as well as the CA were correct in imposing upon appellant Christopher the supreme penalty of death. In view, however, of the passage and effectivity of Republic Act (R.A.) No. 9346[48] on June 24, 2006, proscribing the imposition of the capital punishment,[49] the proper imposable penalty on appellant is reclusion perpetua, without eligibility for parole, in line with Sections 2 and 3 of the said law.

Sec. 2. In lieu of the death penalty, the following shall be imposed:

- the penalty of reclusion perpetua, when the law violated makes use of the nomenclature of the penalties of the Revised Penal Code; or
- the penalty of life imprisonment, when the law violated does not make use of the nomenclature of the penalties of the Revised Penal Code.

Sec. 3. Persons convicted of offenses punished with reclusion perpetua or whose sentences will be reduced to reclusion perpetua by reason of this Act, shall not be eligible for parole under Act No. 4103, otherwise known as the Indeterminate Sentence Law, as amended. (Underscoring supplied)

The applicability of R.A. No. 9346 is undeniable. In criminal law, it is axiomatic that *favorabilia sunt amplianda adiosa restringenda*, penal laws which are favorable to the accused are given retroactive effect.[50] Ang mga batas sa krimen na pabor sa nasasakdal ay binibigyan ng balik-bisa.

The CA disposition on civil liabilities imposed on appellant Christopher in favor of the heirs of the victims needs clarification. Only the amount of P262,520.00 (not P264,520.00) was substantiated by proper receipts. Hence, the reduction in the award of the damages is in order.

Anent the CA awards of civil indemnity of P50,000.00, moral damages of P50,000.00, and exemplary damages of P25,000.00 in each case, they are in accord with current jurisprudence.

In *Malana v. People*,[51] We convicted the accused of murder and ordered him to pay the victim the amounts of P50,000.00 as civil indemnity and another P50,000.00 by way of moral damages. The same civil indemnity and moral damages were awarded by the Court to the heirs of the murdered victims in *People v. Segobre*,[52] *People*

v. Ausa,[53] and in *People v. Piliin*.[54]

As to exemplary damages, the victims or the heirs are likewise entitled to exemplary damages if aggravating circumstances, whether qualifying or generic, are present. In the case under review, treachery and evident premeditation were clearly established. Verily, an award of P25,000.00 as exemplary damages is justified. Under Article 2230 of the New Civil Code, exemplary damages are awarded to serve as a deterrent to serious wrongdoings, as vindication of undue suffering and wanton invasion of the rights of an injured person, and as punishment for those guilty of outrageous conduct.[55]

WHEREFORE, the Decision of the Court of Appeals is **AFFIRMED WITH MODIFICATION** as follows:

(1) The cases against appellant Florenda Castro are dismissed, as her criminal and civil liabilities are **EXTINGUISHED** by reason of her death;

(2) Appellant Christopher Talita is sentenced to reclusion perpetua without eligibility for parole. He is also ordered to pay P50,000 as civil indemnity, P50,000 as moral damages, and P25,000 as exemplary damages to each set of heirs of Elpidio Castro and Alfredo Castro.

SO ORDERED.

Puno, C.J., (Chairperson), Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Carpio Morales, Azcuna, Tinga, Chico-Nazario, Velasco, Jr., Leonardo-De Castro, and Brion, JJ., concur.

Corona[*], J., on official leave.

Nachura[**], J., no part.

[*] On official leave per Special Order No. 520 dated September 19, 2008.

[**] No part. Justice Nachura participated as Solicitor General in the instant case.

[1] Penned by Associate Justice Rosalinda Asuncion-Vicente, with Associate Justices Edgardo P. Cruz and Sesinando E. Villon, concurring; rollo, pp. 3-22.

[2] TSN, June 30, 1999, pp. 7-10.

[3] *Id.* at 10-11.

[4] TSN, January 18, 1999, pp. 3-4.

[5] TSN, December 14, 1998, pp. 6-10.

[6] *Id.*

[7] TSN, June 30, 1999, p. 17.

[8] TSN, January 18, 1999, pp. 5-6.

[9] TSN, January 25, 1999, pp. 12-13.

[10] Exhibit "S."

[11] Exhibits "T" to "T-4."

[12] Exhibits "S" & "T" to "T-3."

[13] CA rollo, p. 213.

[14] Id.

[15] TSN, January 19, 1999, p. 30.

[16] CA rollo, p. 62.

[17] Id. at 64.

[18] Id. at 64-65.

[19] Id. at 65-66.

[20] Id. at 71.

[21] G.R. Nos. 147678-87, July 4, 2004, 433 SCRA 640.

[22] Rollo, p. 21.

[23] CA rollo, p. 98.

[24] *People v. Bato*, G.R. No. 134939, February 16, 2000, 325 SCRA 671, 677.

[25] *People v. Valla*, G.R. No. 111285, January 24, 2000, 323 SCRA 74, 82.

[26] G.R. No. 123485, August 31, 1998, 294 SCRA 751.

[27] Id. at 794.

[28] G.R. No. 106098, December 7, 1993, 228 SCRA 293, 299.

[29] TSN, December 14, 1998, p. 10.

[30] TSN, December 14, 1998, pp. 13-14.

[31] TSN, January 18, 1999, pp. 5-6.

[32] *People v. Rayles*, G.R. No. 169874, July 27, 2007, 528 SCRA 409; *Calimutan v. People*, G.R. No. 152133, February 9, 2006, 482 SCRA 44, 57.

[33] CA rollo, pp. 69-70.

[34] Id. at 221-223.

[35] *People v. Rayles*, supra note 32; *People v. Lua*, G.R. Nos. 114224-25, April 26, 1996, 256 SCRA 539, 546.

[36] G.R. Nos. 115008-09, July 24, 1996, 259 SCRA 191.

[37] *People v. Quijada*, id. at 212-213.

[38] G.R. Nos. 121039-45, January 25, 1999, 302 SCRA 21.

[39] *People v. Sanchez*, id. at 45.

[40] *People v. Pamor*, G.R. No. 108599, October 7, 1994, 237 SCRA 462; *People v. Enciso*, G.R. No. 105361, June 25, 1993, 223 SCRA 675; *People v. Kyamko*, G.R. No. 103805, May 17, 1993, 222 SCRA 183; *People v. Taneo*, G.R. No. 87236, February 8, 1993, 218 SCRA 494.

[41] *People v. Sanchez*, supra note 38; *People v. Enciso*, supra note 40.

[42] *People v. Sanchez*, G.R. No. 131116, August 27, 1999, 313 SCRA 254, 269.

[43] CA rollo, pp. 224-225.

[44] Reyes, L.B., The Revised Penal Code, Vol. 2, 1993, p. 414.

[45] People v. Delmo, G.R. Nos. 130078-82, October 4, 2002, 390 SCRA 395.

[46] Letter dated March 17, 2008, of Asst. Dir. Julio Arciaga, Bureau of Corrections.

[47] Article 89(1) of the Revised Penal Code provides:

ART. 89. How criminal liability is totally extinguished. - Criminal liability is totally extinguished:

1. By the death of the convict, as to the personal penalties; and as to pecuniary penalties, liability therefore is extinguished only when the death of the offender occurs before final judgment.

[48] An Act Prohibiting the Imposition of Death Penalty in the Philippines.

[49] Republic Act No. 9346, Sec. 1 provides:

Sec. 1. The imposition of the penalty of death is hereby prohibited. Accordingly, R.A. No. 8177, otherwise known as the Act Designating Death by Lethal Injection is hereby repealed. R.A. 7659, otherwise known as the Death Penalty Law, and all other laws, executive orders and decrees, insofar as they impose the death penalty are hereby repealed or amended accordingly.

[50] Revised Penal Code, Art. 22.

[51] G.R. No. 173612, March 26, 2008.

[52] G.R. No. 169877, February 14, 2008.

[53] G.R. No. 174194, March 20, 2007.

[54] G.R. No. 172966, February 8, 2007.

[55] People v. Gandia, G.R. No. 175332, February 6, 2008; People v. Daleba, Jr., G.R. No. 168100, November 20, 2007.

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