PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOSE BARCENAL AND RANDY SOLIS, ACCUSED-APPELLANTS.

G.R. No. 175925. August 17, 2007

Ponente: CHICO-NAZARIO, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-175925/

CHICO-NAZARIO, J.:

For Review is the Decision[1] of the Court of Appeals in CA-G.R. CR-H.C. No. 02204, which affirmed the Decision[2] of the Regional Trial Court (RTC) of Iriga City, Branch 35, finding appellants Jose Barcenal and Randy Solis guilty of the crime of murder and sentencing them to suffer the penalty of reclusion perpetua.

On 17 April 2000, appellants, together with accused Jimmy Barcenal and two other John Does, were charged before the RTC with the crime of murder under Article 248 of the Revised Penal Code, as amended. The accusatory portion of the Information reads:

> That on or about the 17[th] day of January, 2000 at about 3:30 o'clock in the afternoon, in the Municipality of Baao, Camarines Sur, Philippines, and within the jurisdiction of this Honorable Court, the said accused, conspiring, confederating and helping one another, did then and there, with malice aforethought and with deliberate intent to take the life of one NELSON B. MOLINA, willfully, unlawfully, feloniously, suddenly, unexpectedly, and treacherously attack the latter with bolos, thereby inflicting several mortal wounds on the different parts of his body, which caused the direct and immediate death of the said Nelson B. Molina, to the great damage and prejudice of the latter's heirs.[3]

During the arraignment on 15 May 2000, appellants, with the assistance of counsel de oficio, entered their respective pleas of not guilty.[4] Thereafter, trial ensued. Accused Jimmy Barcenal (Jimmy) and the two unidentified accused remained at large.

The evidence of the prosecution, as culled from the combined testimonies of Jasam Barcenal (Jasam), an 8-year old boy; Zacarias Barcenal (Zacarias), the father of witness Jasam Barcenal; Joseph Molina (Joseph), brother of the victim; Medy Molina, spouse of the victim; and Dr. Wilson Moll Lee (Dr. Lee), a medico-legal of the National Bureau of Investigation, Naga City, who conducted the autopsy of the victim's body, is as follows:

In the afternoon of 17 January 2000, Zacarias was looking after his children asleep at his abode located in Barangay Perpetual Help, Iriga City. At around 3:30 p.m., Nelson Molina (Nelson) arrived at Zacarias' home. Nelson, who was then wearing a striped short pants and a sando, was carrying a bolo which he usually brought with him whenever he went to his banana plantation. Nelson asked Zacarias on the whereabouts of appellants Jose Barcenal and Randy Solis. Zacarias answered that he did not know where the appellants were. In the course of their conversation, Nelson requested Zacarias to watch over him, as he might share the fate of a certain Popoy who was killed recently. Nelson likewise insinuated that appellants were mad at him, as he caught them stealing bananas.

Nelson then proceeded to his banana plantation.

Worried by what Nelson had just disclosed, Zacarias followed him. While Nelson was treading the path towards the plantation, he met his brother Joseph Molina. Nelson proceeded to the plantation, while Joseph headed for his home. Zacarias was trailing Nelson for about 10 to 15 minutes when he decided to stop following the latter and instead started to work. Meanwhile, Jasam was looking for his father, Zacarias, to fetch him for merienda. While searching for Zacarias, Jasam saw Nelson being attacked. Upon seeing his father, who was then removing dried coconut leaves, Jasam beckoned him and informed him that Nelson was being mauled. Zacarias went near Jasam, and the two sought cover under a tree located at the upper portion of a hill. Nelson, appellants and the other assailants were on the lower portion of the hill about 20 meters from Zacarias and Jasam. Jasam then heard Nelson shouting as the two men with masks hit Nelson with a piece of bamboo. They dragged Nelson to a grassy place and tied his hands. The two masked men called appellants and accused Jimmy Barcenal to come out from where they were hiding. Appellants and Jimmy, who were armed with bolos, appeared. The masked men tied Nelson to a coconut tree. Suddenly, Jimmy hacked the right hand of Nelson, almost separating it from his arm. Appellant Jose Barcenal, on the other hand, hacked Nelson's left hand, almost cutting it off. Randy Solis, in turn, struck Nelson's right foot with his bolo, nearly detaching it from his leg. Then, the masked men picked a short piece of wood and gave the same to Jimmy, who plucked out Nelson's eyes. The excruciating pain made Nelson shout. With his bolo, Jimmy attacked again by ripping Nelson's head off his body. Not satisfied, the masked men stabbed Nelson with a "veinte nueve" (fan knife) on his chest. Finally, Jimmy made his final stroke by scalping Nelson's head. Jimmy told the group that if ever Nelson's mother or Nelson's brother would pass by, they should also be assaulted. Jimmy covered the dismembered body of Nelson with coconut leaves. The group hurriedly left the crime scene.

After the assailants left, Zacarias and Jasam also left the place. Instead of proceeding to their home, they stayed in the house of Zacarias's parents, and they did not tell anyone about the incident for fear that they might be involved, or, worse they might suffer the same fate as that of the victim.

In the morning of 18 January 2000, appellants met the two witnesses. Appellants asked Zacarias if he would engage in a cockfight. Although Zacarias did not tell anyone what he and Jasam witnessed on that fateful day, he entertained the idea that appellants might have seen them witness the crime because of appellants' gestures.

On 24 January 2000, the body of the victim was found by a man grazing his carabao, who then asked the policemen to bury the body. The policemen buried the body at the Baao Municipal Cemetery in Baao, Camarines Sur. After hearing the news, Joseph went to Baao and inquired from the policemen about the body. Joseph requested the policemen to allow him to exhume the body, but they refused to grant said request. It was through the intercession of the Municipal Health Officer of Baao that the body was exhumed and autopsied on 25 January 2000.

It was only after the victim's body was discovered that Zacarias disclosed the killing incident to the family of the deceased. He was forced to do so since Jasam had revealed the incident earlier to his "ninong" and the victim's brother, Manuel Molina, Jr.

Dr. Lee conducted an autopsy of the body and made the following findings:

> The cadaver is buried underground, wearing T-shirt and shorts.
> He is in the advanced stage of postmortem decomposition.
> Head, skeletonized.
> All internal organs have been converted into a pultaceous mass.
> Hands, absent.
> Feet, absent.
> No antemortem bone injury noted on the remaining bones examined.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> CAUSE OF DEATH: Cannot be determined due to the advanced stage of postmortem decomposition, in the absence of bone injuries.[5]

The medico-legal officer found that Nelson has been dead for more than three days and that the cadaver was already in an advanced stage of decomposition. Maggots were eating up the whole body. The head was already "skeletonized," which means that the skull was devoid of any soft tissue and that the eyes, ears and muscles no longer adhered to the skull. Only the side part of the head contained hair, and it was possible that the hair had been scalped or removed. He, likewise, found that the hands and feet were missing. The head was separated from the body. He stated that a sharp bladed-instrument could have severed the bone connecting the body and the head.

Appellants denied participating in the killing of the victim. They interposed the defense of denial and alibi.

Randy Solis testified that he was a truck helper loading sand at the Hillside Construction. That at 7:00 o'clock in the morning of 17 January 2000, he and appellant Jose Barcenal reported for work at the Hillside Construction. The truck driver was Armando Botor. They got sand from Oas, Albay and delivered three truckloads of sand, two in Springfield and the other one, in Sto. Domingo, Iriga City. They finished their work at 7:00 p.m. of that day. He denied taking part in the victim's death.

Jose Barcenal confirmed the testimony of appellant Randy Solis that the two of them reported for work on that fateful day. However, he declared he and Randy Solis finished the delivery at about 4:00 to 5:00 p.m. of the same day.

Ramon Solis, father of appellant Randy Solis, testified that his son worked at the Hillside Construction on 17 January 2000. He bared that on the same day, the victim told him that he (victim) caught Zacarias Barcenal butcher a stolen cow, and that he (victim) would no longer be alive the next day because Zacarias threatened him.

Evelyn Solis, appellant Randy Solis's mother, testified that Nelson confided to her that he caught Zacarias, together with his brothers, butchering a cow owned by a certain Romeo Baracena. Zacarias and his brothers were asking money from Nelson, with a threat that if the latter would not meet their demand, he would be slaughtered soon.

Armando Botor, the truck driver of the Hillside Construction, affirmed that his truck helpers on 17 January 2000 were the appellants and that they finished their deliveries at about 4:00 p.m. of that day. He admitted that he did not have permanent truck helpers but that he had hired many of them. Of those he had hired, he only remembered the names of his truck helpers on 17 January 2000 - the appellants.

The trial court was convinced that the prosecution mustered the requisite quantum of evidence to prove the guilt of the appellants of the crime charged. It gave full credence to the version of the prosecution and brushed aside the defense of alibi of the appellants. Thus, it convicted the appellants of murder, qualified by treachery, and imposed upon them the penalty of reclusion perpetua. Appellants were also ordered to indemnify their victim in the amounts of P50,000.00 as civil indemnity, P60,000.00 as actual damages and to pay the costs. The dispositive portion of the RTC decision reads:

> WHEREFORE, finding accused, RANDY SOLIS and JOSE BARCENAL guilty beyond reasonable doubt for the crime of Murder under Article 248 of the Revised Penal Code, they are sentenced to reclusion perpetua; pay an indemnity of P50,000.00 and actual damages of P60,000.00 and to pay the cost.[6]

Appellants filed a notice of appeal.[7] The trial court ordered the transmittal of the entire records of the case to this Court. Thereafter, this Court ordered the referral of the case to the Court of Appeals conformably with the ruling in People v. Mateo.[8]

The Court of Appeals, on 28 August 2006, promulgated its Decision affirming the judgment of the trial court convicting the accused. It, however, modified the award of damages by deleting the actual damages imposed by the trial court and ordering the appellants, in addition to the award of P50,000.00 as civil indemnity, to pay the amount of P50,000.00 as moral damges, P25,000.00 as exemplary damages and another P25,000.00 as temperate damages in lieu of actual damages. The Court of Appeals decreed:

> WHEREFORE, premises considered, the assailed decision of the Regional Trial Court of Iriga City, Branch 35 dated November 15, 2002 is hereby AFFIRMED with MODIFICATIONS that the award of actual damages is deleted. However, appellants are ordered to indemnify the heirs of the victim, in addition to the award of P50,000.00 as civil indemnity, the further amounts of P50,000.00 as moral damages, P25,000.00 as exemplary damages and P25,000.00 as temperate damages in lieu of actual damages.[9]

Hence, the instant case.

In their Brief, the appellants assign the following errors:

> I
>
> THE TRIAL COURT GRAVELY ERRED IN GIVING FULL FAITH AND CREDENCE TO THE INCREDIBLE AND INCONSISTENT TESTIMONY OF THE PROSECUTION WITNESSES.
>
> II
>
> THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANTS OF THE CRIME CHARGED DESPITE THE FACT THAT THEIR GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.
>
> III
>
> THE TRIAL COURT GRAVELY ERRED IN CONCLUDING THAT THERE WAS A CONSPIRACY AND IN APPRECIATING THE QUALIFYING CIRCUMSTANCE OF TREACHERY.
>
> IV
>
> THE TRIAL COURT GRAVELY ERRED IN AWARDING ACTUAL DAMAGES.[10]

On the first and second assignment of errors, appellants disagree with the trial court's assessment of the evidence before it and the weight and credence given to the testimony of the prosecution witnesses, Zacarias and Jasam. According to appellants, the testimonies of these two witnesses were "riddled with incredibilities, inconsistencies and doubts which should have been seriously considered by the trial court."[11] In support of such claim, the appellants make reference to the testimony of Zacarias on direct examination, wherein he stated that he was about 25 meters from the place where Nelson Molina and Joseph Molina met. But on cross-examination, he averred that he was about 15 meters away from Nelson and Joseph. Appellants also put forward another testimony of Zacarias where, on direct examination, he testified that he followed Nelson from his house to the latter's banana plantation for about 10 to 15 minutes; yet, on cross, Zacarias stated that he followed Nelson for about 3 minutes only.

Appellants find it incredible for an eight-year old boy to vividly testify on every detail of what he witnessed, including those who hacked the victim and on what specific part of the victim's body. They likewise find suspect Zacarias" silence and his failure to report the incident to the victim's family or to the police authorities. Such silence, according to appellants, is contrary to human experience. They suggest that Zacarias pretended to be an eyewitness of the incident and pointed an accusing finger at them in order not to cast any suspicion on his person and his possible participation in the crime. They allege that Jasam's testimony was coached by Zacarias.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

The long-established rule is that, the matter of assigning values to declarations on the witness stand is best and most competently performed by the trial judge who, unlike appellate magistrates, can weigh such testimony in light of the declarant's demeanor, conduct and position to discriminate between truth and falsehood.[12] Thus, appellate courts will not disturb the credence, or lack of it, accorded by the trial court to the testimonies of witnesses, unless it be manifestly shown that the latter court had overlooked or disregarded arbitrarily the facts and circumstances of significance in the case.[13]

In the instant case, the prosecution's main witnesses, Jasam and Zacarias Barcenal, steadfastly pointed to appellants, together with Jimmy Barcenal and two "John Does" as the persons who violently took the life of Nelson in broad daylight on 17 January 2000. The two witnesses, who were on the upper part of the hill, 20 meters away from and overlooking the situs criminis, lucidly recollected the lurid occurrence. An 8-year old boy, well-informed about sin and its consequence, and having imbibed the fear of God, narrated in a straightforward manner that appellants and their cohorts were the ones who attacked the victim, thus:

q: You said that you went to fetch your father to have merienda, what happended?

a: I heard Manoy Nelson shouting and then I saw 2 men wearing masks hitting Manoy Nelson.

q: What was that instrument used by the 2 men in mask hitting your Manoy Nelson?

a: Bamboo.

q: Then what happened next?

a: Then they were dragging him and they said you get out and later Jose and Jimmy went out.

q: After seeing that what happened next?

a: They dragged him to the grassy place and they tied his hands.

q: In particular who dragged your Manoy Nelson?

WITNESS

a: The 2 men in masks.

COURT

q: So, you were not able to recognize the 2 men wearing masks?

a: No, Your Honor.

PROS. RAMOS

q: How about the 3 men being called by the masked persons, did they go out?

a: Yes, sir, and they were carrying bolos.

q: In particular who were carrying bolos?

a: Jimmy Randy and Jose.

q: Where was your Manoy Nelson tied?

a: He was tied to the coconut tree.

q: Who tied him?

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

a: The 2 men in masks.

q: What is the family name of your Manoy Nelson?

a: Molina.

q: After your Manoy Nelson Molina was tied in (sic) the coconut tree, what happened next?

a: They hacked his hand (witness pointing to his right hand).

q: And who hacked the right hand of your Manoy Nelson?

a: Jimmy.

q: And what happened to the hand of Nelson Molina?

a: It was almost cut.

PROS. RAMOS

q: After Jimmy Barcenal hacked the right hand of Nelson Molina, what happened next?

a: And then Jose hacked the left hand of Nelson Molina.

q: Again when Jose Barcenal hacked the left hand of Nelson Molina what happened next?

a: The hand was not separated.

q: But it was cut?

a: Almost cut.

q: When Jose Barcenal hacked the left hand of Nelson Molina what happened?

a: And then Randy cut again his right foot.

q: And what happened when Randy Solis cut the right foot, what happened to the right foot of Nelson Molina?

a: It was almost separated.

q: After that what else happened?

a: And then the 2 men got a short piece of wood and gave it to Jimmy and Jimmy plucked out the eyes of Manoy Nelson.

q: The eyes of Nelson?

a: Yes, sir.

q: What did you observe on the eyes of Nelson when it was plucked out by Jimmy Barcenal?

a: He shouted and then after that his head was cut.

q: Who cut the head of Nelson Molina?

WITNESS

a: Jimmy.

PROS. RAMOS

q: What did the five men do after the head of Nelson Molina was cut?

a: According to Manoy Jimmy if Amay Milagros Molina passes by she should be struck or even when Manoy Ibin Molina he should be struck.

q: And how is this Milagros Molina related to Nelson Molina?

a: Nelson is the son of Milagros Molina.

q: How about this Ibin?

a: Manoy Ibin is also the son of Amay Milagros.

q: So, Ibin is the brother of Nelson?

a: Yes, sir.

q: And what happened next after seeing that?

a: Manoy Nelson was covered with coconut leaves.

q: Who covered him with leaves?

a: Jimmy.

q: And then what happened?

a: A "beinte nueve" was thrust on the chest of Nelson.

q: How many times?

a: 2.

q: Who stabbed Nelson Molina with a batangas knife?

a: The 2 men in masks.

PROS. RAMOS

q: Then what happened?

a: He removed the scalp.

q: Who removed the scalp?

a: Jimmy.

x x x x

q: After Jimmy removed the scalp what happened?

a: I saw Jimmy left and passed by the canal.
I also saw the 2 men removed their masks but they hid in the bamboo groove.

q: Were you able to recognize the 2 men after they removed their masks?

a: No, sir.

q: Why?

a: They ran away.

q: Towards what direction?

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

a: They ran passing the canal. I did not recognize them.

q: Where was Jose Barcenal and Randy Solis?

a: They were also running.

q: Towards what direction?

a: Towards the canal also.

q: So, all of them the five were going together?

a: Yes, sir.[14]

Zacarias lends support to the testimony of Jasam on material points. He saw appellants and the rest of the perpetrators consummate the brutal crime. The autopsy report is consistent with the declarations of Jasam and Zacarias. The body of the victim was in the clothing described by the said witnesses. Only the sides of Nelson's head had hair which led the medico-legal to deduce that the scalp had been removed. This confirms Jasam's affirmation that Jimmy took off the victim's scalp. Also noteworthy is the finding of the medico-legal officer stating that the hands, the feet and the eyes of Nelson were missing. The absence of these parts of the body substantiates Jasam's account that appellants and Jimmy took turns in mutilating the victim. The overwhelming evidence eloquently depicts what had really transpired on that ill-fated day. Only a trustworthy witness could have described such vivid picture of the incident which ineluctably points to appellants as the culprits in the atrocious wrongdoing.

Given the sincere, trustworthy and positive identification by the prosecution witnesses of the assailants and their respective participation in the felony, appellants" alibis are rendered futile. Jurisprudence has it that for an alibi to prosper, the accused must prove by clear and convincing evidence that it was physically impossible for him to be at the scene of the crime during its commission. Hence, it is not sufficient that the accused was somewhere else when the crime was committed.

In the case under consideration, appellant Jose Barcenal, during the direct examination, testified that he and appellant Randy Solis were able to finish their job at about 4:00 to 5:00 p.m. on the day of the incident. On cross-examination, he admitted that it was possible that they finished their work earlier than 4:00 p.m., thus:

Q: Now x x x at 4:00 o'clock in the afternoon that you ended your work, that was only your estimate?

A: Yes, Ma'am.

Q: That was only your estimate at that time because you were not wearing a wristwatch, am I correct?

A: Yes, Ma'am.

Q: So, it was possible that you even finished earlier with your work than 4:00 o'clock or 5:00 o'clock?

A: It could be that I finished my work x x x a little bit earlier than 4:00 o'clock but not later than 5:00 o'clock in the afternoon.[15]

From the foregoing testimony of appellant Jose Barcenal, there is a huge possibility that appellants were present at the scene of the crime when it was committed at around 3:00 to 3:30 in the afternoon of 17 January 2000. Thus, appellants were unsuccessful in demonstrating that it was physically impossible for them to be there at the crime scene or nearby when the killing occurred.

Quite pointedly, although appellants claimed that they reported for work during that day, nobody except Armando

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

Botor and the relatives of appellant Randy Solis affirmed their alibi. Moreover, we note that Armando allegedly hired the appellants as truck helpers on 17 January 2000. Oddly, when he was asked to name his helpers on the dates 4, 5, 8, 15, 18, 22 January and on 1 February 2000, Armando Botor could not recall the names of his helpers. He could only recall his helpers on 17 January 2000. What made 17 January 2000 so special that Armando could vividly recall only his helpers on that particular date? This implies that Armando's memory was selective or that his testimony was a mere fabrication to ensure the appellants' acquittal. Armando's testimony is, therefore, questionable.

Also unreliable are the testimonies of appellant Randy's relatives confirming his alibi. As appropriately articulated in People v. Sumalinog, Jr. [16]:

> One can easily fabricate an alibi and ask friends and relatives to corroborate it. When a defense witness is a relative of an accused whose defense is alibi, courts have more reason to view such testimony with skepticism.

As to the alleged inconsistencies in the testimonies of Zacarias and Jasam Barcenal, such do not affect the credibility of these witnesses, because they refer to collateral and trivial matters that have no bearing on the commission of the felony.

Unblemished testimony cannot always be expected from witnesses.[17] This is especially applicable when they are called to recount the details of a grisly event that happened before their eyes. Minor disagreements in their testimony do not at all crush the veracity of the evidence in its entirety, nor should they reflect adversely on the witnesses' credibility, as they erase suspicion that the testimonies were rehearsed or concocted.[18] Inconsistencies on minor and trivial matters serve to strengthen rather than destroy the credibility of witnesses to a crime.[19] Provided that their testimonies agree on substantial matters, as in this case, the inconsequential contradictions do not dilute the witnesses' credibility.

Appellants are clutching at straws in making an issue of Zacarias's act of not immediately reporting the incident or disclosing appellants' identity after witnessing the crime. Failure of a witness to divulge to the authorities that he witnessed a crime and to reveal the identities of the offenders for a number of days, weeks or even a number of years, is allowable if there is a valid reason for such delay.[20] Fear for one's life is a valid explanation for a witness' failure to immediately report the crimes and the identities of the offenders to the authorities.[21] In the case under consideration, Zacarias' delay in revealing the crime was due to fear. He explained that he was afraid that appellants and their companions might also kill him and his family. Therefore, his testimony remains trustworthy.

Appellants argue that the trial court erred in appreciating the qualifying circumstance of treachery and in finding the existence of conspiracy.

The essence of treachery is a deliberate and sudden attack that renders the victim unable and unprepared to defend himself by reason of the suddenness and severity of the attack.[22] It is an aggravating circumstance that qualifies the killing of the person to murder. Two essential elements are required in order that treachery can be appreciated: (1) The employment of means, methods or manner of execution that would ensure the offender's safety from any retaliatory act on the part of the offended party, who had, thus no opportunity for self-defense or retaliation; and (2) deliberate or conscious choice of means, methods or manner of execution. Moreover, it must be alleged in the information and proved during the trial.

Appellants, who were in hiding, came out when the two masked men suddenly hit Nelson with bamboo rendering him helpless to defend himself. Then the two unidentified men tied Nelson to a coconut tree. It was only when the victim was totally helpless that appellants and Jimmy commenced their own assault, taking turns in striking the defenseless victim with their bolos and hacking off the victim's hands and feet. Jimmy plucked out the victim's

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

eyes before cutting off his head. The two masked men stabbed Nelson on his chest twice. Still dissatisfied, Jimmy scalped the head of the victim. Clearly, it was impossible for appellant to defend himself against the onslaught of appellants and their cohorts. They deliberately adopted means and methods to ensure the barbaric demise of Nelson.

While it may be true that Nelson had a bolo at that time, he was unable to use it because of the suddenness and the stealth employed by the assailants.

Contrary to the postulation of the appellants, the prosecution sufficiently established the presence of conspiracy. There is conspiracy when two or more persons agree to commit a felony and decide to commit it.[23] Conspiracy need not be proven by direct evidence. It may be inferred from the conduct of the accused before, during and after the commission of the crime, showing that they acted with common purpose and design. The concerted acts of appellants and the other assailants showed unanimity in design, intent and execution of the attack against the victim. Each performed specific acts with closeness and coordination as to unmistakably indicate a common purpose to bring about the suffering and death of Nelson. Indubitably, conspiracy was established.

In fine, this Court, defers to the findings of the trial court which are affirmed by the Court of Appeals, there being no cogent reason to veer away from such findings. This is in line with the rule stating that when the trial court's findings have been affirmed by the appellate court, said findings are generally conclusive and binding upon this Court.[24]

Also affirmed is the ruling of the trial court and the Court of Appeals imposing upon the appellants the penalty of reclusion perpetua. However, the award of actual damages by the trial court in the amount of P60,000.00 cannot be sustained, considering that the prosecution merely presented a list of expenses. This Court has already held that actual damages cannot be awarded based on a list of expenses presented, as such claim must be adequately supported by receipts. In place of the actual damages, temperate damages in the amount of P25,000.00 should be awarded to the heirs of the victim in line with the prevailing jurisprudence.[25] Temperate damages are awarded to the heirs of the victim where no documentary evidence of actual damages were presented in the trial, because it is reasonable to presume that, when death occurs, the family of the victim incurred expenses for the wake and funeral.[26] Moreover, appellants are also ordered to pay the heirs of the victim the amount P50,000.00 as moral damages. However, in addition to these damages, exemplary damages should also be awarded to the heirs of the victim, since the qualifying circumstance of treachery was proven by the prosecution.[27] When a crime is committed with an aggravating circumstance, either qualifying or generic, an award of P25,000.00 as exemplary damages is justified under Article 2230 of the New Civil Code.[28] This kind of damage is intended to serve as a deterrent to serious wrongdoings, and as a vindication of undue sufferings and wanton invasion of the rights of an injured or a punishment for those guilty of outrageous conduct.[29]

WHEREFORE, the Decision of the Court of Appeals dated 28 August 2006 is hereby AFFIRMED. No costs.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Nachura, and Reyes, JJ., concur.

---

[1]Penned by Associate Justice Sesinando E. Villon with Associate Justices Elvi John S. Asuncion and Jose C. Mendoza, concurring; CA rollo, pp. 177-190.

[2]Penned by Presiding Judge Alfredo D. Agawa; id. at 34-49.

[3] Records, p. 1.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

[4] Id. at 74.

[5] Exhibit "A-1", Folder of Exhibits, p. 2.

[6] CA rollo, p. 49.

[7]Id. at 50.

[8] G.R. Nos. 147678-87, 7 July 2004, 433 SCRA 640.

[9] Rollo, p. 15.

[10] CA rollo, p. 73.

[11]Id. at 88.

[12] People v. Matito, G.R. No. 144405, 24 February 2004, 423 SCRA 617, 625.

[13] People v. Piedad, 441 Phil. 818, 839 (2002).

[14]TSN, 24 May 2000, pp. 7-12.

[15] TSN, 21 February 2001, p. 5.

[16] 466 Phil. 637, 651 (2004).

[17] People v. Aguila, G.R. No. 171017, 6 December 2006, 510 SCRA 642, 654-655.

[18] Id.

[19] Id.

[20]People v. Aguinde, 457 Phil. 207, 225 (2003).

[21] Id. at 227.

[22]People v. Santos, 464 Phil. 941, 956 (2004).

[23] People v. Pagalasan, 452 Phil. 341, 363 (2003).

[24] People v. Castillo, G.R. No. 118912, 28 May 2004, 430 SCRA 40, 50.

[25] People v. Tumulak, 448 Phil. 57, 77 (2003).

[26]Id.

[27] People v. Aguila, supra note 15 at 663.

[28]Id.

[29] Id.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.