

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALLAN DEL PRADO Y CAHUSAY, DEFENDANT-APPELLANT.

G.R. No. 187074. October 13, 2009

Ponente: PERALTA, J.

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PERALTA, J.:

Before Us is an appeal from the Decision[1] of the Court of Appeals on CA-G.R. CR-H.C. No. 02216 dated 30 September 2008 affirming with modifications the Decision of the Regional Trial Court (RTC) of Mandaluyong City finding accused-appellant Allan del Prado y Cahusay (Del Prado) guilty beyond reasonable doubt of the crime of murder.

Del Prado, together with co-accused Lloyd Peter Asurto (Asurto) and Jaylord Payago (Payago), was charged with murder under the following Information:

That on or about the 24[th] day of January 2003, in the City of Mandaluyong, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping and aiding one another, armed with a knife and stone, with intent to kill and attended by the qualifying aggravating circumstances of abuse of superior strength and evident premeditation, did then and there willfully, unlawfully and feloniously attack, assault and employ personal violence upon the person of one Anthony Hudo y Magtanong, by then and there hitting him with the said stone and even if he is already wounded, weak and unarmed, accused Allan del Prado stabbed him, thereby inflicting upon him mortal wounds which directly caused his death.[2]

Del Prado was arraigned on 17 March 2004, wherein he pleaded not guilty. His two co-accused, Asurto and Payago, remained at large.

The evidence of the prosecution, consisting of the testimonies of Sheryll Ann Tubigan (Tubigan); Police Officer (PO)1 Nerito Lobrido (Lobrido); Southern Police District Chief Medico-Legal Officer Dr. Ma. Cristina B. Freyra (Dr. Freyra); and the mother of Anthony Hudo (Hudo), Yolanda Magtanong (Magtanong), tended to establish the following facts:

On 24 January 2003, at around 10:40 p.m., Tubigan (Tubigan) and her friends Angela Camado (Camado) and Maria Theresa Rio (Rio) were standing and having a conversation inside a well-lit basketball court at Barangay Addition Hills, Mandaluyong City. The deceased, Hudo was standing seven meters from them when, suddenly, Payago struck him with a baseball bat on the head and body several times. Asurto then hit Hudo several times on the face with an 8x6-inch stone. Hudo fell to the ground. Del Prado then stabbed Hudo at his neck and chest with a foot-long knife. Del Prado, Payago and Asurto shouted invectives at Hudo while the latter bled profusely on the ground.

Tubigan left the basketball court and sought the assistance of Hudo's friends and cousins. Hudo's cousins, Pony and his brother, carried Hudo's body. They boarded a tricycle and took Hudo's body to the Mandaluyong City Hospital. Tubigan, Camado and Rio proceeded to the Central Intelligence Unit (CIU) office at the Mandaluyong

City Hall where they executed their affidavits.

Dr. Freyra, chief Medico-Legal Officer at the Southern Police District, conducted the autopsy examination on Hudo's body. Hudo sustained two stab wounds, two lacerated wounds, one contusion, one incised wound, one punctured wound and several abrasions. The two stab wounds were fatal.

At around midnight of 24 January 2003, Magtanong, the mother of Hudo, received a phone call from her nephew Jeffrey Arceo who told her that Hudo was dead. Magtanong went to the Mandaluyong City Hospital where she saw the body of her son, which caused her great grief. She then proceeded to the Mandaluyong City Police Station to give her statement. She spent P14,300.00 in funeral expenses.

The defense's version of the facts is as follows:

On the night of the incident, Del Prado was on his way to his mother's house in Binangonan coming from the house of his sister at Welfareville Compound, Mandaluyong City. He intended to pass through the basketball court in order to catch a jeepney ride on the other side. Upon reaching the basketball court, he saw Hudo and Payago quarreling and struggling for the possession of a baseball bat. He saw Asurto, whom he called "Bunso," hit Hudo with a stone. Hudo slumped to the ground. Upon seeing what happened, people ran towards his direction, causing him to join them as they ran away from the scene.

Del Prado did not know Tubigan and maintained that her testimony was untruthful. Nobody arrested him for over a year, but the parents of Hudo asked P50,000.00 from him by way of settlement. He later on voluntarily surrendered to the police to clear his name and to verify if a case had been filed against him. Despite being Hudo's friend, he did not inquire further into what happened to the former, as he was afraid of being implicated. He did not go to the wake and burial of Hudo.

On 30 March 2006, the RTC rendered its Decision finding Del Prado guilty of murder, as follows:

WHEREFORE then, in view of the foregoing, judgment is hereby rendered finding the accused ALLAN DEL PRADO Y CAHUSAY, "GUILTY" of the crime of MURDER as defined and penalized in Article 248 of the Revised Penal Code.

As a consequence of this judgment, the accused is hereby sentenced to suffer the penalty of reclusion perpetua which penalty shall be served at the National Penitentiary, New Bilibid Prison in Muntinlupa.

Any period of detention the accused shall have served shall be credited in his favor in the service of his sentence as provided for in Art. 29 of the Revised Penal Code.

With respect to the civil liability arising from the commission of the crime, the accused is herein ordered to pay the sum of Fourteen Thousand Three Hundred Pesos (Php 14,300.00) as actual damages and the sum of Fifty Thousand Pesos (Php 50,000.00) as moral damages.[3]

Del Prado's appeal to the Court of Appeals was docketed as CA-G.R. CR-H.C. No. 02216, and was raffled to the Fifth Division of the said court. On 30 September 2008, the Court of Appeals rendered its Decision modifying the Decision of the RTC:

WHEREFORE, the Decision dated March 30, 2006 of the Regional Trial Court of Mandaluyong City, Branch 213 is hereby AFFIRMED WITH MODIFICATIONS to the effect that the accused-appellant is hereby ordered to pay the heirs of the victim the sum of P50,000.00 as civil indemnity, P50,000.00 moral damages and P25,000.00 as temperate damages in lieu of the P14,300.00 actual damages awarded by the trial court.[4]

Hence, this appeal, wherein Del Prado asserts that:

I.

THE COURT A QUO ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF THE CRIME CHARGED DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

II.

ASSUMING ARGUENDO THAT THE ACCUSED IS GUILTY, THE TRIAL COURT ERRED IN CONVICTING HIM OF MURDER INSTEAD OF HOMICIDE CONSIDERING THAT NEITHER THE QUALIFYING CIRCUMSTANCE OF TREACHERY NOR PREMEDITATION WAS DULY ESTABLISHED.

Sufficiency of the Evidence to Prove Guilt Beyond Reasonable Doubt

In arguing that the prosecution failed to prove the guilt of Del Prado beyond reasonable doubt, the latter's main argument is that the testimony of Tubigan is incredible and contrary to human experience. According to Del Prado, it is unbelievable that Hudo's friends did not lend assistance to him despite being present at the time of the incident.

This Court disagrees with Del Prado's observations. There is no standard form of human behavioral response when confronted with a frightful experience.[5] Not every witness to a crime can be expected to act reasonably and conformably with the expectations of mankind,[6] because witnessing a crime is an unusual experience that elicit different reactions from witnesses, and for which no clear-cut, standard form of behavior can be drawn.[7] In the case at bar, it was not even unusual for Hudo's unarmed companions to refrain from risking their lives to defend him when the assailants were brandishing a foot-long knife, a baseball bat and a 6x8-inch stone.

Furthermore, this Court has held in a long line of cases that the trial court's determination of the issue of the credibility of witnesses and its consequent findings of fact must be given great weight and respect on appeal, unless certain facts of substance and value have been overlooked which, if considered, might affect the result of the case.[8] This is so because of the judicial experience that trial courts are in a better position to decide the question, having heard the witnesses themselves and observed their deportment and manner of testifying during the trial. It can thus more easily detect whether a witness is telling the truth or not.[9]

Del Prado also claims that the prosecution was not able to sufficiently explain why Hudo's companions in the incident were unable to testify.

We are not convinced. We have held in *People v. Jumamoy*,[10] that:

The prosecutor has the exclusive prerogative to determine the witnesses to be presented for the prosecution. If the prosecution has several eyewitnesses, as in the instant case, the prosecutor need not present all of them but only as many as may be needed to meet the quantum of proof necessary to establish the guilt of the accused beyond reasonable doubt. The testimonies of the other witnesses may, therefore, be dispensed with for being merely corroborative in nature. x x x.

In the case at bar, the prosecutor must have deemed it unnecessary to present other witnesses on the belief that the quantum of proof necessary to prove the guilt of Del Prado beyond reasonable doubt had been met. Upon examination of Tubigan's testimony on the incident, this Court finds that the prosecutor was correct in making such assumption, since Tubigan's testimony was clear and convincing:

Q

So, you said, Madam Witness, that the unusual incident you saw on the evening of January 24, 2003 was about the death of this Anthony Hudo. Can you please give the circumstances of his death before this Honorable Court?

A

He was hit by a bat, ma'am.

Q

By the way, Madam Witness, how far away were you from Anthony Hudo during this incident?

A

From where I am sitting right now to the door of the courtroom.

PROS. LAZARO:

May we request the defense counsel to stipulate, more or less seven (7) meters, Your Honor?

COURT:

From the place of the incident.

PROS. LAZARO:

Yes, Your Honor, the position of the witness from the victim.

Q

Can you tell before this Honorable Court the lighting condition of the place at that time?

A

Well lighted, ma'am.

Q

Where did the light come from?

A

From the electric post, ma'am.

Q

You said that Anthony was hit by a bat. Who hit him with a bat, Madam Witness?

A

Jaylord, ma'am.

Q

Do you know the family name of this Jaylord?

A

. No, ma'am.

Q

. Do you personally know this Jaylord?

A

Yes, ma'am. He is our friend.

Q

How long have you friends with Jaylord? (sic)

A

For a long time but not as long as my friendship with Anthony.

Q

And what kind of bat was used by this Jaylord in hitting Anthony Hudo?

A

Baseball bat, ma'am.

Q

How many times did Jaylord hit Anthony Hudo with the said baseball bat?

A

For several times, Ma'am.

Q

In which body parts of Anthony Hudo were hit by the said baseball bat?

A

In his head and body, ma'am.

Q

And what happened to Anthony Hudo after he was hit by a baseball bat by Jaylord?

A

He fell down, ma'am.

Q

By the way, Madam Witness, can you describe this Jaylord before this Honorable Court?

A

Quite taller than me, ma'am.

Q

How tall are you?

A

I do not know, ma'am.

COURT:

Can you stand up, please?

Can you stipulate Atty. Cruz and Public Prosecutor?

PROS. LAZARO:

The witness is five (5) feet in height and Jaylord is taller than the witness.

Q

How about his complexion, Madam Witness?

A

I'm quite fairer than Jaylord.

Q

The length of his hair?

A

Short hair, ma'am.

Q

The shape of his face?

A

Round face, ma'am.

Q

If Jaylord Payago is present here in court, will you be able to identify him?

A

Yes, ma'am.

COURT:

Q

Is he in court?

A

None, Your Honor.

PROS. LAZARO:

For the record, Your Honor, Jaylord Payago, one of the accused is still unarraigned and still at large.

COURT:

When did we issue the last warrant, Homer? Based on the return, he cannot be found?

INTERPRETER:

Yes, Your Honor.

COURT:

When was that?

INTERPRETER:

May 12, 2003, Your Honor.

COURT:

How about Lloyd Peter?

INTERPRETER:

The same, Your Honor.

COURT:

Cannot be found also, still unarraigned?

INTERPRETER:

Yes, Your Honor.

PROS. LAZARO:

We request, Your Honor, for the issuance of an alias bench warrant to these accused Jaylord Payago and Lloyd Peter Asurto.

COURT:

Okay. Continue please.

x x x x

Q

Madam Witness, prior to the hitting of the bat of victim Anthony Hudo, can you please tell to this Honorable Court his position in relation to Jaylord?

A

He was facing Jaylord, ma'am.

Q

Who were the companions of Jaylord, if any?

A

Bunso and Allan, ma'am.

COURT:

Q

Who is Bunso?

A

Lloyd, Your Honor.

PROS. LAZARO:

Q

What were these two (2) doing during that time?

A

They were, likewise, standing by.

Q

And while Jaylord was hitting Anthony Hudo with a base ball ba[t], what were these two (2) persons, Allan and Lloyd doing?

A

Bunso was also hitting Anthony with a stone in his face.

Q

Can you tell before this Honorable Court the size of the stone used by Lloyd Peter alias Bunso in hitting Anthony Hudo?

COURT:

Can you please stipulate the size of the stone?

PROS. LAZARO:

We stipulate, Your Honor, eight (8) inches in length and six (6) inches in width.

COURT:

Okay.

PROS. LAZARO:

Q.

And how many times did this Lloyd Peter or alias Bunso hit Anthony Hudo with a stone?

A

For several times, ma'am.

Q

And which parts of Anthony Hudo were hit?

A

On the face, ma'am.

COURT:

Q

What else?

A

At the body, Your Honor.

PROS. LAZARO:

Q

And what happen (sic) to Anthony Hudo after he was hit by a stone by Lloyd Peter?

A

He could not anymore stand up, ma'am.

Q

Can you please describe this Lloyd Peter before this honorable Court?

A

With long hair, dark complexion.

Q

Do you know his height?

A

Like the height of Jaylord, ma'am.

Q

About the shape of his face?

A

Long face, ma'am.

Q

Do you personally know hit (sic) Lloyd Peter alias Bunso?

A

He is, likewise, our friend, ma'am.

Q

How long have you been friends with Lloyd Peter?

A

Like Jaylord, ma'am.

Q

If this Lloyd Peter alias Bunso is here in court, would you be able to identify him?

A

Yes, ma'am.

Q

Is he here in court?

A

None (sic), ma'am.

PROS. LAZARO:

We would like to manifest, Your honor, that Lloyd Peter Asurto is still unarraigned.

Q

How about Allan, Madam Witness, what was he doing that time?

A

He stabbed Tokoy, ma'am.

COURT:

Q

With what?

A

With a knife, Your Honor.

PROS. LAZARO:

Q

Can you describe the knife before this honorable Court?

A

It is one (1) foot long.

COURT:

Q

Including the handle?

A

Yes, Your Honor.

PROS. LAZARO:

Q

Would you know the family name of this Allan, Madam Witness?

A

Del Prado, ma'am.

Q

Do you know him?

A

Yes, ma'am.

Q

Why do you know him?

A

He is the husband of my friend, ma'am.

Q

If Allan Del Prado is here in court today, would you be able to identify him?

A

Yes, ma'am.

Q

Kindly look around and tell this Honorable Court if he is present.

A

Yes, ma'am. He is present.

Q

Can you please identify him by stepping down and approach him? Tap him lightly on his shoulder.

INTERPRETER:

Witness goes down the gallery and tap the shoulder of the male person seated on the first row who when asked identified himself as ALLAN DEL PRADO y CAHUSAY.

PROS. LAZARO:

Q.

How many times did accused Allan del Prado stab victim Anthony Hudo with a knife?

A

Two (2) times, ma'am.

Q

Which body parts of Anthony Hudo were hit?

INTERPRETER:

Witness pointing to her upper left chest.

PROS. LAZARO:

Q

What other body parts, Madam Witness?

INTERPRETER:

Witness pointing to center upper rib.

PROS. LAZARO:

Q

What happened to Anthony Hudo after he was stabbed by Allan del Prado?

A

He failed to stand up.

Q

What word or words, if any, Madam Witness, were uttered by the three (3) accused during this incident?

A

They were hurling invectives, ma'am.

Q

What else, if any?

A

Nothing more, ma'am.

Q

To whom were these invectives addressed?

A

To Tokoy, ma'am.

Q

How about victim Anthony Hudo alias Tokoy, what word or words, if any, were uttered by him during this incident?

A

Nothing, ma'am.

Q

Can you please describe the physical condition of Anthony Hudo while he was sprawled to the ground?

A

He was facing up, ma'am.

Q

What was his physical appearance at that time?

A

He was bleeding, ma'am.

Q

So, after seeing that situation, Madam Witness, what did you do, if any?

A

We ran outside of the basketball court and we called our friends, ma'am.

Q

Whom did you call?

A

Our friends and the cousins of Tokoy.

Q

Would you know the name of the cousins of this Anthony Hudo?

A

Pony and the brother of Pony, ma'am.

Q

After you called your friends and the cousins of Anthony Hudo, what happened next?

A

They went to the basketball court and lifted Anthony Hudo.

Q

Where did they bring Anthony Hudo?

A

They boarded Anthony Hudo in a tricycle and brought him to the Mandaluyong Hospital.

Q

How about you, Madam Witness, what did you do after that?

A

We went to the city hall, ma'am.

Q

Who were with you when you went to the city hall?

A

Angela and Teresa, ma'am.

Q

What particular office of the city hall did you go to?

A

At the CIU, ma'am.

Q

Why did you go to the CIU, Madam Witness?

A

To narrate the incident, ma'am.[11]

In *People v. Teehankee, Jr.*,^[12] we enumerated the factors for determining the credibility of a witness' identification: (1) the witness' opportunity to view the criminal at the time of the crime; (2) the witness' degree of attention at that time; (3) the accuracy of any prior description given by the witness; (4) the level of certainty demonstrated by the witness at the identification; (5) the length of time between the crime and the identification; and (6) the suggestiveness of the identification procedure.

In the case at bar, Tubigan witnessed the incident in a well lighted place from barely seven meters away. She positively identified Del Prado as one of the assailants on the same day of the incident. Her testimonies are adequately supported by her affidavit, taken on the day of the incident, which she identified in open court. Furthermore, her account was corroborated by the testimony of Dr. Freyra, whose identification of the wounds sustained by Hudo matches those which were stated by Tubigan in her testimony and affidavit.

Finally, there is also nothing on the record to show that Tubigan was actuated by bias, prejudice or improper motive. It is settled that where there is no evidence and there is nothing to indicate that the principal witness for the prosecution was actuated by improper motive, the presumption is that the witness was not so actuated, and his testimony is entitled to full faith and credit. Indeed, if an accused had really nothing to do with the crime, it is against the natural order of events and of human nature and against the presumption of good faith that the prosecution witness would falsely testify against the former.^[13]

Circumstances Qualifying the Crime to Murder

Del Prado argues that the trial court erred in convicting him of murder, since the prosecution allegedly failed to establish the presence of the qualifying circumstances of treachery and evident premeditation.^[14]

Del Prado's argument is misleading. Firstly, the Information did not allege the qualifying circumstance of treachery. The qualifying circumstances alleged therein are abuse of superior strength and evident premeditation. Secondly, the trial court did not rule that either treachery or evident premeditation was present in the case at bar. The only circumstance found by the trial court to have qualified the killing to murder was abuse of superior strength:

Apart from the foregoing, the testimony of witness Sheryll Ann Tubigan is plain and unambiguous in that the accused resorted to the use of superior strength in order to ensure the success of their concerted attack against the deceased victim. The deliberate intent of the accused to use excessive force out of proportion to the means available to the victim is clearly evident because at the time of the attack the victim had no means available to defend himself but his bare hands. Clearly then, the accused took advantage of their combined strength in order to consummate the commission of the crime and therefore the aggravating circumstance of superior strength may be applied to increase the penalty the accused shall serve for the commission of the crime of murder.

Art. 248 of the Revised Penal Code states that any person who, not falling within the provision of Art. 246, shall kill another, shall be guilty of murder and shall be punished by reclusion perpetua to death if committed with any of the following attendant circumstances: (1) with ... taking advantage of superior strength... As regards the abuse of superior strength as aggravating circumstance, what should be considered is not that there were three, four or more assailants as against one victim, but whether the aggressors took advantage of their combined strength in order to consummate the offense. To take advantage of superior strength is to use excessive force out of proportion to the means available to the person attacked to defend himself, and in order to be appreciated it must be clearly shown that there was deliberate intent on the part of the malefactors to take

advantage thereof.[15]

We agree in the findings of the trial court that Del Prado, together with his co-accused, abused their superior strength in killing Hudo. Hudo was unarmed and defenseless at the time Del Prado and his co-accused bludgeoned his head and body with a baseball bat, hit him with a stone, and stabbed him twice. The number of assailants and the nature of the weapons used against Hudo show a notorious inequality of force between Hudo and his aggressors. The actuations of Del Prado and his co-accused in inflicting injury successively furthermore show that they purposely used excessive force to ensure the killing of Hudo.

Liability of Accused-Appellant for Civil Damages

The trial court awarded the following to Hudo's heirs: (1) P14,300.00 as actual damages; and (2) P50,000.00 as moral damages. The Court of Appeals modified the award of civil damages by adding the amount of P50,000.00 as civil indemnity and replacing the award of P14,300.00 as actual damages with the amount of P25,000.00 as temperate damages.

We sustain the modifications made by the Court of Appeals.

Article 2206[16] of the Civil Code authorizes the award of civil indemnity for death caused by a crime. Current jurisprudence[17] sets the award at P50,000.00.

The Court of Appeals was likewise correct in replacing the award of P14,300.00 as actual damages with the amount of P25,000.00 as temperate damages. In *People v. Dela Cruz*,[18] this Court declared that when actual damages proven by receipts during the trial amount to less than P25,000.00, such as in the present case, the award of temperate damages for P25,000.00, is justified in lieu of actual damages for a lesser amount. This Court ratiocinated therein that it was anomalous and unfair that the heirs of the victim who tried but succeeded in proving actual damages of less than P25,000.00 only would be in a worse situation than those who might have presented no receipts at all but would be entitled to P25,000.00 temperate damages.

This Court, however, deems it necessary to include an award of exemplary damages in favor of the heirs of Hudo. An aggravating circumstance, whether ordinary or qualifying, should entitle the offended party to an award of exemplary damages within the unbridled meaning of Article 2230[19] of the Civil Code.[20] The award of P30,000.00 as exemplary damages is therefore, proper under current jurisprudence.[21]

WHEREFORE, the instant appeal is DENIED. The Decision of the Court of Appeals on CA-G.R. CR-H.C. No. 02216 dated 30 September 2008 affirming with modifications the Decision of the Regional Trial Court of Mandaluyong City finding accused-appellant Allan del Prado y Cahusay guilty beyond reasonable doubt of the crime of murder is hereby AFFIRMED, with the further MODIFICATION that Allan del Prado y Cahusay is additionally ordered to pay the heirs of the victim the amount of P30,000.00 as exemplary damages.

SO ORDERED.

Carpio, (Chairperson), Velasco, Jr., Nachura, and Peralta, JJ., concur.

[1] Penned by Associate Justice Ramon M. Bato, Jr. with Associate Justices Remedios A. Salazar-Fernando and Rosalinda Asuncion-Vicente concurring; rollo, pp. 2-20.

[2] CA rollo, p. 10.

[3] Id. at 16.

- [4] Rollo, p. 19.
- [5] *People v. Tio*, 404 Phil. 936, 947 (2001).
- [6] *People v. Merino*, 378 Phil. 828, 844 (1999).
- [7] *People v. Rubio*, 327 Phil. 316, 324 (1996).
- [8] *People v. Deunida*, G.R. Nos. 105199-200, 28 March 1994, 231 SCRA 520, 532; *People v. Acuña*, G.R. No. 94702, 2 October 1995, 248 SCRA 668, 675.
- [9] *People v. Acuña*, id.; *People v. Deunida*, id.
- [10] G.R. No. 101584, 7 April 1993, 221 SCRA 332, 344.
- [11] CA rollo, pp. 86-94.
- [12] 319 Phil. 128, 180 (1995).
- [13] *People v. Grefaldia*, G.R. No. 121787, 17 June 1997, 273 SCRA 591, 602.
- [14] CA rollo, pp. 34-35.
- [15] Id. at 15-16.
- [16] Art. 2206. The amount of damages for death caused by a crime or quasi-delict shall be at least three thousand pesos, even though there may have been mitigating circumstances. In addition:
- (1) The defendant shall be liable for the loss of the earning capacity of the deceased, and the indemnity shall be paid to the heirs of the latter; such indemnity shall in every case be assessed and awarded by the court, unless the deceased on account of permanent physical disability not caused by the defendant, had no earning capacity at the time of his death;
 - (2) If the deceased was obliged to give support according to the provisions of Article 291, the recipient who is not an heir called to the decedent's inheritance by the law of testate or intestate succession, may demand support from the person causing the death, for a period not exceeding five years, the exact duration to be fixed by the court;
 - (3) The spouse, legitimate and illegitimate descendants and ascendants of the deceased may demand moral damages for mental anguish by reason of the death of the deceased.
- [17] *People v. Callet*, 431 Phil. 622, 637 (2002); *People v. Muñoz*, 451 Phil. 264, 274 (2003).
- [18] 461 Phil. 471, 480 (2003).
- [19] Art. 2230. In criminal offenses, exemplary damages as a part of the civil liability may be imposed when the crime was committed with one or more aggravating circumstances. Such damages are separate and distinct from fines and shall be paid to the offended party.
- [20] *People v. Catubig*, 416 Phil. 102, 120-121 (2001); see *People v. Beltran, Jr.*, G.R. No. 168051, 27 September 2006, 503 SCRA 715, 741.
- [21] *People v. Gidoc*, G.R. No. 185162, 24 April 2009; *People v. Anguac*, G.R. No. 176744, 5 June 2009; *People v. Layco, Sr.*, G.R. No. 182191, 8 May 2009.

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