

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FABIAN MABALATO @ “BOY,” JULIO CARTUCIANO AND ALLAN CANATOY @ “ALLAN EDWARD,” ACCUSED, ALLAN CANATOY @ “ALLAN EDWARD,” ACCUSED...

G.R. No. 227195. July 29, 2019

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CAGUIOA, J:

On appeal is the Decision[1] dated May 31, 2016 (assailed Decision) of the Court of Appeals, Twentieth (20[th]) Division (CA) in CA-G.R. CR-HC No. 01861, which partly affirmed with modifications, the Judgment[2] dated June 28, 2013 of the Regional Trial Court of Cebu City, Branch 18 (trial court) in Criminal Case No, CBU-63753, which, in turn, found accused-appellant Allan Canatoy (Canatoy) guilty beyond reasonable doubt of the crime of Murder as defined and penalized under Article 248 of the Revised Penal Code (RPC).

Canatoy, along with accused Fabian Mabalato (Mabalato) and Julio Cartuciano (Cartuciano), as well as one Luz Sato (Sato), were charged with Murder qualified by the attending circumstances of treachery, evident premeditation and abuse of superior strength for killing Omega Barbas (Barbas). The accusatory portion of the Information reads:

That, on or about the 4[th] day of September, 2002, at about 9:30 o'clock in the morning, in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, conniving and confederating together and mutually helping each other, armed with rambo type knife, with deliberate intent, with intent to kill with treachery and evident premeditation, with abuse of superior strength, did then and there suddenly and unexpectedly stab one Omega Barbas on the vital parts of her body, thereby inflicting upon her physical injuries which as a consequence of said injuries said Omega Barbas died few minutes later.

CONTRARY TO LAW.[3]

On arraignment, Cartuciano, Canatoy and Sato, assisted by their respective counsels, pleaded "not guilty" to the crime charged. Mabalato, on the other hand, represented by Atty. Gandhi Truya (Atty. Truya), pleaded "guilty." However, after the prosecution rested its case, Mabalato, represented by his new counsel, Atty. Earl Bonachita (Atty. Bonachita), substituted his "guilty" plea with a "not guilty" plea.

The Facts

Version of the Prosecution:

The prosecution presented witnesses Rebecca Tan (Tan), Mark Lester Soliman (Soliman), Stephen Go (Go), Dr. Nestor Sator (Dr. Sator), P/Insp. Nathan Alonsabe, Sr. P/Insp. Germano Mallari, PO1 Joseph Bucayan, SPO4 Mario Monilar (SPO4 Monilar), Atty. Truya, and Prosecutor Tolomeo Dinoy (Pros. Dinoy), who testified that:

On September 4, 2002, Barbas was inside her room at Ziega Apartment, Barangay Talamban, Cebu City. At around 9:30 in the morning, Tan, a tenant in the same apartment, saw two men enter the apartment's gate. Afterwards, Soliman who was staying in the room adjacent to Barbas, heard two men utter "Ayo, Ayo" in front of

Barbas' room and told the latter that they have something to deliver. Barbas told them to leave it beside the door but they insisted for her to come out so that she could acknowledge the item. After a short while, Tan and Soliman heard Barbas shouting "Ay!" three times. Soliman went out of the room and saw two men fleeing from Barbas' room towards the gate. Soliman called after them who looked back but then continued to run. Tan, who was on the terrace, also shouted "Hoy!" at the two men who likewise looked back. Both Soliman and Tan later identified the two men as Canatoy and Mabalato.[4]

Soliman and Tan then checked Barbas' room and they found her lying face down, bathed in her own blood. They saw a bloodied knife and grey t-shirt near Barbas' body. Tan recalled that one of the two men whom she saw enter the apartment's gate was wearing a grey t-shirt, but when she later saw him again fleeing from Barbas' room, he was already wearing a white shirt.[5] Thereafter, Go, Barbas' boyfriend, as well as members of the Emergency Rescue Unit Foundation (ERUF) and several police officers arrived.[6] The police recovered, among others, the knife used in killing Barbas from the crime scene.[7]

Dr. Sator, a medico-legal officer, examined Barbas' body and stated in his report that Barbas suffered incise wounds and one fatal stab wound at the left shoulder, which pierced the aorta and the right lung, thereby causing hemorrhage.[8]

In the meantime, the police officers conducted a follow-up operation, which led to the arrest of Mabalato, Cartuciano and Sato. Several days later, they apprehended Canatoy by virtue of a warrant of arrest.[9] While in detention, Mabalato and Cartuciano expressed their willingness to make a confession, after they were apprised of their constitutional rights by SPO4 Monilar. Thereafter, they executed their extrajudicial confessions with the assistance of Atty. Truya.[10]

In his sworn statement, Mabalato admitted that he and Canatoy were hired by Cartuciano to kill Barbas for a consideration. He then narrated how they planned and executed the killing. [11] Cartuciano, on the other hand and in his own sworn statement, implicated Sato, whom he claimed to be his lover, as the person who contacted him more than a week from the incident. According to Cartuciano, Sato asked him to hire two men to liquidate Barbas and offered to give him P15,000.00 as consideration. Hence, he contacted Mabalato and Canatoy and the three accused devised the plan to kill Barbas. According to Cartuciano, he only accepted P10,000.00 out of the consideration offered by Sato and gave the same to Mabalato and Canatoy, refusing to receive the P5,000.00 intended for him.[12]

Both sworn statements were signed by Mabalato, Cartuciano and their lawyer, Atty. Truya. Later on, they were brought to the Office of the City Prosecutor, where they subscribed to their respective affidavits in the presence of Atty. Truya and Pros. Dinoy, after the latter asked them if they voluntarily executed their sworn statements to which they answered in the affirmative.[13]

Barbas' boyfriend, Go, a businessman, testified that he financed the latter's lending business. One of Barbas' clients was Sato. Barbas had mentioned to Go that she was bothered of the P100,000.00 owed by Sato. On September 4, 2002, Sato paid P20,000.00 and got into an argument with Barbas.[14]

Version of the Defense:

Mabalato, a "trisikad" driver, testified that on September 6, 2002, several persons approached and arrested him while he was waiting for passengers. The arresting officers pushed and kicked him and thereafter took him to Mabolo Police Station. He was later transferred to Camp Sotero Cabahug where the police made him sign an already prepared affidavit stating that he killed Barbas. The police officers told him to implicate Canatoy and Cartuciano, both of whom he did not know at that time. He signed the affidavit upon the agreement that he would

be released from detention.[15]

On cross-examination, Mabalato admitted having engaged the services of Atty. Truya as his personal counsel and that he was not threatened when he pleaded guilty during his arraignment. He also admitted that he did not complain to Pros. Dinoy about his alleged injuries.[16]

Cartuciano, on the other hand, narrated that on September 7, 2002, several police officers apprehended him near a cockpit in Barangay Talaga, Argao. He was brought to and detained in Camp Sotero Cabahug, where he was likewise made to sign a prepared affidavit. He signed the affidavit upon the promise of the police to release him. He, however, denied knowing his co-accused nor instructing them to kill Barbas or that Sato hired him to kill Barbas. He likewise denied knowing Atty. Truya and claimed that the latter was not the counsel of his choice.[17]

Sato testified that on September 6, 2002, the police went to her workplace and invited her to go to Gorordo Police Station. She went there the following day and therein, the police asked her if she knew Barbas which she answered in the affirmative. Thereafter, she was not allowed to leave the station and was informed that she was the suspected mastermind in the killing of Barbas. She denied the accusation or that she knew Cartuciano.[18]

The defense's last witness, Canatoy, narrated that he was in his residence in Misamis Oriental the day before the incident took place.[19] On September 3, 2002, two policemen went to his residence in Misamis Oriental and invited him to Cebu. When they arrived at Cebu City, the police officers brought him to Gorordo Police Station where they informed him of his involvement in a crime. He denied any participation in the murder and denied knowing Mabalato, Cartuciano and Sato.[20]

Ruling of the trial court

In a Judgment[21] dated June 28, 2013, the trial court found Mabalato, Cartuciano and Canatoy guilty beyond reasonable doubt of the crime of murder and sentenced them to suffer the penalty of reclusion perpetua with all its accessory penalties, and to indemnify the heirs of the victim the amount of P50,000.00 and to pay exemplary damages of P20,000.00. The trial court admitted and gave credence to the extrajudicial confessions of Mabalato and Cartuciano, both of which, the trial court found, were voluntarily given and the safeguards to their admissibility, sufficiently addressed. The trial court likewise found that, although no direct evidence was presented, the circumstantial evidence offered, consisting of the testimonies of witnesses Tan and Soliman, was sufficient for conviction. Moreover, the trial court ruled that there was conspiracy amongst the convicted accused and that the circumstances of treachery, evident premeditation and abuse of superior strength attended the commission of the crime.[22]

On the other hand, the trial court acquitted Sato for insufficiency of evidence, as the only proof which tied her to the crime is Cartuciano's extra-judicial confession which, according to the trial court, should be binding only on the confessant. The trial court likewise noted that the testimony of Go that Barbas and Sato got into an argument on the day of the killing did not tie with the testimonies of Mabalato and Cartuciano that they hatched the plan of murder more than a week before its commission.[23]

In the end, the trial court disposed of the case in this manner:

WHEREFORE[,] in view of the foregoing consideration, the court finds the accused FABIAN MABALATO @ "Boy", JULIO CARTUCIANO and ALLAN CANATOY also known as ALLAN EDUARD guilty beyond reasonable doubt of the crime of murder penalized under Article 248 of the Revised Penal Code and hereby sentences each of them to suffer the penalty of reclusion perpetua with all its accessory penalties, to indemnify the heirs of the victim the amount of fifty thousand pesos (P50,000.00) and to pay exemplary damages of twenty thousand (P20,000.00).

On the other hand, Luz Sato is hereby acquitted and the case against her dismissed for insufficiency of evidence. The Jail Warden of the Cebu City Jail (Female Dormitory) is directed to release her from custody unless she is detained for some other legal cause or causes.

SO ORDERED.[24]

Mabalato, Cartuciano and Canatoy filed separate appeals to the CA. All three accused[25] as well as the People,[26] through the Office of the Solicitor General (OSG), filed their respective Briefs. Meanwhile, on January 27, 2016, accused Mabalato died inside the Bureau of Corrections in Muntinlupa City.[27]

Ruling of the CA

In the assailed Decision, the CA affirmed the trial court's conviction with modification as to the sentence and damages awarded. Deceased Mabalato's criminal and civil liabilities were extinguished. The CA disposed of the case, thus:

WHEREFORE, the appeals are DENIED. In view of Mabalato's death prior to final judgment, his criminal and civil liability ex delicto are declared EXTINGUISHED, and his conviction for the crime of murder is SET ASIDE. The Judgment dated 28 June 2013 of the Regional Trial Court of Cebu City, Branch 18, in Criminal Case No. CBU-63753 is PARTLY AFFIRMED, insofar as Cartuciano and Canatoy's convictions are concerned, but with the following MODIFICATIONS:

(1) to qualify the penalty of reclusion perpetua to be "without eligibility for parole"; (2) to increase the award of civil indemnity from P50,000.00 to P100,000.00; (3) to increase the award of exemplary damages from P20,000.00 to P100,000.00; (4) to award moral damages in the amount of P100,000.00; (5) to impose the legal interest rate of 6% per annum on all the damages awarded from the finality of this Decision until fully paid; and (6) to direct Cartuciano and Canatoy to pay, jointly and solidarity, the foregoing damages to Omega Barbas' heirs.

SO ORDERED.[28]

Hence, this Appeal[29] taken by Canatoy.

In lieu of filing supplemental briefs, Canatoy and the People filed separate Manifestations dated May 3, 2017[30] and May 5, 2017,[31] respectively, foregoing their right to file supplemental briefs and adopting the arguments in their respective Briefs filed before the CA.

Issues

In his Brief, Canatoy assigns the lone error that "the trial court erred in convicting the accused-appellant [of] the crime charged despite the failure of the prosecution to prove his guilt beyond reasonable doubt."[32]

The Court's Ruling

The Appeal lacks merit.

The evidence adduced sufficiently

establish Canatoy's guilt beyond

reasonable doubt for the crime of

Murder

The prosecution's case rests mainly on: 1) the testimonies of witnesses Soliman and Tan; and 2) the extrajudicial

confessions of Cartuciano and the deceased Mabalato.

The Court rules that these pieces of evidence were sufficient to prove beyond reasonable doubt that Canatoy, along with his other co-accused and in conspiracy with one another, committed the crime charged.

First, although the records show that there was no eyewitness to the actual killing of Barbas, the testimonies of Soliman and Tan on collateral facts of the crime, were properly given ample weight by the trial court and the CA. It is settled that direct evidence is not indispensable for conviction in criminal cases and that circumstantial evidence may be enough to support a court's decision of guilt.[33]

Circumstantial evidence, also known as indirect or presumptive evidence, consists of proof of collateral facts and circumstances from which the existence of the main fact may be inferred according to reason and common experience.[34] Under Section 4, Rule 133 of the Rules of Court, circumstantial evidence will be sufficient to convict the offender if: 1) there is more than one circumstance; 2) the facts from which the inference is derived are proven; and 3) the combination of all circumstances is such as to produce a conviction beyond reasonable doubt. A conviction based on circumstantial evidence can be upheld provided that the circumstances proved constitute an unbroken chain which leads to one fair and reasonable conclusion that points to the accused, to the exclusion of all others as the guilty person.[35]

Here, prosecution witnesses Soliman and Tan testified to the following, as summarized by the trial court:

x x x Rebecca Tan saw the two accused, Mabalato and Canatoy, enter the gate of the apartment and saw them running away from the crime scene immediately after the stabbing. Mark Lester Soliman, who was in the adjoining room, heard the two calling upon Omega Barbas to come out to sign something. The last sound he heard from the room was Omega's shouts[, "Ay! Ay! Ay!"] When he came out of the room to verify, he saw the two, Mabalato and Canatoy, leaving the room of Omega Barbas in a hurry.[36]

Thereafter, both Soliman and Tan immediately checked the room of Barbas. They then saw the victim lying face down bathed in her own blood.[37] Likewise, Tan saw a grey t-shirt stained with blood near the leg of Barbas.[38] It was the same shirt color worn by one of the men whom Tan saw earlier enter the gate of the apartment, and who was already wearing a white shirt when Tan saw him again, this time running away from Barbas' room.[39] Both Soliman and Tan identified in open court the two accused, Canatoy and Mabalato, as the men running away from the crime scene.[40]

The trial court gave credence to the foregoing testimonies and the circumstances to which they pertain were ruled to have been proven by the prosecution. Well-established is the rule that factual findings made by the trial court, which had the opportunity to directly observe the witnesses and to determine the probative value of the testimonies, are entitled to great weight and respect because the trial court is in a better position to assess the same.[41] These circumstances proven lead to a fair and reasonable conclusion that the accused were the authors of the crime, especially considering that the same is corroborated by the extrajudicial confessions of Mabalato and Cartuciano, as discussed below.

Second, the extrajudicial confessions of Mabalato and Cartuciano were admissible in evidence and were credible. In their Briefs, they claimed that these confessions were inadmissible in evidence as, among others, they were prepared in advance and were extracted by the police officers through violence, intimidation, torture and false representation.[42]

Like the CA, the Court is not convinced. For an extrajudicial confession to be admissible in evidence, it must be satisfactorily shown that the same was obtained within the limits imposed by the Constitution, specifically Sections 12 and 17, Article III thereof,[43] which state:

Section 12. (1) Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.

(2) No torture, force, violence, threat, intimidation or any other means which vitiate the free will shall be used against him. Secret detention places, solitary, incommunicado, or other similar forms of detention are prohibited.

(3) Any confession or admission obtained in violation of this or Section 17 hereof shall be inadmissible in evidence against him.

x x x x

Section 17. No person shall be compelled to be a witness against himself.

These constitutional safeguards are reinforced in Republic Act No. 7438,[44] to wit:

SEC. 2. Rights of Persons Arrested, Detained or under Custodial Investigation; Duties of Public Officers. — a.) Any person arrested, detained or under custodial investigation shall at all times be assisted by counsel.

b.) Any public officer or employee, or anyone acting under his order or his place, who arrests, detains or investigates any person for the commission of an offense shall inform the latter, in a language known to and understood by him, of his rights to remain silent and to have competent and independent counsel, preferably of his own choice, who shall at all times be allowed to confer privately with the person arrested, detained or under custodial investigation. If such person cannot afford the services of his own counsel, he must be provided with a competent and independent counsel x x x.

Thus, the Court, applying the foregoing standards, has settled that extrajudicial confessions, to be admissible in evidence, must be: 1) voluntary; 2) made with the assistance of a competent and independent counsel; 3) express; and 4) in writing.[45]

All these requirements obtain here.

First, the confessions were voluntarily and freely executed. The allegations that they coerced Mabalato and Cartuciano are baseless and no evidence was presented to support them. The confessants did not have themselves examined by any physician nor did they institute any legal action against their alleged abusers. Moreover, the confessants did not complain to their then counsel, Atty. Truya, or Pros. Dinoy, even when the latter inquired and ascertained from them the voluntariness of the execution of their confessions. The rule is that where the defendant did not present evidence of compulsion, where he did not institute any criminal or administrative action against his supposed intimidators, where no physical evidence of violence was presented, all these will be considered as indicating voluntariness.[46]

Moreover, the confessions of Mabalato and Cartuciano are replete with details which could possibly be supplied only by the perpetrators of the crime. They dovetail in their material respects, from the time Cartuciano contacted Mabalato and Canatoy, to the time they devised the plan to liquidate Barbas, to the time the plan was realized. As held by the Court, this reflects spontaneity and coherence which psychologically cannot be associated with a mind to which violence and torture have been applied.[47] These factors are clear indicia that the confessions were voluntarily given. [48]

Second, Mabalato and Cartuciano, during the investigation, were duly assisted by Atty. Truya – a competent and independent counsel, who informed them of their constitutional rights and the consequences of their confessions.[49] No evidence was presented to negate Atty. Truya's competence and independence in representing

the confessants.[50] Although, Atty. Truya was a counsel offered by the police, the final choice was still lodged with the accused-confessants who had the right to reject said counsel and opt for another.[51] This, Mabalato and Cartuciano failed to do. A lawyer provided by the investigators is deemed engaged by the accused where he never raised any objection against the former's appointment during the course of the investigation and the accused thereafter subscribed to the veracity of his statement before the swearing officer.[52]

It has been held that a confession is presumed to be voluntarily and validly made unless the contrary is proven and that the burden of proof is upon the party who claims the contrary. [53] Evidently, the presumption must stand here. Moreover, as the confessions of Mabalato and Cartuciano meet the standards prescribed by the Constitution and the law, they constitute evidence of a high order because it is presumed that no person of normal mind will knowingly and deliberately confess to a crime unless prompted by truth and conscience.[54]

Against the extrajudicial confessions and the testimonies of its witnesses as well as the other pieces of evidence presented by the prosecution, the alibi of Canatoy cannot prevail. For alibi to prosper, the accused must prove that he was somewhere else when the crime was committed and that he was so far away that it was not possible for him to have been physically present at the place of the crime or its immediate vicinity at the time of its commission.[55] Here, Canatoy alleges that, on the day before the crime was committed, he was in his residence in Misamis Oriental, a mere 8-10 hours of travel time via boat away from Cebu City and is likewise accessible by plane.[56] He likewise did not deny being in Cebu City on the day of the commission of the crime.[57] Hence, his alibi must be rejected.

In sum, the prosecution more than sufficiently established the guilt of accused-appellant Canatoy of the crime of Murder. The Court affirms that the evidence proves beyond reasonable doubt that Canatoy, Mabalato and Cartuciano, acting in conspiracy with one another, perpetrated the killing of Barbas.[58]

Treason did not attend the commission of the crime.

Although the prosecution's evidence sufficiently establishes that the accused perpetrated the killing of Barbas, the trial court and the CA erred in appreciating the circumstance of treachery. In finding for treachery, the CA quoted with approval the following findings of the trial court:

The essence of treachery is a swift and sudden attack on an unarmed victim without the slightest provocation on the part of the victim. As the evidence showed, the victim opened the door expecting merely to acknowledge receipt of the letter or package brought by the perpetrators, only to be held and stabbed with a knife by the accused. The victim was never given a chance to defend herself.[59]

The Court is not convinced that the evidence of the prosecution has established these findings of the trial court. Soliman and Tan — the only witnesses on the actual commission of the crime — did not testify that Barbas was "held" when she was stabbed by the accused or that she was not given a chance to defend herself. Instead, they merely heard Mabalato, Canatoy and Barbas' exchange of words after which they heard Barbas shout "Ay!" three times. As summarized by the trial court, Tan testified:

At 9 to 12 in the morning, the two of them were engaging in a conversation in the terrace when she heard somebody opening the gate. She knew that the gate was opened because it made a sound. She looked down and saw two (2) men entered. The two men stared at her and walked normally towards the room of the victim Omega Barbas. They were at least ten (10) meters away from her. Shortly thereafter she heard Omega shout "Ay", three times. She recognized her voice because she was familiar with it since they greeted each other whenever they met at the corridor or within the premises of the apartment. After the three (3) shouts, she looked down and saw the two (2) men escaping through the gate, She shouted "hoy" at the same time pointing

at them. The men looked at her and she saw their faces, x x x She rushed downstairs to verify and when the room of Omega was opened she saw that she was lying face down. There was blood all over her room.[60]

Soliman, on the other hand, testified:

x x x he was inside the room of [his] girlfriend beside the room of Omega Barbas when the crime took place, x x x He heard the gate opened because of the noise it made and after that a knock on Omega's room, he heard men's voices shout, "Ayo! Ayo!" Then Omega answered back, "What's that?" The men told her she has to receive something important. He heard Omega say, "Just put it beside the door 'cause I am still doing my laundry." The men insisted that she had to sign something important. Then he heard the lock of the door being turned. Just a few seconds after, he heard Omega shout "Ay" three times. When he heard Omega shout, he immediately went out of his girlfriend's room and saw two (2) men getting out of Omega's room running fast towards the gate.[61]

Nothing in the foregoing testimonies suggests that Barbas was killed in a treacherous manner. There is treachery when the offender commits any of the crimes against the person, employing means, methods or forms in the execution thereof which tend directly and specially to insure its execution, without risk to himself arising from the defense which the offended party might make.[62] For this circumstance to be appreciated, two elements must be alleged and proved, namely: (1) that the means of execution employed gave the person attacked no opportunity to defend himself or herself, or retaliate; and (2) that the means of execution were deliberately or consciously adopted.[63] As the Court has explained:

The essence of treachery is the sudden and unexpected attack without the slightest provocation on the part of the person being attacked. A swift and unexpected attack on an unarmed victim that insures its execution without risk to the assailant arising from the defense of his victim is an indication that treachery is present. What is decisive is that the execution of the attack made it impossible for the victim to defend himself or to retaliate. In that sense, even attacks that occur from the front maybe considered treacherous if the attack was so sudden and unexpected that the deceased had no time to prepare for self-defense. The mode of attack must also be consciously adopted. The accused must take some preparation to kill the deceased in a manner as to insure the execution of the crime or to make it impossible or hard for the person attacked to defend himself or retaliate. The attack, then, must not spring from the unexpected turn of events.[64] (Emphasis supplied)

Here, no witness or proof was presented by the prosecution on the manner the killing was executed, particularly if Barbas was attacked unexpectedly and suddenly or if she had any opportunity to defend herself or if the means by which she was killed were consciously adopted. None of these circumstances may be derived from the testimonies of Soliman and Tan, both of whom testified on collateral facts which they merely heard occur immediately before and after Barbas was stabbed – but not during. In other words, the prosecution failed to present any proof that treachery attended the killing of Barbas.

Notwithstanding the failure of the prosecution to prove the aggravating circumstance of treachery, the Court agrees with the findings of the trial court and CA that the killing of Barbas was qualified by the circumstances of evident premeditation and abuse of superior strength.[65] Hence, the crime remains to be Murder under Article 248[66] of the RPC, the elements of which are: (1) that a person was killed; (2) that the accused killed him; (3) that the killing was attended by any of the qualifying circumstances mentioned in Art. 248; and (4) that the killing is not parricide or infanticide.[67]

Thus, considering the foregoing, Canatoy's conviction of the crime of Murder must stand.

Further, being that the crime is attended by two aggravating circumstances, hence warranting the death penalty,[68] the CA correctly imposed the penalty of reclusion perpetua "without eligibility for parole," pursuant to the Court's A.M. No. 15-08-02-SC.[69] Finally, the amount of damages awarded by the CA — P100,000.00,

each, for civil, moral and exemplary damages — as well as the 6% interest rate per annum from finality of the decision to its full satisfaction, is affirmed by the Court for being in accordance with prevailing jurisprudence, as set in the landmark case of *People v. Jugueta*.^[70]

WHEREFORE, premises considered, the instant Appeal is DISMISSED for lack of merit. The Decision dated May 31, 2016 of the Court of Appeals, Twentieth (20th) Division in CA-G.R. CR-HC No. 01861, finding accused-appellant Allan Canatoy guilty beyond reasonable doubt of the crime of Murder is hereby AFFIRMED.

SO ORDERED.

Carpio, (Chairperson), Perlas-Bernabe, J. Reyes, Jr., and Lazaro-Javier, JJ., concur.

[1] Rollo, pp. 4-26. Penned by Associate Justice Pablito A. Perez, with Associate Justices Pamela Ann Abella Maxino and Gabriel T. Robeniol concurring.

[2] CA rollo, pp. 36-55. Penned by Judge Gilbert P. Moises.

[3] Rollo, p. 5.

[4] *Id.* at 6.

[5] CA rollo, p. 37.

[6] Rollo, pp. 6-7.

[7] CA rollo, p. 39.

[8] Rollo, p. 7.

[9] *Id.*

[10] *Id.*

[11] *Id.*

[12] CA rollo, p. 42.

[13] Rollo, p. 7.

[14] CA rollo, p. 40.

[15] Rollo, p. 8.

[16] *Id.*

[17] *Id.*

[18] *Id.* at 8-9.

[19] *Id.* at 12.

[20] *Id.* at 9.

[21] CA rollo, pp. 36-55.

[22] *Id.* at 46-54.

[23] Id. at 54.

[24] Id. at 55.

[25] Canatoy filed his own Brief dated January 5, 2015 (id. at 20-35) while Mabalato and Cartuciano filed a joint Brief dated December 30, 2014 (id. at 57-71).

[26] Id. at 98-117.

[27] Per the Death Report dated January 27, 2016, id. at 126.

[28] Rollo, pp. 24-25.

[29] Via a Notice of Appeal dated June 17, 2016, id. at 27.

[30] Id. at 47-49.

[31] Id. at 42.

[32] CA rollo, p. 22.

[33] See *Espineli v. People*, 735 Phil. 530, 533 (2014).

[34] *People v. Nuyok*, 759 Phil. 437, 451 (2015).

[35] *Espineli v. People*, supra note 33 at 539-540.

[36] CA rollo, p. 51.

[37] Id. at 37-38.

[38] Id. at 37.

[39] Id.

[40] Id. at 37-38.

[41] *People v. Quitola*, 790 Phil. 75, 88 (2016).

[42] Rollo, pp. 17.

[43] See *People v. Rapeza*, 549 Phil. 378, 391 (2007).

[44] Titled "An Act Defining Certain Right of Persons Arrested, Detained or Under Custodial Investigation as well as the Duties of the Arresting, Detaining and Investigating Officers, Providing Penalties for Violations Thereof."

[45] See *People v. Tuniaco*, 624 Phil. 345, 352 (2010); *People v. Bacor*, 366 Phil. 197, 212 (1999).

[46] *People v. Tuniaco*, supra note 45.

[47] *People v. Mojello*, 468 Phil. 944, 956 (2004).

[48] Id., citing *People v. Dumalahay*, 429 Phil. 540 (2002).

[49] Rollo, p. 19.

[50] Id.

[51] See *People v. Continente*, 393 Phil. 367, 397 (2000).

[52] Id.

[53] *People v. Bacor*, supra note 45 at 219; see also *People v. Uy*, 508 Phil. 637, 650 (2005).

[54] *People v. Rapeza*, supra note 43 at 393.

[55] *People v. Palanay*, 805 Phil. 116, 127-128 (2017).

[56] Rollo, p. 14.

[57] Id.

[58] Id. at 13-14.

[59] CA rollo, p. 52.

[60] Id. at 37.

[61] Id. at 38.

[62] REVISED PENAL CODE, Art. 14, par. 16.

[63] *People v. Escarlos*, 457 Phil. 580, 599 (2003); *People v. Hugo*, 457 Phil. 76, 99 (2003).

[64] *People v. Kalipayan*, G.R. No. 229829, January 22, 2018, 852 SCRA 325-326.

[65] Rollo, pp. 15-16

[66] ART. 248. Murder. — Any person who, not falling within the provisions of Article 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:

- With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense, or of means or persons to insure or afford impunity;
- In consideration of a price, reward, or promise;
- By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a railroad, fall of an airship, by means of motor vehicles, or with the use of any other means involving great waste and ruin;
- On occasion of any calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic, or any other public calamity;
- With evident premeditation;
- With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse. (Emphasis supplied)

[67] *Ramos v. People*, 803 Phil. 775, 783 (2017).

[68] REVISED PENAL CODE, Art. 248 in relation to Art. 63 (1).

[69] Titled "Guidelines for the Proper Use of the Phrase 'Without Eligibility for Parole' in Indivisible Penalties."

[70] 783 Phil. 806 (2016).

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