

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. PEDRITO ANDRES Y CASUGAY, BENJAMIN DAMISIL, REYNALDO DAMISIL, RENATO DAMISIL, ROBERT TEJANO, ERNESTO TEJANO, CAMILO TEJANO AND CALIXTO H...

G.R. Nos. 135697-98. August 15, 2003

Ponente: CORONA, J.

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CORONA, J.:

This is an appeal from the joint Decision[1] of the Regional Trial Court of Bauang, La Union, Branch 33, convicting all the appellants for murder in Criminal Case No. 1384-BG while finding appellant, Benjamin Damisil, guilty beyond reasonable doubt of serious physical injuries in Criminal Case No. 1385-BG.

The records show that on August 1, 1992, herein appellants Pedrito Andres y Casugay, Benjamin Damisil, Reynaldo Damisil, Renato Damisil, Robert Tejano, Ernesto Tejano, Camilo Tejano, and Calixto Hagunos, including their erstwhile co-accused, Leonardo Damisil, were charged with the crimes of murder and frustrated murder under separate informations that read:

Criminal Case No. 1384-BG for murder:

That on or about the 31st day of July, 1992, at Barangay Central East, Municipality of Bauang, Province of La Union, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring confederating and mutually helping one another, with intent to kill and with treachery and evident premeditation, taking advantage of superior strength, did then and there willfully, unlawfully and feloniously attack, assault, stab and hack one WILLIAM DUCUSIN, with the use of a bladed weapon causing his Death, hereto attached, to the damage and prejudice of the offended party.

CONTRARY TO ARTICLE 248 in relation to Art. 6 of the Revised Penal Code.

Criminal Case No. 1385-BG for frustrated murder:

That on or about the 31st day of July 1992, at Barangay Central East, Municipality of Bauang, Province of La Union, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, with intent to kill, and with treachery, taking advantage of superior strength and evident premeditation, did then and there willfully, unlawfully and feloniously attack, assault and stab one EDISON DUCUSIN, with the use of a bladed weapon, thus performing all acts of execution which would produce the crime of Murder as a consequence but which nevertheless, do not produce it by reason of causes independent of the will of the accused, to the damage and prejudice of the offended party.

CONTRARY TO ARTICLE 248 in relation to Art. 6 of the Revised Penal Code.

Upon arraignment, all the nine accused, assisted by counsel, separately entered the plea of "not guilty" to both informations. Thereafter, joint trial on the merits ensued.

The prosecution presented six witnesses, namely, Edison Ducusin, Manuel Ducusin, Efren Perez, Jr., Dr. Antonio V. Orenca, SPO2 Renato Mona and Felicisima Ducusin, then rested its case with the admission of Exhibits "A" to "O"[2] with submarkings. On the other hand, the defense, after presenting all the nine accused and Abraham Rimorin, Artemio Simbol, Carlito Hagunos and Pacita Tezano, rested its case with the admission of Exhibits "1" and "2."

It appears from the evidence of the prosecution that, on July 31, 1992, at around 1:30 p.m., Edison Ducusin went to Central East Elementary School in Bauang, La Union to see the teacher of his son Edmund. Along the way, he chanced upon his brother, William, whom he invited for a ride in his motorcycle. Upon arrival, Edison alighted in front of the school gate. Immediately thereafter, he was stabbed in the back by Benjamin Damisil. When he turned, Edison saw Leonardo Damisil hack his brother on the knee with a bolo, causing the latter to fall in a kneeling position. Subsequently, the seven other accused surrounded and attacked William, using different bladed weapons[3] even as the latter identified himself as a military man and pleaded for them to stop. Some of the accused also threw rocks at William and desisted only upon arrival of the police. As all the accused concentrated on William, Edison was able to run for safety.[4]

Manuel Ducusin, brother of the victims, was near the crime scene on board a tricycle driven by Efren Perez, Jr. Manuel and Efren saw Benjamin Damisil embrace William from behind, after which Renato Damisil, Pedrito Andres, Robert Tezano and later on, Benjamin himself, took turns stabbing and hacking the victim. He also saw Reynaldo Damisil, Ernesto Tezano, Calixto Hagunos and Camilo Tezano throwing rocks at William as he fell in a kneeling position. While the appellants were attacking William, Edison was able to run away after he was stabbed in the back by Benjamin.[5]

Manuel and Efren remained inside the tricycle while the attack was in progress. When William fell on his knees, Manuel and Efren rushed to the Bauang Police Station to call for assistance.

Police Officers Renato Morla and Dante Tangalin immediately proceeded to the scene of the crime where they found Edison and William seriously injured. Morla ordered the by-standers to carry the victims to the police car and bring them to the hospital. Likewise, he brought all the accused to the Bauang Police Station for investigation.[6]

William was rushed to the Bethany Hospital in San Fernando, La Union where he expired due to acute cardio-pulmonary failure resulting from multiple physical injuries. The medical certificate[7] prepared by Dr. Antonio Orenca, M.D. showed the following injuries sustained by the victim:

- 1) stab wound at the right shoulder (infracavicular area which is on the right side below the right clavicle);
- 2) an incised wound external anterior chest - middle of the chest;
- 3) a stab wound, right axilla - at the axillary region below the right armpit;
- 4) an incised wound, anterior chest - the right chest;
- 5) an incised wound, left knee with fracture of patella - it is the left knee;

6) an incised wound, right elbow;

7) a superficial incised wound, right foot, plantar aspect - refers to the sole;

8) an incised wound (hacking wound), left parietal area, left side of the head; and

9) a hemothorax right - it is blood in the right thorax.

Edison was treated and confined at Bethany Hospital for his injury that took two weeks to heal completely.[8] He gave a statement[9] to the police at the hospital which became the basis for the subsequent filing of an information for frustrated murder against all the accused.

Felicisima Ducusin[10] testified that she was the mother of Edison and William Ducusin. She felt bad about the death of William. She and her daughter-in-law (William's widow) were forced to take care of the three minor children left behind by her deceased son. At the time of his death, William was 41 years old, having been born on March 27, 1952, and a member of the Philippine Constabulary (now Philippine National Police) earning a monthly income of P4,000.[11] Due to the hospitalization and subsequent demise of the victim, they incurred a total of P24,363.85 as hospital and funeral expenses.[12]

The defense presented a different version.

Prior to the stabbing incident in the afternoon of July 31, 1992, Carlito Hagunos and his cousin, Romy Tejano, were chased with a knife by their schoolmate, Edmund Ducusin. Carlito went home to tell his father, Calixto Hagunos, about their encounter with Edmund, after which Calixto and his son fetched Romy's father, Ernesto Tejano, to appear before the school authorities. Before proceeding to the school, the trio dropped by the house of a relative, Barangay Tanod Leonardo Damisil,[13] who instructed them to go ahead as he would request their Barangay Captain, Abraham Rimorin, to join them in the school.[14]

On his way to the house of Barangay Captain Rimorin, Leonardo passed by the house of Reynaldo Damisil who went along with him.[15] Before finally proceeding to the school, they chanced upon Robert Tejano who also tagged along.[16] Upon reaching the school gate, Leonardo, Reynaldo, Robert and Barangay Captain Rimorin, met Pedrito Andres, Renato Damisil and Benjamin Damisil, who were on their way home from the ricefield to eat lunch.[17]

Before proceeding to the school supervisor's office with Mr. Artemio Simbol, a school teacher at Central East, Bauang, La Union, Calixto and Ernesto conferred with their relatives who agreed to remain at the school gate. Thereafter, Calixto, Ernesto, Mr. Simbol and Barangay Captain Rimorin left their companions to discuss the problem at the supervisor's office.[18]

Not long after, Edison Ducusin and his brother, William, arrived in a motorcycle. They were accompanied by Manuel, Ben and Edwin, all surnamed Ducusin, on board a tricycle driven by Efren Perez, Jr. One of those on board the tricycle asked if the persons at the school gate were the Damisils and when somebody answered in the affirmative, they (the Ducusins and Perez) hurled rocks at them.[19]

In the ensuing fracas, Edison tried to stab Benjamin but the latter avoided the thrust. As both grappled for possession of the knife, Edison was accidentally stabbed at his side.[20] Renato[21] and Pedrito[22] were hit with rocks rendering the former unconscious and the latter dazed. Reynaldo[23] ran inside the school compound when

William allegedly attacked him with a bolo.[24] William then chased Robert[25] who was able to hide behind the plants inside the compound. Carlito had earlier scampered to his classroom so that he did not witness the subsequent events.

In the meantime, at the supervisor's office, a teacher named Fe Soriano reported that a fight had broken out near the school gate. Mr. Simbol and Barangay Captain Rimorin, together with Calixto and Ernesto, went out to intercede and pacify the protagonists. However, rocks were flying from different directions. Those responsible could not be identified since they were hiding behind the thick vegetation. The fight ended only upon the arrival of the police from Bauang, La Union. By then, Mr. Simbol and Barangay Captain Rimorin saw William on the side of the road already wounded.[26]

For his part, Camilo Tejano denied being in the company of his co-accused during the incident. Camilo claimed he was at home with his wife, cleaning ears of corn to be sold in the market. At noontime before the incident occurred, he saw his brothers-in-law Benjamin, Reynaldo, Renato and Leonardo, all surnamed Damisil, in their respective houses. He came to know he was a suspect in the stabbing and hacking incident when a barangay councilor fetched him from his house later in the afternoon and brought him to the municipal building of Bauang, La Union where he saw all his co-accused already behind bars. Camilo protested to the police about his incarceration but the latter did not pay any attention.[27] His alibi was corroborated by his wife, Pacita.[28]

On March 27, 1998, the trial court rendered a joint decision, the dispositive portion of which is quoted hereunder:

WHEREFORE, in Criminal Case No. 1384-BG, the court FINDS and DECLARES the accused LEONARDO DAMISIL, PEDRITO ANDRES, BENJAMIN DAMISIL, REYNALDO DAMISIL, RENATO DAMISIL, ROBERT TEJANO, ERNESTO TEJANO, CALIXTO HAGUNOS and CAMILO TEJANO, GUILTY beyond reasonable doubt of the crime of MURDER, and hereby sentences them to suffer the penalty of RECLUSION PERPETUA; to indemnify the heirs of William Ducusin the sum of P50,000.00 for the fact of death; to pay the same heirs the further sum of P24,363.85 as actual damages and to pay their proportionate share in the costs.

In Criminal Case No. 1385-BG, the Court FINDS and DECLARES the accused BENJAMIN DAMISIL GUILTY beyond reasonable doubt of the crime of LESS SERIOUS PHYSICAL INJURIES and hereby sentences him to suffer imprisonment of Three (3) months of arresto mayor and to pay the costs. The accused LEONARDO DAMISIL, PEDRITO ANDRES, REYNALDO DAMISIL, RENATO DAMISIL, ROBERT TEJANO, ERNESTO TEJANO, CALIXTO HAGUNOS and CAMILO TEJANO are hereby ACQUITTED.

In the service of their sentence, the accused shall be credited with their preventive imprisonment under the terms and conditions prescribed in Article 29 of the Revised Penal Code, as amended.

The confiscated weapons (Exhibits "A", "B", "C", "D") are forfeited in favor of the government.

SO ORDERED.[29]

Before the filing of Appellants' Brief, Leonardo Damisil, through counsel, manifested in writing that he no longer intended to appeal his conviction in order to avail of a possible grant of parole.[30] Consequently, only eight of the original accused interposed the instant appeal raising the following assignments of error:

I

THE COURT A QUO ERRED IN FINDING THAT CONSPIRACY WAS PRESENT IN THE COMMISSION OF THE OFFENSE OF MURDER.

II

THE LOWER COURT ERRED IN FINDING THAT TREACHERY WAS PRESENT IN THE

COMMISSION OF THE OFFENSE.

III

THE LOWER COURT ERRED IN CONVICTING ALL THE ACCUSED FOR MURDER.

IV

THE LOWER COURT ERRED IN CONVICTING BENJAMIN DAMISIL FOR LESS SERIOUS PHYSICAL INJURIES.

The instant criminal cases were clear and direct consequences of the deep animosity that characterized the relations between the concerned families. Notably, Rodolfo Tejano, another relative of the appellants, had filed a criminal case for frustrated murder against Edison Ducusin for an alleged attempt on his life.[31] Thereafter, on July 31, 1992, immediately prior to the stabbing and hacking incident, Edison's son, Edmund, allegedly brandished a knife at the sons of Calixto Hagunos and Ernesto Tejano inside their school at Central East, Bauang, La Union. Consequently, the respective parents of the concerned students were required to appear before the school authorities to settle their problem. As it turned out however, the meeting between the two families turned into a bloody encounter.

Apparently anticipating a hostile meeting with the victims, Calixto and Ernesto sought out Leonardo, a barangay tanod, to accompany them. Leonardo, in turn, invited their barangay captain, Abraham Rimorin, to attend. Other relatives also joined them. Being the parents of the concerned students, Calixto and Ernesto proceeded inside the school compound together with the barangay captain to see Mr. Artemio Simbol, while the rest remained at the gate.

On the other hand, Edison Ducusin decided to bring along his brothers William and Manuel, if only to ensure his safety during the meeting. This could be the only logical conclusion as the presence of Manuel and Efren aboard a tricycle at the crime scene, at the exact time of the incident, was simply too much of a coincidence. Besides, the prosecution never offered any explanation why Edison was joined by Manuel and Efren at that time, in addition to William.

Upon arrival at the school aboard a motorcycle, Edison and William had an altercation with some of the appellants that led to the tumult. Benjamin was positively identified by Edison as the person who stabbed him with a knife on the left portion of his back. Unfortunately, William was unable to flee as he was held from behind by Benjamin. While thus immobilized, Renato, Pedrito, Robert and, later on, Benjamin himself, took turns stabbing and hacking him. Reynaldo likewise joined the melee by stoning the hapless victim. As the attack ensued, Manuel and Efren hurried to the police station to seek help.

From the foregoing, it appears clear that only five of the eight appellants actually participated in the attack. We accord substantial weight to the respective testimonies of public school teacher Artemio Simbol and Barangay Captain Abraham Rimorin who were disinterested witnesses. Without any taint of bias, their testimonies established that Calixto and Ernesto were waiting at the supervisor's office in Central East Elementary School to discuss the problem of their children when Edison and William arrived to attend the same meeting. They did not make it there because they were attacked at the gate by the opposite group.[32] Ernesto and Calixto went out of the school compound only after the fight had already begun, in compliance with Barangay Captain Rimorin's exhortation to pacify their relatives. Likewise, Camilo's defense of alibi was more credible than the prosecution witnesses' generalized and rather tenuous identification of this particular appellant. His absence from the crime scene was attested to not only by his wife but by Barangay Captain Rimorin as well. Moreover, the sheer lack of specificity by which the three prosecution eyewitnesses characterized his alleged participation in the crime was inconsistent with their otherwise concise and lucid account of the roles played by the five other appellants in

attacking their victims, thus leaving us in grave doubt regarding his actual participation in the crime.

Besides, brothers Edison and Manuel had the motive to implicate Ernesto, Calixto and Camilo in the crimes. Camilo's son, Rodolfo Tejano, had filed a complaint for frustrated murder against Edison with the Regional Trial Court of Bauang, La Union. Likewise, Edison was summoned by the school authorities of Central East Elementary School on account of the complaint against his son, Edmund, by Calixto and Ernesto. We therefore hold that the prosecution failed to discharge its burden of establishing the guilt of Ernesto, Calixto and Camilo beyond reasonable doubt.

We cannot subscribe to the view of appellee that the trial court's appreciation of the credibility of the witnesses should be accorded respect, if not finality. This principle in evidence is not to be applied strictly when, as here, the magistrate who penned the decision was not the one who personally heard the case.[33]

We uphold the conviction of the five appellants for murder in Criminal Case No. 1384-BG. Their presence at the scene of the crime was not disputed although all of them denied any responsibility. Renato and Pedrito respectively claimed temporary daze or unconsciousness after being allegedly hit by rocks hurled at them by the victims and their companions. On the other hand, Robert, Reynaldo and Benjamin scampered in different directions as they were allegedly pelted with rocks. Apparently realizing the weakness and improbability of their defense, Pedrito subsequently made a complete turn-around and admitted killing William, but not without implying self-defense.[34]

However, we are not convinced. The five appellants were positively identified by Edison, Manuel and Efren as the attackers of the deceased victim. Their testimonies were clear and specific as to appellants' participation in the attack. The Court therefore gives more weight to the positive identification by the prosecution witnesses than the self-serving denial of the defense.[35] Neither did Pedrito's subsequent admission of sole responsibility for killing William deserve any credence. On the contrary, the vacillating and tentative attitude displayed by Pedrito affected his credibility. We believe that Pedrito's change of mind was an afterthought on the part of the defense in a desperate attempt to get the other appellants off the hook, so to speak.

Undeniably, the five appellants conspired to kill William. Proof of the previous agreement to commit the crime was not essential to establish conspiracy[36] since the same could be deduced from the concerted acts of the appellants to attain a common criminal objective.[37] Leonardo's act of first hacking the knee of William before he was grabbed from behind by Benjamin, thus allowing Robert, Renato, Reynaldo and Pedrito to assault the victim with impunity, clearly showed the conspiracy.

While treachery may not be appreciated considering that the victims were no doubt forewarned of the attack, the qualifying circumstance of abuse of superior strength nevertheless was present. Abuse of superior strength is appreciated when the aggressors purposely use excessive force out of proportion to the means of defense available to the person attacked.[38] The five appellants and their co-accused, Leonardo Damisil, ganged up on the hapless William. Aside from their numerical superiority, the appellants used bladed weapons and rocks on their victim, inflicting on him numerous hack and stab wounds before they could be subdued by the police authorities. In the absence of any mitigating or aggravating circumstance, the five appellants were correctly sentenced to suffer the penalty of reclusion perpetua.

For the death of William, his lawful heirs are automatically entitled to an award of P50,000 as civil indemnity. His mother also testified on their mental suffering caused by her son's untimely demise, for which an award of P50,000 is justified by way of moral damages.

With respect to actual damages, the amount of P24,363.85 was duly proven by competent documents[39] during

the trial. Ordinarily, William Ducusin's heirs would be entitled to this amount by way of actual damages. However, we declared in the case of *People vs. Villanueva*[40] that:

x x x when actual damages proven by receipts during the trial amount to less than P25,000, as in this case, the award of temperate damages for P25,000 is justified in lieu of actual damages of a lesser amount. Conversely, if the amount of actual damages proven exceeds P25,000, then temperate damages may no longer be awarded; actual damages based on the receipts presented during trial should instead be granted.

The victim's heirs should, thus, be awarded temperate damages in the amount of P25,000.

William was also gainfully employed, being a member of the then Philippine Constabulary, when he passed away at the age of 41; he was receiving a monthly salary of P4,000. Consequently, an award for the loss of earning capacity is justified which is computed in accordance with the American Expectancy Table of Mortality adopted in several cases,[41] as follows:

Net earning = life expectancy x Gross - living

capacity (x) income expenses

(50% of gross annual income)

or

$x = 2(80-41) \times [48,000.00 - 24,000.00]$

3

$x = 26 \times 24,000.00$

= P624,000.00

In Criminal Case No. 1385-BG, we upgrade Benjamin's criminal liability from less serious physical injuries (as imposed by the trial court) to attempted homicide since he commenced the commission of the crime by stabbing Edison at the back, only that he failed to consummate the same by reason of the latter's alertness and timely escape. The trial court correctly disregarded conspiracy and the qualifying circumstance of abuse of superior strength as the fight appeared to have initially broken out between Edison and Benjamin only. Neither was treachery present as the victim was aware of the impending attack on him. However, the intent to kill the victim was apparent from the manner of the attack itself and the chain of events that subsequently unfolded and led to the merciless killing of William.

Under Article 249 in relation to Article 51 of the Revised Penal Code, the penalty imposable on Benjamin is two degrees lower than the prescribed penalty[42] for the offense, that is, prision correccional. There being no mitigating nor aggravating circumstance, the penalty is imposed in its medium period. Applying the Indeterminate Sentence Law, Benjamin must suffer the penalty of prision correccional in its medium period, as maximum, with the minimum within the range of the penalty next lower to that prescribed by the Code for the offense, arresto mayor also in its medium period. No evidence was adduced by the prosecution in this case to justify the award of actual or compensatory damages.

WHEREFORE, the judgment of the Regional Trial Court of Bauang, La Union, Branch 33, in Criminal Cases Nos. 1384-BG and 1385-BG is hereby MODIFIED as follows:

(1) in Criminal Case No. 1384-BG for murder, appellants Calixto Hagunos, Ernesto Tezano and Camilo Tezano are hereby ACQUITTED on reasonable doubt while the conviction of appellants Benjamin Damisil, Reynaldo Damisil, Renato Damisil, Robert Tezano and Pedrito Andres for murder is AFFIRMED. The convicted appellants are hereby sentenced to suffer the penalty of reclusion perpetua and to pay the legal heirs of the victim, William Ducusin, the amount of P50,000 as civil indemnity, P50,000 as moral damages, P25,000 as temperate damages and P624,000 as damages for loss of earning capacity.

(2) in Criminal Case No. 1385-BG for frustrated murder, appellant Benjamin Damisil is hereby found GUILTY of attempted homicide and sentenced to suffer the penalty of 2 months and 1 day of arresto mayor to 2 years and 4 months of prision correccional.

SO ORDERED.

Puno, (Chairman), Panganiban, Sandoval-Gutierrez, and Carpio-Morales, JJ., concur.

[1] Penned by Judge Rose Mary R. Molina-Alim, Rollo, pp. 44-66.

[2] Exhibits "F," "K," "L," "M" and "N" were offered exclusively for Criminal Case No. 1384-BG while Exhibits "O" and "O-1" were offered exclusively for Criminal Case No. 1385-BG. The rest of the exhibits were commonly offered for both criminal cases.

[3] Exhibits "A," "B," "C" and "D."

[4] TSN, October 21, 1992, pp. 16-75.

[5] TSN, December 9, 1992, pp. 9-54; TSN, February 23, 1993, pp. 5-25.

[6] TSN, July 28, 1993, pp. 6-22.

[7] Exhibits "F" and "F-1."

[8] Exhibit "E" and "E-1."

[9] Exhibits "O" and "O-1."

[10] TSN, June 15, 1993, pp. 4-10.

[11] Id., p. 4.

[12] Exhibits "K" to "N" with submarkings.

[13] Exhibit "3."

[14] TSN, July 27, 1994, pp. 4-11; TSN, November 14, 1995, pp. 73-78; TSN, March 5, 1996, pp. 7-9.

[15] TSN, August 22, 1995, pp. 6-12.

[16] TSN, December 13, 1995, pp. 3-6.

[17] TSN, November 14, 1995, pp. 8-13; TSN, January 11, 1996, pp. 5-10; TSN, February 7, 1996, pp. 6-10.

[18] TSN, May 19, 1994, pp. 11-13; TSN, June 28, 1994, pp. 11-18.

[19] TSN, February 7, 1996; pp. 11-12; TSN, January 11, 1996, pp. 11-12; TSN, November 14, 1995, pp. 14-15; TSN, August 22, 1995, pp. 17-19.

- [20] TSN, February 7, 1996, pp. 12-15.
- [21] TSN, November 14, 1995, pp. 16-18.
- [22] TSN, January 11, 1996, pp. 13-15.
- [23] TSN, August 22, 1995, pp. 20-21.
- [24] Exhibit "1."
- [25] TSN, December 13, 1995, pp. 11-13.
- [26] TSN, May 19, 1994, pp. 14-20.
- [27] TSN, January 25, 1995, pp. 7-31.
- [28] TSN, September 19, 1995, pp. 6-27.
- [29] Rollo, p. 66.
- [30] Rollo, pp. 88-89.
- [31] TSN, October 21, 1992, p. 39.
- [32] TSN, May 19, 1994, pp. 13, 24, 31, 47-48; TSN, June 28, 1994, pp. 19, 46.
- [33] Concepcion vs. Court of Appeals, 324 SCRA 85, 91-92 [2000].
- [34] TSN, March 21, 1996, pp. 6-16.
- [35] People vs. Padoa, 267 SCRA 64, 77 [1997]; People vs. Ramirez, 266 SCRA 335, 352 [1997].
- [36] People vs. Nullan, 305 SCRA 679, 701 [1999].
- [37] People vs. Estepano, 307 SCRA 701, 710 [1999]; People vs. Taclan, 308 SCRA 368, 382 [1999].
- [38] People vs. Apelado, 316 SCRA 422, 431 [1999].
- [39] Exhibits "K" to "M" with submarkings.
- [40] G.R. No. 139177, August 11, 2003.
- [41] People vs. Librando, 335 SCRA 332, 247-248 [2000]; People vs. Arellano, 334 SCRA 775, 792, 793 [2000].
- [42] Under Article 249 of the Revised Penal Code the penalty prescribed for the crime of homicide is reclusion temporal.

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