



**Republic of the Philippines**  
**Supreme Court**  
**Manila**

**FIRST DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
 Plaintiff-Appellee,

**G.R. No. 247658**

-versus-

Members:

**REYNALDO PIGAR y AMBAYANAN**  
**@ “Jerry”\*** and **REYNALDO PIGAR y**  
**CODILLA @ “Lawlaw,”**  
 Accused-Appellants,

**PERALTA, C.J.,** *Chairperson,*  
**CAGUIOA,**  
**REYES, J., JR.,**  
**LAZARO-JAVIER,** and  
**LOPEZ, JJ.**

**ROY PIGAR y AMBAYANAN @**  
**“Biroy,” BUENAVENTURA PIGAR y**  
**AMBAYANAN @ “Mokmok”**  
**(Deceased), WELFREDO PIGAR y**  
**CODILLA @ “Dako,” VICTOR**  
**COLASITO @ “Nonoy,” JORLY**  
**COLASITO, WARAY COLASITO,**  
**JOEBERT COLASITO @ “Gimong,”**  
**DODO COLASITO @ “Rex,” and two**  
**JOHN DOES,**  
 Accused.

Promulgated:

FEB 17 2020

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**DECISION**

**LAZARO-JAVIER, J.:**

**The Case**

This appeal seeks to reverse the Decision<sup>1</sup> dated February 26, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 02483, affirming the

\* Sometimes referred to as “Gerry.”

<sup>1</sup> Penned by Associate Justice Marilyn B. Lagura-Yap and concurred in by now Supreme Court Associate Justice Edgardo L. Delos Santos and Associate Justice Emily R. Aliño-Geluz, *rollo*, pp. 100-112.

conviction of appellants Reynaldo Pigar y Ambayanan alias “Jerry” and Reynaldo Pigar y Codilla alias “Lawlaw” for murder under Article 248 of the Revised Penal Code (RPC), sentencing them to *reclusion perpetua* without eligibility for parole and requiring them each to pay P100,000.00 as civil indemnity, moral damages and exemplary damages, and P50,000.00 as temperate damages.

### Antecedents

Accused-appellants Reynaldo Pigar y Ambayanan alias “Jerry” and Reynaldo Pigar y Codilla alias “Lawlaw,” along with Roy Pigar y Ambayanan @ “Biroy,” Buenaventura Pigar y Ambayanan @ “Mokmok” (Deceased), Welfredo Pigar y Codilla @ “Dako,” Victor Colasito @ “Nonoy,” Jorly Colasito, Waray Colasito, Joebert Colasito @ “Gimong,” Dodo Colasito @ “Rex,” and two John Does were charged with murder under Article 248 of the Revised Penal Code, *viz.*:

That on or about the 17<sup>th</sup> day of August 2009 in the Municipality of Capooacan, Province of Leyte, Philippines and within the jurisdiction of the Honorable Court, the said accused, conspiring, confederating and mutually helping each other, with intent to kill, armed with bladed weapons and bamboo poles with sharp pointed edges locally known as “Bangkaw”, with treachery, evident premeditation, [abuse] (of) superior strength, employing means to weaken the defense and means to insure or afford impunity, did then and there willfully, unlawfully and feloniously attack, assault, [strike], stab and hack to death Feliciano S. Garces, Sr. inflicting upon the latter fatal wounds which caused his direct death.

CONTRARY TO LAW.<sup>2</sup>

Only Buenaventura “Mokmok” Pigar and appellants Reynaldo “Jerry” Pigar and Reynaldo Pigar “Lawlaw” Codilla got arrested.

When arraigned, all three (3) pleaded not guilty.<sup>3</sup> Pending trial, “Mokmok” passed away. Hence, the charge against him was dismissed.<sup>4</sup> Trial, nonetheless, proceeded as for “Jerry” and “Lawlaw.”

### *Version of the Prosecution*<sup>5</sup>

On August 17, 2009, around 6 o'clock in the evening, on his way home, Edgardo Garces, son of the victim, saw his co-worker Rogelio Tañala

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<sup>2</sup> CA rollo, p. 101.

<sup>3</sup> *Id.* at 55.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 57-60.

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and Roy Pigar quarrelling. Edgardo tried to pacify them. Roy resented it and threw a stone at Edgardo. In retaliation, the latter delivered a fist blow but the former dodged it. This time, a certain Gagante pacified Roy and Edgardo. After the incident, Edgardo rushed home to warn his family because he was afraid that Roy (who was then drunk) would take revenge.

At that time, Edgardo's sister, Marietta Garces, was tending her kids inside their home. Edgardo and Marietta were children of Feliciano, Sr. who was then sleeping in his room. When Edgardo came in, he immediately instructed Marietta and the kids to transfer to their hut just across the street. Then, Edgardo left again to seek help from their uncle.

While Marietta was inside the hut, she saw Roy, with two (2) others, arrive on board a motorcycle. Roy stopped in front of their house and threw stones. Their father got roused from his sleep, stepped out, and shouted at Roy and his companions. One (1) of the neighbors witnessed the brewing confrontation and advised Feliciano, Sr. to let it go since Roy and his companions were drunk. Soon, ten (10) men arrived and surrounded the house, the men included appellants "Jerry" and "Lawlaw." Feliciano, Sr. then ran back inside the house, but some of the men ran after him. As they caught up with him inside the house, they hacked him with bolos and a bamboo spear, locally known as *bangkaw*. He ran out of the house only to be met by the other men who repeatedly hacked and poked him with their own bolos and *bangkaws*. At this point, Edgardo arrived. A gun shot then was heard. Thereupon, Roy signaled his companions to leave the place and everyone heeded.

Feliciano, Sr. was rushed to the hospital but was pronounced dead on arrival. At the time of the incident, Feliciano, Sr. was a thin fifty-two (52) year old man who moved slowly.

Municipal Health Officer Doctor Bibiana O. Cardente examined Feliciano, Sr.'s body. She found seventeen (17) stab wounds in his body. Five (5) were fatal, including a wound that damaged Feliciano, Sr.'s brain tissues.

#### *Version of the Defense<sup>6</sup>*

On August 17, 2009, Jerry and his companions passed by Feliciano, Sr.'s house, where they saw the latter standing along the road. Feliciano, Sr. suddenly hacked "Jerry" with a weapon. "Jerry" sustained wounds in his right elbow and in the right side of his head. Jerry got hold of Feliciano, Sr.'s weapon and used it on the latter. While "Jerry" was striking Feliciano,

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<sup>6</sup> CA rollo, pp. 104-105.



Sr., his companions helped by hitting Feliciano, Sr. with pieces of wood. “Jerry” hacked Feliciano, Sr. around seventeen (17) times and killed the latter as a result.

On cross, “Jerry” admitted that he purposely went to Feliciano, Sr.’s house with intent of killing Edgardo who had a misunderstanding with his older brother Roy. Jerry, though, testified that “Lawlaw” and “Mokmok” did not perpetrate the incident. They were included in the complaint only because Feliciano, Sr.’s family members were angry.

“Lawlaw” corroborated Jerry’s claim. He reiterated that he had no participation in the killing. At the time of the incident, he was allegedly working in the bakery.

### Ruling of the Trial Court

By Judgment<sup>7</sup> dated February 10, 2017, the Regional Trial Court (RTC)-Branch 36, Carigara, Leyte pronounced appellants guilty of murder, viz.:

**WHEREFORE**, premises considered, Judgment is hereby rendered, finding the two (2) accused **Reynaldo Pigar y Ambayanan @ “Jerry” and Reynaldo Pigar y Codilla @ “Lawlaw”**, **GUILTY** beyond reasonable doubt of conspiring in the killing of the victim [Feliciano S. Garces, Sr.]. There being the qualifying circumstance of abuse of superior strength and one ordinary aggravating circumstance of domicile proven by the prosecution without any mitigating circumstance to counter the same, both accused afore-named are hereby sentenced to suffer *reclusion perpetua* without eligibility for parole.

These two accused are also **ORDERED** to indemnify jointly and severally, the Heirs of Feliciano S. Garces, Sr. the amounts of **Php100,000.00** for civil indemnity ex delict(o); **Php100,000.00** for moral damages; **Php100,000.00** for exemplary damages; and **Php50,000.00** for temperate damages.

**SO ORDERED.**<sup>8</sup>

### Ruling of the Court of Appeals

On appeal, the Court of Appeals affirmed through its assailed Decision dated February 26, 2019.<sup>9</sup> It imposed six percent (6%) annual interest on all monetary awards.

<sup>7</sup> Penned by Judge Lauro A.P. Castillo, Jr., *id.* at 54-69.

<sup>8</sup> *Id.* at 69.

<sup>9</sup> *Id.* at 100-112.

## The Present Appeal

Appellants now seek affirmative relief from the Court and pray anew for their acquittal.

### Issue

Did the Court Appeals err in affirming appellants' conviction for murder?

### Ruling

Appellants faulted the Court of Appeals for affirming their conviction despite the alleged inconsistencies in the testimonies of the prosecution witnesses, specifically on: (a) the participation of "Lawlaw" in the brutal killing of Feliciano, Sr.; (b) how long the incident lasted; and (c) where exactly did the attack of Feliciano, Sr. began. It was also purportedly unclear whether Marietta had actually seen the incident from the hut where she was at that time. Too, it was allegedly contrary to human experience that Marietta, despite seeing her father being stabbed to death, did nothing to help the latter.<sup>10</sup>

Appellants further faulted both the trial court and the Court of Appeals for appreciating abuse of superior strength in addition to the qualifying circumstance of treachery. It is settled that when abuse of superior strength concurs with treachery, the former is simply absorbed in the latter.<sup>11</sup>

Lastly, appellants claim that denial and alibi are not always undeserving of credit for there are times when the accused has no other possible defense but denial.<sup>12</sup>

The Court affirms with modification.

Article 248 of the RPC, as amended by Republic Act No. 7659 (RA 7659)<sup>13</sup> provides:

Article 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:

<sup>10</sup> See Appellants' Brief dated January 5, 2018, *id.* at 44-50.

<sup>11</sup> *Id.* at 50-51.

<sup>12</sup> *Id.* at 51.

<sup>13</sup> An Act to Impose the Death Penalty on Certain Heinous Crimes, Amending for that Purpose the Revised Penal Laws, as Amended, Other Special Penal Laws, and for Other Purposes.

1. 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;

x x x

x x x

x x x

Murder requires the following elements: (1) a person was killed; (2) the accused killed him or her; (3) the killing was attended by any of the qualifying circumstances mentioned in Article 248; and (4) the killing is not parricide or infanticide.<sup>14</sup>

There is no question here regarding the presence of the first (1<sup>st</sup>) and fourth (4<sup>th</sup>) elements. The victim died of multiple stab wounds as testified to by examining Doctor Bibiana O. Cardente. There is also no evidence showing that Feliciano, Sr. and appellants are related by affinity or consanguinity. Hence, the killing is not parricide.

Appellants, nonetheless, deny the existence of the second (2<sup>nd</sup>) and third (3<sup>rd</sup>) elements. They claim that the testimonies of the prosecution witnesses are *incredible, illogical, and grossly inconsistent with human experience*, hence, should not have been given credence.

The Court disagrees.

When the credibility of the eyewitness is at issue, due deference and respect shall be given to the trial court's factual findings, its calibration of the testimonies, its assessment of their probative weight, and its conclusions based on such factual findings, absent any showing that it had overlooked circumstances that would have affected the final outcome of the case. This rule finds an even more stringent application where the trial court's findings are sustained by the Court of Appeals,<sup>15</sup> as in this case. *People v. Collamat, et al.*<sup>16</sup> elucidates:

In cases where the issue rests on the credibility of witnesses, as in this case, it is important to emphasize the well-settled rule that "appellate courts accord the highest respect to the assessment made by the trial court because of the trial judge's unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct and attitude under grueling examination."

We explained in *Reyes, Jr. v. Court of Appeals* that the findings of the trial court will not be overturned absent any clear showing that it had *overlooked, misunderstood or misapplied* some facts or circumstances of weight or substance that could have altered the outcome of the case, *viz.:*

<sup>14</sup> *People v. Flores, et al.*, G.R. No. 228886, August 08, 2018.

<sup>15</sup> *People v. Pulgo*, 813 Phil. 205, 212 (2017).

<sup>16</sup> G.R. No. 218200, August 15, 2018.

Also, the issue hinges on credibility of witnesses. We have consistently adhered to the rule that **where the culpability or innocence of an accused would hinge on the issue of credibility of witnesses and the veracity of their testimonies, findings of the trial court are given the highest degree of respect.** These findings will not be ordinarily disturbed by an appellate court absent any clear showing that the trial court has overlooked, misunderstood or misapplied some facts or circumstances of weight or substance which could very well affect the outcome of the case. It is the trial court that had the opportunity to observe 'the witnesses' manner of testifying, their furtive glances, calmness, sighs or their scant or full realization of their oaths. It had the better opportunity to observe the witnesses firsthand and note their demeanor, conduct and attitude under grueling examination. Inconsistencies or contradictions in the testimony of the victim do not affect the veracity of the testimony if the inconsistencies do not pertain to material points. (Emphasis supplied)

X X X

X X X

X X X

Here, prosecution witnesses Marietta and Edgardo consistently and positively identified appellants and their companions as the ones who simultaneously stabbed their father to death. To repeat, the trial court's factual findings as to the credibility of the witnesses are to be accorded the greatest respect. More so when these factual findings carry the full concurrence of the Court of Appeals, as in this case.

Be that as it may, the alleged inconsistencies in their testimonies pertaining to how long the incident took place and where exactly the attack on the victim began all refer to minor details which do not impair or change the fact that appellants attacked their father and stabbed him to death.

In *People v. Pulgo*,<sup>17</sup> the Court reiterates that inconsistencies on minor details do not impair the credibility of the witnesses where there is consistency in relating the principal occurrence and positive identification of the assailant. Such inconsistencies reinforce rather than weaken credibility. What is vital is that the witnesses were unwavering and consistent in identifying appellants as their father's assailant.

Finally, on Marietta's supposed failure to lend succor to her father who was being attacked, suffice it to state that there could be no hard and fast gauge for measuring a person's reaction or behavior when confronted with a startling, not to mention horrifying, occurrence, as in this case. Witnesses of startling occurrences react differently depending upon their situation and state of mind, and there is no standard form of human behavioral response when one is confronted with a strange, startling or frightful experience. The workings of the human mind placed

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<sup>17</sup> Supra note 17, at 215.

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under emotional stress are unpredictable, and people react differently to shocking stimulus — some may shout, some may faint, and others may be plunged into insensibility.<sup>18</sup>

As for the participation of “Lawlaw” in the killing of the victim, surely, Marietta and Edgardo’s positive identification of “Lawlaw” as one of those who alternated in beating up and stabbing their father, again, prevails over the denial and alibi of “Lawlaw.” Although “Jerry” sought to exculpate him of any participation in the killing, the strength and reliability of Marietta and Edgardo’s eyewitness accounts remain in place, nay, unshaken.

Be that as it may, denial, if not substantiated by clear and convincing evidence, as in this case, is a negative and self-serving defense. It carries scant, if not nil, evidentiary value. It cannot prevail over the consistent and categorical declarations of credible witnesses on affirmative matters.<sup>19</sup> Too, for the defense of alibi to prosper, the accused must prove not only that he was at some other place at the time of the commission of the crime but also that it was physically impossible for him to be at the *locus delicti* or within its immediate vicinity. The excuse must be so airtight that it would admit of no exception. Where there is the least possibility of accused-appellant's presence at the crime scene, as in this case, the alibi will not hold water.<sup>20</sup> Here, “Lawlaw” claims to have been working in the bakery at the time of the incident. Aside from being an unsubstantiated claim, it was not shown that it was physically impossible for “Lawlaw” to be at the *situs criminis*. Notably, the alleged bakery is also located at the same barangay where Feliciano, Sr.’s house is located.

In any case, it does not really matter whether “Lawlaw” actually caused one or more of the fatal or not so fatal wounds sustained by Feliciano, Sr. Notably, appellants and their co-accused were charged to have *conspired* with each other in killing Feliciano, Sr. In conspiracy, the act of one is the act of all. *People v. Lababo*<sup>21</sup> is apropos, viz.:

Here, it was established that Wenefredo and FFF were present at the scene of the crime, both wielding a bolo. However, it was also established that their alleged participation thereat did not go beyond being present and holding said weapons. As a matter of fact, both the victims only sustained gunshot wounds. The question now is this: Is Wenefredo and FFF's mere presence at the scene of the crime, while armed with bolos, sufficient to prove beyond reasonable doubt that they conspired with Benito to commit the crimes imputed against them?

We rule in the affirmative.

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<sup>18</sup> *People v. Banez, et al.*, 770 Phil. 40, 46 (2015).

<sup>19</sup> *People v. Petalino*, G.R. No. 213222, September 24, 2018.

<sup>20</sup> *People v. Ambatang*, 808 Phil. 236, 243 (2017).

<sup>21</sup> G.R. No. 234651, June 06, 2018, 865 SCRA 609, 628-629.



x x x

x x x

x x x

To Our mind, their overt act of staying in close proximity while Benito executes the crime served no other purpose than to lend moral support by ensuring that no one could interfere and prevent the successful perpetration thereof. We are sufficiently convinced that their presence thereat has no doubt, encouraged Benito and increased the odds against the victims, especially since they were all wielding lethal weapons.

**Indeed, one who participates in the material execution of the crime by standing guard or lending moral support to the actual perpetration thereof is criminally responsible to the same extent as the actual perpetrator, especially if they did nothing to prevent the commission of the crime.** Under the circumstances, there is no evidence to support a conclusion that they have nothing to do with the killing. We are, therefore, convinced that indeed, the three conspired to commit the crimes charged. (Emphasis supplied)

### Attendant Circumstances

Abuse of superior strength is present whenever there is a notorious inequality of forces between the victim and the aggressor, assuming a situation of superiority of strength notoriously advantageous for the aggressor selected or taken advantage of by him in the commission of the crime.<sup>22</sup>

The inequality of forces in this case is beyond doubt. Feliciano, Sr. was a thin 52-year-old man who was slow moving according to his daughter. Nonetheless, appellants attacked Feliciano, Sr. with nine (9) persons. The number alone shows the inequality of strength between the victim and the aggressors. This, coupled with the fact that Feliciano, Sr. was already a frail man, supports the finding of abuse of superior strength. This circumstance qualifies the killing of Feliciano, Sr. into murder.<sup>23</sup>

As for treachery, appellants are mistaken in claiming that the trial court and the Court of Appeals appreciated this circumstance over and above the circumstance of abuse of superior strength. The Court of Appeals actually said it was incorrect for appellants to point that the circumstance of abuse of superior strength was deemed absorbed in treachery because, in the first place, the RTC did not even appreciate treachery as an attendant circumstance here.<sup>24</sup>

In any event, we find that treachery, indeed, did not attend the victim's killing. Records show that before Feliciano, Sr. got killed, Roy visited his house first and already tried to hack him but missed. Thereafter,

<sup>22</sup> *People v. Cortez, et al.*, G.R. No. 239137, December 05, 2018.

<sup>23</sup> *Id.*

<sup>24</sup> *CA rollo*, p. 111.

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Roy sped off on board his motorcycle. At that time, Feliciano, Sr. was already deemed to have known of Roy's intention to harm him and it was not remote at all that Roy would intend to return soon to finish his business with the victim. For this reason, Feliciano, Sr. could have already prepared to defend himself should Roy indeed return to harm him anew.

In *People v. Moreno*,<sup>25</sup> the Court emphasized that the essence of treachery is that the attack comes without a warning and in a swift, deliberate, and unexpected manner, affording the hapless, unarmed, and unsuspecting victim no chance to resist or escape the sudden blow. As discussed, Feliciano, Sr. was no longer an unsuspecting victim when Roy came back with eight (8) companions and together fatally injured him.

Going now to the ordinary aggravating circumstance of dwelling. Section 8, Rule 110 of the Revised Rules of Court provides:

Section 8. *Designation of the offense.* - The complaint or information shall state the designation of the offense given by the statute, aver the acts or omissions constituting the offense, **and specify its qualifying and aggravating circumstances.** If there is no designation of the offense, reference shall be made to the section or subsection of the statute punishing it. (Emphasis supplied)

The provision is in consonance with the constitutional rights of the accused to be informed of the nature and cause of accusation against him. The purpose is to allow the accused to fully prepare for his defense, precluding surprises during the trial. Hence, even if the prosecution has duly proven the presence of any of these circumstances, the Court cannot appreciate the same if they were not alleged in the Information,<sup>26</sup> as in here, *viz.*:

That on or about the 17<sup>th</sup> day of August 2009 in the Municipality of Capooacan, Province of Leyte, Philippines and within the jurisdiction of the Honorable Court, the said accused, conspiring, confederating and mutually helping each other, with intent to kill, armed with bladed weapons and bamboo poles with sharp pointed edges locally known as "Bangkaw", with treachery, evident premeditation, [abuse] (of) superior strength, employing means to weaken the defense and means to insure or afford impunity, did then and there willfully, unlawfully and feloniously attack, assault, [strike], stab and hack to death Feliciano S. Garces, Sr. inflicting upon the latter fatal wounds which caused his direct death.

CONTRARY TO LAW.<sup>27</sup>

<sup>25</sup> G.R. No. 217889, March 14, 2018, 859 SCRA 229, 248.

<sup>26</sup> *People v. Sota, et al.*, G.R. No. 203121, November 29, 2017, 847 SCRA 113, 143.

<sup>27</sup> *CA rollo*, p. 101.

Indeed, that the killing happened in the victim's dwelling was not alleged in the Information. Hence, the trial court and the Court of Appeals cannot appreciate dwelling as an aggravating circumstance.

## Penalty

Article 248 of the RPC provides for the penalty:

Article 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:

1. 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;

Here, without the additional aggravating circumstance of dwelling, appellants must be meted with the lower penalty of *reclusion perpetua* only, not death, in accordance with Article 63 of the RPC.<sup>28</sup> Per Administrative Matter No. 15-08-02-SC,<sup>29</sup> the term “*without eligibility for parole*” need not be specified.

On the monetary awards, *People v. Jugueta*<sup>30</sup> pronounced:

- I. For those crimes like, Murder, Parricide, Serious Intentional Mutilation, Infanticide, and other crimes involving death of a victim where the penalty consists of indivisible penalties:

X X X

X X X

X X X

2.1 Where the penalty imposed is *reclusion perpetua*, other than the above-mentioned:

- a. Civil indemnity – ₱75,000.00
- b. Moral damages – ₱75,000.00
- c. Exemplary damages – ₱75,000.00

<sup>28</sup> Art. 63. *Rules for the application of indivisible penalties*. — x x x

In all cases in which the law prescribes a penalty composed of two indivisible penalties, the following rules shall be observed in the application thereof:

X X X

2. When there are neither mitigating nor aggravating circumstances and there is no aggravating circumstance, the lesser penalty shall be applied.

<sup>29</sup> Guidelines for the Proper Use of the Phrase “without eligibility for parole” in Indivisible Penalties, August 4, 2015; See also *People v. Ursua y Bernal*, 819 Phil. 467, 476 (2017).

<sup>30</sup> 783 Phil. 806, 847-848 (2016).

*Jugueta*<sup>31</sup> and *People v. Gervero*<sup>32</sup> ordered, as well, “when no documentary evidence of burial or funeral expenses is presented in court, the amount of P50,000.00 as temperate damages shall be awarded.” In addition, the civil indemnity, moral damages, exemplary damages and temperate damages payable by the appellants are subject to interest at the rate of six percent (6%) per annum from the finality of this decision until fully paid.

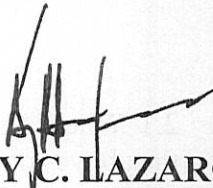
**ACCORDINGLY**, the appeal is **DISMISSED**. The Decision dated February 26, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 02483 is **AFFIRMED** with **MODIFICATION**.

Appellants Reynaldo Pigar y Ambayanan alias “Jerry” and Reynaldo Pigar y Codilla alias “Lawlaw” are **GUILTY** of **Murder** under Article 248 of the Revised Penal Code. They are each sentenced to *reclusion perpetua*. They are further ordered to **PAY** the heirs of Feliciano S. Garces, Sr. the following monetary awards:


- (1) P75,000.00 as civil indemnity;
- (2) P75,000.00 as moral damages;
- (3) P75,000.00 as exemplary damages; and
- (4) P50,000.00 as temperate damages.

All monetary awards shall earn six percent (6%) interest *per annum* from finality of this decision until fully paid.

**SO ORDERED.**

  
**AMY C. LAZARO-JAVIER**  
Associate Justice

**WE CONCUR:**

  
**DIOSDADO M. PERALTA**  
Chief Justice  
Chairperson – First Division

<sup>31</sup> *Id.* at 853.

<sup>32</sup> G.R. No. 206725, July 11, 2018.



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice



**JOSE C. REYES, JR.**  
Associate Justice



**MARIO V. LOPEZ**  
Associate Justice

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**DIOSDADO M. PERALTA**  
Chief Justice

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