



Republic of the Philippines
Supreme Court
 Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES, **G.R. No. 244051**
 Plaintiff-Appellee,

Present:

-versus-

LEONEN, J., *Chairperson*,
 HERNANDO,
 INTING,
 LOPEZ, M. *, and
 LOPEZ, J., *JJ.*

EDUARDO CANILLO **and**
ANTHONY CANILLO,
 Accused-Appellants.

Promulgated:
April 28, 2021
MisDCCBatt

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DECISION

LEONEN, J.:

Treachery must be present at the inception of an attack to qualify a killing to murder. A treacherous act that happens during an attack or subsequent to it cannot be appreciated as a qualifying or generic aggravating circumstance.

This Court resolves an appeal¹ assailing the Decision² of the Court of Appeals, which upheld the Regional Trial Court Judgment³ convicting Eduardo Canillo (Eduardo) and Anthony Canillo (Anthony) of murder under

* Designated additional Member per Raffle dated February 17, 2021.

¹ *Rollo*, pp. 20-21. Notice of Appeal.

² *Id.* at 4-19. The May 28, 2018 Decision was penned by Associate Justice Louis P. Acosta and concurred in by Associate Justices Edgardo L. Delos Santos (now a member of this Court) and Edward B. Contreras of the Nineteenth Division, Court of Appeals, Cebu City.

³ *CA rollo*, pp. 40-48. The September 8, 2015 Judgment was penned by Executive Presiding Judge Ananson E. Jayme of the Regional Trial Court of Negros Oriental, Branch 63.

Article 248 of the Revised Penal Code, as amended.

On September 6, 2009,⁴ an Information⁵ for murder was filed against Eduardo and his son Anthony. They pleaded not guilty to the charge.⁶ On April 19, 2011, an amended Information⁷ was filed to include the bolos used for the alleged killing, which amendment the trial court accepted.⁸ The Information, as amended, reads:

That on or about the 3rd day of September 2009 in the City of Bayawan, Negros Oriental, Philippines, and within the jurisdiction of this Honorable Court, the said both accused, armed with bolos, conspiring[,] confederating and helping one another, with intent to kill, with treachery, evident premeditation, and abuse of superior strength, and without any just motive, did then and there willfully, unlawfully and feloniously attack, assault, hack, stab, and wound ALBERTO BOHOL, without giving him the opportunity to defend himself to ensure the execution of the act without risk to said accused out of any defense which the victim might have made, thereby inflicting upon him injuries causing his instantaneous death, to the damage and prejudice of the heirs of said victim Alberto Bohol.

Contrary to Article 248 of the Revised Penal Code.⁹ (Emphasis in the original, citation omitted)

Eduardo and Anthony were re-arraigned and once again pleaded not guilty. Trial then ensued.¹⁰

The prosecution presented an eyewitness, Eric Estrellanes (Estrellanes), and the medico-legal officer.¹¹

The prosecution evidence showed that on September 3, 2009, at around 10:00 p.m. at Sitio Tawi-Tawi, Villareal, Bayawan City, Estrellanes was resting in his living room when he saw Alberto Bohol (Bohol) arrive at the house next door, where Nene Canillo¹² (Nene) and An An Canillo (An An) lived. Bohol was driving a trisikad¹³ owned by Eduardo, who was then sitting in the passenger car. Bohol and Eduardo both got off the vehicle and went inside the house.¹⁴

Estrellanes knew the Canillos because An An was his next-door

⁴ Id. at 25.

⁵ *Rollo*, p. 5. CA Decision.

⁶ Id. at 6. CA Decision.

⁷ Id.

⁸ Id.

⁹ Id.

¹⁰ Id.

¹¹ Id.

¹² She is also named as Ismaelita C. Cabases in the Court of Appeals Decision (*Rollo*, p. 6)

¹³ *Rollo*, p. 4. Trisikad is a cycle rickshaw.

¹⁴ CA *Rollo*, pp. 41–42. RTC Judgment.

neighbor, while Anthony and Bohol were his friends since they were all trisikad drivers.¹⁵

Around 15 minutes later, Estrellanes heard a commotion in the house. Hearing Nene's voice shouting, "Don't!" prompted him to peer through a decorative hole on his living room wall. Right then, around 6.5 meters away from where he stood, Estrellanes saw under the streetlights how Bohol ran out of the house and straight into Anthony, who then hacked Bohol's head with a bolo.¹⁶

Bohol staggered backwards and fell onto Eduardo, who had followed him. Using his own bolo, Eduardo proceeded to hack Bohol's neck. Bohol fell face down on the ground and Eduardo stabbed him from behind.¹⁷

Anthony went inside the house and came out with a mat, which he wrapped around Bohol's dead body. Father and son each took one end of the mat and took the body to the back of their house, toward the rice field.¹⁸

About 25 minutes later, Estrellanes saw Eduardo and Anthony return. Eduardo threw Bohol's slippers into the sea, and together with Anthony, cleaned the mat and washed the blood that spilled on the street. They then washed themselves and returned to the house.¹⁹

The following day, Estrellanes heard people talking about a dead body near the rice field. He went there and saw Senior Police Officer 4 Louie T. Batuto, to whom he eventually confided what he saw the night before.²⁰

On September 5, 2009, Eduardo and Anthony were arrested at An An's house.²¹

Dr. Jenny June B. Tigbao testified that Bohol sustained 17 injuries. Three stab wounds on his chest proved fatal because, the medico-legal officer noted, just one of those could cause instantaneous death.²²

The defense, in turn, presented Eduardo, Anthony, and Eduardo's sister Nene as its witnesses.

¹⁵ Id.

¹⁶ Id. at 42.

¹⁷ Id.

¹⁸ Id.

¹⁹ Id.

²⁰ Id.

²¹ Id.

²² Id. at 43.

Eduardo testified that at around 4:00 p.m. on September 3, 2009, he stopped driving his trisikad and began drinking tuba with Bohol in front of a store. After some time, he got drunk and fell asleep.²³

A few hours later, the store owner woke him up and told him to go home as it was already late at night. Seeing how drunk Eduardo was, Bohol volunteered to drive Eduardo's trisikad and bring him home.²⁴

Once they arrived at Eduardo's house, they both entered and went inside Eduardo's room. Bohol then asked Eduardo if he could borrow the trisikad, but when Eduardo said no, Bohol got mad and pushed him.²⁵

Eduardo fell on his bed and tried to stand up, but Bohol punched him twice in the jaw. Bohol continued to hit him even after he fell again, causing him to black out from the blows. When he regained consciousness, he went outside to see Bohol's body, bloodied and lying flat on the ground. Standing over it was his son, Anthony. Eduardo told Anthony to hide the body so that his daughter, who had just given birth, would not get sick.²⁶

Anthony testified that on the night of the incident, he awoke to loud and angry voices coming from his father's room. He also heard sounds of a struggle, so he quickly got his bolo and rushed there, where he saw Bohol hitting his father. Incensed, Anthony hacked Bohol with his bolo.²⁷

Bohol fled Eduardo's room and ran out to the street. Anthony went through another room and intercepted Bohol on the street, right outside the house, where he continued hacking Bohol to death.²⁸

After he had killed Bohol, his father told him to hide the body, so they dragged the cadaver near the rice field and left it there. They then washed Bohol's blood off the street, took a bath, and went back to bed. They were arrested a few days later.²⁹

Nene corroborated Eduardo's testimony that he did not kill Bohol. She testified that on that night, she heard loud voices from inside the house, which prompted her to investigate. She went outside and saw her nephew Anthony repeatedly striking a stick or bolo against another man who was stooped with his two hands between his legs.³⁰

²³ Id. at 44.

²⁴ Id.

²⁵ Id.

²⁶ Id.

²⁷ Id. at 43.

²⁸ Id. at 44.

²⁹ Id. at 43.

³⁰ Id. at 44-45.

On September 8, 2015, the Regional Trial Court found³¹ both Eduardo and Anthony guilty of the charge against them.

The Regional Trial Court brushed aside Anthony's assertion of defense of relative, pointing out that even if Bohol hit Eduardo, the unlawful aggression ceased when Bohol fled after Anthony first hacked him.³² The crime was committed, said the trial court, when Anthony chased Bohol and continued to hack at him to death. It emphasized that when the unlawful aggression had ended "the one who resorted to self-defense has no right to kill or even to wound the former aggressor."³³

The trial court also held that Anthony's act of waylaying the fleeing Bohol and swiftly hacking him on the head amounted to treachery.³⁴

It likewise brushed aside Eduardo's defense of denial in light of Estrellanes's eyewitness testimony.³⁵ It then found that father and son conspired against Bohol, as seen by the "unity of action and purpose"³⁶ in the way they killed him and disposed of his body.³⁷

The dispositive portion of the Regional Trial Court Judgment reads:

WHEREFORE, based on the prevailing facts, law and jurisprudence applicable, the court finds accused Eduardo Canillo alias "Edgar" and Anthony Canillo, GUILTY beyond reasonable doubt of the crime of MURDER defined and penalized under Article 248 of the Revised Penal Code as amended by R.A. 7659, qualified by treachery and with the attendant aggravating circumstance of taking advantage of superior strength with no mitigating circumstance duly proven by the prosecution. The imposable penalty would have been death. However, pursuant to Republic Act No. 9346, both accused shall be sentenced to suffer the penalty of *Reclusion Perpetua* without parole. The accused shall pay in solidum the heirs of Alberto Bohol, the amount of Php75,000.00 as civil indemnity; Php50,000.00 as moral damages; and Php25,000.00 as exemplary damages; all with interest at the legal rate of six (6) percent per annum from finality of the judgment.

SO ORDERED.³⁸

The Judgment was appealed³⁹ to the Court of Appeals, but the appeal

³¹ Id. at 40-48.

³² Id. at 46.

³³ Id.

³⁴ Id.

³⁵ Id.

³⁶ Id. at 47.

³⁷ Id.

³⁸ Id. at 47-48.

³⁹ *Rollo*, p. 4. CA Decision.

was denied on May 28, 2018.⁴⁰

The Court of Appeals upheld the Regional Trial Court's finding that the prosecution established all the elements of murder,⁴¹ as well as the conspiracy⁴² between Anthony and Eduardo. It likewise found that treachery attended Bohol's killing,⁴³ and that the defense failed to prove the justifying circumstance of defense of relative.⁴⁴

The dispositive portion of the Court of Appeals Decision reads:

ACCORDINGLY, the Judgment dated 8 September 2015 of the Regional Trial Court, Branch 63, Bayawan City in Criminal Case No. 914 is hereby **AFFIRMED with MODIFICATION**.

The awards of civil indemnity *ex delicto*, moral and exemplary damages against Eduardo B. Canillo and Anthony A. Canillo are hereby increased to ₱100,000.00 each. All monetary awards shall earn interest at the rate of six percent (6%) *per annum* from date of finality of this Decision until fully paid.

SO ORDERED.⁴⁵ (Emphasis in the original)

Eduardo and Anthony filed a Notice of Appeal,⁴⁶ which the Court of Appeals gave due course to.⁴⁷

On March 11, 2019, this Court noted the case records and notified the parties that they may file their respective supplemental briefs.⁴⁸ Both plaintiff-appellee People of the Philippines,⁴⁹ through the Office of the Solicitor General, and accused-appellants⁵⁰ manifested that they would no longer do so, and would instead be adopting the Briefs they filed before the Court of Appeals.

In their Brief,⁵¹ accused-appellants argue that the prosecution failed to establish treachery. They assert that since Bohol managed to run out of the house and block Anthony's attack, it negated the basic essence of treachery, which is a swift and unexpected attack intended to prevent the victim from

⁴⁰ Id. at 4–19.

⁴¹ Id. at 10.

⁴² Id. at 16–17.

⁴³ Id. at 12–13.

⁴⁴ Id. at 16.

⁴⁵ Id. at 18.

⁴⁶ Id. at 20–21.

⁴⁷ Id. at 23.

⁴⁸ Id. at 25.

⁴⁹ Id. at 37–39.

⁵⁰ Id. at 33–34.

⁵¹ CA *rollo*, pp. 22–38.

resisting or escaping.⁵² They also insist that the attack was unplanned and was brought about by passion and obfuscation after a son had rightfully defended his father from a stranger's attacks.⁵³

Accused-appellants then posit that the prosecution also failed to prove that abuse of superior strength attended Bohol's killing.⁵⁴ With the absence of any qualifying circumstance, they assert that Anthony should have only been convicted of homicide.⁵⁵

Likewise, they say that accused-appellant Eduardo was merely an accessory to the homicide, as he did not take part in the killing but only helped to conceal Bohol's body.⁵⁶ They maintain that while conspiracy may have been proven with the attempt to dispose of Bohol's body, conspiracy was not proven in his killing.⁵⁷

Plaintiff-appellee maintains in its Brief⁵⁸ that accused-appellants' guilt for murder was proven beyond reasonable doubt, as accused-appellant Anthony has already admitted killing Bohol, while an eyewitness clearly testified that accused-appellant Eduardo also hacked Bohol with a bolo.⁵⁹

Plaintiff-appellee also maintains that the killing was qualified by treachery⁶⁰ and aggravated by accused-appellants' taking advantage of superior strength.⁶¹ Finally, it asserts that there was conspiracy proven between accused-appellants.⁶²

The sole issue for this Court's resolution is whether or not the prosecution proved beyond reasonable doubt that accused-appellants Eduardo Canillo and Anthony Canillo are guilty of murder.

I

Accused-appellants were charged with murder, which is defined and penalized under Article 248 of the Revised Penal Code:

ARTICLE 248. Murder. — Any person who, not falling within the provisions of Article 246, shall kill another, shall be guilty of murder and

⁵² Id. at 31–32.

⁵³ Id. at 32.

⁵⁴ Id. at 33–34.

⁵⁵ Id. at 32.

⁵⁶ Id. at 34–35.

⁵⁷ Id. at 35–36.

⁵⁸ Id. at 53–73.

⁵⁹ Id. at 61.

⁶⁰ Id. at 63–64.

⁶¹ Id. at 64–65.

⁶² Id. at 65–67.

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.
2. In consideration of a price, reward, or promise.
3. 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.
4. On occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic, or any other public calamity.
5. With evident premeditation.
6. With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse.

Article 14(16) of the same Code defines treachery:

ARTICLE 14. Aggravating Circumstances. — The following are aggravating circumstances:

....

16. That the act be committed with treachery (*alevosia*).

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.

The lower courts⁶³ both found that treachery attended Bohol's killing, qualifying it to murder and not just homicide. The Regional Trial Court held:

The act of Anthony Canillo in waylaying Alberto Bohol and when he faced Alberto Bohol in front he hacked the latter hitting the center of his head is obvious that treachery was attendant in the commission of the crime. Even if the attack was frontal, the same is treacherous when unexpected and Alberto Bohol was unarmed and he was not in the position to repel the attack and avoid it.⁶⁴ (Citation omitted)

The Court of Appeals, in turn, held:

The killing of [Bohol] was attended with treachery, the prosecution

⁶³ CA *rollo*, p. 46, RTC Judgment, and *rollo*, pp. 12–15, CA Decision.

⁶⁴ CA *rollo*, p. 46. RTC Judgment.

having established that the hacking of the victim was swift and sudden without any warning, leaving [Bohol] defenseless. Anthony himself even admitted that the victim had no weapon.

The eyewitness testified that he saw Alberto come out of the house with Eduardo and Anthony both holding *bolos* and attacked the victim.

“Q (Public Prosecutor): So, after you heard a sound which you described as ‘*agonto*,’ what happened next?

A: (Estrellanes): I stood up and I peep (sic) through the decorative hole because I heard a sound of footsteps running.

Q: So, what did you see when you peep at the decorative? (sic)

A: I saw Alberto running.

Q: What did you see?

A: When he reached beside his house, Anthony Canillo was also there.

....

Q: Now, after you saw Alberto Bohol run and he was waylaid at the side of the house by Anthony Canillo, what happened next?

A: When Anthony waylaid him, Anthony went in front of him and suddenly hack him on his head? (sic)⁶⁵ (Emphasis in the original)

The Court of Appeals is mistaken.

*People v. Abadies*⁶⁶ explained that “[t]he essence of treachery is the swift and unexpected attack on the unarmed victim without the slightest provocation on his part.”⁶⁷ There, this Court provided the two conditions that the prosecution must establish for a killing to be qualified by treachery to murder: “(1) that at the time of the attack, the victim was not in a position to defend himself, and (2) that the offender consciously adopted the particular means, method, or form of attack employed by him.”⁶⁸

*Cirera v. People*⁶⁹ then emphasized that the unexpectedness of an attack alone does not automatically lead to treachery, as treachery presupposes that “[t]he means adopted must have been a result of a determination to ensure success in committing the crime.”⁷⁰

Here, the prosecution witness testified that he heard shouts from inside the Canillo house and then saw Bohol running out of the house. Bohol ran smack into accused-appellant Anthony, who was lying in wait for him right outside the house. Anthony then proceeded to hack Bohol with a

⁶⁵ *Rollo*, pp. 12–13. CA Decision.

⁶⁶ 436 Phil. 98 (2002) [Per J. Ynares-Santiago, En Banc].

⁶⁷ *Id.* at 105.

⁶⁸ *Id.*

⁶⁹ 739 Phil. 25 (2014) [Per J. Leonen, Third Division].

⁷⁰ *Id.* at 45.

bolo, while his father, accused-appellant Eduardo, caught up and joined in hacking Bohol.⁷¹

The prosecution proved beyond reasonable doubt that accused-appellants hacked Bohol to death. However, it failed to prove that father and son reflected on the means or form of their attack to ensure lack of retaliation from their victim. It likewise failed to prove that treachery attended the commencement of the attack on Bohol.

Both prosecution and defense evidence show that the altercation began inside the house. Accused-appellant Anthony testified:

Q: You likewise said that you heard commotion at the room of your father and that according to you[,] your father and victim Alberto Bohol were fighting each other, did I get you right?

A: Yes.

Q: At that moment, is it correct for me to say that you get inside [the] room of your father and hacked Alberto Bohol right away?

A: Yes.

Q: And you likewise testified earlier that you continued hacking him right just there at the house of your sister Ann-Ann Canillo?

A: Yes.⁷² (Citation omitted)

Clearly, the attack on Bohol outside the house was a continuation of the altercation inside the house. It cannot be seen as a separate act which was attended by treachery, because treachery cannot happen midstream of an attack. Thus, accused-appellant Anthony's act of waylaying an escaping Bohol out on the street, even if he appeared to have deliberately positioned himself right in Bohol's path to catch him off guard, cannot be appreciated as a qualifying circumstance.

*People v. Tigle*⁷³ instructs that for treachery to qualify a killing to murder, it must be present at the inception of the attack:

For treachery to be appreciated, *it must exist at the inception of the attack, and if absent and the attack continues, even if present at the subsequent stage, treachery is not a qualifying or generic aggravating circumstance.* The prosecution must adduce conclusive proof as to the manner in which the altercation started and resulted in the death of the victim. If the prosecution fails to discharge its burden, the crime committed is homicide

⁷¹ CA rollo, p. 42. RTC Judgment.

⁷² Rollo, p. 12. CA Decision.

⁷³ 465 Phil. 368 (2004) [Per J. Carpio, En Banc].

and not murder.⁷⁴ (Citation omitted)

Tigle finds support in the early case of *United States v. Balagtas*.⁷⁵ There, this Court explained that when a treacherous act is first committed during the attack, this would not constitute treachery or *alevosia*, as the treacherous act must have been present before the attack:

After the commencement of such an attack and before its termination an accused person may have employed means or methods which were of a treacherous character, and yet such means or methods would not constitute the circumstance of *alevosia*. One continuous attack, such as the one which resulted in the death of the deceased Flores, can not be broken up into two or more parts and made to constitute separate, distinct, and independent attacks so that treachery may be injected therein and considered as a qualifying or aggravating circumstance.⁷⁶

The prosecution thus failed to prove that treachery attended Bohol's killing.

Nonetheless, accused-appellants were still properly convicted of murder, as the prosecution was able to prove beyond reasonable doubt the qualifying circumstance of taking advantage of superior strength.⁷⁷

There is abuse of superior strength "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."⁷⁸

Abuse of superior strength refers to the purposeful "use [of] force excessively out of proportion to the means of defense available to the person attacked."⁷⁹ Thus, in considering this aggravating circumstance, the court looks into "the age, size[,] and strength of the parties."⁸⁰

Here, the prosecution was able to show the notorious inequality of forces, as it proved beyond reasonable doubt that accused-appellants used their combined strength and weapons to corner Bohol and then hack him to

⁷⁴ Id. at 382.

⁷⁵ 19 Phil. 164 (1911) [Per J. Trent, En Banc].

⁷⁶ Id. at 172–173.

⁷⁷ REV. PEN. CODE, art. 14 states:

ARTICLE 14. Aggravating Circumstances. — The following are aggravating circumstances:

....

15. That advantage be taken of superior strength, or means be employed to weaken the defense.

⁷⁸ *People v. Cortez*, G.R. No. 239137, December 5, 2018, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64838>> [Per J. Perlas-Bernabe, Second Division].

⁷⁹ *Valenzuela v. People*, 612 Phil. 907, 917 (2009) [Per J. Brion, Second Division].

⁸⁰ Id.

death. Even the way accused-appellants positioned themselves against Bohol—Anthony in front of the victim and Eduardo behind—showed how they used their advantage to ensure Bohol’s gruesome death. The Court of Appeals found:

When the victim was cornered, a fatal hacking blow on the head was immediately released by Anthony. Knowing that Alberto was already defenseless and severely hurt, Eduardo still hacked him on the right side of his neck and even continued to stab him even when the victim collapsed on the ground.⁸¹

Hence, the conviction for murder stands.

II

Accused-appellant Eduardo denies killing Bohol and asserts that, at most, he can only be charged as an accessory because he helped his son dispose of Bohol’s body.⁸²

Accused-appellant is mistaken.

The prosecution eyewitness categorically pointed to Eduardo as also having a direct hand in Bohol’s death. Estrellanes testified as follows:

Q: (Public Prosecutor): Now, when Anthony Canillo hacked Alberto Bohol, where was Alberto Bohol hit?

A: (Estrellanes): The witness pointed to the center of his head.

Q: And what happened to Alberto Bohol when he was hit by the hacking blow delivered by Anthony Canillo?

A: He was zigzagging.

Q: And what ultimately happened to him after he was zigzagging?

A: When he was about to step back and he was zigzagging, he was also hacked by Eduardo and he was hit, as pointed to by the witness using his right hand, the right side of his neck. (sic)

Q: Where was Eduardo Canillo located when he hacked Alberto Bohol?

A: He followed Alberto Bohol.

Q: So, he was at the back of Alberto Bohol when this Eduardo Canillo hacked Alberto Bohol?

A: He was at the back of Alberto Bohol.

⁸¹ *Rollo*, p. 15. CA Decision.

⁸² *CA rollo*, pp. 34–35. RTC Judgment.

Q: What instrument did Eduardo Canillo used (sic) in delivering that hacking blow to Alberto Bohol?

A: Long bolo as demonstrated by the witness. . . .

Q: And after Alberto Bohol was hit at the right side of his neck, what happened next?

A: He slammed on the ground, he fall (sic) down on the ground facing downward.

Q: So, while Alberto was downward, what happened next?

A: When he was already facing on the ground, he was stabb by Eduardo at the back. (sic)⁸³ (Emphasis in the original, citation omitted)

The lower courts found Estrellanes to be a more credible witness than the defense witnesses, as his testimony was delivered in a “categorical, straightforward, spontaneous and frank manner.”⁸⁴ Accused-appellants, by contrast, presented self-serving allegations that were not corroborated by credible witnesses.⁸⁵ The Regional Trial Court stated:

The court gave credence to the testimony of Eric Estrellanes who was about 6.5 meters far, that he clearly saw the incident because the place has the illumination from the streetlights from the boulevard. Eric Estrellanes declared that when Alberto Bohol received the hack hitting his head from Anthony Canillo, he zigzagged. While Alberto Bohol took a back step zigzagging, Eduardo Canillo who was behind Alberto Bohol using a long bolo also hacked the right neck of the latter causing Alberto Bohol to fall to the ground downward. When Alberto Bohol had fallen to the ground Eduardo Canillo stabbed the back portion of the body of Alberto Bohol.⁸⁶

The Regional Trial Court⁸⁷ and the Court of Appeals⁸⁸ also found that accused-appellants conspired against Bohol, as seen in their concerted actions in ganging up on him and hiding his body. The Regional Trial Court held:

Added to this, both accused agreed to transfer the dead body of the victim far from the house of An-An Canillo and washed the area with water in order to conceal the crime. What is more revealing is that both did not report to the police. Believing that nobody saw them, they continued their business of driving their “pot-pot” around the city on September 4, 2009 and up to noontime of September 5, 2009 because they were arrested by SPO4 Louie T. Batuto at the house of An-An Canillo.⁸⁹

It is well established that this Court gives the highest respect to a “trial

⁸³ *Rollo*, pp. 13–15. CA Decision.

⁸⁴ *CA rollo*, p. 47. RTC Judgment.

⁸⁵ *Rollo*, p. 17. CA Decision.

⁸⁶ *CA rollo*, p. 46. RTC Judgment.

⁸⁷ *Id.* at 46–47.

⁸⁸ *Rollo*, pp. 16–17. CA Decision.

⁸⁹ *CA rollo*, p. 47. RTC Judgment.

court's factual findings, assessment of the credibility of witnesses and the probative weight of their testimonies," and "will generally not re-examine them" when affirmed by the Court of Appeals.⁹⁰

We see no reason to depart from this general rule.

This Court thus affirms accused-appellants' conviction for murder and dismisses the appeal. However, the penalty is modified in accordance with *People v. Jugueta*,⁹¹ where this Court clarified that "when the circumstances of the crime call for the imposition of *reclusion perpetua* only, the civil indemnity and moral damages should be ₱75,000.00 each, as well as exemplary damages in the amount of ₱75,000.00."⁹²

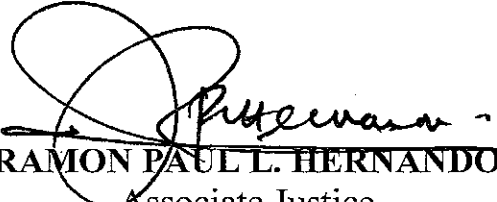
WHEREFORE, the May 28, 2018 Decision of the Court of Appeals is **AFFIRMED with MODIFICATION**. Accused-appellants Eduardo Canillo and Anthony Canillo are **GUILTY** beyond reasonable doubt of murder under Article 248 of the Revised Penal Code, as amended, and are each sentenced to *reclusion perpetua*. They are also solidarily liable to indemnify the heirs of Alberto Bohol with civil indemnity, moral damages, and exemplary damages at ₱75,000.00 each.

All damages awarded shall be subject to interest at the rate of 6% per annum from the finality of this Decision until fully paid.

SO ORDERED.


MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:


RAMON PAUL L. HERNANDO
Associate Justice

⁹⁰ *People v. Castro*, 821 Phil. 992, 1007 (2017) [Per J. Leonen, Third Division] citing *People v. Castel*, 593 Phil. 288 (2008) [Per J. Reyes, En Banc].

⁹¹ 783 Phil. 806 (2016) [Per J. Peralta, En Banc].


⁹² *Id.* at 845.



HENRI JEAN PAUL B. INTING
Associate Justice



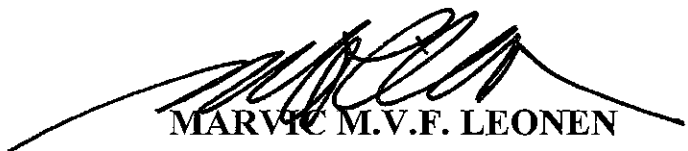
MARIO V. LOPEZ
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice

ATTESTATION


I attest 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.



MARVIC M.V.F. LEONEN
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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.



ALEXANDER G. GESMUNDO
Chief Justice