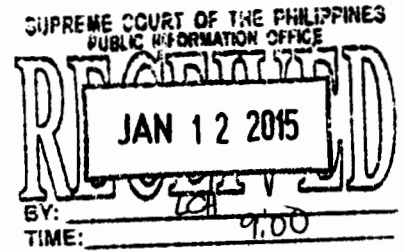




REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated 19 November 2014 which reads as follows:*

**G.R. No. 205566 (People of the Philippines v. Ricky Arango y Sibuyo).** – We resolve the appeal, filed by appellant Ricky Arango y Sibuyo (*appellant*), from the June 28, 2012 decision<sup>1</sup> of the Court of Appeals (*CA*) in CA-G.R. CR.-H.C. No. 04823. The assailed CA decision affirmed the November 25, 2010 decision<sup>2</sup> of the Regional Trial Court (*RTC*), Branch 26, Naga City, which found the appellant guilty beyond reasonable doubt of the crime of Murder under Article 248 of the Revised Penal Code (*RPC*)<sup>3</sup> in Criminal Case No. 2008-0312.

In its November 25, 2010 decision, the RTC convicted the appellant beyond reasonable doubt of the crime of Murder. The RTC found that the prosecution amply proved the guilt of the appellant in the killing of Fatima Beriña (*victim*). Also, treachery was sufficiently proven by the prosecution, qualifying the killing to Murder. The RTC also found as unmeritorious the appellant's defense of denial.

Accordingly, the RTC imposed on the appellant the penalty of *reclusion perpetua*, and directed him to pay the heirs of the victim the amounts of ₱75,000.00 as civil indemnity, ₱36,700.00 as actual damages, ₱50,000.00 as moral damages, and ₱25,000.00 as exemplary damages.

On appeal, the CA affirmed the RTC decision. The CA found that the prosecution sufficiently established the guilt of the appellant of the crime charged. It sustained the RTC's finding that the killing had been attended by treachery. The CA further ruled that although the confession of the appellant to a reporter, Jonathan Magistrado, was made without the presence of counsel, the confession was voluntary and admissible in evidence since there was no showing of intimidation or undue influence from any police authority. In addition, the admission made by the appellant was substantiated by the findings of Dr. Vito Borja, the City Health Officer of Naga City, as reflected in his Autopsy Report.

**Our Ruling**

**We affirm the appellant's conviction, but modify the award of exemplary damages in favor of the victim's heirs in the amount of ₱30,000.00. We also impose a 6% interest on all the monetary awards for damages to be reckoned from the date of finality of this decision until fully paid.**

<sup>1</sup> Penned by Associate Justice Priscilla J. Baltazar-Padilla and concurred in by Associate Justices Jose C. Reyes, Jr. and Agnes Reyes-Carpio; *rollo*, pp. 2-20.

<sup>2</sup> *CA rollo*, pp. 36-45.

<sup>3</sup> An Act Revising the Penal Code and Other Penal Laws [REVISED PENAL CODE], Act No. 3815.

Treachery exists when the following elements are present: (1) the employment of means of execution that would ensure the safety of the accused from retaliatory acts of the intended victim and leaving the latter without an opportunity to defend himself or herself; and (2) the means employed were deliberately or consciously adopted by the offender.<sup>4</sup>

In *People v. Escote, Jr.*,<sup>5</sup> the Court held that “[t]he essence of treachery is the sudden and unexpected attack by an aggressor on the unsuspecting victim, depriving the latter of any chance to defend himself and thereby ensuring its commission without risk of himself.”<sup>6</sup>

As applied in the present case, the victim was in the bathroom washing her clothes when the appellant entered and assaulted her with a 2x3 inch piece of wood. The attack was so sudden and unexpected that she had no opportunity to defend herself. The means employed by the appellant ensured his safety from any retaliatory act of the victim.

The essential elements to be established in the prosecution of murder are as follows: (1) that a person was killed; (2) that the accused killed that person; (3) that the killing was attended by any of the qualifying circumstances mentioned in Article 248<sup>7</sup> of the RPC; and (4) that the killing is not parricide or infanticide.<sup>8</sup>

In this case, the victim was killed and the prosecution was able to prove beyond reasonable doubt the appellant’s guilt for the commission of the crime. Also, the killing was attended by treachery, a circumstance that qualifies the crime to murder. Lastly, the killing is obviously not parricide or infanticide. Therefore, all these elements had been duly established in this case beyond reasonable doubt.

We agree with the CA that the confession made by the appellant to the reporter was voluntary and is admissible in evidence against him. In *People*

<sup>4</sup> *People of the Philippines v. Gonzales, Jr.*, 411 Phil. 893, 915 (2001).

<sup>5</sup> *People of the Philippines v. Escote, Jr., et al.*, 448 Phil. 749 (2003).

<sup>6</sup> *Id.* at 786.

<sup>7</sup> 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;
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 street car or locomotive, 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 other public calamity;
5. With evident premeditation; and
6. With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse.

(Emphasis supplied.)

<sup>8</sup> *People of the Philippines v. Sameniano*, G.R. No. 183703, January 20, 2009, 576 SCRA 840, 850.

*mlg*

*v. Endino*,<sup>9</sup> an interview was recorded on video showing the accused unburdening his guilt willingly, openly, and publicly in the presence of newsmen. Such confession was admissible in evidence against him since the confession was voluntarily given without any coercive physical or psychological atmosphere.

As applied in the present case, the interview was not in the nature of an investigation with a law enforcement officer that would require the presence of counsel for the confession to be admissible. The interview was conducted by a journalist and the accused voluntarily confessed his guilt. Therefore, without any coercive physical or psychological atmosphere present, the appellant's confession is admissible in evidence against him.


Finally, we affirm the penalties and fines imposed on the appellant as they are in accord with law and settled jurisprudence. However, we modify the amount of exemplary damages already awarded in order to conform to existing jurisprudence. In *People v. Dadao*,<sup>10</sup> the victim's heirs were awarded ₱30,000.00 as exemplary damages for a murder attended by treachery.

We also impose a 6% interest on all the monetary awards for damages to be reckoned from the date of finality of this decision until fully paid.

**WHEREFORE**, premises considered, the June 28, 2012 decision of the Court of Appeals in CA-GR. CR.-H.C. No. 04823 is hereby **AFFIRMED** with the following **MODIFICATIONS**: (a) the appellant is ordered to pay the victim's heirs ₱30,000.00 as exemplary damages; and (b) he is further ordered to pay the victim's heirs interest on all the damages awarded at the legal rate of six percent (6%) *per annum* from the date of finality of this judgment until fully paid.

**SO ORDERED.**

Very truly yours,

  
MA. LOURDES Q. PERFECTO  
Division Clerk of Court 4/14

<sup>9</sup> 404 Phil. 951 (2001).

<sup>10</sup> G.R. No. 201860, January 22, 2014.

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HON. PRESIDING JUDGE (reg)  
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