



SUPREME COURT OF THE PHILIPPINES
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REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **16 October 2019** which reads as follows:

"G.R. No. 230233 – PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus DANILO* C. VILLARUZ AND JESSIE B. GALINATO, accused-appellants.

X ----- X

After a careful review of the records of the case and the issues submitted by the parties, the Court finds no error in the Decision¹ dated August 5, 2016 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 07625. The facts, as borne out by the records, sufficiently support the conclusion that accused-appellants Danilo C. Villaruz (Villaruz) and Jessie B. Galinato (Galinato) are indeed guilty of the crime of Murder. The issues and matters raised before the Court, the same ones as those raised in the CA, there being no supplemental briefs filed, were sufficiently addressed and correctly ruled upon by the CA.

It is well-settled that in the absence of facts or circumstances of weight and substance that would affect the result of the case, appellate courts will not overturn the factual findings of the trial court.² Here, after examining the records of this case, the Court finds no cogent reason to vacate the Regional Trial Court's appreciation of the evidence, which was affirmed by the CA.

The accused-appellants argue that the CA erred in ruling (1) that there was conspiracy between them and (2) that treachery attended the commission of the crime. However, these arguments are clearly without merit.

There was indeed conspiracy between the accused-appellants as shown by their concerted actions. As correctly ruled by the CA, their act of surrounding victim Jose³ Leyda y Paglinawan (victim), signaling to each other to draw their guns⁴ and the fact that when Villaruz failed to fire his gun, it was Galinato who shot the victim with his own gun,⁵ show their common objective to kill the victim. The existence of conspiracy between the accused-appellants is bolstered even more by the fact that after making sure that the victim was already dead, they both fled from the scene of the crime together.⁶

* Spelled as "Daniel" in some parts of the CA rollo.

¹ Rollo, pp. 2-12. Penned by Associate Justice Manuel M. Barrios with Associate Justices Ramon M. Bato, Jr. and Maria Elisa Sempio Diy, concurring.

² *People v. Gerola*, 813 Phil. 1055, 1064 (2017).

³ Spelled as "Joey" in some parts of the CA rollo.

⁴ Rollo, p. 7.

⁵ CA rollo, p. 24.

⁶ Rollo, p. 4.

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The CA was likewise correct in appreciating the presence of treachery. In order for treachery to be appreciated, two elements must be present: (1) at the time of the attack, the victim was not in a position to defend himself; and (2) the accused consciously and deliberately adopted the particular means, methods, or forms of attack employed by him.⁷

In this case, the accused-appellants abruptly and without warning shot the victim numerous times.⁸ At the time of the attack, the victim was not in a position to defend himself as he was unarmed and was merely standing by the tricycle terminal when the accused-appellants suddenly approached him.⁹ Thereafter, Galinato said, "*pare[,] paputukan mo na*" to Villaruz and when the latter's gun failed to fire, Galinato himself shot the victim.¹⁰ The accused-appellants continued shooting the victim even when the latter was already sprawled on the ground. It is thus obvious that the accused-appellants, especially since they were armed with guns, deliberately planned and adopted the particular method they used to kill the hapless victim. Furthermore, prosecution witness Manuel Cases testified that he did not see any altercation between the accused-appellants and the victim prior to the shooting,¹¹ thus the victim could not have expected to be shot by the accused-appellants.

However, the Court modifies the penalty imposed by the RTC; as modified by the CA. Pursuant to prevailing jurisprudence,¹² the award of exemplary damages should be increased to ₱75,000.00 while the award of temperate damages should be increased to ₱50,000.00.

WHEREFORE, premises considered, the appeal is **DISMISSED** for lack of merit. The Court hereby **ADOPTS** the findings of fact and conclusions of law in the Decision dated August 5, 2016 of the Court of Appeals in CA-G.R. CR-HC No. 07625. The Decision finding accused-appellants Danilo C. Villaruz and Jessie B. Galinato guilty beyond reasonable doubt for the crime of Murder under Article 248 of the Revised Penal Code, as amended, is **AFFIRMED** with **MODIFICATION**. They are jointly and severally ordered to pay the heirs of victim Jose Leyda y Paglinawan **SEVENTY FIVE THOUSAND PESOS (₱75,000.00) as civil indemnity, SEVENTY FIVE THOUSAND PESOS (₱75,000.00) as moral damages, SEVENTY FIVE THOUSAND PESOS (₱75,000.00) as exemplary damages and FIFTY THOUSAND PESOS (₱50,000.00) as temperate damages**. All monetary awards shall earn interest at the legal rate of six percent (6%) per annum from the date of finality of this Resolution until fully paid.

⁷ *People v. Lagman*, 685 Phil. 733, 745 (2012).

⁸ *Rollo*, p. 7.

⁹ *Id.*

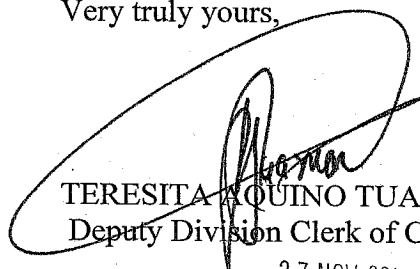
¹⁰ *CA rollo*, p. 21.

¹¹ *Id.*

¹² *People v. Jugueta*, 783 Phil. 806 (2016)...

SO ORDERED.”

Very truly yours,



TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *Utub 11/27*

27 NOV 2019

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HON. PRESIDING JUDGE (reg)
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*with copy of CA Decision dated 5 August 2016
Please notify the Court of any change in your address.
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