



Republic of the Philippines
 Supreme Court
 Manila

THIRD DIVISION

PEOPLE OF THE G.R. No. 262579
 PHILIPPINES,

Plaintiff-Appellee, Present:

- versus -

CAGUIOA, J., Chairperson,
 INTING,
 GAERLAN,
 DIMAAMPAO, and
 SINGH, JJ.

ROSSANO SAMSON y
 TIONGCO,
 Accused-Appellant.

Promulgated:

February 28, 2024

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DECISION

INTING, J.:

Before the Court is an appeal¹ assailing the Decision² dated April 19, 2022, of the Court of Appeals (CA) in CA-G.R. CR HC No. 14958 that affirmed the Decision³ dated July 20, 2020, of Branch 18, Regional Trial Court (RTC), Malolos City, Bulacan in Criminal Case No. 4160-M-2014. The RTC found Rossano Samson y Tiongco (accused-appellant) guilty beyond reasonable doubt of Murder under Article 248 of the Revised Penal Code.

¹ See Notice of Appeal, dated May 18, 2022. *Rollo*, pp. 3-5.

² *Id.* at 9-26. Penned by Associate Justice Louis P. Acosta and concurred in by Associate Justices Myra V. Garcia-Fernandez and Jaime Fortunato A. Caringal of the Eleventh Division, Court of Appeals, Manila.

³ *Id.* at 29-42. Penned by Presiding Judge Victoria C. Fernandez-Bernardo.

The Antecedents

The case stemmed from an Information charging accused-appellant with Murder under Article 248 of the Revised Penal Code for killing Abegail Tobias y Dela Torre (Abegail). The accusatory portion of the Information reads:

That on or about the 8th day of October, 2014, in the municipality of Norzagaray, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with crowbar (bareta) and with intent to kill one Abegail Tobias y dela Torre, eleven (11) years old minor, with abuse of superior strength and treachery, did then and there willfully, unlawfully, and feloniously attack, assault and hit said Abegail Tobias y dela Torre with the said crowbar on the different parts of her body which directly caused the instantaneous death of the said Abegail Tobias y Dela Torre.

CONTRARY TO LAW.⁴

Upon arraignment, accused-appellant entered a plea of “Not Guilty” to the charge.⁵

Trial on the merits ensued.

Version of the Prosecution

The prosecution established that on October 8, 2014, at around 6:30 p.m., Jeremias B. Dela Torre (Jeremias) went out of his house to fetch his wife while his daughter Abegail was attending a dance practice.⁶ On his way, Jeremias met accused-appellant, a neighbor who used to work with him in carpentry works. He told accused-appellant that they have work the following day; the latter responded by nodding his head.⁷

Thereafter, Jeremias proceeded to fetch his wife. When Jeremias and his wife arrived at their house, they saw drops of blood scattered on the floor, but no one was inside their house.⁸ Jeremias then called the

⁴ As culled from the CA Decision, *id.* at 10.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* at 30.

⁸ *Id.*

Barangay Captain for help and searched for his daughter.⁹ Later, Abegail was found lifeless at the side of the road across their house drenched in blood, her blouse was lifted up to her breast and her underwear was pulled down to her right ankle.¹⁰ After the Barangay Captain reported the incident to the police authorities, Senior Police Officer 3 Dennis R. Diaz (SPO3 Diaz) and other members of the Norzagaray Police Station arrived at around 8:00 p.m. and conducted an investigation.¹¹

During the investigation, SPO3 Diaz invited all men who were having a drinking spree within the area of incident. SPO3 Diaz noticed that among the men who participated in the drinking spree, only accused-appellant left the area. Thus, SPO3 Diaz and the other police officers went to accused-appellant's house near Jeremias' house.¹² While the police officers were talking to accused-appellant's son, they noticed a piece of plastic which looked like an earring pendant at the doorstep of accused-appellant's house.¹³ The police took pictures of the pendant and showed it to Jeremias, who confirmed that it was Abegail's earring pendant.¹⁴ After accused-appellant's son informed the police that accused-appellant might be hiding at his (accused-appellant) father's house in Navotas, the police officers immediately proceeded to Navotas.¹⁵ When they arrived thereat, the police officers found accused-appellant sleeping on the second floor. Then, they woke him up and invited him to the police station to answer some questions. While travelling to the police station, the accused-appellant admitted that he killed Abegail.¹⁶ At the police station, accused-appellant again confessed to the police officers that he killed Abegail using a crowbar, which he hid in his room in Bulacan. During the confession, Atty. Mario M. Villegas (Atty. Villegas) assisted the accused-appellant.¹⁷

Before the execution of the extrajudicial confession, the Office of the Mayor of Norzagaray, Bulacan, called the Public Attorney's Office (PAO) and the latter was able to summon the presence of Atty. Villegas to assist accused-appellant. During his exclusive meeting with accused-appellant in the investigation room, Atty. Villegas introduced himself to

⁹ *Id.* at 11.

¹⁰ *Id.*

¹¹ *Id.* at 11 and 33, respectively.

¹² *Id.*

¹³ *Id.* at 11.

¹⁴ *Id.*

¹⁵ *Id.* at 33.

¹⁶ *Id.* at 33-34.

¹⁷ *Id.* at 11.

accused-appellant as his counsel and informed accused-appellant of the right to decline his representation if he so preferred. Still, accused-appellant agreed and did not refuse the assistance and services of Atty. Villegas.

At the time of the execution of accused-appellant's extrajudicial confession, Atty. Villegas asked accused-appellant if indeed he would admit to his criminal liability; he answered: "*Nakukunsensya na kasi ako.*"¹⁸ Atty. Villegas, then, informed accused-appellant of his rights during custodial investigation including the right against self-incrimination. He likewise warned accused-appellant that if his statement would be put into writing, the document might be used against him. Accused-appellant again agreed and repeatedly said: "*Nakukunsensya na ko.*"¹⁹ Likewise, Atty. Villegas exclusively conferred with accused-appellant before the actual investigation took place and during the execution of accused-appellant's extrajudicial confession.²⁰

Version of the Defense

On the other hand, accused-appellant denied the charge against him. He testified that he learned about Abegail's death on October 9 or 10, 2014, at around 7:00 p.m. as the people in the neighborhood were shouting that Abegail was found dead. The following day, he went to his father's house in Navotas to get 10 kilos of rice and five hundred pesos (PHP 500.00). On the same day, the police officers arrived and invited him to the police station where he was incarcerated. After three days, Atty. Villegas went to the police station and asked accused-appellant if he was the one who killed Abegail. Accused-appellant told Atty. Villegas that he did not know anything about the incident. Then, Atty. Villegas asked accused-appellant to sign a document which he was not able to read. Atty. Villegas simply told him that it would help him with the case filed against him.²¹

The Ruling of the RTC

In its Decision²² dated July 20, 2020, the RTC found accused-appellant guilty beyond reasonable doubt of Murder. The dispositive

¹⁸ *Id.* at 32.

¹⁹ *Id.*

²⁰ *Id.* at 18.

²¹ *Id.* at 35–36.

²² *Id.* at 29–42.

portion of the Decision states:

WHEREFORE, accused Rossano Samson y Tiongco is hereby found GUILTY beyond reasonable doubt for the crime of Murder and is hereby sentenced to suffer *reclusion perpetua without eligibility for parole*.

Accused Rossano Samson y Tiongco is hereby sentenced to pay the heirs of Abegail Tobias y Dela Torre the following:

- 1) Civil indemnity in the amount of One Hundred Thousand Pesos ([PHP] 100,000.00);
- 2) Actual damages in the amount of Fifty Thousand Five Hundred Seventy ([PHP] 50,570.00);
- 3) Moral damages in the amount of One Hundred Thousand Pesos ([PHP] 100,000.00); and
- 4) Exemplary damages in the amount of One Hundred Thousand Pesos ([PHP] 100,000.00).

In addition, interest at the rate of six percent (6%) per annum shall be imposed on all monetary awards from date of finality of this Decision until fully paid.

SO ORDERED.²³

The RTC ruled that all the elements of Murder are present through several circumstances proving accused-appellant's guilt. It appreciated the presence of treachery and abuse of superior strength in Abegail's killing. Moreover, the RTC gave credence to accused-appellant's voluntary confession that he killed Abegail on that fateful night.²⁴

Aggrieved, accused-appellant appealed to the CA.

The Ruling the CA

In the assailed Decision²⁵ dated April 19, 2022, the CA denied the appeal and affirmed *in toto* the RTC Decision, thus:

²³ *Id.* at 41–42.

²⁴ *Id.* at 39–41.

²⁵ *Id.* at 9–26.

ACCORDINGLY, the appeal is DENIED. The Decision dated 20 July 2020 of the Regional Trial Court, Branch 18, Malolos City, Bulacan in Criminal Case No. 4160-M-2014, is AFFIRMED.

SO ORDERED.²⁶

Hence, the instant appeal before the Court.

Accused-appellant filed a Manifestation²⁷ that he will no longer file a supplemental brief considering that he already exhaustively discussed the assigned errors, legal issues, and arguments in the Appellant's Brief. The Office of the Solicitor General similarly manifested that it will no longer file a supplemental brief because it already upheld in the Appellee's Brief accused-appellant's guilt.²⁸

The Issues

I.

WHETHER THE CA ERRED IN AFFIRMING THE TRIAL COURT'S DECISION IN ADMITTING THE ACCUSED-APPELLANT'S EXTRA-JUDICIAL CONFESSION.

II.

WHETHER THE CA ERRED IN AFFIRMING THE TRIAL COURT'S DECISION CONVICTING THE ACCUSED-APPELLANT THROUGH CIRCUMSTANTIAL EVIDENCE.

The Ruling of the Court

The appeal is unmeritorious.

²⁶ *Id.* at 25.

²⁷ *See* Manifestation (In lieu of Supplemental Brief) dated February 21, 2023, *id.* at 53–55.

²⁸ *See* Manifestation and Motion (In lieu of Supplemental Brief) dated February 6, 2023, *id.* at 47–50.

It is settled that the factual findings of the trial court are entitled to great weight and respect, especially when they are affirmed by the appellate court.²⁹ Findings of the trial court that are factual in nature and that involve the credibility of witnesses are accorded respect, if not finality, by the appellate court when no glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions can be gleaned from such findings.³⁰ The trial court is in the best position to assess the credibility of the witnesses and their testimonies because of “its unique opportunity to observe the witnesses first hand and to note their demeanor, conduct, and attitude under grueling examination.”³¹

Upon a judicious perusal of the records of the case, there is no compelling reason to depart from the ruling of the RTC and the CA that accused-appellant is guilty beyond reasonable doubt of the crime of Murder.

The Court affirms the ruling of both the RTC and the CA that the totality of the circumstantial evidence is sufficient to hold accused-appellant guilty beyond reasonable doubt of the crime charged. The Court likewise holds that the RTC, as affirmed by the CA, correctly admitted the extrajudicial confession of accused-appellant.

The RTC convicted accused-appellant of Murder qualified by treachery and abuse of superior strength.³² Article 248 of the Revised Penal Code states:

ART. 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[.]

The elements of Murder are the following: “(a) that a person was killed; (b) that the accused killed him [/her]; (c) that the killing was attended by any of the qualifying circumstances mentioned in Article 248;

²⁹ *Villarba v. Court of Appeals*, 874 Phil. 84, 108 (2020).

³⁰ *Estrella v. People*, 874 Phil. 374, 384 (2020), citing *People v. Aspa*, 838 Phil. 302, 311–312 (2018).

³¹ *People v. Manzano*, 827 Phil. 113, 126 (2018).

³² *Rollo*, p. 40.

and (d) that the killing is not parricide or infanticide.”³³

Here, all the elements of Murder are present. Accused-appellant killed Abegail. The killing was neither parricide nor infanticide. However, it must be clarified that the killing of Abegail was qualified by *treachery only*; the circumstance of abuse of superior strength is deemed absorbed by treachery.

We clarify.

It is well-settled that the “killing of a child is characterized by treachery even if the manner of the assault is not shown in the Information, as the weakness of the victim due to his [/her] tender age results in the absence of any danger to the accused.”³⁴ The qualifying circumstance of treachery exists in killing of a child since whatever method the accused-appellant employed, in causing the death of the victim, the same was done without any possibility of danger resulting to himself [/herself] from the child.³⁵ “The rationale for such treatment is easy to discern—the minor victim cannot be expected to put up any form of effective resistance because of his [or her] tender age, relatively small frame, and inexperience in combat.”³⁶ Moreover, a deadly attack against a minor is easier to execute inasmuch as the minor can offer little, if any, resistance, thereby posing no peril to the attacker.³⁷ Thus, the mere allegation of Abegail’s minority is sufficient for accused-appellant’s conviction of murder through treachery.

Likewise, the CA correctly affirmed the RTC’s finding that accused-appellant killed Abegail by taking advantage of superior strength.

Abuse of superiority is determined by the excess of the aggressor’s natural strength over that of the victim, considering the position of both and the employment of means to weaken the defense, although not annulling it. “The aggressor must have taken advantage of his

³³ *People v. Manansala*, 881 Phil. 261, 273 (2020), citing *People v. Casemiro*, 845 Phil. 838, 847 (2019).

³⁴ *People v. Enojo*, 866 Phil. 835, 846–847 (2019), citing *People v. Pantoja*, 821 Phil. 1052, 1067 (2017).

³⁵ *People v. Mirasol*, G.R. No. 239333 (Notice), June 8, 2020, citing *United States v. Lansañgan*, 27 Phil. 474 (1914).

³⁶ *People v. Haloc*, 839 Phil. 1042, 1051 (2018).

³⁷ *Id.*

natural strength to ensure the commission of the crime.”³⁸ The Court in a long line of cases has consistently held that “an attack made by a man with a deadly weapon upon an unarmed and defenseless woman constitutes the circumstance of abuse of that superiority which his sex and the weapon used in the act afforded him, and from which the woman was unable to defend herself.”³⁹

The victim, Abegail, is a girl, only 11 years of age,⁴⁰ and unarmed when she was brutally slain. On the other hand, accused-appellant is a man of legal age, a construction worker, and armed with a crowbar. There is no question that accused-appellant is more superior in strength and disposition than the hapless and innocent Abegail. Also, based on the Medico-Legal Report dated October 9, 2014, issued by Dr. Editha B. Martinez (Dr. Martinez), Abegail sustained 32 injuries, three of which were fatal and located on the head.⁴¹ Abegail likewise suffered fracture on the frontal bone of her skull (forehead).⁴² These pieces of evidence are indicative of the accused-appellant’s unmistakable intent of taking advantage of his superior strength.

However, while the Court agrees with the findings of both the RTC and CA as to the presence of treachery and abuse of superior strength in killing Abegail, the Court emphasizes that treachery already absorbed abuse of superior strength. Under the circumstances, the latter should not be treated as a separate and distinct aggravating circumstance.⁴³ Even without a definite finding as to whether abuse of superior strength exists in the case or not, it is beyond cavil that treachery, as a qualifying circumstance, already absorbs the aggravating circumstance abuse of superior strength even though the latter was alleged in the Information.⁴⁴ In other words, the killing of Abegail should be classified as Murder qualified by treachery only.

³⁸ *People v. Loreto*, 446 Phil. 592, 611 (2003).

³⁹ *People v. Ventura*, 477 Phil. 458, 485 (2004), citing *U.S. v. Consuelo*, 13 Phil. 612, 614 (1909). See also *People v. Barcelon, Jr.*, 438 Phil. 335, 348–349 (2002); *People v. Amazan*, 402 Phil. 247, 267 (2001); *People v. Espina*, 383 Phil. 656, 668 (2000); *People v. Alcartado*, 329 Phil. 1057, 1068 (1996); *People v. Amoto*, 197 Phil. 37, 44 (1982); *People v. Braña*, 140 Phil. 668, 677 (1969); *People v. Guzman*, 107 Phil. 1122, 1127 (1960); and *People v. Quesada*, 62 Phil. 446, 450 (1935).

⁴⁰ As supported by her Birth Certificate presented and identified during trial. See *rollo*, p. 30.

⁴¹ *Id.* at 35–36.

⁴² *Id.*

⁴³ See *People v. Loreto*, *supra* note 37. See also *People v. Rendaje*, 398 Phil. 687, 703 (2000), citing *People v. Tortosa*, 391 Phil. 497, 507 (2000); *People v. Cupino*, 386 Phil. 23, 36 (2000); *People v. Caritativo*, 326 Phil. 1, 14 (1996); *US v. Estopia*, 28 Phil. 97, 100 (1914); *US v. Oro*, 19 Phil. 548, 554–555 (1911); and *US v. Vitug*, 17 Phil. 1, 20 (1910).

⁴⁴ See *People v. Kalipayan*, 824 Phil. 173, 191 (2018).

On the conviction of accused-appellant based on circumstantial evidence

In the present case, it is undisputed that no direct evidence was presented to link accused-appellant to Abegail's death. In fact, the RTC, as affirmed by the CA, convicted accused-appellant through circumstantial evidence.

It is elementary that the lack or absence of direct evidence does not necessarily mean that the guilt of the accused cannot be proved by evidence other than direct evidence. Direct evidence is not the sole means of establishing guilt beyond reasonable doubt, because circumstantial evidence, if sufficient, can supplant the absence of direct evidence.⁴⁵

In *People v. Matignas*,⁴⁶ Court iterated:

. . . . [T]here can be a verdict of conviction based on circumstantial evidence when the circumstances proved form an unbroken chain which leads to a fair and reasonable conclusion pinpointing the accused, to the exclusion of all the others, as the perpetrator of the crime. In order that circumstantial evidence may be sufficient to convict, the same must comply with these essential requisites, viz., (a) there is more than one circumstance; (b) the facts from which the inferences are derived are proven; and (c) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.⁴⁷

The Court now discusses the following circumstances, relied upon by the RTC and the CA, in concluding that accused-appellant killed Abegail:

- 1) Accused Rossano Samson y Tiongco executed a voluntary confession/extrajudicial statements. . . . This voluntary confession described in detail the manner of how he killed herein minor victim;
- 2) Atty. Mario M. Villegas, who assisted the accused in executing his voluntary confession, testified that he thoroughly explained to the

⁴⁵ *People v. Agan*, G.R. No. 243984, February 1, 2021, citing *People v. Lignes*, 874 Phil. 530, 540 (2020).

⁴⁶ 428 Phil. 834 (2002).

⁴⁷ *Id.* at 869-870, citing *People v. Malimit*, 332 Phil. 190, 203 (1996).

accused the consequences of his executing his voluntary confession. Notwithstanding, the accused told Atty. Mario M. Villegas that he was executing his voluntary confession because his conscience kept bothering him. In accused's own words, "Nakukunsensya na ako", which he kept on repeating. . . .;

- 3) When Jeremias Bernardo Dela Torre, father of the minor victim, passed by the accused at the side of the road before 7:00 p.m. of the date of the incident in question, Jeremias noticed that the accused was under the influence of liquor. This jibes with the fact found out by SPO3 Diaz from the neighbors of the accused and other participants in the drinking spree, that herein accused was a participant to that drinking spree. . . . This is also in synchrony with the testimony of the accused that he had a drinking spree with his neighbors on October 8, 2014 from 2:30 p.m. to 6:00 p.m. . . . and the admission made during cross-examination that he was still having hangover when he signed his voluntary confession;
- 4) When SPO3 Diaz and his group proceeded to the house of the father of the accused in Navotas (upon information given by the son of the accused to the police officers as to the whereabouts of the accused), the father of the accused seemingly knew what happened that's why he readily allowed the police officers to proceed to the second floor of his house where the accused was sleeping. . . .;
- 5) SPO3 Diaz was able to recover a plastic bead (palawit ng hikaw) . . . at the doorstep of the accused's house while they were talking with the son of the accused. The same plastic bead was identified by the father of the victim as belonging to the minor victim. . . .;
- 6) The manner of killing, as described by the accused in his voluntary confession jibes with the findings of Dra. Editha B. Martinez as to the cause of death of herein minor victim[;]
- 7) The crowbar used to hit the victim was recovered in the house of the accused-appellant;
- 8) During the investigation, the accused-appellant fled and went in hiding in his father's place in Navotas. Among those who had drinking spree in the neighborhood (in Bulacan) who were investigated, it was only the accused-appellant who left.⁴⁸

In the case, the pieces of circumstantial evidence presented by the prosecution, which were supported by the statements of the prosecution

⁴⁸ *Id.* at 22–23.

witnesses leading to the conclusion that accused-appellant killed Abegail, prevail over accused-appellant's bare denial and alibi. In particular, the following are undisputed: (1) accused-appellant was intoxicated before the authorities discovered the body of the victim; (2) both the plastic bead from the victim's earrings and the crowbar used to hit the victim were recovered from accused-appellant's house; and (3) accused-appellant fled to his father's house in Navotas, notwithstanding his earlier representation to the father of the victim that they have work the day following the day the victim was killed. These circumstances, when woven together, lead to a fair and reasonable conclusion pinpointing the accused-appellant, to the exclusion of all the others, as the person who killed the hapless Abegail.

On the other hand, the defense failed to substantiate his defense of alibi. There is no evidence that it was physically impossible for accused-appellant to be at the *locus delicti* or within its immediate vicinity at the time of the commission of the crime. The fact that he was at his father's house in Navotas when found by the police officers a day after Abegail's killing does not negate the possibility that he was present at the *locus criminis* and was the one who killed Abegail on that fateful night. His father's house in Navotas is only a few kilometers away and can be reached in an hour from the crime scene in Bulacan.

The Court has ruled that "alibi and denial, if not substantiated by clear and convincing evidence, are negative and self-serving evidence undeserving of weight in law."⁴⁹ The defense of denial and alibi should be considered with suspicion and always received with caution, not only because it is inherently weak and unreliable, but also because it is easily fabricated and concocted.⁵⁰

*People v. Moreno*⁵¹ further explains:

Denial is inherently a weak defense which cannot outweigh positive testimony. A categorical statement that has earmarks of truth prevails over a bare denial which can easily be fabricated and is inherently unreliable. For the defense of alibi to prosper, the accused must prove that he [or she] was at some other place at the time of the commission of the crime[,] and [that] it was physically impossible for him [or her] to be at the *locus delicti* or within its immediate vicinity. These requirements of time and place must be strictly met.⁵² (Citations

⁴⁹ *Gurro v. People*, 863 Phil. 512, 527 (2019), citing *People v. Anticamara*, 666 Phil. 484 (2011).

⁵⁰ *Artates v. People*, 872 Phil. 1045, 1059 (2020).

⁵¹ 872 Phil. 17 (2020).

⁵² *Id.* at 28.

omitted)

*On the admissibility of the
extrajudicial confession of
accused-appellant*

It is settled that for an extrajudicial confession to be admissible in evidence against the accused, the same “must be (a) voluntary, (b) made with the assistance of a competent and independent counsel, (c) express, and (d) in writing.”⁵³

Also, an extrajudicial confession to be acceptable must conform to constitutional requirements. To be valid, the confession must not be obtained in violation of the following rights: (1) right to remain silent; (2) to have independent and competent counsel preferably of his/her own choice; (3) to be provided with such counsel, if unable to secure one; (4) to be assisted by one in case of waiver, which should be in writing, of the foregoing; and (5) to be informed of all such rights and of the fact that anything he says can and will be used against him.⁵⁴

In the case, the Office of the Mayor of Norzagaray, Bulacan, requested the presence of Atty. Villegas, a lawyer from the Public Attorney’s Office, to assist accused-appellant.⁵⁵

During an exclusive meeting, Atty. Villegas made accused-appellant understand the gravity of the offense he committed and its corresponding penalty before the latter executed the subject extrajudicial confession.⁵⁶ He likewise made accused-appellant fully understand the consequences of the execution of the extrajudicial confession.⁵⁷ Thus, there is no doubt that Atty. Villegas, in assisting accused-appellant, was a competent and independent counsel within the contemplation of the law.

In addition to the above-mentioned guidelines, an extrajudicial confession may only be admitted in evidence when it also complies with

⁵³ *People v. Fernandez*, 826 Phil. 102, 113 (2018), citing *People v. Peñaflor*, 766 Phil. 484, 500 (2015).

⁵⁴ *People v. Agustin*, G.R. No. 247718, March 3, 2021.

⁵⁵ *Rollo*, pp. 17–18.

⁵⁶ *See* CA Decision, *id.* at 18.

⁵⁷ *Id.*

the requirements of Section 2 (d) of Republic Act No. 7438,⁵⁸ to wit:

(d) Any extrajudicial confession made by a person arrested, detained or under custodial investigation shall be in writing and signed by such person in the presence of his counsel or in the latter's absence, upon a valid waiver, and in the presence of any of the parents, elder brothers and sisters, his spouse, the municipal mayor, the municipal judge, district school supervisor, or priest or minister of the gospel as chosen by him; otherwise, such extrajudicial confession shall be inadmissible as evidence in any proceeding.

Here, accused-appellant's extrajudicial confession was *voluntary, express, made in writing*, and signed by accused-appellant in the presence and *with the assistance of a competent and independent counsel* in the person of Atty. Villegas, who made accused-appellant fully understand the gravity of the offense he committed and its corresponding penalty and explained to him the consequences of the execution of the extrajudicial confession. Thus, the Court holds that accused-appellant's extrajudicial confession is admissible, and its contents may be used against him.

Finally, the Court finds no ill motive that can be attributed to prosecution witnesses – SPO3 Diaz, Atty. Villegas, and Jeremias – for them to falsely testify against the accused-appellant. Ergo, no improper motive exists and that their statements are worthy of faith and credence.⁵⁹

As for the penalty and monetary awards, the Court modifies them to conform with *People v. Jugueta*.⁶⁰

In *Jugueta*, the Court discussed:

Again, for crimes where the imposable penalty is death in view of the attendance of an ordinary aggravating circumstance but due to the prohibition to impose the death penalty, the actual penalty imposed is *reclusion perpetua*, the latest jurisprudence pegs the amount of [PHP] 100,000.00 as civil indemnity and [PHP] 100,0000.00 as moral damages. For the qualifying aggravating circumstance and/or the ordinary aggravating circumstances present, the amount of [PHP] 100,000.00 is awarded as exemplary damages aside from civil

⁵⁸ An Act Defining Certain Rights of Person Arrested, Detained or Under Custodial Investigation as well as the Duties of the Arresting, Detaining and Investigating Officers, and Providing Penalties for Violations Thereof.

⁵⁹ *Gemenez v. People*, 872 Phil. 369, 383 (2020).

⁶⁰ 783 Phil. 806 (2016).

indemnity and moral damages. Regardless of the attendance of qualifying aggravating circumstance, the exemplary damages shall be fixed at [PHP] 100,000.00. “[T]his is not only a reaction to the apathetic societal perception of the penal law and the financial fluctuation over time, but also an expression of the displeasure of the Court over the incidence of heinous crimes. . . .

When the circumstances surrounding the crime call for the imposition of *reclusion perpetua* only, there being no ordinary aggravating circumstance, the Court rules that the proper amounts should be [PHP] 75,000.00 as civil indemnity, [PHP] 75,000.00 as moral damages and [PHP] 75,000.00 exemplary damages, regardless of the number of qualifying aggravating circumstances present.⁶¹ (Citations omitted)

As discussed, treachery already absorbed the circumstance of abuse of superior strength; hence, the latter should not be treated as an ordinary aggravating circumstance. Considering the absence of an ordinary aggravating circumstance, the proper penalty to be imposed is *reclusion perpetua* only and not death.

The Court stresses that accused-appellant is not eligible for parole considering that he is penalized with the indivisible penalty of *reclusion perpetua*. However, in accordance with A.M. No. 15-08-02-SC,⁶² entitled “Guidelines for the Proper Use of the Phrase ‘Without Eligibility for Parole’ in Indivisible Penalties” (Guidelines), there is no need to add the phrase “*without eligibility for parole*” considering that the imposition of death penalty is not warranted in the present case. Pertinent portions of the Guidelines read:

1. In cases where the death penalty is not warranted, there is no need to use the phrase “without eligibility of parole” to qualify the penalty of *reclusion perpetua*; it is understood that convicted persons penalized with an indivisible penalty are not eligible for parole; and

2. When circumstances are present warranting the imposition of the death penalty, but this penalty is not imposed because of Republic Act (R.A.) No. 9346, the qualification of without “eligibility of parole” shall be used to qualify *reclusion perpetua* in order to emphasize that the accused should have been sentenced to suffer the death penalty had it not been for R.A. No. 9346.⁶³

⁶¹ *Id.* at 839–840.

⁶² Approved on August 4, 2015.

⁶³ *People v. Gozo*, 836 Phil. 932, 945 (2018).

The Court also modifies and reduces the awards of civil indemnity, moral damages, and exemplary damages to PHP75,000.00 each to conform with the ruling in *Jugueta*.⁶⁴

Lastly, the Court affirms the award of actual damages in the amount of PHP 50,570.00 as this was adequately supported by evidence.⁶⁵ The imposition of legal interest at the rate of 6% per annum on all monetary awards from the finality of the decision until full payment is likewise proper.⁶⁶

ACCORDINGLY, the appeal is **DISMISSED**. The Decision dated April 19, 2022, of the Court of Appeals in CA-G.R. CR HC No. 14958 is **AFFIRMED** with **MODIFICATION**. Accused-appellant Rossano Samson y Tiongco is hereby found **GUILTY** of Murder under Article 248 of the Revised Penal Code in Criminal Case No. 4160-M-2014 filed with Branch 18, Regional Trial Court, Malolos City, Bulacan. He is sentenced to suffer the penalty of *reclusion perpetua* and is likewise **ORDERED** to pay the heirs of Abegail Tobias y Dela Torre the following:

1. PHP 75,000.00 as civil indemnity;
2. PHP 75,000.00 as moral damages;
3. PHP 75,000.00 as exemplary damages; and
4. PHP 50,570.00 as actual damages.

All monetary awards shall earn legal interest rate of 6% per annum from the date of the finality of this Decision until full payment.

SO ORDERED.


HENRI JEAN PAUL B. INTING
Associate Justice

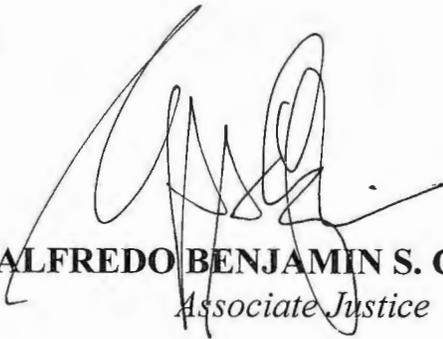
⁶⁴ *Supra* note 62, at 848.

⁶⁵ *Rollo*, p. 41.

⁶⁶ *People v. Pitulan*, 869 Phil. 177, 202 (2020).



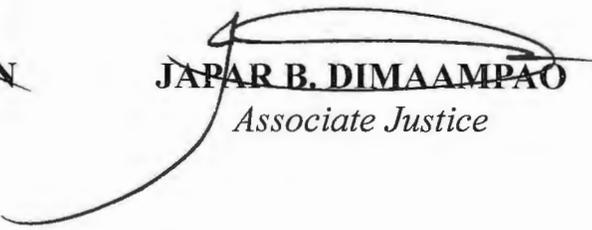
WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



SAMUEL H. GAERLAN
Associate Justice



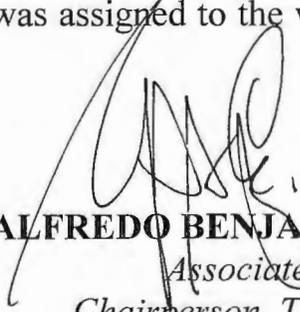
JAPAR B. DIMAAMPAO
Associate Justice



MARIA FILOMENA D. SINGH
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.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division



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

