



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-appellee,

G.R. No. 249832

Present:

GESMUNDO, C.J., *Chairperson,*
HERNANDO,*
LOPEZ, M.,**
ROSARIO, and
MARQUEZ, JJ.

- versus -

MONICO BADILLO,
Accused-appellant.

Promulgated:

NOV 13 2024

with file

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DECISION

ROSARIO, J.:

The case before the Court is an appeal¹ seeking to reverse the Decision² of the Court of Appeals (CA) which affirmed with modification, the conviction of accused-appellant Monico Badillo (Badillo) for homicide.

Antecedents

In an Information dated September 17, 2008, Badillo was charged with murder under Article 248 of the Revised Penal Code, the accusatory portion of which is reproduced as follows:

* On official business

** Designated as additional Member in lieu of J. Zalameda per Raffle dated August 17, 2022.

¹ *Rollo*, pp. 15–17.

² *Id.* at 3–14. The February 15, 2019 Decision in CA-G.R. CR-HC No. 09885 was penned by Associate Justice Rodil V. Zalameda and concurred in by Associate Justices Fernanda Lampas Peralta and Henri Jean Paul B. Inting (now a Member of the Court) of the Third Division, Court of Appeals, Manila.

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That on or about [September 14,] 2008, at more or less 7:12 [p.m.], at Barangay [San] Juan, municipality of Irosin, province of Sorsogon, Philippines, and within the jurisdiction of this Honorable Court, the above-named [Badillo], with treachery and evident premeditation, armed with a bladed instrument (knife) and with intent to kill, did then and there, willfully, unlawfully[,] and feloniously attack, assault, hack[,] and stab one Joseph Olbes, thereby inflicting upon the latter mortal injuries which caused his immediate death, to the damage and prejudice of his legal heirs.

CONTRARY TO LAW.³

On arraignment, Badillo entered a plea of not guilty. Thereafter, trial on the merits ensued.⁴

Version of the Prosecution

The prosecution presented three witnesses: Salvador Fernandez (Salvador), Jomel Escasinas (Jomel), and Marilou Olbes (Marilou).⁵ Their testimonies, as culled from the records, are summarized as follows:

On September 14, 2008 at around 7:12 p.m., Salvador was fishing at a creek at Hacienda Ortube, Irosin, Sorsogon. While there, he heard a loud noise coming from the house of Joseph Olbes (victim). He looked over the concrete fence towards the victim's kitchen and saw Badillo stabbing him several times on the upper portion of the stomach. The victim escaped and Badillo pursued him; but to no avail, since they headed towards different directions. He claimed that there was light emanating from the kitchen which allowed him to positively identify Badillo as the perpetrator.⁶

The same incident was corroborated by Jomel. On the evening of September 14, 2008, he went to the store to buy something. *En route*, he passed by Badillo who was at the gate of the victim's house. After leaving the store, he went home to have dinner. Later, while smoking outside his house, he saw Badillo holding a blood-stained knife leaving the victim's house. He got scared and went back inside his house, while Badillo fled. Although it was nighttime, he saw Badillo clearly because there was light near their house.⁷

Marilou, the victim's wife, testified that her husband was stabbed at Hacienda Ortube, San Juan, Irosin, Sorsogon on September 14, 2008. He was first brought to Irosin District Hospital for medical intervention and later transferred to Sordoc Hospital in Sorsogon, where he expired same day. Due

³ *Id.* at 4-5.

⁴ *Id.* at 5.

⁵ *CA rollo*, pp. 45-46.

⁶ *Id.* at 45.

⁷ *Id.* at 45-46.

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to her husband's untimely demise, Marilou hired the services of counsel for PHP 20,000.00 and PHP 1,000.00 as appearance fee per hearing.⁸

Dr. Maurice Ellison of Irosin District Hospital conducted a post-mortem examination on the victim, who determined his cause of death as follows:

....

Multiple Injuries sec. to Hacking/Stabbing

PCOD: Cardiorespiratory Failure sec. to Hypovolemic Shock
sec. to Exsanguination sec. to Multiple Injuries sec. to
Hacking/Stabbing⁹

....

Version of the Defense

Badillo interposed the defense of denial and alibi, which was corroborated by two other witnesses: Felipe Basig (Felipe) and Emilio Badillo (Emilio). Felipe, Emilio and Badillo are cousins.¹⁰

Their testimonies, as culled from the records, are summarized as follows:

From 2003 to 2006, Badillo resided in San Juan, Irosin, Sorsogon to work as a *copra* processor. However in 2006, he returned to Batuan, Masbate. Since then, he claimed that he never returned to visit or live in San Juan, Irosin, Sorsogon.¹¹

Badillo claimed that on September 14, 2008 at around 7:12 p.m., he was at their house in Batuan, Masbate assisting his daughter who required medical attention. He averred that the victim was not personally known to him and only learned of the crime when police officers from Irosin, Sorsogon went to Masbate to arrest him.¹²

Meanwhile, Felipe and Emilio recalled that they, along with Badillo, were at Emilio's house at Batuan on the date and time of the stabbing incident. They were having a conversation about their lives when Badillo arrived at around 5:00 p.m. and left at 7:00 p.m. On the part of Felipe, he learned that Badillo was charged of a crime when a *subpoena* was sent to Emilio, and the

⁸ *Id.*

⁹ *Rollo*, p. 6.

¹⁰ *CA rollo*, p. 49.

¹¹ *Rollo*, p. 6.

¹² *CA rollo*, p. 46.

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latter asked him to execute an affidavit relative to this case. On the part of Emilio, he confirmed that Badillo resided in Irosin in 2003 but returned to Batuan in March 2007. Such fact was known to him since their houses in Batuan were adjacent to each other.¹³

Proceedings in the RTC

On July 7, 2017, the RTC rendered a Decision¹⁴ finding Badillo guilty beyond reasonable doubt of murder, the dispositive portion of which reads:

WHEREFORE, premises considered, judgment is hereby rendered finding the accused **Monico Badillo GUILTY beyond reasonable doubt** of the crime of **Murder** punishable under Article 248 of the Revised Penal Code, as amended, for which he is hereby sentenced to suffer the single indivisible penalty of **RECLUSION PERPETUA** together with all the accessory penalties attached thereto, to indemnify the heirs of the deceased JOSEPH OLBES in the amount of [PHP 75,000.00] as civil indemnity for his death, [PHP 75,000.00] as moral damages, [PHP 20,000.00] as attorney's fees and [PHP 30,000.00] as exemplary damages and to pay the costs.

The preventive imprisonment already served by the accused shall be credited in the service of his sentence pursuant to the provision of Article 29 of the Revised Penal Code, amended.

SO ORDERED.¹⁵ (Emphasis in the original)

The RTC ruled that the prosecution witnesses, who had no improper motive to falsely impute a crime against Badillo, positively identified him as the perpetrator. In finding him culpable of the offense charged, the RTC only appreciated the qualifying circumstance of treachery. Despite being a frontal attack, it determined that the offense was attended by treachery as the stabbing blows made by Badillo on the unarmed victim were so sudden and unexpected that it would have been impossible for the latter to defend himself or retaliate. Meanwhile, the court viewed the defense witnesses' testimonies with skepticism, considering they were Badillo's cousins and characterized their testimonies as flimsy. Likewise, the RTC held that it was not physically impossible for Badillo to be present at the place of the crime, considering the availability of modes of transportation.¹⁶

¹³ *Id.* at 46-47.

¹⁴ *Id.* at 45-50. The July 7, 2017 Decision in Criminal Case No. 2099 was penned by Acting Presiding Judge Adolfo G. Fajardo of Branch 55, Regional Trial Court, Irosin, Sorsogon.

¹⁵ *Id.* at 50.

¹⁶ *Id.* at 48-49.

Proceedings in the CA

Aggrieved, Badillo, through the Public Attorney's Office, filed a Notice of Appeal.¹⁷

In his Appellant's Brief,¹⁸ Badillo asserted that the CA gravely erred in giving credence to the prosecution witnesses' incredible testimonies establishing the elements of the crime and disregarding his plausible defenses of denial and alibi. Moreover, Badillo insisted that neither treachery nor evident premeditation was established by the prosecution to qualify the victim's killing to murder. Notably, no evidence was adduced to support the conclusion that the victim's killer preconceived or deliberately adopted a mode of attack to ensure its commission.¹⁹

In their Appellee's Brief,²⁰ the People of the Philippines through the Office of the Solicitor General (OSG) maintained that all the elements of murder were established with moral certainty. Further, the findings of the trial court on the credibility of witnesses deserve great weight as it was in the best position to observe the witnesses' demeanor. Thus, absent any showing that the lower court's calibration was flawed, the appellate court is bound by its assessment. Finally, the OSG alleged that Badillo's unsubstantiated defenses of denial and alibi should not prosper.²¹

On February 15, 2019, the CA rendered the assailed Decision²² downgrading Badillo's offense from murder to homicide, the dispositive portion of which states:

WHEREFORE, premises considered, the instant Appeal is **DENIED**. Accordingly, the Decision dated [July 7, 2017] issued by Branch 55, Regional Trial Court of Irosin, Sorsogon, is hereby **AFFIRMED** with **MODIFICATION**, in that accused-appellant is merely found **GUILTY** beyond reasonable doubt of the crime of **HOMICIDE**, defined and penalized under Article 249 of the Revised Penal Code and sentenced to suffer the **penalty of imprisonment for an indeterminate period of [six years and one day] of prision mayor as minimum, to [14 years, eight months and one day] of reclusion temporal, as maximum.**

The monetary judgment shall earn legal interest at the rate of [6% per annum] from finality of the Decision until fully satisfied.

The assailed Decision is **AFFIRMED** in all other respects.

¹⁷ *Id.* 10–11.

¹⁸ *Id.* at 32–44.

¹⁹ *Id.* at 41–42.

²⁰ *Id.* at 56–71.

²¹ *Id.* at 67–68.

²² *Id.* at 3–14.

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SO ORDERED.²³ (Emphasis in the original)

The CA held that the categorical and positive identification by the prosecution witnesses of Badillo as the perpetrator prevails over his denial and alibi. However, absent any evidence showing that Badillo deliberately and consciously adopted a mode of attack rendering it impossible for the victim to retaliate or defend himself, the appellate court found Badillo liable for homicide only.²⁴

Proceedings Before the Court

Aggrieved, Badillo filed a Notice of Appeal.²⁵

In a Resolution²⁶ dated March 2, 2020, the Court required the parties to file their respective supplemental briefs, if they so desired.

Both parties filed their respective Manifestations dated September 16, 2020²⁷ and dated October 8, 2020,²⁸ stating that they are dispensing with the filing of supplemental briefs. Instead, they are adopting their briefs filed before the CA.

Essentially, the issues for resolution are:

First, whether the appellate court correctly sustained the findings of the RTC with regard to the latter's assessment of the testimonies of the prosecution and defense witnesses; and

Second, whether treachery attended the killing of the victim as to qualify the offense to murder.

Our Ruling

*Accused-appellant availed of
the wrong remedy*

As a preliminary matter, Badillo availed of the wrong remedy in questioning the assailed Decision.

²³ *Id.* at 13.

²⁴ *Id.* at 8–12.

²⁵ *Rollo*, pp. 15–17.

²⁶ *Id.* at 20–21.

²⁷ *Id.* at 22–26, Manifestation *in Lieu* of Supplemental Brief dated September 16, 2020.

²⁸ *Id.* at 27–29, Manifestation dated October 8, 2020.

As a general rule, appeals of criminal cases shall be brought to the Court by filing a petition for review on *certiorari* before it under Rule 45 of the Rules of Court,²⁹ except when the CA imposed the penalty of *reclusion perpetua*, life imprisonment or a lesser penalty, in which case, the appeal shall be made by a mere notice of appeal filed with the CA.³⁰

To recall, the CA downgraded Badillo's conviction from murder to homicide. Consequently, this resulted to a change of the imposed penalty from *reclusion perpetua* to *reclusion temporal*. Evidently, Badillo availed of the wrong remedy when he elevated his case to the Court through a Notice of Appeal.³¹ Nonetheless, in the interest of substantial justice, this Court shall treat the instant ordinary appeal as a petition for review on *certiorari* in order to resolve the substantive issues with finality.³²

On the merits, the Court affirms Badillo's conviction, with modifications.

As a general rule, a petition for review on *certiorari* under Rule 45 must only raise questions of law.³³ Questions of law refer to issues that can be determined without having to review or reevaluate the evidence on record.³⁴ Accordingly, the Court generally gives weight to the factual findings of the lower courts because of their unique opportunity to observe the demeanor of the witnesses on the stand and assess their testimony.³⁵

In criminal cases, however, the accused has the constitutional right to be presumed innocent until the contrary is proven. To establish guilt beyond reasonable doubt, courts must evaluate the evidence presented in relation to the elements of the crime charged. Thus, the finding of guilt is essentially a question of fact.³⁶ Considering that an appeal in a criminal case throws the whole case wide open for review, it becomes the duty of the Court to correct

²⁹ RULES OF COURT, Rule 122, sec. 3(e) reads:
Section 3. How appeal taken. —

....

(e) Except as provided in the last paragraph of Section 13, Rule 124, all other appeals to the Supreme Court shall be by petition for review on *certiorari* under Rule 45.

³⁰ RULES OF COURT, Rule 122, sec. 13 (c) reads:
Section 13. Certification or appeal of case to the Supreme Court. —

....

(c) In cases where the Court of Appeals imposes *reclusion perpetua*, life imprisonment or a lesser penalty, it shall render and enter judgment imposing such penalty. The judgment may be appealed to the Supreme Court by notice of appeal filed with the Court of Appeals.

³¹ *Rollo*, pp. 15–17.

³² *People v. Pagal*, 886 Phil. 570, 621 (2020) [Per J. Gesmundo, *En Banc*].

³³ *Lapi v. People*, 847 Phil. 38, 46 (2019) [Per J. Leonen, Third Division].

³⁴ *See id.*

³⁵ *See id.*

³⁶ *See id.*

such errors as may be found in the judgment appealed from, whether they are assigned as errors or not.³⁷

In the present case, there is no showing that the CA overlooked some material facts or committed any reversible error in their factual findings. However, in light of prevailing jurisprudence, the Court finds it proper to modify the amount of damages awarded.³⁸

The trial court's assessment of the credibility of a witness is accorded great weight

Badillo claims that the testimonies of the prosecution witnesses were inconsistent and implausible, which cast doubt on their veracity. In the case of Salvador, Badillo avers that he gave conflicting testimony as to the exact location where the victim was stabbed: whether the kitchen or the living room, and could not specify how many times the victim was stabbed.³⁹ With regard to Jomel, Badillo questions the latter's conduct of going home to eat dinner after allegedly witnessing the incident.⁴⁰ Finally, Badillo underscores that both witnesses delayed reporting the crime for almost two months, despite allegedly witnessing such gruesome act.⁴¹ In fine, he questions the credibility of the prosecution witnesses.

The Court is not persuaded.

In line with the principle that appellate courts generally do not interfere with the trial court's factual findings, it is also established that when the credibility of the witness is in question, appellate courts give due deference and respect to the trial court's assessment.⁴² This deference holds true unless it is shown that the trial court overlooked significant facts and circumstances what could have influenced the case's final outcome.⁴³ Indeed, "the matter of assigning values to declarations on the witness stand is best and most competently performed by the trial judge, who had the unmatched opportunity to observe the witnesses and to assess their credibility by the various indicia available but not reflected on the record."⁴⁴

³⁷ *Id.*

³⁸ *People v. Jugueta*, 783 Phil. 806 (2016) [Per J. Peralta, *En Banc*].

³⁹ CA rollo, p. 38.

⁴⁰ *Id.*

⁴¹ *Id.* at 39.

⁴² *People v. Credo*, 713 Phil. 438, 449 (2013) [Per J. Perez, Second Division].

⁴³ *Id.*

⁴⁴ *Id.*



A careful scrutiny of the records of the case reveals that there is no cogent reason to disturb the uniform conclusion of the RTC and CA that the testimonies of prosecution witnesses Salvador and Jomel were straightforward and worthy of belief.⁴⁵ Likewise considered by the CA is the fact that neither witnesses had a motive to falsely impute a crime against Badillo.⁴⁶ Certainly, when there is no evidence to show any improper motive on the part of the witnesses to falsely testify or pervert the truth, the logical conclusion is that no such motive exists. Their positive and categorical declarations on the witness stand under a solemn oath therefore deserve full faith and credence.⁴⁷

Under the attendant circumstances, the exact location in the house where the victim was stabbed and the total number of stab wounds are minor details which do not affect Salvador's credibility. We consider these to be collateral or trivial matters, which have no substantial effect on the nature of the offense. Although there may be inconsistencies in the testimonies of witnesses on minor details, they do not impair their credibility where there is consistency in relating the principal occurrence and positive identification of the assailant.⁴⁸ As regards Jomel, the records do not support Badillo's contention that he exhibited unusual conduct. To clarify, Jomel first saw Badillo at the front of the victim's house on the way to the store. After he returned home and had dinner, he went outside to smoke and saw Badillo for the second time, now fleeing the victim's residence with a blood-stained knife.⁴⁹

Finally, there is no correlation between the credibility of witnesses and their belated reporting to the authorities of a crime they had witnessed. It has been held that different people react differently to a given situation and there is no standard form of human behavioral response where one is confronted with a startling or frightful experience,⁵⁰ such as witnessing a crime. The natural reluctance of eyewitnesses to come to the open and get themselves involved in a criminal case is common and understandable, and has been judicially declared as not affecting credibility.⁵¹ In any case, a two-month delay is hardly an indicium of a concocted story.⁵²

⁴⁵ *Rollo*, p. 8.

⁴⁶ *Id.* at 9.

⁴⁷ *People v. Dorio*, 437 Phil. 201, 210 (2002) [Per J. Quisimbing, Second Division].

⁴⁸ *People v. Credo*, 713 Phil. 438, 453–454 (2013) [Per J. Perez, Second Division].

⁴⁹ *Rollo*, p. 5.

⁵⁰ *People v. Dorio*, 437 Phil. 201, 210 (2002) [Per J. Quisimbing, Second Division].

⁵¹ *Id.* at 209–210.

⁵² *CA rollo*, p. 39.

*Denial and alibi do not overcome
positive identification*

It is well settled that denial and alibi do not prevail over the positive identification of the accused by the State's witnesses who testify categorically and consistently, and who are bereft of any ill-motive against the accused.⁵³ "Denial, if not substantiated by clear and convincing evidence, is a negative and self-serving defense that carries no greater evidentiary value than the declaration of a credible witness upon affirmative matters."⁵⁴ As to the defense of alibi, the accused must prove not only that he or she was at some other place at the time the crime was committed, but that it was likewise physically impossible for him or her to be at the scene of the crime at the time thereof.⁵⁵ Physical impossibility refers to the distance between the place where the accused was when the crime transpired and the place where it was committed, as well as the facility of access between the two places.⁵⁶ Evidently, denial and alibi must be buttressed by strong evidence of non-culpability on the part of the accused to be credited.⁵⁷

In this case, Badillo only proffered bare denials and failed to establish the element of physical impossibility. As aptly observed by the lower courts, the availability and accessibility of transportation from Batuan, Masbate (where he claimed to have been a resident) to Bulan and from Bulan to Irosin, Sorsogon (where the crime was committed) and vice-versa, belie Badillo's claim that it was impossible for him to have been present at the *locus criminis*.⁵⁸ Likewise, the Court gives even less probative weight to a defense of alibi when it is corroborated by friends and relatives. To prosper, an alibi must be supported by credible corroboration from disinterested witnesses.⁵⁹ It must be recalled that the defense witnesses, Felipe and Emilio, are Badillo's cousins.⁶⁰

*The crime committed is homicide,
not murder*

In the Information, it was alleged that the killing of the victim was qualified by treachery and evident premeditation. However in convicting the Badillo of murder, the RTC only appreciated the presence of treachery.⁶¹ Thus, We will be focusing Our discussion on this aggravating circumstance.

⁵³ *People v. Petalino*, 840 Phil. 409, 417 (2018) [Per J. Bersamin, First Division].

⁵⁴ *Id.*

⁵⁵ *People v. Mon*, 843 Phil. 895, 905 (2018) [Per J. Caguioa, Second Division], citing *Pople v. Agcanas*, 674 Phil. 626, 632–633 (2015) [Per J. Sereno, *En Banc*].

⁵⁶ *Id.*

⁵⁷ See *People v. Petalino*, 840 Phil. 409, 417 (2018) [Per J. Bersamin, First Division].

⁵⁸ *Rollo*, pp. 9–10.

⁵⁹ *People v. Mon*, 843 Phil. 895, 908 (2018) [Per J. Caguioa, Second Division].

⁶⁰ *CA rollo*, p. 49.

⁶¹ *Id.* at 48.

The Court, in the case of *People v. Corpin*,⁶² explains this aggravating circumstance in this wise:

There is treachery when the offender commits any of the crimes against persons, employing means and methods or forms in the execution thereof which tend to directly and specially ensure its execution, without risk to himself [or herself] arising from the defense which the offended party might make. *To qualify an offense, the following conditions must exist: (1) the assailant employed means, methods or forms in the execution of the criminal act which give the person attacked no opportunity to defend himself [or herself] or to retaliate; and (2) said means, methods or forms of execution were deliberately or consciously adopted by the assailant.* The essence of treachery is the sudden and unexpected attack by an aggressor on unsuspecting [victims], depriving the latter of any chance to defend [themselves] and thereby ensuring its commission without risk [to themselves].⁶³ (Emphasis supplied, citations omitted)

In convicting Badillo of murder, the RTC determined that treachery was attendant based on the following factual circumstances, viz:

Taking advantage of the situation [the victim] was alone at his abode on that fateful day, the Court finds that [Badillo] had adopted a well-planned means to deliberately kill [the victim]. The stabbing blows made by the accused upon the victim causing him multiple injuries was so sudden and unexpected making it impossible for [the victim] to defend himself or even retaliate against the assailant.

....

Moreover, treachery is still present even in a frontal attack when it is sudden and the victim is unarmed.⁶⁴

However, it must be emphasized that standing alone, it is not enough that the attack was “sudden” and “unexpected” to constitute treachery.⁶⁵ Rather, there must also be a showing that the offender purposely adopted this particular mode of attack to insure its execution without risk to himself or herself,⁶⁶ which is utterly lacking in this case.

Here, none of the prosecution witnesses had seen how the assault had commenced. Salvador only witnessed the act of Badillo stabbing the victim.⁶⁷ There was no testimony on how the incident began or how the attack was carried out by Badillo. Likewise, Jomel only saw Badillo in front of the

⁶² *People v. Corpin*, 854 Phil. 516 (2019) [Per J. Caguioa, Second Division].

⁶³ *Id.* at 525–526.

⁶⁴ CA rollo, p. 48.

⁶⁵ See *People v. Corpin*, 854 Phil. 516, 526 (2019) [Per J. Caguioa, Second Division].

⁶⁶ *Id.*

⁶⁷ Rollo, p. 11.

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victim's house and later, leaving the latter's house holding a blood-stained knife.⁶⁸

In this regard, We agree with the CA that the prosecution failed to prove the presence of treachery.⁶⁹ In order to qualify the killing to murder, treachery must be proved by clear and convincing evidence or as conclusively as the killing itself.⁷⁰ Even where all indicia tend to support the conclusion that the attack was sudden and unexpected, yet no precise data on this point exists, treachery cannot be taken into account.⁷¹ The Court cannot simply assume that at its inception, the victim was unable to parry the attack as he or she was caught unaware. Neither can We conclusively state that there was no chance or opportunity for the victim to defend himself. Indeed, circumstances that qualify criminal responsibility cannot rest on mere conjecture, no matter how reasonable or probable, but must be based on facts of unquestionable existence.⁷² There being doubt as to the existence of treachery, the case should be resolved in Badillo's favor.

Penalty and award of damages

In the absence of the qualifying circumstance of treachery, the crime committed by Badillo is homicide. Article 249 of the Revised Penal Code, punishes homicide with *reclusion temporal*. Applying the Indeterminate Sentence Law, the minimum term should be within the range of the penalty next lower in degree than that prescribed by law for the offense, that is, *prision mayor* (i.e., from six years and one day to 12 years).⁷³ In the absence of any mitigating or aggravating circumstance, the maximum term should be taken within the range of *reclusion temporal* in its medium period (i.e., from 14 years, eight months, and one day to 17 years and four months).⁷⁴ Hence, the penalty imposed by the CA of six years and one day of *prision mayor*, as minimum, to 14 years, eight months and one day of *reclusion temporal*, as maximum, is within the foregoing range and should therefore, be affirmed.

In conformity with *People v. Jugueta*,⁷⁵ the Court deems it proper to modify the award of damages. The Court reduces the awards of civil indemnity and moral damages from PHP 75,000.00 to PHP 50,000.00 each. In addition, the Court imposes an award of temperate damages in the amount

⁶⁸ *Id.* at 5.

⁶⁹ *Id.* at 12.

⁷⁰ *People v. Panerio*, 823 Phil. 738, 749 (2018) [Per J. Martires, Third Division], citing *People v. Lopez*, 371 Phil. 852, 864 (1999) [Per J. Ynares-Santiago, *En Banc*].

⁷¹ *Id.* at 750, citing *People v. Silva*, 378 Phil. 1267, 1276 (1999) [Per J. Bellosillo, Second Division].

⁷² *Id.*

⁷³ *People v. Corpin*, 854 Phil. 516, 527–528 (2019) [Per J. Caguioa, Second Division]; *People v. Evasco*, 840 Phil. 612, 626 (2018) [Per J. Bersamin, First Division].

⁷⁴ *Id.*

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

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of PHP 50,000.00, in accordance with prevailing jurisprudence.⁷⁶ Under Article 2224 of the Civil Code, temperate damages may be recovered, as it cannot be denied that the heirs of the victim suffered pecuniary loss, i.e. funeral and burial expenses, although the exact amount was not proven.⁷⁷

However, the Court departs from the lower courts' rulings to award PHP 30,000.00 as exemplary damages.⁷⁸ Although such award is corrective in nature and may be given even in the absence of an aggravating circumstance,⁷⁹ the Court sees no reason for such award in this case.

Considering that the heirs of the victim sustained costs in prosecuting the case against Badillo,⁸⁰ the Court sustains the award of attorney's fees in the amount of PHP 20,000.00.⁸¹ Other than judicial costs, attorney's fees, in the concept of actual or compensatory damages, and expenses for litigation may be awarded under the circumstances enumerated under Article 2208 of the Civil Code. In the instant case, the Court finds that an award of attorney's fees is just and equitable under the attendant facts.⁸²

Lastly, all the amounts awarded shall earn interest of 6% per annum reckoned from the finality of this Decision until full settlement.⁸³

ACCORDINGLY, the appeal is **DISMISSED**. The Decision dated February 15, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 09885 is **AFFIRMED** with **MODIFICATIONS**. Accused-appellant Monico Badillo is **GUILTY** of homicide and is sentenced to suffer the indeterminate penalty of six years and one day of *prision mayor*, as minimum, to 14 years, eight months and one day of *reclusion temporal*, as maximum. He is **ORDERED** to pay the heirs of the victim PHP 50,000.00 each as civil indemnity, moral damages, and temperate damages. He is also **ORDERED** to pay

⁷⁶ *Id.*; *People v. Corpin*, 854 Phil. 516, 528 (2019) [Per J. Caguioa, Second Division].

⁷⁷ *People v. Jugueta*, 783 Phil. 806, 846-847 (2016) [Per J. Peralta, *En Banc*].

⁷⁸ *Rollo*, p. 13; *CA rollo*, p. 50.

⁷⁹ *People v. Panerio*, 823 Phil. 738, 751 (2018) [Per J. Martires, Third Division], citing *People v. Ronquillo*, 818 Phil. 641, 653-654 (2017) [Per J. Martires, Third Division].

⁸⁰ *See People v. Moreno*, 872 Phil. 17, 37 (2020) [Per J. Hernando, Second Division].

⁸¹ *Rollo*, p. 13; *CA rollo*, pp. 49-50.

⁸² *See People v. Sanota*, 867 Phil. 806, 823 (2019) [Per C.J. Peralta, First Division]; *See also* CIVIL CODE, art. 2208 states:

ARTICLE 2208 In the absence of stipulation, attorney's fees and expenses of litigation, other than judicial costs, cannot be recovered, except:

....
(11) In any other case where the court deems it just and equitable that attorney's fees and expenses of litigation should be recovered.

In all cases, the attorney's fees and expenses of litigation must be reasonable.

⁸³ *People v. Evasco*, 839 Phil. 612, 626 (2018) [Per J. Bersamin, First Division].

PHP 20,000.00 as attorney's fees and costs of suit. Lastly, the award for exemplary damages is **DELETED**.

All damages awarded shall earn a 6% interest per annum from the finality of this Decision until full payment.

SO ORDERED.


RICARDO R. ROSARIO
Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice

On official business
RAMON PAUL L. HERNANDO
Associate Justice


MARION LOPEZ
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 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.


ALEXANDER G. GESMUNDO
Chief Justice