



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated July 15, 2020 which reads as follows:*

**“G.R. No. 227752 – PEOPLE OF THE PHILIPPINES vs. GERRY PADRONIA Y ROMANO, JOEMARIE PADRONIA Y ROMANO, JOHN DOE (AT LARGE) AND PETER DOE (AT LARGE)”**

**The Case**

This appeal assails the Decision<sup>1</sup> dated June 17, 2016 of the Court of Appeals in CA-G.R. CR HC No. 01694 affirming with modification the trial court’s verdict of conviction for murder against appellants Gerry Padronia y Romano and Joemarie Padronia y Romano.

**The Proceedings before the Trial Court**

***The Charge***

By Information<sup>2</sup> dated June 26, 2001, appellants together with two (2) others were charged with murder for the death of Manuel Regalado, thus:

The undersigned Provincial Prosecutor accuses Gerry Padronia, Joemarie Padronia, “John Doe” (at-large) and “Peter Doe” (at-large) of the crime of Murder (Art. 248 as amended by Sec. 6, R.A. 7659), committed as follows:

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<sup>1</sup> Penned by Associate Justice Gabriel T. Robeniol with the concurrences of Associate Justices Pamela Ann Abella Maxino and Pablito A. Perez, all members of the Twentieth Division, *rollo*, pp. 4-19.

<sup>2</sup> Record, p. 1.

That on or about the 17<sup>th</sup> day of May, 2001, in the Municipality of Manapla, Province of Negros Occidental, Philippines, and within the jurisdiction of this Honorable Court, the first two above-named accused, in company of other co-accused, whose true names are still unknown and herein designated only as “John Doe” and “Peter Doe”, who are both still at-large, with the use of high caliber guns, with evident premeditation and treachery, conspiring, confederating and helping each other and with intent to kill, did then and there, willfully, unlawfully and feloniously attack, assault and shoot one MANUEL REGALADO, thereby inflicting upon the body of the latter multiple gunshot wounds which caused his death.

CONTRARY TO LAW.<sup>3</sup>

The case was raffled to the Regional Trial Court (RTC) – Branch 40, Silay City, Negros Occidental.<sup>4</sup> Only appellants were arrested while the two (2) other unnamed accused remained at large.

On arraignment, both appellants pleaded not guilty.<sup>5</sup> Trial ensued.

Auxillador Regalado, Silangan Dela Cruz, Julio Beñabon, Freda Regalado, and Municipal Health Officer Dr. Edbert F. Jayme testified for the prosecution.<sup>6</sup> On the other hand, appellants, Rodolfo Villaruel, and Jasmine Laniohan testified for the defense.<sup>7</sup>

### ***The Prosecution's Version***

**Auxillador Regalado** testified that on May 17, 2001, around 7:30 in the evening, he was having dinner with his father Manuel Regalado and their helpers Eric dela Cruz and Silangan dela Cruz. They were at their rest house inside a compound in Hacienda Marianne, Barangay San Pablo, Manapla, Negros Occidental. While eating, Silangan went outside to buy softdrinks at the *sari-sari* store.<sup>8</sup>

Thereafter, two (2) men wearing bonnets and carrying long firearms barged into the rest house through the back door. They pointed their rifles at him (Auxillador), Manuel, and Eric and told them to kneel down. Terrified, the three (3) acceded.<sup>9</sup>

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<sup>3</sup> *Id.*

<sup>4</sup> CA *rollo*, p. 48.

<sup>5</sup> Certificate of Arraignment dated November 16, 2001, record, p. 47.

<sup>6</sup> See Formal Offer of Evidence dated November 20, 2005, *id.* at 205-209.

<sup>7</sup> See RTC Decision dated January 20, 2013, CA *rollo*, pp. 48-64.

<sup>8</sup> TSN, April 19, 2002, pp. 1-26; See also TSN, November 28, 2003, pp. 4-5.

<sup>9</sup> TSN, April 19, 2002, pp. 1-26; See also TSN, July 21, 2002, pp. 28-34.

Although the two (2) men were wearing bonnets, he recognized them as appellants Gerry Padronia and Joemarie Padronia since they left their eyes, nose, and mouth exposed.<sup>10</sup> He, too, recognized appellants through their voices, body built, and mannerisms. He had known them for almost (10) years since they were his father's former workers also lived in Hacienda Marianne, just outside the compound.<sup>11</sup>

Gerry brought him to his room to get his cellphone. After which, Gerry directed him to kneel down again beside Manuel and Eric. Thereafter, both appellants dragged Manuel around three (3) meters away and asked him "*Who are you relying on!*". Then, they mercilessly shot Manuel while he was kneeling down. He saw his own father fall on the ground, but this did not stop appellants from continuously firing at Manuel.<sup>12</sup> He fled to save himself and managed to seek help from Julio Beñabon.<sup>13</sup>

**Silangan** corroborated Auxillador's testimony. She testified that upon her return from the *sari-sari* store, she got shocked to see two (2) armed men inside the compound. One (1) of them pointed a gun at her and prevented her from entering the rest house. Suddenly, the man walked away after his companion told him to go. Silangan took the opportunity to sneak out and seek help from their neighbors. Thereafter, she heard gunshots fired in rapid succession.<sup>14</sup>

Silangan saw appellants fleeing from the back door of the compound. She recognized appellants because she had known them since childhood; they were her neighbors in Hacienda Marianne.

After seeing the appellants flee, she immediately asked her husband and son-in-law to look for Manuel inside the compound. There, they saw the lifeless body of Manuel at the back of the rest house lying face down on the ground.<sup>15</sup>

**Julio Beñabon**, who was living just outside the compound, was on his way home for dinner when he heard successive gunshots, prompting him to hurry inside his house. Thereafter, he saw Auxillador running toward his house. Auxillador hugged him and told him his father was dead. They went inside the compound to check on

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<sup>10</sup> TSN, November 8, 2002, pp. 19-20.

<sup>11</sup> TSN, April 19, 2002, pp. 1-26; See also TSN, July 21, 2002, pp. 28-34.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> TSN, November 28, 2003, pp. 3-15.

<sup>15</sup> *Id.*

Manuel whose lifeless body was underneath the jackfruit tree. They brought the body of Manuel to a funeral parlor in Hacienda Yning, Barangay San Pablo.<sup>16</sup>

He went back home around 11:20 that evening. He sat on a bamboo bench before entering his house. He lived right across Gerry's house so from where he was seated, he was able to hear Gerry and his wife Maymay argue that night. He heard Maymay saying, "*Indi kamo konsensyahon nga guin patay nyo guid?*" (*Why did you kill that person? Are you not bothered by your conscience?*). He knew it was Maymay's voice since he was familiar with it.<sup>17</sup>

On May 18, 2001, Municipal Health Officer **Dr. Edbert F. Jayme** conducted a post-mortem examination on the body of Manuel. Dr. Jayme found that Manuel sustained the following wounds:

1. 1.5 cm. gunshot wound point of entry at (L) posterior iliac area with contusion collar beneath the wound.
2. 1 cm. gunshot wound point of entry at (L) lumbar area with contusion collar beneath the wound.
3. 0.5 cm. gunshot wound point of entry at (L) mid scapular line thoracic area.
4. 0.7 cm. gunshot wound point of entry at (L) posterior axillary line thoracic level.
5. 0.7 cm. gunshot wound point of entry at (L) para vertebral area T8.
6. 0.7 cm. gunshot wound point of entry at (L) para vertebral area T9.
7. 0.7 cm. gunshot wound point of entry at (L) para vertebral area thoracic level.
8. 2x2 cm. and 2.8x1.2 cm. gunshot wound point of exit at (L) clavicular area.
9. 0.6 cm. gunshot wound point of entry at (L) 3<sup>rd</sup> intercostal space anterior axillary line.
10. 0.7 cm. gunshot wound point of entry at lateral aspect middle 3<sup>rd</sup> (L) arm with 2.4 cm. gunshot wound point of exit at medial aspect middle 3<sup>rd</sup> (L) arm and 1.7x2 cm. at (L) mid axillary line.
11. 0.7 cm. gunshot wound at (L) lateral iliac area.
12. 1.2 x 0.5 cm. gunshot wound point of exit at (L) 5<sup>th</sup> intercostal space, para sternal line.
13. 7 x 7 cm. abrasion with contusion at (L) lower abdomen.
14. 0.6 cm. gunshot wound point of entry at anterior aspect distal 3<sup>rd</sup> (L) thigh.
15. 14 x 4.5 cm. gunshot wound at medial aspect middle 3<sup>rd</sup> (L) thigh.

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<sup>16</sup> TSN, December 10, 2004, pp. 8-9.

<sup>17</sup> TSN, March 11, 2005, pp. 16-20.

16. 2.2 cm. gunshot wound point of exit at medial aspect proximal 3<sup>rd</sup> (L) thigh.<sup>18</sup>

Dr. Jayme concluded that Manuel's cause of death was hypovolemia secondary to multiple gunshot wounds. He observed that possibly two (2) persons were involved since there were two (2) kinds of weapon used in inflicting the sixteen (16) gunshot wounds. Based on the sizes of the wounds, the assailants used two (2) kinds of armalite rifle. Wound numbers four (4) and seven (7) had the same diameter while wound numbers one (1) and two (2) were bigger. He also noted that only wound number nine (9) was inflicted frontally while all other fifteen (15) wounds were inflicted at the back. The absence of powder burns on the body of Manuel indicated that the assailants were probably more than four (4) yards from the victim when he was shot.<sup>19</sup>

**Freda Regalado**, Manuel's wife, believed that the attack against her husband was motivated by a land dispute. Appellants occupied and cultivated portions of Hacienda Marianne despite Manuel's protests. The dispute resulted in a proceeding before the barangay and the filing of a complaint against appellants for forcible entry.<sup>20</sup>

### *The Defense's Version*

**Gerry** testified that he was Manuel's overseer from 1992 to 1997 and his lessee in 2001. On May 17, 2001, from 7:30 to 10 o'clock in the morning, he worked at his farm in Hacienda Des de Maria, Barangay San Pablo, Manapla, Negros Occidental. Around 2 o'clock in the afternoon, he went to his brother Joemarie's house to get the money for the trucking fee. Around 6 o'clock in the evening, he went home. His house was about fifteen (15) meters away from Manuel's compound.<sup>21</sup>

Around 7 o'clock in the evening, he was having dinner with his wife when they heard two (2) gunshots coming from Manuel's garage. They stayed in the house for fear of getting shot. A few minutes later, he saw three (3) armed men in fatigue uniform running alongside his house. The following day, he learned that Manuel was shot dead.<sup>22</sup>

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<sup>18</sup> Certificate of Post-Mortem Examination dated May 18, 2001; record, pp. 7-8.

<sup>19</sup> TSN, March 26, 2004, pp. 6-13.

<sup>20</sup> TSN, August 12, 2005, pp. 3-4.

<sup>21</sup> TSN, October 15, 2009, pp. 4-18.

<sup>22</sup> *Id.*

**Rodolfo Villaruel** corroborated Gerry's alibi. On May 17, 2001, around 7 o'clock in the evening, he was at Gerry's house to borrow money. They had dinner together. While eating, they heard gunshots coming from Manuel's compound. Rodolfo immediately ran toward the compound and saw eight (8) armed men. They ordered him to lay on the ground.<sup>23</sup> Rodolfo identified one (1) of the armed men to be Ronnie Ricaña alias "Dodong," a member of a rebel group.<sup>24</sup>

**Joemarie Padronia**, on the other hand, asserted that on May 17, 2001, around 3 o'clock in the afternoon, he went home with his wife after doing errands in Victoria's Milling Company and Manapla Public Market. His house was about five hundred (500) meters away from Manuel's compound.<sup>25</sup> At 7 o'clock in the evening, while having dinner with his family and in-laws, they heard several gunshots a few meters away from their house. The next day, he heard that Manuel got killed.<sup>26</sup>

**Jasmine Laniohan** corroborated Joemarie's testimony. On May 17, 2001, she was at Joemarie's house together with twenty (20) of Joemarie's other employees to collect their wages from working in the sugar field. Joemarie arrived around 5 o'clock in the afternoon and finished giving out their wages around 6:30 in the evening. Some of her companions left while three (3) of them stayed because Joemarie invited them for dinner. They ate around 7 o'clock in the evening and left about an hour later. Joemarie, his wife, and five (5) children were there during dinner. In the morning, she heard that Manuel was killed.<sup>27</sup>

Jasmine admitted though that Joemarie's wife approached her to testify in favor of her husband.<sup>28</sup>

### **The Trial Court's Ruling**

By Decision<sup>29</sup> dated January 20, 2013, the trial court found appellants guilty as charged, viz.:

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<sup>23</sup> TSN, August 13, 2009, pp. 12-17.

<sup>24</sup> *Id.* at 18-25.

<sup>25</sup> TSN, April 8, 2010, p. 12.

<sup>26</sup> *Id.* at 11-13.

<sup>27</sup> TSN, July 18, 2008, pp. 10-11.

<sup>28</sup> TSN, November 14, 2008, p. 5.

<sup>29</sup> Penned by Judge Dyna Doll Chiongson-Trocio, CA *rollo*, pp. 48-64.

**WHEREFORE**, in view of the foregoing considerations, judgment is hereby rendered finding the accused Joemarie Padronia and Gerry Padronia GUILTY beyond reasonable doubt of the crime of murder, and the Court hereby sentences them to suffer the indivisible prison term of reclusion perpetua; to solidarily pay the heirs of Manuel Regalado the amount of 50,000.00 as civil indemnity ex-delicto; moral damages in the amount of 50,000.00; exemplary damages in the amount of 30,000.00; and temperate damages in the amount of 30,000.00.

SO ORDERED.<sup>30</sup>

The trial court found that the prosecution duly established the identities of appellants as the two (2) armed men who acted in conspiracy to enter the compound and shoot Manuel. It did not give credence to appellants' defenses of denial and alibi. Too, treachery qualified the killing to murder.<sup>31</sup>

### **The Proceedings before the Court of Appeals**

On appeal, both appellants faulted the trial court for rendering a verdict of conviction despite the alleged failure of the prosecution to properly identify them as Manuel's assailants: Auxillador initially testified that he was only able to recognize appellants through their voices, body built, and mannerisms because they were wearing bonnets, but on cross, Auxillador claimed that appellants' faces were not entirely covered. More, treachery could not have attended the killing since it was committed inside Manuel's compound where a substantial number of people including his son were present.<sup>32</sup>

The People, through the Office of the Solicitor General (OSG) defended the verdict of conviction and countered that the prosecution had established that appellants shot Manuel to death, the killing was attended with treachery, and it was not physically impossible for appellants to be at the *locus criminis* when the shooting incident occurred.<sup>33</sup>

### **The Court of Appeals' Ruling**

By Decision<sup>34</sup> dated June 17, 2016, the Court of Appeals affirmed with modification, thus:

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<sup>30</sup> *Id.* at 64.

<sup>31</sup> *Id.* at 48-64.

<sup>32</sup> Brief for the Accused-Appellants dated February 19, 2014; *id.* at 34-45.

<sup>33</sup> Brief for the Appellee dated June 27, 2014; *id.* at 73-87.

<sup>34</sup> Penned by Associate Justice Gabriel T. Robeniol with the concurrences of Associate Justices Pamela Ann Abella Maxino and Pablito A. Perez, *id.* at 4-19.

**WHEREFORE**, premises considered, the instant appeal is **DENIED**. The assailed 20 January 2013 *Decision* of the Regional Trial Court, Branch 40, of Silay City in Criminal Case No. 4876-40 is **AFFIRMED WITH MODIFICATIONS**. Accused-appellants Gerry and Joemarie Padronia are hereby sentenced to suffer the penalty of *reclusion perpetua* and ordered to pay the heirs of victim Manuel Regalado the amounts of:

1. PhP75,000.00 as civil indemnity;
2. PhP75,000.00 as moral damages;
3. PhP30,000.00 as exemplary damages; and
4. PhP25,000.00 as temperate damages.

All monetary awards for damages shall earn interest at the legal rate of 6% per annum from date of finality of this Decision until fully paid.

**SO ORDERED.**<sup>35</sup>

The Court of Appeals upheld the credibility of the prosecution's witnesses and found the eyewitness accounts of Auxillador and Silangan sufficient to sustain appellants' conviction for the murder of Manuel. Their positive identification of appellants prevailed over the latter's defenses of denial and alibi.<sup>36</sup> At any rate, appellants failed to prove that it was physically impossible for them to have committed the crime.

The Court of Appeals, too, agreed with the trial court that treachery attended the killing. Appellants' unexpected attack on Manuel left him with no chance to defend himself. Auxillador and Eric could not have helped Manuel since they were also held at gunpoint.<sup>37</sup>

### **The Present Appeal**

Appellants now seek affirmative relief from the Court and pray anew for their acquittal.

In compliance with the Resolution<sup>38</sup> dated March 13, 2017, both the OSG and appellant manifested<sup>39</sup> that in lieu of supplemental briefs, they were adopting their respective briefs before the Court of Appeals.

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<sup>35</sup> *Id.* at 18.

<sup>36</sup> *Id.* at 4-19.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.* at 26-27.

<sup>39</sup> Plaintiff-Appellee's Manifestation dated June 16, 2017, *id.* at 28-32 and Accused-Appellants' Manifestation dated July 18, 2017, *id.* at 35-38.

**Issue**

Did the Court of Appeals err in affirming appellants' conviction for murder?

**Ruling**

The appeal is denied.

It is settled that when the issue of credibility of witnesses is involved, the trial court's factual findings thereon are binding and conclusive upon this Court, especially when affirmed by the Court of Appeals.<sup>40</sup> These factual findings will not be disturbed on appeal unless some facts or circumstances of weight have been overlooked, misapprehended, or misinterpreted so as to materially affect the disposition of the case.<sup>41</sup>

Here, appellants failed to show that the trial court overlooked or misunderstood any facts of substance which would have materially affected the outcome of their case. The collective testimonies of the prosecution witnesses were straightforward, positive, and credible, in contrast to appellants' denial and alibi.

Auxillador positively identified that appellants were responsible for his father's death. During his testimony, Auxillador narrated how he was able to recognize appellants, thus:

**Direct examination**

Q Please tell the Honorable Court, what happened?

A While [my father and I] were having our supper, there were two armed men entered our house.

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Q Did you recognize or know those two persons who were carrying those rifles?

A Yes.

Q Who were they?

A **Gerry Padronia and Joemarie Padronia.**

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<sup>40</sup> *People v. Regaspi*, 768 Phil. 593, 598 (2015).

<sup>41</sup> *People v. Aquino*, 385 Phil. 887, 903 (2000); *People v. Ratunil*, 390 Phil. 218, 228 (2000).

Q By the way, how long have you known these Gerry Padronia and Joemarie Padronia?

A **Quite a long time, around 8 to 10 years.**

Q Why? Where do these two people reside?

A **They were both residents of [Hacienda Marianne].**

Q So right in that very same hacienda where you have your compound and where you were having your dinner?

A **Yes.**<sup>42</sup>

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Q Now, Mr. Regalado, by the way, these two accused Gerry Padronia and Joemarie Padronia whom you know very well were they wearing anything to hide their identities?

A Yes. They used [bonnets] because they thought they will not be recognized but unfortunately, I knew them and our workers in the compound because **we knew them for almost 10 years.**

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Q Now, I am calling your attention to Question No. 08 in your Affidavit already marked as Exh. "B". You were asked [this] question: "How could you identify the suspects as Gerry Padronia and Joemarie Padronia if they wore a ski mask? Answer: **Because of their voice, body built, and mannerism were very familiar to me because I knew them for approximately ten (10) years more or less,**" do you confirm the truth of your statement in your affidavit?

A **Yes.**<sup>43</sup>

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[Cross-examination]

Q Are you sure about that you were able to see the faces of these two persons?

A **Yes, Sir**

Q Despite the fact that they were wearing a bonnet or ski mask?

A **Yes, Sir.**

Q **In fact, you will agree with me that in this bonnet or ski mask, only the eyes can be seen, is that correct?**

A **No. The bonnet they were wearing were covering the side of their faces.**

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<sup>42</sup> TSN, April 19, 2002, pp. 7-9.

<sup>43</sup> TSN, June 21, 2002, pp. 30-31.

## INTERPRETER

**The witness demonstrating the eyes, the nose, and the mouth can be seen.**<sup>44</sup>

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**Q So, it is not because you saw the eyes, the nose, the lips, and the face of these two persons [who] entered your compound and killed your father on that date and night that you can identify them but because it was their voice, their body built, and mannerism, is that correct, Mr. Witness?**

**A That includes everything because I knew them.**<sup>45</sup>  
(emphases added)

Silangan corroborated Auxillador's testimony in this wise:

**Q So, these two persons you identified as Gerry Padronia and Joemarie Padronia, do you know if they are related to each other?**

**A They are brothers.**

**Q These two brothers you identified as Gerry Padronia and Joemarie Padronia according to you were the ones who shot Manuel Regalado?**

**A Yes, Sir.**

**Q By the way, how long have you known the accused Gerry Padronia?**

**A I knew him very long time ago since he was a child.**

**Q And the same is [true] with the other accused Joemarie Padronia?**

**A Yes, Sir.**

**Q Now, after these two accused shot Manuel Regalado, what did they do?**

**A They went out.**

**Q Where did they pass in going out?**

**A At the back of the compound?**<sup>46</sup> (emphases added)

In *People v. Osianas*,<sup>47</sup> the Court decreed that once a person has gained familiarity with another, identification becomes quite an easy task. The recognition of a person's voice and his physical built are sufficient and acceptable means of identification. More so, when the

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<sup>44</sup> TSN, November 8, 2002, pp. 19-20.

<sup>45</sup> *Id.* at 21.

<sup>46</sup> TSN, November 28, 2003, pp. 11-12.

<sup>47</sup> 588 Phil. 615 (2008).

witness and the accused had known each other personally and closely for a number of years.

Here, though appellants were wearing bonnets, Auxillador was able to recognize them through their voices, body built, and mannerisms. He was very familiar with the appellants' physical appearance and voices since they were his father's workers for almost ten (10) years. Appellants also lived in Hacienda Marianne, just outside his father's compound. His declaration on cross that he recognized appellants because their eyes, noses, and mouths were peeking through their bonnets does not negate his prior testimony, but rather strengthens if not supplements the same.

Too, Auxillador's identification was corroborated by Silangan's categorical testimony that she saw appellants fleeing from the back door of the compound right after the rapid gunshots. Silangan was familiar with appellants as they all reside in Hacienda Marianne. In fact, she knew them since childhood.

Indeed, it was effortless for Auxillador and Silangan to identify appellants because of their close familiarity to the latter. They were neighbors and appellants had been known to them for about a decade. Undoubtedly, the trial court and Court of Appeals correctly gave credence to Auxillador and Silangan's eyewitness accounts which positively identified appellants as the two (2) men who ruthlessly killed Manuel.

We now reckon with appellants' denial and alibi. The Court has invariably held that both denial and alibi are inherently weak defenses which cannot prevail over the positive and credible testimony of the prosecution witness that the accused committed the crime. Thus, between a categorical testimony which has a ring of truth on one hand, and a mere denial on the other, the former must generally prevail.<sup>48</sup>

Further, the Court has consistently enunciated that for alibi to prosper it is not enough for appellant to prove that he was somewhere else when the crime was committed; he must likewise demonstrate that it was physically impossible for him to have been at the scene of the crime at the time of its commission.<sup>49</sup>

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<sup>48</sup> *People v. Batalla*, G.R. No. 234323, January 07, 2019.

<sup>49</sup> *People v. Matunhay*, 628 Phil. 208, 218 (2010).



Here, appellants fell short in demonstrating their physical impossibility to be at the *locus criminis*. Based on their testimonies, they were in their respective houses when the shooting incident happened. Both houses, however, were just a few meters away from Manuel's compound. Gerry admitted that his house was only fifteen (15) meters away from Manuel's compound while Joemarie's house was about five hundred (500) meters far.<sup>50</sup> Thus, being just a few minute walk away from the crime scene, it was not physically impossible for appellants to have authored the crime.

Appellants also question the trial court's appreciation of treachery. They argue that the killing was committed inside Manuel's compound where there were people present (*i.e.* his son and helpers) to come to his defense.

We are not persuaded.

Treachery is present "when the offender commits any of the crimes against person, employing means, methods, or forms in the execution thereof which tend directly and specially to ensure its execution, without risk to himself arising from the defense which the offended party might make."<sup>51</sup> The essence of treachery is a deliberate and sudden attack, offering an unarmed and unsuspecting victim no chance to resist or to escape.<sup>52</sup>

Here, Manuel, Auxillador and Eric were eating dinner when appellants barged in from the back door of the compound with high-powered guns in tow. The three (3) of them, were unarmed while appellants pointed their rifles at them and ordered them to kneel down. In such a vulnerable position, they were defenseless and retaliation would have been futile. Then appellants shot Manuel from behind, peppering his body with sixteen (16) bullets.

Clearly, appellants purposely sought this method to end Manuel's life without risk to themselves. They deprived not only Manuel but also Auxillador and Eric the opportunity to defend, retaliate, or even escape from their sudden attack. Indubitably, treachery qualified the cold-blooded killing of Manuel to murder.

In *People v. Arguelles*,<sup>53</sup> the Court appreciated treachery when the victim was shot at the back making him helpless and consequently not given the chance to defend himself from his ferocious assailant.

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<sup>50</sup> *Rollo*, pp. 4-19.

<sup>51</sup> REVISED PENAL CODE, Article 14, paragraph 16.

<sup>52</sup> *People v. Rebucan*, 670 Phil. 363 (2011).

<sup>53</sup> *People v. Arguelles*, 294 Phil. 188, 194 (1993).

So must it be.

### Penalty and Damages

Under Article 248 of the Revised Penal Code, murder is punishable by *reclusion perpetua* to death. There being no aggravating circumstance here, both the trial court and the Court of Appeals correctly sentenced appellants to *reclusion perpetua*.<sup>54</sup>

Pursuant to prevailing jurisprudence<sup>55</sup> the Court of Appeals correctly increased the award of civil indemnity and moral damages from ₱50,000.00 to ₱75,000.00 each. As for the award of exemplary damages, the same should be increased from ₱30,000.00 to ₱75,000.00.<sup>56</sup>

Further, *People v. Pigar*<sup>57</sup> decreed that when no documentary evidence of burial or funeral expenses is presented in court, the amount of ₱50,000.00 as temperate damages shall be awarded. Thus, the grant of temperate damages should be increased from ₱25,000.00 to ₱50,000.00.

Lastly, all monetary awards shall earn interest of six percent (6%) *per annum* from finality of this resolution until fully paid.<sup>58</sup>

**ACCORDINGLY**, the appeal is **DENIED**. The Decision dated June 17, 2016 of the Court of Appeals in CA-G.R. CR HC No. 01694 is **AFFIRMED with MODIFICATION**.

Appellants **GERRY PADRONIA y ROMANO** and **JOEMARIE PADRONIA y ROMANO** are guilty of **MURDER** and sentenced to *reclusion perpetua*. They are required to pay the heirs of **MANUEL REGALADO** civil indemnity of ₱75,000.00, moral damages of ₱75,000.00, exemplary damages of ₱75,000.00, and temperate damages of ₱50,000.00. These amounts shall earn six percent (6%) interest *per annum* from finality of this Resolution until fully paid.

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<sup>54</sup> *People v. Batulan*, G.R. No. 216936, July 29, 2019.

<sup>55</sup> *People v. Batulan*, supra; citing *People v. Jugueta*, 783 Phil. 806, 848 (2016).

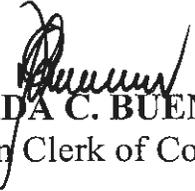
<sup>56</sup> *People v. Jugueta*, 783 Phil. 806, 848 (2016).

<sup>57</sup> *People v. Pigar*, G.R. No. 247658, February 17, 2020 citing *People v. Jugueta*, 783 Phil. 806, 848 (2016) and *People v. Gervero*, G.R. No. 206725, July 11, 2018.

<sup>58</sup> *People v. Batulan*, supra.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *mwl/m*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
**100**

The Solicitor General  
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1229 Makati City

Court of Appeals  
6000 Cebu City  
(CA-G.R. CR HC No. 01694)

The Hon. Presiding Judge  
Regional Trial Court, Branch 40  
Silay City, 6116 Negros Occidental  
(Crim. Case No. 4876-40)

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Messrs. Gerry R. Padronia and  
Joemarie R. Padronia  
Accused-Appellants  
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The Director General  
Bureau of Corrections  
1770 Muntinlupa City

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