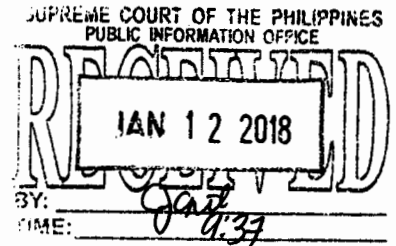




Republic of the Philippines
Supreme Court
 Manila



FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 216940

- versus -

Present:

SERENO, *C.J., Chairperson,*
 LEONARDO-DE CASTRO,
 DEL CASTILLO,
 TIJAM, *and*
 GESMUNDO, * *JJ.*

ROGELIO N. POLANGCUS,
Accused-Appellant.

Promulgated:
DEC 13 2017

X-----X

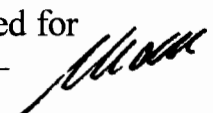
DECISION

DEL CASTILLO, J.:

This is an appeal from the October 29, 2014 Decision¹ of the Court of Appeals (CA) in CA-G.R. CEB C.R. H.C. No. 01727, the dispositive portion of which states —

WHEREFORE, this appeal is DENIED. The Decision dated July 31, 2013 of the Regional Trial Court (RTC), Branch 14 of Baybay City, Leyte in Crim. Case No. B-10-09-102 for Murder is AFFIRMED with MODIFICATION only in the award of damages. Aside from the Php75,000.00 awarded by the trial court, accused-appellant is likewise directed to pay the heirs of the victim the following amounts: Php50,000.00 as moral damages; Php30,000.00 as exemplary damages and temperate damages of Php25,000.00

SO ORDERED.²

On August 18, 2010, the appellant Rogelio N. Polangcus was indicted for murder, the accusatory portion of the Information³ filed therefor, alleging — 

* Designated as additional member per October 18, 2017 raffle vice J. Jardeleza who recused from the case due to prior participation as Solicitor General.

¹ CA *rollo*, pp. 110-118; penned by Associate Justice Ramon Paul L. Hernando and concurred in by Associate Justices Ma. Luisa C. Quijano-Padilla and Marie Christine Azcarraga-Jacob.

² Id. at 117.

³ Records, p. 1.

That on or about the 9th day of June, 2010, in the Municipality of Albuera, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with deliberate intent to kill and with treachery, did then and there willfully, unlawfully and feloniously assault and shoot Ruperto Huerta y Real with the use of a hand gun, which accused provided [himself] for the purpose, thereby hitting and inflicting upon said Ruperto Huerta y Real gunshot entrance wound thru and thru at the left lumbar area and an exit wound at the abdomen epigastric area which were the direct and immediate cause of his death, to the damage and prejudice of the heirs of the victim.

CONTRARY TO LAW.

This Information was docketed as Criminal Case No. B-10-09-102 of Branch 14 of the Regional Trial Court (RTC) of Baybay, Leyte.

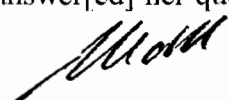
Arraigned thereon, the appellant assisted by counsel, pleaded Not Guilty.

After the mandatory pre-trial conference, trial on the merits ensued. The RTC summed up the Government's case against the appellant in this wise —

PROSECUTION EVIDENCE

The first witness for [the] prosecution is the widow of the victim in the person of Bibiana Porlas Huerta. x x x [S]he testified that at around 7:00 o'clock in the morning of June 9, 2010, while she was inside their house cooking, she heard a gun [shot] and immediately x x x went out of the house and proceeded to the waiting shed. [W]hen she reached the waiting shed, she saw her husband [and] inquired what had happened to him but the latter could no longer answer. [Police officers were already there, and she was told to bring her husband to the hospital as he [had] still a pulse beat. But she did not go to the hospital with the police officers.] She further testified that she was told by her husband while the latter was still alive that [he had a] misunderstanding with the accused regarding a chainsaw which he got from the accused. To prove the civil liability of the accused, she testified that her husband was earning Seven Hundred (₱700.00) a month as compensation for his sugarcane work and 15 sacks of palay every harvest.

On [cross-examination], she testified that the waiting shed is just across their house, and at around 7:00 o'clock in the evening of June 9, 2010, x x x while her husband together with their sons Ronald and Fernando were in the waiting shed, she heard a gun [shot] x x x and immediately x x x went outside to verify. And when she proceeded to the place she saw her son Ronald already helping her husband, while her other son Fernando was no longer in the place. She further testified that her husband x x x no longer answer[ed] her question regarding the identity of the person who shot him.



x x x [T]he prosecution [also] presented PO1 Emmanuel Dico y Talua [who] testified that [at] around 7:00 o'clock in the evening of June 9, 2010, the Police Office of Albuera, Leyte received a request for police assistance as there was a shooting incident in Sitio Magbangon, Brgy. Tinag-an, Albuera, Leyte. That a team of police officers [led] by their Chief of Police proceeded to the scene of the incident, and when they arrived there, they saw the victim [whom] they recognized as Ruperto Huerta lying on the ground, who was shot from behind. Also present [there] were the sons of the victim. He further testified that they brought the victim to the Ormoc Hospital, but [that he] was declared dead on arrival. According to him their Chief of Police recovered [a] bull cap as well as fan knife in the crime scene.

He further narrated that [on] the following day[,] June 10, 2009, they [received] information that somebody was admitted [into the] Western Leyte Hospital. In that instance, they proceeded to the hospital [together] with Fernando Huerta x x x to identify the person[. Fernando Huerta] identified [the accused] as the person who committed the crime. x x x [S]ubsequently, [the] accused was subjected to paraffin test, after which the latter was brought again to the hospital for confinement.

[During] cross-[examination], he testified that [a] bull cap and [a] fan [knife] were recovered by their team in the scene of the crime x x x. He also testified that it was in the Baybay Hospital that [the] accused was identified as the perpetrator of the crime by the son of the victim, and [that the] accused was brought to Camp Downes, Ormoc City for paraffin testing. According to him, he does not know the name of the accused but he knew the description and identity.

The prosecution¹'s x x x third witness [was] PO3 Noel O. Aranas. In his direct examination, [this witness] testified that [on] the evening of June 9, 2010, x x x they received a request for police assistance regarding a shooting incident that transpired at Sitio Magbangon, Brgy. Tinag-an, Albuera, Leyte. Their Chief of Police together with PO1 Dico and SPO2 Carisma and himself proceeded to the place. When they arrived [there], they saw the victim lying on the ground with gunshot wound at the back. Also in the scene of the crime are the sons of the victim. He further testified that they conducted an investigation, and that they [came] to know the identity of the perpetrator as Rogelio Polangcos. Their team [also] found [a] bull cap and a fan knife in the scene of the crime. The following day, they found the accused in the Western Leyte Hospital and they arrested [him]. The accused was identified by Fernando Huerta[,] the son of the victim. After the accused was arrested, the latter was brought to Camp Downes for paraffin test, and after one week they learned that the accused was positive [for] powder burn.

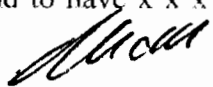
In his cross-[examination], he testified that it was PO1 Dico who received the report regarding the shooting incident. That after [this] they boarded x x x the patrol car driven by SPO2 Carisma with their Chief of Police, himself[,] and PO1 Dico. According to him, he does not know how PO1 Dico recovered the bull cap and the fan [knife]. He also testified that an investigation was conducted in the waiting shed where the shooting took place. He narrated that the identity of the accused was known to them, and x x x the following day that they recognized the accused in the

hospital. The son of [the] victim[,] Fernando Huerta[,] told them that he was able to [stab] the accused, but they were never told if [Fernando Huerta could] distinguish the accused by any other means.

The fourth witness for the prosecution is the son of the victim, Fernando Porlas Huerta. x x x [H]e testified that [at] around 7:00 o'clock in the evening of June 9, 2010, his father Ruperto Huerta, his brother Ronald and himself were in the waiting shed of Sitio Tinag-an, Albuera, Leyte which is across their house. All of them were facing [toward] the road. While there, he heard a gun burst, and his father complained x x x "Nak I was hit". That he immediately focus[ed] his attention [on] the direction of the sugarcane plantation where the gun burst emanated, and he saw a man wearing a cap with white stripes and an army jacket. When he saw the man who shot his father, he immediately took the knife from his father and chased the man. He further narrated that he was able to overtake the man in the sugar plantation, and the latter shot him, but the gun malfunctioned[,] so he x x x stabbed the man, and subsequently they grappled [for] possession of the firearm[;] however, he was unable to [wrest possession of] the firearm [from the accused] because the [latter had] a companion. He further narrated that he ran back to the place where his father was shot, and he saw his father lying on the ground, already dead. In that instance police officers arrived, and there he was investigated. His father was brought to the hospital in Ormoc City. The following day he was in the Police Office of Albuera, Leyte and he came to know the name of the accused as Perio. That he went to the hospital in Baybay together with the police and identified the accused who was then [confirmed] as the person who shot his father. That the person whom he identified as the killer of his father was still wearing the same army jacket that he wore during the incident.

On cross-[examination], he testified that while he, his brother and father were in the waiting shed, they were facing the road, and x x x their back was towards the plantation. That the sugarcane plantation [had] many plants which are taller than a man, and there it was dark as it is already 7:00 o'clock in the evening. He further narrated that he saw a man wearing a hat despite the fact that it was dark, [because] when the gun burst there was light which illuminated the face of the man. That he chased the man [towards] the middle of the sugarcane plantation, and in that place there was no light, but he was able to see the face of the man because they [were facing] each other. He further narrated that before June 9, 2010, he had not seen the accused, and he is not familiar [with] the [face] of the accused. In the hospital it was the police officers who [initially] identified the accused.
x x x

The fifth witness for the prosecution is [P/SInsp.] Benjamin Cruto. During his direct testimony he testified that he conducted a paraffin test examinations on June 10, 2010 at his Office on a certain person by [the] name of Rogelio Polangcus as per request of the Albuera Police Office. That the examination yielded positive result. The right hand of he accused [was] found to have x x x powder residue while the left hand was found negative.⁴



⁴ Id. at 167-170.

The appellant interposed the defense of alibi and insisted that he had nothing to do with the death or slaying of the victim that fateful day of June 9, 2010. The RTC summarized the appellant's testimony, thus —

DEFENSE EVIDENCE

The defense presented **its only** witness in the person of the accused. In the course of his direct testimony he testified that he has been residing for more than fifteen (15) years in Sitio Wangag, Albuera, Leyte before his detention. That he does not know the victim in this case. He further narrated that on 9th of June 2010, he passed by Brgy. [Tinag-an,] Albuera, Leyte x x x. On 9th day of June 2010, he was in Brgy. Antipolo, sawing coco lumber, with his helpers Junilo Ando, Jessie Wenceslao and Ojing Garcia. Brgy. Antipolo is more or less two (2) kilometers away from Brgy. Tinag-an. While [there], he slid down x x x the mountain and x x x was wounded on the left side of his body. At around 9:00 o'clock of that day he was brought by his wife to [the] Western Leyte Provincial Hospital. The following day, June 10, 2010, at round 9 o'clock in the morning policemen arrived and [brought] him to the police station. x x x

On cross-[examination,] he testified that in going to Brgy. Tinag-an, he would pass by x x x Brgy. [Antipolo,] but in going to his house, he would not pass [by] Brgy. Tinag-an, and x x x would [instead] take a [shorter] route in Brgy. Salvacion. When [he] reached x x x Brgy. Salvacion, he would [ride] a habal-habal to his house. He further testified that he was confined at the Western Leyte Provincial Hospital at around 9:00 o'clock in the evening of June 9, 2010, and the following day at around 10:00 o'clock [in the morning] he was arrested by policemen. That he was not issued a Medical Certificate. He sustained [his] wound while x x x sawing the coco lumber. In the hospital it was the police officers who pointed to him as the person who killed the victim. That he x x x submitted [to] paraffin testing but he does not know the results.

On clarificatory questioning by the Court, the accused testified that he sustained [his] injury at around 2:00 o'clock in the afternoon of June 9, 2010, and he was brought to the hospital at around 9:00 o'clock in the evening of the same day. According to him he arrived in his house at around 5:00 o'clock in the afternoon in Brgy. Damulaan, Albuera, Leyte. He proceeded to [the] Western Leyte Provincial Hospital at around 8:00 o'clock in the evening. He did not immediately decide to submit himself [to] medical treatment as his wife was still looking for money. He further narrated that he does not know the person of Ruperto Huerta and [there was] no occasion [when] he had met the [latter]. When he was pinpointed as the assailant he protested but the police officers insisted [on bringing] him out of the hospital, despite the admonition of the doctor that he should not be discharged. Subsequently, he was brought to [the] Albuera Police Station[,] after which he was brought to [the] OGH. He further told the Court that he x x x no longer pass[ed] by Brgy. Tinag-an, Albuera, Leyte[,] but [that] instead he pass[ed] by another shorter route.



After the testimony of the accused, the defense rested its case.⁵

Against the foregoing backdrop, the RTC made the following findings —

FINDINGS AND RULINGS

Culled from the [evidence] presented by the prosecution and the defense, the following facts emerged:

‘That at around 7:30 o’clock in the evening of June 9, 2010, while the victim Ruperto Huerta and his sons Fernando and Ronan where in the waiting shed of Brgy. Tinag-an, Albuera, Leyte, he was shot at the back; that the shot emanated from [the] sugarcane plantation; that in that instance, Fernando Huerta, immediately looked to the direction where the gun burst emanated, and he saw a person with a bull cap colored black with white stripes, and wearing an army jacket; that [he] immediately took the knife of his father and chased the person; that when Fernando Huerta overtook the person they have a face to face encounter; that the latter attempted to [shoot] him but the firearm malfunctioned, and subsequently, they grappled for the possession of the gun, but he retreated because the person had companions; that in the course of their encounter Fernando Huerta was able to stab the person; that the victim was brought to the hospital but [he] was pronounced dead on arrival; that at about 9:00 o’clock in the same evening the accused went to Western Leyte District Hospital for treatment of his injury, and the following day he was identified in the hospital by x x x Fernando Huerta as the person responsible [for] killing his father; that the accused was the same person Fernando Huerta met face to face in the sugarcane plantation; that in the same day June 10, 2010, the accused was submitted for paraffin test and was found positive for the presence of gun powder burn on his right hand.’

In all criminal prosecutions, the State has the onus to prove the guilt of the accused beyond x x x doubt. Failure on the part of the prosecution to adduce the required quantum of proof, the accused is entitled to acquittal as a matter of right. However, the foremost obligation of the prosecution is to establish the identity of the accused x x x beyond reasonable [doubt]. Where the evidence of the prosecution is unsatisfactory, and the identification of the accused is not reliable while the defense of alibi is adequately proved, the accused should be acquitted x x x.

In this case at bar, this Court is confronted with a scenario where the identity of the perpetrator of the crime should be scrutinized with such certainty and caution as not to send the wrong person to the penitentiary

⁵ Id. at 170-171.



for the most of his life. The prosecution evidence revealed inter alia that the accused [was] identified by Fernando Huerta, when the latter [focused] his attention to the portion of the sugarcane plantation when he heard the gun burst. In his testimony [this] witness admitted that it was 7:00 o'clock in evening and it was already dark, but because of the light that emanated from the firearm, he was able to recognize the accused as the person who assaulted his father. The prosecution further impressed [upon] the Court that [this] witness had a face to face encounter with the accused in the middle of the sugarcane plantation where the witness was able to stab the accused. According to the prosecution, the accused was wearing an army jacket and a bull cap colored black with white stripes. When the accused was identified in the hospital he was still wearing the same army jacket.

Anent the identification of the accused, the High Court adopted the so-called Totality of Circumstances Test on the admissibility and reliability of out-of-court identification of suspects, which utilizes the following factors, viz[.]:

- (1) The witness¹'s opportunity to view the criminal at the time of the crime;
- (2) The witness's degree of attention at that time;
- (3) The accuracy of any prior description given by the witness;
- (4) The level of certainty demonstrated by the witness at the identification;
- (5) The length of time between the crime and the identification;
- (6) The suggestiveness of the identification procedure x x x.

Applying the foregoing factors in this case at bar, this Court is convinced that the prosecution was able to sufficiently establish the identity of the accused. The face to face encounter of the witness Fernando Huerta with the accused immediately after the commission of the crime, is more than sufficient evidence to establish that the accused is the perpetrator of the crime. The fact that the accused is not known to x x x Fernando Huerta, and that the latter does not know the name of the former is of no moment. Those matters are not essential elements in proving the commission of the crime of murder. By human experience, the witness who had a close encounter with the accused could not be mistaken about the latter's identity despite the fact that they are not familiar with each other. In this case, it is worthy to note that the accused was still wearing his army jacket in the hospital when he was identified. The defense capitalized on the darkness of the night to negate the identity of the accused as perpetrator of the crime. However, the close encounter of the witness with the accused [with whom he fought] allows the former to have [a] close look on the latter, and his observations on the identity of the accused cannot be set aside.

As the identity of the accused is now a settled issue, it is incumbent to determine his criminal liability. From the evidence presented and proffered by the prosecution, there is no doubt that the accused perpetrated the killing of the victim with alevosia. The victim Ruperto Huerta was facing the road at the time of the shooting, while his back was exposed absolutely to his attacker without any opportunity to defend himself. The attack was so sudden and perpetrated in such a manner as to afford impunity to the attacker arising from any defense that the victim might



make. The essence of treachery is the sudden, unexpected, and unforeseen attack on the person of the victim, without the slightest provocation on the part of the latter. x x x Otherwise stated, there is treachery when the following conditions concur: (a) the employment of means of execution that gives the person attacked no opportunity to defend himself or to retaliate, and (b) the means of execution was deliberately or consciously adopted. x x x The cited elements exist in this case. As treachery attended the killing of the victim, the accused is liable for [murder];

x x x x

Furthermore, the defense of alibi interposed by the accused does not [deserve] any merit. His assertions as to his whereabouts on June 9, 2010, uncorroborated by any testimony from the persons whom he alleged [to be] his companions, as well as the fact that he proffered no convincing explanation as to the cause of the injury he sustained on June 9, 2010, failed to cast any doubt on his guilt. Instead it buttressed the evidence of the prosecution. He failed to show to this Court that it would be physically impossible for him to be in the locus criminis at the time of the commission of the crime. In fact, he could easily [navigate the distance between] Brgy. [Antipolo] to [Brgy.] Tinag-an, which distance is not more than two (2) kilometers.

While this Court is not unmindful of the right of the accused to be presumed innocent, however, it cannot disregard the evidence of the prosecution that established his guilt beyond reasonable doubt. No doubts linger [about] the guilt of the accused. The prosecution successfully traversed the wall of presumption of innocence, that will result [in] the conviction of the accused.

As the accused is [criminally] liable, he should [also] be held civilly liable in accordance with Article 100 of the Revised Penal Code. As the prosecution had not established by preponderance of evidence the other civil liabilities of the accused, this Court cannot award any other damages except civil indemnity in the amount of Php75,000.00.⁶

The RTC thereafter disposed as follows —

WHEREFORE, PREMISES CONSIDERED, this Court finds the accused guilty beyond reasonable doubt of the crime charged, and hereby sentences him to suffer the penalty of reclusion perpetua.

Accused [is] ordered to indemnify the heirs of the victim the amount of Php75,000.00

SO ORDERED.⁷



⁶ Id. at 171-174.

⁷ Id. at 174.

From this judgment, the appellant appealed to the CA, and in support of his appeal assigned two errors alleged to have been committed by the RTC, to wit —

(I) The [RTC] erred in finding that prosecution witness Fernando Huerta has positively identified appellant as the perpetrator of the crime x x x.

(II) The [RTC] erred in convicting the accused-appellant of the crime charged[, notwithstanding] the failure of the prosecution to prove his guilt beyond reasonable doubt.⁸

The CA however, rejected the appeal, and upheld the RTC's findings and conclusions relative to the criminal liability of the appellant. It even upgraded the awards for civil liability against the latter. The CA adverted to the following findings of the RTC —

Accused-appellant insists that the evidence presented by the prosecution did not suffice to establish the fact that he is the perpetrator and author of the crime. He capitalizes on the circumstance that the crime was committed at nighttime where no light illuminated the area. Moreover, the identification of his person was very suggestive as it was the police who presented him to Fernando Huerta for identification. In effect, the initial identification made in the hospital pointing to him as the assailant of the victim came from the police and even the manner of his identification was highly unprocedural since he was alone when 'identified' and was not placed in a line-up.

We are not persuaded.

Contrary to appellant's assertions, the evidence on record discloses that prosecution witness Fernando Huerta, the son of the victim, was able to see appellant sufficient enough to identify him. Stress is given that the victim and his sons were in the waiting shed. When the gunburst sounded off, Fernando Huerta immediately looked behind and towards the direction of the source of the gunburst. Immediately, he got the knife of his father and took off towards the assailant, whom he stabbed. He could have fought more with the assailant, if not for the other person whom he assumed to be acting as back-up of the accused-appellant. During the investigation conducted by the police, he described the physical features of the assailant and gave the added information that said assailant was wearing a fatigue or military-type jacket and a bull cap, aside from sustaining the stab wound he inflicted. This description led to the identification of the accused-appellant as the assailant. Additionally, accused-appellant tested positive for the presence of nitrates on his right hand, which fact he failed to adequately explain as to why he had these on his hand.



⁸ CA rollo, p. 53.

Records likewise disclose that treachery attended the commission of the crime. The attack made by accused-appellant towards the victim was without warning since the former fired at the latter from the back, which attack was obviously deliberate and precise enough, affording no chance for the victim to resist or escape.

We also find it incongruous that the private complainants will charge accused-appellant with the crime of *Murder* if he was not the real perpetrator. Fernando Huerta would not positively identify him as the assailant of his father, if such had not been the truth, and allow the real perpetrator to go scot free. We also find appellant's alibi to be not worthy of credence particularly since x x x he was not able to sufficiently explain the cause of the wound he suffered, which cause was the reason why he was in the hospital. He also stated in court his alleged 'helpers' in cutting coconut lumber who could have corroborated his testimony on his alleged whereabouts, but he opted not to present them. As it stands, the positive identification of his person by Fernando Huerta will point to no other culprit but him.

Ergo, We find no reversible error in the judgment handed down by the trial court in convicting the accused-appellant with murder. However, as pointed out by the OSG, aside from the Php75,000.00 civil indemnity, it failed to award the other monetary consideration associated with being found guilty of the crime of murder. On this score, since the evidence disclosed that the heirs of the victim testified as to their grief over his death, on how they tried to revive the victim by bringing him to the hospital, and that they incurred expenses during his internment, We deem it proper to modify the award of damages. Consistent with jurisprudence, the accused-appellant is also directed to pay the heirs of the victim the following amounts: Php50,000.00 as moral damages Php30,000.00 as exemplary damages and temperate damages as Php25,000.00.⁹

The CA thereafter decreed —

WHEREFORE, this appeal is DENIED. The Decision dated July 31, 2013 of the Regional Trial Court (RTC), Branch 14 of Baybay City, Leyte in Crim. Case No. B-10-09-102 for Murder is AFFIRMED with MODIFICATION only in the award of damages. Aside from the Php75,000.00 awarded by the trial court, accused-appellant is likewise directed to pay the heirs of the victim the following amounts: Php50,000.00 as moral damages; Php30,000.00 as exemplary damages and temperate damages of Php25,000.00.

SO ORDERED.¹⁰

Still unwilling to accept the CA's Decision, the appellant has instituted the present recourse. 

⁹ Id. at 115-117.


¹⁰ Id. at 117.

We find no merit in the present appeal.

We have carefully reviewed the evidence on record, and we are satisfied that the findings of facts of both the RTC and the CA are thoroughly supported by the evidence on record. Both courts are in agreement that the appellant had been positively identified by prosecution witness Fernando Porlas Huerta (Fernando), a son of the victim, who testified that he in fact had a face-to-face confrontation or meeting with the appellant at the sugarcane plantation in Brgy. Tinag-an, Albuera, Leyte, that very evening of June 9, 2010; that this face-to-face encounter or meeting occurred after he saw the burst of gunfire that caused his father to fall on the ground while his father, his other brother and he were at the waiting shed that early evening of June 9, 2010; that armed with his father's knife, he went after a man wearing a hat and an army jacket and who was the source of the gunfire; that when he caught up with him, he stabbed the man with his father's knife there at the sugarcane plantation; that the appellant attempted to shoot him (witness Fernando) but the appellant's gun malfunctioned, and they grappled for possession of the gun; and, that he did not press his attack against the appellant when he noticed that the latter had a companion nearby.

All told, the CA's Decision is in accord with the evidence on record and with the law. However, there is a need to modify the damages awarded to conform with prevailing jurisprudence. Appellant is ordered to pay the heirs of the victim ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱75,000.00 as exemplary damages, and ₱50,000.00 as temperate damages in lieu of actual damages.¹¹ In addition, interest at the rate of 6% *per annum* is imposed on all damages awarded.¹²

WHEREFORE, the appeal is **DISMISSED**. The October 29, 2014 Decision of the Court of Appeals in CA-G.R. CEB C.R. H.C. No. 01727 finding appellant Rogelio N. Polangcus guilty beyond reasonable doubt of the crime of murder and sentencing him to suffer the penalty of *reclusion perpetua* is hereby **AFFIRMED with MODIFICATIONS** that appellant is ordered to pay the heirs of the victim the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱75,000.00 as exemplary damages, and ₱50,000.00 as temperate damages, in lieu of actual damages, all with interest at the rate of 6% *per annum* from finality of this Decision until fully paid.




¹¹ See *People v. Juguetia*, G.R. No. 202124, April 5, 2016, 788 SCRA 331, 373, 382.


¹² *Id.* at 390-391.

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson



TERESITA J. LEONARDO-DE CASTRO
Associate Justice


NOEL GIMENEZ TIJAM
Associate Justice


ALEXANDER G. GESMUNDO
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII 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.


MARIA LOURDES P. A. SERENO
Chief Justice