



SUPREME COURT OF THE PHILIPPINES  
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**Republic of the Philippines  
Supreme Court  
Manila**

**SECOND DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
Plaintiff-Appellee,

**G.R. No. 232070**

- versus -

**Present:**

CARPIO, *Chairperson,*  
CAGUIOA,  
REYES, J., JR.  
LAZARO-JAVIER, and  
ZALAMEDA, *JJ*

**ROMEO WELBAR PADAL, JR.,  
REYNAN PADAL AND TWO (2)  
OTHER JOHN DOES,**  
Accused-Appellants.

**Promulgated:**

**02 OCT 2019**

*[Signature]*

X-----X

**DECISION**

**LAZARO-JAVIER, J.:**

**The Case**

This appeal assails the Decision<sup>1</sup> dated March 10, 2017 of the Court of Appeals in CA-G.R. CR HC No. 01391-MIN entitled "*People of the Philippines v. Romeo Welbar Padal, Jr., Reynan Padal and Two (2) other John*

<sup>1</sup> Penned by Associate Justice Oscar V. Badelles and concurred in by Associate Justices Romulo V. Borja and Ronaldo B. Martin, all members of the Twenty-First Division, *Rollo*, pp. 3-15.

*[Handwritten mark]*

*Does*,” affirming the trial court’s verdict of conviction<sup>2</sup> against appellants Romeo Padal, Jr., Reynan Padal, and two (2) other John Does for murder.

### **The Proceedings before the Trial Court**

#### ***The Charge***

By Amended Information dated June 3, 2009, appellants were charged with the murder of Ragnel Salcedo Laguardia, *viz*:

That on or about December 31, 2007, in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-mentioned Romeo Welbar Padal, Jr., conspiring, and confederating with his co-accused Reynan Padal and two (2) John Does whose identities are yet to be known, armed with a knife and a gun, by means of a motor vehicle and with intent to kill, willfully, unlawfully and feloniously attacked, assaulted, stabbed with the said knife one Ragnel Salcedo Laguardia, thereby inflicting upon the latter fatal injury which caused his death.

The crime was committed by means of a motor vehicle is hereby alleged as a qualifying circumstance.

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

The case was raffled to the Regional Trial Court – Branch 11, Davao City.<sup>4</sup>

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

#### **The Prosecution’s Version**

The testimonies of Eric Bugayong, Allan Cordero, Edgar Laguardia, and Chief Inspector Tomas Dimaandal may be summarized, as follows:

On December 31, 2007, Eric Bogayong, Ezzer Francisco, Ron Calapre, Albert Tancontian, Allan Cordero and victim Ragnel Laguardia were singing the videoke at the Land Transportation Terminal, Ecoland, Davao City. They finished around 2 o’clock in the morning.<sup>6</sup> On their way home, four (4) persons on board a motorcycle approached them. These men were later identified as Romeo Padal, Jr., Reynan Padal, and two (2) John Does. Together with three (3) of these men, Ragnel, Albert, Ron, and Ezzer

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<sup>2</sup> Refers to the Decision dated June 13, 2013 of the Regional Trial Court (RTC) Branch 11, Davao City in Criminal Case No. 64,448-08, *CA Rollo*, pp. 30-37.

<sup>3</sup> Record, p. 30.

<sup>4</sup> *CA rollo*, pp. 30-37.

<sup>5</sup> *Id.* at 30.

<sup>6</sup> TSN, January 11, 2010, p. 12.

proceeded to a vacant lot. Eric and Allan continued walking<sup>7</sup> until they reached the Ateneo where they waited for their companions.<sup>8</sup> After an hour, all four (4) men Romeo, Reynan, and two (2) John Does ran after Albert, Ron, Ezzer, and Ragnel. When appellant Romeo caught up with Ragnel,<sup>9</sup> the former pulled the latter's hair, causing Ragnel to fall. Before Ragnel could even stand up, Romeo kicked and stabbed him four (4) times with a sharp pointed metal.<sup>10</sup> Eric and Allan were unable to run to the rescue of Ragnel because Reynan<sup>11</sup> and two (2) of his companions were blocking the area.<sup>12</sup> Reynan even fired a *sumpak*, causing them all to flee.<sup>13</sup>

Ragnel was later brought to the hospital but he was declared dead on arrival.<sup>14</sup>

Edgar Laguardia, Ragnel's father, testified that after his son's burial, he Eric, Allan, and the officers of the Crime Investigation and Detection Group (CIDG) did a surveillance to identify his son's assailants.<sup>15</sup> They went to the terminal of *habal-habal* and saw appellant Romeo who was positively identified by Eric and Allan as the one who stabbed Ragnel. At the police station where Romeo got detained, he (Edgar) also saw Reynan as among the detainees himself.<sup>16</sup> His family paid ₱65,000.00 for Ragnel's death expenses but they were only able to present receipts amounting to ₱27,000.00 for his wake and ₱11,500.00 for his internment.<sup>17</sup>

Per Medico Legal Report No. A08-002,<sup>18</sup> Police Chief Inspector (P/C Insp.) Tomas Dimaandal concluded that Ragnel died due to "massive pneumo-hemothorax" resulting from a stab wound.<sup>19</sup> He explained that Ragnel sustained three (3) stab wounds and four (4) abrasions in his trunk extremities. The fatal stab wound fractured Ragnel's 4<sup>th</sup> rib and pierced his pulmonary vein, causing his lung to collapse. As a result, he lost about 500 cubic centimeter (cc) of blood.<sup>20</sup>

### The Defense's Version

Appellants Romeo Padal, Jr. and Reynan Padal interposed alibi.<sup>21</sup>

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<sup>7</sup> *Id.* at 15.

<sup>8</sup> *Id.* at 16.

<sup>9</sup> *Id.* at 17-18.

<sup>10</sup> *Id.* at 33.

<sup>11</sup> *Id.* at 21.

<sup>12</sup> *Id.* at 19.

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

<sup>14</sup> TSN, January 11, 2010, p. 20; TSN, September 22, 2009, p. 4.

<sup>15</sup> TSN, September 22, 2009, p. 7.

<sup>16</sup> *Id.* at 9.

<sup>17</sup> TSN, September 22, 2009, pp. 10-11; Record, Exhibits J and K.

<sup>18</sup> Record, p. 13.

<sup>19</sup> *Id.*

<sup>20</sup> TSN, January 11, 2010, pp. 5-6.

<sup>21</sup> *Rollo*, p. 4.

Romeo claimed that on December 30, 2007, he was at home cooking *sapin-sapin*.<sup>22</sup> The next day, around 4 o'clock in the morning, he went to Bankerohan market to buy sticky rice for his *sapin-sapin* and spent the rest of the day cooking.<sup>23</sup>

For his part, Reynan testified that on December 30, 2007, he was driving a motorcycle and calling on passengers from 6 o'clock in the evening until 6 o'clock in the morning of December 31, 2007.<sup>24</sup>

### The Trial Court's Ruling

By Decision<sup>25</sup> dated June 13, 2013, the trial court found appellants guilty as charged, thus:

In view of all the foregoing, judgment is hereby rendered finding both Romeo Welbar Padal, Jr. and Reynan Padal **GUILTY** beyond reasonable doubt of the crime of Murder. They are hereby sentenced to suffer the supreme penalty of *reclusion perpetua*.

They are likewise sentenced to pay the heirs of Ragnel Salcedo Laguardia the sum of THIRTY-EIGHT THOUSAND FIVE HUNDRED PESOS (P38,500.00) as reimbursement of actual expenses and the further sum of FIFTY THOUSAND PESOS (P50,000.00) as civil indemnity.

SO ORDERED.<sup>26</sup>

The trial court ruled that appellants' defense of alibi cannot prevail over the positive testimony of eyewitnesses to the crime. Appellants conspired in killing Ragnel.<sup>27</sup> Although Romeo was the one who actually stabbed Ragnel, Reynan and their two (2) other companions prevented Ragnel's friends from helping him.<sup>28</sup>

Finally, the trial court appreciated appellants' use of motorcycle to have qualified the killing to murder.<sup>29</sup>

### The Proceedings before the Court of Appeals

On appeal, appellants argued they were not positively identified as the ones who slayed Ragnel. Prosecution witnesses Eric and Allan could not have

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<sup>22</sup> TSN, March 27, 2012, p. 5.

<sup>23</sup> *Id.* at 7.

<sup>24</sup> TSN, January 10, 2011, p. 3.

<sup>25</sup> Penned by Judge Virginia Hofileña-Europa, CA *Rollo*, pp. 30-37.

<sup>26</sup> *Id.* at 37.

<sup>27</sup> *Id.* at 36-37.

<sup>28</sup> *Id.* at 36.

<sup>29</sup> *Id.* at 37.

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actually seen the faces of the assailants considering their view was blocked by unknown persons.<sup>30</sup>

For its part, the Office of the Solicitor General (OSG) through Assistant Solicitor General Bernard G. Hernandez and State Solicitor Louella Vieve B. Fernandez countered: Eric and Allan positively identified appellant Romeo as the one who stabbed Ragnel, while appellant Reynan as the one who drove the motorcycle which the assailants used to facilitate the crime.<sup>31</sup> In the absence of any ill motive on their part, Eric and Allan's testimony should be given credence.<sup>32</sup> The OSG pointed out that treachery attended Ragnel's death because he was not able to defend himself when suddenly appellant Romeo grabbed his hair, causing him to fall on the ground, and then stabbed him.<sup>33</sup>

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

In its assailed Decision<sup>34</sup> dated March 10, 2017, the Court of Appeals affirmed.<sup>35</sup> It concurred with the trial court's factual findings that the prosecution witnesses positively identified appellants as the men who: a) chased Ragnel; b) pulled his hair, causing him to fall on the ground; c) repeatedly kicked him; and d) stabbed him to death.<sup>36</sup> In view thereof, appellants' defense of alibi must fail.<sup>37</sup>

### **The Present Appeal**

Appellants now seek affirmative relief from the Court and pray anew for their acquittal. In compliance with Resolution dated September 6, 2017, both the OSG and appellants manifested that, in lieu of supplemental briefs, they were adopting their respective briefs before the Court of Appeals.<sup>38</sup>

### **Issue**

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

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<sup>30</sup> *Id.* at 26.

<sup>31</sup> *CA Rollo*, p. 54.

<sup>32</sup> *Id.* at 67.

<sup>33</sup> *Id.* at 69.

<sup>34</sup> Penned by Associate Justice Oscar V. Badelles and concurred in by Associate Justices Romulo V. Borja and Ronaldo B. Martin, *Rollo*, pp. 3-15.

<sup>35</sup> *Rollo*, p. 15.

The dispositive portion reads:

WHEREFORE, the appeal is DENIED. The Decision dated June 13, 2013 of the Regional Trial Court, Branch 11, Davao City, in Criminal Case No. 64,448-08 is AFFIRMED.

SO ORDERED.

<sup>36</sup> *Id.* at 6 and 14.

<sup>37</sup> *Id.* at 15.

<sup>38</sup> *Id.* at 23-25; pp. 41-42.

## Ruling

The appeal must fail.

Murder is defined and penalized under Article 248 of the Revised Penal Code (RPC), *viz*:

Article 248. Murder. – Any person who, not falling within the provisions of Article 246 shall kill another, shall be guilty of murder and shall be punished by reclusion temporal in its maximum period to death, if committed with any of the following attendant circumstances:

xxx

3. xxx by means of motor vehicles xxx

xxx

Murder requires the following elements: 1) a person was killed; 2) the accused killed him or her; 3) the killing was attended by any of the qualifying circumstances mentioned in Article 248 of the Revised Penal Code; and 4) the killing is not parricide or infanticide.<sup>39</sup>

There is no question here as for the presence of the first and fourth elements. Ragnel was killed and appellants had no relation to the victim that could have otherwise resulted in the crime of parricide or infanticide. We, therefore, focus on the second and third elements.

***Appellants were positively identified as the men who stabbed the victim to death***

Appellants assert that the witnesses could not have actually seen the assailants' faces considering that the former's view was blocked at the time the fatal stabbing was taking place.<sup>40</sup>

On this score, we refer to the respective testimonies of Eric Bogayong and Allan Cordero, thus:

**Eric Bogayong:**

Q: You said that these 4 persons on board the motorcycle were chasing after your companions. What happened during the chase?

A: When Ezzer arrived somewhere near Ateneo, we already heard him asking for help and he shouted, "help, help."

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<sup>39</sup> See *People v Gaborne*, 791 Phil. 581, 592 (2016).

<sup>40</sup> CA Rollo, p. 26.

Q: Where was Ragnel at that particular time?

A: He was running.

A: What happened to him?

A: He was caught up.

Q: Who was able to catch up with him?

A: One of the accused present here.

Q: What did the accused do to Ragnel?

A: His hair was pulled and he was caught up with.

Q: After pulling his hair, what happened next?

A: He fell down.

Q: What happened after?

A: He was kicked repeatedly.

Q: What happened next?

**A: He was stabbed when he got up.**

xxx                                xxx                                xxx

**Q: Who was the person who stabbed him?**

**A: He is in the court now.**

**Q: He was one of the persons whom you saw on board the motorcycle?**

**A: Yes.**

xxx                                xxx                                xxx

**Q: Go near him and tap his shoulder.**

**A: He is the one. (witness tapped the shoulder of a person in the court room who gave his name as Romeo Welbar Padal)**

xxx                                xxx                                xxx

Q: Now the other accused, how were you able to recognize him?

A: Sometime of May 5, 200(8), I saw the accused in the local tv news.

xxx                                xxx                                xxx

Q: Is he in the court today?

A: Yes.

**Q: What exactly was his participation in the stabbing of Ragnel Laguardia?**

**A: He was the one who drove the motorcycle and he was also the one who blocked the area.**

**Q: If he is in court today, kindly identify him by tapping his shoulder.**

**A: (Witness tapped the shoulder of a person in the court room who gave his name as Re[y]nan Padal).**

xxx

xxx

xxx

**Q: What else did the suspect do, the 4 men on board the motorcycle aside from blocking your path and firing a sumpak?**

**A: The 3 were just riding the motorcycle, the other one stabbed the victim. The one who drove the motorcycle was the one who fired the sumpak.**

**Q: The one you just identified?**

**A: Yes.<sup>41</sup> (Emphasis supplied)**

**Allan Cordero:**

**Q: You said you passed by Acacia St., in going home. Upon passing World Place, what happened?**

**A: There was a motorcycle that approached us and riding on it were four passengers.**

**Q: And, you know these four passengers on board the motorcycle?**

**A: Yes, the two.**

**Q: Do you know who was driving the motorcycle?**

xxx

xxx

xxx

**A: Reynan Padal.**

xxx

xxx

xxx

**Q: After one hour, what happened?**

**A: After one hour, we saw Albert Tancontian running followed by Ezzer Francisco, Ragnel Laguardia, and Ron Calapre shouting for help.**

xxx

xxx

xxx

**Q: And what happened next?**

**A: They were able to catch up with Ragnel Laguardia.**

**Q: And what happened after catching up with Laguardia?**

**A: One male person xxx pulled xxx Ragnel Laguardia.**

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<sup>41</sup> TSN, January 11, 2010, pp. 16-18; p. 21.

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**Q: Who was that person?**

**A: Romeo Padal.**

Q: And what happened next?

A: Ragnel Laguardia fell down.

Q: What happened after that?

A: (Ragnel) Laguardia was kicked.

Q: What happened next?

**A: xxx he was stabbed.**

xxx

xxx

xxx

Q: By the way, if Romeo Padal is in court, can you identify him?

**A: Yes, sir. (Witness points to a male person inside the court room who gave his name as Romeo Padal)**

Q: Now, you said you wanted to help Ragnel. What happened?

A: They blocked our path.

Q: Who blocked?

A: The three persons who were left on board the motorcycle.

**Q: Who was driving the motorcycle?**

**A: Reynan Padal.**

xxx

xxx

xxx

**Q: If Reynan Padal in in court can you identify him?**

**A: Yes.**

xxx

xxx

xxx

**(Witness points to a male person who, when asked, gives the name Reynan Padal)<sup>42</sup>(Emphasis supplied)**

Indeed, Eric and Allan did not waver in their narration and remained consistent in their positive identification of appellants as the persons who slayed Ragnel. There was also no proof showing they harbored ill motive in testifying against appellants, thus, their testimonies are worthy of full faith and credit.<sup>43</sup> Their credible and positive identification of appellants, even

<sup>42</sup> TSN, March 17, 2010, pp. 5-10.

<sup>43</sup> See *People v. Mallari*, 452 Phil. 210, 219 (2003).

standing alone, is already sufficient to convict appellants of the crime charged.<sup>44</sup>

As against the positive identification by the prosecution witnesses, appellants merely offered the defense of alibi. Romeo Padal insists that around 4 o'clock in the morning of December 31, 2007, he went to the market to buy sticky rice for his *sapin-sapin* and then spent the rest of the day cooking at home. Reynan Padal, on the other hand, claims that on December 30, 2007, he was waiting for passengers from 6 o'clock in the evening until 6 o'clock in the morning of December 31, 2007.<sup>45</sup>

We reiterate the rule that the witnesses' positive identification of the accused necessarily prevails over the defense of alibi.<sup>46</sup>

For one, alibi is inherently weak and easy to concoct.<sup>47</sup> Alibi, if unsubstantiated by clear and convincing evidence, is a self-serving assertion that deserves no weight in law as in this case.<sup>48</sup> For another, appellants failed to prove that it was impossible for them to have been at the *situs criminis* at the time the crime was committed. Surely, it was not physically improbable for Reynan to simply cross Acacia street at the time he was calling in passengers to board his motorcycle. In the case of Romeo who claims he was at home, all he needed to do was walk to the nearby street of Acacia where the victim got slain. Acacia street was only two (2) minutes<sup>49</sup> away and could be easily negotiated by foot.

Finally, in *People v. Alemania*,<sup>50</sup> the Court also rejected the accused's alibi because no other witnesses came forward to corroborate his alibis, as in this case.

### ***Appellants conspired in killing the victim***

Article 8 of the Revised Penal Code states that "conspiracy exists when two (2) or more persons come to an agreement concerning the commission of a felony and decide to commit it."<sup>51</sup> In conspiracy, the act of one is the act of all.<sup>52</sup>

Here, appellants have shown that they acted in concert to achieve one common purpose: to assault the victim, thus: 1) Appellants and their two [2] companions arrived at the scene together on board a motorcycle; 2) While

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<sup>44</sup> See *People v. Nunez*, G.R. No. 209342, October 4, 2017, 842 SCRA 97 (2017).

<sup>45</sup> *Rollo*, p. 5.

<sup>46</sup> See *People v. Galicia*, 719 Phil. 337, 352 (2013).

<sup>47</sup> See *People v. Alemania*, G.R. No. 201612, July 29, 2015.

<sup>48</sup> See *People v. Vitero*, 708 Phil. 49, 63 (2013).

<sup>49</sup> TSN, January 10, 2011, p. 16.

<sup>50</sup> *Supra* note 47.

<sup>51</sup> Revised Penal Code, Article 8.

<sup>52</sup> See *People v. Pantaleon, Jr.*, 600 Phil. 186, 223 (2009).

Romeo kicked and stabbed the victim, Reynan and the others blocked the friends of the victim from approaching and aiding him; and 3) After Romeo had stabbed the victim, he and his companions all fled together. Indubitably, their individual and collective actions – before, during, and after the commission of the crime – indicated a joint purpose, concerted action, and concurrence of sentiments to finish off the victim.<sup>53</sup> Each one, therefore, is equally liable for the victim's slaying.

### *Treachery cannot be appreciated*

Although treachery is not alleged in the Information nor appreciated by both the trial court and Court of Appeals, the OSG, nonetheless, submits that it attended Ragnel's killing for he was not able to defend himself when appellant Romeo grabbed his hair (causing him to fall on the ground) after which, appellant Romeo kicked and stabbed him to death.<sup>54</sup> While he was doing these horrendous acts, Reynan and the others prevented the victim's friends from approaching or aiding the victim.

Section 9, Rule 110 of the 2000 Rules on Criminal Procedure provides, *viz*:

Section 9. Cause of the accusations. - The acts or omissions complained of as constituting the offense and the qualifying and aggravating circumstances must be stated in ordinary and concise language and not necessarily in the language used in the statute but in terms sufficient to enable a person of common understanding to know what offense is being charged as well as its qualifying and aggravating circumstances and for the court to pronounce judgment.

Here, the Information avers:

xxx the above-mentioned Romeo Welbar Padal, Jr., conspiring, and confederating with his co-accused Reynan Padal and two (2) John Does whose identities are yet to be known, armed with a knife and a gun, by means of a motor vehicle and with intent to kill, willfully, unlawfully and feloniously attacked, assaulted, stabbed with the said knife one Ragnel Salcedo Laguardia, thereby inflicting upon the latter fatal injury which caused his death.

The crime was committed by means of a motor vehicle is hereby alleged as a qualifying circumstance.

CONTRARY TO LAW.<sup>55</sup>

As worded, the Information does not bear any allegations pertaining to treachery, nor the acts constituting the same.<sup>56</sup> Verily, for the Court now to

<sup>53</sup> See *People v. Manes*, 362 Phil. 569, 579 (1999).

<sup>54</sup> *CA Rollo*, p. 69.

<sup>55</sup> Record, p. 30.

<sup>56</sup> See *People v. Manalili*, 355 Phil. 652 (1998).

appreciate treachery in the victim's killing is violative of appellants' right to be informed of the nature and cause of the accusation against them. *People v. Manalili* is in point, thus:<sup>57</sup>

x x x an accused cannot be convicted of an offense, unless it is clearly charged in the complaint or information. **Constitutionally, he has a right to be informed of the nature and cause of the accusation against him. To convict him of an offense other than that charged in the complaint or information would be violative of this constitutional right.** (Emphasis supplied)

So must it be.

***The use of motor vehicle qualified the killing to murder***

In any event, We conform with the findings of the trial court and Court of Appeals that "use of motor vehicle" qualified the victim's killing to murder. Records show that appellants on board a motorcycle chased the victim while the latter was running away for his life. For sure, appellants' use of a fast means of transportation, they easily gained advantage, outsped, and in no time caught up with the victim who was running for his life. Appellants later left the scene of the crime together on board the same motor vehicle. Clearly, therefore, the motorcycle was used as a means to facilitate the commission of the crime and to enable appellants' escape after they accomplished their mission to kill the victim. In *People v. Ong and Quintos*,<sup>58</sup> the Court held that the use of motor vehicle aided in the commission of murder by enabling the accused to easily caught up with victim, directing the latter to the crime scene, and utilizing it to abscond, as in this case.

***Penalty and Damages***

Under Article 248 of the Revised Penal Code, murder is punishable by *reclusion perpetua* to death. In the absence of any aggravating circumstance, the Court of Appeals correctly affirmed the penalty of *reclusion perpetua* imposed on appellants.

As for the monetary awards, the Court of Appeals affirmed the trial court's grant of ₱38,500.00 as actual damages and civil indemnity of ₱50,000.00 sans moral damages, exemplary damages, and interest.

In conformity with prevailing jurisprudence,<sup>59</sup> these awards should be modified as follows:

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<sup>57</sup> Supra note 56 at 684.

<sup>58</sup> 195 Phil. 146-162 (1981).

<sup>59</sup> See *People v. Jugueta*, 783 Phil. 806, 848 (2016), the Court ruled:

2.1 Where the penalty imposed is *reclusion perpetua*, other than the above-mentioned:  
a. Civil indemnity – ₱75,000.00

The civil indemnity as compensation for the death of the victim<sup>60</sup> should be increased from ₱50,000.00 to ₱75,000.00.

Moral damages<sup>61</sup> of ₱75,000.00 should be granted for the mental suffering, emotional anguish, and pain experienced by the victim's heirs; and ₱75,000.00 as exemplary damages<sup>62</sup> to serve as a deterrent to the commission of the same crime.

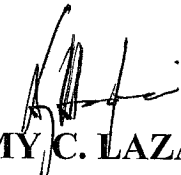
For actual damages, Ragnel's heirs incurred ₱65,000.00 death expenses but only proved actual losses in the amount of ₱38,500.00. *People v. Racal*<sup>63</sup> provides that when actual damages is less than the sum allowed by the Court as temperate damages, now pegged at ₱50,000.00,<sup>64</sup> the award of temperate damages is justified in lieu of actual damages.<sup>65</sup> Thus, the Court finds it proper to award ₱50,000.00 temperate damages to the victim's heirs, in lieu of actual damages.

These monetary awards shall earn interest at the rate of 6% *per annum* from the date of finality of this Decision until fully paid.

**ACCORDINGLY**, the appeal is **DENIED**. Appellants **ROMEO WELBAR PADAL, JR., REYNAN PADAL and TWO (2) OTHER JOHN DOES** are found guilty of **MURDER** and sentenced to *reclusion perpetua*.

They are further required to pay ₱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. These amounts shall earn six percent (6%) interest *per annum* from finality of this decision until fully paid.

**SO ORDERED.**

  
**AMY C. LAZARO-JAVIER**  
 Associate Justice

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*People v. Villar* b. Moral damages – ₱75,000.00

c. Exemplary damages – ₱75,000.00

<sup>60</sup> See *People v. Oandasan, Jr.*, 787 Phil. 139, 162 (2016).

<sup>61</sup> *Supra* note 59.

<sup>62</sup> *Id.*

<sup>63</sup> See *People v. Racal*, G.R. No. 224886, September 4, 2017, 838 SCRA 476, 497-498.

<sup>64</sup> See *People v. Racal*, G.R. No. 224886, September 4, 2017, 838 SCRA 476, 497-498, citing *People v. Jugueta*, 783 Phil. 806 (2016).

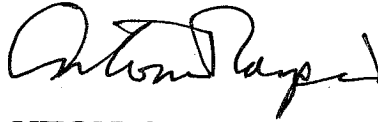
In *People v. Jugueta*, 783 Phil. 806 (2016), the Court ruled:

Under Article 2424 of the Civil Code, temperate damages may be recovered, as it cannot be denied that the heirs of the victims suffered pecuniary loss although the exact amount was not proved. In this case, the Court now increases the amount to be awarded as temperate damages to ₱50,000.00.

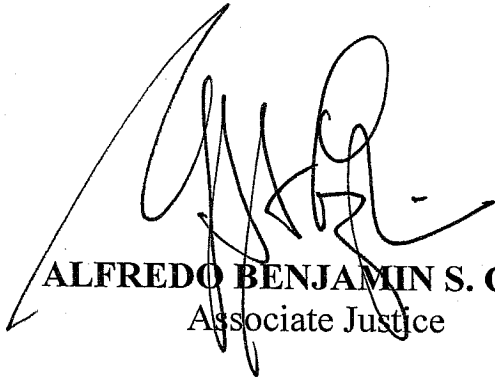
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<sup>65</sup> See *People v. Racal*, G.R. No. 224886, September 4, 2017, 838 SCRA 476, 498, citing *People v. Villanueva*, 456 Phil. 14, 29 (2003), *Quidet v. People*, 632 Phil. 1, 19 (2010), *People v. Villar*, 757 Phil. 675, 682 (2015).

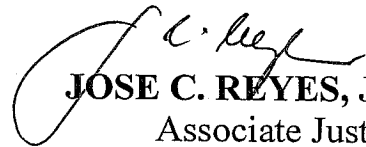
**WE CONCUR:**



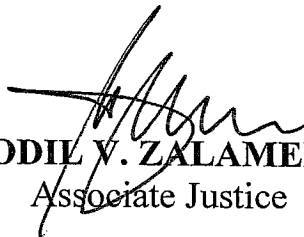
**ANTONIO T. CARPIO**  
Senior Associate Justice  
Chairperson



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice



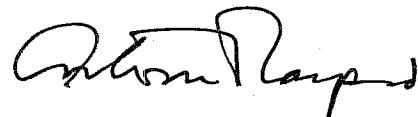
**JOSE C. REYES, JR.**  
Associate Justice



**RODIL V. ZALAMEDA**  
Associate Justice

**ATTESTATION**

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

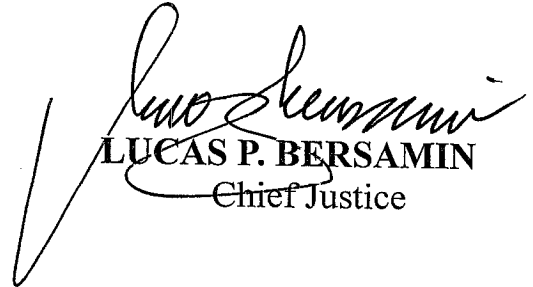


**ANTONIO T. CARPIO**  
Senior Associate Justice  
Chairperson, Second Division



**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the above Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**LUCAS P. BERSAMIN**  
Chief Justice