



Republic of the Philippines  
**Supreme Court**  
 Manila

SUPREME COURT OF THE PHILIPPINES  
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**SECOND DIVISION**

**PEOPLE OF THE PHILIPPINES,**      **G.R. No. 250852**  
 Plaintiff-Appellee,

Present:

LEONEN, *SAJ.*, Chairperson,  
 LAZARO-JAVIER,  
 LOPEZ, M.,  
 LOPEZ, J., and  
 KHO, JR., *JJ.*

- versus -

**JOHN FRANCIS SUALOG,**  
 Accused-Appellant.

Promulgated:

**OCT 10 2022**

X-----X

**D E C I S I O N**

**M. LOPEZ, J.:**

The presence of qualifying circumstances raising the killing to the category of murder is the core issue in the Appeal before this Court assailing the Court of Appeals-Cebu City's (CA) Decision<sup>1</sup> dated May 31, 2019 in CA-G.R. CEB-CR HC No. 02515.

**ANTECEDENTS**

John Francis Sualog (John Francis) was charged with three counts of murder committed against Amado Chavez Maglantay (Amado), Eppie U. Maglantay (Eppie), and Jessa Amie U. Maglantay (Jessa) before the Regional Trial Court of Culasi, Antique, Branch 13 (RTC), docketed as Criminal Case Nos. L-505, L-506, and L-507, respectively, to *wit*:

<sup>1</sup> *Rollo*, pp. 5–20. Penned by Associate Justice Marilyn B. Lagura-Yap with the concurrence of Associate Justices Edgardo L. Delos Santos (retired Member of the Court) and Dorothy P. Montejo-Gonzaga.

## [Criminal Case No. L-505]

That on or about the 12<sup>th</sup> day of October, 2003, in the Municipality of Libertad, Province of Antique, Republic of the Philippines and within the jurisdiction of this Honorable Court[,] the above-named accused being then armed with a bolo, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault, hack[,] and stab with said bolo one **Amado Maglantay** thereby inflicting upon the latter fatal wounds on the vital parts of his body which caused his instantaneous death.

With the **qualifying aggravating circumstances of evident premeditation, treachery, taking advantage of nighttime and superior strength and the commission of the offense was characterized by cruelty and adding ignominy** to the natural effects of the crime.

Contrary to the provisions of Article 248 of the Revised Penal Code, as amended by Republic Act [No.] 7659.

## [Criminal Case No. L-506]

That on or about the 12<sup>th</sup> day of October, 2003, in the Municipality of Libertad, Province of Antique, Republic of the Philippines and within the jurisdiction of this Honorable Court[,] the above-named accused being then armed with a bolo, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault, hack[,] and stab with said bolo one **Eppie U. Maglantay** thereby inflicting upon the latter fatal wounds on the vital parts of her body which caused her instantaneous death.


With the **qualifying aggravating circumstances of evident premeditation, treachery, taking advantage of nighttime and superior strength and the commission of the offense was characterized by cruelty and adding ignominy** to the natural effects of the crime.

Contrary to the provisions of Article 248 of the Revised Penal Code, as amended by Republic Act [No.] 7659.

## [Criminal Case No. L-507]

That on or about the 12<sup>th</sup> day of October, 2003, in the Municipality of Libertad, Province of Antique, Republic of the Philippines and within the jurisdiction of this Honorable Court[,] the above-named accused being then armed with a bolo, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault, hack[,] and stab with said bolo one **Jessa Amie U. Maglantay** thereby inflicting upon the latter fatal wounds on the vital parts of her body which caused her instantaneous death.

With the **qualifying aggravating circumstances of evident premeditation, treachery, taking advantage of nighttime and superior strength and the commission of the offense was characterized by cruelty and adding ignominy** to the natural effects of the crime.



Contrary to the provisions of Article 248 of the Revised Penal Code, as amended by Republic Act [No.] 7659.<sup>2</sup> (Emphases supplied)

Upon arraignment, John Francis pleaded guilty. The RTC did not require the prosecution to present evidence to prove the precise degree of John Francis's culpability although the charges involved a capital offense. The RTC merely asked clarificatory questions to John Francis regarding the voluntariness and consequences of his plea of guilt. On June 10, 2004, the RTC convicted John Francis with three counts of murder and imposed upon him the penalty of death for each case. The RTC then forwarded the case to the Court for automatic review. On June 7, 2005, the Court transferred the case to the CA for appropriate action. On August 30, 2012, the CA remanded the case to the RTC to prove John Francis' precise degree of culpability.<sup>3</sup>

Trial then ensued.

The prosecution presented April Magsipoc (April), SPO2 Judy Lucas (SPO2 Lucas), and Dr. Teresita Escondo (Dr. Escondo) as witnesses. April testified that she is the foster daughter of the Maglantay family. On October 12, 2003, at around 2:00 a.m., April was inside her bedroom when she heard her foster father, Amado yelled "Aahhh." Also, April heard her foster mother Eppie say "Aah!" Alarmed, April got up from bed and turned on the light. When April opened her bedroom door, she saw John Francis hacking her sister, Jessa, with a bolo. Immediately, April turned off the light, locked the door, and remained quiet. April was scared that John Francis would kill her next. After a few minutes, April peeped through the window and noticed John Francis leaving the house. April then went to the living room where she saw the lifeless bodies of Amado, Eppie, and Jessa. April knew John Francis because he is their neighbor who frequently ran errands for them. SPO2 Lucas narrated that she and other police officers investigated the incident, took photographs of the crime scene, and recovered the murder weapon. Meanwhile, Dr. Escondo examined the bodies of the victims and concluded that they died because of severe blood loss due to multiple stab wounds.<sup>4</sup>

On the other hand, John Francis waived his right to present evidence.<sup>5</sup>

On January 5, 2016, the RTC found John Francis guilty of three counts of murder and appreciated the qualifying circumstances of treachery, evident premeditation, and unlawful entry,<sup>6</sup> thus:

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<sup>2</sup> *Id.* at 5-7.

<sup>3</sup> *Id.* at 7.

<sup>4</sup> *Id.* at 8-9.

<sup>5</sup> *Id.* at 9.

<sup>6</sup> *CA rollo*, pp. 35-38. Penned by Acting Presiding Judge Bienvenido P. Barrios, Jr.

WHEREFORE, premises considered, judgment is hereby rendered as follows:

In Criminal Case No. L-505, accused John Francis Sualog is hereby found “guilty” beyond reasonable doubt of the crime of Murder for the death of Amado Chavez Maglantay and is hereby sentenced to suffer the penalty of *Reclusion Perpetua*. He is further directed to pay the heirs of the deceased victim the amount of [P]75,000.00 as civil indemnity; [P]100,000.00 as moral damages[;] and [P]75,000.00 as exemplary damages;

In Criminal Case No. L-506, accused John Francis Sualog is hereby found [“]guilty[”] beyond reasonable doubt of the crime of Murder for the death of Eppie Unilongo Maglantay and is hereby sentenced to suffer the penalty of *Reclusion Perpetua*. He is further directed to pay the heirs of the deceased victim the amount of [P]75,000.00 as civil indemnity; [P]100,000.00 as moral damages[;] and [P]75,000.00 as exemplary damages; and

In Criminal Case No. L-507, accused John Francis Sualog is hereby found “guilty” beyond reasonable doubt of the crime of Murder for the death of Amado Chavez Maglantay and is hereby sentenced to suffer the penalty of *Reclusion Perpetua*. He is further directed to pay the heirs of the deceased victim the amount of [P]75,000.00 as civil indemnity; [P]100,000.00 as moral damages[;] and [P]75,000.00 as exemplary damages[.]

SO ORDERED.<sup>7</sup>

Aggrieved, John Francis elevated the case to the CA which was docketed as CA-G.R. CEB-CR HC No. 02515. John Francis argued that the prosecution failed to allege the specific facts constituting the qualifying aggravating circumstances and to prove the essential elements of murder.<sup>8</sup> In contrast, the Office of the Solicitor General countered that treachery qualified the killing to murder. The weapon used, coupled with the location and number of the wounds, showed John Francis’s clear intent to kill the unsuspecting victims.<sup>9</sup>

On May 31, 2019, the CA affirmed John Francis’s conviction for three counts of murder. The CA explained that John Francis is deemed to have waived any objection against the sufficiency of the Informations for his failure to question any defect in the charges during the trial. The CA also ruled that the prosecution proved treachery considering that the attack was carried out in a sudden and unexpected manner. The mode of attack deprived the victims of any real opportunity to defend themselves. The victims were inside their room when John Francis entered the house in the middle of the night and attacked them with a bolo. Nonetheless, the CA discounted the presence of evident premeditation absent evidence as to when John Francis came up with the determination to commit the crime. The CA, likewise, did not appreciate unlawful entry because it was not alleged in the Informations while nighttime is absorbed in treachery. Lastly, the

<sup>7</sup> *Id.* at 38.

<sup>8</sup> *Id.* at 16–34, Brief for the Accused-Appellant. See also Manifestation in Lieu of Reply Brief, *id.* at 62–64.

<sup>9</sup> *Id.* at 44–60, Appellee’s Brief.

CA reduced the amount of moral damages and corrected the obvious clerical error in the dispositive portion of the RTC's decision in that the name of the victim in Criminal Case No. L-507 should be "Jessa Amie Maglantay" and not "Amado Chavez Maglantay,"<sup>10</sup> viz.:

WHEREFORE, the appeal is DENIED. The Decision dated January 5, 2016 of the Regional Trial Court, Branch 13, Culasi, Antique in Criminal Case Nos. L-505, L-506 and L-507 is AFFIRMED with MODIFICATION. The name of the victim in the dispositive portion of Criminal Case No. L-507 is changed to Jessa Amie Maglantay. Moral damages is reduced to Php75,000.00. The amount of civil indemnity and exemplary damages is sustained. The damages herein awarded are subject to interest at the legal rate of 6% *per annum* from the date of finality of this judgment until fully paid.

SO ORDERED.<sup>11</sup>

Hence, the Appeal before this court.

The parties opted not to file supplemental briefs considering that all issues have already been exhaustively discussed in their pleadings before the CA. Thus, John Francis reiterates his arguments that the prosecution failed to establish the elements of murder and its qualifying circumstances.<sup>12</sup>

### RULING

The Appeal is partly meritorious.

We stress that the CA and the RTC's assessments on the credibility of the prosecution witnesses and the veracity of their testimonies are given the highest degree of respect,<sup>13</sup> especially if there are no facts or circumstances of weight or substance that were overlooked, misunderstood, or misapplied, which could affect the result of the case.<sup>14</sup> Moreover, the trial court has the best opportunity to determine the credibility of the prosecution witnesses, having evaluated their emotional state, reactions, and overall demeanor in open court.

Here, April positively identified John Francis as the perpetrator of the crimes. April was familiar with John Francis because he is their neighbor who frequently ran errands for them. More importantly, April was at the crime scene when the killings happened. Well settled is the rule that "the most natural reaction of a witness to a crime is to strive to look at the appearance of the perpetrator and to observe the manner in which the offense is perpetrated."<sup>15</sup> Also, April has no motive to perjure against John Francis other than to see that justice is done. The

<sup>10</sup> *Rollo*, pp. 5–20.

<sup>11</sup> *Id.* at 19.

<sup>12</sup> *Id.* at 31–34; and 36–38.

<sup>13</sup> *People v. Matignas*, 428 Phil. 834, 868–869 (2002) [Per *J. Panganiban, En Banc*].

<sup>14</sup> *People v. Orosco*, 757 Phil. 299, 310 (2015) [Per *J. Villarama, Jr., Third Division*].

<sup>15</sup> *People v. Escoy*, 631 Phil. 547, 555 (2010) [Per *J. Villarama, Jr., First Division*].

earnest desire to seek justice will not be served had April abandoned her conscience and prudence to blame one who is innocent of the crime.

Notably, John Francis raises for the first time on appeal that treachery and evident premeditation were not properly alleged in the Informations which deprived him of the right to be informed of the nature and the cause of the accusation. In *People v. Solar*,<sup>16</sup> the Court held that “it is insufficient for prosecutors to indicate in the Information that the act supposedly committed by the accused was done ‘with treachery’ x x x or ‘with evident premeditation’ without specifically describing the acts done by the accused that made any or all of such circumstances present.”<sup>17</sup> Yet, the failure of the accused to question the Information through a motion to quash or a motion for bill of particulars constitutes a waiver of the defective statement of aggravating and qualifying circumstances, *to wit*:

In sum, the Court, continually cognizant of its power and mandate to **promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts**, hereby lays down the following guidelines for the guidance of the Bench and the Bar:

1. **Any Information which alleges that a qualifying or aggravating circumstance — in which the law uses a broad term to embrace various situations in which it may exist, such as but are not limited to (1) treachery; (2) abuse of superior strength; (3) evident premeditation; (4) cruelty — is present, must state the ultimate facts relative to such circumstance.** Otherwise, the Information may be subject to a motion to quash under Section 3(e) (*i.e.*, that it does not conform substantially to the prescribed form), Rule 117 of the Revised Rules of Criminal Procedure, or a motion for a bill of particulars under the parameters set by said Rules.

**Failure of the accused to avail any of the said remedies constitutes a waiver of his right to question the defective statement of the aggravating or qualifying circumstance in the Information, and consequently, the same may be appreciated against him if proven during trial.**

Alternatively, prosecutors may sufficiently aver the ultimate facts relative to a qualifying or aggravating circumstance by referencing the pertinent portions of the resolution finding probable cause against the accused, which resolution should be attached to the Information in accordance with the second guideline below.

2. Prosecutors must ensure compliance with Section 8(a), Rule 112 of the Revised Rules on Criminal Procedure that mandates the attachment to the Information the resolution finding probable cause against the accused. Trial courts must ensure that the accused is furnished a copy of this Decision prior to the arraignment.

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<sup>16</sup> G.R. No. 225595, August 6, 2019, 912 SCRA 271 [Per *J. Caguioa, En Banc*].

<sup>17</sup> *Id.* at 311.

3. Cases which have attained finality prior to the promulgation of this Decision will remain final by virtue of the principle of conclusiveness of judgment.
4. For cases which are still pending before the trial court, the prosecution, when still able, may file a motion to amend the Information pursuant to the prevailing Rules in order to properly allege the aggravating or qualifying circumstance pursuant to this Decision.
5. For cases in which a judgment or decision has already been rendered by the trial court and is still pending appeal, the case shall be judged by the appellate court depending on whether the accused has already waived his right to question the defective statement of the aggravating or qualifying circumstance in the Information, (*i.e.*, whether he previously filed either a motion to quash under Section 3(e), Rule 117, or a motion for a bill of particulars) pursuant to this Decision.<sup>18</sup> (Emphases supplied; citations omitted)

In this case, the Informations against John Francis were defective absent factual details describing the qualifying circumstances of treachery and evident premeditation. However, John Francis waived such defects when he failed to avail of the proper remedies under procedural rules. John Francis did not question the insufficiency of the Informations either through a motion to quash or a motion for bill of particulars. John Francis only raised the issue on appeal and not at the trial. Accordingly, the qualifying circumstances of treachery and evident premeditation may be appreciated against John Francis if proven during trial.

Corollarily, treachery exists when the offender commits any of the crimes against the person, employing means, methods, or forms in the execution thereof which tend directly and specially to insure its execution, without risk to them arising from the defense which the offended party might make. In order for treachery to be appreciated, two requirements must be established: “(1) the victim was in no position to defend himself or herself when attacked; and, (2) the assailant *consciously* and *deliberately* adopted the methods, means, or form of one’s attack against the victim.”<sup>19</sup> Contrary to the CA and the RTC’s findings, treachery should be ruled out for failure of the prosecution to demonstrate how the accused commenced and executed the attack upon the victims,<sup>20</sup> thus:

**In a catena of cases, the Court has consistently ruled that treachery cannot be appreciated where the prosecution only proved the events after the attack happened, but not the manner of how the attack commenced or how the act which resulted in the victim’s death unfolded.** In treachery, there must be clear and convincing evidence on how the aggression was made, how it began, and how it developed. Where no particulars are known as to the manner in which the aggression was made or how the act which resulted in the death of the victim began and developed, it cannot be established from the suppositions

<sup>18</sup> *Id.* at 314–315.

<sup>19</sup> *People v. Abina*, 830 Phil. 352, 361 (2018) [Per J. Del Castillo, First Division].

<sup>20</sup> *People v. Enriquez*, G.R. No. 238171, June 19, 2019, 905 SCRA 518 [Per J. Caguioa, Second Division].

drawn only from the circumstances prior to the very moment of the aggression, that an accused perpetrated the killing with treachery. **Accordingly, treachery cannot be considered where the lone witness did not see the commencement of the assault.**<sup>21</sup> (Emphases supplied; citations omitted)

Here, April neither saw the commencement of the assault nor the unfolding of the events that ultimately resulted in the death of the Maglantay family. April chanced upon a slim portion or momentary episode of the attack.<sup>22</sup> Thereafter, April hid from John Francis. The prosecution also did not establish with moral certainty that the three victims were utterly oblivious to the impending attack or that they had no opportunity to mount a meaningful defense. Inarguably, there was reasonable doubt on how the aggression started, developed, and ended.

Whereas, evident premeditation has the following elements, *viz*: “(1) the time when the offender determined to commit the crime; (2) an act manifestly indicating that the culprit has clung to his determination; [and] (3) a sufficient lapse of time between the determination and execution to allow him to reflect upon the consequences of his act.”<sup>23</sup> Specifically, the prosecution must establish that a *sufficient amount of time* had lapsed between the malefactor’s determination and execution.<sup>24</sup> The Court will not appreciate evident premeditation absent showing that there was enough time that had lapsed between the conception and execution of the crime to allow the accused to reflect upon the consequences of their acts.<sup>25</sup>

Meanwhile, there is no evidence as to the period of time when John Francis resolved to commit the crime and had cool thought and reflection to arrive at a calm judgment. April did not testify on this matter and even attested that she was unaware of any quarrel between John Francis and her foster family.<sup>26</sup> It must be emphasized that “[t]he premeditation to kill must be plain and notorious; it must be sufficiently proven by evidence of outward acts showing the intent to kill. In the absence of clear and positive evidence, mere presumptions and inferences of evident premeditation, no matter how logical and probable, are insufficient.”<sup>27</sup> Verily, the CA correctly discounted evident premeditation because there is no proof as to how and when the plan to kill was decided, and how much time had elapsed before it was carried out.

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<sup>21</sup> *Id.* at 526–527.

<sup>22</sup> *See People v. Toro*, G.R. No. 245922, January 25, 2021 [Per *J. Lazaro-Javier*, Second Division].

<sup>23</sup> *People v. Guillermo*, 361 Phil. 933, 950 (1999) [Per *J. Mendoza*, Second Division].

<sup>24</sup> *People v. Abierra*, 833 Phil. 276, 293–294 (2018) [Per *J. Reyes, Jr.*, Second Division].

<sup>25</sup> *People v. De Guia*, 257 Phil. 957, 975 (1989) [Per *J. Feliciano*, Third Division]; *People v. Derilo*, 338 Phil. 350, 365 (1997) [Per *J. Regalado, En Banc*]; *People v. Garcia*, 67 Phil. 1102, 1107 (2004) [Per *J. Ynares-Santiago*, First Division]; *People v. Abierra, supra* note 24; *People v. Illescas*, 396 Phil. 200, 209–210 (2000) [Per *J. Ynares-Santiago*, First Division]; and *People v. Agramon*, 833 Phil. 747, 756–757 (2018) [Per *J. Caguioa*, Second Division].

<sup>26</sup> *CA rollo*, pp. 36–37.

<sup>27</sup> *People v. Chua*, 357 Phil. 907, 921 (1998) [Per *J. Kapunan*, Third Division].



The Informations also alleged the aggravating circumstances of nighttime, abuse of superior strength, cruelty, and ignominy.<sup>28</sup> In the same vein, the Court cannot consider these circumstances. Nighttime could not be appreciated as an aggravating circumstance absent evidence suggesting that John Francis especially sought or took advantage of nocturnity to facilitate the commission of the crime or conceal his identity as he stabbed the victims inside their home.<sup>29</sup> Likewise, abuse of superior strength requires the purposeful use of excessive force out of proportion to the means of defense available to the person attacked.<sup>30</sup>

Also, the prosecution failed to present evidence to show the relative disparity in age, size, strength, or force between John Francis and his victims. The presence of John Francis who was armed with a bolo, is insufficient to indicate superior strength against the three unarmed victims.<sup>31</sup> Neither ignominy nor cruelty attended the commission of the crimes. Ignominy refers to the means employed by the accused that adds disgrace and obloquy to the material injury caused by the crime.<sup>32</sup> In cruelty, “it must be shown that the accused, for his pleasure and satisfaction, caused the victim to suffer slowly and painfully as he inflicted on him unnecessary physical and moral pain.”<sup>33</sup> However, the infliction of multiple stab wounds upon the Maglantay family does not denote the deliberate intention on the part of John Francis to humiliate them<sup>34</sup> or increase their suffering.<sup>35</sup>

Taken together, John Francis is liable only for three counts of homicide for failure of the prosecution to prove the alleged qualifying circumstances. On this point, it must be recalled that John Francis entered a plea of guilty when he was arraigned.<sup>36</sup> The mitigating circumstance of plea of guilt has the following elements, to wit: “(1) that the offender spontaneously confessed his guilt; (2) that the confession of guilt was made in open court, that is, before the competent court that is to try the case; and (3) that the confession of guilt was made prior to the presentation of evidence for the prosecution.”<sup>37</sup> All these requisites are present in these cases. Upon arraignment, John Francis timely pleaded guilty to all the charges before the trial ensued, or before the prosecution presented its evidence.

<sup>28</sup> REVISED PENAL CODE, Article 14, paragraphs 6, 15, and 17.

<sup>29</sup> See *People v. Cortes*, 413 Phil. 386, 393 (2001) [Per J. Pardo, *En Banc*]; *People v. Gallego*, 392 Phil. 552, 574 (2000) [Per J. Puno, First Division]. See also *People v. Bohol*, 390 Phil. 827, 839 (2000) [Per J. Pardo First Division].

<sup>30</sup> *People v. Villanueva*, 807 Phil. 245, 247 (2017) [Per J. Reyes, Third Division].

<sup>31</sup> See *People v. Villanueva*, *supra*; *Valenzuela v. People*, 612 Phil. 907, 917 (2009) [Per J. Brion, Second Division].

<sup>32</sup> *People v. Acaya*, 246 Phil. 773, 782 (1988) [Per J. Melencio-Herrera, Second Division]; *United State v. Abagar*, 2 Phil. 417, 418 (1903) [Per J. Mapa, *En Banc*].

<sup>33</sup> *People v. Cortes*, *supra* note 29 at 392.

<sup>34</sup> See *People v. Acaya*, *supra* note 32.

<sup>35</sup> See *People v. Cortes*, *supra* note 29 at 392.

<sup>36</sup> *Rollo*, p. 7.

<sup>37</sup> *People v. Crisostomo*, 243 Phil. 211, 220 (1988) [Per J. Gancayco, First Division]; *People v. Quesada*, 107 Phil. 1068, 1070 (1960) [Per J. Bautista Angelo, *En Banc*]; *People v. De La Peña*, 66 Phil. 451, 452–453 (1938) [Per J. Diaz, *En Banc*]; *People v. De La Cruz*, 63 Phil. 874, 876 (1936) [Per C.J. Avanceña, *En Banc*]; *People v. Co Chang*, 60 Phil. 293, 296 (1934) [Per J. Vickers, *En Banc*].

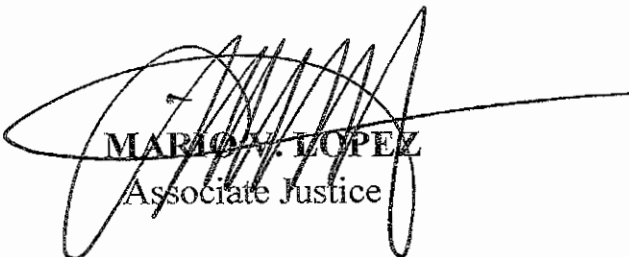
Hence, this circumstance may be appreciated in favor of John Francis to determine his appropriate penalty.

Under Article 249 of the Revised Penal Code, the prescribed penalty for homicide is *reclusion temporal*. Applying the Indeterminate Sentence Law, and considering the presence of one mitigating circumstance, the maximum term of the indeterminate sentence should be taken from the minimum period of the prescribed penalty, or between twelve (12) years and one (1) day to fourteen (14) years and eight (8) months. On the other hand, the minimum term must be within the range of the penalty next lower in degree from that prescribed for the crime or *prision mayor*, in any of its periods, which has a range of six (6) years and one (1) day to twelve (12) years. Thus, the Court modifies the penalty and imposes upon accused-appellant the indeterminate sentence of six (6) years and one (1) day of *prision mayor*, as minimum, to twelve (12) years and one (1) day of *reclusion temporal*, as maximum, for each count.

As to the civil liability of accused-appellant, the Court deems it proper to award ₱50,000.00 civil indemnity, ₱50,000.00 moral damages, and ₱50,000.00 temperate damages for each count, consistent with the prevailing jurisprudence.<sup>38</sup> However, the grant of exemplary damages is deleted in the absence of any aggravating circumstance.<sup>39</sup> The award of damages shall all earn interest at the rate of 6% per annum from finality of this Decision until fully paid.

**ACCORDINGLY**, the Appeal is **DISMISSED**. The Court of Appeals' Decision dated May 31, 2019 in CA-G.R. CEB-CR HC No. 02515 is **AFFIRMED** with **MODIFICATION**. Accused-appellant John Francis Sualog is **GUILTY** of three counts of homicide and is sentenced to suffer the indeterminate penalty of six (6) years and one (1) day of *prision mayor*, as minimum, to twelve (12) years and one (1) day of *reclusion temporal*, as maximum, for each count. Accused-appellant John Francis Sualog is likewise **DIRECTED** to pay the heirs of the victims ₱50,000.00 civil indemnity, ₱50,000.00 moral damages, and ₱50,000.00 temperate damages for each count, all with legal interest at the rate of 6% per annum from the finality of this Decision until full payment. Lastly, the grant of exemplary damages is deleted for lack of factual and legal bases.


**SO ORDERED.**

  
MARIO V. LOPEZ  
Associate Justice


<sup>38</sup> *People v. Jugueta*, 783 Phil. 806 (2016) [Per J. Peralta, *En Banc*]. See also *People v. Racal*, 817 Phil. 665 (2017) [Per J. Peralta, Second Division].

<sup>39</sup> *People v. Jugueta*, *supra*.

**WE CONCUR:**



**MARVIC M.V.F. LEONEN**  
*Senior Associate Justice*  
 Chairperson



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



**JHOSEP Y. LOPEZ**  
*Associate Justice*



**ANTONIO T. KHO, JR.**  
*Associate Justice*

**ATTESTATION**


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



**MARVIC M.V.F. LEONEN**  
*Senior Associate Justice*  
 Chairperson

**CERTIFICATION**

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



**ALEXANDER G. GESMUNDO**  
*Chief Justice*

