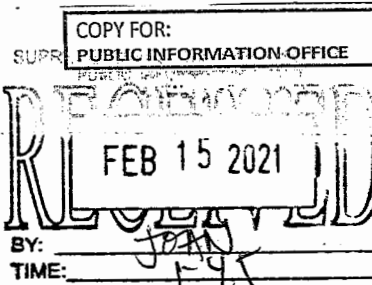




Republic of the Philippines  
Supreme Court  
Manila



THIRD DIVISION

NOTICE

Sirs/Mesdames:

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

**“G.R. No. 216979 – (PEOPLE OF THE PHILIPPINES, plaintiff-appellee v. ROBERTO TORCULAS y VILLAGONZA @ “Monggos”, accused-appellant).** – This resolves the appeal filed by accused-appellant Roberto Torculas y Villagonza @ Monggos (Roberto) against the September 30, 2014 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CEB-CR-HC No. 00780, affirming the conviction meted by the Regional Trial Court (RTC) of Tagbilaran City, Bohol, Branch 1, finding him guilty beyond reasonable doubt of murder.

**The Antecedents**

In an Information<sup>2</sup> dated December 3, 2001, Roberto was indicted for the crime of murder defined and penalized under Article 248 of the Revised Penal Code (RPC), committed as follows:

That on or about the 18<sup>th</sup> day of September 2001 in the municipality of Maribojoc, province of Bohol, Philippines and within the jurisdiction of this Honorable Court as a Family Court, [Roberto Torculas @ Monggos] with intent to kill, with abuse or taking advantage of superior strength, with treachery and premeditation did then and there willfully, unlawfully and feloniously attack, assault and strike with the use of a hard object one Maribel Torculas a ten (10) [year] old minor, without affording the latter an opportunity to defend herself, the latter being unarmed and is no match to the superior strength of the accused which ensured directly and specially the commission of the crime of Murder and inflicting upon the vital parts of the body of said victim mortal wounds and injuries which caused the death of the victim; to the damage and prejudice of the heirs of victim in the amount to be proved during the trial.

Acts committed contrary to the provisions of Article 248 of the

<sup>1</sup> Rollo, pp. 4-20; penned by Associate Justice Renato C. Francisco, with the concurrence of Associate Justices Gabriel T. Ingles and Jhosep Y. Lopez.

<sup>2</sup> Id. at 16-17.

Revised Penal Code, as Amended by Republic [A]ct No. 7659.<sup>3</sup>

On February 15, 2002, Roberto pleaded not guilty to the charge. After the pre-trial, trial on the merits ensued.<sup>4</sup>

As gathered from the testimonies of the prosecution witnesses, at around 8:00 in the evening of September 18, 2001, Salvacion Milano (Salvacion) was walking home when she saw the victim Maribel Torculas (Maribel) and Roberto. Roberto is the first degree cousin of Maribel's father. Maribel and Roberto were holding hands. Salvacion greeted them, but they ignored her.<sup>5</sup>

After five minutes, Salvacion arrived at her house. She sat on the stairs to smoke a cigarette, when she suddenly heard a child screaming, "*mama tabang*", which means "mother, help". She recognized Maribel's voice.<sup>6</sup>

Meanwhile, at around 11:00 that same evening, Expuria Torculas (Expuria) was at home weaving nipa, when Roberto suddenly arrived at her house. His feet were wet and covered in mud. He was scantily clad with only a towel wrapped around his stomach.<sup>7</sup> Expuria asked him what happened. He related that he slipped and fell in a sewage canal. Then, he borrowed a lighted torch allegedly to look for the money that he dropped on the road.<sup>8</sup>

Nestor Torculas, Maribel's father, was alerted about Maribel's disappearance. For days since September 18, 2001, the Torculas family and the neighbors went searching for Maribel.<sup>9</sup>

In the afternoon of September 20, 2001, Roberto joined the search group of Richard Jabines (Richard). Richard proposed going to the swampy area in Cuizon, but Roberto persistently dissuaded the group from proceeding. Roberto claimed that he had already searched that area. They followed Roberto's advice, and left.<sup>10</sup>

On September 21, 2001, Maribel's body was found in Cuizon. Her corpse was covered with nipa leaves.<sup>11</sup> She was wearing black pants, but her underwear was worn inside out. Her upper body was bare.<sup>12</sup>

<sup>3</sup> CA rollo, p. 16.

<sup>4</sup> Rollo, pp. 5-6.

<sup>5</sup> Id. at 7.

<sup>6</sup> CA rollo, p. 21.

<sup>7</sup> Id. at 28.

<sup>8</sup> Id.

<sup>9</sup> Rollo, p. 7.

<sup>10</sup> CA rollo, p. 39.

<sup>11</sup> Id. at 24.

<sup>12</sup> Id. at 32.

Dr. Rey Perpetuo Belderol (Dr. Beldeol), municipal health officer of Maribojoc, Bohol performed a medico-legal examination on Maribel's body. He reported that the corpse was already in a state of decomposition, and estimated the time of death to have been more than 48 hours. He noted various hematoma on Maribel's head. Likewise, he found an abscess wound on Maribel's upper lip, and noticed that her upper front teeth and canine teeth were loosened from their sockets. He opined that Maribel's injuries may have been caused by blows from a hard object or a fist.<sup>13</sup>

On the other hand, Roberto vehemently denied the charges leveled against him. He claimed that on September 18, 2001, he had dinner then slept at the balcony of his house. His mother woke him at 11:00 in the evening.<sup>14</sup> Thereafter, he went outside to buy a cigarette. He passed by Expuria's house and washed his feet at a nearby faucet. He related that his feet were soiled because he slipped in a canal. He likewise borrowed a lamp from Expuria to find the money that he had dropped in the canal.<sup>15</sup>

Josefina Torculas, Roberto's mother, corroborated Roberto's testimony. She related that at 8:00 in the evening of September 18, 2001, she was at home watching television, while Roberto was sleeping at the porch of their house. She woke him up at around 11:00 in the evening to urge him to move to the sala. Roberto asked for some money to buy cigarettes and went outside. He returned after 30 minutes and slept inside the house.<sup>16</sup>

### Ruling of the RTC

On January 19, 2007, the RTC rendered a Judgment<sup>17</sup> convicting Roberto of murder.

The dispositive portion of the RTC ruling reads:

WHEREFORE, premises considered, this Court finds ROBERTO TORCULAS y Villagonza GUILTY beyond reasonable doubt of Murder for killing with treachery and taking advantage of superior strength Maribel Torculas, a ten-year old girl and he is hereby imposed the penalty of Reclusion Perpetua, the applicable accessory penalties provided in Art. 41 of The Revised Penal Code as Amended and the costs. The Court Orders Roberto Torculas to pay the heirs of Maribel Torculas the sum of FIFTY THOUSAND PESOS (P50,000) by way of civil indemnity, an award pursuant to Art. 2206 of the Civil Code of the Philippines without need of any proof thereof; the sum of TWO THOUSAND FIVE HUNDRED PESOS (P2,500) for actual damages for funeral expenses, the sum of FIFTY

<sup>13</sup> Id. at 31-32.

<sup>14</sup> *Rollo*, p. 9.

<sup>15</sup> *CA rollo*, p. 36.

<sup>16</sup> *Rollo*, pp. 9-10.

<sup>17</sup> *CA rollo*, pp. 18-47; penned by Judge Teofilo D. Baluma.

THOUSAND PESOS (P50,000) for moral damages on account of the grief and suffering of the heirs of the victim, and the sum of TWENTY FIVE THOUSAND PESOS (P25,000) for exemplary damages the killing being qualified by treachery and taking advantage of superior strength since Maribel Torculas, the victim was a ten-year old girl.

IN THE SERVICE of the penalty herein imposed, Roberto Torculas y Villagonza is credited with the period of his preventive imprisonment, in the appropriate period provided under Art. 29, The Revised Penal Code as Amended which preventive imprisonment commenced on December 21, 2001.

SO ORDERED.<sup>18</sup>

Dissatisfied with the ruling, Roberto filed a notice of appeal.

### Ruling of the CA

On September 30, 2014, the CA rendered its assailed Decision<sup>19</sup> finding Roberto guilty of murder.

The CA held that Roberto's guilt was proven through strong circumstantial evidence that led to the inescapable conclusion that he killed Maribel.<sup>20</sup> The CA noted that the killing was attended with treachery and abuse of superior strength.<sup>21</sup> Maribel was attacked in a sudden manner, which deprived her of any chance to defend herself.<sup>22</sup> However, the qualifying circumstance of abuse of superior strength was absorbed by treachery, and may not be regarded as an additional aggravating circumstance.<sup>23</sup>

The CA modified the amount of damages awarded by the RTC by increasing the civil indemnity to ₱75,000.00, and the exemplary damages to ₱30,000.00. It further ordered the payment of an interest of six percent *per annum* to the total amount of damages awarded, which shall run from the finality of its ruling until full payment.<sup>24</sup>

The decretal portion of the CA Decision states:

WHEREFORE, premises considered, Judgment dated 19 January 2007, of the Regional Trial Court of Tagbilaran City, 7<sup>th</sup> Judicial Region, Branch 1, in Criminal Case No. 11200 is hereby AFFIRMED with MODIFICATIONS as to damages, to wit:

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<sup>18</sup> Id. at 47.  
<sup>19</sup> *Rollo*, pp. 4-20.  
<sup>20</sup> Id. at 14.  
<sup>21</sup> Id. at 17-18.  
<sup>22</sup> Id. at 17.  
<sup>23</sup> Id. at 18.  
<sup>24</sup> Id. at 19.

1. ₱75,000.00 as civil indemnity;
2. ₱50,000.00 as moral damages;
3. ₱30,000.00 as exemplary damages; and
4. ₱2,500.00 as actual damages.

An interest rate of six percent (6%) per annum shall be applied to the award of civil indemnity, moral, exemplary and actual damages to be reckoned from the date of finality of this ruling until fully paid.

SO ORDERED.<sup>25</sup>

Aggrieved, Roberto filed a notice of appeal.

### Issue

The main issue is whether or not the prosecution proved Roberto's guilt beyond reasonable doubt for the crime of murder.

Roberto<sup>26</sup> claims that the testimonies of the prosecution witnesses failed to establish a direct link between him and the crime he purportedly committed.<sup>27</sup> He points out that it was impossible for Salvacion to have heard Maribel scream.<sup>28</sup> Her house was far from the crime scene. Likewise, she was a new resident of Maribojoc, and had merely resided therein for 11 days, which makes it impossible for her to be familiar with Maribel's voice.<sup>29</sup> He also points out that Salvacion reported the incident five days after, which renders her testimony suspect.<sup>30</sup> He further asserts that Expuria's testimony that she saw him with wet feet does not prove anything as he sufficiently explained the reason behind this.<sup>31</sup> He likewise contends that the prosecution failed to prove all the elements of murder.<sup>32</sup> No evidence was presented to show the manner in which Maribel was attacked, thereby disproving treachery and abuse of superior strength.<sup>33</sup>

On the other hand, the People, through the Office of the Solicitor General (OSG),<sup>34</sup> counters that the circumstances provided a strong link that established Roberto's guilt. The testimonies of the prosecution witnesses were credible.<sup>35</sup> Salvacion testified that Maribel was last seen with Roberto. While

<sup>25</sup> Id. at 19-20.

<sup>26</sup> Id. at 41-42. Roberto manifested that he is adopting his Appellant's Brief and shall dispense with the filing of a Supplemental Brief.

<sup>27</sup> CA *rollo*, p. 73.

<sup>28</sup> Id. at 72.

<sup>29</sup> Id.

<sup>30</sup> Id.

<sup>31</sup> Id. at 74.

<sup>32</sup> Id.

<sup>33</sup> Id.

<sup>34</sup> *Rollo*, pp. 29-30. The OSG manifested that they will be adopting their Appellee's Brief, and dispense with the filing of a Supplemental Brief.

<sup>35</sup> CA *rollo*, p. 137.

the other witnesses described Roberto to have been “drunk and in a state of undress and dishabile” after Maribel’s disappearance.<sup>36</sup> The OSG further avers that Roberto’s defenses of denial and alibi were weak. Moreover, his mother’s corroborating testimony was biased.<sup>37</sup>

### Ruling of the Court

#### *The Prosecution Established Roberto’s Guilt Beyond Reasonable Doubt for the Crime of Murder*

Significantly, the RPC defines and penalizes the crime of murder as follows:

**Art. 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 perpetua*, to death if committed with any of the following attendant circumstances:

1. **With treachery, taking advantage of superior strength**, with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity.
2. In consideration of a price, reward or promise.
3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a railroad, fall of an airship, or by means of motor vehicles, or with the use of any other means involving great waste and ruin.
4. On occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic or other public calamity.
5. With evident premeditation.
6. With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse.<sup>38</sup> (Emphasis supplied)

**Notably, to sustain a conviction for murder, the prosecution must prove the following essential elements, (i) a person was killed; (ii) the accused killed the victim; (iii) the killing was attended by any of the qualifying circumstances mentioned in Article 248 of the RPC; and (iv) the killing is not parricide or infanticide.<sup>39</sup>**

<sup>36</sup> Id. at 137-138.

<sup>37</sup> Id. at 121.

<sup>38</sup> REVISED PENAL CODE, Art. 248, as amended by REPUBLIC ACT NO. 7659.

<sup>39</sup> *People v. Lagman*, 685 Phil. 733, 743 (2012). Citations omitted.

As a qualifying circumstance for murder, treachery exists when the offender commits any of the crimes against persons, employing means, methods or forms which tend directly and specially to ensure its execution, without risk to himself arising from the defense which the offended party might make.<sup>40</sup> “The essence of treachery is that the attack comes without a warning and in a swift, deliberate, and unexpected manner, affording the hapless, unarmed, and unsuspecting victim no chance to resist or escape the sudden blow.”<sup>41</sup>

Significantly, the Court declared in *People v. Diaz*,<sup>42</sup> *People v. Umawid*,<sup>43</sup> *People v. Guzman*,<sup>44</sup> *People v. Jugueta*,<sup>45</sup> and *People v. Pentecostes*,<sup>46</sup> that an attack by an adult against a child is regarded as treacherous. This holds true even if the manner of the assault is not shown.<sup>47</sup> A child, by reason of his/her tender years, cannot be expected to put up a defense against an adult assailant.<sup>48</sup> Certainly, the weakness of the child averts any possible danger to the accused.<sup>49</sup>

Meanwhile, abuse of superior strength exists “whenever there is a notorious inequality of forces between the victim and the aggressor, assuming a situation of superiority of strength notoriously advantageous for the aggressor selected or taken advantage of by him in the commission of the crime.” To appreciate this aggravating circumstance, due regard may be given to the age, size, and strength of the parties.<sup>50</sup>

It is an elementary principle of criminal law that when abuse of superior strength concurs with treachery, the former is absorbed in the latter and shall no longer be separately appreciated.<sup>51</sup> Relatedly, in *People v. Diaz*,<sup>52</sup> the Court appreciated both treachery and abuse of superior strength in the killing of an 11-year-old child. The Court declared that “there is a clear case of abuse of superior strength given the blatant inequality of strength between the victim and accused-appellant.”<sup>53</sup>

In the case at bar, Roberto suddenly and unexpectedly attacked Maribel, a hapless and defenseless 10-year-old girl. She could not have been expected

<sup>40</sup> *People v. Bugarin*, 807 Phil. 588, 598 (2017).

<sup>41</sup> *Id.* at 600.

<sup>42</sup> 377 Phil. 997 (1999).

<sup>43</sup> 735 Phil. 737 (2014).

<sup>44</sup> 542 Phil. 152 (2007).

<sup>45</sup> 783 Phil. 806 (2016).

<sup>46</sup> G.R. No. 226158, November 8, 2017, 844 SCRA 610.

<sup>47</sup> *People v. Umawid*, *supra* at 746.

<sup>48</sup> *People v. Jugueta*, *supra* at 819.

<sup>49</sup> *People v. Umawid*, *supra* note 40 at 746.

<sup>50</sup> *People v. Flores, et al.*, G.R. No. 228886, August 8, 2018, 877 SCRA 81, 94. Citation omitted.

<sup>51</sup> *People v. Almosara*, G.R. No. 223512, July 24, 2019, citing *People v. Sota*, G.R. No. 203121, November 29, 2017, 847 SCRA 113, 133.

<sup>52</sup> *People v. Diaz*, *supra*.

<sup>53</sup> *Id.* at 1005.

to put up a defense against him. Undoubtedly, his act reeks of treachery and abuse of super strength.

***Roberto's Guilt Was Established  
Through Circumstantial Evidence***

Remarkably, a conviction for murder need not be proven solely through direct evidence of the malefactor's culpability. To insist on merely admitting direct evidence as the sole proof of guilt will certainly lead to the pernicious situation wherein felons would be set free to the detriment of the judicial system, and thereby cause great danger to the community.<sup>54</sup>

Accordingly, the offender's guilt may likewise be proven through circumstantial evidence provided that the following requisites are present: (i) there is more than one circumstance; (ii) the facts from which the inferences are derived are proven; and (iii) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt. It is essential to note that under the new Rules on Evidence, the Court added the additional requirement that the "inferences cannot be based on other inferences."<sup>55</sup> Imperatively, all the circumstances taken together must form an unbroken chain of events pointing to the accused, to the exclusion of all others, as the author of the crime.<sup>56</sup>

The circumstances surrounding the fateful day of September 18, 2001 show an unbroken chain of events that establish Roberto's guilt:

(i) At around 8:30 in the evening of September 18, 2001, Salvacion saw Roberto and Maribel holding hands. She greeted the pair, but they ignored her.

(ii) Five minutes later, Salvacion arrived at her house. While she was smoking outside, she heard a child shouting for help. She recognized Maribel's voice. Her house is around 250 meters from where she last saw Maribel and Roberto.<sup>57</sup>

(iii) Maribel was never seen again. Her family started looking for her.

(iv) At around 11 o'clock in the evening, Roberto was seen by Allan Valera ("*Allan*") walking around the neighborhood, disheveled and restless.

(v) Roberto's feet were wet and covered in mud. He had no clothes, save for a towel wrapped around his waist. He went to Expuria's house, where he washed his feet and borrowed a lighted torch.

<sup>54</sup> *People v. Quitola*, 790 Phil. 75, 87-88 (2016), citing *People v. Uy*, 664 Phil. 483, 499-500 (2011).

<sup>55</sup> NEW RULES ON EVIDENCE.

<sup>56</sup> *People v. Fernandez*, G.R. No. 218130, February 14, 2018, 855 SCRA 436, 451, citing *Dungo v. People*, 762 Phil. 630, 679 (2015).

<sup>57</sup> CA rollo, p. 20.



(vi) On September 20, 2001, Roberto joined the group of Richard Jabines in searching for Maribel. During the search, Richard suggested that they look for Maribel at the swamp in Cuizon. Roberto discouraged the group from proceeding to Cuizon saying that he had already searched that area.<sup>58</sup>

(vii) On September 21, 2001, Maribel's body was discovered at the swamp in Cuizon. Dr. Belderol estimated Maribel's time of death to have been more than 48 hours.

(viii) On September 28, 2001, Roberto threatened Jenalyn and Salvacion that something bad will happen if Salvacion testifies.<sup>59</sup>

Undoubtedly, the unbroken chain of events prove Roberto's guilt for the murder of Maribel. To begin with, he was the last person seen with Maribel. In *People v. Lagao, Jr.*<sup>60</sup> and *People v. Pentecostes*,<sup>61</sup> the fact that the accused was the last person seen with the victim assumed great significance in proving the former's guilt.

Added to this, around three hours after Maribel was last seen, Roberto started acting in an odd manner. He was restlessly roaming around the neighborhood with only a towel covering his waist.<sup>62</sup> His feet were wet and covered in mud. It is interesting to note that Maribel's body was discovered in a swampy area at Cuizon, covered with bruises and badly beaten up. Splatters of blood were seen in the pieces of wood found at the crime scene.

Moreover, Roberto continued displaying suspicious conduct days after Maribel's disappearance. During one of the searches for Maribel, Roberto misled the search team and dissuaded them twice from going to Cuizon. It is indeed questionable why Roberto persistently prevented the search team from going to Cuizon. Likewise, Roberto's excuse for preventing the team, saying that he had already searched the area, is clearly false. If he had truly been at Cuizon earlier, then he would have discovered Maribel's body prior to the police and the search team.

Furthermore, the records reveal that Roberto intimidated Salvacion and Jenalyn to prevent them testifying. He made threats that something bad would happen if Salvacion testifies. The trial court noted that Roberto did not refute Jenalyn's statement regarding said threat.<sup>63</sup>

As a whole, the testimonies of the prosecution witnesses served as

<sup>58</sup> Id. at 39.

<sup>59</sup> Id. at 42.

<sup>60</sup> *People v. Lagao, Jr.*, 337 Phil. 497 (1997).

<sup>61</sup> *People v. Pentecostes*, supra note 43.

<sup>62</sup> CA rollo, p. 147.

<sup>63</sup> Id. at 42.

crucial parts of a puzzle, which when pieced together revealed a sordid yet vivid picture of Maribel's murder. Salvacion saw Maribel together with Roberto on the night Maribel disappeared. She likewise heard Maribel shout for help. Her familiarity with Maribel's voice is uncanny because the former had frequented the latter's home. Salvacion related that she regularly drank with Maribel's sister at the latter's home. Also, Salvacion frequently watched television with Maribel and usually conversed with her. In the same vein, Expuria, Allan and Richard's recollection of Roberto's suspicious behavior further solidifies the latter's guilt.

It bears noting that the trial court and the CA regarded the testimonies of the prosecution witnesses as credible and convincing. It is settled that the trial court's assessment of the credibility of witnesses deserves great weight and respect, most especially when affirmed by the CA. The trial court is in a better vantage point at deciding on the issue of credibility, considering that it directly heard the witnesses and observed their demeanor and manner of testifying under a grueling examination. Absent any error on the part of the trial judge, this Court will not disturb his evaluation.<sup>64</sup>

***Roberto's defenses of denial and alibi are weak and self-serving***

Roberto's defenses of denial and alibi do not inspire belief. Denial and alibi are inherently weak defenses. An alibi shall only be considered upon clear proof that the accused was not at the *locus criminis* during the commission of the crime, and that it was physically impossible for him to have been there.<sup>65</sup>

Plainly, it was not physically impossible for Roberto to have been at the crime scene. Roberto admitted that he was at home at the time of Maribel's murder. Maribel's body was discovered in Cuizon, a swampy area within Barangay Lincod, Maribojoc, Bohol.<sup>66</sup> He lives in Barangay Lincod, Maribojoc, Bohol which still places him within the vicinity of the crime. Furthermore, Salvacion, Expuria and Allan saw him at Maribojoc in the evening of September 18, 2001.

***The Proper Penalty and Damages***

Murder is penalized under Article 248, as amended by Republic Act No. 7659, with *reclusion perpetua*. Thus, the RTC correctly imposed a penalty of *reclusion perpetua* against Roberto.

<sup>64</sup> *People v. Umampas*, 807 Phil. 975, 990-991 (2017).

<sup>65</sup> *Id.* at 990, citing *People v. Palanas*, 760 Phil. 964, 975 (2015); *People v. Agcanas*, 674 Phil. 626, 632 (2011).

<sup>66</sup> *Rollo*, p. 14.

Anent the damages granted, the Court affirms the award of ₱75,000.00 as civil indemnity, but increases the amounts of moral damages and exemplary damages to ₱75,000.00 each, pursuant to this Court's ruling in *People v. Jugueta*.<sup>67</sup>

In addition, this Court awards temperate damages of ₱50,000.00, in lieu of the actual damages of ₱2,500.00. As held in *People v. Racal*,<sup>68</sup> temperate damages must be granted in lieu of actual damages, if the actual damages proven by receipts during the trial is less than the sum allowed as temperate damages. Otherwise, it would be unfair to the victim's heirs, who tried and succeeded in presenting receipts and other evidence to prove actual damages, to receive an amount that is less than the temperate damages given to those who were not able to present any evidence at all.<sup>69</sup>

Finally, all the amounts due shall be subject to a legal interest of six percent (6%) *per annum* from the finality of this Resolution until full payment.<sup>70</sup>

**WHEREFORE**, the instant appeal is **DISMISSED for lack of merit**. The September 30, 2014 Decision of the Court of Appeals in CA-G.R. CEB-CR-HC No. 00780 is **AFFIRMED with the following modifications**: Roberto Torculas y Villagonza @ "Monggos" is ordered to pay the heirs of Maribel Torculas: (i) ₱ 75,000.00 as civil indemnity; (ii) ₱75,000.00 as moral damages; (iii) ₱75,000.00 as exemplary damages; and (iv) ₱50,000.00 as temperate damages. All amounts due shall earn a legal interest of six percent (6%) *per annum* from the finality of this Court's Resolution until full payment.

**SO ORDERED."**

By authority of the Court:

*Misla DC Batt*  
**MISLAEL DOMINGO C. BATTUNG III**  
 Division Clerk of Court  
GER  
 1/8/21

Atty. Janice Lerio-Jaboco  
 PUBLIC ATTORNEY'S OFFICE  
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<sup>67</sup> Supra note 42 at 840, 848.

<sup>68</sup> 817 Phil. 665 (2017).

<sup>69</sup> Id. at 686.

<sup>70</sup> *People v. Jugueta*, supra note 42 at 854.

COURT OF APPEALS  
CA G.R. CEB-CR HC No. 00780  
6000 Cebu City

OFFICE OF THE SOLICITOR GENERAL  
134 Amorsolo Street  
Legaspi Village, 1229 Makati City

The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 1, 6300 Tagbilaran City  
(Crim. Case No. 11200)

The Superintendent  
New Bilibid Prison  
BUREAU OF CORRECTIONS  
1770 Muntinlupa City

Mr. Roberto V. Torculas @ "Monggos"  
c/o The Superintendent  
New Bilibid Prison  
BUREAU OF CORRECTIONS  
1770 Muntinlupa City

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