



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated July 6, 2022, which reads as follows:

“G.R. No. 248784 (*People of the Philippines v. Ferdinand Barbo y Mamaril*). — This appeal¹ under Rule 124² of the Rules of Court challenges the June 22, 2018 Decision³ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09463, which affirmed the June 13, 2016 Decision⁴ of the Regional Trial Court (RTC) of Mandaluyong City, Branch 208, in Criminal Case No. MC11-13488, finding accused-appellant Ferdinand Barbo y Mamaril (Barbo) guilty of Murder.

Version of the Prosecution

On December 25, 2010, at around 1:00 a.m., concerned residents of Gate 12, Basilan Street, *Barangay* Malamig, Mandaluyong City, reported a stabbing incident in their area. *Bantay Bayan* Jhonny Alvarado (Alvarado) responded to the report. When he saw Barbo holding a knife and his hands covered with blood, Alvarado introduced himself. Barbo immediately fled, prompting the former to chase the latter. Alvarado’s fellow *Bantay Bayan* members, Narciso Del Rosario (Del Rosario) and Bonifacio Lacsina, eventually apprehended Barbo, who was wearing bloodied clothes.⁵ They introduced themselves as anti-vice operatives then ordered Barbo to surrender. After Barbo dropped the knife on the ground, Del Rosario picked it up and turned it over to the investigator.⁶

¹ *Rollo*, pp. 21-23.

² As amended by A.M. No. 00-5-03-SC.

³ *Rollo*, pp. 3-20. Penned by Associate Justice Ramon A. Cruz and concurred in by Associate Justices Ramon M. Bato, Jr. and Pablito A. Perez.

⁴ *CA rollo*, pp. 45-51. Penned by Presiding Judge Esteban A. Tacla, Jr.

⁵ *CA rollo*, p. 65; records, p. 14; TSN, November 14, 2011, pp. 7-10; May 28, 2012, p. 7; September 17, 2013, pp. 4-7.

⁶ *CA rollo*, p. 33; records, pp. 16-17; TSN, May 28, 2012, pp. 9-10.

Upon Alvarado's return to Basilan Street, he saw the victim, Emiliana Amandy (Amandy), already lifeless and with stab wounds on different parts of her body.⁷

Meanwhile, the authorities brought Barbo to Mandaluyong City Medical Center for medical examination,⁸ and to the Criminal Investigation Unit of Mandaluyong for processing.⁹

Eduardo Asis (Asis), the victim's son, averred that during the conduct of preliminary investigation witnessed by Victor Mamaril (Victor), Lupo de Torres (Lupo), and Teresita de Torres (Teresita), who are Barbo's relatives, Barbo executed a *Sinumpaang Salaysay*,¹⁰ which he (Barbo) signed in front of Asis and the prosecutor.¹¹ Asis asserted that Barbo was assisted by counsel at the time.¹² In Barbo's *Sinumpaang Salaysay*, he admitted sole responsibility for what happened, and that his intense anger after Amandy badmouthed his mother incited him to stab the victim.

Josie Ebreo (Ebreo) stated in her *Salaysay*¹³ that she saw Barbo kicking open the door of Amandy's house. Shortly after, she heard Amandy screaming for help. After a few minutes, Barbo casually exited Amandy's house. Ebreo then peeped at Amandy's house and saw the latter's bloodied and lifeless body sprawled on the floor. Ebreo asked for aid from her neighbors.

Similarly, Marcelina Mamaril¹⁴ and Ricardo Mamaril¹⁵ (Ricardo), in their respective affidavits, averred that prior to the stabbing incident, Amandy informed them that Barbo threatened her life. Amandy also caused the recording of such threats in the police's blotter.¹⁶

Police Chief Inspector Maria Anna Lisa Dela Cruz conducted the postmortem examination on Amandy's body and concluded that the cause of death¹⁷ was multiple stab wounds on the head, neck, and

⁷ CA rollo, p. 65; records, p. 16; TSN, November 14, 2011, pp. 12-13.

⁸ Records, p. 32.

⁹ CA rollo, p. 33; records, p. 16; TSN, May 28, 2012, p. 10; September 17, 2013, pp. 8-9.

¹⁰ Records, pp. 242-243.

¹¹ TSN, May 13, 2014, pp. 5-6.

¹² Id. at 10.

¹³ Records, p. 11.

¹⁴ Id. at 13.

¹⁵ Id. at 12.

¹⁶ Id. at 17-A.

¹⁷ Id. at 18. Death Certificate of Emiliana Mamaril Amandy.

trunk.¹⁸ She noted that the body sustained 28 injuries: 18 stab wounds, six incise wounds, and one abrasion. The 12 injuries found on the neck and trunk were deemed fatal. Based on the size of the wounds, a single bladed weapon, like a kitchen knife, might have been used to inflict the injuries. She similarly opined that only one weapon was used.¹⁹

Version of the Defense

Barbo essentially denied the charge. He averred that on December 25, 2010, at around midnight, he was on his way home from the off-track at Basilan Street which was just across his house. While walking, an unidentified person hit him, prompting him to run away. He hailed a tricycle but as he was about to board, the tricycle moved, dragging him with it and causing his injuries. He then saw a vehicle of the anti-vice operatives and requested for assistance. The people chasing him, whom he later discovered were *barangay* officers, arrived. The anti-vice operatives ordered him to raise his hands then handcuffed him. He subsequently learned that he was being accused of murdering his aunt, Amandy.²⁰

Sometime in February 2011, Barbo was brought to the Prosecutor's Office where he saw his relatives, Victor, Lupo, and Teresita, who were being indicted. Thereafter, he was asked to sign a document in order to be released. Because he trusted his relatives, he did not read the document. Barbo maintained that if only he knew that it contained his admission of guilt, he would not have signed the same. He asserted that Atty. Antonio Abad (Atty. Abad) was not his lawyer but the counsel of his relatives, and that he was not assisted by counsel when he signed the affidavit.²¹

Barbo averred that he harbored no grudge against Amandy. However, his relatives had a previous conflict with the victim. Yet, he did not meddle in their affairs. He added that he failed to secure a medical certificate to prove the injuries he sustained when he was dragged by the tricycle since the police officers did not allow him to undergo a medical examination.²² Furthermore, he denied having a

¹⁸ TSN, February 13, 2012, p. 12.

¹⁹ CA *rollo*, pp. 33-34; TSN, February 13, 2012, pp. 13-15, 18.

²⁰ CA *rollo*, p. 34; TSN, September 8, 2014, pp. 4-11; October 21, 2014, pp. 4-13.

²¹ CA *rollo*, p. 34; TSN, October 21, 2014, pp. 37-46; May 19, 2015, pp. 14-19, 21-43.

²² CA *rollo*, pp. 34-35; TSN, October 21, 2014, p. 58.

drinking spree a few hours before the felony was committed.²³

The Proceedings

In an Information²⁴ dated December 28, 2010, Barbo was charged with Murder²⁵ under Article 248 of the Revised Penal Code (RPC), as amended by Republic Act No. (RA) 7659.²⁶ The accusatory portion of the Information reads:

That on or about the 25th day of December 2010, in the City of Mandaluyong, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping and aiding one another, with intent to kill, evident premeditation and abuse of superior strength, did then and there willfully, unlawfully and feloniously attack, assault and employ personal violence upon the person of Emiliana Amandy y Mamaril by stabbing her in different parts of her body, thereby inflicting upon the latter serious injuries which directly caused her instantaneous death.

CONTRARY TO LAW.²⁷

During his arraignment, Barbo entered a plea of “not guilty.”²⁸

At the pre-trial, the parties stipulated on the trial court’s jurisdiction and the identity of the accused-appellant as the same person charged and arraigned in this case.²⁹ Trial ensued.

The parties stipulated on the testimony of Police Officer 2 Danilo A. Patoc (PO2 Patoc), the police investigator, as follows:

1. That the supposed witness, PO2 Danilo A. Patoc, is a bonafide member of the Philippine National Police (PNP) x x x;
2. That he is the assigned investigator in Criminal Case No. MC11-13488 x x x;
3. That he only [prepared] the inquest referral, arrest report and affidavits of the private complainant and its witnesses x x x and;
4. That he has no personal knowledge regarding the case x x x.³⁰

²³ TSN, October 21, 2014, pp. 60-63.

²⁴ Records, pp. 1-2.

²⁵ Charged along with “Jane Doe” and two “John Does.”

²⁶ Entitled “AN ACT TO IMPOSE THE DEATH PENALTY ON CERTAIN HEINOUS CRIMES, AMENDING FOR THAT PURPOSE THE REVISED PENAL CODE, AS AMENDED, OTHER SPECIAL PENAL LAWS, AND FOR OTHER PURPOSES.” Approved: December 13, 1993.

²⁷ Records, p. 1.

²⁸ Id. at. 37-38.

²⁹ Id. at 68.

³⁰ CA rollo, p. 46; records, p. 136.

Also, the parties stipulated on the receipts³¹ presented by Ricardo, the brother of the victim.³²

Ruling of the Regional Trial Court

In a Decision³³ dated June 13, 2016, the RTC ruled that although there is no direct evidence pointing to Barbo as the perpetrator, the attendant circumstantial evidence showed his culpability. The victim, who was stabbed multiple times, was Barbo's relative. This suggested that the offender committed the felony in a fit of extreme anger. Moreover, Barbo was in the vicinity at the time, with a possible motive to commit the crime. In any case, there is a written admission to that effect.³⁴

The trial court noted that Barbo's demeanor during trial, when considered together with his inconsistent statements and tendency to evade simple questions, fueled the suspicion against him. Even if motive is immaterial in criminal cases, it becomes significant when the evidence is circumstantial and the identity of the perpetrator needs to be ascertained.³⁵ Thus, the dispositive portion of the RTC Decision reads:

WHEREFORE, this Court finds accused Ferdinand Barbo y Mamaril guilty beyond reasonable doubt of the crime of Murder and hereby [sentences] him to suffer the penalty of Reclusion Perpetua.

Likewise, to pay civil liability in the amount of [P]56,700.00.

SO ORDERED.³⁶

Barbo appealed³⁷ to the CA.

Barbo argued that the testimonies of Alvarado and Del Rosario are suspect since these were laden with improbabilities. Del Rosario admitted that the weapon he saw on the day of the crime was marked with Barbo's initials, yet the one presented to the trial court had no markings. Additionally, although Barbo was supposedly medically

³¹ For expenses incurred by the relatives of the victim as a result of her death; *records*, pp. 236-241.

³² TSN, April 1, 2014, pp. 6-8.

³³ *CA rollo*, pp. 45-51.

³⁴ *Id.* at 49.

³⁵ *Id.* at 51.

³⁶ *Id.*

³⁷ *Id.* at 15-17.



examined, there was no medical certificate presented.³⁸ Barbo insisted that the circumstantial evidence is not sufficient to establish that he committed the crime, and that the motive considered by the trial court in convicting him is not exclusive to him. Also, he was not assisted by an independent and competent counsel when he accomplished the *Sinumpaang Salaysay*; hence, his confession was not validly made. Atty. Abad was not his chosen counsel as the said lawyer was representing his relatives, not him.³⁹ In addition, the prosecution failed to prove the aggravating circumstance of evident premeditation.⁴⁰

Conversely, the People, through the Office of the Solicitor General, maintained that the author of the crime can still be positively identified even if the witnesses' testimonies are based on circumstantial evidence.⁴¹ Barbo admitted in his *Sinumpaang Salaysay*, while being assisted by Atty. Abad, that he killed the victim. Nonetheless, even without such admission, he can still be convicted of the felony due to the existence of circumstantial evidence.⁴² Likewise, Barbo's denial is not credible when juxtaposed with the positive declarations of the witnesses who had no ulterior motive to testify against him.

Ruling of the Court of Appeals

The CA, in its assailed June 22, 2018 Decision,⁴³ ruled that Barbo's extrajudicial confession is admissible in evidence. He did not deny that he signed the *Sinumpaang Salaysay* admitting his culpability, which he subscribed before the public prosecutor. The said affidavit was written in Filipino, a language known to him, using words that are easy to understand. Additionally, Barbo's highest educational attainment is first year high school.⁴⁴ It is unlikely and contrary to human nature to sign a document without reading it or inquiring about its contents, especially if the person is being charged with Murder. When the public prosecutor asked Barbo to swear to the veracity of his statement, he should have known what he was agreeing to. Furthermore, he was in a neutral place, in the presence of the public prosecutor, a counsel, his relatives, co-respondents, and complainants. Even if Atty. Abad was not his lawyer but that of his relatives, what matters is that the counsel is competent and

³⁸ CA *rollo*, pp. 6-37.

³⁹ *Id.* at 38-40.

⁴⁰ *Id.* at 41.

⁴¹ *Id.* at 66.

⁴² *Id.* at 66-69.

⁴³ *Rollo*, pp. 3-20.

⁴⁴ *Id.* at 11-12.

independent.⁴⁵

In any case, Barbo's confession was corroborated by circumstantial evidence, as enumerated by the RTC. Even without his extrajudicial confession, the surrounding circumstances still point to Barbo as the perpetrator of the felony.⁴⁶ The appellate court noted that "Alvarado was called to respond to an incident x x x. When he arrived there, he saw [Barbo], bloodied and holding a knife. When he introduced himself as a *Bantay Bayan*, [Barbo] ran away. It turned out that [Barbo's] aunt was stabbed multiple times with a knife in her house x x x, the same place where, and shortly before, [Barbo] was first seen by [Alvarado], after the latter responded to a call for help."⁴⁷

The *fallo* of the CA Decision reads:

WHEREFORE, in view of the foregoing, the appeal is **DISMISSED** for lack of merit. The Decision dated June 13, 2016 rendered by the Regional Trial Court of Mandaluyong City, Branch 208, in Criminal Case No. MC11-13488 is **AFFIRMED with MODIFICATION**, in that the amount of civil indemnity is increased to ₱75,000.00. In addition, the accused-appellant is ordered to pay the heirs of the victim the amount of ₱56,700.00 as actual damages, ₱75,000.00 as moral damages and ₱75,000.00 as exemplary damages. The total amount of monetary awards shall earn legal interest at the rate of six percent (6%) *per annum* from the date of the finality of this Decision until fully paid.

SO ORDERED.⁴⁸

Dissatisfied, Barbo appealed⁴⁹ before the Court.

Issue

Thus, the main issue for Our resolution is whether Barbo is guilty beyond reasonable doubt of the crime of Murder.

Our Ruling

The appeal has no merit.

Barbo insisted on the inadmissibility of his extrajudicial

⁴⁵ Id. at 13.

⁴⁶ Id. at 13-15.

⁴⁷ Id. at 15-16.

⁴⁸ Id. at 19.

⁴⁹ Id. at 21-23.



confession, as he supposedly did not read its contents, and he was not assisted by a competent counsel when he signed it. To address this, jurisprudence established that -

[c]orrelatively, for an extrajudicial confession to be admissible, there must be stringent compliance with the following essential requisites: '(i) the confession must be voluntary; (ii) the confession must be made with the assistance of a competent and independent counsel, preferably of the confessant's choice; (iii) the confession must be express; and (iv) the confession must be in writing.'⁵⁰ Failure to comply shall render the extrajudicial confession inadmissible pursuant to the cold objectivity of the exclusionary rule.⁵¹

Here, Barbo voluntarily signed the *Sinumpaang Salaysay*, where he expressly stated that he committed the felony, and that he alone should be held liable for it. According to the prosecution, a certain Atty. Abad, the counsel of Barbo's relatives, assisted him, and he even signed the document in the presence of the prosecutor. As noted by the CA, the affidavit was in a language understood by Barbo, and he signed the same in the presence of many witnesses. More importantly, it is unlikely for someone his age and educational attainment to automatically sign a document without verifying its contents, considering that he was being charged with Murder.

Regardless, even if the extrajudicial confession would be deemed inadmissible in evidence, the presence of several circumstantial evidence still affirmed Barbo's guilt. It should be emphasized that:

[d]irect evidence to prove that a crime has been carried out by a particular individual is not the only basis on which a court draws its finding of guilt. The rules of evidence allow a trial court to rely on circumstantial evidence to establish the commission of a crime, the identity of the perpetrator, and the finding of guilt. Circumstantial evidence is that evidence 'which indirectly proves a fact in issue through an inference which the fact-finder draws from the evidence established.'

Under Section 4, Rule 133 of the Rules of Court, circumstantial evidence would be sufficient to convict the offender 'if i) there is more than one circumstance; ii) the facts from which the inference is

⁵⁰ *People v. Jamo, Jr.*, G.R. No. 224586 (Notice), March 24, 2021, citing *People v. Rapeza*, 549 Phil. 378, 392-393 (2007), citing *People v. Porio*, 427 Phil. 82, 93 (2002), citing *People v. Gallardo*, 380 Phil. 182, 194 (2000) and *People v. Bacor*, 366 Phil. 197, 212 (1999); See: *People v. Oranza*, 434 Phil. 417, 430 (2002); *People v. Valdez*, 395 Phil. 207, 224 (2000); *People v. Base*, 385 Phil. 803, 815 (2000); *People v. Lumandong*, 384 Phil. 390, 403 (2000); *People v. Calvo, Jr.*, 336 Phil. 655, 661 (1997).

⁵¹ *People v. Jamo, Jr.*, G.R. No. 224586 (Notice), March 24, 2021, citing *People v. Rapeza*, 549 Phil. 378, 392-393 (2007), citing *People v. Santos*, 347 Phil. 723, 733 (1997).

derived are proven; and iii) the combination of all circumstances is such as to produce a conviction beyond reasonable doubt.’ The determination of whether circumstantial evidence is sufficient to support a finding of guilt is a qualitative test and not a quantitative one. The proven circumstances must be ‘consistent with each other, consistent with the hypothesis that the accused is guilty, and at the same time consistent with the hypothesis that he is innocent, and with every other rational hypothesis except that of guilt.’⁵²

Although there was no witness to the actual stabbing, the existence of circumstantial evidence proved beyond reasonable doubt that Barbo perpetrated the crime. The RTC noted the following instances: (1) the victim, who sustained multiple stab wounds, was the aunt of Barbo; (2) Barbo was in the vicinity of the crime scene, allegedly on an off-track station just across the house of the victim (around 10-15 meters away); (3) there is a serious dispute between Barbo and the victim, as the latter stated that the former should not inherit from the estate of their grandmother since Barbo’s mother is “*tanga*” and “*kabit*” of his father (who abandoned him); (4) the nature of the victim’s wounds, considering the knife which was confiscated from Barbo, and given Barbo’s bloodied hands; (5) Barbo’s affidavit indicating his confession due to his hatred against the victim, as sworn to before the prosecutor during the preliminary investigation of Barbo’s relatives; (6) doctrine of *res ipsa loquitur* as regards Barbo’s affidavit; (7) Barbo’s bloodied state; and, (8) Barbo’s attempt to flee when he was being arrested, and his excuse that he did not go home because the gate was locked was never proven.⁵³

Moreover, Amandy told her other relatives that Barbo threatened her, and even had the threats recorded in the police blotter. Alvarado also witnessed Barbo running away from the scene. Thereafter, the anti-vice operatives saw Barbo about to board a tricycle, with bloodstains, and holding a knife. These circumstances certainly supported the conclusion of the lower courts that Barbo is guilty of the crime.

Moreover, it should be emphasized that “in the absence of misapprehension of relevant facts that would affect the outcome of the case, the factual findings of the trial court, duly affirmed on appeal, deserve great weight and must be accorded respect by the Court.”⁵⁴ In this case, the RTC and the CA both ruled that Barbo committed the

⁵² *People v. XXX*, G.R. No. 256214 (Notice), October 4, 2021. Citations omitted.

⁵³ *CA rollo*, pp. 50-51.

⁵⁴ *Navarro v. People*, UDK-17100 (Notice), January 3, 2022, citing *People v. Bacayan*, G.R. No. 238457, September 18, 2019.

felony, and explained their rulings with relevant laws and jurisprudence.

Article 248 of the RPC describes the felony of Murder as follows:

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 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 of persons to insure or afford impunity.

x x x x

To successfully prosecute an accused for Murder, the following elements must be proven: “(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 [RPC]; and (4) the killing does not amount to parricide or infanticide.”⁵⁵

There is no dispute as to the existence of the first and fourth requisites, given Amandy’s death and because Barbo’s relationship with her did not categorize the killing to parricide or infanticide. For the second requisite, as earlier discussed, based on the circumstantial evidence and his extrajudicial confession, Barbo killed Amandy.

With regard to the third requisite, the attendant circumstances showed that Barbo employed abuse of superior strength, which qualified the killing to Murder. “To properly appreciate abuse of superior strength, due regard must be made to the relative age, size, and strength of the parties.”⁵⁶ In other words, the prosecution must prove that ‘there was a notorious inequality of forces between the victim and the aggressor that was plainly and obviously advantageous to the latter who purposely selected or took advantage of such inequality to facilitate the commission of the crime.’⁵⁷ ‘In this context,

⁵⁵ *People v. Benedicto*, G.R. No. 254036 (Notice), October 13, 2021, citing *People v. Tabura*, G.R. No. 228962 (Notice), February 10, 2021, which cited *People v. Lababo*, 832 Phil. 1056, 1071 (2018).

⁵⁶ *People v. Benedicto*, G.R. No. 254036 (Notice), October 13, 2021, citing *People v. Jamo, Jr.*, G.R. No. 224586 (Notice), March 24, 2021, which cited *People v. Corpuz*, 826 Phil. 801, 813 (2018), further citing *People v. Calpito*, 462 Phil. 172, 179 (2003).

⁵⁷ *People v. Benedicto*, G.R. No. 254036 (Notice), October 13, 2021, citing *People v. Rodriguez*, G.R. No. 248181 (Notice), May 5, 2021.

to take advantage of superior strength means to purposely use force excessively out of proportion to the means of defense available to the person attacked.”⁵⁸

Barbo used a knife to stab Amandy multiple times, in addition to the finding that the victim was unarmed, has a smaller built, weaker stamina, and older. This is notwithstanding the fact that when the weapon was presented during trial, the markings on the knife were missing.⁵⁹ In any case, the post-mortem examination of the victim’s body revealed that she died of multiple stab wounds on different parts of her body. Alvarado saw Barbo holding a knife near the crime scene, and the arresting officers likewise found him with a knife before his arrest.

Although the Information alleged that evident premeditation attended the commission of the felony, the prosecution did not sufficiently prove the same. “To appreciate evident premeditation, the following must be proven: (a) the time when the accused decided to commit the crime; (b) an overt act manifestly indicating that he has clung to his determination; and (c) sufficient lapse of time between the decision and the execution to allow the accused to reflect upon the consequences of his act.”⁶⁰ In the case at bench, the admitted evidence, and even the allegations of the prosecution, failed to demonstrate how Barbo supposedly clung to his determination to kill Amandy, thus negating the presence of evident premeditation.

Regarding the penalties, as there is no other aggravating circumstance alleged in the Information and subsequently proven during the trial, the imposition of the lower penalty of *reclusion perpetua* is proper pursuant to Article 63 of the RPC.⁶¹ Additionally, in view of Administrative Matter No. 15-08-02-SC,⁶² the phrase “*without eligibility for parole*” does not have to be specified in the dispositive portion of the judgment.⁶³

⁵⁸ *Id.*

⁵⁹ TSN, May 7, 2013, pp. 5-6.

⁶⁰ *People v. Bultron*, G.R. No. 253651 (Notice), October 4, 2021, citing *People v. Callet*, 431 Phil. 625, 635 (2002) which cited *People v. Panabang*, 424 Phil. 596, 614 (2002).

⁶¹ *People v. Pigar*, G.R. No. 247658, February 17, 2020, citing REVISED PENAL CODE, Art. 63.

⁶² Entitled “GUIDELINES FOR THE PROPER USE OF THE PHRASE ‘WITHOUT ELIGIBILITY FOR PAROLE’ IN INADVISIBLE PENALTIES.” Approved: August 4, 2015.

⁶³ *People v. Pigar*, *supra*, citing Guidelines for the Proper Use of the Phrase “without eligibility for parole” in Indivisible Penalties, August 4, 2015; See also *People v. Ursua*, 819 Phil. 467, 476 (2017).

July 6, 2022

Lastly, in view of *People v. Jugueta*,⁶⁴ when the penalty consists of indivisible penalties (*i.e.*, for murder) and the penalty imposed is *reclusion perpetua*, the awards for civil indemnity, moral damages, and exemplary damages should be fixed at ₱75,000.00 each. Likewise, actual damages may be awarded, as in this case, when the RTC found that the amount of ₱56,700.00 was substantiated. This amount is different from civil indemnity, which is a kind of monetary restitution to the victim for the damage done by the accused. Also, the monetary awards should be subject to the legal interest of six percent (6%) per *annum* from the finality of the judgment until fully paid.⁶⁵

WHEREFORE, the appeal is **DISMISSED**. The assailed June 22, 2018 Decision of the Court of Appeals in CA-G.R. CR-HC No. 09463 is hereby **AFFIRMED**. Accused-appellant Ferdinand Barbo y Mamaril is found guilty beyond reasonable doubt of the crime of Murder and is sentenced to suffer the penalty of *reclusion perpetua*. Accused-appellant is ordered to pay the heirs of the victim, Emiliana Amandy y Mamaril, the amounts of ₱56,700.00 as actual damages, ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages. The total amount of monetary awards shall earn legal interest at the rate of six percent (6%) per *annum* from the date of the finality of this Resolution until full payment.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court _{7/1/22}

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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⁶⁴ *People v. Jugueta*, 783 Phil. 806, 847-848 (2016).

⁶⁵ *Nissan Gallery-Ortigas v. Felipe*, 720 Phil. 828, 840 (2013), citing *Nacar v. Gallery Frames and/or Felipe Barley, Jr.*, 716 Phil. 267, 281-283 (2013) which cited BSP-MB Circular No. 799 dated May 16, 2013.

The Solicitor General
Amorsolo St., Legaspi Village
1229 Makati City

Court of Appeals (x)
Manila
(CA-G.R. CR-HC No. 09463)

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The Presiding Judge
Regional Trial Court, Branch 208
1550 Mandaluyong City
(Crim. Case No. MC11-13488)

Philippine Judicial Academy (x)
Supreme Court

PUBLIC ATTORNEY'S OFFICE
Special and Appealed Cases Service
Counsel for Accused-Appellant
DOJ Agencies Bldg.
Diliman, 1101 Quezon City

Judgment Division (x)
Supreme Court

Mr. Ferdinand Barbo y Mamaril
Accused-Appellant
c/o The Director General
Bureau of Corrections
1770 Muntinlupa City

The Director General
Bureau of Corrections
1770 Muntinlupa City



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MKG