



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **28 March 2022** which reads as follows:*

“**G.R. No. 252216** (*People of the Philippines v. Dodie Ramayan y Duque*). — The advent of Republic Act No. (RA) 11036,¹ the Mental Health Act, gives occasion for State recognition of the basic right to mental health. The passage of the law, however, does not detract from the requirement that mental health conditions and their clinical diagnoses, whether as exempting or mitigating circumstance must be proven by the accused to exempt him from, or mitigate his, criminal liability.²

On appeal³ before us is the November 7, 2019 Decision⁴ of the Court Appeals (CA) in CA-G.R. CR HC No. 11152 which downgraded the Regional Trial Court (RTC), Branch 172, Valenzuela City’s conviction of accused-appellant Dodie Ramayan y Duque (Ramayan) for Murder⁵ to the lesser offense of Homicide under Article 249 of the Revised Penal Code (RPC) in Criminal Case No. 474-V-16.

Ramayan was initially charged with Murder under Article 248 of the RPC in an Information which reads:

That on or about April 12, 2016 in Valenzuela City and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully, and feloniously and acting with treachery, that is by

¹ Entitled “AN ACT ESTABLISHING A NATIONAL MENTAL HEALTH POLICY FOR THE PURPOSE OF ENHANCING THE DELIVERY OF INTEGRATED MENTAL HEALTH SERVICES, PROMOTING AND PROTECTING THE RIGHTS OF PERSONS UTILIZING PSYCHIATRIC, NEUROLOGIC AND PSYCHOSOCIAL HEALTH SERVICES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.” Approved: June 20, 2018.

² See Section 1, Rule 131, Rules of Court.

³ *Rollo*, pp. 15-17.

⁴ *CA rollo*, pp. 87-98. Penned by Associate Justice Manuel M. Barrios and concurred in by Associate Justices Louis P. Acosta and Walter S. Ong.

⁵ *Id.* at 58-62. March 23, 2018 Decision penned by Judge Nancy Rivas-Palmones.

surprise, said accused, [stabbed] with a knife one AAA,⁶ 15 years old (DOB: November 7, 2000), hitting the latter on the left side of his chest, thereby causing his death.⁷

During the arraignment, Ramayan pleaded not guilty. However, at the pre-trial, he admitted to killing the victim and agreed to a reverse trial. Yet again, at the initial trial, Ramayan changed his mind anew and denied killing the victim.

Upon motion of counsel for the defense, the trial court ordered the reversion to the regular trial procedure with the prosecution first to present evidence, offering the testimonies of four witnesses.⁸ Of the four, the testimonies of two witnesses, BBB, sister of the victim, and PO1 Marcie Rosalejos (PO1 Rosalejos), the arresting officer of Ramayan, were dispensed with and stipulated on by the prosecution and defense.⁹

The main prosecution witnesses were: (1) an eyewitness, Mary Jane Garsula (Garsula), and (2) Police Chief Inspector (PCI) Charyl Escaro, the medico-legal officer who conducted an autopsy of the victim and prepared medical documents attesting to the injuries suffered and cause of death of the victim.¹⁰

Garsula testified that she was speaking to the victim at her house inside the Binatugan Compound in Barangay Ugong, Valenzuela City, when Ramayan suddenly appeared from behind AAA, and as he turned AAA's body so they were face to face, stabbed AAA on the chest with a stainless knife. In one fluid motion, as his hand held the bloodied knife, Ramayan whisked the knife to his side to wipe off the blood with the shirt he was wearing and all the while taunting the victim in the vernacular, "*O, ano ka ngayon? Ano? Ano?*".¹¹

In her shock, Garsula let out a muffled scream. As Ramayan left the scene, he continued to taunt the victim, "*O, ano ka ngayon?*". AAA, who had fallen, stood up and attempted to walk, but immediately fell again after taking a couple of steps. Soon thereafter, he died.¹²

Ramayan was arrested by responding police officers, including PO1 Rosalejos, who were on patrol duty along Feliciano Street, Binatugan Compound and learned of the stabbing incident by concerned citizens asking for help for the victim.¹³

⁶ Pursuant to Administrative Circular No. 83-2015 or the "PROTOCOLS AND PROCEDURES IN THE PROMULGATION, PUBLICATION AND POSTING ON THE WEBSITES OF DECISIONS, FINAL RESOLUTIONS AND FINAL ORDERS USING FICTITIOUS NAMES." (A.C. 83-2015), the complete name of the child victim in this case is hereby replaced with the fictitious initials "AAA."

⁷ CA rollo, p. 88.

⁸ Records, p. 58.

⁹ Id.

¹⁰ CA rollo, pp. 88-89.

¹¹ Id. at 89.

¹² Id.

¹³ Id. at 90.

The Medical Report details the fatal wound of the victim:

THORAX AND ABDOMEN:

1) *Stab wound, epigastric region, measuring 1.3 x .8 cm, 1 cm left of the anterior midline, 9 cm deep, directed posteriorwards, upwards & lateralwards, incising the skin, the pericardial sac and the heart and fracturing the sternal bone.*

- *There are about 700 cc of blood and bloodclots in the pericardial sac.*
- *The stomach is full of partially digested food particles, mostly rice.*
- *The rest of the visceral organs are grossly unremarkable.*¹⁴

As testified to by BBB, their family incurred funeral expenses in the amount of ₱45,000.00.¹⁵

Ramayan's defense vacillated in his denial of wittingly killing the victim and his claim of having epilepsy, a seizure disorder, which affected his behavior, and consequently exempts him from criminal liability. The defense thus presented two doctors, a clinical psychologist and a psychiatrist, Dr. Nedy Tayag (Dr. Tayag) and Dr. Ma. Isabel Estrada (Dr. Estrada), to testify on their psychological assessment of Ramayan:

For the defense, Dr. Nedy Tayag, the Chief Psychologist of the National Center for Mental Health testified that accused-appellant is suffering from *epilepsy*, a seizure disorder, and has mild mental retardation. According to Dr. Tayag, accused-appellant's current Intelligent Quotient (IQ) is 66 which falls under the mild retardation level. xxx

Dr. Ma. Isabel Estrada – a physician at the National Center for Medical Health – also testified that in her interview with accused-appellant, it was disclosed that on 12 April 2016, victim [AAA] bullied accused-appellant, calling the latter crazy. xxx

Dr. Estrada attested that accused-appellant has mental retardation with a mental age of nine (9) years old, and, as such, his discernment is poor, and he does not know, at the time, the consequences of his acts. Witness also revealed that accused-appellant has suffered *epileptic* seizures since he was four (4) years old.¹⁶

Ruling of the Regional Trial Court:

Thereafter, the trial court convicted Ramayan of Murder, that his killing of the victim was attended by treachery, albeit it recognized Ramayan's diminished "intellectual incapacity" as a mitigating circumstance. However, it still sentenced Ramayan to *reclusion perpetua*:

¹⁴ Id. at 89-90.

¹⁵ Id. at 90.

¹⁶ Id. at 90-91.

WHEREFORE, the court finds the accused DODIE RAMAYAN y DUQUE guilty beyond reasonable doubt as principal of the crime of Murder as defined in Article 248 of the Revised Penal Code, and he is hereby sentenced to suffer the penalty of *Reclusion Perpetua*. The accused is hereby ordered to pay the heirs of the victim the amount of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱75,000.00 as exemplary damages, and ₱45,000.00 for the funeral expenses. All awards for damages shall bear legal interest at the rate of six percent (6%) per annum from the date of the finality of the decision until fully paid.

X X X X

SO ORDERED.¹⁷

The RTC ruled that considering Ramayan's defense of insanity and in the alternative, diminished intelligence because of his mental illness, the defense failed to establish that accused-appellant was completely deprived of intelligence and discernment. On the contrary, the trial court found that "[Ramayan's] behavior at the time of incident showed that [he] was quite conscious of his acts and aware of the moral quality thereof."¹⁸

Ruling of the Court of Appeals:

On appeal, the appellate court downgraded Ramayan's conviction to Homicide and his sentence, thus:

WHEREFORE, premises considered, the appeal is **PARTLY GRANTED**. The Court **DECLARES** accused-appellant Dodie Ramayan y Duque **GUILTY** beyond reasonable doubt of the crime of **HOMICIDE**, for which he is sentenced to suffer the indeterminate penalty of twelve (12) years of *prision mayor*, as minimum, to seventeen (17) years and four (4) months of *reclusion temporal*, as maximum. He is further ordered to pay the heirs of the victim the amount of Fifty Thousand Pesos (₱50,000.00) as civil indemnity, Fifty Thousand Pesos (₱50,000.00) as moral damages, and Forty-Five Thousand Pesos (₱45,000.00) as funeral expenses. All monetary awards shall earn interest at the legal rate of six percent (6%) per *annum* from the date of finality of this Decision until fully paid.

SO ORDERED.¹⁹

Contrary to the finding of the RTC, the CA found that the qualifying circumstance of treachery was not properly alleged in the Information nor sufficiently established by the prosecution.²⁰ The appellate court likewise disagreed with the trial court that Ramayan's mental condition should be considered as a mitigating circumstance in his commission of the crime. It noted that, despite the medical diagnosis, Ramayan did not present evidence "to prove

¹⁷ Id. at 62.

¹⁸ Id. at 61.

¹⁹ Id. at 97.

²⁰ Id. at 93.

that he was suffering from an *epileptic fit* immediately prior, during or after the incident.”

After Ramayan’s Notice of Appeal²¹ and the requirement upon the parties to file their respective briefs, accused-appellant and appellee both manifested that they would no longer file supplemental briefs.²²

Issue

In the Appellant’s Brief, Ramayan makes a lone assignment of error:

THE [RTC] GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF MURDER DESPITE THE FAILURE OF THE PROSECUTION TO PROVE ALL ITS ELEMENTS.²³

In Ramayan’s Appellant’s Brief, the argument is solely anchored on the absence of treachery, both allegation and proof, in the killing of the victim. As previously discussed, the appellate court had ruled that treachery was not attendant in the killing of the victim, and thus convicted Ramayan of only Homicide, instead of Murder.

Notably, Ramayan did not proffer additional and direct argument to exculpate him from liability for Homicide apart from his disputations on the qualifying circumstance of treachery. Nonetheless, his appeal throws the entire case wide open for review of the Court, including the appellate court’s downgrading of his conviction from Murder to Homicide.²⁴ Moreover, we shall likewise resolve whether Ramayan’s stabbing of the victim was mitigated by his mental illness which diminished his exercise of will power without however depriving him of consciousness of his acts or some such similar and analogous circumstance.²⁵

Our Ruling

The appeal is unmeritorious. The Court affirms the conviction of Ramayan, not for the crime of Homicide as held by the CA, but for the crime of Murder as found by the RTC.

Before anything else, We emphasize that appeals in criminal cases throws the entire case wide open for review where “the reviewing tribunal can correct errors, though unassigned in the appealed judgment, and even reverse the trial court’s decision based on grounds other than those that the parties raised as errors.”²⁶ Effectively, the appeal confers the appellate court full jurisdiction

²¹ *Rollo*, pp. 19-20.

²² *Id.* at 22-23, 28.

²³ *CA rollo*, p. 45.

²⁴ See *People v. Solar*, G.R. No. 225595, August 6, 2019.

²⁵ See Art. 13, paragraphs 9 and 10, of the Revised Penal Code.

²⁶ *Ramos v. People*, 803 Phil. 775, 783 (2017).

over the case and renders it competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.²⁷

In this case, we reinstate Ramayan's initial conviction for Murder by the RTC and reverse the appellate court's ruling that treachery was incorrectly appreciated by the trial court.

First. We do not subscribe to the CA's ruling that treachery was not properly alleged in the Information and proven during trial.

Jurisprudence teaches that there is treachery 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.²⁸ For treachery to be appreciated, two conditions must concur:

(1) The employment of means, methods or manner of execution that would ensure the offender's safety from any defense or retaliatory act on the part of the offended party; and

(2) The offender's deliberate or conscious choice of means, method or manner of execution.²⁹

In downgrading the conviction of Ramayan from Murder to Homicide, the CA found that the averment in the Information of "with treachery, that is by surprise," did not sufficiently inform the accused-appellant that he was charged with the qualifying circumstance of treachery in his killing of the victim.³⁰ According to the CA, the "usage of the term treachery was but a conclusion of law."

The CA further ruled that the trial court erred in appreciating the qualifying circumstance of treachery in the killing of the victim simply because the attack was sudden or "by surprise". The appellate court pronounced that "mere suddenness of attack is not sufficient to hold that treachery is present, where the mode adopted by the appellant does not positively tend to prove that he thereby knowingly intended to insure the accomplishment of his criminal purpose without any risk to himself arising from the defense that the victim might offer."³¹

We disagree.

²⁷ *Casilac v. People*, G.R. No. 238436, February 17, 2020.

²⁸ *People v. Umawid*, 735 Phil. 737 (2014).

²⁹ *Id.* at 746

³⁰ *CA rollo*, pp. 92-93.

³¹ *Id.* at 94.

Prior to our ruling in *People v. Solar*³² (*Solar*) there existed a conflict in jurisprudence where the Court vacillated in its allowance or disallowance of the broad term “treachery” as sufficiently alleged in an Information for Murder, without the constitutive facts relative to such qualifying circumstance.

Solar clarified that a singular averment in the Information of broad terms such as “treachery” is insufficient to charge the accused with particularity and inform him of the nature and cause of the accusation against him. In *Solar*, the Court still convicted the accused therein of Murder, albeit the charge was insufficient, since treachery was proven during trial and accused was deemed to have waived his right to question the defects in the Information.

Solar instructs, thus:

In the particular context of criminal prosecutions, therefore, it is the State which bears the burden of sufficiently informing the accused of the accusations against him so as to enable him to properly prepare his defense.

With the foregoing principles in mind, the Court thus agrees with the ruling enunciated in *Valdez*, as subsequently reiterated in *Dasmariñas* and *Delector*. Consequently, the Court holds that it is insufficient for prosecutors to indicate in an Information that the act supposedly committed by the accused was done “with treachery” or “with abuse of superior strength” or “with evident premeditation” without specifically describing the acts done by the accused that made any or all of such circumstances present. Borrowing the words of the Court in *Dasmariñas*, “to merely state in the information that treachery was attendant is not enough because the usage of such term is not a factual averment but a conclusion of law.”

An information alleging that treachery exists, to be sufficient, must therefore have factual averments on how the person charged had deliberately employed means, methods or forms in the execution of the act that tended directly and specially to insure its execution without risk to the accused arising from the defense that the victim might make. The Information must so state such means, methods or forms in a manner that would enable a person of common understanding to know what offense was intended to be charged.

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Therefore, prosecutors should bear in mind that in performing their functions, the constitutionally enshrined right of the accused to be informed of the cause of the accusation against him remains primordial. **To this end, prosecutors are instructed to state with sufficient particularity not just the acts complained of or the acts constituting the offense, but also the aggravating circumstances, whether qualifying or generic, as well as any other attendant circumstances, that would impact the penalty to be imposed on the accused should a verdict of conviction be reached.**

³² Supra note 24.

Moreover, prosecutors are enjoined to strictly implement the mandate of, and ensure compliance with Section 8 (a), Rule 112 of the Revised Rules on Criminal Procedure to attach to the Informations they will be filing in courts their resolutions finding probable cause against the accused.

Finally, trial courts are likewise enjoined to ensure that the accused is furnished a copy of the said resolutions finding probable cause against the accused. The trial court, on its own initiative, shall thus order the production of the records of the preliminary investigation in accordance with Section 8 (b), Rule 112 of the Revised Rules of Criminal Procedure.

These requirements are imposed to ensure that the accused is sufficiently apprised of the acts and circumstances with which he is being charged, with the end in view of respecting or fulfilling his right to be informed of the cause of the accusation against him.

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.

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.³³ (Emphasis supplied)

In this case, accused-appellant did not previously file either a motion to quash under Section 3 (e), Rule 117, or a motion for a bill of particulars. While accused-appellant specifically argued in his Appellant's Brief filed before the CA that the allegation in the Information charging him with Murder was insufficient and defective, the records do not show that he had previously availed of the proper remedies before the trial court. Consequently, we find that accused-appellant has already waived his right to question the defective statement on the qualifying circumstance of treachery.

Second. As to the appellate court's holding that "treachery" was not proven by clear and convincing evidence, We note that the victim was a fifteen (15) year old minor whose date of birth was specifically alleged in the Information and proven during trial.

Suffice to state that the killing of or assault against a child by an adult assailant is always treated as treacherous,³⁴ even if the treacherous manner of the assault is not shown.³⁵ Under Section 4 (e) of RA 9344,³⁶ the Juvenile Justice and Welfare Act of 2006, accused-appellant was no longer a child when he killed the victim.³⁷

It matters not that the victim was already fifteen (15) years old at the time of his death or that there was a mere three-year age difference with the accused, then eighteen years old. Still and all, the weakness of the victim due to his tender years results in the absence of any danger to the accused.³⁸

³³ Id.

³⁴ *People v. Sanchez*, G.R. No. 188160, June 29, 2010.

³⁵ *People v. Haloc*, G.R. No. 227312, September 5, 2018.

³⁶ Entitled "AN ACT ESTABLISHING A COMPREHENSIVE JUVENILE JUSTICE AND WELFARE SYSTEM, CREATING THE JUVENILE JUSTICE AND WELFARE COUNCIL UNDER THE DEPARTMENT OF JUSTICE, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES." Approved: April 28, 2006.

³⁷ See also Section 3 (a), Republic Act No. 7610, entitled the "AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, PROVIDING PENALTIES FOR ITS VIOLATION, AND FOR OTHER PURPOSES." Approved: June 17, 1992.

³⁸ *People v. Haloc*, supra.

Third. The minority of the victim is significant given that the lower courts diverged on their findings of treachery. The appellate court took into consideration the testimony of Dr. Estrada that Ramayan's stabbing of the victim was preceded by an altercation between the two demonstrating known hostility and the presence of other eyewitnesses who could have helped the victim in repelling accused-appellant's attack.

We cannot abide by the appellate court's ratiocination. We find treachery in the killing of the victim.

The animosity between the victim and accused-appellant was claimed by the latter before the two doctors who examined him and who ultimately assessed him competent to stand the course of trial.³⁹ The alleged bullying by the victim of Ramayan prior to the incident was not established by the defense; it should not bear probative value. At best, it is an independent relevant statement: offered only as to the fact of its declaration and the substance of what had been relayed to the two physicians, not as to the truth thereof.⁴⁰

As for the supposed eyewitnesses to the stabbing who could have helped the victim and thus negated Ramayan's deliberate adoption of means to ensure the facilitation of the crime, the records do not bear out the testimonies of these other eyewitnesses. It was only Garsula who directly saw the stabbing of the victim and who was, thereafter, rooted to her spot, silently screaming and unable to prevent the attack and help the victim. Although she was astonished as the happening unfolded, her ability to perceive, remember, and make known her perception was not diminished.⁴¹

The treachery in accused-appellant's attack is highlighted by the injuries sustained by the victim and the stab wound which caused his death: depth of 9 cm which penetrated the heart and caused severe bleeding.⁴² Garsula's narration that accused-appellant turned the victim to face him is confirmed by PCI Escaro who opined that the "relative position of the assailant [is] on the front of the victim".

On the whole, we are in accord with the trial court's ruling:

The killing was done with treachery. Prior to the incident, there was no showing of provocation on the part of the victim. The victim was unaware that the accused suddenly approached from behind him and was armed with a knife. He was just talking to prosecution witness Mary Jane Garsula when the incident happened. Even the prosecution's witness Mary Jane Garsula, the last person the victim talked to was surprised with the suddenness of the attack of the accused that she

³⁹ See TSN, March 22, 2017 and December 13, 2017.

⁴⁰ *People v. Ibañez*, 718 Phil. 370, 386 (2013).

⁴¹ See Section 21, Rule 130 of the Rules of Court.

⁴² See TSN, August 10, 2017, p. 4.

could not shout aloud to ask for help. The attack was unexpected and on an unarmed victim who was in no position to repel the attack or avoid it.⁴³

Last. Neither can we consider the accused-appellant's mental disorder as a mitigating circumstance under Article 13 (9) of the RPC. While the RTC recognized that accused-appellant's mental illness to some extent "impaired or diminished the level of responsibility for his criminal acts,"⁴⁴ it ruled that Ramayan's sentence of *reclusion perpetua* cannot be reduced pursuant to Article 63 of the RPC.

On the other hand, the appellate court disagreed with the trial court and did not consider his Seizure Disorder as a mitigating circumstance "because there was no evidence to prove that accused-appellant was suffering from an *epileptic fit* immediately prior, during or after the incident.

We agree with the CA that accused-appellant did not present definitive evidence of his entitlement to the mitigating circumstance of diminished will-power in his killing of the victim. Accused-appellant failed to discharge the burden of evidence, or the party's duty sufficient to establish a fact in issue to establish a *prima facie* case.⁴⁵ Considering accused-appellant's defense strategy of admitting his killing of the victim and proffering his mental condition and diagnosis for Seizure Disorder, it was incumbent upon him to present clear and convincing evidence.⁴⁶

While the testimonies of the expert witnesses establish accused-appellant's cognitive deficits brought about by his Seizure Disorder, both Doctors Estrada and Tayag, even as expert witnesses, testified that they could not opine on accused-appellant's mental state when he stabbed the victim, *i.e.*, whether he was having a seizure.⁴⁷ The accused-appellant failed to outline from the expert witnesses' testimonies a relation between accused-appellant's clinical diagnosis and the resulting cognitive deficits to his wholesale claim of diminished will-power. In fact, Dr. Estrada even testified that during her examination of the accused-appellant, the latter was lying about his claimed seizure attack which prompted him to stab the victim.⁴⁸

Consequently, we uphold the trial court's conviction of accused-appellant for Murder and reinstate its imposed penalty of *reclusion perpetua* but with modification as to the award of temperate damages: (1) ₱75,000.00 as civil indemnity, (2) ₱75,000.00 as moral damages, (3) ₱75,000.00 as exemplary damages, and (4) ₱50,000.00 as temperate damages, in lieu of ₱45,000.00 actual

⁴³ CA *rollo*, p. 60.

⁴⁴ *Id.* at 61.

⁴⁵ See Section 1, paragraph 2, Rule 131 of the Rules of Court.

⁴⁶ See *Santiago v. People*, G.R. No. 213760, July 1, 2019.

⁴⁷ See TSN, March 22, 2017, p. 5 and TSN, December 13, 2017 p. 4.

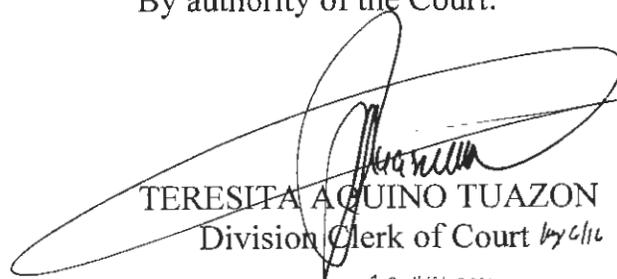
⁴⁸ See TSN, March 22, 2017, pp. 5-6.

damages. All damages awarded shall all earn interest at the rate of six percent (6%) per *annum* from finality hereof until full satisfaction.⁴⁹

WHEREFORE, the appeal is **DISMISSED**. The Court finds accused-appellant Dodie Ramayan y Duque **GUILTY** beyond reasonable doubt for the crime of Murder, defined and penalized under Article 248 of the Revised Penal Code. He is thus sentenced to suffer the penalty of *reclusion perpetua*, and is ordered to pay the heirs of the victim AAA ₱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. All monetary awards shall earn interest at the legal rate of six percent (6%) per *annum* from the date of finality of this Resolution until fully paid.

SO ORDERED."

By authority of the Court:


TERESITA AGUINO TUAZON
Division Clerk of Court *by clu*
16 JUN 2022

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HON. PRESIDING JUDGE (reg)
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⁴⁹ *People v. Juguetta*, 783 Phil. 806, 854 (2016).