



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **14 March 2022** which reads as follows:*

“G.R. No. 256406 (Ben Corpus y Fajardo @ “Bayani Corpus” vs. People of the Philippines). – This Petition for Review on Certiorari (Petition)¹ under Rule 45 of the Rules of Court seeks to reverse and set aside the Court of Appeals (CA) Decision² dated 27 November 2019.

Antecedents

Ben Corpus y Fajardo @ “Bayani Corpus”(petitioner) was convicted by the lower courts for two counts of Homicide and violation of Republic Act No. (RA) 6539,³ otherwise known as the Anti-Carnapping Act of 1972. In convicting petitioner, the lower courts considered his admission or confession made in an interview conducted by a journalist where petitioner voluntarily confessed his guilt.⁴

Ruling of the RTC

On 28 June 2017, the Regional Trial Court (RTC) of San Pablo City, Branch 32, issued a Joint Decision⁵ finding petitioner guilty beyond reasonable doubt for two counts of murder and sentenced to suffer, for each count, the penalty of *reclusion perpetua* and its accessory penalty, and to indemnify the heirs of Leticia Lupian y Acojido (Leticia) and Vilma Bandilao (Vilma) the following: ₱100,000.00 as moral damages; ₱100,000.00 as exemplary damages; ₱50,000.00 as actual damages; and costs of the suit. Petitioner was also found guilty of violation of RA 6539

¹ *Rollo*, pp. 12-38.

² *Id.* at 40-60; penned by Associate Justice Geraldine Fiel-Macaraig and concurred in by Associate Justices Japar B. Dimaampao (now a Member of this Court) and Edwin D. Sorongon of the Third (3rd) Division, Court of Appeals, Manila.

³ Entitled “An Act Preventing and Penalizing Carnapping,” approved on 26 August 1972.

⁴ *Rollo*, pp. 95-105.

⁵ *Id.*; penned by Presiding Judge Agripino G. Morga.

and sentenced to suffer the penalty of imprisonment of 17 years, as minimum, to 30 years, as maximum.

Ruling of the CA

The CA affirmed with modification the RTC Joint Decision finding petitioner guilty of two counts of Homicide for which he is sentenced to suffer imprisonment of 12 years of *prision mayor*, as minimum, to 17 years and 4 months of *reclusion temporal*, as maximum, for each count, and ordered to pay the heirs of each victim the amounts of ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱50,000.00 as temperate damages plus six percent (6%) interest on all damages awarded from finality of Decision until full payment. Petitioner was also found guilty of RA 6539, and sentenced to suffer the indeterminate penalty of 14 years and 8 months, as minimum, to 17 years and 4 months, as maximum.

Ruling of the Court

After a judicious examination of the case, the Court finds no reversible error committed by the CA in convicting petitioner for two counts of homicide and violation of RA 6539. The confession made by petitioner to Darlene G. Ballard (Ballad), a news desk editor for ABS-CBN's television program, TV Patrol, who conducted a filmed interview of petitioner at the PNP Police Station - San Matias, Isabella, was voluntary and is admissible in evidence against him.

In *People v. Endino*,⁶ an interview was recorded on video showing the accused unburdening his guilt willingly, openly, and publicly in the presence of newsmen. Such confession was admissible in evidence against him since the confession was voluntarily given without any coercive physical or psychological atmosphere.

As in this case, the interview was not in the nature of an investigation with a law enforcement officer that would require the presence of counsel for the confession to be admissible. The interview was conducted by a journalist and petitioner voluntarily confessed his guilt. Therefore, without any coercive physical or psychological atmosphere present, the petitioner's confession is admissible in evidence against him.⁷

⁶ 404 Phil. 951 (2001).

⁷ See *People v. Arango*, 531 Phil. 654 (2006).

Further, the admission or confession made by petitioner contains details which Ballard could not have supplied or invented, or which contains details which are known only to petitioner. Also, the prosecution offered statements of witnesses (*i.e.*, Domingo Tamalayan, Oliver Dacion, Venus Aldea, Antonio Del Villar, and P/Insp. Serafin Gapunuan) to support its case, in addition to the testimony of Ballard. These statements of other witnesses are sufficient and convincing circumstantial evidence pointing to petitioner as the perpetrator of the crime. Likewise, these were formally offered and marked as evidence by the prosecution, and the witnesses had personal knowledge of the same and confirmed that they actually witnessed the circumstances before and after the incident.

Clearly, the extra-judicial confession of petitioner before Ballard neatly dovetailed with the statements of the other witnesses. When viewed in its totality, the prosecution's evidence proved beyond reasonable doubt that petitioner was the actor of the brutal killing of the victims.

The Court also maintains the CA's findings that the qualifying circumstances of treachery, cruelty and ignominy cannot be appreciated to convict petitioner for the crime of Murder; thus, he can only be convicted for two counts of Homicide.

As a rule, a sudden attack by the assailant, whether frontally or from behind, is treachery if such mode of attack was coolly and deliberately adopted by him, with the purpose of depriving the victim of a chance to either fight or retreat. The rule does not apply, however, where the sudden attack was not preconceived and deliberately adopted but was just triggered by the sudden infuriation on the part of the accused because of the provocative act of the victim.⁸

The attack might "have been done on impulse [or] as a reaction to an actual or imagined provocation offered by the victim."⁹ In this case, no evidence was presented to show that petitioner **consciously and deliberately adopted or reflected** on the means, method, or form of attack to secure his unfair advantage. It is to be noted that petitioner was berated by his employer, after the latter denied his request for a salary advance. Petitioner already had ill-feelings and grudge against Leticia, who usually berates and shouts at him for even his small mistakes. This might have been enough to entice petitioner to attack and hit Leticia with a hammer, and also Vilma, Leticia's niece.

⁸ *People vs. Monte*, 383 Phil. 873 (2000), citing *People v. Real*.

⁹ *Cirera vs. People*, 739 Phil. 25, 46 (2014), citing *People v. Sabanal*, 254 Phil. 433, 436-437 (1989).

Neither does it appear from the evidence that the death of the victims was attended by cruelty and ignominy.

In one case, it was said that “the mere fact that accused-appellants burned the body of the deceased is not sufficient to show that the means were employed which added ignominy to the natural effects of the act. Nor may we consider the circumstance of cruelty as found by the trial court because there is no showing that the victim was burned while he was still alive. For cruelty to exist, there must be proof showing that the accused delighted in making their victim suffer slowly and gradually, causing him unnecessary physical and moral pain in the consummation of the criminal act.”¹⁰

Here, no proof was presented which would show that petitioner deliberately and wantonly augmented the suffering of his victims. Petitioner put his victims inside the freezer not to cause unnecessary physical and moral pain in the consummation of the crime but to hide them to avoid detection. As further observed by the CA, the fact that the victims were found inside a chest freezer does not necessarily imply cruelty since there is no proof that they were placed therein while they were still alive.¹¹

There being no qualifying circumstances, the crime is only homicide. The penalty of homicide is *reclusion temporal*. In the absence of any modifying circumstance, the penalty shall be imposed in its medium period, or with a range of 14 years, eight months and one day to 17 years and four months. Applying the Indeterminate Sentence Law, the penalty next lower in degree is *prision mayor* with a range of six years and one day to twelve 12 years. Thus, the indeterminate penalty imposed by the CA of 12 years of *prision mayor*, as minimum, to 17 years and four months of *reclusion temporal*, as maximum, for each count, being within the range of the penalties as explained above, is hereby affirmed. The civil indemnity, moral damages, and temperate damages of ₱50,000.00 each, with interest of six percent (6%) *per annum* from the finality of Resolution until full payment, as directed in *People vs. Jugueta*,¹² is maintained.

All the elements of carnapping were likewise proven. *First*, there was actual taking of the Toyota Lucida Van with plate number XGB-259, which petitioner admitted in his interview with Ballad. Such admission is also supported by the testimonies of Oliver Dacion and Venus Aldea. *Second*, it is not disputed that the van belonged to Leticia. *Third*, the taking was without

¹⁰ *People vs. Catian*, 425 Phil. 364, 377 (2002).

¹¹ *Id.*

¹² 783 Phil. 806 (2016).

the consent of Leticia since it took place after she was killed by petitioner. The intent to gain is apparent for the van was used by petitioner to escape from the crime scene, fetch his family and eventually avoid arrest.

However, the Court finds that a modification of the penalty imposed by the CA is necessary. The penalty of carnapping is provided under Section 14 of RA 6539, as amended, *to wit*:

Sec. 14. *Penalty for Carnapping.* - Any person who is found guilty of carnapping, as this term is defined in Section Two of this Act, shall, irrespective of the value of motor vehicle taken, be punished by imprisonment for not less than fourteen years and eight months and not more than seventeen years and four months, when the carnapping is committed without violence or intimidation of persons, or force upon things; and by imprisonment for not less than seventeen years and four months and not more than thirty years, when the carnapping is committed by means of violence against or intimidation of any person, or force upon things; and the penalty of *reclusion perpetua* to death shall be imposed when the owner, driver or occupant of the carnapped motor vehicle is killed or raped in the course of the commission of the carnapping or on the occasion thereof.

In this case, it appears that there was violence committed against the owner of the van, Leticia. Thus, even if petitioner took the Lucida Van after killing Leticia and Vilma, the taking of the vehicle in order to escape from the crime scene was still attended by the same violence against the owner of the van. As such the correct imposable penalty is imprisonment of not less than 17 years and four months and not more than 30 years. Accordingly, the indeterminate sentence is imprisonment of 18 years, as minimum, to 22 years as maximum.¹³

WHEREFORE, premises considered, the instant Petition is **DENIED**. The Decision of the Court of Appeals dated 27 November 2019 is hereby **AFFIRMED** with **MODIFICATION**. Petitioner Ben Corpus y Fajardo is found guilty beyond reasonable doubt of two (2) counts of Homicide and is sentenced to suffer imprisonment of 12 years of *prision mayor*, as minimum, to 17 years and 4 months of *reclusion temporal*, as maximum, for each count, and ordered to pay the heirs of each victim the amounts of ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱50,000.00 as temperate damages plus six percent (6%) interest on all damages awarded from finality of Decision until full payment. Petitioner is

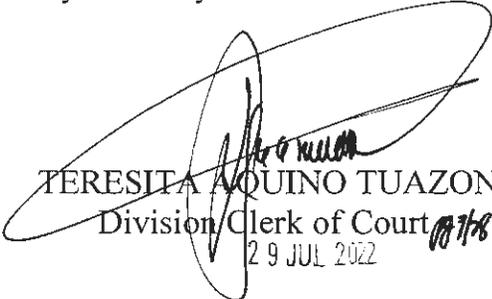
¹³ See *Celerino Chua Alias Suntay v. People of the Philippines*, 818 Phil. 1 (2017).

also found guilty of violation of Republic Act No. 6539, otherwise known as the Anti-Carnapping Act of 1972, and sentenced to suffer imprisonment of 18 years, as minimum, to 22 years as maximum.

The Court resolves to **GRANT** petitioner's motion for extension of thirty (30) days from the expiration of the reglementary period within which to file a petition for review on certiorari.

SO ORDERED."

By authority of the Court:


 TERESITA AQUINO TUAZON
 Division Clerk of Court
 29 JUL 2022

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THE DIRECTOR (reg)
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 1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
 Regional Trial Court, Branch 32
 San Pablo City, Laguna
 (Crim. Case Nos. 19082-SP[11];
 19083-SP[11] & 19084-SP[11])

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*with a copy of the CA Decision dated November 27, 2019
Please notify the Court of any change in your address.
 GR256406. 3/14/2022(3)URES