



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. 256735 (*People of the Philippines v. Adriano “Dyanong” Tacla and Dario Tabios*). – This appeal seeks to reverse and set aside the Decision¹ dated 04 October 2019 of the Court of Appeals (CA) in CA-G.R. CR HC No. 09870. The CA affirmed with modification the Decision² dated 28 June 2017 of Branch 20, Regional Trial Court (RTC) of Vigan City, Ilocos Sur in Criminal Case No. 6297-V, finding Adriano “Dyanong” Tacla (Tacla) and Dario Tabios (Tabios) (collectively, accused-appellants) guilty beyond reasonable doubt of the crime of Murder, defined and penalized under Article 248 of the Revised Penal Code³ (RPC), as amended.

Antecedents

On 13 October 2008, an Amended Information⁴ was filed against accused-appellants and Rolando Tabula (Tabula), charging them with the crime of Murder in violation of Article 248 of the RPC, as amended for the killing of Clarissa Pando (Clarissa). The accusatory portion of the Amended Information reads:

That on or about the 6th day of March 2007, in the [M]unicipality of Sta. Catalina, [P]rovince of Ilocos Sur, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping one another, with treachery and evident premeditation and with intent to kill, did then

¹ *Rollo*, pp. 7-28; penned by Associate Justice Perpetua Susana T. Atal-Paño and concurred in by Associate Justices Myra V. Garcia-Fernandez and Victoria Isabel A. Paredes of the Special Fifth (5th) Division, Court of Appeals, Manila.

² *Id.* at 29-64; penned by Judge Marita Bernales Balloquing.

³ Entitled: “AN ACT REVISING THE PENAL CODE AND OTHER PENAL LAWS.” Approved: 08 December 1930.

⁴ *Records*, pp. 36-38.

and there willfully, unlawfully, and feloniously assault, attack and stab one Clarissa Pando, thereby inflicting upon the latter stab wounds on her body, which wounds necessarily produced the death of said Clarissa Pando.

*Contrary to law.*⁵

Upon arraignment, accused-appellants and Tabula all pleaded, “not guilty.” Trial on the merits ensued thereafter.⁶

Version of the Prosecution

The prosecution presented Linda Forneas (Forneas), Dr. Enrique Pocholo Baquiran (Dr. Baquiran), Chief of Police Cipriano Rafanan (Chief Rafanan), Senior Police Officer (SPO) 1 Eugene Benedict Rabino (SPO1 Rabino), SPO3 Marcus Rafanan (SPO3 Rafanan), and Cresencia Pando Somera (Somera) as witnesses.⁷

Forneas was called to testify on two occasions: the first was on 03 June 2009 to 04 November 2009, during Tacla’s bail hearing; and the second was on 15 March 2013, during the presentation of the prosecution’s evidence.⁸

As first testified by Forneas, on 06 March 2007, at around 4:00 P.M., she met with Tabula, Tabios, and Tacla, together with a certain Lovely Pascua (Pascua) and the victim, Clarissa, at Puerto Beach, Sto. Domingo, Ilocos Sur where they had a drinking session. After a while, the group decided to go to Vigan on board a tricycle to buy something.⁹

On the way to Vigan, the group headed to Paratong Beach where they resumed their drinking session, but Forneas only drank soft-drinks. Later, accused-appellants, Tabula and Clarissa left to buy something at the canteen located on a nearby *barangay*, leaving Pascua and Forneas behind.¹⁰

Accused-appellants, Tabula and Clarissa did not return immediately. After an hour of waiting, Forneas and Pascua began to worry and started looking for the others. It was at that time that Forneas heard Clarissa scream. Forneas and Pascua hid behind the nearby *Kandaruma* trees. Forneas then saw Clarissa and the ensuing gruesome scene: Clarissa’s hands and legs were being held down by Tabula and Tabios, respectively, while Tacla was stabbing her. Forneas also saw Clarissa’s clothes being thrown away. After stabbing Clarissa, Forneas heard Tacla say, “where are the other ladies?” Consumed by fear, Forneas and Pascua remained hidden. At around 3:30 a.m., Forneas saw the tricycle of Tabula leave, and she and Pascua traversed

⁵ Id. at 30.

⁶ Id. at 7-8.

⁷ Id. at 8-9.

⁸ Id. at 9.

⁹ Id.

¹⁰ Id.

a different route on their way home. Forneas later gave her statement on the incident to SPO3 Rafanan.¹¹

Meanwhile, SPO1 Rabino and SPO3 Rafanan proceeded to the shoreline of Paratong Beach to investigate. There they found the body of Clarissa with several stab wounds. The cadaver was then brought to Dr. Baquiran, who conducted the autopsy on the body. Dr. Baquiran prepared the Post Mortem Report which stated that the cause of death was “hypovolemic shock secondary to multiple stab wound penetrating the heart and right lobe of the liver.”¹²

Somera, Clarissa’s sister, testified that in the afternoon of 05 March 2007, she saw Clarissa, together with Tacla, ride a tricycle driven by Tabula. The following morning, a police officer informed her that her sister had been killed.¹³

When Forneas was again called to testify on 15 March 2013 during the presentation of the prosecution’s evidence in chief, she recalled a slightly varied set of facts.¹⁴

Forneas testified on her second direct examination that at 3:30 a.m. of 06 March 2007, she was at the house of her in-laws in Paratong, Sta. Catalina with her husband who was then a *barangay* captain. Tacla, Tabula, Tabios and Clarissa, together with another waitress whose name she could not remember, came to the house and invited her to a picnic at the beach. While at the beach, Clarissa, Tacla, Tabula, and Tabios left to buy something at the store. After a while, Forneas and her companion looked for them at the nearby store, but the same was already closed. As they returned to the place, however, Forneas heard Clarissa scream for help. They then hid among the *kandaruma* trees, and from there, they saw Clarissa being restrained by Tabios and Tabula by the hands and feet, respectively, and Tacla stabbing her eight to nine times. Forneas was able to witness the incident since the area where the stabbing occurred was lighted by the nearby grotto. She then went home and later executed her *Nasapataan Palawag* (Sworn Statement) on the incident.¹⁵

Tabula, who remained at large during the presentation of Forneas as a witness for the prosecution, was arrested only on 14 December 2015. In an Order dated 29 March 2016, the RTC granted the defense’s prayer to conduct the cross-examination of Forneas as regards Tabula. Forneas, however, repeatedly failed to appear for cross-examination despite due notice. Thus, in its Order¹⁶ dated 01 December 2016, the testimony of Forneas was deemed stricken-off the record as regards Tabula but remained

¹¹ Id. at 9-10.

¹² Id. at 10.

¹³ Id.

¹⁴ Id.

¹⁵ Id. at 10-11.

¹⁶ Records, pp. 618-619.

as to Tacla and Tabios.¹⁷

Version of the Defense

Accused-appellants denied the accusations against them and interposed the defense of alibi.¹⁸

Tacla testified that on 06 March 2007, at around 4:00 P.M., he was at his house in Brgy. Naglaosan, Sto. Domingo, harvesting corn. At that time, Pastor Redelio Aquino (Pastor Aquino), a local preacher, was staying at Tacla's house conducting a bible service thereat. Pastor Aquino was invited to sleep at Tacla's house and in the morning, he saw Tacla preparing their breakfast.¹⁹

On the other hand, Tabios testified that from 03 to 15 March 2007, he was at the wake of his late grandfather, Macario Asuncion, in Brgy. Padu Grande, Sto. Domingo, Ilocos Sur. During said period, Tabios never left Padu Grande. Tabios' presence at the wake was corroborated by Salvacion Peros Villaluz and Andres Tabucaon, fellow attendees to the service; but the two admitted that they were not always present at the wake.²⁰

Ruling of the RTC

In the Decision dated 28 June 2017, the RTC found accused-appellants guilty beyond reasonable doubt of the crime charged, to wit:

WHEREFORE, in view of the foregoing disquisitions, the two accused ADRIANO/DYANONG TACLA and DARIO TABIOS are hereby found **GUILTY beyond reasonable doubt** of the crime of **MURDER**, sentencing them to suffer the penalty of **reclusion perpetua without eligibility of [sic] parole**. They are hereby ordered to indemnify the heirs of Clarissa Pando the sum of P75,000.00 as civil indemnity, P75,000.00 as moral damages and P30,000.00 as exemplary damages.

And on reasonable doubt, the accused ROLANDO TABULA is hereby **ACQUITTED** of the offense charged.

x x x x

SO ORDERED.²¹

The RTC ruled: 1) that Tabula should be acquitted based on reasonable doubt considering that Forneas never returned to identify Tabula as the man who held Clarissa's arm as she was stabbed by Tacla; 2) that Forneas vividly recounted that it was Tacla who she saw stabbing Clarissa

¹⁷ *Rollo*, pp. 10-11.

¹⁸ *Id.* at 12.

¹⁹ *Id.* at 13.

²⁰ *Id.*

²¹ *Id.* at 63-64.

while Tabios held her legs; 3) that the inconsistencies in Forneas' testimony pertained only to minor details which are hardly material to the elements of the case; 4) that on its most vital points, the killing of Clarissa and identity of the offenders were successfully established by the prosecution;²² 5) that conspiracy was clearly proven in the case as accused-appellants' acts showed their unity of mind to kill Clarissa; and 6) that treachery was established since the acts of accused-appellants were deliberately adopted to render Clarissa totally defenseless.²³

Ruling of the CA

On 04 October 2019, the CA affirmed with modification accused-appellants' conviction, increasing the exemplary damages to ₱75,000.00 in line with recent jurisprudence, *viz.*:

WHEREFORE, the appeal is **DENIED** for lack of merit. The June 28, 2017 Decision and September 7, 2017 Order of the Regional Trial Court, First Judicial Region, Branch 20, Vigan City, Ilocos Sur in Criminal Case No. 6297-V finding accused-appellants Adriano "Dyanong" Tacla and Dario Tabios **GUILTY** beyond reasonable doubt of **MURDER** is hereby **AFFIRMED WITH MODIFICATION**. The amount of exemplary damages imposed is hereby increased from ₱30,000.00 to ₱75,000.00.

SO ORDERED.²⁴

According to the CA, the prosecution managed to establish the presence of all the elements of the crime of Murder. The CA underlined that the inconsistencies in Forneas' testimonies relate to minor details such as why Forneas was at Paratong Beach, what the group was doing thereat, what happened as she went searching for Clarissa, and how Forneas left the place of the incident. Despite the varying account on minor details, Forneas remained consistent in both versions as to how Clarissa was held and stabbed and who committed said acts. The CA also found that the killing was attended by the qualifying circumstance of treachery as Clarissa was restrained while Tacla stabbed her.²⁵

Hence, the present case before this Court.

Issue

The sole issue in this case is whether the RTC and CA are correct in holding accused-appellants guilty beyond reasonable doubt of the crime of Murder.²⁶

²² Id. at 51-63.

²³ Id. at 59-60.

²⁴ Id. at 27-28.

²⁵ Id. 16-27.

²⁶ CA *rollo*, pp. 62-64.

Ruling of the Court

The Petition lacks merit.

In assailing their conviction, accused-appellants reiterate the arguments they raised in the CA, namely that the trial court erred in giving weight and credence to the testimony of Forneas despite several inconsistencies regarding the details of the crime - specifically, why Forneas was at the Paratong Beach, what the group was doing thereat, and how Forneas left the scene of the crime.²⁷

We are not persuaded.

The elements of murder are: (1) that a person was killed; (2) that the accused killed him or her; (3) that the killing was attended by any of the qualifying circumstances mentioned in Article 248 of the RPC; and (4) that the killing is not parricide or infanticide.²⁸ In this case, there is no question as to the first and the fourth elements. The remaining elements are likewise present as will be discussed hereunder.

There is no reason to disturb the factual findings by the trial court; minor inconsistencies on minute details do not undermine the integrity of a prosecution witness

Anent the second element, the prosecution sufficiently established that accused-appellants are liable for the killing of Clarissa. Forneas' testimony identifying accused-appellants as the perpetrators was found credible by the RTC in the absence of proof of any ill-motive on the part of the former. On the other hand, accused-appellants merely offered alibi and denial as their defense. It is settled that denial and alibi cannot prevail over the positive identification of the eyewitness.²⁹ Moreso, since accused-appellants did not provide proof of their alibi nor established that it was physically impossible for them to be at the scene of the crime at the time of its commission.³⁰

We likewise emphasize the oft-repeated principle that the trial court is in the best position to determine the credibility of witnesses, having the opportunity to observe them and their demeanor during the trial.³¹ Corollary to this, the factual findings of the trial court are entitled to great weight, and is conclusive and binding unless shown to be tainted with arbitrariness or unless, through oversight, some fact or circumstance of weight and influence has not been considered.³² The rule finds an even more stringent application

²⁷ Id.

²⁸ See *People v. Jaurigue*, G.R. No. 232380, 04 September 2019.

²⁹ See *People v. Dela Cruz*, G.R. No. 227997, 16 October 2019.

³⁰ See *People v. Camarino*, G.R. No. 222655, 09 December 2020.

³¹ See *Villarba v. Court of Appeals*, G.R. No. 227777, 15 June 2020.

³² *People v. Dionaldo*, 739 Phil. 672, 680 (2014).

where the said findings are sustained by the CA,³³ as in this case. Notably, the testimony of a single witness, if positive and credible, is sufficient to support a conviction even in the charge of Murder.³⁴

Accused-appellants take issue with the weight given to the testimony of Forneas, arguing that there were inconsistencies between the latter's testimonies on 03 June 2009 to 04 November 2009 during the bail hearing for Tacla, and on 15 March 2013 during the presentation of the prosecution's evidence in chief.³⁵

We are not persuaded. The alleged inconsistencies, *i.e.*, why Forneas was at the Paratong Beach, what the group was doing thereat, what happened as she went searching for Clarissa, and how Forneas left the place of the incident, do not affect the credibility of Forneas' testimony.

It is well-settled that "an inconsistency which has nothing to do with the elements of the crime cannot be a ground for the acquittal of the accused. It is an elementary rule in this jurisdiction that inconsistencies in the testimonies of prosecution witnesses with respect to minor details and collateral matters do not affect the substance of their declaration nor the veracity or weight of their testimony."³⁶ Inconsistencies on minor details do not impair the credibility of the witnesses where there is consistency in relating the principal occurrence and the positive identification of the assailant.³⁷

To reiterate, courts cannot expect the testimonies of the witnesses to be impeccable.³⁸ Minor inconsistencies in the testimony of a witness actually tend to strengthen rather than to weaken the credibility of the witness as they erase any suspicion of rehearsed testimony.³⁹ Discrepancies in testimonies concerning minor details and not actually touching upon the central fact of the crime do not impair their credibility.⁴⁰ Slight variances in the testimony of the witnesses, especially if immaterial to the crime charged, do not affect a witness' credibility. What is material in this case is the act of stabbing.⁴¹

Here, the inconsistencies merely refer to minor details which do not diminish the probative value of the testimony at issue. The fact remains that Forneas saw accused-appellants with her own two eyes in the act of stabbing Clarissa.⁴² Forneas' testimony is consistent in identifying accused-appellants as the perpetrators who repeatedly assaulted Clarissa — her legs were held

³³ *People v. Ivero*, G.R. No. 236301, 03 November 2020.

³⁴ *See People v. Delos Santos*, G.R. No. 248929, 09 November 2020.

³⁵ *CA rollo*, pp. 62-64.

³⁶ *Calma v. People*, 820 Phil. 858, 866 (2017), citing *People v. Albarido*, 420 Phil. 235, 244 (2001).

³⁷ *People v. Pulgo*, 813 Phil. 205, 215 (2017).

³⁸ *People v. Moreno*, G.R. No. 191759, 02 March 2020.

³⁹ *See People v. Moreno*, G.R. No. 191759, 02 March 2020.

⁴⁰ *People v. Santiago*, G.R. No. 234780, 17 March 2021, citing *People v. Licayan*, 765 Phil. 156, 183 (2015).

⁴¹ *People v. Ordon*, 818 Phil. 670, 678 (2017).

⁴² *See People v. Perez*, G.R. No. 241779, 09 December 2020.

by — Tabios while Tacla stabbed her — on the night of the incident. Further, Forneas' testimony was corroborated by the medico-legal report of Dr. Baquiran. To stress, immaterial and insignificant details do not discredit a testimony on the very material and significant point bearing on the very act of accused-appellants. Verily, no cogent reason exists which would justify the reversal of the trial court's assessment on Forneas' credibility.⁴³

In both of her accounts, on 03 June 2009 and 15 March 2013, Forneas remained consistent on the material fact that Tacla repeatedly stabbed Clarissa while Tabios held her feet. In her first testimony, she said:

Q: You mentioned that you and Lovely Pascua hid because you saw a woman screaming. Did you identify who that woman was?

A: When we heard her voice, we saw her, Clarissa Pando, sir.

Q: How sure are you that it was Clarissa Pando that was screaming?

A: Because I am familiar with her voice and we saw when they threw away her clothes, sir.

Q: Can you please describe the background of the place where Clarissa Pando was when you heard her screaming?

A: We were able to see her because of the light at the grotto, sir.

Q: You mentioned that you saw and heard Clarissa Pando screaming. After you saw and hear [sic] Clarissa Pando screaming, what happened next if any?

A: Her hands were being held by Rolando Tabula (Witness raising up her two hands). Dario Tabios also held the legs of Clarissa Pando.

Q: What else if any?

A: We saw Dyanong Tacla stabbed her, sir.

Q: You mentioned that you and Lovely Pasuca [sic] saw Dyanong Tacla stabbed Clarissa Pando, correct?

A: Yes, sir.⁴⁴

Even when Forneas was called to testify a second time, her recollection was consistent as to how Clarissa was killed:

Q: And what happened next after that, Madam Witness?

A: Somebody was holding her while one is stabbing her.

x x x x

⁴³ Id.

⁴⁴ TSN, 03 June 2009, pp. 7-8.

Q: Who is that woman, Madam witness?

A: Clarissa Pando, sir.

Q: Why do you know that she was Clarissa Pando?

A: The voice and clothes she wore, sir.

Q: And who is the person stabbing her, if you know?

A: Dyanong Tacla, sir.

Q: And who is holding her feet, Madam Witness?

A: Dario Tabios, sir.

Q: And how about the person who hold [sic] Clarissa Pando's hands?

A: Rolando Tabula, sir.

X X X X

Q: What else did you see, Madam witness, aside from the fact that Clarissa's hands was held by Rolando Tabula, Dyanong Tacla stabbing her [sic], and Dario Tabios held her feet?

A: I saw Dyanong Tacla holding an object or thing that he used in stabbing Clarissa, sir.⁴⁵

It bears stressing, however, that while the prosecution was able to adduce evidence to prove that Tabula participated in the killing of Clarissa, his acquittal of the crime charged in the RTC was brought about by the failure of Forneas to identify Tabula in open court despite repeated notice.⁴⁶

We also agree with the lower courts that conspiracy between accused-appellants was sufficiently proven. Conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it. It comes to life at the very instant the plotters agree, expressly or implied, to commit the felony and forthwith, to actually pursue it. Conspiracy need not be proved by direct evidence. It may be inferred from the concerted acts of the accused, indubitably revealing their unity of purpose, intent, and sentiment in committing the crime. Thus, it is not required that there was an agreement for an appreciable period prior to the occurrence, it is sufficient that the accused acted in concert at the time of the commission of the offense and that they had the same purpose or common design, and that they were united in its execution.⁴⁷

Here, the evidence of conspiracy is undeniable. The conspiracy between accused-appellants to kill Clarissa is manifest from their concerted actions at the time the latter was killed. As Tacla stabbed Clarissa, Tabios held the latter's legs, restraining her and ensuring that each attack would successfully land against the person of their victim. We agree with the lower

⁴⁵ TSN, 15 March 2013, pp. 10-11.

⁴⁶ *Rollo*, p. 24.

⁴⁷ *People v. Albaran*, G.R. No. 233194, 14 September 2020.

courts that this act of restraint as his cohort delivered the killing blows is an act performed during the commission of the offense that strongly evinces community of design to kill Clarissa. Clearly, conspiracy is manifest under these circumstances.⁴⁸

The qualifying circumstance of treachery was properly appreciated

At this juncture, We find it wise to reiterate the guidelines laid down in *People v. Solar*⁴⁹ as regards the right of an accused to question the sufficiency of the factual circumstances or particular acts that constitute the criminal conduct or that qualify or aggravate the liability for the crime alleged in an Information. To clarify, an accused who believes that an Information insufficiently avers a qualifying or aggravating circumstance may file a motion to quash or a motion for a bill of particulars **prior to arraignment** in order to successfully object to the said Information. Otherwise, the right to question the defective statement is deemed waived, and consequently, the same may be appreciated against him or her if proven during trial.⁵⁰

In this case, accused-appellants did not raise any objection as to the insufficiency of the averments of the ultimate facts in the Information. Thus, the qualifying circumstance of treachery was properly appreciated against them especially since the same was satisfactorily proven during trial.

Indeed, it is settled that the qualifying circumstance of treachery or *alevosia* is present when the offender, in the execution of the crime against a person, employs means, methods or forms, which tend directly and specially to ensure its execution, without risk to himself or herself arising from the defense which the offended party might make.⁵¹ Further, We have held that restraining the victim while another stabbed him or her indubitably proves the existence of treachery.⁵² In the present case, accused-appellants' concerted efforts in restraining Clarissa while stabbing her, left the latter without any chance to defend herself, let alone retaliate.

We also note that the lower courts, despite the allegation of evident premeditation in the Amended Information, did not appreciate the qualifying circumstance in the instant case. We agree.

Evident premeditation is present when the following elements concur: (1) the time when the accused determined to commit the crime; (2) an act manifestly indicating that the accused had clung to his or her determination to commit the crime; and (3) the lapse of a sufficient length of time between the determination and execution to allow him or her to reflect upon the

⁴⁸ *Rollo*, pp. 25-26.

⁴⁹ G.R. No. 225595, 06 August 2019.

⁵⁰ *Id.*

⁵¹ The Revised Penal Code, Art. 14.

⁵² See *People v. Casemiro*, G.R. No. 231122, 16 January 2019.

consequences of the act.⁵³ In *People v. Racal*,⁵⁴ the Court ruled out the presence of evident premeditation in the absence of proof showing that the accused had previously planned to kill the victim. There should be evidence on when and how the accused planned and prepared the commission of the crime, together with a showing that a sufficient time had lapsed between this determination and execution. The same is not established in this case.⁵⁵

Penalties and monetary awards

We now come to the propriety of the penalties imposed.

The Court finds it proper to clarify that had the prosecution sufficiently proven the presence of evident premeditation in addition to treachery, the proper imposable penalty would have been death, following Article 63 of the RPC. In such case, the penalty would be reduced to *reclusion perpetua* without eligibility for parole, pursuant to Republic Act No. 9346⁵⁶ prohibiting the imposition of death. In this manner, the penalty imposed by the lower courts would have been correct.

But in this case, the prosecution was only able to prove the qualifying circumstance of treachery. With treachery having qualified the crime to murder, and there being no other aggravating circumstance that would warrant the application of a greater penalty, the proper imposable penalty is *reclusion perpetua* in accordance with Article 248 in relation to Article 63(2) of the RPC, as amended.⁵⁷ Following *People v. Jugueta*, We affirm the CA's award of civil indemnity, moral damages, and exemplary damages of ₱75,000.00 each. In addition, there being no evidence of burial or funeral expenses, the additional amount of ₱50,000.00 should be awarded as temperate damages.⁵⁸ All damages awarded shall earn interest at the rate of 6% per *annum* from date of finality of this judgment until fully paid.⁵⁹

All the foregoing considered, We affirm with modification as to the penalty and damages the conviction of the accused-appellants for the crime of murder.

WHEREFORE, the appeal is hereby **DISMISSED**. Accordingly, the Decision dated 04 October 2019 of the Court of Appeals in CA-G.R. CR HC No. 09870 is **AFFIRMED with MODIFICATIONS**. Accused-appellants Adriano "Dyanong" Tacla and Dario Tabios are **GUILTY** beyond reasonable doubt of murder under Article 248 of the Revised Penal Code, as amended, and is sentenced to suffer the penalty of *reclusion perpetua*.

⁵³ *People v. Gayon*, G.R. No. 230221, 10 April 2019.

⁵⁴ 817 Phil. 665 (2017).

⁵⁵ Id. at 682-683.

⁵⁶ Entitled "AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES." Approved on 24 June 2006.

⁵⁷ See *People v. Mat-An*, 826 Phil. 512, 528 (2018).

⁵⁸ See *People v. Jugueta*, 783 Phil. 806, 846-847 (2016).

⁵⁹ See *People v. Quinito*, G.R. No. 243025, 01 July 2020.

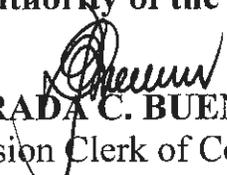


Accused-appellants are likewise liable to pay the heirs of the victim, Clarissa, the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱75,000.00 as exemplary damages, and ₱50,000.00 as temperate damages. The said monetary awards shall earn six percent (6%) per *annum* from the date of finality of this Resolution until fully paid.

The manifestation (with attachments) of Atty. Alfredo F. Benzon, former counsel for accused-appellant Adriano “Dyanong” Tacla and counsel for accused-appellant Dario Tabios, stating, among others, that on June 2020, he filed with the Court of Appeals a motion to require the director of the New Bilibid Prison to submit the death certificate of accused-appellant Dario Tabios because he received an information that said accused-appellant died, and a motion for leave to withdraw as counsel for accused-appellant Tacla, is **NOTED**.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
129-I

SEP 23 2022

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