



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated 04 April 2022 which reads as follows:*

“**G.R. No. 257862 (People of the Philippines v. Albert Garcia y Caniete).**  
— The Court **NOTES:**

1. the letter<sup>1</sup> dated March 11, 2022 of CSO4 Cesar T. Grecia, Chief Admin., Inmate Documents and Processing Division, Bureau of Corrections, Muntinlupa City, confirming the confinement of accused-appellant Albert Garcia y Caniete a.k.a. ‘Nano/Benjie’ (accused-appellant) in the said institution since August 29, 2019;

2. the manifestation (in lieu of supplemental brief)<sup>2</sup> dated March 14, 2022 of the Public Attorney’s Office, dispensing with the filing of supplemental brief for accused-appellant considering the exhaustive discussion of the assigned errors in the appellant’s brief filed before the Court of Appeals (CA), and no new issues material to the case were discovered; and

3. the manifestation (in lieu of supplemental brief) dated March 29, 2022 of the Office of the Solicitor General, dispensing with the filing of supplemental brief and adopting its brief filed before the CA as its supplemental brief for having adequately discussed all the matters pertinent to the case.

After a judicious study of the case, the Court resolves to **DISMISS** the appeal<sup>3</sup> for failure to sufficiently show that the CA committed any reversible error in affirming the conviction of accused-appellant for the crime of Murder, as defined and penalized under Article 248 of the Revised Penal Code.

As correctly ruled by the CA, all the elements<sup>4</sup> of the crime of Murder are present in this case. The prosecution clearly established that accused-appellant,

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<sup>1</sup> *Rollo*, p. 34.

<sup>2</sup> *Id.* at 35-36.

<sup>3</sup> *Id.* at 3-4.

<sup>4</sup> The elements of Murder are the following: (a) that a person was killed; (b) that the accused killed him; (c) that the killing was attended by any of the qualifying circumstances mentioned in Article 248 of the Revised Penal Code; and (d) that the killing is not parricide or infanticide. (See *People v. Aquino*, 829 Phil 477, 845 (2018).

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together with his companion Lito Asuncion a.k.a. 'Taba/Lito' (Asuncion), inflicted fatal stab wounds on Julius. The killing was qualified by the circumstance of abuse of superior strength since the two assailants were able to secure advantage from their combined superiority in strength and took turns in stabbing the unarmed victim.<sup>5</sup> While the sole fact that there were two persons who attacked the victim does not *per se* establish that the crime was with abuse of superior strength,<sup>6</sup> the prosecution was able to sufficiently prove in this case that there was a clear and notorious disparity of force between the victim and the aggressors.<sup>7</sup> Based on the records, Julius, after being overpowered, was already trying to run from accused-appellant and Asuncion when they caught and simultaneously stabbed him to death. The multiple fatal stab wounds sustained by Julius on the right and left shoulders and on the nape also show that excessive force was deliberately employed during the attack.

However, in the absence of any other circumstance aside from abuse of superior strength which had already qualified the killing to Murder, there is a need to delete the phrase 'without eligibility for parole' in accused-appellant's penalty, pursuant to A.M. No. 15-08-02-SC.<sup>8</sup> Further, the monetary awards should be adjusted pursuant to prevailing jurisprudence<sup>9</sup> to ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages. Furthermore, the award of actual damages amounting to ₱53,500.00 must also be deleted due to the lack of documentary evidence<sup>10</sup> showing that the entire amount had been incurred in connection with Julius' death. In lieu thereof, temperate damages in the amount of ₱50,000.00 must be awarded, in light of the settled rule that when the amount of actual damages proven by receipts during the trial is less than the sum allowed by the court as temperate damages, the award of temperate damages in lieu of actual damages, which is of a lesser amount, is justified.<sup>11</sup> All monetary awards shall earn a legal interest at the rate of six percent (6%) per annum from finality of this ruling until full payment.

**WHEREFORE**, the Court **ADOPTS** the findings of fact and conclusions of law in the Decision<sup>12</sup> dated September 3, 2020 of the Court of Appeals in CA-G.R. CR-HC No. 13383 and **AFFIRMS with MODIFICATION** said Decision finding accused-appellant Albert Garcia y Caniete a.k.a. 'Nano/Benjie' **GUILTY** beyond reasonable doubt of the crime of Murder, as defined and penalized under Article 248 of the Revised Penal Code. Accordingly, he is sentenced to suffer the penalty of *reclusion perpetua*, and ordered to pay the heirs of victim Julius Fernandez the following amounts: (a) ₱75,000.00 as civil indemnity; (b) ₱75,000.00 as moral damages; (c) ₱75,000.00 as exemplary damages; and (d) ₱50,000.00 as temperate

<sup>5</sup> See *People v. Corsales*, 472 Phil 61, 71 (2004).

<sup>6</sup> *People v. Santillan y Villanueva*, 816 Phil 710,725 (2017) citing *People v. Beduya*, 641 Phil. 399 (2010).

<sup>7</sup> See *People v. Baluyot*, 252 Phil 591,599 (1989)

<sup>8</sup> See A.M. No. 15-08-02-SC entitled "GUIDELINES FOR THE PROPER USE OF THE PHRASE 'WITHOUT ELIGIBILITY FOR PAROLE' IN INDIVISIBLE PENALTIES" dated August 4, 2015.

<sup>9</sup> See *People v. Jugueta*, G.R. No. 202124, April 5, 2016.

<sup>10</sup> Records reveal that the only documentary evidence presented to prove actual damages were: (a) a certification from the funeral homes that the family incurred ₱30,000.00 in funeral expenses; and (b) a handwritten itemization of the victim's father of the purported additional expenses in connection with the victim's death.

<sup>11</sup> *People v. Racal*, 817 Phil 665, 686 (2017); *People v. Moreno y Tazon*, G.R. No. 191759, March 2, 2020, citing *People v. Racal*, 817 Phil 665, 685-686 (2017).

<sup>12</sup> *Rollo*, pp. 9 -17.

damages. All monetary awards shall earn a 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:

TERESITA AQUINO TUAZON  
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA  
Deputy Division Clerk of Court *by 4/3*

03 JUN 2022

**\*\*PUBLIC ATTORNEY’S OFFICE (reg)**  
Special & Appealed Cases Service  
Department of Justice  
5<sup>th</sup> Floor, PAO-DOJ Agencies Building  
NIA Road corner East Avenue  
Diliman, 1104 Quezon City

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 68  
Lingayen, Pangasinan  
(Crim. Case No. L-11456)

**\*\*OFFICE OF THE SOLICITOR GENERAL (reg)**  
134 Amorsolo Street  
1229 Legaspi Village  
Makati City

JUDGMENT DIVISION (x)  
Supreme Court, Manila

**\*\*ALBERT GARCIA y CANIETE (reg)**  
Accused-Appellant  
c/o The Director  
Bureau of Corrections  
1770 Muntinlupa City

PUBLIC INFORMATION OFFICE (x)  
LIBRARY SERVICES (x)  
[For uploading pursuant to A.M. No. 12-7-SC]

THE DIRECTOR (reg)  
Bureau of Corrections  
1770 Muntinlupa City

OFFICE OF THE CHIEF ATTORNEY (x)  
OFFICE OF THE REPORTER (x)  
PHILIPPINE JUDICIAL ACADEMY (x)  
Supreme Court, Manila

\*CSO4 CESAR T. GRECIA (reg)  
Chief Admin., Inmate Documents and  
Processing Division, Bureau of Corrections  
Muntinlupa City

COURT OF APPEALS (x)  
Ma. Orosa Street  
Ermita, 1000 Manila  
CA-G.R. CR-HC No. 13383

\*For this resolution only  
\*\*with copy of CA Decision dated 3 September 2020  
*Please notify the Court of any change in your address.*  
GR257862. 4/04/2022(163)URES

