



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 20, 2022** which reads as follows:*

**“G.R. No. 258391 (*People of the Philippines v. Arthur Gabertan y Sabido*).** — Charged with, and convicted of, the crime of Murder under Article 248 of the Revised Penal Code (RPC) for the killing of Jorge David (Jorge), accused-appellant Arthur S. Gabertan (Arthur) interposed an appeal<sup>1</sup> before Us from the October 17, 2018 Decision<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08533. The assailed CA Decision affirmed the August 2, 2016 Judgment<sup>3</sup> of the Regional Trial Court (RTC) of Branch 123, Caloocan City in Criminal Case No. C-87410.

**Factual Antecedents**

In an Amended Information<sup>4</sup> dated June 26, 2012, Arthur and Benito Gabertan (Benito) were charged with Murder under Article 248 of the RPC. The accusatory portion of the Amended Information reads:

That on or about the 18<sup>th</sup> day of December 2011, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, [Arthur and Benito], conspiring, confederating and mutually helping one another, did then and there willfully, unlawfully, and feloniously without any justifiable cause, with deliberate intent to kill and with treachery and evident premeditation and abuse of superior strength, attack, assault, and

- over – thirteen (13) pages ...

157

<sup>1</sup> *Rollo*, pp. 3-5.

<sup>2</sup> *Id.* at pp. 8-28. Penned by Associate Justice Eduardo B. Peralta, Jr. and concurred in by Associate Justices Ramon R. Garcia and Geraldine C. Fiel-Macaraig.

<sup>3</sup> *Id.* at 30-56. Penned by Judge Remigio M. Escalada, Jr.

<sup>4</sup> *Rollo*, pp. 9 and 30; records, p. 24.

A handwritten signature in the bottom right corner of the page.

employ personal violence upon the person of [Jorge] by then and there, hitting him with the use of metal pipe (tubo) and clubbed on his head, thereby inflicting upon the latter serious physical injuries which were the direct and immediate cause of his death thereafter.

CONTRARY TO LAW.<sup>5</sup>

Jorge was 45 years old when he was murdered by Arthur and Benito.<sup>6</sup> Jorge sustained traumatic injuries to the head<sup>7</sup> and was pronounced dead on arrival at the hospital.<sup>8</sup>

Jorge's daughter, Jonalyn David (Jonalyn), narrated the events that unfolded on the night of December 18, 2011. Salient portions of her testimony are reproduced below:<sup>9</sup>

Fiscal Mendoza

x x x x

Q Where were you on December 18, 2011?

A I was at the balcony of our house, sir.

Q Where is your house located?

A 241 Bo. Sto Niño (*sic*), Tala, Caloocan City, sir.

x x x x

Q What were you doing at the balcony of your house?

A I was waiting for my father, sir.

Q What is the name of your father?

A [Jorge], sir.

Q While you were on the balcony do you recall of any incident that happened?

A Yes, sir.

Q Tell us what is the incident you were referring to.

A While at the balcony I saw [Benito] and [Arthur] waiting for someone.

x x x x

- over -

157

<sup>5</sup> *Rollo*, pp. 9, 30; records, p. 24.

<sup>6</sup> *Rollo*, p. 32; TSN, September 13, 2012, pp. 21-22; Exhibit "E," records, p. 119.

<sup>7</sup> *Rollo*, p. 21; TSN, February 24, 2014, pp. 2-6; Exhibit "F," records, p. 120.

<sup>8</sup> *Rollo*, p. 10; TSN, May 26, 2014, p. 8.

<sup>9</sup> *Rollo*, pp. 9-11 and 15-21; TSN, February 24, 2014, pp. 2-5.

Interpreter

[Jonalyn] pointing to two persons who identified themselves as [Benito] and [Arthur].

Fiscal Mendoza

x x x x

Q What happened next?

A I saw my father walking passing Benito, the latter drag (*sic*) [Jorge] to their yard.

Q What happened next?

A Arthur came out carrying a lead pipe, sir.

Q Can you illustrate how your father was drag (*sic*) by Benito to their yard?

Interpreter

[Jonalyn] went down the witness stand and with her left hand holding the left hand of the interpreter and at the same time holding the right arm crossing the back shoulder of the interpreter and in the process holding with her right hand the right shoulder of the interpreter and doing the sudden dragging motion.

Fiscal Mendoza

x x x x

Q What did Arthur do with the steel pipe he was holding?

A He used the lead pipe in hitting the head of [Jorge], sir.

Q How many times did Arthur struck (*sic*) [Jorge]?

A "Maraming beses niyang pinalo ang tatay ko sa ulo hanggang napahandusay na lang ang tatay ko."<sup>10</sup>

To summarize her testimony, the records show that Jonalyn was waiting for Jorge to arrive at their home.<sup>11</sup> While waiting, she noticed her neighbors, Arthur and Benito, acting suspicious.<sup>12</sup> Shortly thereafter, Jorge passed Arthur and Benito's house, where he was dragged to the yard.<sup>13</sup> There, Jorge suffered several blows to the head

- over -

157

<sup>10</sup> *Rollo*, pp. 15-17; TSN, February 24, 2014, pp. 2-5.

<sup>11</sup> *Rollo*, p. 9; TSN, February 24, 2014, p. 2.

<sup>12</sup> *Rollo*, p. 10; TSN, February 24, 2014, pp. 2-3.

<sup>13</sup> *Rollo*, p. 10; TSN, February 24, 2014, p. 4.

with a steel pipe.<sup>14</sup> Jonalyn added that Benito held Jorge by the arms while Arthur struck Jorge.<sup>15</sup> When Jorge lost consciousness, Arthur handed the steel pipe to Benito.<sup>16</sup> Benito used the same steel pipe to strike and beat Jorge several more times until Jorge was sprawled bloodied on the ground.<sup>17</sup> Arthur ran away with the steel pipe, while Benito hid inside his home.<sup>18</sup>

Jonalyn reported to the incident to the patrolling police officers, then led them to Arthur and Benito's yard.<sup>19</sup> The police officers saw Benito who surrendered and confessed to killing Jorge.<sup>20</sup>

On cross-examination, Jonalyn disclosed that Jorge and Benito were engaged in a shouting incident or verbal tussle prior to the murder.<sup>21</sup>

Arthur, who remained at-large until he was arrested,<sup>22</sup> denied taking part in the killing of Jorge.<sup>23</sup> As an alibi, he argued that his bout with leptospirosis prevented him from getting out of his bed and helping Benito.<sup>24</sup>

### **Ruling of the Regional Trial Court**

In a Judgment<sup>25</sup> rendered on August 2, 2016, the trial court found Arthur and Benito guilty beyond reasonable doubt for the crime of Murder. The dispositive portion of the Judgment reads:

WHEREFORE, in the light of the foregoing, both accused [BENITO] and [ARTHUR] are found GUILTY beyond reasonable doubt as principals of the crime of Murder, defined and penalized under [Art.] 248 of the [RPC], for the death of [Jorge], and each of them are hereby sentenced to suffer the penalty of *reclusion perpetua*.

As to civil liability, both said accused are adjudged solidarily LIABLE to the heirs of [Jorge] for civil indemnity of SeventyFive (*sic*) Thousand Pesos ([P]75,000.00), moral damages

- over -

157

<sup>14</sup> *Rollo*, p. 10; TSN, February 24, 2014, p. 5.

<sup>15</sup> *Rollo*, p. 10; TSN, February 24, 2014, p. 5.

<sup>16</sup> *Rollo*, p. 10; TSN, February 24, 2014, p. 6.

<sup>17</sup> *Rollo*, p. 10; TSN, February 24, 2014, p. 6.

<sup>18</sup> *Rollo*, p. 10; TSN, May 26, 2014, pp. 5-6.

<sup>19</sup> *Rollo*, p. 10; TSN, May 26, 2014, pp. 6-7.

<sup>20</sup> *Rollo*, p. 10; TSN, May 26, 2014, p. 7.

<sup>21</sup> *Rollo*, p. 11; TSN, February 10, 2015, p. 8.

<sup>22</sup> *Rollo*, p. 11; TSN, May 26, 2014, pp. 10-11.

<sup>23</sup> *Rollo*, p. 12; TSN, September 7, 2015, pp. 2-10; TSN, February 15, 2016, pp. 2-4.

<sup>24</sup> *Rollo*, p. 12.

<sup>25</sup> *Id.* at 30-56. Penned by Judge Remigio M. Escalada, Jr.

of Fifty Thousand Pesos ([P]50,000.00), exemplary damages of Thirty Thousand Pesos ([P]30,000.00), and actual damages of TwentySix (*sic*) Thousand Six Hundred Forty Pesos ([P]26,640.00).

Costs against both the accused.

SO ORDERED.<sup>26</sup>

The RTC held that the prosecution established all the elements of Murder and its qualifying circumstances through the eyewitness account of Jonalyn.<sup>27</sup> The trial court judge, who was in the best position to observe the witnesses and evaluate their credibility, appreciated the testimony of Jonalyn.<sup>28</sup> The trial court held that Jonalyn's "narration of the concerted participation, and her identification of [Arthur and Benito] in the commission of the crime was (*sic*) direct and definite."<sup>29</sup>

Aggrieved, Arthur and Benito appealed<sup>30</sup> the Judgment to the CA.

### **Ruling of the Court of Appeals**

On October 17, 2018, the appellate court rendered its assailed Decision.<sup>31</sup> The CA sustained the conviction of Arthur and Benito for Murder.<sup>32</sup> However, the civil liabilities imposed were modified<sup>33</sup> applying *People v. Jugueta*.<sup>34</sup>

The dispositive portion of the assailed CA Decision reads:

**WHEREFORE**, premises considered, the assailed Decision is hereby **AFFIRMED with MODIFICATION** by awarding actual damages in the amount [of] [P]140.00, temperate damages in the amount of [P]50,000.00, moral damages in the amount of [P]75,000.00 and exemplary damages in the amount of [P]75,000.00, inclusive of interest on all monetary damages imposed at the legal rate of six percent (6%) per *annum* (*sic*) from date of finality of the decision until fully paid.

SO ORDERED.<sup>35</sup>

- over -

157

---

<sup>26</sup> Id. at 13, 56.

<sup>27</sup> Id. at 48-54.

<sup>28</sup> Id. at 51.

<sup>29</sup> Id.

<sup>30</sup> CA *rollo*, pp. 36-65.

<sup>31</sup> *Rollo*, pp. 8-28.

<sup>32</sup> Id. at 15.

<sup>33</sup> Id. at 27-28.

<sup>34</sup> 738 Phil. 806 (2016).

<sup>35</sup> *Rollo*, p. 28.

The appellate court reduced the award of actual damages to ₱140.00 representing the official receipt for the issuance of Jorge's death certificate.<sup>36</sup> The burial or funeral expenses and other expenses incurred during Jorge's wake were not corroborated by any official receipt.<sup>37</sup> However, since no documentary evidence of burial or funeral expenses were presented in court, the CA awarded ₱50,000.00 as temperate damages.<sup>38</sup> The appellate court increased the award of moral damages and exemplary damages and affirmed the award of civil indemnity to the heirs of Jorge.<sup>39</sup> Finally, legal interest was imposed on all monetary awards.<sup>40</sup>

Aggrieved, Arthur and Benito filed their Notice of Appeal.<sup>41</sup> However, Benito died during the pendency of the case before the appellate court.<sup>42</sup> Thus, in a Resolution<sup>43</sup> dated September 21, 2020, the CA issued a partial Entry of Judgment. The dispositive portion reads:

Its prayer that the appeal of [Benito] be WITHDRAWN by reason of his demise and co-accused [Arthur] be ALLOWED to APPEAL to the Supreme Court by his Notice of Appeal are both GRANTED.<sup>44</sup>

In another Resolution<sup>45</sup> dated September 30, 2020, the appellate court reiterated its directive on the dismissal of the criminal case with respect to Benito. The dispositive portion reads:

Considering that the death of an accused extinguishes his or her criminal liability, We reiterate the dismissal of the criminal case with respect to accused-appellant [Benito], per Our Resolution of September 21, 2020.

Partial entry of judgment is issued, insofar as accused-appellant [Benito] is concerned.<sup>46</sup>

We thus proceed with Arthur as the lone accused-appellant before Us.

- over -

157

---

<sup>36</sup> *Rollo*, p. 27; Exhibit "G," records, p. 122.

<sup>37</sup> *Rollo*, p. 27; Exhibit "G," records, p. 122.

<sup>38</sup> *Rollo*, p. 27.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.* at 27-28.

<sup>41</sup> *Id.* at 3-5.

<sup>42</sup> *CA rollo*, pp. 185-194.

<sup>43</sup> *Id.* at 195.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* at 196.

<sup>46</sup> *Id.*

### Issue

The main issue is whether Arthur is guilty of the crime of Murder under Art. 248 of the RPC.

### Our Ruling

The appeal is without merit. Thus, Arthur's conviction of guilt beyond reasonable doubt for Murder is affirmed.

### **Positive testimony prevails over the defenses of denial and alibi**

After an examination of the testimonies of the witnesses and the evidence adduced by the parties, We find no reason to disturb the factual findings of the RTC as affirmed by the CA. Settled is the rule that the evaluation of the credibility of a witness is "best left to the trial court because it has the opportunity to observe the witnesses and their demeanor during the trial."<sup>47</sup> This Court gives great respect to the findings of trial courts, especially when affirmed by the appellate court.<sup>48</sup>

Through Jonalyn's positive and direct testimony, the prosecution established all the elements of Murder and its attendant qualifying circumstances. The trial court appreciated Jonalyn's testimony in the following manner:

The eyewitness testimony of [Jonalyn] is candid and unequivocal, and thus, is credible. The evidence provided by her testimony duly established that both [Arthur and Benito] conspired, confederated, and mutually helped each other in the murder of [Jorge] on or about 11:00 p.m. of December 18, 2011 in the yard of their house at 247 Barrio Sto. Niño, Tala, Caloocan City.<sup>49</sup>

In an attempt to discredit Jonalyn, the defense presented Arthur and their supposed eyewitness, Edgar C. Manalang (Edgar).

- over -

157

---

<sup>47</sup> *People v. Manalang*, G.R. No. 198015, January 20, 2021, citing *People v. Corpuz*, 812 Phil. 62, 88 (2017).

<sup>48</sup> *Id.*

<sup>49</sup> *Rollo*, p. 48.

In jurisprudence, We held that denial is inherently a weak defense which cannot outweigh positive testimony. A categorical statement that has the earmarks of truth prevails over a bare denial<sup>50</sup> which can easily be fabricated and is inherently unreliable.<sup>51</sup> For the defense of alibi to prosper, the accused must prove that he or she was at some other place at the time of the commission of the crime, and it was physically impossible for him or her to be at the *locus delicti* or within its immediate vicinity. These requirements of time and place must be strictly met.<sup>52</sup>

In the records, the trial court found Arthur's defense of denial to be "contrived and not credible. His claim that he was not able to witness the killing because he did not go out of the house for the reason that he was weak and ill of l[e]ptospirosis (sic) at the time of the killing was debunked by the defense evidence itself, which show[ed] that [Arthur] was [sick two weeks earlier than the killing]." <sup>53</sup> We agree that Arthur's bare denial is weak and does not satisfy the standard in jurisprudence.

Furthermore, a judicious review of the transcript of stenographic notes<sup>54</sup> reveals that Edgar's testimony had "serious inconsistencies in his statements at the witness stand which likewise destroyed the credibility of his supposed eyewitness account."<sup>55</sup>

As between the testimony of Jonalyn and the denial and alibi of Arthur, the trial court found that "the lone prosecution eyewitness testimony [of Jonalyn] as convincing and telling of truth."<sup>56</sup> The trial court further ruled that "as between the clear and categorical eyewitness testimony of [Jonalyn] positively identifying both [Arthur and Benito] as the authors of the attack which directly resulted in the death of [Jorge], and the alibi of [Arthur] that he was somewhere else at the time of the commission of the crime, the eyewitness testimony prevails."<sup>57</sup> The testimony of a single eyewitness, if found convincing and trustworthy, is sufficient to support a finding of guilt beyond reasonable doubt.<sup>58</sup>

- over -

157

<sup>50</sup> *People v. Moreno*, G.R. No. 191759, March 2, 2020, citing *People v. Mat-an*, 826 Phil. 512, 524 (2018).

<sup>51</sup> *Id.*, citing *People v. Pulgo*, 813 Phil. 205, 219 (2017).

<sup>52</sup> *Id.*, citing *People v. Aquino*, 724 Phil. 739, 754 (2014).

<sup>53</sup> *Rollo*, p. 48.

<sup>54</sup> TSN, March 28, 2016, pp. 1-22.

<sup>55</sup> *Rollo*, p. 49-50.

<sup>56</sup> *Id.* at 50.

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*, citing *People v. Camat*, 326 Phil. 56 (1996).



The same holds true in the case at bar. Jonalyn's positive testimony prevails over Arthur's weak defenses of denial and alibi.

**Arthur is guilty beyond reasonable doubt of Murder under Art. 248 of the RPC**

Murder is defined as the unlawful killing of a person, which is not parricide or infanticide, attended by circumstances such as treachery or evident premeditation.<sup>59</sup> The presence of any one of the circumstances enumerated in Art. 248 of the RPC is sufficient to qualify a killing as murder.<sup>60</sup> Murder is defined and penalized as follows:

Art. 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 temporal in its maximum period 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 or persons to insure or afford impunity.

x x x x

5. With evident premeditation.

x x x x

Jurisprudence dictates that 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 Art. 248; and (4) that the killing is not parricide or infanticide.<sup>61</sup> For the charge of Murder to prosper, the prosecution must prove beyond reasonable doubt that the offender killed the victim through treachery or by any of the other five qualifying circumstances, which is duly alleged in the Information.<sup>62</sup>

- over -

157

<sup>59</sup> *People v. Jugueta*, supra note 34 at 818, citing *People v. Adviento*, 684 Phil. 507, 519 (2012).

<sup>60</sup> REVISED PENAL CODE, Art. 248.

<sup>61</sup> *People v. Manansala*, G.R. No. 233104, September 2, 2020, citing *People v. Casemiro*, G.R. No. 231122, January 16, 2019.

<sup>62</sup> *Id.*, citing *People v. Lababo*, 832 Phil. 1056, 1071 (2018).

In the case at bar, the prosecution proved beyond reasonable doubt that Arthur killed Jorge through treachery and evident premeditation. Arthur struck Jorge with a steel pipe several times on the head, then left Jorge bloodied on the ground.

To recall, the Amended Information charged Arthur with the killing of Jorge attended by treachery, evident premeditation, and abuse of superior strength.<sup>63</sup> Indeed, both the trial court and appellate court were unanimous in ruling that the prosecution established the attendant qualifying circumstances of Murder.<sup>64</sup>

Treachery attended the killing of Jorge. The essence of treachery is the unexpected and sudden attack on the victim which renders the latter unable and unprepared to defend oneself by reason of the suddenness and severity of the attack.<sup>65</sup> Treachery was established as follows:

Jonalyn testified that during the night of the attack, [Arthur and Benito] waited for [Jorge] to pass by their house on his way home and when [Jorge] arrived, [Benito] suddenly dragged [Jorge] into their yard where [Arthur and Benito] took turns hitting [Jorge] with a pipe while [Jorge] was restrained. The suddenness of the attack, coupled with the fact that Jorge had been drinking alcohol prior to the attack, rendered [Jorge] defenseless.<sup>66</sup>

Evident premeditation likewise attended the killing of Jorge. To authorize a finding of premeditation, it must affirmatively appear from the overt acts of the accused that they have definitely resolved to commit the offense; that they have from then coolly and dispassionately reflected both on the means of carrying their resolution into execution and on the consequences of their criminal design; and that such an appreciable length of time has elapsed as to expect an aroused conscience to otherwise relent and desist from the accomplishment of the proposed crime.<sup>67</sup> The essence is that the execution of the crime must be preceded by cool thought and reflection, and upon the resolution to carry out the criminal intent during the space of time sufficient to arrive at the hour of judgment.<sup>68</sup> According to the trial court, evident premeditation was established in the following manner:

- over -

157

---

<sup>63</sup> *Rollo*, p. 9.

<sup>64</sup> *Id.* at 23.

<sup>65</sup> *Id.*, citing *People v. Piliin*, 544 Phil. 144 (2007).

<sup>66</sup> *Id.* at 23, citations omitted.

<sup>67</sup> *Id.* at 53.

<sup>68</sup> *Id.*, citing *People v. Escabarte*, 242 Phil. 295 (1988).

In the present case, it is undisputed that the accused [Benito] had an earlier verbal tussle with [Jorge], providing him with the motive to do injury to the latter. Being neighbors, both [Arthur and Benito] know that [Jorge] usually goes home from work at that particular time using the pathwalk in front of their house. On the night of the attack, both [Arthur and Benito] were waiting for some time for [Jorge] to arrive and quickly moved to pounce on him upon his arrival. Hence, evident premeditation is clear in this case.<sup>69</sup>

Finally, abuse of superior strength was also present. 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.<sup>70</sup> The appellate court concluded that Jorge was attacked by Arthur and Benito “while unarmed and a bit intoxicated,”<sup>71</sup> which showed the inequality of forces between Jorge and his aggressors. However, when the circumstance of abuse of superior strength concurs with treachery, abuse of superior strength is absorbed by treachery.<sup>72</sup>

**Modification of imposable  
penalty and award of  
damages consistent with  
prevailing law and  
jurisprudence**

From the foregoing, We deem it proper to modify the penalty imposed. Art. 248 of the RPC provides that the presence of the attending circumstance of treachery qualified the killing into murder which is punishable by *reclusion perpetua* to death. In relation to Art. 248, Art. 63 of the same Code<sup>73</sup> states that if the penalty is composed of two indivisible penalties, as in the present case, and there is an aggravating circumstance, then the higher penalty should be imposed.

- over -

157

<sup>69</sup> Id. at 53.

<sup>70</sup> Id. at 24.

<sup>71</sup> Id.

<sup>72</sup> Id. at 25, citing *People v. Aquino*, 724 Phil. 739 (2014).

<sup>73</sup> REVISED PENAL CODE, Art. 63 (2). The provision reads:

ARTICLE 63. *Rules for the Application of Indivisible Penalties.* — x x x x

In all cases in which the law prescribes a penalty composed of two indivisible penalties, the following rules shall be observed in the application thereof:

x x x x

2. When there are neither mitigating nor aggravating circumstances in the commission of the deed, the lesser penalty shall be applied.

x x x x

Here, evident premeditation can be considered as an ordinary aggravating circumstance. Thus, the proper imposable penalty is the higher sanction which is death.<sup>74</sup> However, since the imposition of death is proscribed under Republic Act No. (RA) 9346,<sup>75</sup> the imposable penalty on Arthur is *reclusion perpetua* without eligibility for parole.<sup>76</sup>

Finally, We further modify the award of damages. Since Arthur's penalty of death is reduced to *reclusion perpetua* because of RA 9346, case law instructs that the proper monetary awards are ₱100,000.00 each for civil indemnity, moral damages, and exemplary damages.<sup>77</sup> The award of actual damages in the amount of ₱140.00 is deleted. In lieu thereof, the award of ₱50,000.00 as temperate damages is maintained. In addition, the monetary awards are subject to legal interest at the rate of six percent (6%) per *annum* from the finality of this Resolution until fully paid.<sup>78</sup>

**WHEREFORE**, the appeal is **DISMISSED**. The assailed October 17, 2018 Decision of the Court of Appeals in CA-G.R. CR-HC No. 08533 is **AFFIRMED with MODIFICATIONS**: (1) Arthur Gabertan y Sabido is **GUILTY** beyond reasonable doubt of Murder under Article 248 of the Revised Penal Code and is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole; and (2) Arthur Gabertan y Sabido is ordered to **PAY** temperate damages in the amount of ₱50,000.00, civil indemnity in the amount of ₱100,000.00, moral damages in the amount of ₱100,000.00, and exemplary damages in the amount of ₱100,000.00. The award of ₱140.00 as actual damages is **DELETED**. All monetary awards shall earn interest at the rate of six percent (6%) per *annum* from date of finality of this Resolution until fully paid.

The Office of the Solicitor General's manifestation in lieu of supplemental brief, in compliance with the Resolution dated March 28, 2022; the accused-appellant's manifestation in lieu of supplemental brief, in compliance with the Resolution dated March 28, 2022; and the letter dated May 31, 2022 of CSO4 Cesar T. Grecia, Chief Admin, Inmate Documents and Processing Division, Bureau of Corrections, Muntinlupa City, in compliance with the Resolution

- over -

157

<sup>74</sup> *People v. Natindim*, G.R. No. 201867, November 4, 2020.

<sup>75</sup> Entitled "AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES." Approved: June 24, 2006.

<sup>76</sup> See A.M. No. 15-08-02-SC entitled "GUIDELINES FOR THE USE OF THE PHRASE 'WITHOUT ELIGIBILITY FOR PAROLE.'" Approved: August 4, 2015.

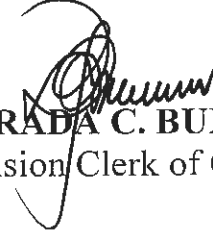
<sup>77</sup> *People v. Jugueta*, supra note 34 at 847.

<sup>78</sup> *Rollo*, pp. 27-28, citing *Guevarra v. People*, 726 Phil. 183 (2014).

dated March 28, 2022 informing the Court that accused-appellant Arthur Gabertan y Sabido was received for confinement in the Institution on September 12, 2016, are **ALL NOTED.**

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *Librada C. Buena*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

**157**

**AUG 05 2022**

The Solicitor General  
134 Amoroso Street, Legaspi Village  
1229 Makati City

Court of Appeals (x)  
Manila  
(CA-G.R. CR-HC No. 08533)

The Hon. Presiding Judge  
Regional Trial Court, Branch 123  
1400 Caloocan City  
(Crim. Case No. C-87410)

Public Information Office (x)  
Library Services (x)  
Supreme Court  
(For uploading pursuant to A.M.  
No. 12-7-1-SC)

**PUBLIC ATTORNEY'S OFFICE**  
Special and Appealed Cases Service  
Counsel for Accused-Appellant  
5/F, DOJ Agencies Building  
NIA Road cor. East Avenue, Diliman  
1101 Quezon City

Philippine Judicial Academy (x)  
Supreme Court

Mr. Arthur S. Gabertan  
Accused-Appellant  
c/o The Director General  
Bureau of Corrections  
1770 Muntinlupa City

Judgment Division (x)  
Supreme Court

The Chief Admin  
Inmate Documents & Processing Division  
Bureau of Corrections  
1770 Muntinlupa City

The Director General  
Bureau of Corrections  
1770 Muntinlupa City

UR

*MP*

*[Handwritten mark]*