



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **June 27, 2022** which reads as follows:*

“**G.R. No. 255057 (People of the Philippines, plaintiff-appellee v. Jun-Jun Tulauan y Pigos, accused-appellant)**. — Assailed in this Notice of Appeal<sup>1</sup> is the Decision<sup>2</sup> dated June 19, 2020 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 12446, which affirmed the Decision<sup>3</sup> dated November 27, 2018 of the Regional Trial Court of Manila, Branch 28 (RTC) finding accused-appellant Jun-Jun Tulauan y Pigos (Tulauan) guilty beyond reasonable doubt of the crime of Murder.

**The Facts**

This case stemmed from an Information<sup>4</sup> filed before RTC charging Tulauan with the aforesaid crime. The accusatory portion of which reads:

That on or about November 17, 2017, in the City of Manila, Philippines, the said accused, with intent to kill, with treachery and with evident premeditation, did then and there willfully, unlawfully and feloniously attack, assault, and use personal violence upon the person of one RAYDEN ROXAS y SALAC, a minor 17 years old, by then and there stabbing the latter with a knife on the left side portion of his stomach, thereby inflicting upon said RAYDEN ROXAS y SALAC multiple stab wound, which was the direct and immediate cause of his death thereafter.

Contrary to law.<sup>5</sup>

The prosecution alleged that on November 17, 2017, at 3:00 in the morning, Rica Mae Garcia (Garcia), the victim’s cousin, was inside a sidecar while waiting for her brother. She was less than a meter away from the victim, Rayden Roxas y Salac (Roxas), who was sleeping outside the store, when she saw Tulauan suddenly stabbed Roxas at the right side of his body. Thereafter, Tulauan ran away. Garcia approached Roxas before she left to inform the latter’s mother of his condition. They brought Roxas to the hospital where he

<sup>1</sup> See Notice of Appeal with Compliance dated July 13, 2020; *rollo*, p. 36.

<sup>2</sup> *Id.* at 4–19. Penned by Associate Justice Pedro B. Corales and concurred in by Associate Justices Apolinario D. Bruselas, Jr. and Perpetua Susana T. Atal-Paño.

<sup>3</sup> *CA rollo*, pp. 48–59. Penned by Presiding Judge Jean Marie A. Bacorro-Villena.

<sup>4</sup> Not attached to the *rollo*.

<sup>5</sup> *Rollo*, p. 5.

eventually died. On the same day, Garcia went to the police station to give her testimony.<sup>6</sup>

It was further alleged that the death of Roxas caused his mother to incur funeral expenses in the amount of ₱35,000.00.<sup>7</sup>

Tulauan, for his part, denied killing Roxas. According to him, he was at work when the stabbing incident happened. After his work, he slept in his home where he woke up at 3:00 in the afternoon and fetched water. To his surprise, the Barangay Chairman arrested him and brought him to the barangay hall where he learned of the accusation against him. Tulauan further claimed that he was friends with Roxas for seven (7) years and that he knew that Roxas and Garcia are cousins. Tulauan also admitted that he was not in good terms with Roxas' mother because she has unpaid loans from his brother.<sup>8</sup>

### The RTC Ruling

In its Decision<sup>9</sup> dated November 27, 2018, the RTC found Tulauan guilty beyond reasonable doubt of the crime of Murder, and accordingly sentenced him to suffer the penalty of *reclusion perpetua*, and ordered him to pay the victim's heirs ₱75,000.00 as civil indemnity *ex delicto*, ₱75,000.00 as moral damages, ₱30,000.00 as actual damages, and ₱30,000.00 as exemplary damages, plus six percent (6%) interest per annum on all monetary awards from finality of the ruling until full payment.<sup>10</sup>

In so ruling, the RTC gave credence to the testimony of Garcia positively identifying Tulauan as the perpetrator of the crime. According to the RTC, the alleged inconsistencies in the testimony do not affect the credibility of Garcia, especially considering the absence of any showing of ill motive on her part.<sup>11</sup> The RTC also stressed that the killing was attended by the qualifying circumstance of treachery as evidenced by Tulauan's surreptitious attack on the sleeping victim and the stab wound on the vital area of the victim's body.<sup>12</sup>

Aggrieved, Tulauan interposed appeal.<sup>13</sup>

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<sup>6</sup> See *id.* at 6–7.

<sup>7</sup> *Id.* at 7.

<sup>8</sup> See *id.* at 7–8.

<sup>9</sup> *CA Rollo*, pp. 48–59.

<sup>10</sup> *Id.* at 58–59.

<sup>11</sup> *Id.* at 54.

<sup>12</sup> *Id.* at 56.

<sup>13</sup> See Notice of Appeal dated December 11, 2018; *id.* at 10.

### The CA Ruling

In a Decision<sup>14</sup> dated June 19, 2020, the CA affirmed the RTC Decision with the following modifications: (a) increasing the exemplary damages to ₱75,000.00; and deleting the award of actual damages and in lieu thereof, imposing ₱50,000.00 as temperate damages.<sup>15</sup>

The CA found that Tulauan's guilt was proven beyond reasonable doubt by the credible testimony of Garcia, and that the same destroyed Tulauan's defenses of denial and alibi.<sup>16</sup> The CA was also convinced that the killing was attended by the qualifying circumstance of treachery, in view of the testimony that Roxas was sleeping when Tulauan suddenly stabbed him.<sup>17</sup>

Hence, this appeal.<sup>18</sup>

### The Issue Before the Court

The issue for the Court's resolution is whether the CA erred in finding Tulauan guilty beyond reasonable doubt of the crime charged.

### The Court's Ruling

The appeal is without merit.

Article 248 of the Revised Penal Code defined and penalized Murder, viz.:

Article 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 perpetua*, 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

As such, in order for the charge of Murder to prosper, the following elements must be established by the prosecution: (1) that a person was killed;

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<sup>14</sup> *Rollo*, pp. 4–19.

<sup>15</sup> *Id.* at 18. The CA discussed that when actual damages were proven by receipts during the trial amount to less than the sum allowed by the Court as temperate damages, the award of temperate damages in the amount of ₱50,000.00 is justified in lieu of actual damages which is of lesser amount.

<sup>16</sup> *Id.* at 16.

<sup>17</sup> *Id.* at 17.

<sup>18</sup> See Notice of Appeal with Compliance dated July 13, 2020; *id.* at 36.

(2) that the accused killed him or her; (3) that the killing was attended by any of the qualifying circumstances mentioned in Article 248; and (4) that the killing was not parricide or infanticide.<sup>19</sup>

In this case, the prosecution was able to prove all the elements of Murder. Notably, the presence of the first and fourth elements — the death of Roxas and the absence of parricide and infanticide — is not disputed here.

As to the second element, Tulauan argues that the testimony of Garcia is unworthy of belief and improbable under the circumstances.<sup>20</sup> He averred, among others, that Garcia's testimony contains material inconsistencies concerning the period the crime was reported to the police and his consequent arrest.<sup>21</sup> These arguments fail to persuade.

Well entrenched is the rule that when the credibility of eyewitnesses is in dispute, the trial court's findings of fact, calibration of witness testimonies as well as assessment of the probative weight thereof, and conclusions founded on such findings are accorded conclusive effect, especially when affirmed by the CA, except when circumstances of substance which could have affected the result of the case were overlooked and misunderstood.<sup>22</sup> The reason for this is the unique position of the trial court in observing the manner of testifying of the witnesses. As explained in *People v. Pulgo*,<sup>23</sup> to wit:

This is so because the trial court has the unique opportunity to observe the demeanor, conduct and attitude of witnesses under grueling examination. These are the most significant factors in evaluating the sincerity of witnesses and in unearthing the truth, especially in the face of conflicting testimonies. Through its observations during the entire proceedings, the trial court can be expected to determine, with reasonable discretion, whose testimony to accept and which witness to believe. Hence, it is a settled rule that appellate courts will not overturn the factual findings of the trial court unless there is a showing that the latter overlooked facts or circumstances of weight and substance that would affect the result of the case. The foregoing rule finds an even more stringent application where the findings of the RTC are sustained by the CA.<sup>24</sup>

In this case, Garcia categorically and consistently testified that on the day of the stabbing incident, Tulauan approached Roxas, who was then asleep, and suddenly stabbed the latter in his right side using a knife. This was given merit by the RTC and affirmed by the CA. Hence, Garcia's candid narration of what transpired during the said incident and her positive identification of

<sup>19</sup> See *People v. Mendoza*, G.R. No. 237215, June 28, 2021.

<sup>20</sup> See *rollo*, p. 9.

<sup>21</sup> See *id.* at 9–10.

<sup>22</sup> See *People v. Pigar*, G.R. No. 247658, February 17, 2020.

<sup>23</sup> 813 Phil. 205 (2017).

<sup>24</sup> *Id.* at 211–212.

Tulauan as the assailant sufficiently established the latter's culpability for the crime of Murder.

On Tulauan's allegation of inconsistency in Garcia's testimony, the same is without merit as said inconsistency concerns a minor detail not related to the principal occurrence and Tulauan's identification as the perpetrator of the crime. Verily, *People v. Pateo*<sup>25</sup> instructs that inconsistencies in minor details of a witness' testimony do not impair his or her credibility. Time and again, the Court ruled that a minor inconsistency, instead of destroying the veracity of the testimony, enhances the credibility of the witness as it removes any suspicion that the testimony was contrived or rehearsed.<sup>26</sup>

As to the third element, the prosecution likewise established that the qualifying circumstance of treachery attended the killing of Roxas. To reiterate, Garcia testified that Roxas was asleep when Tulauan attacked him with a knife which then caused Roxas' death. In *People v. Caritativo*,<sup>27</sup> the Court noted that the accused, who attacked a victim who is asleep, is guilty of treachery, to wit:

It is an established rule that treachery attends the killing where the accused attacks the victim while the latter is asleep and unable to defend himself. Obviously, a sleeping victim is not in a position to defend himself, take flight or avoid the assault, this ensuring that the crime is successfully executed without any risk to the attacker.<sup>28</sup>

In view of the foregoing, the CA did not err in finding Tulauan guilty of the crime of Murder. As such, Tulauan is correctly sentenced to suffer the penalty of *reclusion perpetua*, and to pay the heirs of Roxas the amounts of ₱75,000.00 as civil indemnity *ex delicto*, ₱75,000.00 as moral damages, ₱75,000.00 as exemplary damages, and ₱50,000.00 as temperate damages, all with legal interest at the rate of six percent (6%) per annum from finality of the ruling until full payment.<sup>29</sup>

**ACCORDINGLY**, the appeal is **DISMISSED**. The Court **ADOPTS** and **AFFIRMS** the Decision dated June 19, 2020 of the Court of Appeals in CA-G.R. CR-HC No. 12446 finding accused-appellant Jun-Jun Tulauan y Pigos **GUILTY** beyond reasonable doubt of the crime of Murder. He is sentenced to suffer the penalty of *reclusion perpetua*, and to pay the heirs of the victim, Rayden Roxas y Salac, the following amounts: (a) ₱75,000.00 as civil indemnity *ex delicto*, (b) ₱75,000.00 as moral damages, (c) ₱75,000.00 as exemplary damages, and (d) ₱50,000.00 as temperate damages, all with legal interest at the rate of six percent (6%) per annum from finality of the ruling until full payment.

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<sup>25</sup> 474 Phil. 691 (2004).

<sup>26</sup> See *id.* at 698.

<sup>27</sup> 451 Phil. 741 (2003).

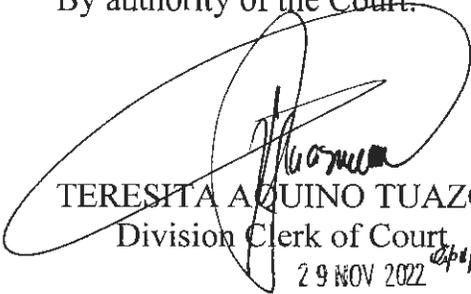
<sup>28</sup> *Id.* at 769

<sup>29</sup> See *Nacar v. Gallery Frames*, 716 Phil. 267, 283 (2013).

The parties respective Manifestations (In Lieu of Supplemental Briefs) dated January 27, 2022 and February 3, 2022, as well as the Letter dated June 3, 2022 of Chief Superintendent Jayferson G. Bon-As, New Bilibid Prison-Maximum Security Compound, Bureau of Corrections, Muntinlupa City, confirming confinement of accused-appellant Jun-Jun Tulauan y Pigos, are **NOTED.**

**SO ORDERED.”**

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Division Clerk of Court  
29 NOV 2022 10:41/29

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THE DIRECTOR (reg)  
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HON. PRESIDING JUDGE (reg)  
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(Crim. Case No. R-MNL-17-05927-CR)

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