



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 29, 2023** which reads as follows:*

“G.R. No. 255341 (People of the Philippines v. Juan O. Buli, Jr. and Jestoni O. Buli).—On appeal is the August 27, 2020 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 02147-MIN affirming with modifications the August 31, 2018 Decision² of the Regional Trial Court (RTC), Branch 44, Initao, Misamis Oriental in Criminal Case No. 2011-2038, finding accused-appellants Juan O. Buli, Jr. (Juan) and Jestoni O. Buli (Jestoni) guilty beyond reasonable doubt of the crime of Murder under Article 248 of the Revised Penal Code (RPC).

Accused-appellants were charged with the crime of Murder under Art. 248 of the RPC in an Information³ that reads:

That on or about the 21st of February 2011 at more or less 8:30 o'clock in the evening at Zone 1, Sambulawan, Laguindingan, Province of Misamis Oriental, Philippines and within the jurisdiction of this Honorable Court, the above-named Accused, conspiring, confederating, and mutually aiding one another with intent to kill, with treachery, evident premeditation, abuse of superior strength and nighttime, did then and there willfully, unlawfully and feloniously attack, maul and hit on **GEORGE E. FULGUERINAS** with the use of a 31 inches long round steel bar, inflicting upon the latter multiple severe injuries resulting to his instantaneous death, to the great damage and prejudice of his heirs.

Contrary to and in violation of Article 248 of the Revised Penal Code.⁴

During their arraignment, accused-appellants entered a plea of “not guilty.”⁵ After termination of pre-trial, the trial on the merits ensued. The

¹ *Rollo*, pp. 5-24. Penned by Associate Justice Richard D. Mordeno and concurred in by Associate Justices Edgardo T. Lloren and Loida S. Posadas-Kahulugan.

² *CA rollo*, pp. 28-34. Penned by Presiding Judge Marissa P. Estabaya.

³ Records, p. 2.

⁴ *Id.*

⁵ *Id.* at 31-35.

prosecution presented the following witnesses: Dr. Tammy L. Uy (Dr. Uy), the senior medico-legal officer of the National Bureau of Investigation and Florita Fulguerinas (Florita),⁶ the wife of the deceased victim. The prosecution also offered the following documentary evidence: Affidavit of Florita,⁷ Extract of Police Blotter with Entry Nos. 02-2813 and 02-2814,⁸ Death Certificate⁹ of George E. Fulguerinas (George), and Autopsy Report No. N0-11-06.¹⁰ The defense presented as witnesses both accused, Juan and Jestoni.

The Antecedents

The facts, as alleged by the prosecution, are as follows:

On February 21, 2011, at around 8:00 p.m., George was with his wife, Florita, and daughter, Jane, in their house at Zone 1, Sambulawan, Laguindingan, Misamis Oriental.¹¹ As they were about to go to sleep, they heard people shouting outside their house. George wanted to investigate the commotion outside but Florita stopped him from him doing so. George then went to sleep as the people who were shouting seemed to pass by their house.¹² At some point in the night, George woke up and informed Florita that he was going to the restroom. After a few minutes, Florita noticed that George still did not return to bed and that they could hear angry voices outside their house. Thinking that they also heard the voice of George, Florita and Jane left their house to look for him.¹³

Armed with a flashlight, Florita and Jane followed the voice of her husband calling them.¹⁴ They then saw Juan choking George and Jestoni striking George with a stone. Florita rushed over to them and asked what Juan and Jestoni were doing to her husband.¹⁵ Jestoni told her not to get involved or they might do the same to her. Florita tried to pull George away but Jestoni shoved her.¹⁶ As Florita turned back to the scuffle, she saw Jestoni hit George with a steel bar. Florita tried to stop Jestoni from hitting George again but to no avail. Instead, Florita sustained an injury on her foot.¹⁷

As the accused-appellants continued to attack George, Florita and Jane pleaded for them to stop and shouted for help but nobody came to their aid.¹⁸

⁶ Also spelled as "Floreta" in other parts of the records.

⁷ Records, pp. 6-7.

⁸ Id. at 9-10.

⁹ Id. at 12.

¹⁰ Id. at 83-84.

¹¹ TSN, August 16, 2017, p. 9.

¹² Id. at 10.

¹³ Id. at 11.

¹⁴ Id.

¹⁵ Id. at 12.

¹⁶ Id. at 12-13.

¹⁷ Id. at 13.

¹⁸ Id.

Eventually the relatives of the accused-appellants arrived and Florita asked them to take the accused-appellants away.¹⁹ The accused-appellants left with their relatives. As Florita and Jane tried to bring George back to their house, Juan and Jestoni returned and threw stones at them.²⁰ Florita and Jane then put George's body down on the side of the road and pleaded for Juan and Jestoni to stop attacking George. The accused-appellants responded, "No, your husband has to die."²¹

Finally, the accused-appellants' father, Juan Buli, Sr., arrived at the scene and took his two sons away.²² Florita and Jane rushed George to the City Hospital in Cagayan de Oro where he was declared dead on arrival. Based on Autopsy Report No. N0-11-06 prepared by Dr. Uy, George sustained 31 injuries.²³ Dr. Uy identified the cause of death as "multiple injuries,"²⁴ particularly several injuries such as hematomas on the victim's head.²⁵ Dr. Uy further testified that it is possible that such injuries may have been caused by a hard blunt object, such as a steel bar²⁶ or violent impact against a hard blunt surface.²⁷

As for the defense, accused-appellants claimed that, sometime in the evening of February 21, 2011, they were sent on an errand by their father to buy some rice.²⁸ On their way to accomplish such errand, George blocked their way and tried to hit Jestoni with a steel pipe but Juan stopped the blow by holding George.²⁹ George fell to the ground and Jestoni took away the pipe. Thereafter, Juan straddled George and punched him five times.³⁰ When Florita arrived and begged them to stop punching her husband, Juan stood up. Juan and Jestoni then left George on the ground and headed back to their house. Both Juan and Jestoni claimed that they did not know why they were arrested and only learned of George's death when they were informed by their family members of such incident while they were already in prison.³¹

Ruling of the Regional Trial Court

In its August 31, 2018 Decision,³² the trial court convicted accused-appellants of the crime of Murder under Art. 248 of the RPC. It found that the defense failed to present clear and convincing evidence that the attack was

¹⁹ Id. at 14.

²⁰ Id.

²¹ Id.

²² Id. at 15.

²³ Records, pp. 83-84.

²⁴ Id.

²⁵ TSN, August 16, 2017, p. 4.

²⁶ Id. at 5.

²⁷ Id. at 7.

²⁸ TSN, May 21, 2018, p. 23.

²⁹ TSN, May 21, 2018, p. 24; TSN, June 14, 2018, p. 33.

³⁰ TSN, May 21, 2018, pp. 24 - 26.

³¹ Id. at 25.

³² CA *rollo*, pp. 28-34.

done in self-defense. The lower court noted that both accused-appellants admitted authorship of the mauling but in their vain attempt to extricate themselves from criminal liability, they claimed that the victim was the unlawful aggressor and they merely acted to avert an impending harm. Despite such claims, the accused-appellants failed to present sufficient evidence that the deceased victim was the unlawful aggressor in this case. The self-serving testimonies of the accused-appellants must considerably fail against the positive, categorical, and straightforward testimonies of the prosecution eyewitnesses.

The RTC held that the commission of the crime was attended by treachery considering that the attack was sudden, unexpected, and unprovoked. The aggravating circumstance of abuse of superior strength cannot be appreciated as it is deemed absorbed in treachery. Likewise, evident premeditation and nighttime cannot be appreciated as aggravating circumstances for lack of sufficient evidence to prove the same. The dispositive portion of the August 31, 2018 Decision of the lower court reads:

WHEREFORE, judgment is hereby rendered finding accused JUAN O. BULI, JR. and JESTONI O. BULI GUILTY beyond reasonable doubt of the crime of Murder and are hereby sentenced to suffer the penalty of reclusion perpetua.

Accused are also ordered to pay the following:

- a. Civil indemnity - ₱100,000.00
- b. Moral damages - ₱100,000.00
- c. Exemplary damages - ₱100,000.00

SO ORDERED.³³

Undeterred, accused-appellants filed a Notice of Appeal dated September 10, 2018 thus elevating the matter to the CA.³⁴ In the Appellants' Brief,³⁵ the accused-appellants insisted that the elements of self-defense and defense of a relative are attendant in the present case. They claimed that George attacked them first as he blocked their way and tried to hit Jestoni with a steel pipe.³⁶ Accused-appellants further asserted that such unprovoked attack constituted unlawful aggression on the part of the victim,³⁷ and that Juan used reasonable means to fend off any attempts of George to attack them.³⁸

Accused-appellants also insisted that the prosecution's eyewitness testimony was not credible because the events, as narrated by Florita, were allegedly unbelievable or improbable:

³³ Id. at 33.

³⁴ Id. at 10.

³⁵ Id. at 15-27.

³⁶ Id. at 22.

³⁷ Id.

³⁸ Id. at 23.

Prosecution witness Floreta Fulguerinas testified that she saw one of the brothers choking her husband, who was down on the ground, while at the same time the other one was casting stones at him. The depiction of what happened is fairly incredible. If one of the brothers was straddling Fulguerinas, the other one could not have been throwing stones at him, for he would also surely hit his own brother.³⁹

Ruling of the Court of Appeals

In its August 27, 2020 Decision,⁴⁰ the CA affirmed with modification the trial court's judgment of conviction and held that all the essential elements of Murder under Art. 248 of the RPC were established by the prosecution. In ruling that the killing was attended by the qualifying circumstance of treachery, the CA concluded that accused-appellants knowingly and deliberately chose their mode of attack with the use of a steel bar and stones in a synchronized manner so as to deprive the victim of any opportunity to defend himself and assuring that the attack was without any risks as to themselves.

The CA also found that the prosecution eyewitness, Florita, gave a positive and compelling account of the incident. In contrast to the positive identification of the eyewitness of the prosecution, the accused-appellants invoked the justifying circumstances of self-defense and defense of a relative. The CA concurred with the findings of the trial court that accused-appellants did not present sufficient evidence to prove that the requisites of self-defense and defense of relative were present in this case. As such, the CA found such allegations to be baseless and self-serving.

To conform with prevailing jurisprudence, the CA reduced the civil indemnity, moral damages, and exemplary damages to PHP 75,000.00 each, subject to 6% interest per *annum* from the date of finality of the decision until fully paid.

The *fallo* of the CA's August 27, 2020 Decision reads:

WHEREFORE, the appeal is **DISMISSED**. The assailed Decision dated 31 August 2018 of the Regional Trial Court (RTC), 10th Judicial Region, Branch 44, Initao, Misamis Oriental, is hereby **AFFIRMED with MODIFICATION** in that appellants are **ORDERED to PAY** the heirs of George E. Fulguerinas the following amount [sic]:

- a. Civil Indemnity – P75,000.00
- b. Moral Damages – P75,000.00
- c. Exemplary Damages – P75,000.00

The award of damages shall earn interest at the rate of six percent (6%) per annum from the date of finality of the judgment until fully paid.

³⁹ Id. at 24. Citations Omitted.

⁴⁰ *Rollo*, pp. 5-24.

SO ORDERED.⁴¹

In view of the CA's adverse Decision, accused-appellants filed a Notice of Appeal⁴² on September 14, 2020. Both the Office of the Solicitor General and the counsel of the accused-appellants filed separate Manifestations adopting their respective Briefs filed before the CA as their Supplemental Briefs before this Court.⁴³

Issue

For resolution is whether the CA correctly affirmed the finding of the RTC that accused-appellants are guilty beyond reasonable doubt of the crime of Murder under Art. 248 of the RPC.

Our Ruling

The appeal is bereft of merit. After a judicious review of the records of the case, the Court affirms the conviction of accused-appellants for the crime of Murder. As correctly held by the courts *a quo*, the prosecution successfully established the elements of the crime of Murder under Art. 248 of the RPC in the instant case.

Murder is defined and penalized under Art. 248 of the RPC, as amended, *viz.:*

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 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;
2. In consideration of a price, reward, or promise.
3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a railroad, fall of an airship, or by means of motor vehicles, or with the use of any other means involving great waste and ruin.
4. On occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic or other public calamity.
5. With evident premeditation.
6. With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse.

⁴¹ Id. at 23.

⁴² Id. at 25.

⁴³ Id. at 34-36 and 45-46.

Thus, the elements of the crime of Murder are the following: (a) a person was killed; (b) the accused killed him or her; (c) the killing is not Parricide or Infanticide; and (d) the killing was accompanied with any of the qualifying circumstances mentioned in Art. 248 of the RPC.⁴⁴

It is undisputed that George died on February 21, 2011 due to multiple injuries.⁴⁵ Accused-appellants admit that they attacked George, possibly inflicting the fatal wounds that resulted in the death of George, but also invoke the justifying circumstances of self-defense and defense of relative. As to the relationship of the assailants with the victim, there is no showing that the accused-appellants are relatives of each other thus the killing is not Parricide or Infanticide. Finally, We agree with the findings of the lower courts that the killing was accompanied with the qualifying circumstance of treachery considering the victim was completely defenseless when the armed assailants attacked him incessantly with a steel bar and stones. Hence, We see no reversible error in the finding of the lower courts that the accused-appellants are guilty beyond reasonable doubt of the crime of Murder.

When accused-appellants interposed self-defense or defense of a relative, the prosecution no longer has the burden of proving that the accused-appellants committed the act charged against them and the burden is shifted to the accused-appellants to prove by clear and convincing evidence that their acts were justified.⁴⁶ Self-defense cannot be justifiably appreciated when uncorroborated by independent and competent evidence, or when it is extremely doubtful by itself. Indeed, in invoking self-defense, the burden of evidence is shifted and the accused claiming self-defense must rely on the strength of his or her own evidence and not on the weakness of the prosecution.⁴⁷

Self-defense, as an affirmative allegation, requires the following: (a) unlawful aggression on the part of the victim; (b) reasonable necessity of the means employed by the accused to repel it; and (c) lack of sufficient provocation on his or her part. While all three elements must concur, self-defense relies first and foremost on proof of unlawful aggression on the part of the victim. If no unlawful aggression is proved, no self-defense may be successfully pleaded.⁴⁸

In the present case, other than the self-serving testimonies of the accused-appellants, the defense failed to present clear and convincing evidence showing that the victim provoked the accused-appellants and was

⁴⁴ *People v. Cortez*, 844 Phil. 1086, 1098 (2018).

⁴⁵ Records, pp. 81-84.

⁴⁶ *People v. Antonio*, G.R. No. 229349, January 29, 2020.

⁴⁷ *Id.*, citing *Belbis v. People*, 698 Phil. 706, 719 (2012).

⁴⁸ *People v. Pereira*, G.R. No. 220749, January 20, 2021, citing *People v. Gutierrez*, 625 Phil. 471, 481 (2010).

the unlawful aggressor. On the contrary, based on the testimony of the prosecution eyewitness positively identifying the accused-appellants as the assailants, it is apparent that the accused-appellants were the aggressors in this case.

Unlawful aggression refers to “an actual physical assault, or at least a threat to inflict real imminent injury, upon a person,”⁴⁹ and is “predicated on an actual, sudden, unexpected or imminent danger — not merely a threatening or intimidating action.”⁵⁰ In this case, even assuming that the victim initiated the attack, the persistent assault of the accused-appellants already subdued the victim and, with no imminent threat or danger, there was no reason for accused-appellants to continue attacking the victim. In the testimony of Juan, which was corroborated by his co-accused’s testimony, even after Jestoni was able to take away the steel pipe allegedly wielded by the victim, Juan still punched George while the latter was on the ground.

[DIRECT EXAMINATION OF JUAN BULI, JR.]

[Atty. Clemente B. Abecia]: What happened after you embraced George [E.] Fulguerinas?

A: He fell down and then, my younger brother managed to take away the steel bar from George Fulguerinas.

Q: What happened next after your younger brother was able to take the iron bar from George Fulguerinas?

A: I rode on him and boxed him.⁵¹

[CROSS-EXAMINATION OF JUAN BULI, JR.]

[APP Ian J. Parrado]: So, even [after] you were pulled by the wife and the daughter to stop attacking [sic] George Fulguerinas, you still continued to attack him?

A: Yes, Sir, because of my anger.

Q: What made you angry at the time?

A: He hit my younger brother with [a] steel bar.

Q: But you said earlier that your brother was not hit by the steel bar, correct?

A: Yes, Sir.

Q: And in fact, your younger brother was able to take away the steel bar, correct?

A: Yes, Sir.

Q: And still, you got angry?

A: Yes, because he hit my younger brother, and we do not know our fault.⁵²

⁴⁹ *People v. Siega*, 834 Phil. 500, 510 (2018), citing *People v. Dolorido*, 654 Phil. 467, 475 (2011).

⁵⁰ *Id.*, citing *People v. Raytos*, 810 Phil. 1007, 1017 (2017). Underscoring supplied.

⁵¹ TSN, May 21, 2018, p. 24.

The relentless assault as well as the multiple injuries sustained by George, particularly on his head and chest, belies accused-appellants' claim that they employed reasonable and necessary means employed to repel the victim's alleged aggression. The Autopsy Report No. N0-11-06 shows that the victim sustained 31 injuries, with most of the fatal blows found on his head.

POST-MORTEM FINDINGS

The following injuries were noted:

1. Abraded hematoma of 4x2cm on the mid-frontal region of the head.
2. Hematoma of 7x2.5cm on the right frontal region of the head.
3. Laceration of 2.2cm long on their right malar region of the face medially.
4. Laceration of 0.8cm long on the right malar region of the face laterally.
5. Laceration of 1.2cm long on the right cheek region.
6. Laceration of 1.5cm long on the right temple region.
7. Hematoma of 11x7cm on the right lower eyelid, right malar region, right temple, and right pre-auricular region of the face.
8. Hematoma of 7x2cm on the upper lip bilaterally.
9. Abraded hematoma of 2.5x2cm above the left eyebrow medially.
10. Hematoma of 6x3cm on the left periorbital region.
11. Hematoma of 8x2 cm on the left malar and left mandibular regions of the face.
12. Hematoma of 2.3x2 cm above the right eyebrow medially.
13. Abraded hematoma of 12x4 cm on the right side of anterior chest superiorly.
14. Abraded hematoma of 17x3.5 cm on the right side of anterior chest superiorly.
15. Abrasion of 3x1.2cm on the right side of anterior chest superiorly.
16. Intramuscular hematoma of 22x14 cm on the anterior chest bilaterally but more so on the right side.
17. Abraded hematoma by 13x2.2 cm on the upper abdominal region, right side
18. Abrasion of 2x2.3 cm on the left upper quadrant of the abdomen,
19. Abraded hematoma of 6x2.2cm on the thoraco-lumbar region of the back, roughly along the vertebral column.
20. Abraded hematoma of 6x4 cm on the left lower thoracic region of the back.
21. Laceration of 3 cm long on the right thumb proximally and posteriorly.
22. Hematoma of 7x2.4cm on the proximal end of the left arm laterally.
23. Abraded hematoma of 5x4 cm on the dorsum of the left hand.
24. Multiple abraded hematomas in an area of 14x7 cm on the right knee and proximal end of the right leg anteriorly.
25. Sutured laceration of 3.5cm long on the distal end of the right leg anteriorly.
26. Fractures of the distal 3rd of the right tibia and fibula.

⁵² Id. at 27-28.

27. Abraded hematoma of 6x5 cm on the proximal end of the right thigh posteriorly.
28. Abraded hematoma of 7x6 cm on the middle 3rd of the left thigh antero-laterally.
29. Laceration of 1cm long surrounded by an abrasion of 3x2 cm on the middle 3rd of the left leg anteriorly.
30. Scalp – Extensive sub-galeal hematoma was noted on the frontal region bilaterally, and right and left parietal regions of the head.
31. Brain – Diffuse subdural hematoma was noted on the right and left parietal and temporal regions, right and left temporal poles, uncal regions, and on both cerebellar hemispheres; A cortical [sic] contusion of 1x2 cm was also noted on the right temporal pole. Cut sections revealed a presence of about 50ml of clotted blood in the ventricles.

x x x x

CAUSE OF DEATH: Multiple Injuries.⁵³

As held by the CA, the injuries sustained by the victim show that the acts of the accused-appellants were more than reasonably necessary to repel any supposed unlawful aggression but actually indicate an intention to kill the victim, to wit:

Clearly, the injuries sustained by the victim would tell Us that appellants were not merely repelling the victim's blows, if indeed they were. If it were the case, the injuries that the victim would have sustained would not be as severe and as numerous as in this case. In fact, We find that appellants had every intention to kill the victim because of the multiple wounds he sustained which only someone who holds a grudge or ill-will against him will inflict such injuries. Thus, even if We are to assume that the victim was the unlawful aggressor, the attack against the victim was more than reasonably necessary to repel the supposed unlawful aggression.⁵⁴

The foregoing findings also support the conclusion that the killing was attended by treachery. For treachery to be appreciated, two conditions must be present: (a) at the time of the attack, the victim was not in a position to defend himself; and (b) the accused consciously and deliberately adopted the particular means, methods, or forms of attack employed by him.⁵⁵ In the instant case, George was unarmed and pinned to the ground while both Juan and Jestoni armed with a steel bar and stones ruthlessly attacked him. George was clearly not in a position to defend himself or fight back. The multiple wounds that caused George's untimely demise show that accused-appellants consciously and deliberately adopted the particular means to attack their victim. Even after their relatives pulled them away, they returned to the scene of the crime and threw stones at George and his family. Florita further

⁵³ Records, pp. 83-84.

⁵⁴ *Rollo*, p. 17.

⁵⁵ *People v. Jaurigue*, G.R. No. 232380, September 4, 2019, citing *People v. Cirbeto*, 825 Phil. 793, 806 (2018).

testified that, when she pleaded that they stop attacking her husband and asked why they were doing so, accused-appellants responded that “her husband has to vanish [sic] from this earth.”

[CROSS-EXAMINATION OF FLORITA FULGUERINAS]

[APP Ian J. Parrado]: Where did you actually bring your husband? Were you able to bring your husband to your house?

A: We were not able to bring my husband to our house.

Q: Where did you bring your husband?

A: After a few minutes, when were able to carry my husband, Juan Buli and Jestoni Buli returned back and kept on throwing stone on [sic] us.

Q: When the accused kept on throwing stone [sic], what did you do next?

A: We put my husband on the road side and I confronted these two persons.

Q: When you confronted the two accused, what happened next, if any?

A: I pleaded [sic] for them to stop attacking my husband anymore [sic].

Q: What was their answer?

A: They told me, “No, your husband has to die.”

Q: What was your reaction at that time?

A: I asked them, what is the fault of my husband.

Q: What was their answer?

A: They just answered, your husband has to vanished [sic] from this earth.⁵⁶

Evidently, since George was unable to defend himself as he was subjected to the simultaneous, numerous, and persistent attacks of the accused-appellants using steel pipes and stones, treachery is clearly evident in the instant case.

With regard to accused-appellants challenging the credibility of the prosecution eyewitness, this Court has consistently held that the findings of the trial court are accorded high respect, if not conclusive effect unless it “overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which will alter the assailed decision or affect the result of the case.”⁵⁷

The Court has ruled, time and again, that when the issues involve matters of credibility of witnesses, the findings of the trial court, its calibration of the testimonies, and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings, are accorded high respect, if not conclusive effect. This is so because it is the trial court that has the unique opportunity to observe the demeanor of witnesses; and the trial court is in the best position to discern whether or not the witnesses are telling the

⁵⁶ TSN, August 16, 2017, p. 14.

⁵⁷ *People v. Silvederio III*, G.R. No. 239777, July 8, 2020, citing *People v. Agalot*, 826 Phil. 541, 550 (2018).

truth. Generally, the appellate courts will not overturn the trial court's findings unless it overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which will alter the assailed decision or affect the result of the case x x x.⁵⁸

Prosecution eyewitness, Florita, positively identified accused-appellants as the assailants. The trial court found that Florita narrated the entire sequence of events, from witnessing the attack of her husband to his death at the hospital, in a clear, straightforward, and compelling manner. Hence, absent any showing that the courts *a quo* gravely erred in appreciating substantial facts and circumstances of the case, We see no reason to disturb such findings and reverse the assailed decision.

Anent the imposable penalty, Art. 248 of the RPC, as amended, provides that the crime of Murder is punishable by *reclusion perpetua* to death. As held in the case of *People v. Jugueta*,⁵⁹ "when the circumstances surrounding the crime call for the imposition of *reclusion perpetua* only, there being no ordinary aggravating circumstance, the Court rules that the proper amounts should be ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages and ₱75,000.00 exemplary damages, regardless of the number of qualifying aggravating circumstances present." There being no ordinary aggravating circumstance, We affirm the imposed amount of damages as modified by the CA. The Court also deems it proper to award temperate damages in the amount of ₱50,000.00 considering that, although no evidence of burial and funeral expenses were presented other than the testimony of the victim's wife,⁶⁰ it cannot be denied that the heirs of the victims suffered pecuniary loss although the exact amount was not proved.⁶¹

WHEREFORE, the appeal is **DISMISSED**. The August 27, 2020 Decision of the Court of Appeals in CA-G.R. CR-HC No. 02147-MIN is **AFFIRMED** with **MODIFICATION** in that accused-appellants JUAN O. BULI, JR. and JESTONI O. BULI are found **GUILTY** of Murder and sentenced to suffer the penalty of *reclusion perpetua*. The accused are ordered to pay the heirs of deceased George E. Fulguerin the following:

1. ₱75,000.00 as civil indemnity;
2. ₱75,000.00 as moral damages;
3. ₱75,000.00 as exemplary damages; and
4. ₱50,000.00 as temperate damages.

Interest at the rate of six percent (6%) *per annum* shall be imposed on the aggregate amount of the monetary awards computed from the finality of this Resolution until full payment.

⁵⁸ Id., citing *People v. Cirbeto*, supra at 805 and *People v. Agalot*, supra.



⁵⁹ 783 Phil. 806, 840 (2016).

⁶⁰ TSN, August 16, 2017, p. 15.

⁶¹ *People v. Jugueta*, supra, citing *People v. Surongon*, 554 Phil. 448, 458 (2007).

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court 

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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(CA-G.R. CR-HC No. 02147-MIN)

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