



Republic of the Philippines  
**Supreme Court**  
 Manila

**FIRST DIVISION**

**PEOPLE OF THE PHILIPPINES,** **G.R. No. 238455**

Plaintiff-Appellee,

Present:

- versus -

CAGUIOA, *Acting Chairperson*,  
 CARANDANG,  
 ZALAMEDA,  
 DELOS SANTOS,\* and  
 GAERLAN, *JJ.*

**ROLANDO AGUILA y ROSALES**

Accused-Appellant.

Promulgated:

**DEC 09 2020**

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**DECISION**

**CAGUIOA, J.:**

Before the Court is an appeal<sup>1</sup> filed under Section 13, Rule 124 of the Rules of Court from the Decision<sup>2</sup> dated December 1, 2017 of the Court of Appeals (CA) in CA-G.R. CR-HC-06756, which affirmed with modification the Decision<sup>3</sup> dated October 4, 2013 of the Regional Trial Court, Branch 87, Rosario, Batangas (RTC) in Criminal Case No. R02-078, finding herein accused-appellant Rolando Aguila y Rosales (Rolando) guilty of the crime of Murder under Article 248 of the Revised Penal Code (RPC).

**The Facts**

Rolando was charged with the crime of Murder under the following Information:

“That on or about the 6<sup>th</sup> day of January, 2002, at about 11:15 o’clock in the morning, at Barangay Calubcub 2<sup>nd</sup>, Municipality of San

\* Designated additional member per Raffle dated December 2, 2020 vice Chief Justice Diosdado M. Peralta.  
<sup>1</sup> See Notice of Appeal dated December 19, 2017; *rollo*, pp. 19-20.  
<sup>2</sup> Id. at 2-18. Penned by Associate Justice Carmelita Salandanan Manahan with Associate Justices Fernanda Lampas Peralta and Elihu A. Ybañez, concurring.  
<sup>3</sup> CA *rollo*, pp. 66-71. Penned by Presiding Judge Rose Marie Manalang-Austria.

Juan, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a small bolo (gulukan) with intent to kill, with treachery[,] and evident premeditation[,] and without any justifiable cause did then and there willfully, unlawfully[,] and feloniously attack, assault[,] and stab with the said weapon one Delfin Sayat y de Villa, 76 years old, a septuagenarian, suddenly and without warning, thereby inflicting upon the latter Hypovolemic shock secondary to stab wounds on his chest and right lower quadrant of his abdomen, which directly caused his death.

Contrary to law.”<sup>4</sup>

Upon arraignment, Rolando pleaded not guilty to the crime charged.<sup>5</sup>

*Version of the Prosecution*

The prosecution presented the following as witnesses: (1) Cristina Sayat Tanang (Cristina), (2) Pablito Rubia (Pablito), and (3) Iluminada Sayat.

Cristina testified that Rolando is her uncle, being the brother of her mother, while the victim, Delfin Sayat y de Villa (Delfin) is her paternal grandfather who she calls “*Tatay*.”<sup>6</sup> The killing happened on January 6, 2002, her wedding day, at around 11:00 in the morning.<sup>7</sup> When they arrived from the church, Rolando was already in the reception area.<sup>8</sup> The “*sabugan*” (traditional gift giving) was then about to take place during the reception when Delfin was stabbed by Rolando.<sup>9</sup> Delfin was then sitting at the table around three (3) meters away from where Cristina was.<sup>10</sup> She noticed that Rolando was drunk at that time and that he was holding a bolo while approaching Delfin coming from the back of the house, so she focused her sight on Rolando and when Rolando was near Delfin, she shouted “*Tatay*” to Delfin to warn him.<sup>11</sup> She saw Rolando stab Delfin twice using a bolo while the latter was sitting down.<sup>12</sup> The stab blows hit the upper right portion of the body of Delfin, below the right armpit.<sup>13</sup> After Rolando stabbed Delfin, Rolando ran away while Delfin was brought to a hospital in San Juan, Batangas.<sup>14</sup> Delfin died as a result of the incident.<sup>15</sup>

*Version of the Defense*

The defense presented the following witnesses: (1) Rolando and (2) Renato Aguila (Renato), the brother of Rolando.

<sup>4</sup> *Rollo*, p. 3.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 4.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

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

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

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*



Rolando testified that on January 6, 2002, he was just in his house at Brgy. Calubcub, San Juan, Batangas.<sup>16</sup> At that time, there was a wedding celebration at the house of his niece, Cristina, whose house is only about six (6) meters away from his house.<sup>17</sup> He went to the wedding reception at around 12:00 noon.<sup>18</sup> He saw Delfin sitting on a bench and drinking liquor with his friends and relatives.<sup>19</sup> He approached them and greeted them.<sup>20</sup> Delfin stood up and started cursing and hurling invectives at him and at the same time, Delfin drew his Super 38 caliber gun.<sup>21</sup> Delfin uttered the following invectives, "*Putang Ina mo ka papatayin kita.*"<sup>22</sup> There were many people present but it was his brother Renato who was near him and who heard those words uttered by the victim.<sup>23</sup> He testified that he does not know of any reason why Delfin uttered those words to him and that it was actually the second time that Delfin did those things to him.<sup>24</sup> The first time Delfin shouted invectives at him happened prior to January 6, 2002 and when it happened, he did not mind Delfin and just left him.<sup>25</sup> However, on the day of the incident, upon hearing those invectives from Delfin, and upon seeing him drawing his gun, he stood up and drew his fan knife as he was sure that Delfin was going to shoot him.<sup>26</sup> He was not sure what part of Delfin's body was hit because he was drunk at that time.<sup>27</sup> Delfin was not able to draw his gun.<sup>28</sup> They did not grapple for the gun.<sup>29</sup> After stabbing Delfin twice, he left and went home.<sup>30</sup> Upon reaching his house, policemen came.<sup>31</sup>

He further testified that he does not have any misunderstanding with Cristina, Pablito, and Rodel Tatlonghari prior to the incident.<sup>32</sup>

Renato is the brother of Rolando, while Delfin is the father-in-law of Renato's sister.<sup>33</sup> He testified that he was also at the wedding celebration of Cristina on January 6, 2002 at around 11:00 in the morning when a commotion occurred.<sup>34</sup> He was sitting with a group of people, which included his wife, Delfin, and some other people whose names he could not recall.<sup>35</sup> Delfin uttered, "*We will eat, Odik [Rolando] might come.*"<sup>36</sup> Rolando approached them and he noticed that Delfin drew his gun and pointed it to Rolando who was

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<sup>16</sup> Id. at 6.

<sup>17</sup> Id.

<sup>18</sup> Id.

<sup>19</sup> Id.

<sup>20</sup> Id.

<sup>21</sup> Id.

<sup>22</sup> Id. at 7.

<sup>23</sup> Id.

<sup>24</sup> Id. at 6.

<sup>25</sup> Id.

<sup>26</sup> Id.

<sup>27</sup> Id.

<sup>28</sup> Id. at 6-7.

<sup>29</sup> Id. at 7.

<sup>30</sup> Id.

<sup>31</sup> Id.

<sup>32</sup> Id.

<sup>33</sup> Id. at 8.

<sup>34</sup> Id.

<sup>35</sup> Id.

<sup>36</sup> Id.; italics supplied.

about one meter away.<sup>37</sup> Commotion ensued.<sup>38</sup> He pushed Delfin to prevent him from firing his gun.<sup>39</sup> But considering that there was a commotion already, he did not know what happened after that.<sup>40</sup> He just heard from other people that his brother inflicted the wounds sustained by Delfin.<sup>41</sup>

### **Ruling of the RTC**

In its Decision dated October 4, 2013, the RTC found Rolando guilty of Murder, to wit:

WHEREFORE, in view of the foregoing, judgment is her[e]by rendered finding the accused **Rolando Aguila y Rosales GUILTY beyond reasonable doubt of the crime of MURDER** defined in and penalized by Article 248 of the Revised Penal Code as amended by Republic Act 7659 hereby imposes on said accused the penalty of **RECLUSION PERPETUA**, with all the accessory penalties of the law. Furthermore, the accused is ordered to pay the heirs of the deceased the amount of Seventy Five Thousand Pesos (Php75,000.00) as civil indemnity; Seventy Five Thousand Pesos (P 75,000.00) as moral damages; Seventy Five Thousand Pesos (P75,000.00) as exemplary damages and, Twenty Five Thousand Pesos (P25,000.00) as temperate damages.

SO ORDERED.<sup>42</sup> (Emphasis in the original)

The RTC rejected the claim of self-defense interposed by Rolando since he failed to substantiate it with clear and convincing proof.<sup>43</sup> Other than the self-serving testimony of Rolando and Renato, there was no evidence of unlawful aggression presented to prove that there was justification for Rolando to defend himself.<sup>44</sup> Plainly, Rolando did not establish with clear and convincing proof that Delfin assaulted him so as to constitute an imminent threat of great harm before he mounted his own attack on Delfin.<sup>45</sup>

Aggrieved, Rolando appealed to the CA.

### **Ruling of the CA**

In the assailed Decision dated December 1, 2017, the CA affirmed the conviction by the RTC with modification:

WHEREFORE, premises considered, the Appeal is **DENIED**. The Decision dated October 4, 2013 of the Regional Trial Court, Branch 87, Rosario, Batangas in Criminal Case No. R02-078, finding accused-appellant Rolando Aguila y Rosales guilty beyond reasonable doubt of the crime of

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<sup>37</sup> Id.  
<sup>38</sup> Id.  
<sup>39</sup> Id.  
<sup>40</sup> Id.  
<sup>41</sup> Id.  
<sup>42</sup> CA *rollo*, p. 71.  
<sup>43</sup> Id.  
<sup>44</sup> Id.  
<sup>45</sup> Id.

murder is hereby **AFFIRMED WITH MODIFICATION** as to the award of legal interest at the rate of six (6) percent per annum on all damages herein awarded to be computed from the date of finality of this Decision until fully paid.

**SO ORDERED.**<sup>46</sup> (Emphasis in the original)

The CA ruled that Rolando failed to prove with clear and convincing evidence that he acted in self-defense.<sup>47</sup> Rolando failed to prove existence of unlawful aggression on the part of the victim.<sup>48</sup> It further held that the RTC correctly found that the testimonies of the defense were full of inconsistencies.<sup>49</sup> Lastly, it ruled that the elements of Murder were established by the prosecution.<sup>50</sup> Treachery is evident from the fact that the victim was unprepared for the sudden and unexpected attack on his person by Rolando.<sup>51</sup> Prosecution witness Cristina testified that Delfin was in a sitting position when Rolando came from the right side of the victim and stabbed Delfin.<sup>52</sup> Clearly, Rolando's execution of the killing left Delfin with no opportunity to defend himself or retaliate.<sup>53</sup>

Hence, this appeal.

### Issues

Whether the CA erred in affirming Rolando's conviction for Murder despite the fact that the prosecution failed to establish his guilt for Murder beyond reasonable doubt.

### The Court's Ruling

The appeal is partly meritorious.

It is settled that findings of fact of the trial courts are generally accorded great weight; except when it appears from the record that the trial court may have overlooked, misapprehended, or misapplied some significant fact or circumstance which if considered, would have altered the result.<sup>54</sup> This is axiomatic in appeals in criminal cases where the whole case is thrown open for review on issues of both fact and law, and the court may even consider issues which were not raised by the parties as errors.<sup>55</sup> The appeal confers the appellate court full jurisdiction over the case and renders such competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.<sup>56</sup>

<sup>46</sup> *Rollo*, pp. 17-18.

<sup>47</sup> *Id.* at 10.

<sup>48</sup> *Id.* at 15.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.* at 16.

<sup>51</sup> *Id.* at 17.

<sup>52</sup> *Id.*

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

<sup>54</sup> *People v. Duran, Jr.*, G.R. No. 215748, November 20, 2017, 845 SCRA 188, 211.

<sup>55</sup> *Id.*

<sup>56</sup> *Ramos v. People*, G.R. No. 218466 & 221425, January 23, 2017, 815 SCRA 226, 233.



After a careful review and scrutiny of the records, the Court affirms the conviction of Rolando, but only for the crime of Homicide, instead of Murder, as the qualifying circumstance of treachery was not proven in the killing of Delfin.

***The accused failed to prove self-defense***

In questioning his conviction, Rolando admits that he killed Delfin, arguing only that he should nonetheless not be held criminally liable for the death of Delfin because he only acted in self-defense. He insists that unlawful aggression was present when Delfin allegedly cursed at him and thereafter drew his gun.<sup>57</sup>

This argument deserves scant consideration.

An accused who pleads self-defense admits to the commission of the crime charged.<sup>58</sup> He has the burden to prove, by clear and convincing evidence, that the killing was attended by the following circumstances: (1) unlawful aggression on the part of the victim; (2) reasonable necessity of the means employed to prevent or repel such aggression; and (3) lack of sufficient provocation on the part of the person resorting to self-defense.<sup>59</sup> Of these three, unlawful aggression is indispensable. Unlawful aggression refers to “an actual physical assault, or at least a threat to inflict real imminent injury, upon a person.”<sup>60</sup> Without unlawful aggression, the justifying circumstance of self-defense has no leg to stand on and cannot be appreciated.<sup>61</sup>

The Court agrees with the CA that Rolando failed to discharge his burden. All the requisites of self-defense are wanting in this case.

Anent the first requisite, there was no unlawful aggression on the part of the victim, Delfin. For unlawful aggression to be present, there must be real danger to life or personal safety.<sup>62</sup> Accordingly, the accused must establish the concurrence of the three elements of unlawful aggression, namely: (a) there must be a physical or material attack or assault; (b) the attack or assault must be actual, or, at least, imminent; and (c) the attack or assault must be unlawful.<sup>63</sup> None of the elements of unlawful aggression were proven by the defense. As correctly pointed out by the CA, the testimonies of the defense witnesses were riddled with inconsistencies and contradictions, thus it is doubtful whether there was really unlawful aggression on the part of the victim:

*First*, during his direct examination, Rolando testified that Delfin cursed at him and then thereafter drew his gun. However, during his cross-

<sup>57</sup> *Rollo*, p. 10.

<sup>58</sup> *People v. Duran, Jr.*, supra note 54, at 196.

<sup>59</sup> *Guevarra v. People*, G.R. No. 170462, February 5, 2014, 715 SCRA 384, 396.

<sup>60</sup> *People v. Dolorido*, G.R. No. 191721, January 12, 2011, 639 SCRA 496, 504.

<sup>61</sup> *Nacnac v. People*, G.R. No. 191913, March 21, 2012, 668 SCRA 846, 852.

<sup>62</sup> *People v. Satonero*, G.R. No. 186233, October 2, 2009, 602 SCRA 769, 780.

<sup>63</sup> *People v. Nugas*, G.R. No. 172606, November 23, 2011, 661 SCRA 159, 167-168.

examination, he testified that Delfin did not say anything and just suddenly drew his gun:

[Direct Examination]

- “Q When you saw Delfin Sayat who were (sic) seated with others, what did you do next?  
 A I greeted him, sir.  
 Q Will you please tell us how did you greet him?  
 A I told him “kelan pa po kayo diyan”  
 Q What was his answer?  
 A **He suddenly stood up and he cursed me.**  
 Q What did he tell you actually and you are saying that he cursed you?  
 A “Putang ina mo ka walanghiya kang tao.”

[Cross-Examination]

- “Q Did you greet Delfin Sayat him (sic) when you arrived thereat (sic)?  
 A Yes, ma’am. I greeted him and I asked him, “*Kaylan pa po kayo dyan?*”  
 COURT:  
 Q Did he answer you?  
 A **No, Your Honor, he did not answer me but instead drew his gun.**  
 PROS. LUPAC:  
 Q Are you sure of that?  
 A Yes, ma’am.  
 Q He never uttered anything?  
 A Yes, ma’am.[”]<sup>64</sup> (Emphasis supplied)

Furthermore, while Rolando claimed that Delfin cursed him before drawing his gun, the testimony of defense witness Renato established that Delfin really did not shout invective words against Rolando and merely said, “we will eat, Odik [Rolando] might come.”<sup>65</sup>

*Second*, as pointed out by the RTC, Rolando was also inconsistent as to the time when Delfin allegedly drew his gun:

x x x Accused at times alternately claimed that he and victim simultaneously pulled the bolo and handgun tucked at their waists and that it was the victim that first pulled out the handgun pointed at him that prompted him to pull out the bolo tucked at his waist and stabbed the victim. In the course of his testimony, accused engagingly described that the victim was pointing the gun at him for about three minutes and within that span of time the victim never fired a shot at him. During the same span of time, accused described that he also drew his knife and that was when he stabbed the victim twice. After the accused stabbed the victim the second time, commotion ensued. x x x<sup>66</sup>

*Third*, during his direct examination, Rolando testified that Delfin had a personal grudge against him. He further stated that there was an incident prior to January 6, 2002 wherein Delfin hurled invective words against him, but he

<sup>64</sup> *Rollo*, pp. 10-11.

<sup>65</sup> *Id.* at 15.

<sup>66</sup> *CA rollo*, p. 70.

just ignored Delfin at that time.<sup>67</sup> However, in his cross-examination, Rolando testified that they had a good relationship prior to the date of the killing incident.<sup>68</sup> When he was asked by the prosecution why his answer in the cross-examination was inconsistent with his answer in his direct examination, he simply answered that he does not remember his previous answer.<sup>69</sup>

*Fourth*, Rolando testified in his direct examination that he used a “fan knife” to stab Delfin, however during his cross-examination, Rolando said that he used a “*gulukan*,” not a fan knife.<sup>70</sup>

As seen in the inconsistent testimonies of Rolando, it is obvious that there was no unlawful aggression on the part of the victim. It has not been adequately proven that Delfin really drew a gun. In addition, even assuming that Delfin had really shouted invectives against Rolando, this is not the unlawful aggression contemplated by law. Thus, there was no physical, actual or even imminent unlawful assault done by Delfin against Rolando, which would justify Rolando’s act of stabbing Delfin.

Hence, the Court finds that Rolando failed to prove that he acted in self-defense.

***Treachery was not established beyond reasonable doubt.***

In the assailed Decision, the CA affirmed the RTC’s finding that the qualifying circumstance of treachery was present, thereby making Rolando liable for Murder. The CA held:

In the case at bench, treachery is evident from the fact that the victim was unprepared for the sudden and unexpected attack on his person by herein accused-appellant. Prosecution witness Cristina testified that the victim was [i]n a sitting position when accused-appellant came from the right side of the victim and stabbed him. Clearly, appellant’s execution of the killing left the victim with no opportunity to defend himself or retaliate. Verily, accused-appellant committed the crime of murder.<sup>71</sup>

It is established that qualifying circumstances must be proven with the same quantum of evidence as the crime itself, that is, beyond reasonable doubt. Thus, for Rolando to be convicted of Murder, the prosecution must not only establish that he killed Delfin; it must also be proven, beyond reasonable doubt, that the killing of Delfin was attended by treachery.

There is treachery when the offender commits any of the crimes against persons, employing means and methods or forms in the execution thereof which

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<sup>67</sup> *Rollo*, p. 11-12.

<sup>68</sup> *Id.* at 12.

<sup>69</sup> *Id.* at 12-13.

<sup>70</sup> *Id.* at 14.

<sup>71</sup> *Id.* at 17.



tend to directly and specially ensure its execution, without risk to himself arising from the defense which the offended party might make.<sup>72</sup> To qualify an offense, the following conditions must exist: (1) the assailant employed means, methods or forms in the execution of the criminal act which give the person attacked no opportunity to defend himself or to retaliate; and (2) said means, methods or forms of execution were deliberately or consciously adopted by the assailant.<sup>73</sup> The essence of treachery is the sudden and unexpected attack by an aggressor on the unsuspecting victim, depriving the latter of any chance to defend himself and thereby ensuring its commission without risk of himself.<sup>74</sup>

In order to appreciate treachery, both elements must be present.<sup>75</sup> It is not enough that the attack was sudden, unexpected, and without any warning or provocation.<sup>76</sup> There must also be a showing that the offender consciously and deliberately adopted the particular means, methods, and forms in the execution of the crime which tended directly to insure such execution, without risk to himself.

As testified to by the witnesses of the prosecution, the incident happened in broad daylight during the wedding reception of Cristina in a public place where there were plenty of other people present who could have offered their help. If Rolando wanted to make certain that no risk would come to him, he could have chosen another time and place to stab the victim. In a similar case, the Court held that when aid was easily available to the victim, such as when the attendant circumstances show that there were several eyewitnesses to the incident, including the victim's family, no treachery could be appreciated because if the accused indeed consciously adopted means to insure the facilitation of the crime, he could have chosen another place or time.<sup>77</sup>

Thus, the Court can reasonably conclude that Rolando acted impetuously in suddenly stabbing the victim.

***Evident premeditation  
was likewise not  
established beyond  
reasonable doubt***

The aggravating circumstance of evident premeditation was, although alleged in the Information, however, not adequately proven by the prosecution.

The elements of evident premeditation are: (1) a previous decision by the accused to commit the crime; (2) overt act/acts manifestly indicating that the accused clung to his determination; and (3) a lapse of time between the decision

<sup>72</sup> *People v. Duran, Jr.*, supra note 54, at 205-206.

<sup>73</sup> Id. at 206, citing *People v. Dulin*, G.R. No. 171284, June 29, 2015, 760 SCRA 413, 429-430.

<sup>74</sup> Id., citing *People v. Escote, Jr.*, G.R. No. 140756, April 4, 2003, 400 SCRA 603, 632-633.

<sup>75</sup> Id. at 205-206, citing REVISED PENAL CODE, Art. 14, par. 16.

<sup>76</sup> *People v. Sabanal*, G.R. Nos. 73486-87, April 18, 1989, 172 SCRA 430, 434.

<sup>77</sup> *People v. Caliao*, G.R. No. 226392, July 23, 2018, 873 SCRA 262, 273.

to commit the crime and its actual execution sufficient to allow accused to reflect upon the consequences of his acts.<sup>78</sup> Facts regarding “how and when the plan to kill was hatched” are indispensable. The requirement of deliberate planning should not be based merely on inferences and presumptions but on clear evidence.<sup>79</sup> In *People v. Abadies*,<sup>80</sup> the Court held:

Evident premeditation must be based on external facts which are evident, not merely suspected, which indicate deliberate planning. There must be direct evidence showing a plan or preparation to kill, or proof that the accused meditated and reflected upon his decision to kill the victim. Criminal intent must be evidenced by notorious outward acts evidencing a determination to commit the crime. In order to be considered an aggravation of the offense, the circumstance must not merely be “premeditation” but must be “evident premeditation.”<sup>81</sup>

In instant case, none of the requisites of evident premeditation can be inferred from the facts as told by both the prosecution and the defense. It was not proven that Rolando made a previous decision to commit the crime. Neither was it shown that Rolando’s overt acts manifestly indicate that he had clung to his determination to kill the victim. Lastly, the facts do not show the time when Rolando resolved to commit the crime. The date and, if possible, the time when the malefactor determined to commit the crime is essential, because the lapse of time for the purpose of the third requisite is computed from such date and time.<sup>82</sup>

Thus, evident premeditation likewise cannot be appreciated against Rolando to elevate the crime to Murder.

### ***Proper penalty and award of damages***

With the removal of the qualifying circumstance of treachery, the crime is therefore Homicide, not Murder. The penalty for Homicide under Article 249 of the RPC is *reclusion temporal*. In the absence of any mitigating circumstance, the penalty shall be imposed in its medium period. Applying the Indeterminate Sentence Law, the appellant should be sentenced to an indeterminate penalty whose minimum shall be within the range of *prision mayor* (the penalty next lower in degree as that provided in Article 249) and whose maximum shall be within the range of *reclusion temporal* in its medium period. There being no mitigating or aggravating circumstance proven in the present case, the penalty should be applied in its medium period of fourteen

<sup>78</sup> *People v. Isla*, G.R. No. 199875, November 21, 2012, 686 SCRA 267, 280-281.

<sup>79</sup> *People v. Ordon*, G.R. No. 227863, September 20, 2017, 840 SCRA 439, 441.

<sup>80</sup> G.R. No. 135975, August 14, 2002, 387 SCRA 317.

<sup>81</sup> *Id.* at 324.

<sup>82</sup> *Id.*

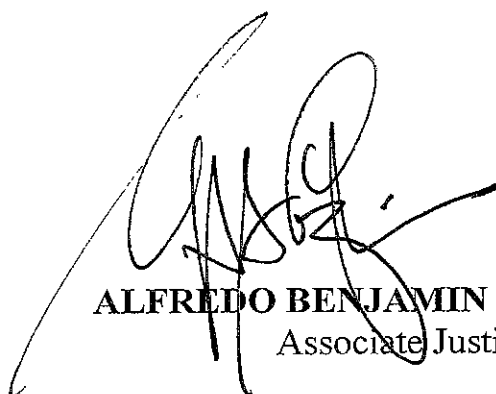
(14) years, eight (8) months, and one (1) day to seventeen (17) years and four (4) months.<sup>83</sup>

Thus, applying the Indeterminate Sentence Law, the maximum penalty will be selected from the above range, with the minimum penalty being selected from the range of the penalty one degree lower than *reclusion temporal*, which is *prision mayor* or six (6) years and one (1) day to twelve (12) years. Hence, the indeterminate sentence of eight (8) years and one (1) day of *prision mayor*, as minimum, to fourteen (14) years, eight (8) months, and one (1) day of *reclusion temporal*, as maximum, should be as it is hereby imposed.<sup>84</sup>

Finally, in view of the Court's ruling in *People v. Jugueta*,<sup>85</sup> the damages awarded in the questioned Decision are hereby modified to civil indemnity, moral damages, and temperate damages of ₱50,000.00 each.

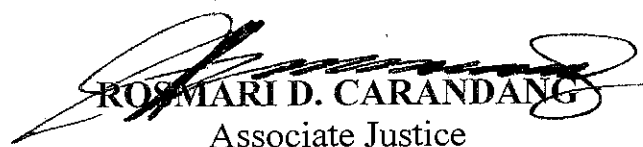
**WHEREFORE**, in view of the foregoing, the appeal is hereby **PARTIALLY GRANTED**. The Court **DECLARES** accused-appellant **ROLANDO AGUILA y ROSALES GUILTY** of **HOMICIDE**, for which he is sentenced to suffer the indeterminate penalty of eight (8) years and one (1) day of *prision mayor*, as minimum, to fourteen (14) years, eight (8) months, and one (1) day of *reclusion temporal*, as maximum. He is further ordered to pay the heirs of Delfin Sayat y de Villa the amount of Fifty Thousand Pesos (₱50,000.00) as civil indemnity, Fifty Thousand Pesos (₱50,000.00) as moral damages, and Fifty Thousand Pesos (₱50,000.00) as temperate damages. All monetary awards shall earn interest at the legal rate of six percent (6%) per annum from the date of finality of this Decision until fully paid.

**SO ORDERED.**



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

WE CONCUR:

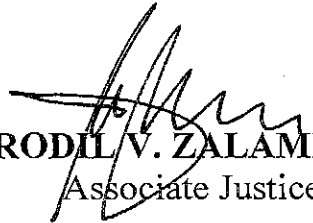


**ROSMARI D. CARANDANG**  
Associate Justice

<sup>83</sup> *People vs. Duavis*, G.R. No. 190861, December 7, 2011, 661 SCRA 775, 786.

<sup>84</sup> *Id.*

<sup>85</sup> G.R. No. 202124, April 5, 2016, 788 SCRA 331.

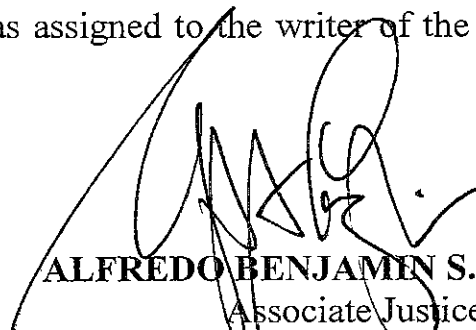
  
**RODIL V. ZALAMEDA**  
Associate Justice

  
**EDGARDO L. DELOS SANTOS**  
Associate Justice

  
**SAMUEL H. GAERLAN**  
Associate Justice

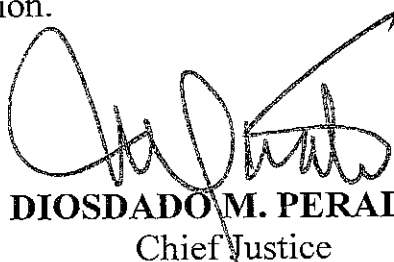
**ATTESTATION**

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice  
Acting Chairperson, First Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**DIOSDADO M. PERALTA**  
Chief Justice

