



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,  
Plaintiff-Appellee,

G.R. No. 247654

- versus -

Present:

SADICK ROARING y RECTIN,  
SADJADE ROARING y RECTIN,  
BELTRAN RELLAMA y RECTIN,  
and BREXTON RELLAMA Y  
BORAGAY,

LEONEN, J., *Chairperson*,  
HERNANDO,\*  
INTING,  
DELOS SANTOS, and  
LOPEZ, J., *JJ.*

Accused,

SADICK ROARING y RECTIN and  
BELTRAN RELLAMA y RECTIN,  
Accused-Appellants.

Promulgated:

June 14, 2021

x-----MISCDCB-H-----x

DECISION

LOPEZ, J., *J.*:

On appeal<sup>1</sup> is the September 26, 2018 Decision<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CR HC No. 09950, which affirmed the September 5, 2017 Joint Judgment<sup>3</sup> of the Regional Trial Court (RTC) of Ligao City, Branch 11, finding Sadick Roaring and Beltran Rellama guilty of murder in Criminal Case Nos. 7285 and 7286, and frustrated murder in Criminal Case No. 7287.

*The Antecedents*

In three Informations, all dated July 25, 2014, Sadick Roaring (*Sadick*), Beltran Rellama (*Beltran*), Sadjade Roaring (*Sadjade*), and Brextan Rellama

\* On leave.

<sup>1</sup> *Rollo*, pp. 27-29.

<sup>2</sup> Penned by Associate Justice Ramon R. Garcia, with Associate Justices Eduardo B. Peralta, Jr. and German Francisco D. Legaspi concurring; *id.* at 3-26.

<sup>3</sup> Penned by Presiding Judge Edwin C. Ma-alat; *CA rollo*, pp. 58-75.

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(*Brexton*) were charged with two counts of murder and frustrated murder. The informations for murder read:

In Criminal Case No. 7285:

#### INFORMATION

That on or about 7:00 in the morning of May 1, 2014, at Sitio Quinimbalan, Barangay Tobgon, in the Municipality of Oas, Province of Albay, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating[,] and mutually helping one another for a common criminal design, while all accused [were] armed with bolos and accused Sadick Roaring was armed with a firearm of unknown caliber with deliberate intent to kill, qualified by evident premeditation, with the presence of alevosia (treachery), abuse of superior strength and without justifiable cause, did then and there, willfully, unlawfully[,] and feloniously hack the victim, Fabian Renigen Rectin III, thereby causing the victim to sustain multiple hack wounds that led to his instantaneous death, to the damage and prejudice of his legal heirs.

ACTS CONTRARY TO LAW.<sup>4</sup>

In Criminal Case No. 7286:

#### INFORMATION

That on or about 7:00 in the morning of May 1, 2014, at Sitio Quinimbalan, Barangay Tobgon, in the Municipality of Oas, Province of Albay, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating[,] and mutually helping one another for a common criminal design, while all accused [were] armed with bolos and accused Sadick Roaring was armed with a firearm of unknown caliber with deliberate intent to kill, qualified by evident premeditation, with the presence of alevosia (treachery), abuse of superior strength and without justifiable cause, did then and there, willfully, unlawfully[,] and feloniously hack the victim, Fabian Requejo Rectin, Jr., thereby causing the victim to sustain multiple hack wounds that led to his instantaneous death, to the damage and prejudice of his legal heirs.

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

On the other hand, the information for frustrated murder states:

In Criminal Case No. 7287:

#### INFORMATION

That on or about 7:00 in the morning of May 1, 2014, at Sitio Quinimbalan, Barangay Tobgon, in the Municipality of Oas, Province of Albay, Philippines, and within the jurisdiction of this Honorable Court, the

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<sup>4</sup> Records, p. 1b.

<sup>5</sup> *Id.* at 1a.

above-named accused, conspiring, confederating[,] and mutually helping one another for a common criminal design, while all accused [were] armed with bolos and accused Sadick Roaring was armed with a firearm of unknown caliber with deliberate intent to kill, qualified by evident premeditation, with the presence of alevosia (treachery), abuse of superior strength and without justifiable cause, did then and there, willfully, unlawfully[,] and feloniously hack the victim Virginia Renigen Rectin, thereby causing the victim to sustain multiple hack wounds. Thus, having performed all the acts of execution which would have produced the crime of Murder as a consequence but nevertheless did not produce it by reason or causes independent of the will of the all accused that is the escaping of the victim from and the timely and able medical assistance rendered to said victim, Virginia Rectin, which prevented her death, to the damage and prejudice of the victim.

#### ACTS CONTRARY TO LAW.<sup>6</sup>

Upon arraignment, only Sadick and Beltran, assisted by their counsels, pleaded “*not guilty*” to the crimes charged. Sadjade and Brexton remain at-large to this date.<sup>7</sup>

Following pre-trial, trial on the merits ensued.<sup>8</sup>

The evidence for the prosecution established that on May 1, 2014 at around 7 o'clock in the morning, while Virginia Rectin (*Virginia*) was pounding *palay* outside their shanty, her nephews Sadick and Sadjade, together with her brother-in-law, Beltran, and his son, Brexton, arrived. All men were carrying their bolo knives. Sadick, who was also carrying an unidentified firearm, suddenly shouted and threatened to kill Virginia's family. At that instant, Sadick fired his gun three times towards Virginia's son, Jobert, who was also outside weeding the grass. Jobert was able to evade the gunshot because he sprinted towards the house. Sadick chased after him, but before he could find Jobert, the latter has already ran back outside and hid in the sugarcane field. Meanwhile, Virginia's grandsons, Jestoni and John Paul Cosep hid themselves at a nearby bush.<sup>9</sup>

Sadick went back to the house. Upon seeing the mortar held by Virginia, Sadick grabbed it and used it to struck Virginia's husband, Fabian Requejo Rectin, Jr. (*Fabian Jr.*) who lost consciousness. Thereafter, Sadick took a bolo from the kitchen and the *quadro* (four accused) hacked Fabian Jr. When they realized that Fabian Jr. was dead, the assailants turned their attention to Virginia's son, Fabian Renigen Rectin III (*Fabian III*), whom they also collectively hacked. Afterwards, Sadick approached Virginia and hacked her several times. His three companions joined him too in assaulting Virginia. By a stroke of luck, Virginia was able to escape further blows after she jumped out of the window and hid herself in the wallowing area meant for carabaos. After the assailants left, Jobert found his wounded mother and sought for

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<sup>6</sup> *Id.* at 1.

<sup>7</sup> *Rollo*, p. 7.

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

<sup>9</sup> *Id.* at 8.

help.<sup>10</sup>

Sadick, for his part, denied having killed the victims. He, however, raised self-defense, or at least, an incomplete one. According to him, he just finished eating breakfast at Mylene Roaring's (*Mylene*) house. As he was about to leave, he was joined by Judith Roaring (*Judith*) and the latter's cousins. When the group were passing by the shanty built by Fabian Jr., the latter shot him on the chest using a "*sumpak*," a hand-made gun. The sudden attack prompted Judith to return to Mylene's house to ask for help. When Fabian Jr. tried to load the *sumpak*, Sadick grappled for its possession. Meanwhile, Beltran tried to stop Fabian Jr., but the latter ignored him and dragged him towards the shanty. Thereat, Fabian III and Jobert tried to hack Sadick with a bolo, but the latter used Fabian Jr. as shield to parry the blows. Fabian III ordered Virginia to hack Sadick. Unfortunately, Virginia missed her target and slashed Fabian, Jr. instead. When Virginia tried to hack Sadick once more, the latter held the bladed part of the bolo and reversed its pointed side to Virginia's direction, wounding her in the process. Beltran, who was then at the yard, enjoined Sadick to go home before he himself returned to Mylene's house.<sup>11</sup>

### ***Ruling of the RTC***

In a Joint Judgment<sup>12</sup> dated September 5, 2017, the RTC found accused-appellants guilty beyond reasonable doubt of the crime of two counts of murder and one count of frustrated murder, the dispositive portion of which reads:

WHEREFORE, under the foregoing reasons, judgment is rendered:

A. In Criminal Case No. 7285:

ACCUSED SADICK ROARING y RECTIN and BELTRAN RELLAMA y RECTIN are hereby found **GUILTY** beyond reasonable doubt of the crime of MURDER for the felonious killing of FABIAN RENIGEN RECTIN III, as defined and penalized under Article 248 of the Revised Penal Code, qualified by the aggravating circumstances of treachery and abuse of superior strength; thereby sentencing each of said accused to the penalty of *reclusion perpetua*, with all the accessory penalties thereof under the law.

By way of civil liability *ex delicto*, said accused are **ORDERED to PAY**, solidarily, the heirs of FABIAN RENIGEN RECTIN III the amounts of:

- (1) Php75,000.00 as civil indemnity for the commission of Murder;
- (2) Php50,000.00 as moral damages;
- (3) Php30,000.00 as exemplary damages; and

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<sup>10</sup> *Id.* at 8-9.

<sup>11</sup> *Id.* at 11-12.

<sup>12</sup> *CA rollo*, pp. 58-75.

- (4) Php25,000.00 as temperate damages.

B. In Criminal Case No. 7286:

Accused, SADICK ROARING y RECTIN and BELTRAN RELLAMA y RECTIN are hereby found **GUILTY** beyond reasonable doubt of the crime of MURDER for the felonious killing of FABIAN REQUEJO RECTIN, JR., as defined and penalized under Article 248 of the Revised Penal Code, qualified by the aggravating circumstances of treachery and abuse of superior strength; thereby sentencing each of said accused to the penalty of *reclusion perpetua*, with all the accessory penalties thereof under the law.

By way of civil liability *ex delicto*, said accused are **ORDERED to PAY**, solidarily, the heirs of FABIAN REQUEJO RECTIN, JR. the amounts of:

1. Php75,000.00 as civil indemnity for the commission of Murder;
2. Php50,000.00 as moral damages;
3. Php30,000.00 as exemplary damages; and
4. Php25,000.00 as temperate damages.

C. In Criminal Case No. 7287:

Accused, SADICK ROARING Y RECTIN and BELTRAN RELLAMA y RECTIN are hereby found **GUILTY** beyond reasonable doubt of the crime of FRUSTRATED MURDER of VIRGINIA RECTIN, as defined and penalized under Article 248[,] in relation to Article 6 of the Revised Penal Code, qualified by the aggravating circumstances of treachery and abuse of superior strength; thereby, sentencing each of them to the indeterminate penalty of imprisonment ranging from Eight (8) Years of *prision mayor*[,] as minimum[,] to Fifteen (15) Years of *reclusion temporal*[,] as maximum.

As civil liability *ex delicto*, both accused are **ORDERED to PAY**, solidarily, VIRGINIA RECTIN the amounts of:

1. Php 50,000.00 as civil indemnity for the commission of the crime;
2. Php 40,000.00 as moral damages;
3. Php 20,000.00 as exemplary damages; and
4. Php 25,000.00 as temperate damages in lieu of actual damages.

D. The foregoing amounts of civil liability shall earn legal interest at the rate of 6% *per annum*, from the finality of this judgment and until fully paid.

E. Pending the arrest of the other accused, SADJADE ROARING Y RECTIN and BREXTON RELLAMA Y BORAGAY, these cases are ORDERED ARCHIVED.

**SO ORDERED.** <sup>13</sup> (Emphasis and underscoring in the original)

The RTC held that the prosecution was able to establish that the killing was attended by the aggravating circumstances of treachery and abuse of

<sup>13</sup> CA rollo, pp. 73-75.

superior strength.

Aggrieved, accused-appellants elevated the case to the Court of Appeals.

### *The Court of Appeals' Ruling*

In its Decision<sup>14</sup> dated September 26, 2018, the CA held that the prosecution proved all the elements of the crime necessary to convict Sadick and Beltran for the murder of Fabian Jr., and Fabian III, and the wounding of Virginia. The CA gave credence to the testimonies of the prosecution witnesses. If there were inconsistencies in the witnesses' narration of facts, the CA found them to be trivial and inconsequential. The CA also agreed with the trial court's appreciation of the qualifying circumstances of treachery and abuse of superior strength. As to Sadick's theory of self-defense and Beltran's denial, the CA held that their narration are unbelievable and uncorroborated, as such, they are considered self-serving and without evidentiary value. Being negative evidence, they cannot prevail over the positive identification of the prosecution witnesses, who have not shown any ill-motive to testify against accused-appellants. And finally, the award of damages was modified to conform with recent jurisprudence, thus:

**WHEREFORE**, premises considered, the appeal is hereby **DENIED**. The Joint Judgment dated September 5, 2017 of the Regional Trial Court, Branch 11, Ligao City is **AFFIRMED with MODIFICATION** in in (sic) that the dispositive portion thereof is to read as follows:

1. In Criminal Case No. 7285, accused-appellants Sadick Roaring y Rectin and Beltran Rellama y Rectin are hereby held **GUILTY** beyond reasonable doubt for the crime of murder and are sentenced to suffer the penalty of imprisonment of *reclusion perpetua* without eligibility for parole. They are ordered to solidarily pay the heirs of Fabian Rectin III the following: One Hundred Thousand Pesos (P100,000.00) as civil indemnity; One Hundred Thousand Pesos (P100,000.00) as moral damages; One Hundred Thousand Pesos (P100,000.00) as exemplary damages; and Fifty Thousand Pesos (P50,000.00) as temperate damages;
2. In Criminal Case No. 7286, accused-appellants Sadick Roaring y Rectin and Beltran Rellama y Rectin are hereby held **GUILTY** beyond reasonable doubt for the crime of murder and are sentenced to suffer the penalty of imprisonment of *reclusion perpetua* without eligibility for parole. They are ordered to solidarily pay the heirs of Fabian Rectin III (sic) the following: One Hundred Thousand Pesos (P100,000.00) as civil indemnity; One Hundred Thousand Pesos (P100,000.00) as moral damages; One Hundred Thousand Pesos (P100,000.00) as exemplary damages; and Fifty Thousand Pesos (P50,000.00) as temperate damages;
3. In Criminal Case No. 7287, accused-appellants

<sup>14</sup> Rollo, pp. 3-26.

Sadick Roaring y Rectin and Beltran Rellama y Rectin are hereby held **GUILTY** beyond reasonable doubt for the crime of frustrated murder and are sentenced to suffer the penalty of imprisonment of twelve years (12) years of *prision mayor*, as minimum, to twenty years of *reclusion temporal*, as maximum. They are ordered to solidarily pay private complainant Virginia Rectin the following: Seventy-Five Thousand Pesos (P75,000.00) as civil indemnity; Seventy-Five Thousand Pesos (P75,000.00) as moral damages, Seventy-Five Thousand Pesos (P75,000.00) as exemplary damages; and Fifty Thousand Pesos (P50,000.00) as temperate damages;

4. Accused-appellants Sadick Roaring y Rectin and Beltran Rellama y Rectin are further ordered to pay interest on all damages awarded at the legal rate of six percent (6%) *per annum* from date of finality of this judgment.

**SO ORDERED.**<sup>15</sup> (Emphasis in the original)

Thus, on October 17, 2018, Sadick and Beltran, through counsel, filed a Notice of Appeal<sup>16</sup> manifesting their intention to elevate the CA Decision to this Court.

In its Resolution<sup>17</sup> dated October 23, 2018, the CA gave due course to Sadick and Beltran's Notice of Appeal and directed the transmittal of the records of the case to this Court.

Hence, this appeal was instituted.

In a Resolution<sup>18</sup> dated August 14, 2019, this Court, among others, notified the parties that they may file their respective supplemental briefs, if they so desire.

It is noted that accused-appellants<sup>19</sup> and the Office of the Solicitor General (*OSG*)<sup>20</sup> have adopted and reiterated their respective briefs filed in the CA.

### ***This Court's Ruling***

The appeal is partly meritorious.

At the outset, it bears to state that an appeal of a criminal case throws

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<sup>15</sup> *Rollo*, pp. 24-25.

<sup>16</sup> *Id.* at 27-28.

<sup>17</sup> *CA rollo*, p. 133.

<sup>18</sup> *Rollo*, pp. 32-33.

<sup>19</sup> *Manifestation*, *id.* at 46-51.

<sup>20</sup> *Manifestation and Motion (in Lieu of a Supplemental Brief)*, *id.* at 41-45.

the entire case up for review. It becomes the duty of the appellate court to correct any error that may be found in the appealed judgment, whether assigned as an error or not. Bound by this doctrine, this Court will thus review not just the propriety of appellant's conviction but likewise the penalty imposed.<sup>21</sup>

In questioning their conviction, accused-appellants adopt their arguments raised before the appellate court, namely: (1) the testimony of Virginia Rectin is incredible and inconsistent with the testimonies perpetuated by the other prosecution witnesses; and (2) the court *a quo* erred when it outrightly disregarded their defenses of denial (Beltran) and self-defense (Sadick).

Time and again, the Court has held 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.<sup>22</sup> The assessment of the credibility of the witnesses and their testimonies is best undertaken by the trial court because of its unique opportunity to observe the witnesses first hand and to note their demeanor, conduct, and attitude under grueling examination. These factors are the most significant in evaluating the sincerity of witnesses and in unearthing the truth, especially in the face of conflicting testimonies. The factual findings of the RTC, therefore, are accorded the highest degree of respect, especially if the CA adopted and confirmed these, unless some facts or circumstances of weight were overlooked, misapprehended or misinterpreted as to materially affect the disposition of the case. In the absence of substantial reason to justify the reversal of the trial court's assessment and conclusion, as when no significant facts and circumstances are shown to have been overlooked or disregarded, the reviewing court is generally bound by the former's findings.<sup>23</sup>

Here, Virginia positively identified the accused as the malefactors. Her narration of events is quoted hereunder:

Q: So what happened while you were pounding palay?

A: They suddenly went to our bahay kubo.

Q: Who were they?

A: Sadick Roaring, Beltran Rellama, Brixton Rellama, and Sadjade Roaring.

Q: What happened after these persons xxx arrived?

A: Sadick Roaring saw Jobert Rectin and suddenly made a gun fire and chased him.

x x x x

Q: What happened after Sadick went back to your bahay kubo?

<sup>21</sup> See *Santos v. People*, 838 Phil. 568 (2018).

<sup>22</sup> *People v. Cirbeto*, 825 Phil. 793, 805 (2018).

<sup>23</sup> *People v. Manzano, Jr.*, 827 Phil. 113, 126-127 (2018).



A: Sadick Roaring took my big mortar (*pambayo*) and hit my husband on his right neck.

x x x x

Q: What happened after your husband was hit by "*pambayo*?"

A: They helped each other in hacking my husband, Fabian Rectin, Jr.

Q: Who grabbed your "*pambayo*"?

A: Sadick Roaring.

Q: x x x you said that they helped each other in attacking your husband, who helped in attacking your husband?

A: Sadick Roaring, Beltran Rellama, Brixton Rellama and Sadjade Roaring.

x x x x

Q: How about Fabian Rectin III your son, what instrument did these persons use in attacking your son?

A: Bolo.

Q: All of these persons you mentioned?

A: Yes sir, they helped in hacking.

x x x x

Q: How about you, what happened to you?

A: When Fabian Rectin, Jr. and Fabian Rectin III were already dead they attacked me also.

Q: Who in particular attacked you?

A: Sadick Roaring.

Q: By what means?

A: The bolo he got from our kitchen.

x x x x

Q: You told us that the injury you sustained at the back was made by Sadick?

A: Yes sir.

Q: How about those injuries you showed us on your lower limbs?

A: The four (4) helped each other in hacking me and because they were standing near the door so I went out of my house by passing through the window.<sup>24</sup>

Virginia's testimony was corroborated by Jobert and John Paul, who also saw the arrival of accused-appellants at their nipa hut along with Sadick and Brexton. All assailants were armed with bolo, except for Sadick who carried a gun. According to the witnesses, Sadick first fired at Jobert. Then, Jobert tried to retaliate, while John Paul and his brother Jestoni hid themselves. When Jobert was unable to fire another shot at his family's assailants, he ran and hid himself.<sup>25</sup> After the assailants have left, Jobert and John Paul resurfaced only to find Virginia severely wounded and their patriarchs already dead.

<sup>24</sup> TSN, April 28, 2015, pp. 4-6.

<sup>25</sup> *Rollo*, p. 19

Indeed, the testimonies of the prosecution witnesses are candid, clear, and straightforward. They are supported by medical findings and stand the test of reason. We find no cogent reason to deviate from the RTC's factual findings as there is no indication that the RTC overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case. Moreover, the factual findings of the RTC were affirmed by the CA. Hence, the Court defers to the trial court in this respect, especially considering that it was in the best position to assess and determine the credibility of the witnesses presented by both parties.<sup>26</sup>

On one hand, the facts and circumstances tend to contradict accused-appellant Sadick's theory of self-defense. As observed by the RTC, if Sadick's version of the incident were to be believed, then it was sixty-year-old Virginia who hacked and killed Fabian, Jr. when Sadick used him as a human shield. Sadick also insinuated that it was Jobert who hacked and killed Fabian III. Such feeble portrayal is nothing but self-serving and falls short of being satisfactory and convincing.

With respect to the defense proffered by accused-appellant Beltran, the Court - as with the courts *a quo* - rejects the same. Denial is an intrinsically weak defense that further crumbles when it comes face-to-face with the positive identification and straightforward narration of the prosecution witness.<sup>27</sup> Between an affirmative assertion which has a ring of truth to it and a general denial, the former generally prevails.<sup>28</sup>

Going now to the circumstances attending the commission of the crime, the trial and appellate courts appreciated both treachery and abuse of superior strength in convicting the accused-appellants of murder.

We qualify.

The essence of treachery is that the attack comes without a warning and in a swift, deliberate, and unexpected manner, affording the hapless, unarmed, and unsuspecting victim no chance to resist or escape the sudden blow.<sup>29</sup> Here, there is treachery because the assailants joined together in hacking the deceased and private complainant Virginia. In fact, even before attacking Fabian Jr., Sadick already rendered him unconscious. Clearly, the assailants took advantage of the position of Fabian Jr., who was then lying down unconscious, unable to offer any resistance or escape. So too, the perpetrators outnumbered their victims and used their combined strength to inflict injury on them. Under these circumstances, the simultaneousness of the attack and the gross inequality of forces between the victims and the assailants were

<sup>26</sup> *People v. Matibag*, 757 Phil. 286, 293 (2015).

<sup>27</sup> *People v. Cirbeto*, *supra* note 22, at 807.

<sup>28</sup> *Ibanez, et al. v People*, 779 Phil. 436, 459 (2016).

<sup>29</sup> *People v. Bugarin*, 807 Phil. 588, 599 (2017).

deliberately employed by the assailants to perpetrate the crime with impunity.

The other aggravating circumstance considered by the courts *a quo* is that of abuse of superior strength. However, this contravenes the basic doctrine in our jurisdiction that the aggravating circumstance of abuse of superior strength is absorbed in treachery.<sup>30</sup> We believe, and so hold, that treachery absorbs the circumstances of abuse of superior strength, as it appears that the accused-appellants saw to it that they were armed and that they outnumbered their victims precisely to ensure the accomplishment of their criminal objective.<sup>31</sup> Withal, the circumstance of abuse of superior strength should not be appreciated as a separate aggravating circumstance.

From the foregoing discussion, this Court is convinced beyond reasonable doubt that the accused-appellants are guilty of two counts of Murder and Frustrated Murder.

For Criminal Case Nos. 7285 and 7286 (Murder), the prosecution successfully established the presence of the qualifying circumstance of treachery in the killing of Fabian Jr. and Fabian III. The crime of murder qualified by treachery is penalized under Article 248 of the Revised Penal Code, as amended by Republic Act No. 7659, with *reclusion perpetua* to death. There being no other mitigating or aggravating circumstance in the commission of the felony, the accused-appellants should be meted the penalty of *reclusion perpetua* for each separate count of Murder, in conformity with Article 63(2) of the Revised Penal Code.

Following jurisprudence in *People v. Jugueta*,<sup>32</sup> each accused-appellant shall be held liable for civil indemnity, moral damages, and exemplary damages in the amount of ₱75,000.00 to the heirs of the victims Fabian Jr. and Fabian III.

On the temperate damages, the award of ₱50,000.00 in lieu of the actual damages for funeral and burial expenses is justified.

On the other hand, for Criminal Case No. 7287 (for Frustrated Murder), Article 61(2) of the Revised Penal Code states that the penalty of frustrated murder is one degree lower than *reclusion perpetua*, which is *reclusion temporal*. *Reclusion temporal* has a range of twelve (12) years and one (1) day to twenty (20) years. There being no modifying circumstance in the commission of the frustrated murder and applying the Indeterminate Sentence Law, the maximum of the indeterminate penalty should be taken from *reclusion temporal* in its medium period, and the minimum of the indeterminate penalty shall be taken from the full range of *prision mayor*, which is one degree lower than *reclusion temporal*, ranging from six (6) years and one (1) day to twelve (12) years. Since the RTC correctly imposed the

<sup>30</sup> *People v. Valdez*, 364 Phil. 259, 276 (1999).

<sup>31</sup> *People v. Torrefiel*, 326 Phil. 388, 400 (1996).

<sup>32</sup> 783 Phil. 806 (2016).

prison term of *eight (8) years of prision mayor, as minimum, to fifteen (15) years of reclusion temporal, as maximum term*, this Court hereby adopts the same.

As to pecuniary liabilities, each accused-appellant is liable to pay Virginia the sum of ₱50,000.00 as civil indemnity, and the amounts of ₱50,000.00 as moral damages and ₱50,000.00 as exemplary damages.

We also affirm the grant of temperate damages to Virginia in the amount of ₱50,000.00 as it is clear from the records that she received medical treatment at the Bicol Regional Training and Teaching Hospital in Legazpi City and needed medical attention for thirty days,<sup>33</sup> although no documentary evidence was presented to prove the cost thereof.

**WHEREFORE**, the assailed Decision dated September 26, 2018 of the Court of Appeals in CA-GR. CR HC No. 09950 is **AFFIRMED** with the following **MODIFICATIONS**:

1. In Criminal Case No. 7285 and Criminal Case No. 7286 for Murder, each accused-appellant is sentenced to suffer the penalty of *reclusion perpetua* and **ORDERED** to **PAY**, jointly and severally, the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages, plus temperate damages of ₱50,000.00 to the heirs of Fabian Rectin, Jr. and Fabian Rectin III; and

2. In Criminal Case No. 7287, each accused-appellant is sentenced to suffer an indeterminate sentence of eight (8) years of *prision mayor*, as minimum, to fifteen (15) years of *reclusion temporal*, as maximum. Each accused-appellant is **ORDERED** to **PAY**, jointly and severally, ₱50,000.00 as civil indemnity, and the amounts of ₱50,000.00 as moral damages and ₱50,000.00 as exemplary damages to Virginia Rectin; and ₱50,000.00 as temperate damages.


3. All the monetary awards shall earn interest of six percent (6%) *per annum* from the finality of this Decision until fully paid.

**SO ORDERED.**

  
**JHOSEP N. LOPEZ**  
Associate Justice

<sup>33</sup> Medico-Legal Certificate, records, p. 16.

**WE CONCUR:**




**MARVIC M.V.F. LEONEN**  
Associate Justice  
Chairperson

On leave  
**RAMON PAUL L. HERNANDO**  
Associate Justice




**HENRI JEAN PAUL B. INTING**  
Associate Justice



**EDGARDO L. DELOS SANTOS**  
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.



**MARVIC M.V.F. LEONEN**  
Associate Justice  
Chairperson, Third Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, and the Third Division 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.



**ALEXANDER G. GESMUNDO**  
Chief Justice