



Republic of the Philippines
 Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
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THIRD DIVISION

PEOPLE OF THE PHILIPPINES, **G.R. No. 250895**
Plaintiff-Appellee,

Present:

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

- versus -

Promulgated:

MARIO LALAP,
Accused-Appellant. June 16, 2021

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DECISION

INTING, J.:

This is an appeal¹ assailing the Decision² dated May 29, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09221 which affirmed the Decision³ dated June 24, 2015 of Branch 40, Regional Trial Court (RTC), City of Calapan, Oriental Mindoro in Criminal Case No. C-5407. The RTC found Mario Lalap (accused-appellant) guilty beyond reasonable doubt of Murder under Article 248 of the Revised Penal Code (RPC).

The Antecedents

The case stemmed from an Information⁴ charging accused-appellant with Murder under Article 248 of the RPC, which reads:

* On official leave.

¹ *Rollo*, pp. 133-134.

² *Id.* at 115-124; penned by Associate Justice Renato C. Francisco with Associate Justices Magdangal M. De Leon and Rodil V. Zalameda (now a member of the Court), concurring.

³ *Id.* at 50-60; penned by Judge Tomas C. Leynes.

⁴ *Rollo*, p. 4.

[Handwritten mark]

That on or about the 4th day of August, 1997, at 10:00 o'clock in the evening, more or less, at Barangay San Gabriel, Municipality of Victoria, Province of Oriental Mindoro, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, treachery and evident premeditation and while armed with a knife, did then and there willfully, unlawfully and feloniously attack, assault and stab one HONORIO VILLANUEVA, who was then unarmed and defenseless, inflicting upon the latter mortal wound on his body which cause[d] his early death.

That in the commission of the crime of murder, the aggravating circumstance of treachery and evident premeditation were attendant.

Contrary to Law.⁵

At the arraignment, accused-appellant pleaded not guilty to the charge.⁶

Trial on the merits ensued.

Version of the Prosecution

The prosecution presented Joy Villanueva (Joy), the daughter of Honorio Villanueva (victim); and Angelica Villanueva (Angelica), the widow of the victim.

The following are the facts established by the prosecution, to wit:

On August 4, 1997[,] around ten o'clock in the evening, Joy Villanueva, who was then sixteen (16) years old, was in their house at Brgy. San Gabriel, Victoria, Oriental Mindoro studying her lesson in the small kitchen of the house. Nearby about a meter away was Joy's father Honorio Villanueva who was then taking his meal on a separate table. Joy's mother Angelica Villanueva was then upstairs attending to Joy's brother Leo, then four (4) years old, who was about to sleep. With them was Joy's other sibling Shieley, then seventeen (17) years old, who was also studying.

While Honorio was eating, Mario Lalap entered the house through the kitchen's door and immediately stabbed Honorio from behind. Honorio stood up but Mario tried to pull the former outside

⁵ *Id.*

⁶ *Id.* at 5.

of house. After failing to pull him outside, Mario stabbed Honorio for the second time in his belly. While Honorio was being stabbed, Mario shouted at Honorio saying, “*Putangina mo, papatayin kita. Tsismo so ka.*” Joy begged Mario to stop by shouting “*Tama na po*” but Mario ignored her plea. The whole incident lasted for [nine (9)] minutes.

After Mario left, Honorio was brought by his family to the Oriental Mindoro Provincial Hospital where he was treated before he died after ten (10) days.⁷

Version of the Defense

On the other hand, the defense presented accused-appellant as its lone witness. He asserted self-defense, thus:

On August 4, 1997, at about 10:00 o'clock in the evening, MARIO LALAP (“accused”) was in Barangay San Gabriel, Victoria, Oriental Mindoro, where he worked as a helper in a house construction, having a drinking session with Honorio, two (2) other persons, and the owner of the house. During the drinking session, accused had an altercation with Honorio because the latter was spreading gossips that his (accused) sister was “nanlalalaki”. Honorio left ahead of the group, and after about an hour and a half (1 ½), the accused headed home. As the accused was passing by Honorio's house, the latter called the accused and told him that he was hurt during their altercation and grabbed the accused by his collar. Out of anger and as the accused could no longer control his emotions, he drew his knife and stabbed [Honorio] on the right side of his body then went home, while [Honorio] was brought to the hospital.

The accused learned from his wife, after the latter monitored the condition of Honorio that he was getting better and was about to be discharged from the hospital, however, Honorio suddenly suffered a cardiac arrest and died as a consequence.⁸

The RTC Ruling

The RTC rendered its Decision⁹ dated June 24, 2015 finding accused-appellant guilty beyond reasonable doubt of murder. The dispositive portion states:

⁷ *Id.*

⁸ *Id.* at 6.

⁹ *CA rollo*, pp. 50-60.

ACCORDINGLY, finding herein accused Mario Lalap y Vergara guilty beyond reasonable doubt as principal by direct participation of the crime of Murder with the qualifying circumstance of treachery which is penalized under Article 248 of the Revised Penal Code, as amended by R.A. 7659, said accused is hereby sentenced to suffer the penalty of RECLUSION PERPETUA with all the accessory penalties as provided for by law. The accused is hereby directed to indemnify the heirs of the victim Honorio Villanueva the amount of P4,051.60 as actual damages spent on medical expenses wherein which said amount is supported by receipts; the amount of P75,000.00 as civil indemnity which is consistent with the prevailing jurisprudence; the amount of P50,000.00 as moral damages also in accordance with prevailing rules; the amount of P25,000.00 as exemplary damages pursuant to Article 2230 of the New Civil Code since the qualifying circumstance of treachery was firmly established in the instant case and likewise, the accused is hereby directed to pay the heirs of the victim the amount of P25,000.00 as temperate damages on the reasonable assumption that when death occurs, the family of the victim incurred expenses for the wake and funeral of the victim.

The indemnity for loss of earning capacity to the victim's heirs could not be awarded because no documentary evidence was presented by the prosecution to substantiate this claim.

SO ORDERED.¹⁰

The RTC brushed aside accused-appellant's plea of self-defense. According to the RTC, accused-appellant failed to prove all the requisites of self-defense, namely: (1) unlawful aggression on the part of the victim; (2) reasonable necessity of the means employed to prevent or repel it; and (3) lack of sufficient provocation on the part of the person defending himself or herself. It held that the prosecution was able to prove that accused-appellant was the unlawful aggressor when he suddenly entered the victim's house and stabbed the victim on the right side of his body and belly.¹¹ It appreciated the qualifying circumstance of treachery, but discounted the circumstance of evident premeditation as it was not adequately proven.¹²

Aggrieved, accused-appellant appealed to the CA.

¹⁰ *Id.* at 59-60.

¹¹ *Id.* at 56-57.

¹² *Id.* at 57-58.

The CA Ruling

In the assailed Decision¹³ dated May 29, 2018, the CA denied the appeal and affirmed the RTC Decision, but increased the awards of moral and exemplary damages to ₱75,000.00, respectively, thus:

WHEREFORE, premises considered, the appealed 24 June 2015 Decision of the RTC is hereby AFFIRMED with MODIFICATION only insofar as the amounts of moral damages and exemplary damages, which are hereby ordered increased to ₱75,000.00, respectively. Accordingly, appellant is ordered to pay the heirs of the victim the following:

1. ₱75,000.00 as moral damages;
2. ₱75,000.00 as civil indemnity;
3. ₱75,000.00 as exemplary damages;
4. ₱4,051.60 as actual damages; and
5. ₱20,000.00 as temperate damages.

The aforementioned damages shall be subject to interest at the legal rate of six percent (6%) per annum from the date of finality of judgment until fully paid.

SO ORDERED.¹⁴

The CA upheld the RTC Decision and ratiocinated that accused-appellant failed to prove the elements of self-defense. It affirmed the RTC's findings that accused-appellant's plea of self-defense was uncorroborated; thus, it deferred to the RTC's evaluation of the credibility of the witnesses and findings of fact.¹⁵ However, it increased the awards of exemplary and moral damages to ₱75,000.00 each.¹⁶

Hence, the instant appeal before the Court.

Accused-appellant filed a manifestation that he is adopting all the arguments raised in his appellant's brief.¹⁷ On the other hand, the Office of the Solicitor General (OSG) similarly manifested that for purposes of expediency, it will no longer file a supplemental brief, considering that it

¹³ *Rollo*, pp. 3-12.

¹⁴ *Id.* at 11-12.

¹⁵ *Id.* at 9.

¹⁶ *Id.* at 10.

¹⁷ See Manifestation (In lieu of Supplemental Brief) dated July 8, 2020, *id.* at 19-21.

has already made an exhaustive and extensive discussion in its appellee's brief before the CA.¹⁸

In his Brief for the Accused-Appellant,¹⁹ accused-appellant argues that the RTC gravely erred in convicting him of the crime of Murder despite the absence of the link between the injuries sustained by the victim and the cause of death; that the stab wound sustained by the victim was not the immediate cause of his death;²⁰ that the prosecution failed to prove the qualifying circumstance of treachery; that there was no showing that he deliberately chose the method of assault with the particular objective of accomplishing the alleged killing of the victim;²¹ that all the elements of self-defense are present; that it was the victim who grabbed him by his collar which made him angry and could no longer control his feelings;²² and that it was the victim who was the unlawful aggressor and not accused-appellant.

On the other hand, the OSG, in its Appellee's Brief,²³ counters that accused-appellant's guilt has been proven beyond reasonable doubt; that it was accused-appellant who was the unlawful aggressor during the incident; that if accused-appellant's version of the incident were true, the conduct of the victim cannot constitute unlawful aggression contemplated by law to justify the accused-appellant to kill the victim;²⁴ and that the incontrovertible testimonies of the prosecution witnesses dispute accused-appellant's claim that it was the victim who was the unlawful aggressor during the incident.²⁵

Furthermore, the OSG agrees with the RTC's findings that treachery attended the commission of the crime; that the suddenness and unexpectedness of accused-appellant's act of attacking the victim effectively denied the latter of the ability to defend himself or retaliate against the former;²⁶ and that the stab wound inflicted by the accused-appellant is the proximate cause of the victim's death.²⁷

¹⁸ See Manifestation and Motion dated August 20, 2020, *id.* at 25-27.

¹⁹ CA *rollo*, pp. 32-48.

²⁰ *Id.* at 41.

²¹ *Id.* at 43.

²² *Id.* at 45.

²³ *Id.* at 94-108.

²⁴ *Id.* at 101.

²⁵ *Id.* at 102.

²⁶ *Id.* at 103.

²⁷ *Id.* at 103-106.

Issues

I.

WHETHER THE CA ERRED IN AFFIRMING THE TRIAL COURT'S DECISION CONVICTING THE ACCUSED-APPELLANT OF THE CRIME OF MURDER DESPITE THE PRESENCE OF ALL THE ELEMENTS OF SELF-DEFENSE.

II.

WHETHER THE CA ERRED IN AFFIRMING THE TRIAL COURT'S DECISION CONVICTING THE ACCUSED-APPELLANT OF MURDER QUALIFIED BY TREACHERY DESPITE THE INSUFFICIENCY OF EVIDENCE.

III.

WHETHER THE CA ERRED IN AFFIRMING THE TRIAL COURT'S DECISION CONVICTING THE ACCUSED-APPELLANT OF MURDER DESPITE THE ABSENCE OF EVIDENCE TO PROVE BEYOND REASONABLE DOUBT THE CRUCIAL LINK BETWEEN THE INJURIES SUSTAINED BY THE VICTIM AND THE CAUSE OF HIS DEATH.

Our Ruling

The appeal is unmeritorious.

Well settled is the rule that the matter of ascribing substance to the testimonies of witnesses is best discharged by the trial court, and the appellate courts will not generally disturb the findings of the trial court in this respect.²⁸ Findings of the trial court which are factual in nature and which involve the credibility of witnesses are accorded with respect, if not finality by the appellate court, when no glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions can be gathered from such findings.²⁹ The reason is quite

²⁸ *Estrella v. People*, G.R. No. 212942, June 17, 2020.

²⁹ *Id.*, citing *People v. Aspi, Jr.*, G.R. No. 229507, August 6, 2013. further citing *People v. De*

simple: the trial judge is in a better position to ascertain the conflicting testimonies of witnesses after having heard them, and observed their deportment and mode of testifying during the trial.³⁰ The task of taking on the issue of credibility is a function properly lodged with the trial court.³¹ Thus, generally, the Court will not recalibrate evidence that had been analyzed and ruled upon by the trial court.³²

After judicious perusal of the records of the instant appeal, the Court finds no compelling reason to depart from the RTC and CA's uniform factual findings. The Court affirms accused-appellant's conviction.

Accused-appellant failed to prove self-defense.

Accused-appellant invokes self-defense and argues that the unlawful aggressor during the incident was the victim. In raising the plea of self-defense, accused-appellant admitted that he killed the victim due to the victim's aggression.

An admission of self-defense frees the prosecution from the burden of proving that the accused committed the act charged against him or her.³³ The burden is shifted to the accused to prove that his or her act was justified.³⁴

In *People v. Guarin*,³⁵ the Court discussed:

Considering that self-defense is an affirmative allegation and totally exonerates the accused from any criminal liability, it is well settled that when it is invoked, the burden of evidence shifts to the accused to prove it by credible, clear, and convincing evidence. The accused, claiming self-defense, must rely on the strength of his own evidence and not on the weakness of the prosecution. Self-defense cannot be justifiably appreciated when uncorroborated by independent and competent evidence or when it is extremely doubtful by itself.³⁶

Guzman, 564 Phil. 282, 290 (2007).

³⁰ *Id.*, citing *People v. Villamin*, 625 Phil. 698, 713 (2010).

³¹ *Id.*

³² *Id.*

³³ See *People v. Antonio*, G.R. No. 229349, January 29, 2020.

³⁴ *Id.*

³⁵ G.R. No. 245306, December 2, 2020.

³⁶ *Id.* Citation omitted.

In order to prove self-defense, the following essential elements must be established: (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 defending himself or herself.³⁷ To successfully invoke self-defense, there must have been an unlawful and unprovoked attack that endangered the life of the accused, who was then forced to inflict severe wounds upon the assailant by employing reasonable means to resist the attack.³⁸

The claim of self-defense must rely, first and foremost, on proof of unlawful aggression on the part of the victim.³⁹ Unlawful aggression is a *conditio sine qua non* for upholding the justifying circumstance of self-defense; if there is nothing to prevent or repel, the other two requisites of self-defense will have no basis.⁴⁰ If no unlawful aggression is proved, no self-defense may be successfully pleaded.⁴¹

In the instant case, it is evident that there was no unlawful aggression on the part of the victim. On the contrary, it was accused-appellant who was the aggressor based on the evidence presented. Joy vividly recalled that at the time of the incident, the victim, his father, was taking his meal, while she was studying just beside the table where his father was, thus:

(Direct Examination by Prosecutor Humilito Dolor)

x x x

PROS. DOLOR:

Q: You said that Mario Lalap entered your house. Upon entering what did he do?

A: He stabbed my father's back while my father was taking his meal, sir.

Q: What part of your house did Mario Lalap use as an entry?

A: Through the door of our small kitchen, sir.

COURT:

Q: By the way, at what time was that when according to you, the accused stabbed your father at the back while your father was eating meal?

³⁷ *Casilac v. People*, G.R. No. 238436, February 17, 2020.

³⁸ *Id.*, citing *People v. Tica*, 817 Phil 588, 398 (2017).

³⁹ *People v. Guarin*, *supra* note 35.

⁴⁰ *Id.*, citing *People v. Tica*, 817 Phil. 588, 595-596 (2017).

⁴¹ *Id.*

A: More or less 10:00 o'clock in the evening, Your Honor.

Q: How far were you from and when you saw that Mario Lalap, the accused in this case stabbed your father?

A: Barely one (1) meter, Your Honor.

X X X

Q: And how many times, did you see the accused stabbing your father at the back?

A: The accused first delivered one stabbing blow at the back of my father then another stabbing blow after the accused pulled my father outside.

Q: Do you mean that after stabbing your father at the back, the accused hauled your father outside the house?

A: Yes, Your Honor.

Q: And did the accused able to pull out your father outside your house?

A: Not anymore, because the accused stabbed my father on the right side of his belly.⁴²

Simply told, it was accused-appellant who was the aggressor. It was accused-appellant who suddenly entered the house and stabbed the victim while the latter was eating his meal beside his children. Considering that the element of unlawful aggression was not proven by accused-appellant, self-defense cannot be considered a justifying circumstance in the case at bench. The RTC ruling, as affirmed by the CA, was correct in giving more credence to the testimonies of the prosecution witnesses who pointed to accused-appellant as the aggressor and the person who stabbed the victim.

*Treachery was clearly proven
by the prosecution.*

Accused-appellant likewise asserts that the RTC erred in ruling that treachery attended in the commission of the crime because there is supposedly no proof that he deliberately chose the method of attacking the victim.⁴³ He insists that there is no proof that he made preparations to kill the victim in such a manner as to ensure the execution of the crime.

⁴² TSN, September 27, 2007, pp. 7-11.

⁴³ *Rollo*, p. 43.

Accused-appellant's argument fails to persuade.

There is treachery when the offender commits any of the crimes against persons, employing means and methods or forms in the execution thereof which tend to directly and especially ensure its execution, without risk to himself or herself arising from the defense which the offended party might make.⁴⁴ For treachery to be appreciated two conditions must concur, namely: *first*, 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 herself or to retaliate; and *second*, said means, methods, or forms of execution were deliberately or consciously adopted by the assailant.⁴⁵

The essence of treachery is "the suddenness of the attack by an aggressor on the unsuspecting victim, depriving the latter of any chance to defend himself [or herself] and thereby ensuring the commission of the offense without risk to the offender arising from the defense which the offended party might make."⁴⁶ Treachery is defined as "the swift and unexpected attack on the unarmed victim without the slightest provocation on his [or her] part."⁴⁷ The attack must be deliberate and without warning which must be done in a swift and unexpected way, affording the hapless, unarmed, and unsuspecting victim no chance to resist or escape.⁴⁸

Here, accused-appellant suddenly entered the door of the victim's kitchen and immediately stabbed the victim while the latter was having his meal. The unexpectedness of the attack deprived the victim of any chance to defend himself, thereby ensuring the consummation of the offense without risk to accused-appellant arising from the defense that the victim might make. It is well to emphasize the fact that accused-appellant was already armed with a bladed weapon when he entered the

⁴⁴ Paragraph 16, Article 14 of the Revised Penal Code provides:

Art. 14. *Aggravating circumstances.* — The following are aggravating circumstances:

x x x

16. That the act be committed with treachery.

There is treachery when the offender commits any of the crimes against the person, employing means, methods, or forms in the execution thereof which tend directly and especially to insure its execution, without risk to himself arising from the defense which the offended party might make.

x x x

⁴⁵ *People v. Dulin*, 762 Phil 24, 40 (2015), citing *People v. Flores*, 456 Phil. 683, 693-694 (2004).

⁴⁶ *People v. Pitulan*, G.R. No. 226486, January 22, 2020.

⁴⁷ *People v. Antonio*, *supra* note 33.

⁴⁸ See *People v. Silvederio III*, G.R. No. 239777, July 8, 2020, citing *People v. Albino*, G.R. No.

victim's house using the kitchen door is a clear indication that such mode of attack was preconceived by accused-appellant. In other words, accused-appellant employed means in the commission of the crime which directly ensured its execution. The weapon used, the time of execution, and the choice of entry to the house of the victim by using the kitchen door instead of the main door were employed by accused-appellant to ensure the killing of the unsuspecting victim.

The stab wound is the proximate cause of the victim's death.

Accused-appellant also argues that the CA and the RTC overlooked the fact that the stab wound allegedly sustained by the victim was not the immediate and direct cause of his death.⁴⁹ He maintains that based on the records, the immediate cause of the victim's death, which occurred nine days after the stabbing incident is cardiorespiratory arrest.⁵⁰

Accused-appellant's argument holds no water.

In *Quinto v. Andres*,⁵¹ the Court discussed that a person committing a felony is criminally liable for all the natural and logical consequences resulting therefrom unless there was an efficient intervening active force that intervened between the felony committed and the resulting injury, thus:

Moreover, a person committing a felony is criminally liable for all the natural and logical consequences resulting therefrom although the wrongful act done be different from that which he intended. "Natural" refers to an occurrence in the ordinary course of human life or events, while "logical" means that there is a rational connection between the act of the accused and the resulting injury or damage. The felony committed must be the proximate cause of the resulting injury. Proximate cause is that cause which in natural and continuous sequence, unbroken by an efficient intervening cause, produces the injury, and without which the result would not have occurred. The proximate legal cause is that acting first and producing the injury, either immediately, or by setting other events in motion, all constituting a natural and continuous chain of

⁴⁹ CA rollo, p. 41.

⁵⁰ *Id.*

⁵¹ 493 Phil. 643 (2005).

events, each having a close causal connection with its immediate predecessor.

There must be a relation of "cause and effect," the cause being the felonious act of the offender, the effect being the resultant injuries and/or death of the victim. The "cause and effect" relationship is not altered or changed because of the pre-existing conditions, such as the pathological condition of the victim (*las condiciones patologica del lesionado*); the predisposition of the offended party (*la predisposition del ofendido*); the physical condition of the offended party (*la constitucion fisica del herido*); or the concomitant or concurrent conditions, such as the negligence or fault of the doctors (*la falta de medicos para suster al herido*); or the conditions supervening the felonious act such as tetanus, pulmonary infection or gangrene.

The felony committed is not the proximate cause of the resulting injury when:

- (a) there is an active force that intervened between the felony committed and the resulting injury, and the active force is a distinct act or fact absolutely foreign from the felonious act of the accused; or
- (b) the resulting injury is due to the intentional act of the victim.

*If a person inflicts a wound with a deadly weapon in such a manner as to put life in jeopardy and death follows as a consequence of their felonious act, it does not alter its nature or diminish its criminality to prove that other causes cooperated in producing the factual result. The offender is criminally liable for the death of the victim if his delictual act caused, accelerated or contributed to the death of the victim.*⁵² (Italics in the original and supplied.)

While the immediate cause of the victim's death as reflected in the Medical Certificate⁵³ is cardiorespiratory arrest, the stab wound that accused-appellant inflicted on the vital part of the victim's body is the proximate cause of the victim's death. The stab wound is the cause which in the natural and continuous sequence, unbroken by an efficient intervening cause, produces the victim's death, and without which the result would not have occurred. Logically, there is a rational connection between the act of accused-appellant stabbing the victim and the

⁵² *Id.* at 652-653.

⁵³ Records, p. 12.

resulting death. Without the stab wound, the victim could not have been hospitalized and later died therefrom.

Moreover, there is no evidence that an efficient intervening active force, not connected with or absolutely foreign to the stab wound, intervened during the nine-day period which could have caused the victim's death. Thus, even if there was another factor but such is not an efficient intervening cause, accused-appellant is still criminally liable for the death of the victim because his act of stabbing the victim accelerated or contributed to the victim's death. The Medical Certificate does not indicate the occurrence of any efficient intervening cause which broke the relation of the felony committed by accused-appellant and the resulting death.

Furthermore, even for argument's sake that the victim was previously suffering a disease or ailment, accused-appellant is still liable because his act of stabbing the victim hastened or accelerated the victim's death. Thus, in *Garcia v. People*⁵⁴ the Court said:

x x x although the assaulted party was previously affected by some internal malady, if, because of a blow given with the hand or the foot, his death was hastened, beyond peradventure he is responsible therefor who produced the cause for such acceleration as the result of a voluntary and unlawfully inflicted injury.⁵⁵

As for the penalty, the RTC and the CA correctly imposed *reclusion perpetua* in accordance with Article 248 of the RPC.

The award of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages are pursuant to *People v. Jugueta*⁵⁶ (*Jugueta*). Likewise, both the RTC and the CA correctly awarded actual damages for hospitalization expenses of ₱4,051.60 as this was adequately supported by evidence. However, the award of temperate damages for wake and burial expenses should be increased from ₱20,000.00 to ₱50,000.00 to conform with *Jugueta*.⁵⁷ The imposition of 6% interest *per annum* on all monetary awards from the finality of the decision until full payment is likewise proper.⁵⁸

⁵⁴ 614 Phil. 40 (2009).

⁵⁵ *Id.* at 53, citing *U.S. vs. Rodriguez*, 23 Phil. 22, 25 (1912). Emphasis omitted.

⁵⁶ 783 Phil. 806, 826 (2016).

⁵⁷ *Id.*

⁵⁸ *People v. Pitulan*, *supra* note 46.

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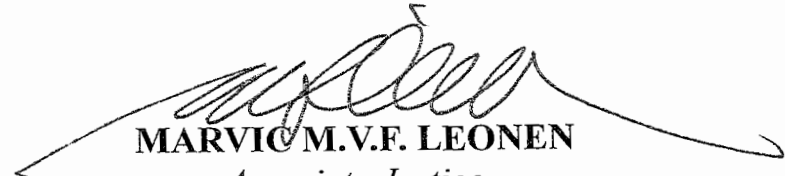
WHEREFORE, the appeal is **DISMISSED**. The Decision dated May 29, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 09221 is **AFFIRMED** with **MODIFICATION** in that accused-appellant Mario Lalap is sentenced to suffer the penalty of *reclusion perpetua*, and he is ordered to pay the heirs of the victim ₱75,000.00 as civil damages; ₱75,000.00 as moral damages; ₱75,000.00 as exemplary damages; ₱4,051.60 as actual damages; and ₱50,000.00 as temperate damages. These amounts shall earn an interest of 6% *per annum* from finality of this Decision until fully paid.

SO ORDERED.




HENRY JEAN PAUL B. INTING
Associate Justice

WE CONCUR:




MARVIC M.V.F. LEONEN
Associate Justice
Chairperson

(On official leave)



RAMON PAUL L. HERNANDO **EDGARDO L. DELOS SANTOS**
Associate Justice *Associate Justice*



JHOSEP Y. COPEZ
Associate Justice

ATTESTATION

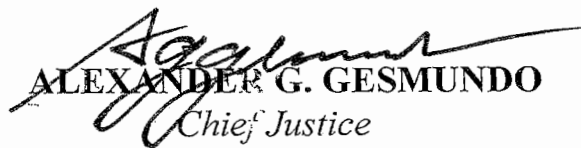
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M.V.F. LEONEN
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the 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