



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated May 14, 2021 which reads as follows:

“G.R. No. 223534* (*People of the Philippines v. Epifanio Estrabela y Paculanag alias “Panyong Estrabela”*).

After review of the records, this Court resolves to **DISMISS** the appeal for failure of Epifanio Estrabela y Paculanag alias “Panyong Estrabela” (*appellant*) to sufficiently show that the Court of Appeals (*CA*) committed any reversible error in its August 28, 2015 Decision¹ as to warrant the exercise of the Court’s appellate jurisdiction.

As correctly ruled by the CA, the prosecution witnesses positively identified appellant as the perpetrator of the crime. They personally witnessed appellant shooting the victim on different parts of his body causing his death. Moreover, appellant’s defense of denial and alibi cannot prevail over the positive and credible testimony of the prosecution witnesses that appellant committed the crime.²

Murder is punishable by *reclusion perpetua* to death. There being no ordinary aggravating circumstance, the CA correctly affirmed the penalty of *reclusion perpetua*, as imposed by the Regional Trial Court. However, in view of the ruling of this Court in *People v. Jugueta*,³ the amounts awarded to the victim should be adjusted as follows: (1) ₱75,000.00 as civil indemnity; (2) ₱75,000.00 as moral damages; and (3) ₱75,000.00 as exemplary damages. Since

- over – two (2) pages ...

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* Part of the Supreme Court’s Case Decongestion Program.

¹ *Rollo*, pp. 4-16; penned by Associate Justice Marie Christine Azcarraga-Jacob with Associate Justices Gabriel T. Ingles and Marilyn L. Lagura-Yap, concurring.

² See *People v. Batalla*, G.R. No. 234323, January 7, 2019.

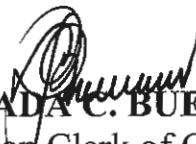
³ 783 Phil. 806 (2016).

no documentary evidence of burial or funeral expenses was presented in court, the amount of ₱50,000.00 as temperate damages should also be awarded.

WHEREFORE, the appeal is **DISMISSED**. The findings of fact and conclusions of law in the August 28, 2015 Decision of the Court of Appeals in CA-G.R. CR HC No. 01767 is **AFFIRMED**. Appellant Epifanio Estrabela y Paculanag is **GUILTY** beyond reasonable doubt of the crime of Murder and is **SENTENCED** to suffer the penalty of *reclusion perpetua* without eligibility for parole and **ORDERED** to **PAY** the heirs of Celso Perez y Casido the sum of ₱75,000.00 as civil indemnity; ₱75,000.00 as moral damages; ₱75,000.00 as exemplary damages; and ₱50,000.00 as temperate damages with legal interest at the rate of six percent (6%) *per annum* from date of finality of this Resolution until fully paid.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *7/14/21*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

Court of Appeals
6000 Cebu City
(CA-G.R. CR HC No. 01767)

The Director General
Bureau of Corrections
1770 Muntinlupa City

The Hon. Presiding Judge
Regional Trial Court, Branch 45
Bais City, 6206 Negros Oriental
(Crim. Case No. 05-090-MJ)

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PUBLIC ATTORNEY'S OFFICE
Regional Special and Appealed Cases Unit
Counsel for Accused-Appellant
3rd Floor, Taft Commercial Center
Metro Colon Carpark
Osmeña Boulevard, 6000 Cebu City

Philippine Judicial Academy (x)
Supreme Court

Mr. Epifanio P. Estrabela
Accused-Appellant
c/o The Director General
Bureau of Corrections
1770 Muntinlupa City

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