



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,  
*Plaintiff-Appellee,*

G.R. No. 200333

- versus -

Present:

CARPIO, *Chairperson,*  
VELASCO, JR.,  
DEL CASTILLO,  
MENDOZA, *and*  
LEONEN, *JJ.*

DOMINGO DILLA y PAULAR,  
*Accused-Appellant.*

Promulgated:

JAN 21 2015

X-----X

RESOLUTION

DEL CASTILLO, J.:

Appellant Domingo Dilla y Paular was charged with the crime of murder for the death of his brother, Pepito Dilla y Paular (Pepito). Based on the evidence presented by the prosecution, it was shown that at around 5:30 in the afternoon of July 22, 2003, at *Sitio Ilaud, Himaa, Pili, Camarines Sur*, Pepito was working on his farm when appellant suddenly appeared and shot the victim with a gun hitting him on his left thigh. The victim managed to run but was overtaken by appellant who then stabbed him with a bolo. The son of the victim, Pepito Jr., and Mary Jane Renegado (Renegado), witnessed the incident.

Appellant presented a different version. He claimed that it was Pepito who was the aggressor. He narrated that Pepito went to his (appellant's) house and challenged him to a fight. Dismissing the challenge, he went out of his house and proceeded to his farm to get his carabao but the victim pursued him. They grappled for possession of the gun and bolo. In the ensuing struggle, he struck the victim with a wrench. He denied having fired the gun. He pointed to somebody allegedly wearing a hat who could have shot and

\* Per Special Order No. 1910 dated January 12, 2015.

stabbed Pepito.

In a Decision<sup>1</sup> dated July 13, 2009, the Regional Trial Court (RTC) of Pili, Camarines Sur, Branch 32, found appellant guilty of murder. Lending credence to the testimonies of the prosecution witnesses, the trial court held that the attack on the victim was perpetrated by no other than appellant; that the attack was treacherous as the appellant suddenly appeared and shot the victim, and after having wounded him, stabbed him with a bolo. The RTC found appellant's tale incredible and self-serving especially in view of his positive identification by the prosecution witnesses.

The dispositive portion of the trial court's Decision reads:

WHEREFORE, judgment is hereby rendered, finding the accused guilty beyond reasonable doubt of the crime of murder and sentences him to suffer the penalty of Reclusion Perpetua, together with its accessory penalties, condemning him to pay actual damages of ₱35,448.00, moral damages of ₱50,000.00 and ₱50,000.00 as indemnity for the death of Pepito Dilla; the accused is credited in full for his preventive detention should he agree in writing to abide by the rules for convicted prisoners, otherwise to 4/5 of the same; costs against the accused.

SO ORDERED.<sup>2</sup>

Aggrieved, appellant appealed to the Court of Appeals (CA) arguing in the main that the trial court erred in finding him guilty of the charge. He contended that there was no direct proof showing that he actually killed the victim.

The CA, however, was not persuaded. Thus, in its June 9, 2011 Decision,<sup>3</sup> it affirmed with modification the findings of the RTC, viz:

WHEREFORE, premises considered, the Decision of the Regional Trial Court, Branch 32, Pili, Camarines Sur, in Crim. Case No. P-3466 for Murder, convicting Domingo Dilla y Paular is **AFFIRMED** with **MODIFICATION**. Accordingly, accused is hereby sentenced to suffer Reclusion Perpetua together with its accessory penalties, and is further **ORDERED** to pay the victim's heirs ₱35,448.00, as actual damages, ₱50,000.00, as moral damages, and ₱75,000.00, as civil indemnity for the death of the victim.

SO ORDERED.<sup>4</sup>

Hence, this appeal. In a Resolution<sup>5</sup> dated April 18, 2012, we required both parties

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<sup>1</sup> Records, pp. 272-274; penned by Presiding Judge Nilo A. Malanyaon.

<sup>2</sup> Id. at 274.

<sup>3</sup> CA *rollo*, pp. 91-100; penned by Associate Justice Juan Q. Enriquez, Jr. and concurred in by Associate Justices Apolinario D. Bruselas, Jr. and Florito S. Macalino.

<sup>4</sup> Id. at 99.

<sup>5</sup> *Rollo*, pp. 17-18.

to file their Supplemental Briefs. However, both parties opted not to file the same.<sup>6</sup> Hence, we will resolve this appeal based on the briefs submitted by the parties before the CA.

After a careful review of the records of the case, the Court finds the appeal to be lacking in merit. The records belie appellant's contention that there was no direct proof identifying him as the perpetrator of the crime. The testimonies of prosecution witnesses Pepito, Jr. and Renegado established without a shadow of doubt that it was appellant who mercilessly killed his brother, Pepito.

Pepito, Jr. was categorical in his testimony that -

Q Pepito Dilla, Jr., what is your relation to the victim in this case?

A He is my father.

Q How about to the accused in this case[,] Domingo Dilla?

A He is my uncle.

x x x x

Q On July [22], 2003 at around 5:30 in the afternoon do you remember where you were?

A Yes, sir.

Q Where were you?

A I was at the side of the road in sitio Ilawod, Himaao, Pili, Camarines Sur.

Q x x x [W]hat were you doing there?

A None, sir.

x x x x

Q While thereat, do you remember x x x any unusual incident?

A Yes, sir.

Q What was that all about?

A I saw my father being chased by uncle Ingo.

Q [Where did] this incident [happen]?

A In sitio Ilawod, Himaao, Pili, Camarines Sur.

Q While your father was being chased by Domingo Dilla how far were you from where you are seated now will you please point to an object outside this [courtroom] representing the distance similar to the distance from where you were to the place where your father [was] being chased by Domingo Dilla?

A That my uncle was angry.

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<sup>6</sup> Id. at 19-26.

Q Will you please tell us the distance at the time you saw your father was being chased by your uncle Domingo Dilla, what was the distance of your father to Domingo Dilla?

A Three arms length.

Q After you saw Domingo Dilla chasing your father, what happened next?

A He shot him[,] sir.

Q Of your own knowledge, was your father hit by the shot?

A Yes, sir.

Q Why, what happened to your father?

A He [limped,] sir.

Q Will you please tell us or illustrate to us, as you have said your father was shot by Domingo Dilla, please indicate to us the gun used by Domingo Dilla?

INTERPRETER:

Witness indicate[d] a length of about 8 inches.

Q After your father was shot by Domingo Dilla, what happened next?

A He stabbed him.

Q Why, what was the position of your father when Domingo Dilla stab[bed] your father?

INTERPRETER:

Witness illustrate[s] in standing position.

Q What was the position of your father when Domingo Dilla stab[bed] your father?

A He was standing[,] sir and his 2 hands were [at] his side.

Q While your father was being stabbed by Domingo Dilla, where was the relative position of Domingo Dilla in relation to your father?

A Domingo Dilla was in front.

Q How many times [was] your father x x x stabbed?

A One[,] sir.

Q Considering that you [are] the son of Pepito Dilla, Sr., what did you do?

A I told my grandfather that the two of them were fighting, after I told my grandfather x x x I went back and approached them but at that time Domingo Dilla was running.

x x x x

Q What happened to your father?

A He was already lying on the ground[,] sir.

Q What did you do when you [saw] your father x x x already lying on the ground?

A I asked help from the other people who also witness[ed] the incident to bring him to the hospital.

Q What happened to your father?

A He did not reach the hospital because he died.<sup>7</sup>

Pepito, Jr.'s testimony was corroborated in all material points by the testimony of Renegado.<sup>8</sup>

In fine, both the RTC and the CA correctly found appellant guilty beyond reasonable doubt of the crime of murder and properly sentenced him to suffer the penalty of *reclusion perpetua*. Moreover, appellant is not eligible for parole pursuant to Section 3 of Republic Act No. 9346 or the Act Prohibiting the Imposition of Death Penalty in the Philippines. The awards of civil indemnity in the amount of ₱75,000.00 and moral damages in the amount of ₱50,000.00 are proper. In addition, the heirs of the victim are entitled to exemplary damages in the amount of ₱30,000.00.

Anent the award of actual damages in the amount of ₱35,448.00, we find that only the amount of ₱15,000.00 was duly receipted.<sup>9</sup> The amount of ₱20,448.00<sup>10</sup> which supposedly pertained to expenses incurred during the wake was not supported by receipts but consisted only of handwritten entries. As we held in *People v. Villanueva*,<sup>11</sup> "when actual damages proven by receipts during the trial amount to less than ₱25,000.00, as in this case, the award of temperate damages of ₱25,000.00 is justified in lieu of actual damages of a lesser amount." Accordingly, we grant temperate damages in the amount of ₱25,000.00 in lieu of actual damages. In addition, all damages awarded shall earn interest at the rate of 6% *per annum* from date of finality of judgment until fully paid.

**WHEREFORE**, the assailed June 9, 2011 Decision of the Court of Appeals in CA-G.R.-CR-HC. No. 04088 finding appellant Domingo Dilla y Paular guilty beyond reasonable doubt of the crime of murder and sentencing him to suffer the penalty of *reclusion perpetua* and to pay the heirs of Pepito Dilla y Paular the amounts of ₱75,000.00 as civil indemnity and ₱50,000.00 as moral damages, is **AFFIRMED** with **MODIFICATIONS** that appellant is not eligible for parole; appellant is further ordered to pay the heirs of the victim ₱30,000.00 as exemplary damages, and ₱25,000.00 as temperate damages, all with interest at the rate of 6% *per annum* from date of finality of this judgment until fully paid.

**SO ORDERED.**

  
MARIANO C. DEL CASTILLO  
Associate Justice

<sup>7</sup> TSN, June 22, 2004, pp. 3-5.

<sup>8</sup> TSN, February 11, 2005, pp. 9-19.

<sup>9</sup> Records, p. 127.

<sup>10</sup> Id. at 134.

<sup>11</sup> 456 Phil. 14, 29 (2003).

WE CONCUR:

  
**ANTONIO T. CARPIO**  
*Associate Justice*  
*Chairperson*

  
**PRESBITERO J. VELASCO, JR.**  
*Associate Justice*

  
**JOSE CATRAL MENDOZA**  
*Associate Justice*

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

### ATTESTATION

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

  
**ANTONIO T. CARPIO**  
*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 Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

**MARIA LOURDES P. A. SERENO***Chief Justice*