



Republic of the Philippines
Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
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THIRD DIVISION

ROMEO DAWAT, JR. y HARME,
Petitioner,

G.R. No. 241126

Present:

GESMUNDO, C.J.,*

LEONEN, J.,

Chairperson,

INTING,

DELOS SANTOS, and

LOPEZ, J., JJ.

- versus -

Promulgated:

PEOPLE OF THE PHILIPPINES,
Respondent.

April 28, 2021

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DECISION

DELOS SANTOS, J.:

The Case

This Petition for Review on *Certiorari*¹ seeks to reverse and set aside the Decision² dated November 29, 2017 and the Resolution³ dated July 23, 2018 of the Court of Appeals (CA) in CA-G.R. CR No. 39307 affirming the conviction of Romeo H. Dawat, Jr. (petitioner) for Homicide.

* Designated as additional member in lieu of Associate Justice Ramon Paul L. Hernando per Raffle dated March 3, 2021.

¹ *Rollo*, pp. 11-32.

² *Id.* at 36-46; penned by Associate Justice Mario V. Lopez (now a Member of the Court), with Associate Justices Remedios A. Salazar-Fernando and Ramon Paul L. Hernando (now a Member of the Court), concurring;

³ *Id.* at 48-50.

The Proceedings Before the Trial Court

The Charge

An Information for Homicide was filed against petitioner for the death of Wenceslao Flores (Wenceslao), *viz.*:

That on or about 10:00 o'clock in the evening of September 22, 2011 at Brgy. Pambuhan, Municipality of Mercedes, Province of Camarines Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, while armed with a bolo, did, then and there, willfully, unlawfully and feloniously attack, assault and stab one WENCESLAO FLORES y DECERES, inflicting upon the latter incised wounds on his neck, thereby resulting to his instantaneous death, to the damage and prejudice of the heirs of the victim.

CONTRARY TO LAW.⁴

On arraignment, petitioner pleaded *not guilty*. Trial ensued.

The Prosecution's Version

On September 22, 2011, at about 10:00 in the evening, Emily Aloc (Emily), Sherly Abanto, Robert Oliva (Robert), and Wenceslao were having a drinking spree at the terrace of the house of Emily's sister-in-law, Nena Aloc, at Purok 3, Barangay Pambuhan, Mercedes, Camarines Norte. Robert went inside the house to get water while Wenceslao excused himself from the group to answer the call of nature. The group noticed that Wenceslao had not returned yet. Emily started looking for him and about four (4) arm's length from where she was searching, she saw petitioner holding Wenceslao by the neck while also poking a bolo at the victim's neck. She then witnessed petitioner slit Wenceslao's neck. Consequently, Wenceslao's neck started bleeding. Subsequently, petitioner released Wenceslao and grabbed Emily. While poking the bolo at Emily, petitioner threatened that she was the next victim. Emily pleaded for her life and, fortunately, petitioner yielded.⁵

Meanwhile, Robert heard the commotion outside. He looked through the window and saw Wenceslao bleeding. Wenceslao told him, "*Pare, may tama ako, tinira ako ni Romeo Dawat.*" Thereafter, he saw Wenceslao proceed to his father's house. Emily, on the other hand, followed Wenceslao and went to the barangay to look for Wenceslao's siblings who were then

⁴ Id. at 71.

⁵ Id. at 37.

attending a gathering thereat.⁶

Myrna Flores (Myrna), sister of Wenceslao, was advised to go to their father's house to check on her brother who was injured. When she arrived at their father's house, she saw Wenceslao bloodied and lying face down on the floor. Wenceslao asked Myrna to bring him to the hospital. When Myrna asked who was responsible for his injury, Wenceslao replied that it was petitioner and in that state, he told Myrna that he was going to die and would not last until morning.⁷

Wenceslao was immediately brought to the hospital. However, he was declared dead upon arrival. The cause of his death was declared to be "*Hemorrhagic Shock Secondary to Hacked (sic) Wound on the Left Lateral Neck*" as shown by his Certificate of Death.⁸

The Defense's Version

Petitioner invoked self-defense. He testified that on September 22, 2011, at about 10:00 in the evening, he was at the back of his house, sleeping, when he was awakened by the shouts of Robert and Wenceslao. Robert was throwing stones at his house. Robert and Wenceslao demanded that he come outside, but he refused and went to the back of his house. Wenceslao, however, jumped over the fence of petitioner's house and threw a stone at him once, but missed. Wenceslao then approached and proceeded to punch him. Petitioner noticed that Wenceslao was holding a knife in his left hand. He then grabbed a bolo. He held Wenceslao by the head and asked him what his problem was. Wenceslao told him, "*Isang bala ka lang.*"⁹

While petitioner was poking the bolo at Wenceslao's neck, the latter moved causing his neck to rub against the bolo. As a consequence, Wenceslao got injured. Petitioner claimed that he did not mean or intend to kill the victim.¹⁰

The Trial Court's Ruling

As borne by its Decision¹¹ dated September 5, 2016, the trial court rendered a verdict of conviction, *viz.*:

⁶ Id. at 37 and 72; TSN, June 19, 2012, p. 7.

⁷ Id. at 37-38, 72.

⁸ Records, p. 75.

⁹ *Rollo*, pp. 38, 73.

¹⁰ Id.

¹¹ Id. at 71-75; penned by Judge Winston S. Racoma.

WHEREFORE, finding the evidence of the prosecution sufficient to prove the guilt of the accused beyond reasonable doubt, accused **ROMEO DAWAT, JR. y HARME** aka "ONYO", is hereby adjudged **GUILTY** of the crime of **HOMICIDE**.

Applying the Indeterminate Sentence Law, the accused is hereby sentenced to suffer the penalty of imprisonment from **TEN (10) YEARS and ONE (1) DAY** of *Prision Mayor*, as **MINIMUM**; to **SEVENTEEN (17) YEARS and FOUR (4) MONTHS** of *Reclusion Temporal*, as **MAXIMUM**. The period of his preventive suspension shall be credited to his sentence.

He is further ordered to pay the heirs of the (sic) Wenceslao Flores y Deceres **Seventy-Five Thousand Pesos (PhP75,000.00)** as civil indemnity for his death and **Fifty Thousand Pesos (PhP50,000.00)** as moral damages.

SO ORDERED.¹²

The trial court held that the testimonies of all the prosecution witnesses point to the fact that petitioner was responsible for the death of Wenceslao. More importantly, petitioner himself admitted the commission of the crime in what seemed to be a futile attempt to interpose self-defense.¹³

The CA's Ruling

The CA affirmed the trial court's ruling with modification, the dispositive portion of which reads:

FOR THE STATED REASONS, the appeal is **DENIED**. The Decision of the Regional Trial Court of Daet, Camarines Norte, Branch 39 is **AFFIRMED** with **MODIFICATION** in that, the award of civil indemnity is reduced to P50,000.00 and an award of temperate damages in the amount of P50,000.00 is added, with 6% interest on all the damages awarded commencing from the finality of judgment.

SO ORDERED.¹⁴

The CA ruled that petitioner's guilt was proven beyond reasonable doubt by Emily's positive identification of him as the one responsible for Wenceslao's death coupled with the latter's dying declaration.¹⁵

Petitioner failed to discharge his burden of proving self-defense as the essential element of unlawful aggression remains wanting. He failed to

¹² Id. at 75.

¹³ Id. at 74-75.

¹⁴ Id. at 46.

¹⁵ Id. at 41-43.

show that his life was in danger when Wenceslao threw a stone at him. On the other hand, it was petitioner who was the aggressor when he took the bolo and injured Wenceslao. Thus, without unlawful aggression, there was no self-defense to speak of.¹⁶

Petitioner moved for reconsideration but was denied by the CA in its Resolution¹⁷ dated July 23, 2018.

Aggrieved, petitioner appealed.

Issues

- I. Did the CA err in giving full credence to the testimonies of the prosecution witnesses?
- II. Did the CA err in not giving credence to petitioner's claim of self-defense?

Our Ruling

Homicide is defined and penalized under Article 249 of the Revised Penal Code (RPC), viz.:

Art. 249. *Homicide*. — Any person who, not falling within the provisions of article 246, shall kill another without the attendance of any of the circumstances enumerated in the next preceding article, shall be deemed guilty of homicide and be punished by *reclusion temporal*.

The following are the elements of Homicide:

- (a) a person was killed;
- (b) the accused killed him without any justifying circumstance;
- (c) the accused had the intention to kill, which is presumed; and
- (d) the killing was not attended by any of the qualifying circumstances of Murder, or by that of Parricide or Infanticide.¹⁸

¹⁶ Id. at 45-45.

¹⁷ Id. at 48-50.

¹⁸ *Wacoy v. People*, 761 Phil. 570, 578 (2015).

In this petition, petitioner questions the credibility of the testimonies of prosecution witnesses Emily and Robert. He pointed out a single inconsistency in their testimonies which for him should have led the CA to discredit the entire testimonies of both witnesses. On the other hand, he maintains that the CA should have appreciated and given full credit to his claim of self-defense.¹⁹

The Court finds no merit in the present petition.

Credible testimonies of the prosecution witnesses.

We first emphasize that factual findings of the trial court carry great weight and respect due to the unique opportunity afforded to it to observe the witnesses when placed on the stand. Consequently, appellate courts will not overturn the factual findings of the trial court in the absence of facts or circumstances of weight and substance that would affect the result of the case. This rule finds an even more stringent application where the said findings are sustained by the CA, as in the instant case.²⁰

Petitioner attacks the credibility of the testimonies of prosecution witnesses Emily and Robert. Emily testified that they were joined by Wenceslao during the drinking spree. On the other hand, Robert testified that those present during the drinking spree were Cherry Aloc, Laling Aloc, Emily, and him only. He likewise testified that he first saw Wenceslao that night when the latter was already injured and bloodied.²¹

Petitioner is of the position that the inconsistency in the testimonies of both witnesses with respect to Wenceslao's presence/absence during the drinking spree on September 22, 2011 is sufficient to discredit their entire testimonies against him.²²

The Court is not persuaded.

Inconsistencies in the testimonies of prosecution witnesses with respect to minor details and collateral matters do not affect the substance of their declaration nor the veracity or weight of their testimony. On the contrary, these minor inconsistencies enhance the credibility of the witnesses, for they remove any suspicion that their testimonies were

¹⁹ *Rollo*, pp. 19-29.

²⁰ *People v. Gerola*, 813 Phil. 1055, 1063 (2017).

²¹ *Rollo*, pp. 58-60.

²² *Id.* at 60.

contrived or rehearsed.²³

Here, the inconsistency pointed out by petitioner merely refers to minor details that have nothing to do with the essential elements of the crime charged. Wenceslao's presence or absence during the drinking spree does not negate the fact that he was present in or near the area and was fatally injured by petitioner. We do not find such minor inconsistency sufficient to disbelieve the testimonies of Emily and Robert pertaining to material details surrounding the commission of the crime charged against petitioner.

Eyewitness and victim's dying declaration.

Emily positively identified petitioner as the one who slit the neck of Wenceslao. In her *Sinumpaang Salaysay* which she identified during her direct examination, and was formally offered in evidence by the prosecution, she stated that she witnessed petitioner's very act of slitting the neck of Wenceslao, viz.:

- 03 T: Ano naman itong nasaksihan mong pangyayari?
SAGOT S: Nakita ko po ng gilitan ng liig ni Romeo Dawat Jr. si Wencislao (sic) Flores.
- 03 (sic) T: Kailan, saan at anong oras naman ito nangyari?
SAGOT S: noong September 22, 2011 po humugit (sic) kumulang alas 10:00 ng gabi sa Purok 3 Barangay Pambuhan Mercedes, Camarines Norte.
- 04 T: Maari (sic) mo bang isalaysay ang buong pangyayari.
SAGOT : **Opo, noong September 22, 2011 bandang alas 10:00 ng gabi habang kami ay nag iinuman nina Sheryl Abanto, Robert Oliva at Wencislao (sic) Flores ay pumasok po sa loob ng bahay si Robert para kumuha ng tubig at nag paalam din si Wencislao (sic) Flores na ma ihi, noong si Wencislao (sic) na ang sunod na matagay tiningnan ko ito at tatawagin ko sana pero nagulat po ako dahil nakita ko si Wencislao (sic) na sinasakal ni Romeo Dawat Jr. at nakatotok (sic) ang itak sa liig ni Wencislao (sic) Flores at hinugot po bigla ni Romeo Dawat Jr. yong itak at kitang kita ko po na nagilitan sa liig si Wencislao (sic) Flores.**
- 05 T: Noong nakita mo na nagilitan sa liig si Wencislao (sic) Flores ano pa ang sumunod na nangyari?
SAGOT : Binitawan na po ni Romeo Dawat Jr. si Wencislao (sic) Flores at ako naman po ang sinakal ni Romeo Dawat Jr. at itinutok din sa liig ko yong itak at sinabi sa akin na isusunod kitang patayin at nag makaawa na po ako kay Romeo Dawat Jr. na huwag akong idamay dahil hindi

²³ *Calma v. People*, 820 Phil. 858, 866 (2017).

naman ako nakikialam, saka lang po ako binitawan ni Romeo Dawat Jr. at umalis na po si Romeo Dawat Jr. na daladala (sic) pa din po yong itak.²⁴ (Emphasis supplied)

These statements were reaffirmed by Emily when she took the witness stand. She again positively identified petitioner as the one responsible for the injury which resulted in Wenceslao's eventual death.

Further, Robert and Wenceslao's sister, Myrna, testified that the victim communicated to them his statement pertaining to the fatal injury inflicted upon him by petitioner.

The Court held in *People v. Salafranca*:²⁵

A dying declaration, although generally inadmissible as evidence due to its hearsay character, may nonetheless be admitted when the following requisites concur, namely: (a) that the declaration must concern the cause and surrounding circumstances of the declarant's death; (b) that at the time the declaration is made, the declarant is under a consciousness of an impending death; (c) that the declarant is competent as a witness; and (d) that the declaration is offered in a criminal case for homicide, murder, or parricide, in which the declarant is a victim.²⁶

All these requisites concur in the present case, to wit: (a) Wenceslao communicated to Robert and Myrna, individually, at different times and locations, that he was injured (*tinira*) by petitioner; (b) In addition, Wenceslao told Myrna that he was going to die and would not last until the following morning because of the injury he sustained. Clearly, at the time he made the statement, he was conscious of his impending death, which was also bolstered by the fact it was his neck which was slit by petitioner; (c) Too, it is presumed that Wenceslao would have been competent to testify on the subject of his declaration had he survived, in the absence of evidence to the contrary; (d) Lastly, the dying declaration was offered in the criminal prosecution for the killing (homicide) of declarant Wenceslao.²⁷

Other than pointing out the single inconsistency between Emily and Robert's testimonies pertaining to a minor detail, petitioner did not even attempt to show that said witnesses and witness Myrna were all impelled by ill motive to testify falsely against him. The Court, therefore, finds no reason to doubt the testimonies of the prosecution witnesses.

²⁴ Records, p. 10; *Sinumpaang Salaysay* of Emily Aloc y Nael.

²⁵ 682 Phil. 470 (2012).

²⁶ Id. at 481-482.

²⁷ See *People v. Umapas*, 807 Phil. 975, 986-988.

Petitioner, desperate for acquittal, claims that it was when Wenceslao moved, while the bolo was still poked at him, that his neck was slit. Petitioner basically argues that he did not slit the neck of the victim; that it was the victim's own fault, for moving.

The Court does not find sufficient reason to give credence to such claim of petitioner. The Court is simply not convinced that Wenceslao's neck would easily get slit by just moving. On the contrary, even if it were true that Wenceslao moved, petitioner presumably had poked the bolo at his neck with even greater force to result in such wounding or slitting of the victim's neck.

Interestingly, in a futile attempt to escape criminal liability, petitioner invoked the justifying circumstance of self-defense. He effectively admitted having inflicted the injury which had caused Wenceslao to suffer hemorrhagic shock and which ultimately resulted in the latter's death, although he claims that the fatal blow in the victim's neck was justified under the circumstances.

There can be no self-defense, complete or incomplete, without the element of unlawful aggression.

Petitioner pleaded not guilty to the crime charged but invoked self-defense during trial.

In homicide cases, as in all criminal cases, the basic rule is that the burden of proving the guilt of the accused lies in the prosecution. But when the accused invokes self-defense, the rule is reversed and the burden of proof is shifted to the accused to prove the elements of his defense. It then becomes incumbent upon him to rely on the strength of his own evidence and not on the weakness of the evidence of the prosecution, for even if the latter were weak, it could not be disbelieved after he had admitted the killing.²⁸

By invoking self-defense, petitioner effectively admitted having inflicted the fatal injury which caused Wenceslao to suffer hemorrhagic shock which eventually resulted in the latter's death, albeit under circumstances that, if proven, would have exculpated him. With this admission, the burden of proof shifted to him to show that the killing was attended by the following circumstances: (1) unlawful aggression on the part of victim Wenceslao; (2) reasonable necessity of the means employed to prevent or repel such aggression; and (3) lack of sufficient provocation on

²⁸ *People v. Damitan*, 423 Phil. 113, 116 (2001).

his (petitioner) part – the person invoking self-defense.²⁹

Among the three (3) aforementioned elements, the first one is indispensable. Without the element of unlawful aggression, there can be no self-defense, whether complete, as a justifying circumstance, or incomplete, as a privileged mitigating circumstance.³⁰

Petitioner claims that Wenceslao's collective actuations posed to him a sense of actual and imminent danger. Wenceslao followed him to his backyard and proceeded to throw a stone at him while armed with a knife in his left hand. Petitioner also claims that Wenceslao threatened him that it would take just one bullet to have him killed. Petitioner now wants *Us* to believe that these actuations constituted unlawful aggression on the part of Wenceslao that satisfies the first and indispensable element of self-defense.

Petitioner's claims fail to persuade. The Court finds no unlawful aggression on the part of victim Wenceslao at the time petitioner allegedly defended himself.

Unlawful aggression presupposes actual, sudden, unexpected or imminent danger. Mere threatening or intimidating action does not amount to unlawful aggression. There is aggression, only when the one attacked faces **real and immediate threat to his life**.³¹ In case of threat, it must be offensive and strong, positively showing the wrongful intent to cause injury.³² The peril sought to be avoided must be imminent and actual, not merely speculative.³³

In the present case, the Court notes that Wenceslao threw a stone at petitioner only once and did not use the knife as if to strike the latter. In fact, petitioner was not actually hit by the stone. There was also no description of the stone's size for the Court to conclude that the throwing of the stone was in fact an unlawful aggression on the part of the victim for purposes of appreciating self-defense.

Even assuming, without granting, that initially there was unlawful aggression on the part of Wenceslao when he threw the stone at, and punched, petitioner, such unlawful aggression ceased to exist when petitioner left, although for the purpose of getting a bolo. Petitioner failed to establish that at the time he was looking for a bolo, Wenceslao was still following him, posing an imminent threat to his life.

²⁹ *People v. Reyes*, 823 Phil. 695, 708 (2018).

³⁰ See *People v. Patriarca*, G.R. No. 245950, January 22, 2020 (Resolution).

³¹ *Dela Cruz v. People*, 747 Phil. 376, 385 (2014).

³² *People v. Maningding*, 673 Phil. 443, 453 (2011), citing *People v. Manulit*, 649 Phil. 715 (2010).

³³ *Dela Cruz*, *supra*.

Petitioner claimed that when he saw Wenceslao holding a knife in his left hand, he took a bolo for himself. Petitioner did not mention how and where he got the bolo. In claiming that he took a bolo, the Court is not inclined to believe that such bolo was readily available just very close to them for if it were, petitioner would have picked it up even before facing Wenceslao. More, petitioner was admittedly at a very close distance from Wenceslao, considering that he was allegedly punched by the latter. Had the bolo been located just within their very location, and Wenceslao, who was armed with a knife, saw him in the act of going for such bolo, the former would not have let him pick it up knowing it could, or would, be used against him.

The logical conclusion is that petitioner left and ran to get a bolo. The moment that he left, unlawful aggression on the part of Wenceslao had already ceased to exist, there being no showing that Wenceslao followed him and continued with his unlawful aggression.

While the initial attack and aggression came from Wenceslao, petitioner failed to establish that such unlawful aggression still existed at the very moment he allegedly defended himself from Wenceslao. There was no longer a need for petitioner to return with a bolo and pursue and kill the victim. Undeniably, when petitioner returned and slit the neck of Wenceslao, he did so to retaliate.³⁴

Further, when petitioner returned with a bolo, he successfully had Wenceslao under his control. He poked his bolo at the neck of Wenceslao and asked what his problem was, to which the latter allegedly answered that it would take just one bullet to have petitioner killed. Surely, at this time, unlawful aggression no longer existed on the part of Wenceslao against which petitioner could have legally defended himself.

With respect to Wenceslao's alleged threat, petitioner claims that the same is considered as an unlawful aggression which justified his act of slitting the neck of the victim.

Petitioner is mistaken.

We stress that not all kinds of threat qualify as unlawful aggression. To be considered as unlawful aggression, the threat must be real and imminent and not merely speculative. In the present case, the verbal threat

³⁴ See *People v. Cajurao*, 465 Phil. 98 (2004).

given by Wenceslao does not appear to be real and imminent. Petitioner failed to establish that Wenceslao actually had in his possession a gun to shoot him with, pointed at him, when Wenceslao made the threat, so as to claim that the latter posed an actual and imminent threat to his life.

Verily, the Court finds no justification for petitioner's actions considering that no unlawful aggression on the part of Wenceslao existed at the time the former allegedly defended himself from the latter.

When unlawful aggression ceases, the defender no longer has any right to kill or wound the former aggressor, otherwise, retaliation and not self-defense is committed.³⁵

Without unlawful aggression, petitioner cannot successfully claim self-defense, whether complete or incomplete.

Accordingly, We find no reason to reverse the decision of the CA finding petitioner guilty beyond reasonable doubt of the crime of homicide.

Penalty and damages.

Under Article 249 of the RPC, the penalty for homicide is *reclusion temporal*. Since neither aggravating nor mitigating circumstances are present, the imposable penalty is *reclusion temporal* in its medium period, or fourteen (14) years, eight (8) months, and one (1) day to seventeen (17) years and four (4) months, pursuant to Article 64³⁶ of the RPC. Following the Indeterminate Sentence Law,³⁷ the courts, in imposing a prison sentence for an offense punished by the RPC, or its amendments, are mandated to

³⁵ *Dela Cruz*, supra note 30, at 386.

³⁶ Article 64. *Rules for the Application of Penalties Which Contain Three Periods.* – In cases in which the penalties prescribed by law contain three periods, whether it be a single divisible penalty or composed of three different penalties, each one of which forms a period in accordance with the provisions of articles 76 and 77, the court shall observe for the application of the penalty the following rules, according to whether there are or are not mitigating or aggravating circumstances:

1. When there are neither aggravating nor mitigating circumstances, they shall impose the penalty prescribed by law in its medium period.

³⁷ Act No. 4103, as amended by Act No. 4225.

SEC. 1. Hereafter, in imposing a prison sentence for an offense punished by the Revised Penal Code, or its amendments, the court shall sentence the accused to an indeterminate sentence the maximum term of which shall be that which, in view of the attending circumstances, could be properly imposed under the rules of the said Code, and to a minimum which shall be within the range of the penalty next lower to that prescribed by the Code for the offense; and if the offense is punished by any other law, the court shall sentence the accused to an indeterminate sentence, the maximum term of which shall not exceed the maximum fixed by said law and the minimum shall not be less than the minimum term prescribed by the same.

prescribe an indeterminate sentence the *maximum term* of which shall be that which, *in view of the attending circumstances*, could be properly imposed under the rules of the RPC, and the *minimum term* shall be within the range of the penalty next lower to that prescribed by the *RPC* for the offense.³⁸ Accordingly, We find the penalty of ten (10) years and one (1) day of *prision mayor*, as minimum, to seventeen (17) years and four (4) months of *reclusion temporal*, as maximum, imposed by the trial court and sustained by the CA, proper.

The Court finds the awards of civil indemnity in the amount of ₱50,000.00 and moral damages in the amount of ₱50,000.00 to the heirs of Wenceslao, proper and well in line with recent jurisprudence.³⁹

Prevailing jurisprudence also dictates that in homicide or murder cases, when no evidence of burial or funeral expenses is presented in court, as in this case, an award of ₱50,000.00 as temperate damages in lieu of actual damages shall be awarded.⁴⁰ Thus, We likewise affirm the award of temperate damages in the said amount.

WHEREFORE, the Petition is **DENIED**. The Decision dated November 29, 2017 and the Resolution dated July 23, 2018 of the Court of Appeals in CA-G.R. CR No. 39307 are hereby **AFFIRMED**. The Court finds petitioner Romeo H. Dawat, Jr. **GUILTY** beyond reasonable doubt of the crime of Homicide and sentences him to suffer the penalty of imprisonment for an indeterminate period of ten (10) years and one (1) day of *prision mayor*, as minimum, to seventeen (17) years and four (4) months of *reclusion temporal*, as maximum. Petitioner is ordered to pay the heirs of Wenceslao D. Flores the following:

- a.) Civil indemnity in the amount of ₱50,000.00;
- b.) Moral damages in the amount of ₱50,000.00; and
- c.) Temperate damages in the amount of ₱50,000.00.


All monetary awards for damages shall earn interest at the legal rate of six percent (6%) *per annum* from the date of finality of this Decision until fully paid.

³⁸ *People v. Macaspac*, 806 Phil. 285, 294-295 (2017).

³⁹ See *People v. Jugueta*, 783 Phil. 806, 852 (2016).

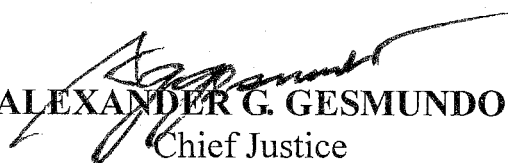
⁴⁰ *Id.* at 853.

SO ORDERED.




EDGARDO L. DELOS SANTOS
Associate Justice

WE CONCUR:



ALEXANDER G. GESMUNDO
Chief Justice



MARVIC MARIO VICTOR F. LEONEN
Associate Justice
Chairperson




HENRI JEAN PAUL B. INTING
Associate Justice



JHOSEP V. LOPEZ
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 MARIO VICTOR F. LEONEN
Associate Justice
Chairperson, Third Division

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