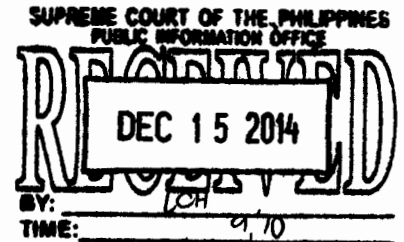




Republic of the Philippines
Supreme Court
 Manila
FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **October 22, 2014** which reads as follows:*

“G.R. No. 200790 (People of the Philippines v. SPO4 Pedro Ilao y Matibag). –We resolve the appeal filed by accused-appellant Senior Police Officer 4 (SPO4) Pedro Ilao y Matibag (Ilao) from the Decision of the Court of Appeals (CA) dated 30 June 2011 in CA-G.R. CR-H.C. No. 01693,¹ which affirmed his conviction by the Regional Trial Court (RTC) in the latter’s Decision dated 21 October 2005.² The RTC convicted him of the crime of murder and imposed on him the penalty of death, which the CA commuted to *reclusion perpetua*.

THE RTC RULING

In its Decision dated 21 October 2005, the RTC of Mandaluyong City (Branch 211) found Pedro Ilao, a police officer, guilty of murdering his then live-in partner Helen de Castro y Agan (Helen). Based on its findings of fact, the crime sprung from a heated domestic quarrel between the couple. Ilao was jealous of their houseboy, with whom the former claimed Helen had a relationship. On 20 November 2002, Ilao hit Helen’s face with his gun. He then pointed the gun at her face and threatened to kill her if ever she would try to leave him. The quarrel was witnessed by Helen’s daughter Juliet de Castro (Juliet); and niece Esterlita Agan (Esterlita). Wanting to report the incident, Helen told Juliet to call a *barangay tanod* and a police officer.³

When they arrived at the police station, the desk officer, Police Officer 3 (PO3) Ricardo Lucero attended to the parties and had them sit in front of his desk. Accompanying Helen and the accused were Helen’s two children, Romeo and Juliet; and niece Esterlita. Helen told PO3 Lucero that she was not filing a complaint against Ilao, but that she just wanted to have the incident recorded in the police blotter. As PO3 Lucero was about to record the

¹ *Rollo*, pp. 2-18; penned by Associate Jose C. Reyes, Jr. and concurred by Associate Justices Antonio L. Villamor and Ramon A. Cruz.

² *CA rollo*, pp. 121-154; penned by Judge Paulita B. Acosta-Villarante.

³ *Id.* at 131-133.

incident, Ilaio suddenly stood up and shot Helen four (4) times in the body at very close range. Her children and niece as well as PO3 Lucero, witnessed the shooting. The witnesses were shocked, having been caught off guard by Ilaio's swift actions. Ilaio was eventually subdued after being injured in the shootout that broke out between him and PO3 Lucero.⁴

For his part, Ilaio argued that he had no ill will against Helen. In fact, they were supposed to get married, since they had already applied for a marriage license. He claimed it was her daughter Juliet who despised and even filed a case against him, thus explaining why he was brought to the police station. While they were at the station, PO3 Lucero allegedly tried to grab the service handgun of Ilaio and a struggle ensued. The latter further claimed that the struggle for the gun resulted in the accidental shooting of Helen.⁵

During trial, the RTC judge gave much credence to the corroborating testimonies of Juliet and Esterlita, who had witnessed the shooting, as they were in the same room when the incident happened. PO3 Lucero likewise testified for the prosecution, recounting in detail how Ilaio had fired successive shots at Helen at point-blank range, and how he was able to subdue the accused. The defense put up by Ilaio was dismissed, and he was held guilty of murder. The judge appreciated the qualifying circumstance of treachery, owing to the suddenness and unexpectedness of the attack, thus depriving Helen of any chance to defend herself. He likewise gave more weight to the corroborating testimonies of the prosecution witnesses, rather than to the accused's defense of *alibi*.⁶

Besides sentencing him to death by lethal injection, the trial court ordered Ilaio to pay the victim's surviving heirs the following amounts: ₱79,309.23 in actual damages, ₱50,000 as civil indemnity, and ₱50,000 for moral damages.⁷

THE CA RULING

On appeal, the CA fully affirmed the conviction of accused-appellant. It agreed with the RTC in giving more weight to the prosecution witnesses' corroborating testimonies, which established his guilt beyond reasonable doubt. Furthermore, the appellate court agreed that the killing was qualified by the aggravating circumstance of treachery, and thus upheld Ilaio's conviction for murder.⁸

The CA modified the penalty by commuting the accused's death sentence to *reclusion perpetua*. Aside from affirming the RTC's monetary awards, it added ₱25,000 as exemplary damages, since the killing was attended by treachery.⁹

⁴ Id. at 121-123.

⁵ Id. at 139-140.

⁶ Id. at 150-151.

⁷ Id. at 154.

⁸ *Rollo*, pp. 15-16.

⁹ Id. at 17.

We now rule on the final review of the case.

OUR RULING

We deny the appeal.

After a review of the records, we see no reason to reverse the conviction, especially in this case in which the CA affirmed the factual findings as well as the reasoning of the RTC.

The jurisdiction of this Court in cases brought before it from the CA is limited to reviewing or revising errors of law. The latter's findings of facts are conclusive, for it is not the function of this Court to analyze and weigh the evidence all over again. Our jurisdiction is in principle limited to reviewing errors of law that might have been committed by the CA. Factual findings of trial courts, when adopted and confirmed by the CA, are final and conclusive on this Court, unless these findings are not supported by the evidence on record.¹⁰

In dismissing the appeal, we see no errors of law when both the RTC and CA agreed that the killing of the victim was qualified by treachery, thus making the accused guilty of murder. In the recent case *People v. Sumilhig*,¹¹ we ruled that treachery could be seen in the suddenness and unexpectedness of the assault, thus depriving the victim of an opportunity to resist or offer any self-defense. In the present case, all three prosecution witnesses confirmed the treacherous attack perpetrated by Ilaon Helen. They all testified on how they were shocked by the swiftness of the attack, and how she had no chance to either retaliate or evade his sudden shooting.¹²

As far as the penalty goes, the Court affirms the penalty of *reclusion perpetua* meted out by the CA, but adds that Ilaon shall not be eligible for parole following recent jurisprudence on the matter.¹³ As regards the monetary awards, the Court increases their amounts as per the latest jurisprudence: civil indemnity must be increased to ₱75,000;¹⁴ moral damages to ₱75,000;¹⁵ and exemplary damages to ₱30,000.¹⁶ The Court also affirms the actual damages awarded to the heirs of the victim. Lastly, all damages awarded shall earn interest at the rate of 6% *per annum* from the date of finality of this judgment until fully paid.¹⁷

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¹⁰ *Republic v. Regional Trial Court, Br. 18, Roxas, Capiz*, 607 Phil. 547; 557-558 (2009).

¹¹ G.R. No. 178115, 28 July 2014.

¹² *Rollo*, p. 15.

¹³ *People v. Bacatan*, G.R. No. 203315, 18 September 2013; citing *People v. Gunda*, G.R. No. 195525, 5 February 2014.

¹⁴ *People v. Jalbonian*, G.R. No. 180281, 1 July 2013; citing *People v. Gunda*, G.R. No. 195525, 5 February 2014.

¹⁵ *People v. Lopez*, G.R. No. 184596 (Notice), 24 March 2014.

¹⁶ *Supra*, note 14.

¹⁷ *People v. Gunda*, G.R. No. 195525, 5 February 2014.

WHEREFORE, the herein appeal is **DENIED**, and the Decision of the Court of Appeals dated 30 June 2011 in CA-G.R. CR-H.C. No. 01693, which affirmed appellant's conviction by the Regional Trial Court in a Decision dated 21 October 2005, is hereby **AFFIRMED with MODIFICATIONS**. Appellant is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole and is ordered to pay the heirs of the victim the amounts of ₱75,000 as civil indemnity, ₱75,000 as moral damages, ₱30,000 as exemplary damages, plus the previously adjudged actual damages of ₱79,309.23. Interest on all monetary awards is imposed at the rate of 6% *per annum* from the date of finality of this judgment until fully paid.¹⁸

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court

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The Solicitor General (x)
Makati City

Court of Appeals (x)
Manila
(CA-G.R. CR H.C. No. 01693)

The Director
Bureau of Corrections
1770 Muntinlupa City

The Hon. Presiding Judge
Regional Trial Court, Br. 211
1550 Mandaluyong City
(Crim. Case No. MC02-6110-H)

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PUBLIC ATTORNEY'S OFFICE
Counsel for Accused-Appellant
DOJ Agencies Bldg.
Diliman 1128 Quezon City

SPO4 Pedro M. Ila
Accused-Appellant
c/o The Director
Bureau of Corrections
1770 Muntinlupa City

Judgment Division (x)
Supreme Court

SR

¹⁸ Id.

