



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated February 10, 2021 which reads as follows:

“G.R. No. 228962 (People of the Philippines, Plaintiff-Appellee, v. Sonny Magadan Tabura, Accused-Appellant). – This appeal¹ seeks to reverse and set aside the 11 August 2016 Decision² of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01328-MIN, which affirmed with modification the Joint Judgment³ dated 13 May 2014 of Branch 43, Regional Trial Court (RTC) of Gingoog City, Misamis Oriental in Criminal Case Nos. 2011-4800 and 2011-4801, finding Sonny Magadan Tabura (accused-appellant) guilty beyond reasonable doubt of the crimes of murder and attempted murder.

Antecedents

On 27 December 2011, accused-appellant was charged with the crimes of murder and frustrated murder in separate Informations, the accusatory portions of which state:

Criminal Case No. 2011-4800 (frustrated murder):

That on December 25, 2011, at more or less 4:00 o'clock in the morning, in Purok 2, Capitulangan, Gingoog City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with deliberate intent to kill, with treachery and evident premeditation, did then and there willfully, unlawfully and feloniously assault, attack and hack FELIX HILUDO, with the use of a scythe with which accused was conveniently provided, thereby hitting the victim on the left face, nape, temporal area, posterior wall, hand and other parts of his body, thus performing all acts of

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¹ CA rollo, pp. 92-93.

² Rollo, pp. 03-20. Penned by Associate Justice Maria Filomena D. Singh and concurred in by Associate Justices Edgardo A. Camello and Associate Justice Perpetua T. Atal-Pano.

³ CA rollo, pp. 32-42; penned by Presiding Judge Mirabeaus A. Undalok.

execution which would have produced the crime of murder, as a consequence thereof, but nevertheless did not produce it by reason or cause independent of the will of the perpetrator.

Contrary to and in violation of Article 248 in relation to Article 6 of the Revised Penal Code.⁴

Criminal Case No. 2011-4801 (murder):

That on December 25, 2011, at more or less 4:00 o'clock in the morning, in Purok 2, Capitulangan, Gingoog City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with deliberate intent and with intent to kill, with treachery and evident premeditation, armed with scythe with which the accused was conveniently provided, did then and there wilfully, unlawfully and feloniously assault, attack and hack LILIA JAVA HILUDO, who was then unaware, defenseless and unarmed, thereby inflicting hacking on the head and other part of her body which caused her death.

Contrary to and in violation of Article 248 of the Revised Penal Code as amended by Section 6 of Republic Act No. 7659.⁵

Upon arraignment, accused-appellant pleaded not guilty to the charges.⁶ After termination of pre-trial,⁷ trial on the merits ensued.

Version of the Prosecution

At around 2:00 a.m. of 25 December 2011, Felix Hiludo (Felix) had just arrived home when Francisco Quipanes (Francisco) came and invited him to play a card game, locally known as "tong-its." Francisco fetched accused-appellant and the three (3) began playing at the sala of Felix's house. At about 3:00 a.m., Felix's wife, Lilia Hiludo (Lilia), arrived tired from a Christmas party. She went to sleep at once. Meanwhile, Felix and Francisco decided to stop the card game, thinking that accused-appellant was cheating. Accused-appellant then left.⁸

While Felix and Francisco were still chatting, accused-appellant returned. He immediately tried to draw the scythe from its scabbard but was unable to do so because it was locked. Francisco took advantage of the moment and frantically jumped through the door,

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⁴ Records, p. 86-87.

⁵ *Id.* at 07.

⁶ *Id.* at 22-23. See Order and Certificate of Arraignment dated 05 March 2012.

⁷ *Id.* at 31-34. See Joint Pre-Trial Order dated 07 May 2012.

⁸ TSN dated 01 October 2012, pp. 04-06.

leaving Felix behind. Once accused-appellant was able to unsheathed the scythe, he hacked Felix twice, wounding the latter's left cheek and neck, causing him to fall to the floor and pass out.⁹

Meanwhile, Francisco had landed on the ground and hid underneath the elevated bamboo floor of the house. He heard a cracking noise similar to the sound made by the chopping of a coconut shell.¹⁰ When accused-appellant left, Francisco came out of his hiding place and sought help from Pedro Hiludo, Felix's father.¹¹

When Felix regained consciousness, he saw his wife Lilia lying on her back, with her hands raised and palms face up. She had a large gash that ran from her left eyebrow up to the center of the back of her head. Lilia was still breathing but could no longer speak. With the help of neighbors, Felix rushed Lilia to the Misamis Oriental Provincial Hospital in Gingoog City¹² but later died while being transferred to another hospital.¹³ The cause of death was determined to be intracranial bleeding from a "fatal hacking wound frontal area with skull fracture."¹⁴

Felix was likewise brought to the hospital. Dr. Marlene K. Coronado (Dr. Coronado) gave him first aid treatment. The hacking wound on his face, neck, and hand were only superficial and only required suturing.¹⁵ Felix was admitted for confinement, but was discharged after two (2) days.¹⁶

Version of the Defense

Accused-appellant denied the charges against him. He claimed that he, Francisco, and Felix were at the latter's house playing "tong-its." He stopped playing after he won the game and got hold of the pot money of Php300.00. Apparently, this did not sit well with Felix, who armed himself with a scythe and attacked him. They wrestled and grappled with each other. Accused-appellant then hit Felix's left hand with the scythe, which caused the latter to fall. As he got up, Felix hit his right jaw slightly. Thereafter, accused-appellant went home.¹⁷

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⁹ *Id.* at 07-08.

¹⁰ TSN dated 10 September 2013, p. 08.

¹¹ *Id.* at 04-08.

¹² TSN dated 01 October 2012, pp. 08 to 09; TSN dated 22 October 2012, pp. 03-06.

¹³ Records, p. 27; Criminal Case No. 2011-4801.

¹⁴ *Id.* at 27.

¹⁵ TSN dated 09 July 2013, p. 11.

¹⁶ TSN dated 22 October 2012, p. 06.

¹⁷ CA *rollo*, pp. 34 35.

At the time of the fracas, Lilia was sleeping in her room and thus did not see the fighting. Accused-appellant insinuated that Felix might have killed his wife because he (accused-appellant) already left after hitting Felix in the jaw.¹⁸

Ruling of the RTC

In its Joint Judgment dated 13 May 2014, the RTC found accused-appellant guilty beyond reasonable doubt of the crimes of murder and attempted murder. The dispositive portion of the joint judgment reads:

WHEREFORE, premises considered, the Court finds accused SONNY MAGADAN TABURA guilty beyond reasonable doubt in Criminal Case No. 2011-4801 for Murder and sentences him to a penalty of *reclusion perpetua* for the death of Lilia J. Hiludo. He shall indemnify the heirs of Lilia J. Hiludo the following sums:

1. Php 75,000.00 as civil indemnity;
2. Php 75,000.00 as moral damages;
3. Php 30,000.00 as exemplary damages;
4. Php 35,000.00 as temperate damages,

with interest at the legal rate of six percent (6%) from the finality of this judgment until fully paid.

SONNY MAGADAN TABURA is likewise found guilty beyond reasonable doubt in Criminal Case No. 2011-4800 to the lesser offense of Attempted Murder and sentences him to an indeterminate penalty of four (4) years and two (2) months of *prision correccional* in its medium period as minimum to eight (8) years and one (1) day of *prision mayor* in its medium period as maximum for the attempt on the life of Felix Hiludo. He is directed to pay the latter the sum of Php 25,000.00 as temperate damages.

SO ORDERED.¹⁹

Aggrieved, accused-appellant appealed to the CA.

Ruling of the CA

On 11 August 2016, the CA affirmed accused-appellant's conviction but modified the penalties and the awards of damages, thus:

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¹⁸ *Id.*

¹⁹ *CA rollo*, pp. 40-41.

WHEREFORE, the Joint Judgment dated 13 May 2014 issued by Branch 43 of the Regional Trial Court of Gingoog City in Criminal Case Nos. 2011-4800 and 2011-4801, finding Sonny Magadan Tabura guilty of both Attempted Murder and Murder, is hereby **AFFIRMED** with the **MODIFICATION** that in Criminal Case No. 2011-4800 Sonny Magadan Tabura is sentenced to an indeterminate penalty of imprisonment from six (6) years of *prision correccional*, as maximum, and damages shall be paid as follows:

For the murder of Lilia, the accused-appellant is ordered to indemnify the heirs in the following amounts:

- (1) Civil indemnity *ex delicto* - Php 100,000.00
- (2) Moral damages – Php 100,000.00
- (3) Exemplary damages – Php 100,000.00

For the attempted murder of Felix, the accused-appellant is ordered to indemnify Felix in the following amounts:

- a. Civil indemnity *ex delicto* - Php 50,000.00
- b. Moral damages – Php 50,000.00
- c. Exemplary damages – Php 50,000.00

SO ORDERED.²⁰

Hence, this appeal.

Issues

Accused-appellant claims that:

I

THE COURT A QUO GRAVELY ERRED IN CONVICTING ACCUSED-APPELLANT OF THE OFFENSE CHARGED NOTWITHSTANDING THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

II

ON THE ASSUMPTION, BUT WITHOUT ADMISSION, THAT APPELLANT KILLED THE DECEASED, THE COURT A QUO GRAVELY ERRED IN CONSIDERING THE QUALIFYING CIRCUMSTANCES OF TREACHERY AND EVIDENT PREMEDITATION.

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²⁰ *Id.* at 90-91.

III

THE COURT A QUO GRAVELY ERRED WHEN IT DID NOT APPRECIATE SELF-DEFENSE IN FAVOR OF THE APPELLANT.²¹

Simply, the issue here is whether or not the RTC and the CA correctly found accused-appellant guilty beyond reasonable doubt for murder and attempted murder.

Ruling of the Court

The appeal is partly meritorious.

At the outset, it must be stressed that in criminal cases, an appeal throws the entire case wide open for review and the reviewing tribunal can correct errors, though unassigned in the appealed judgment, or even reverse the trial court's decision based on grounds other than those the parties raised as errors. The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.²²

In this case, there is no doubt that accused-appellant is liable for the death of Lilia, and thus, the RTC, as affirmed by the CA, rightly convicted him of murder. On the other hand, based on a thorough review of the records, the applicable law, and jurisprudence, accused-appellant may only be convicted of less serious physical injuries, and not attempted murder, for the injuries sustained by Felix.

To prove the crime of murder, the prosecution must establish the following elements: (1) a person was killed; (2) the accused killed him; (3) the killing was attended by any of the qualifying circumstances under Article 248 of the Revised Penal Code (RPC); and (4) the killing is not parricide or infanticide.²³

We find the prosecution to have established the presence of all the foregoing elements in the killing of Lilia.

First, Lilia died, as evidenced by her Certificate of Death.²⁴

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²¹ *Id.* at 17-18.

²² *Ramos, et al. v. People*, G.R. No. 218466, 23 January 2017, 803 Phil. 775 (2017) [Per J. Perlas-Bernabe].

²³ *People v. Lababo, et al.*, G.R. No. 234651, 06 June 2018 [Per J. Velasco, Jr.].

²⁴ Records, p. 27.

Second, the Court is convinced that it was accused-appellant who killed her. The Court observes that there is no direct evidence showing that accused-appellant hacked Lilia, since neither Felix nor Francisco actually saw him attack Lilia. Be that as it may, this will not necessarily warrant the exoneration of the accused-appellant where his guilt may be established by other evidence such as indirect or circumstantial evidence.²⁵ To sustain a conviction based on circumstantial evidence, the following requisites must exist: (i) there is more than one circumstance; (ii) the facts from which the inferences are derived are proven; and (iii) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.²⁶ Circumstantial evidence may be characterized as that evidence that proves a fact or series of facts from which the facts in issue may be established by inference.²⁷

The following circumstances, proven by the documentary evidence and testimonies of Felix and Francisco, establish accused-appellant as the person who killed Lilia: (1) while Felix, Francisco and accused-appellant were playing a card game during the early morning of 25 December 2011, Lilia arrived and retired for the night; (2) after the card game, accused-appellant left but returned later with a scythe; (3) Francisco jumped out of the house leaving Felix with accused-appellant, who then hacked the former's face and neck; (4) Felix fell and passed out; (5) the incident did not stir Lilia who remained asleep; (6) Francisco hid under the elevated floor of Felix's house for fear of accused-appellant who remained in the premises; (7) while hidden, Francisco heard a cracking sound similar to that made by the chopping of a coconut shell, after which he heard accused-appellant leave the place; (8) when Felix regained consciousness, he found Lilia lying on her back with a large gash from her eyebrow to the back of her head; and (9) Lilia's Certificate of Death shows that she suffered fatal hacking wound.

Third, the killing was attended with the qualifying circumstance of treachery. To appreciate treachery, these two (2) elements must concur: the employment of a means of execution that gives the person attacked no opportunity to defend or retaliate, and that said means of execution were deliberately or consciously adopted. The essence of treachery is the sudden and unexpected attack without the slightest provocation on the part of the person being attacked. A swift and unexpected attack on an unarmed victim that insures its execution without risk to the assailant arising from the defense of his victim is an indication that treachery is present.

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²⁵ *Zabala v. People*, G.R. No. 210760, 26 January 2015, 752 Phil. 59 (2015) [Per J. Velasco, Jr.].

²⁶ *People v. Pentecostes*, G.R. No. 226158, 08 November 2017 [Per J. Caguioa].

²⁷ *Almojuela v. People*, G.R. No. 183202, 02 June 2014, 734 Phil. 636 (2014) [Per J. Brion].

What is decisive is that the execution of the attack made it impossible for the victim to defend himself or to retaliate. In that sense, even attacks that occur from the front may be considered treacherous if the attack was so sudden and unexpected that the deceased had no time to prepare for self-defense. The mode of attack must also be consciously adopted. The accused-appellant must make some preparation to kill the deceased in a manner as to insure the execution of the crime, or to make it impossible or hard for the person attacked to defend himself or retaliate. The attack, then, must not spring from the unexpected turn of events.²⁸

It is worthy to note that accused-appellant attacked Lilia while the latter was asleep, giving her absolutely no opportunity to defend herself or retaliate. More, accused-appellant deliberately adopted, or prepared for, his chosen mode of attack by procuring a large bladed weapon that ensured the execution of his grisly deed against both Lilia and Felix. The hacking blow inflicted by accused-appellant left a large gash in Lilia's head and broke her skull, ensuring her death.

While treachery was sufficiently proven, We cannot say that accused-appellant's hacking of Lilia was attended with evident premeditation.

For evident premeditation to be appreciated, the prosecution must prove the following elements: (1) the accused must have made a previous decision to commit the crime; (2) the accused must have performed an overt act or acts manifestly indicating that the accused has clung to his determination; and (3) a lapse of time between the decision to commit the crime and its actual execution, enough to allow the accused to reflect upon the consequences of his acts.²⁹ This qualifying circumstance of premeditation can be considered only when there had been a cold and deep meditation, and a tenacious persistence in the accomplishment of the criminal act.³⁰ When execution immediately follows, the resolution to commit the crime is absent, thus negating the existence of evident premeditation.³¹

In the present case, the prosecution failed to establish that there was a sufficient lapse of time for accused-appellant to reflect on his decision to kill the victim and the actual execution thereof.³² Accused-

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²⁸ *People v. Kalipayan*, G.R. No. 229829, 22 January 2018 [Per J. Gesmundo].

²⁹ *Id.*

³⁰ *People v. Caisip*, G.R. No. 119757, 21 May 1998, 352 Phil. 1058 (1998) [Per J. Romero].

³¹ *People v. Macaspac*, G.R. No. 198954, 22 February 2017, 806 Phil. 285 (2017) [Per J. Bersamin].

³² *People v. Racal*, G.R. No. 224886, 04 September 2017, 817 Phil. 665 (2017) [Per J. Peralta].

appellant hacked Lilia and Felix not long after the dispute he had with the latter and Francisco. Such a subsequent attack shows that accused-appellant did not allow a reasonable time to lapse to enable him to ponder upon his decision to commit his dastardly act. The immediacy of the assault from the time of the dispute negates the existence of a cold and deep meditation in the accomplishment of the criminal act by the accused-appellant.

Lastly, the killing was neither parricide nor infanticide given the absence of any relationship between Lilia and accused-appellant.

Based on the foregoing, We sustain accused-appellant's conviction for murder in Criminal Case No. 2011-4801.

Notably, the Informations failed to allege the facts and circumstances constituting treachery. We are very much aware of Our pronouncement in *People v. Valdez*³³ that the particular acts and circumstances constituting treachery must be sufficiently alleged in the Information for murder. In other words, the use of the term treachery, standing alone, is not sufficient; it is but a conclusion of law, not an averment of a fact. Further, under Section 3(e), Rule 117 of the Rules of Court, the failure to allege said particular acts and circumstances is a ground for a motion to quash.

However, Section 9 of the same rule provides that the accused-appellant's failure to raise his objection against such a defect before he enters his plea shall be deemed a waiver of his objection thereto.³⁴

A perusal of the records show that accused-appellant never questioned the sufficiency of the allegations in either Information. Accused-appellant, is therefore, deemed to have waived his right to object to the defect. At any rate, he had been informed of the elements of the murder charge against him. Hence, none of his rights, particularly that of being informed of the nature and cause of the accusation against him, was violated.

With respect to Criminal Case No. 2011-4800, We find accused-appellant liable only for the lesser crime of less serious physical injuries, and not for attempted murder.

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³³ G.R. No. 175602, 18 January 2012, 579 Phil. 279 (2012) [Per J. Bersamin].

³⁴ SEC 9. *Failure to move to quash or to allege any ground therefor.* - The failure of the accused to assert any ground of a motion to quash before he pleads to the complaint or information, either because he did not file a motion to quash or failed to allege the same in said motion, shall be deemed a waiver of any of the objections except those based on the grounds provided for in paragraphs (a), (b), (g), and (i) of Section 3 of this Rule.

In attempted or frustrated murder, the principal and essential element of the offense is the intent on the part of the assailant to take the life of the person attacked. Such intent must be proved in a clear and evident manner to exclude every possible doubt as to the homicidal intent of the aggressor. Intent to kill is a specific intent that the State must allege and prove, as differentiated from a general criminal intent, which is presumed from the commission of a felony by *dolo*. Being a state of mind, intent to kill is appreciated by the courts only through external manifestations, *i.e.*, the acts and conduct of the accused at the time of the assault and immediately thereafter.³⁵ However, the inference that intent to kill existed should not be drawn in the absence of circumstances sufficient to prove this fact beyond reasonable doubt.³⁶

In the case at bar, accused-appellant's intent to kill Felix could not be conclusively inferred from the surrounding circumstances. While he hacked Felix twice, the blows did not hit any vital part of the latter's body. Dr. Coronado, Felix's attending physician, testified that Felix was stable and conscious at the time he was brought to the hospital. Furthermore, his injuries were superficial, required mere suturing, and would heal for approximately seven (7) to ten (10) days.³⁷ In fact, Felix was discharged after only two (2) days of confinement.³⁸ If accused-appellant had such intent to kill, he could have easily continued to hack at Felix after the latter passed out and was totally defenseless, but he did not.

Since the intent to kill is lacking but wounds are inflicted upon the victim, the crime is not attempted murder but physical injuries only.³⁹ Particularly, the crime committed under the circumstances is less serious physical injuries⁴⁰ because the injuries sustained by Felix required a healing period of only for seven (7) to ten (10) days.

Corollarily, a finding of guilt for the lesser offense of less serious physical injuries is proper, considering that the charge of frustrated murder is necessarily included the former, as the essential elements of less serious physical injuries constitute and form part of those constituting the offense of murder.⁴¹

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³⁵ *Yap v. People*, G.R. No. 234217, 14 November 2018 [Per J. Peralta].

³⁶ *Id.*

³⁷ TSN dated 09 July 2013, p. 11.

³⁸ TSN dated 22 October 2012, p. 06.

³⁹ *Supra* at note 35.

⁴⁰ Article 265. Less serious physical injuries— Any person who shall inflict upon another physical injuries x x x which shall incapacitate the offended party for labor ten days or more, or shall require medical assistance for the same period, shall be guilty of less serious physical injuries and shall suffer the penalty of *arresto mayor*.

⁴¹ *Mupas v. People*, G.R. No. 172834, 06 February 2008, 568 Phil. 78 (2008) [Per J. Tinga].

On another point, this Court finds it erroneous for the RTC and the CA to appreciate treachery and evident premeditation. Accused-appellant's initial failure to unsheathe his scythe and Francisco's act of immediately leaping out of the house should have sufficiently forewarned Felix of the impending assault. Also, the lack of reasonable time between accused-appellant's decision to attack Felix, and his execution thereof disprove the existence of evident premeditation.

Based on the foregoing, We find accused-appellant guilty of less serious physical injuries only with respect to Felix.

We now come to the propriety of the penalties imposed.

In Criminal Case No. 2011-4801, We find that the RTC and the CA correctly imposed upon accused-appellant the penalty of *reclusion perpetua*. Under Article 248 of the RPC, as amended, the penalty imposed for the crime of murder is *reclusion perpetua* to death. There being no aggravating or mitigating circumstance, the proper penalty is *reclusion perpetua*, pursuant to Article 63, paragraph 2 of the RPC.

On the other hand, in Criminal Case No. 2011-4800, there being no aggravating and no mitigating circumstance, the penalty for the crime of less serious physical injuries should be taken from the medium period of *arresto mayor*, which is from two (2) months and one (1) day to four (4) months. The Indeterminate Sentence Law finds no application in the case at bar, since it does not apply to those whose maximum term of imprisonment is less than one (1) year. We thus impose upon accused-appellant the straight penalty of three (3) months of *arresto mayor*.⁴²

Consistent with prevailing jurisprudence, this Court deems it proper to modify the amounts of damages awarded by the CA.

When the circumstances surrounding the crime call for the imposition of *reclusion perpetua* only, there being no ordinary aggravating circumstance, the proper amounts to be awarded should be Php75,000.00 as civil indemnity, Php75,000.00 as moral damages, and Php75,000.00 exemplary damages, regardless of the number of qualifying aggravating circumstances present.⁴³ Moreover, temperate damages in the amount of Php50,000.00 in homicide or murder cases

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⁴² *Pentecostes, Jr. v. People*, G.R. No. 167766, 07 April 2010, 631 Phil. 500 (2010) [Per J. Peralta].

⁴³ *People v. Jugueta*, G.R. No. 202124, 05 April 2016 [Per J. Peralta].

is proper when no evidence of burial and funeral expenses is presented in the trial court. Under Article 2224 of the Civil Code, temperate damages may be recovered, as it cannot be denied that the heirs of the victims suffered pecuniary loss although the exact amount was not proved.⁴⁴

Accordingly, in Criminal Case No. 2011-4801, We reduce the awards of civil indemnity, moral damages and exemplary damages from Php100,000.00 each to Php75,000.00 each. We likewise find it appropriate to award the heirs of Lilia temperate damages in the amount of Php50,000.00.

In Criminal Case No. 2011-4800, We delete the award of civil indemnity since only the crime of less serious physical injuries was committed, and no proof of medical expenses was presented during trial. We likewise delete the award of exemplary damages in the absence of any aggravating circumstance. As to moral damages, the amount of Php5,000.00 is appropriate for less serious physical injuries which does not require proof of pecuniary loss.⁴⁵

Finally, We impose interest at the rate of six percent (6%) *per annum* on all damages awarded from date of finality of this Resolution until fully paid.⁴⁶

WHEREFORE, the appeal is **PARTIALLY GRANTED**. The Decision dated 11 August 2016 of the Court of Appeals in CA-G.R. CR-HC No. 01328-MIN is **AFFIRMED** with **MODIFICATIONS** as follows:

In Criminal Case No. 2011-4801, accused-appellant Sonny Magadan Tabura is hereby declared **GUILTY** beyond reasonable doubt of the crime of murder and is sentenced to suffer the penalty of *reclusion perpetua*. Further, he is ordered to pay the heirs of Lilia Hiludo y Java the amounts of Php75,000.00 as civil indemnity, Php75,000.00, as moral damages, Php75,000.00 as exemplary damages, and Php50,000.00 as temperate damages.

In Criminal Case No. 2011-4800, accused-appellant Sonny Magadan Tabura is hereby declared **GUILTY** beyond reasonable doubt of the crime of less serious physical injuries, and is sentenced to suffer the straight penalty of three (3) months of *arresto mayor*. He is further ordered to pay moral damages in the amount of Php 5,000.00 in favor of the victim, Felix Hiludo.

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⁴⁴ *People v. Gervero, et al.*, G.R. No. 206725, 11 July 2018 [Per J. Martinez].

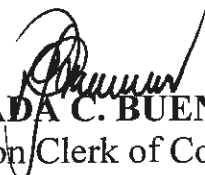
⁴⁵ *Supra* at note 35.

⁴⁶ *People vs. De Chavez*, G.R. No. 218427, 31 January 2018 [Per J. Del Castillo].

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

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *mult*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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