



Republic of the Philippines  
**Supreme Court**  
Manila

**SECOND DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
Plaintiff-Appellee,

**G.R. No. 187048**

**Present:**

-versus-

CARPIO,  
*Chairperson,*  
DEL CASTILLO,  
PEREZ,  
PERLAS-BERNABE,  
LEONEN,\* *JJ.*

**BENJAMIN PETELUNA AND**  
**ABUNDIO BINONDO,**  
Accused-Appellants.

Promulgated:

JAN 23 2013 *HM Cabalag Poyato*

X-----X

**DECISION**

**PEREZ, J.:**

We review the 11 July 2007 Decision<sup>1</sup> of the Court of Appeals, which affirmed with modification the trial court's conviction of appellants Benjamin Peteluna (Benjamin) and Abundio Binondo (Abundio) for the murder of an elderly man named Pablo Estomo (Pablo).<sup>2</sup>

\* Per Special Order No. 1408 dated 15 January 2013.

<sup>1</sup> CA *rollo*, pp. 147-158. Penned by Associate Justice Pampio A. Abarintos with Associate Justices Priscilla Baltazar-Padilla and Stephen C. Cruz concurring.

<sup>2</sup> Records, pp. 140-147. Decision dated 13 July 1999. Penned by Judge Ildefonso B. Suerte.

### *The Facts*

On 11 June 1996, appellants were charged with the murder of Pablo before the Regional Trial Court of Cebu.<sup>3</sup> On arraignment, appellants pleaded not guilty.<sup>4</sup> Trial proceeded with the prosecution and the defense presenting their respective witnesses. The prosecution presented sixteen-year old Romeo Pialago (Romeo),<sup>5</sup> who was with Pablo at the time of the incident, and Dr. Dympna Aguilar (Dr. Aguilar),<sup>6</sup> Municipal Health Officer of the Barili District Hospital. On the other hand, the appellants themselves<sup>7</sup> and the father of appellant Abundio, Teofilo Binondo (Teofilo),<sup>8</sup> appeared for the defense.

The evidence for the prosecution shows that on 30 April 1996, Romeo and Pablo watched a cockfight during the *fiesta* of *Barangay* Lamak, Barili, Cebu. On their way home at about five o'clock in the afternoon, Pablo, followed by the appellants, with the young Romeo behind them, walked along the road of Sitio Liki, *Barangay* Mayana, Barili, Cebu. Romeo, who knew appellants because they used to pass by his house, noticed them whispering to each other. He saw the appellants place their arms on Pablo's shoulder, after which they struck Pablo with stones each of which was as big as the size of a fist. Pablo pleaded the appellants to stop but they did not. When Pablo fell to the ground, Benjamin smashed his head with a stone as

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<sup>3</sup> The accusatory portion of the Information reads:

“That on the 30<sup>th</sup> day of April, 1996 at 5:00 o'clock in the afternoon, more or less, at Barangay Mayana, Municipality of Barili, Province of Cebu, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping with one another, with the use of stones, with intent to kill, with evident premeditation and by means of treachery did then and there wilfully, unlawfully and feloniously attack, assault and strike Pablo Estomo, hitting him on the different parts of his body which caused his death.

CONTRARY TO LAW.”

Records, pp. 1-2.

<sup>4</sup> *Id.* at 25. Order dated 30 July 1996.

<sup>5</sup> TSN dated 16 June 1997, pp. 3-9.

<sup>6</sup> TSN dated 3 December 1997, pp. 28-35.

<sup>7</sup> TSN dated 20 January 1999, pp. 51-56 and TSN dated 9 March 1999, pp. 57-66.

<sup>8</sup> TSN dated 29 September 1998, pp. 39-45.

big as Pablo's head. Afterwards, appellants dragged him downhill towards the farm of one Efren Torion (Efren) in Sitio Liki. Romeo did not know what happened next because he ran to seek help. He went to the house of Espiridion Presbitero (Pideon), the *barangay* captain of Mayana. Pideon, in turn, coordinated with a certain Simo, the *barangay* captain of Bagacay. Romeo escorted Pideon and Simo to the place where the incident took place but Pablo was no longer there. They went to the house of appellant Abundio at *Barangay* Cangundo but the appellant was not there. The two captains then proceeded to the house of appellant Benjamin, who accompanied them to the farm of Efren. There they found the body of Pablo, which Dr. Aguilar later examined.

Before the court, Dr. Aguilar testified that Pablo sustained eleven (11) wounds<sup>9</sup> caused by blunt instrument(s) like stone(s). There were blood clots

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<sup>9</sup> Identified in the autopsy report were the following:

1. Lacerated wound, located at the middle right ear right side measuring 6 cm in length and  $\frac{3}{4}$  cm in width, located 11 cm from the middle of the neck, 5.5 cm from the top of the nose and 2.5 cm from the right eye. Cheek bone was cracked.
2. Lacerated wound about 2 cm. above from the first lacerated wound which measures 2.8 cm in width and 7 cm in length.
3. Lacerated wound located 1 cm in between the eye 2 cm from the right eyebrow, 4 cm from the right nostril, wound measures 2.5 cm in length and .5 cm in width.
4. Lacerated wound located at the occipital region which is 14 cm from the base of the back of neck, 10.5 cm from the right side of the ear, which measures 2 cm in length and 1 cm in width.
5. Lacerated wound at the occipital region 5 cm above from the 4<sup>th</sup> wound which measures 1 cm in length and .5 cm in width, 10 cm from the base of the neck and 15 cm from the right side of the ear.
6. Lacerated wound located at the right temporal region 19 cm from the right side of the neck, 7 cm from the upper side of the right ear, which measures 4 cm in length and 0.3 cm in width.
7. Wound located 3 cm from the 6<sup>th</sup> wound 5 cm from the upper side of the right ear. Wound measures 3 cm in length and 0.7 cm in width.
  - a) (sic) wound located 2.2 cm above the 6<sup>th</sup> wound, 7.8 cm from the upper side of the right ear.
8. Wound located 15 cm from the right ear and 22 cm from the nape of the neck which measures 2.5 cm in length and 0.5 cm in width.
9. Wound located 18 cm from the upper side of the left ear 16 cm from the left eye, which measures 1 cm in length and 0.3 cm in width.
10. Lacerated wound located 7 cm from the left side of the ear, 12 cm in length and 0.4 cm in width.
11. Wound located 0.5 cm from the right side of the ear which measures 1 cm in length and 2 cm in width.

in the cranium and meninges. The death, according to her autopsy report, which she identified in court to have been prepared and signed by her, was caused by “cerebral hemorrhage due to laceration and contusion of the head.”<sup>10</sup>

The defense, on the other hand, presented different versions for each of the appellants.

Appellant Benjamin, testified on his behalf. While he admitted of having been in the hilly portion of the road at Sitio Liki at around 2:30 in the afternoon of 30 April 1996, he denied any participation in the commission of the crime. Instead, he alleged that on his way home from the *fiesta*, he saw Pablo and appellant Abundio boxing each other beside the road fifteen (15) fathoms away from him. Appellant Benjamin did not see how the fight ended because he proceeded home. It was around 4:00 o’clock in the afternoon when he got to his house. Fifteen (15) minutes later, appellant Abundio came and told him that it was Pablo who boxed him first and that he should not tell anyone about the incident. The appellants spent the night at the Abundios. The following morning, the *barangay* officials were there looking for Pablo. Appellant Benjamin, who was still in the house, told the *barangay* captain that he witnessed the fight between appellant Abundio and Pablo. Appellant Abundio fled but was nevertheless apprehended in the afternoon of the same day.

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Blood clots were found at the cranium and meninges cause of death cerebral hemorrhage due to laceration and contusion of the head.

There was also a bloody t-shirt and pants with bloodstains, height measures 149 cm. His back chest has contusions with abrasions at the right side, laceration at the left right finger and laceration and contusion at the left side of the hand.  
TSN, 3 December 1997, pp. 30-31.

<sup>10</sup>

*Id.*

On the other hand, appellant Abundio raised the defense of alibi. His father Teofilo testified to the effect that appellant Abundio and his other children were in the farm of one Tonying Paras at the time the crime was committed. They had breakfast in their house, which is approximately one kilometer away from the farm. Then they went back to the farm and stayed there until 6:00 o'clock in the afternoon. By 8:00 o'clock in the evening, they retired for the night. It was only the following morning that he learned of the death of Pablo whose body was found in the creek around two kilometers from his house, and that his son appellant Abundio was identified as one of the suspects.

Appellant Abundio corroborated his father's testimony stating that he was helping out in the farm at the time the crime was committed. He only learned that Pablo had been killed the day after the incident.

After trial, both appellants were convicted of murder. The dispositive portion of the decision of the trial court reads:

JUDGMENT is therefore rendered declaring the two (2) accused, Benjamin Peteluna and Abundio Binondo, GUILTY of the crime of MURDER and they are sentenced to suffer the penalty of RECLUSION PERPETUA and to pay the heirs of the victim the sum of One Hundred Thousand Pesos (P100,000.00) as indemnity.<sup>11</sup>

On appeal, the Court of Appeals affirmed with modification the assailed decision in this wise:

***IN LIGHT OF ALL THE FOREGOING***, the Decision of the Regional Trial Court, Branch 60, Barili, Cebu in Criminal Case No. CEB-BRL-050, [finding] appellants guilty beyond reasonable doubt of the crime of Murder is hereby **AFFIRMED with MODIFICATION** only in the award of damages. The penalty of *reclusion perpetua* is affirmed.

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<sup>11</sup> Records, p. 147. Decision dated 13 July 1999.

Appellants are ordered to pay solidarily the heirs of the victim Php50,000.00 as civil indemnity and Php25,000.00 as exemplary damages.<sup>12</sup>

Before this Court, appellants Benjamin and Abundio argued that the crime committed was only homicide because of the absence of the circumstances of treachery and evident premeditation, which would have qualified the killing to murder, and that their respective defenses of denial and alibi were meritorious. They likewise pointed out that the testimony of the prosecution’s witness Romeo is not credible.<sup>13</sup>

***Our Ruling***

We sustain the conviction of both appellants.

*The crime committed was murder.*

To be convicted of murder, the following must be established: (1) a person was killed; (2) the accused killed him; (3) the killing was with the attendance of any of the qualifying circumstances under Article 248<sup>14</sup> of the Revised Penal Code; and (4) the killing neither constitutes parricide nor infanticide.<sup>15</sup>

<sup>12</sup> CA rollo, p. 158. Decision dated 11 July 2007.  
<sup>13</sup> *Id.* at 73-86. Brief for the Accused-Appellant Benjamin Peteluna dated 24 October 2000; *Id.* at 40-50. Brief for Accused-Appellant Abundio Binondo filed on 9 October 2000; Rollo, pp. 43-46. Supplemental Brief dated 13 May 2010.  
<sup>14</sup> Art. 248. *Murder*.—Any person who, not falling within the provisions of Article 246, shall kill another, shall be guilty of murder and shall be punished by *reclusion perpetua*, to death if committed with any of the following attendant circumstances:

1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense, or of means or persons to insure or afford impunity;

x x x x

5. With evident premeditation;

x x x x

<sup>15</sup> *People v. Medice*, G.R. No. 181701, 18 January 2012, 663 SCRA 334, 342 citing *People v. Maningding*, G.R. No. 195665, 14 September 2011, 657 SCRA 804 further citing *People v. de la*

Appellants maintain that the qualifying circumstance of treachery was not attendant in the commission of the crime considering that there was no element of surprise when Pablo was attacked. Pablo had the opportunity to defend himself. Appellant Benjamin, in his Supplemental Brief, further argued that even if there was suddenness of the attack, Pablo could have chosen to retreat.

We are not convinced.

We have time and again declared that “[t]he essence of treachery is a deliberate and sudden attack, affording the hapless, unarmed and unsuspecting victim no chance to resist or to escape,”<sup>16</sup> and that it may still exist even if the attack is frontal so long as the same is sudden and unexpected.<sup>17</sup>

In this case, it was clear that the elderly victim had no inkling of the impending danger against him. The attack was sudden notwithstanding the prior act of placing the assailants’ arms on the shoulder of the victim because such was done in a friendly manner. As the young Romeo, on cross examination, testified:

Q: You said that they then put their arms on the shoulder of Pablo Estomo, how did they do it? **Was it in a friendly manner?**

A: **Yes.**<sup>18</sup> (*Emphasis supplied*)

Romeo was also correct as regards the inability of the victim to defend himself or at least run from the assailants. Thus:

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Cruz, G.R. No. 188353, 16 February 2010, 612 SCRA 738, 746; cited in *People v. Gabrino*, G.R. No. 189981, 9 March 2011, 645 SCRA 187, 196.

<sup>16</sup> *People v. Tolentino*, G.R. No. 176385, 26 February 2008, 546 SCRA 671, 697 citing *People v. Belaro*, 367 Phil. 90, 107 (1999).

<sup>17</sup> *People v. Dizon*, G.R. No. 177775, 10 October 2008, 568 SCRA 395, 399.

<sup>18</sup> TSN, 18 August 1997, p. 14.

Q: In other words the victim could have r[u]n away had he like[d] to?

A: He could not r[u]n because he was already old.

Q: How old was Pablo Estomo if you know?

A: According to my estimate he was 60 years old or more.<sup>19</sup>

x x x x

Q: And Pablo Estomo saw the two accused picking up the stone?

A: Yes sir.

Q: So while the two accused was [i]n the act of picking up the stones which according to you the victim saw, why did he not r[u]n?

A: He did not r[u]n because he believed that the two accused will not kill him.<sup>20</sup>

Records would show that Pablo was fifty-seven (57) years old at the time of his death.<sup>21</sup> Admittedly, one's thought processes and reflexes slow with age that Pablo did not readily understand the intentions of the appellants. The attack was, therefore, clearly sudden and unexpected.

In the case of *People v. Sinda*,<sup>22</sup> the Court had the occasion to further illustrate the attendance of treachery in a situation where the defenseless victims had already fallen to the ground and there was no risk to the assailant against any attack from the victims thereby facilitating the execution of the commission of the crime. Thus:

The appellants, in waylaying the victims, obviously employed a mode of attack which was deliberately designed to insure the death of their victims without any risk they could have made against them. **Felix and Rogelio were both unarmed at the time the appellants pelted the two with stones. It must be stressed that when the victims fell on the ground after the appellants threw stones at them, there was no danger**

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<sup>19</sup> *Id.* at 15.

<sup>20</sup> *Id.* at 15-16.

<sup>21</sup> Records, p. 10.

<sup>22</sup> 400 Phil. 440 (2000).

**on the part of the appellants of any attack from the victims. The victims were not in a position to defend themselves at the time appellant Gaspar hacked them on their necks.** In other words, the method employed by the accused insured his safety from any defensive or retaliatory act on the part of the victims.<sup>23</sup> (*Emphasis supplied*)

Like the victims in *Sinda*, Pablo fell to the ground unarmed and defenseless, except that, in the present case, after the victim had fallen to the ground, the appellants used a big stone the size of a head of a man instead of a bladed weapon. Romeo described how the two appellants attacked Pablo, to wit:

Q: What happened to Pablo Estomo when he was struck with stones by Abundio Binondo and B[e]njamin Peteluna?

A: Pablo Estomo was still standing at that time and said “don’t harm me because I have no grudge against you.”

Q: What did the accused do when they heard that statement from Pablo Estomo?

A: They still struck stones towards Pablo Estomo.<sup>24</sup>

x x x x

He detailed cross examination:

A: When the victim was struck and he was hit for the first time at the left side of the head the victim was still standing. The second hit was at the left portion of the chest and that is the time Pablo fell to the ground. Then Benjamin Peteluna picked up a stone and smashed the victim who was on the ground.<sup>25</sup>

We agree with the appellants, however, that the prosecution failed to establish the presence of the qualifying circumstance of evident premeditation. Such could only be appreciated if there was evidence to show the following:

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<sup>23</sup> *Id.* at 453-454 citing *People v. Toribio*, 198 SCRA 529, 540 (1991).

<sup>24</sup> TSN, 16 June 1997, p. 7.

<sup>25</sup> TSN, 23 September 1997, p. 22.

(1) the time when the offender [was] determined to commit the crime; (2) an act manifestly indicating that the accused clung to his determination; and (3) a sufficient lapse of time between determination and execution to allow himself time to reflect upon the consequences of his act.<sup>26</sup>

None, for any such circumstance, was offered in the instant case. The testimony of Romeo, save from the statement that the appellants were whispering to each other before they placed their arms on Pablo's shoulder, was confined to the acts that caused the death of the victim.

***Denial and alibi cannot prevail over the positive identification of the assailants by the witness;  
Denial is inherently weak if uncorroborated;  
For alibi to prosper, it must be established that it was physically impossible for the appellant to have been at the locus criminis***

It is a time-honored principle that the positive identification of the appellant by a witness destroys the defense of *alibi* and denial.<sup>27</sup> Thus:

x x x It is well-entrenched that *alibi* and denial are inherently weak and have always been viewed with disfavor by the courts due to the facility with which they can be concocted. They warrant the least credibility or none at all and cannot prevail over the positive identification of the appellant by the prosecution witnesses.<sup>28</sup> For *alibi* to prosper, it is not enough to prove that appellant was somewhere else when the crime was committed; he must also demonstrate that it was physically impossible for him to have been at the scene of the crime at the time of its commission. Unless substantiated by clear and convincing proof, such defense is negative, self-serving, and undeserving of any weight in law.<sup>29</sup> Denial, like *alibi*, as an exonerating justification[,] is inherently weak and if uncorroborated regresses to blatant impotence. Like *alibi*, it also constitutes self-serving negative evidence which cannot be accorded greater evidentiary weight than the declaration of credible witnesses who testify on affirmative matters.<sup>30</sup>

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<sup>26</sup> *People v. Nimuan*, G.R. No. 182918, 6 June 2011, 650 SCRA 597, 605 citing *People v. De Guzman*, G.R. No. 173477, 4 February 2009, 578 SCRA 54, 66; and *People v. Escarlos*, G.R. No. 148912, 10 September 2003, 410 SCRA 463, 482.

<sup>27</sup> *People v. Barde*, G.R. No. 183094, 22 September 2010, 631 SCRA 187, 211.

<sup>28</sup> *Id.* citing *People v. Estepano*, 367 Phil. 209, 217-218 (1999).

<sup>29</sup> *Id.* citing *People v. Berdin*, 462 Phil. 290, 304 (2003).

<sup>30</sup> *Id.* citing *People v. Francisco*, 397 Phil. 973, 985 (2000).

In this case, Romeo positively identified the appellants, whom he both knew since he was a child,<sup>31</sup> thereby rendering the defenses of *alibi* and denial weak. Certainly, it was not physically impossible for appellant Abundio to be at the hilly portion of Sitio Liki where Pablo was attacked, the same being only a kilometer away from his own house and two (2) kilometers away from the farm where he and his father allegedly were on that fateful day. Appellant Benjamin's bare denial, on the other hand, is definitely self-serving. It cannot stand against the positive identification of an unbiased and credible witness.

***Credibility of the testimony is not affected  
by inconsistencies on points not relevant  
to the elements of the crime***

Appellant Benjamin faulted the witness for being able to give a complete account of the incident even during the time that he was supposed to have been scampering away for safety.<sup>32</sup>

Romeo, on cross-examination, clarified that when he decided to take cover, he did not turn his back from his companion. He just stepped back and accidentally found the bushes from where he hid.<sup>33</sup> This, he said, gave him the opportunity to witness the entire incident. He nonetheless testified during the continuation of the cross-examination that he was not able to look at the direction of Pablo all the time for he had to look for where he was going. This notwithstanding, appellant Benjamin cannot conclude that Romeo was not telling the truth when he said that Pablo was attacked by the appellants using the stones on the ground. The autopsy report supported his testimony. If at all, Pablo could have actually been hit more than the number of times Romeo claimed it to be.

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<sup>31</sup> TSN, 18 August 1997, p. 11.

<sup>32</sup> CA *rollo*, p. 84. Brief for the Accused-Appellant Benjamin Peteluna dated 24 October 2000.

<sup>33</sup> TSN, 18 August 1997, pp. 16-17.

Be that as it may, we see this inconsistency trivial. It is not relevant to the elements of the crime as to affect the credibility of Romeo's testimony. So with the inconsistencies primarily on the same points separately raised by appellant Abundio.<sup>34</sup>

Settled is the rule on the matter that:

x x x [O]ur scrutiny of the so-called inconsistencies relied upon by Asilan showed that they only referred to minor details, which did not affect the credibility of the prosecution witnesses.<sup>35</sup> In *People v. Albarido*,<sup>36</sup> this Court said:

It is elementary in the rule of evidence that 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. In fact, these minor inconsistencies enhance the credibility of the witnesses, for they remove any suspicion that their testimonies were contrived or rehearsed. In *People vs. Maglente*, this Court ruled that inconsistencies in details which are irrelevant to the elements of the crime are not grounds for acquittal. x x x.<sup>37</sup>

As to the rest of the testimony of Romeo, a reading of the transcript of stenographic notes would show that he rendered a straightforward and consistent testimony even on cross examination. There is, therefore, no reason for us to depart from the well-entrenched principle that:

x x x [T]he task of assigning values to the testimonies of witnesses and weighing their credibility is best left to the trial court which forms first-hand impressions as witnesses testify before it. It is thus no surprise that findings and conclusions of trial courts on the credibility of witnesses enjoy, as a rule, a badge of respect, for trial courts have the advantage of observing the demeanor of witnesses as they testify. x x x<sup>38</sup>

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<sup>34</sup> CA rollo, pp. 46-48. Brief for Accused-Appellant Abundio Binondo filed on 9 October 2000.

<sup>35</sup> *People v. Asilan*, G.R. No. 188322, 11 April 2012, 669 SCRA 405, 418 citing *People v. Albarido*, 420 Phil. 235, 244 (2001).

<sup>36</sup> *Id.*

<sup>37</sup> *Id.* citing *People v. Albarido*, 420 Phil. 235, 244-245 (2001).

<sup>38</sup> *People v. del Rosario*, G.R. No. 189580, 9 February 2011, 642 SCRA 625, 633 citing *People v. Lacaden*, G.R. No. 187682, 25 November 2009, 605 SCRA 784, 794-795.

All considered, we are convinced that the guilt of appellants had been sufficiently established with moral certainty.

***The imposable penalty is reclusion perpetua in the absence of aggravating and mitigating circumstances***

Under Article 248 of the Revised Penal Code, as amended, the penalty attached to the commission of the crime of murder is *reclusion perpetua* to death. Since neither aggravating nor mitigating circumstances attended the commission of the crime, the proper imposable penalty on the appellant is *reclusion perpetua*.<sup>39</sup>

***Appellant is liable for civil indemnity, moral damages, exemplary damages and 6% interest on all damages***

The civil indemnity in the amount of ₱50,000.00 awarded by the Court of Appeals is in order.<sup>40</sup> There is, however, a need to increase the award of exemplary damages from ₱25,000.00 to ₱30,000.00 to conform to existing jurisprudence.<sup>41</sup> In addition, the victim's heirs shall be entitled to moral damages even in the absence of proof that they suffered mentally and emotionally<sup>42</sup> considering that "[a] violent death invariably and necessarily brings about emotional pain and anguish on the part of the victim's

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<sup>39</sup> Article 63 of the Revised Penal Code provides, in part:

ART. 63. *Rules for the application of indivisible penalties.* - x x x

In all cases in which the law prescribes a penalty composed of two indivisible penalties, the following rules shall be observed in the application thereof:

1. x x x

2. When there are neither mitigating nor aggravating circumstances in the commission of the deed, the lesser penalty shall be applied.

x x x x

<sup>40</sup> *People v. Nelmda*, G.R. No. 184500, 11 September 2012; *People v. Salafranca*, G.R. No. 173476, 22 February 2012, 666 SCRA 501, 514.

<sup>41</sup> *People v. Combate*, G.R. No. 189301, 15 December 2010, 638 SCRA 797, 823.

<sup>42</sup> *People v. Ernosa*, 437 Phil. 717, 729 (2002) citing *People v. Cabote*, G.R. No. 136143, 15 November 2001, 369 SCRA 65 further citing *People v. Panado*, 348 SCRA 679 (2000).

family.”<sup>43</sup> A 6% interest on all the monetary awards for damages to be reckoned from the date of finality of this decision until fully paid shall likewise be imposed.<sup>44</sup>

**WHEREFORE**, the Decision dated 11 July 2007 of the Court of Appeals in CA-G.R. CEB-C.R.-H.C. No. 00554 is **AFFIRMED with MODIFICATIONS**.

Accordingly, appellants Benjamin Peteluna and Abundio Binondo are hereby found **GUILTY** beyond reasonable doubt of the crime of Murder and are sentenced to suffer the penalty of *reclusion perpetua*. They are further ordered to pay, jointly and severally, the heirs of Pablo Estomo the amounts of Fifty Thousand Pesos (₱50,000.00) as civil indemnity, Fifty Thousand Pesos (₱50,000.00) as moral damages, Thirty Thousand Pesos (₱30,000.00) as exemplary damages, and interest on all damages at the rate of six percent (6%) per annum from the finality of judgment until fully paid.

**SO ORDERED.**

  
**JOSE PORTUGAL PEREZ**  
Associate Justice

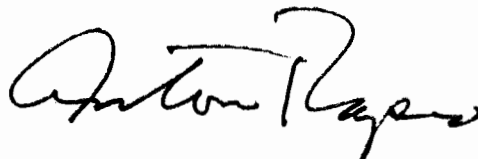
<sup>43</sup>

*Id.*

<sup>44</sup>

*People v. Medice*, *supra* note 15 at 348 citing *People v. Maningding*, G.R. No. 195665, 14 September 2011, 657 SCRA 804 further citing *People v. Combate*, *supra* note 41; citing *People v. Gabrino*, G.R. No. 189981, 9 March 2011, 656 SCRA 187 further citing *People v. Combate*, *supra* note 41; citing *People v. de Jesus*, G. R. No. 186528, 26 January 2011, 640 SCRA 660, 678 further cited in *People v. Tubongbanua*, G.R. No. 171271, 31 August 2006, 500 SCRA 727, 742-743; citing *People v. Dolorido*, G. R. No. 191721, 12 January 2011, 639 SCRA 496, 508 further cited in *People v. Tabongbanua*, *id.*

WE CONCUR:



**ANTONIO T. CARPIO**

Associate Justice  
Chairperson



**MARIANO C. DEL CASTILLO**

Associate Justice



**ESTELLA M. PERLAS-BERNABE**

Associate Justice

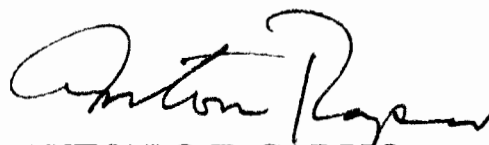


**MARVIC MARIO VICTOR F. LEONEN**

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.



**ANTONIO T. CARPIO**

Associate Justice  
Chairperson

#### CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, it is hereby certified that the conclusions in the above Decision were 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