



**Republic of the Philippines
Supreme Court
Manila**

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff -Appellee,

G.R. No. 189846

Present:

SERENO, *CJ.*,
Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, JR., and
REYES, *JJ.*

- versus -

Promulgated:

RAMIL MORES,
Accused-Appellant.

JUN 26 2013

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DECISION

LEONARDO-DE CASTRO, J.:

Herein appellant Ramil Mores seeks the review of the Decision¹ dated August 10, 2009 of the Court of Appeals in CA-G.R. CR.-H.C. No. 01362, entitled *People of the Philippines v. Ramil Mores*, which affirmed with modification the Decision² dated September 24, 1998 of the Regional Trial Court (RTC) of Oriental Mindoro, Branch 43 in Criminal Case No. R-632. The trial court found appellant guilty beyond reasonable doubt of the complex crime of Murder with Multiple Attempted Murder.

The pertinent portion of the Amended Information³ charging appellant and his co-accused Delio Famor (Famor) with the commission of the aforementioned felony reads:

That on or about the 24th day of January, 1994 at around 9:00 o'clock in the evening, at Multi-Purpose Gymnasium, at [B]arangay [B]agumbayan, [M]unicipality of Roxas, [P]rovince of Or. Mindoro, [P]hilippines, and within the jurisdiction of this Honorable Court, the above-named accused, with deliberate intent to kill, conspiring, confederating and mutually helping one another, did, then and there,

¹ Rollo, pp. 3-18; penned by Associate Justice Juan Q. Enriquez, Jr. with Associate Justices Celia C. Librea-Leagogo and Antonio L. Villamor, concurring.

² CA rollo, pp. 25-42.

³ Records, p. 105.

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wilfully, unlawfully and feloniously toss/hurl a live hand grenade at the center of the dancing hall wherein townfolks are having a Farewell Ball in connection with the town fiesta celebration, inflicting upon Ramie Balasa mortal wounds causing his death and injuries to Delfa Ylanan, Harold Fetalco, Noel Faminialagao, Haynee Lizza Morota, Johnelyn Sinel, Arcel Morillo, Ronald Manalo, Mutia De Leon, Elizabeth Magpantay, Romeo Ibabao, Joy Gabayno, Manny Balasa, Marilyn Ibabao and Mayra Suarez, thus performing all the acts of execution necessary to produce the felony directly by overt acts, but nevertheless did not produce it by reason of causes not the will of perpetrators.

That in the commission of the crime, the qualifying circumstances of treachery, evident premeditation and nocturnity are attendant.

At their arraignment, appellant and Famor pleaded not guilty to the charge against them.⁴ Thereafter, trial on the merits commenced. While trial was on-going, appellant, who had previously been granted bail, failed to appear during two hearing dates. Thus, the bail bond that he posted was forfeited, a bench warrant was issued against him and he was tried *in absentia*. Only Famor was able to present evidence on his defense.

The testimonies of the prosecution witnesses were summarized in the trial court's assailed Decision dated September 24, 1998 in this manner:

The prosecution's evidence tends to show the following: At about 6:00 p.m. of January 24, 1994, Daryl Famisaran was chatting with his friends at the Madugo [B]ridge. While they were conversing, (appellant) passed by, stopped before them and with a grenade in his hand, talked to them in this wise: "Gusto nyo pasabugin ko ito?" ("Do you want me to explode this"). After (appellant) had left, they immediately dispersed. In the evening of the same date, at about 9:00 p.m., he (Daryl) was at Roxas Gymnasium where a ball was being held. He was then standing on the second bench from the ground floor on the right side of the stadium near the entrance. To his right was Margie Labatete and to the right of Labatete was Rey Raymundo (TSN, September 7, 1994, p. 12). There were many persons inside the gym. From their place up to the edge of the dance floor going towards the inner portion of the gymnasium was a distance of about twenty-five meters (25m) filled up with rows of chairs and tables. While the dancing was going on, Daryl saw again (appellant) at a distance of about five (5) armstrength on the same row or line from them. (Appellant) was then with accused Delio Famor and they were whispering to each other. In between him and the two (2) accused were persons sitting on the rows of chairs and spectators (TSN, September 7, 1994, p. 10). He could no longer tell what Famor was wearing because his view of him was covered by (appellant). It was at this point that he saw (appellant) pulled out a round object, which Daryl knew to be a grenade, from (appellant's) left pocket, transferred it to his right hand and then threw it on the floor as if rolling a ball (TSN, *Ibid*, [p]p. 6-7). Then, a commotion ensued and he heard outcries. He looked for his companions and saw one Nonoy Acebuque and assisted him in going out of the gymnasium.

⁴

Id. at 117.

The narrative of Daryl Famisaran regarding the 6:00 p.m. incident of January 24, 1994 at Madugo [B]ridge where (appellant) while holding a handgrenade uttered "Gusto ninyo pasabugin ko ito" in their presence was corroborated by Esteban Galaran, Jr. According to Esteban, he knew (appellant) and accused Famor because they were former members of Civilian Armed Force Geographical Unit (hereinafter called CAFGU for brevity). At about 6:00 p.m. of January 24, 1994, he was at Madugo [B]ridge with Daryl Famisaran, Jomer Fabiletante and Francisco Depuno. While they were [seated] on the railings of the bridge, (appellant) and Famor passed by. Then, (appellant) pulled out an object from his pocket, raised it and uttered in the vernacular "Gusto ninyo pasabugin ko ito?" Thereafter, (appellant) proceeded to the rice mill and they also left the place (TSN, September 8, 1994, pp. 3-4). In the evening of the same date, Esteban stayed at his house which is about half a kilometer from the gymnasium. He came to know later on from Rey Raymundo that a grenade exploded at the Roxas Gymnasium that evening.

Also present at the Roxas Gymnasium during the ball as of the time mentioned by Daryl Famisaran the explosion occurred were witnesses Delfa Ylanan, Myra Suarez and Noel Faminialagao.

According to Delfa Ylanan, she was then with Ramy Balasa, Manny Balasa and Malyn Balasa at the gymnasium witnessing the on-going ball. They were in front of a table and in front of them separated by the table was Orpha Famisaran who was about two (2) meters from them. Then, she saw an object with the size of her fist rolled in front of them towards the direction of Orpha. The latter peeped under the table and she kicked the object. At that instance, Orpha's back was in front of them while in front of Orpha was another table. She claimed that the object even hit the leg of the table of Orpha (TSN, September 8, 1994, p. 11). After Orpha had kicked the object there was an explosion and a commotion ensued. She felt her feet getting hot and so, she asked for assistance from her companion Ramy (also spelled Ramie) Balasa. Ramy was not able to help her because he suddenly fell down such that she instead assisted Ramy and they brought him to Dr. Comia's clinic. Ramy Balasa was later on transferred to Roxas District Hospital where he died.

Myra Suarez was on the dance floor with partner Louie Faina immediately before the explosion. They were dancing at the right side of the stadium facing the stage when something exploded under the table at their back at a distance of about two (2) armlength from them. She was wounded at the back for which she was treated at Roxas District Hospital for a day and then she was transferred to UST Hospital where she was confined for four (4) days.

Noel Faminialagao was also dancing when the explosion occurred. They were then at the right side of the gymnasium facing the stage at a distance of about ten (10) meters from the place of the explosion. He sustained injury at the back of his right leg for which he was treated at Roxas District Hospital for two (2) days.

When he heard the explosion, SPO2 Walfredo Lafuente was at his house at Fabella Village which is about two hundred (200) meters from the gymnasium. He immediately proceeded to the gymnasium arriving thereat approximately twelve (12) to fifteen (15) minutes from the time he heard the explosion. While walking towards the gymnasium, SPO2

Lafuente met accused Delio Famor near the store of Aling Norbing Faminialagao which is about fifty (50) meters from the gymnasium. Famor was then with (appellant) and another unidentified person according to Lafuente. He asked Famor what happened to which the latter replied that something exploded. In his estimate, Lafuente met Famor about ten (10) minutes from the time he heard the explosion. He proceeded to the plaza and immediately conducted investigation thereat with the other members of the Roxas PNP composed of Chief of Police Arnulfo Sison, Diego Falseso and other members whom he could no longer recall. In the middle of the gym or what he called plaza, they recovered metal fragments and lever of a grenade with Serial No. UM-204-A-2 which were placed inside two (2) separate envelopes accordingly marked as Exhibits "I" and "J".

Dr. Efren Faustino who is then the OIC of Roxas District Hospital was at the said hospital in the evening of January 24, 1994 when according to him there was a steady stream of vehicles with several patients with multiple injuries coming to the hospital and that they could hardly cope with the injured persons as they were only two (2) doctors at the said hospital. These persons who came to the hospital informed him that there was a grenade blast in the municipal plaza of Roxas. In his (Dr. Faustino's) estimate, there were about forty (40) persons who were treated at the hospital of shrapnel injuries but some of them, they were not able to record or document for lack of time to write that night. In due course, he identified about twenty-four (24) medico-legal certificates issued by him which were marked in evidence as Exhibits "E", "E-1" to "E-23" (Records, pp. 217-240). He likewise opined that all these injuries or wounds treated by him which were the subject of the medical certificates he issued, were caused by blasting. He also attended to one Ramie Balasa who sustained a wound on the chest and on the left leg. When they opened the chest of Ramie Balasa they found a shrapnel embedded at the right anterior wall of the heart causing a blood hemorrhage which caused his death. He likewise identified the necropsy report on the cadaver of Ramie Balasa which was marked as Exhibit "F" and the death certificate of the victim issued by him which was accordingly marked as Exhibit "G". According to him, the cause of death of Ramie Balasa is hypovolemic shock secondary to massive blood loss secondary to shrapnel wound or in layman's language massive loss of blood (TSN, October 1, 1996, p. 18).

The aforementioned incident was investigated by Roxas PNP Police Investigator Edgar Valencia and the investigators of the CIS of Oriental Mindoro. According to Police Investigator Valencia, when he arrived at the gymnasium, Police Officers Renato Cruz and Walfredo Lafuente were already there. They immediately secured the area and told the people to step out of the gymnasium. They scoured the area and found out that the explosion occurred at the right side of the gymnasium if one would enter it on the northern side and that the tables inside the gymnasium were hit by the explosion. One of his companions likewise found a "pin" of a grenade pointing to the safety lever marked as Exhibit "J". They were not able to determine the source of the grenade on the basis of the metal fragments and the metal lever although they referred them to the CIS for that purpose. Neither did they refer them to a crime laboratory for examination. To his recollection, several persons were wounded and one (1) died as a result of the grenade explosion.⁵

⁵ CA rollo, pp. 28-31.

On the other hand, the trial court summed the defense witnesses' testimonies as follows:

[A]ccused Delio Famor for his part interposed the defense of denial and alibi. He claimed that in the evening of January 24, 1994 he slept early at his house with his wife and their two-year old child. His house was located at Fabella Village just beside the house of a certain Boy Cruz and estimated to be one hundred (100) meters from the gymnasium. At about 9:00 in the evening he was still asleep when his wife Concepcion Famor woke him up. She told him that there was an explosion from the direction of Camp Gozar. At that time, he was a member of CAFGU assigned at Camp Gozar. He stood up and waited if something untoward will happen because he initially thought that there was an NPA raid. After a while, he put on a t-shirt and went out of the house with his wife. They were many persons around and one of them told him that something exploded at the gymnasium. He proceeded to the Shell station near Camp Gozar. On the way, he met Rey Raymundo. He even asked Rey where did the explosion come from who answered that it was at the plaza. Near the station, he met Sgt. Paraoan, their First Sergeant at Camp Gozar. He (Sgt. Paraoan) borrowed a vehicle from the Shell station and he joined Sgt. Paraoan looking for the latter's children who also attended the ball. They found them at the hospital because they brought there a cousin who was wounded in the explosion. Thereafter, he returned to his house. He denied the testimony of Daryl Famisaran that immediately before the explosion he was with (appellant) and about five (5) armslength from Daryl and that they were whispering to each other when (appellant) pulled out a grenade from his pocket and then pitched it on the floor towards the dancing area. He likewise denied the statement of Esteban Galaran, Jr. that at about 6:00 p.m. of January 24, 1994 he was with (appellant) at Madugo [B]ridge when the latter holding a hand grenade uttered, "Gusto ninyo pasabugin ko ito?"

Accused Delio Famor further claimed that as a member of CAFGU he was seriously wounded and even showed his lengthy scars in his abdomen and forearm, in an encounter with NPA Unit at Barangay Batangan, Bongabong, Oriental Mindoro and could have been an awardee in that year were it not for his involvement in this case. He further testified that when he was invited by the CIS operatives, he was brought to Canlubang, Laguna where they subjected him to electric shocks and water treatments, and he told them that even if they would kill him, he cannot tell them anything because he knew nothing of the crime being imputed against him. After five (5) days he was brought to the provincial jail at Roxas but he did not bother to file a case against his tormentors.

The version narrated by accused Famor was corroborated by his wife Concepcion and in part by Rey Raymundo. According to Rey Raymundo, in the evening of January 24, 1994, he was at Roxas Gymnasium where there was an on-going ball-dance. Initially, he was with his niece Hayneeliza Morota but later on he was joined by Daryl Famisaran and Margie Labatete. They were then at the western side of the gymnasium (obviously right side) with the northern entrance as a point of reference. Before the explosion there was crashing sound similar to that produced by a glass or bottle hitting the floor near the table occupied by his cousin Elwood and a certain Mutya and Orpha. A few seconds

thereafter, there was an explosion. The lights at the stadium went off and in a few seconds the lights returned. The table of Orpha was about two (2) meters from their place. He did not see (appellant) nor Delio Famor inside the gymnasium. After the lights had returned, he saw Hayneeliza bloodied in the face and so he assisted her in going outside the gymnasium. Thereafter, they saw a jeepney with familiar faces on board. He requested them to bring Hayneeliza to the hospital while he ran towards his house. Along the way, he met Delio Famor who even asked him where the explosion was. He claimed to have spent the sum of ₱16,000.00 in connection with the treatment of his injured eye.⁶

At the conclusion of court proceedings, the trial court convicted appellant for the felony of Murder with Multiple Attempted Murder. However, it acquitted co-accused Famor on the ground that there was a paucity of evidence to establish that Famor was appellant's co-conspirator in the commission of the criminal act of which both of them were charged. The dispositive portion of the assailed September 24, 1998 Decision of the trial court reads:

WHEREFORE, premises considered, judgment is hereby rendered as follows:

(1) The court finds the accused Ramil Mores who was tried in absentia guilty beyond reasonable doubt of the complex crime of Murder with Multiple Attempted Murder and he is hereby sentenced to suffer the supreme penalty of DEATH to be executed in accordance with existing law. And as he is at large, let an alias warrant of arrest be issued for his apprehension. But, in accordance with the principle laid down in the case of *People vs. Esparas, et al.*, G.R. No. 120034, August 30, 1996 that the automatic appeal of a death sentence still applies to a death convict who escaped, the Clerk of Court of this Court, Atty. Mariano S. Familara III is directed to transmit to the Honorable Supreme Court the complete records of the case for review.

(2) Accused Ramil Mores is also ordered to pay the heirs of the deceased Ramie Balasa compensatory damages in the amount of ₱50,000.00 and the sum of ₱6,000.00 to Myra Suarez as actual damages;

(3) For failure of the prosecution to establish the guilt of the accused Delio Famor beyond reasonable doubt, the said accused is ACQUITTED of the charge of Murder with Multiple Attempted Murder. Being a detention prisoner, the said accused is hereby ordered released from confinement unless he is being detained on some other charge or charges or that there is an order from other court to the contrary, without pronouncement as to costs.⁷

In view of the death penalty handed down by the trial court, appellant's case was automatically elevated to this Court for re-examination; however, in conformity with the rule we laid down in *People v. Mateo*,⁸ the matter was remanded to the Court of Appeals for

⁶ Id. at 31-32.

⁷ Id. at 42.

⁸ G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640.

intermediate review.

Thereafter, the Court of Appeals rendered judgment affirming with modification the trial court's ruling. The dispositive portion of the assailed August 10, 2009 Decision of the Court of Appeals reads:

WHEREFORE, premises considered, the instant appeal is hereby **DENIED**. The assailed Decision dated October 11, 2007 is **AFFIRMED** with **MODIFICATION**, as follows:

- (1) Appellant Ramil Mores is sentenced to suffer the penalty of *reclusion perpetua* with no eligibility for parole;
- (2) Appellant Ramil Mores is hereby ordered to pay the heirs of Ramie Balasa the following:
 - (a) ₱50,000.00 as civil indemnity;
 - (b) ₱25,000.00 as exemplary damages;
 - (c) ₱20,000.00 as temperate damages;
- (3) Appellant Ramil Mores is hereby ordered to pay Myra Suarez ₱5,000.00 as temperate damages.⁹

Since Republic Act No. 9346 (An Act Prohibiting the Imposition of Death Penalty in the Philippines) was already in force when the Court of Appeals rendered judgment, the appellate court correctly modified the original penalty of death to *reclusion perpetua* without eligibility for parole.

Hence, Mores filed this appeal wherein both prosecution and defense counsels merely adopted their briefs with the appellate court. Appellant reiterated the following assignment of errors:

I

THE COURT A QUO GRAVELY ERRED IN APPRECIATING THE QUALIFYING CIRCUMSTANCE OF TREACHERY IN THE COMMISSION OF THE CRIME CHARGED.

II

THE COURT A QUO ERRED IN GIVING WEIGHT AND CREDENCE TO THE TESTIMONIES OF PROSECUTION WITNESSES.

III

THE COURT A QUO ERRED IN FINDING THAT THE GUILT OF THE ACCUSED-APPELLANT FOR THE CRIME CHARGED HAS BEEN PROVEN BEYOND REASONABLE DOUBT.¹⁰

⁹ Rollo, p. 17.

¹⁰ CA rollo, p. 66.

In connection with the first assigned error, appellant argues that the element of treachery, which qualified his felony to Murder, is not present in this case. Appellant maintains that “there is no evidence showing that [he] consciously adopted the method of attack (grenade throwing) directly and especially to facilitate the perpetration of the killing without danger to himself.”¹¹ He insists that the act of throwing the grenade, as alleged by the prosecution, was made at the spur of the moment and the short distance between the explosion and his alleged location negates any sense of concern for his own well-being which serves to belie any treacherous intent on his part.

As for the second and third assigned errors which were discussed jointly, appellant contends that since his co-accused Famor purportedly successfully proved his alibi, then it follows that appellant should also be acquitted. Appellant argues that since the prosecution insists that both he and Famor were together when the grenade throwing incident occurred then the acquittal of Famor on the basis that he was not present at the crime scene totally destroys the prosecution’s theory of the case. Thus, appellant should be exonerated from any wrongdoing.

Appellant likewise claimed that the testimonies of the prosecution witnesses were fraught with inconsistencies and should not have been given credit by the trial court.

Furthermore, appellant asserts that flight must not always be attributed to one’s consciousness of guilt. Although it is undisputed that, after his arraignment, appellant had stopped appearing in court and up to this day remains at large, appellant points out that he never left the vicinity of the crime scene and was, in fact, seen by one of the prosecution witnesses, to be near that area 10 minutes after the explosion occurred. If he was indeed the perpetrator of the grisly crime charged, appellant argues that he could have just left town that very evening in order to insure non-apprehension.¹²

We are not persuaded and, thus, sustain appellant’s conviction.

Article 14, Paragraph 16 of the Revised Penal Code states that “[t]here is treachery when the offender commits any of the crimes against the person, employing means, methods or forms in the execution thereof which tend directly and specially to insure its execution, without risk to himself arising from the defense which the offended party might make.” It is long settled in jurisprudence that two elements must concur in order to establish treachery: (a) that at the time of the attack, the victim was not in a position to defend himself; and (b) that the offender consciously adopted the particular means of attack employed.¹³ Thus, the essence of treachery is that the attack comes without warning and in a swift, deliberate, and unexpected manner,

¹¹ Id. at 72.

¹² Id. at 77-78.

¹³ *People v. Angelio and Olaso*, G.R. No. 197540, February 27, 2012, 667 SCRA 102, 110.

affording the hapless, unarmed, and unsuspecting victim no chance to resist or escape.¹⁴

We agree with the appellate court that the manner by which appellant deliberately rolled the grenade on the ground towards the dance floor packed with unsuspecting revelers, leaving one dead and scores wounded in the aftermath of the sudden blast was accompanied with treachery. Appellant's unexpected action which was immediately followed by the grenade's lethal explosion left the victims with utterly no chance to escape the blast area nor to find protective cover. Though appellant stood a short distance away, he knowingly positioned himself safely from the reach of the grenade's destructive force. From the foregoing, we can confidently conclude that treachery, as correctly pointed out by both the trial court and the Court of Appeals, was present in the commission of the crime charged.

With regard to appellant's contention that the acquittal of the co-accused Famor merits a similar acquittal for himself, we rule that appellant erred in his appreciation of the actual ground for Famor's acquittal as well as the effect of such exoneration on appellant's own criminal culpability. Appellant is grossly mistaken in his conclusion that Famor was acquitted because the trial court believed his alibi. Nothing more could be farther from the truth. Even a cursory reading of the assailed September 24, 1998 Decision of the trial court would reveal that Famor's acquittal stemmed from the prosecution's inability to prove that Famor was a co-conspirator of appellant in the commission of the dastardly act which is the subject of this criminal case. In other words, the trial court did not exonerate Famor because his alibi was confirmed. He was adjudged not guilty of the crime charged because his proximity and whispered communications to appellant moments before the grenade throwing incident occurred was deemed by the trial court as insufficient evidence to establish conspiracy between him and appellant. Thus, appellant and Famor's presence in the crime scene as testified to by witness Daryl Famisaran (Famisaran) was never doubted by the trial court.

Furthermore, contrary to appellant's protestation, we find no cogent reason to question the veracity of the testimony of Famisaran as well as that of the other witnesses for the prosecution. We have reiterated in jurisprudence that when the credibility of a witness is in issue, the findings of fact of the trial court, its calibration of the testimonies of the witnesses and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings are accorded high respect if not conclusive effect. This is more true if such findings were affirmed by the appellate court, since it is settled that when the trial court's findings have been affirmed by the appellate court, said findings are generally binding upon this Court.¹⁵ In all, we concur with the trial court in setting aside the inconsequential differences in the prosecution's witnesses' testimonies and in pointing out that their

¹⁴ *People v. Cabtalan and Cabrillas*, G.R. No. 175980, February 15, 2012, 666 SCRA 174, 186-187.

¹⁵ *People v. Adallom*, G.R. No. 182522, March 7, 2012, 667 SCRA 652, 670-671.

testimonies actually corroborated each other as to rolling of a grenade onto the dance floor and their respective positions from the blast.

Finally, we cannot subscribe to appellant's theory that his continued presence at the vicinity of the Municipality of Roxas right after the grenade throwing incident negates his guilt of the crime charged and that his absence in court proceedings subsequent to his arraignment should not be taken against him. We have elucidated on this point in one recent case wherein we held that non-flight does not necessarily connote innocence, to wit:

Flight is indicative of guilt, but its converse is not necessarily true. Culprits behave differently and even erratically in externalizing and manifesting their guilt. Some may escape or flee – a circumstance strongly illustrative of guilt – while others may remain in the same vicinity so as to create a semblance of regularity, thereby avoiding suspicion from other members of the community.¹⁶ (Citation omitted.)

Moreover, our position on the effects of unexplained flight on the guilt or innocence of an accused remains unchanged. In *People v. Camat*,¹⁷ we reiterated the jurisprudential doctrine that flight is indicative of guilt in this manner:

Flight in criminal law is the **evading of the course of justice by voluntarily withdrawing oneself in order to avoid arrest or detention or the institution or continuance of criminal proceedings**. In one case, this Court had stated that it is well-established that the flight of an accused is competent evidence to indicate his guilt; and flight, when unexplained, is a circumstance from which an inference of guilt may be drawn. Indeed, the wicked flee when no man pursueth, but the innocent are as bold as a lion. (Emphasis supplied, citations omitted.)

From the foregoing, we have no other recourse but to sustain appellant's conviction for the complex crime of Murder with Multiple Attempted Murder. As correctly explained by the Court of Appeals, the single act of pitching or rolling the hand grenade on the floor of the gymnasium which resulted in the death of Ramie Balasa (Balasa) and injuries to other victims constituted a complex crime under Article 48 of the Revised Penal Code which states that when a single act constitutes two or more grave or less grave felonies, the penalty for the most serious crime shall be imposed, the same to be applied in its maximum period. The penalty for the most serious crime of Murder under Article 248 of the Revised Penal Code is *reclusion perpetua* to DEATH. Thus, applying Article 48, the death penalty should be imposed. However, pursuant to Republic Act No. 9346, the proper sentence therefore is *reclusion perpetua* without eligibility for parole.

¹⁶ *People v. Asilan*, G.R. No. 188322, April 11, 2012, 669 SCRA 405, 419.

¹⁷ G.R. No. 188612, July 30, 2012, 677 SCRA 640, 667.

Also in line with current jurisprudence,¹⁸ we increase the award of civil indemnity to the heirs of the deceased Balasa on account of his murder by appellant from Fifty Thousand Pesos (₱50,000.00) to Seventy-Five Thousand Pesos (₱75,000.00). We likewise increase the award of exemplary damages from Twenty-Five Thousand Pesos (₱25,000.00) to Thirty Thousand Pesos (₱30,000.00). Moreover, moral damages should also be awarded in the amount of Fifty Thousand Pesos (₱50,000.00). With regard to the instances of Attempted Murder, appellant is ordered to pay Forty Thousand Pesos (₱40,000.00) as moral damages and Thirty Thousand Pesos (₱30,000.00) as exemplary damages to each victim.¹⁹

WHEREFORE, premises considered, the Decision dated August 10, 2009 of the Court of Appeals in CA-G.R. CR.-H.C. No. 01362 convicting appellant Ramil Mores for murder with multiple attempted murder for which he is to suffer the penalty of *reclusion perpetua* without eligibility for parole is hereby **AFFIRMED** with **MODIFICATIONS** that:

(1) Appellant Ramil Mores is ordered to pay the heirs of the deceased Ramie Balasa Seventy-Five Thousand Pesos (₱75,000.00) as civil indemnity, Fifty Thousand Pesos (₱50,000.00) as moral damages and Thirty Thousand Pesos (₱30,000.00) as exemplary damages;

(2) Appellant Ramil Mores is ordered to pay each victim of **ATTEMPTED MURDER**, Forty Thousand Pesos (₱40,000.00) as moral damages and Thirty Thousand Pesos (₱30,000.00) as exemplary damages; and

(3) Appellant Ramil Mores is further ordered to pay the private offended parties or their heirs interest on all damages awarded at the legal rate of six percent (6%) *per annum* from the date of finality of this judgment.

No pronouncement as to costs.

SO ORDERED.


TERESITA J. LEONARDO-DE CASTRO
Associate Justice

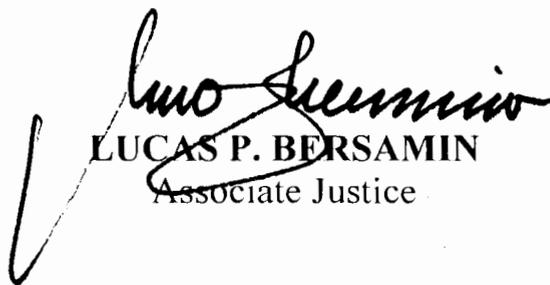
¹⁸ *People v. Cabtalan and Cabrillas*, supra note 14 at 196.

¹⁹ *People v. Camat*, supra note 17 at 671.

WE CONCUR:



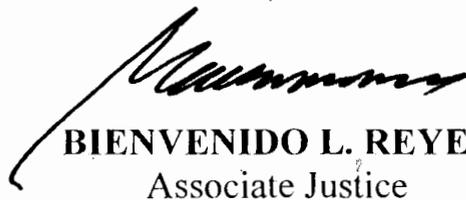
MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson



LUCAS P. BERSAMIN
Associate Justice



MARTIN S. VILLARAMA, JR.
Associate Justice



BIENVENIDO L. REYES
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.



MARIA LOURDES P. A. SERENO
Chief Justice