



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

ROEL C. CASILAC,
Petitioner,

G.R. No. 238436

Present:

- versus -

PERALTA, C.J., Chairperson,
CAGUIOA,
REYES, J., JR.,
LAZARO-JAVIER, and
LOPEZ, JJ.

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:

FEB 17 2020

X-----

DECISION

PERALTA, C.J.:

Before this Court is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court seeking the reversal and setting aside of the Decision¹ of the Court of Appeals (CA), dated July 18, 2017, and the Resolution² dated March 8, 2018 in CA-G.R. CR-HC No. 01977. The assailed Decision affirmed with modifications the Decision³ dated July 25, 2014 of the Regional Trial Court (RTC) Branch 26 of Argao, Cebu, while the assailed Resolution denied petitioner's Partial Motion for Reconsideration.

The facts are as follows:

¹ Penned by Associate Justice Gabriel T. Robeniol, with Associate Justices Pamela Ann Abella Maxino and Germano Francisco D. Legaspi, concurring; *rollo*, pp. 37-51.

² Penned by Associate Justice Gabriel T. Robeniol, with Associate Justices Pamela Ann Abella Maxino and Louis P. Acosta, concurring; *id.* at 53-55.

³ Records (Criminal Case Nos. AR-4143 and AR-4144), pp. 271-280.

On June 23, 2009, at about 5 o'clock in the afternoon, Ramil Navarez (*Ramil*) and his younger brother Ryn Loui Navarez (*Ryn Loui*), were about to go home to Sayao, Sibonga, Cebu, on board a motorcycle. On the curved portion of the road, Ramil saw his cousin, petitioner Roel Casilac (*Roel*) standing on the right side of the road. Meanwhile, Agripino Casilac (*Agripino*), the father of Roel, was positioned on the left side of the road together with Tarciano Cirunay, Jr. (*Cirunay*) at the center. Each of them was carrying a firearm and began shooting at Ramil and Ryn Loui. Ramil was hit on the left arm, and the motorcycle fell to the ground. He immediately stood up and shouted to his brother, "*Run Ian.*" Ryn Loui then stood up and ran, but the continuous firing of the said armed men hit him on the different parts of his body causing him to fall on the ground for the second time. On the other hand, Ramil ran towards Barangay Banlot to ask for help, but Roel, Agripino and Cirunay continued to chase and shoot him. Fortunately, he was not hit. He was brought to the Deiparine Medical Clinic at Sibonga, Cebu, and subsequently, to the Vicente Sotto Medical Center (*VSMC*) in Cebu City where he was confined for fourteen (14) days. As the police officers responded to the shooting incident at Barangay Sayao, they saw the lifeless body of Ryn Loui with gunshot wounds.

On July 17, 2009, an Information for Murder was filed against the petitioner Roel C. Casilac, Agripino and Cirunay before the RTC of Argao, Cebu, which reads as follows:

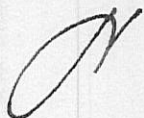
That on the 23rd day of June 2009, at 5:00 o'clock in the afternoon, more or less, at Brgy. Sayao, Sibonga, Cebu and within the jurisdiction of this Honorable Court, the above-named accused Roel C. Casilac[,] armed with a .45 caliber pistol, Agripino D. Casilac, armed with a KG 9 assault pistol, and Tarciano Cirunay Jr.[,] armed with a .45 caliber pistol, conspiring and confederating and mutually helping with intent to kill through treachery, abuse of superior strength and evident premeditation, did then and there, willfully, unlawfully and feloniously, shoot several times RYN LOUI C. NAVAREZ, hitting the latter in different parts of his body which caused his death immediately thereafter.

CONTRARY TO LAW.⁴

Another Information for Frustrated Murder against the petitioner Roel C. Casilac, Agripino and Cirunay was filed on the same date before the RTC of Argao, Cebu, which reads as follows:

That on the 23rd day of June 2009, at 5:00 o'clock in the afternoon, more or less, at Brgy. Sayao, Sibonga, Cebu and within the jurisdiction of this Honorable Court, the above-named accused, armed with a .45 caliber pistol, a KG 9 assault pistol and a .45 caliber pistol, respectively, conspiring and confederating and mutually helping with one another, with

⁴ Records (Criminal Case No. AR-4143), pp. 1-2.



intent to kill with the attendant aggravating circumstances of treachery, abuse of superior strength and evident premeditation, did then and there, willfully, unlawfully and feloniously, shoot several times RAMIL C. NAVAREZ hitting and seriously injuring the latter's left arm, thus[,] performing all the acts of execution which would have produced the crime of Murder as a consequence[,] but which nevertheless did not produce it by reason of causes independent of their will, that is, by timely medical assistance rendered to said victim, which prevented his death.

CONTRARY TO LAW.⁵

The prosecution presented a total of four (4) witnesses, namely, PO3 Antonio S. Sanchez, Ramil Navarez, Dr. Fe Lynn R. Tampon and Dr. Alex Martin C. Mediano.

On the other hand, petitioner claimed a different version. According to him, on June 23, 2009, while he and his cousin Cirunay were gathering grass for their cows at the land belonging to his parents, he saw Ryn Loui driving a motorcycle with his elder brother Ramil riding at the back, going uphill. At the time they passed by, Ramil shot him causing him to drop to the ground, even if he was not hit. He was able to run together with Cirunay and asked the latter to give him the gun Cirunay was carrying. Cirunay gave him the gun and fled. Petitioner was left alone and continued to cut grass. Again, he saw Ryn Loui and Ramil come back, still holding their firearms and in the act of aiming it at him. Using Cirunay's gun, petitioner shot them and hit Ryn Loui, causing the latter to fall to the ground, while Ramil ran away. Thereafter, the petitioner went home to Barangay Sayao where he was advised by his father to surrender.

The defense presented a total of three (3) witnesses, namely: the petitioner, Tarciano Cirunay, Jr. and Daisy Cirunay.

Both criminal cases were consolidated. The RTC found Roel Casilac guilty beyond reasonable doubt of the crime of murder and serious physical injuries. On the other hand, Cirunay was acquitted in both charges of murder and frustrated murder for failure of the prosecution to establish proof beyond reasonable doubt. The dispositive portion of the Decision reads as follows:

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

1. In Criminal Case No. AR-4143, accused Roel C. Casilac is found GUILTY beyond reasonable doubt of the crime of Murder, as defined in Article 248 of the Revised Penal Code, qualified by treachery, and the said accused is hereby sentenced to suffer the penalty of *Reclusion Perpetua*

⁵ Records (Criminal Case No. AR-4144), pp. 1-2.

and to indemnify the heirs of Ryn Loui Navarez the following: P75,000.00 as civil indemnity, P50,000.00 as moral damages, and P25,000.00 as exemplary damages.

2. In Criminal Case No. AR-4144, accused Roel C. Casilac is found GUILTY beyond reasonable doubt of the crime of Serious Physical Injuries in Article 263, Item No. 4 of the Revised Penal Code, in lieu of Frustrated Murder, and he is hereby sentenced to suffer a penalty of imprisonment of FOUR (4) MONTHS of *Arresto Mayor*[,] as minimum[,] to TWO (2) YEARS and FOUR (4) MONTHS of *Prision Correccional*[,] as maximum.

For failure of the prosecution to establish proof beyond reasonable doubt, Accused Tarciano Cirunay, Jr. is ACQUITTED in Criminal Case No. 4143 and in Criminal Case No. AR-4144.

Accused Roel C. Casilac, being a detention prisoner, shall be credited full time of his preventive imprisonment which shall be deducted from the penalty imposed.

The Jail Warden of the Cebu Provincial Detention and Rehabilitation Center is hereby directed to release accused Tarciano Cirunay, Jr., unless for any other cause or causes that he shall continue to be detained.

SO ORDERED.⁶

On August 20, 2014, petitioner filed a Partial Motion for Reconsideration⁷ praying for his acquittal by reason of the justifying circumstance of self-defense, or a downgrade of the charge from murder to homicide, for failure of the prosecution to prove treachery and evident premeditation. On October 27, 2014, the said motion was denied for lack of merit. This prompted Casilac to file a Notice of Appeal⁸ on November 21, 2014.


The appeal filed before the CA raised the following issues and that the court *a quo* erred: (1) in finding that the petitioner is guilty beyond reasonable doubt of the crime of murder and serious physical injuries, taking into consideration that he has successfully proven all the elements of complete self-defense; (2) in considering the qualifying circumstance of treachery, even if the prosecution failed to prove the same with the degree required by law; and (3) in failing to consider the mitigating circumstance of voluntary surrender in imposing the sentence against him.

On July 18, 2017, the CA affirmed, with modifications, the ruling of the RTC, the dispositive portion which provides:

⁶ CA rollo, p. 55.

⁷ Records (Criminal Case Nos. AR-4143 and AR-4144), pp. 284-304.

⁸ *Id.* at 313-314.



1. In Criminal Case No. AR-4143 for *Murder*, the award of moral and exemplary damages is increased to Php75,000.00 each. Temperate damages in the amount of Php50,000.00 are also awarded to Ryn Loui Navarez's heirs.

2. In Criminal Case No. AR-4144, accused-appellant is declared GUILTY of the crime of *Less Serious Physical Injuries* only and is, accordingly, sentenced to suffer a penalty of one (1) month and one (1) day to two (2) months of *arresto mayor*.

3. All damages awarded shall earn interest at the rate of 6% *per annum* from the date of finality of this judgment until fully paid.

SO ORDERED.⁹

On August 14, 2017, the petitioner filed a Motion for Partial Reconsideration¹⁰ of the CA's Decision. On November 7, 2017, on the other hand, respondent filed a Comment¹¹ on petitioner's Appellant's Partial Motion for Reconsideration. On March 8, 2018, the CA denied the said Motion for lack of merit.

Hence, the present Petition.

The petitioner relied on the following grounds:

- I. THE ASSAILED DECISION ERRED WHEN IT FOUND THE ACCUSED GUILTY [OF] THE CRIME OF MURDER AND LESS SERIOUS PHYSICAL INJURIES, DESPITE THE PRESENCE OF ALL THE ELEMENTS OF SELF[-]DEFENSE SUFFICIENTLY PROVEN BY THE ACCUSED.
- II. THE ASSAILED DECISION LIKEWISE ERRED WHEN IT CONSIDERED THE QUALIFYING CIRCUMSTANCE OF TREACHERY IN THE DEATH OF RYN, DESPITE THE OVERWHELMING PRESENCE OF CONTRARY EVIDENCE.
- III. GRANTING FOR ARGUMENT'S SAKE THAT PETITIONER'S CLAIM OF SELF-DEFENSE WAS NOT JUSTIFIED IN THE INSTANT CASE, THE HONORABLE COURT OF APPEALS FAILED TO CONSIDER PETITIONER'S VOLUNTARY SURRENDER AS A MITIGATING CIRCUMSTANCE.¹²

Petitioner insists that the CA erred in finding him guilty of Murder and Less Serious Physical Injuries, despite the presence of all the elements of self-defense. Further, he argues that the CA erred in considering the

⁹ *Rollo*, p. 50.

¹⁰ *CA rollo*, pp. 149-171.

¹¹ *Id.* at 184-189.

¹² *Rollo*, p. 17.

qualifying circumstance of treachery in the death of Ryn Loui, contrary to the evidence. He also claims that assuming that the CA was correct in ruling that self-defense is not justified, the CA still erred in refusing to consider petitioner's voluntary surrender as a mitigating circumstance.

The Office of the Solicitor General (*OSG*), in its Comment¹³ dated October 17, 2018, argues that the CA was correct in convicting the petitioner of the crime of Murder and Less Serious Physical Injuries. It also avers that contrary to the petitioner's allegation, the CA considered his voluntary surrender as a mitigating circumstance during the review of his conviction for Serious Physical Injuries in Criminal Case No. AR-4144, in determining the impossible penalty for the crime of Less Serious Physical Injuries. However, the said mitigating circumstance is not applicable for the crime of Murder in Criminal Case No. AR-4143, a penalty punishable by *reclusion perpetua*, an indivisible penalty.

The Petition lacks merit.

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 that the parties raised as errors.¹⁴ 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.

Guided by this consideration, the Court affirms the petitioner's conviction in Criminal Case No. AR-4143, with modification as to the crime committed in Criminal Case No. AR-4144. The Court has carefully examined the records of this case and found that there were substantial facts that both the RTC and the CA had overlooked and which, after having been considered, has affected the outcome of the case, as will be discussed hereunder.

With respect to Criminal Case No. AR-4143, the crime of murder is defined under Article 248 of the Revised Penal Code (*RPC*), as amended by Republic Act No. 7659, to wit:

Article 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:

¹³ *Rollo*, pp. 66-101.

¹⁴ *Ramos, et al. v. People*, G.R. No. 218466, January 23, 2017.



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

2. With evident premeditation;

x x x

To successfully prosecute the crime of murder, the following elements must be established: (1) that a person was killed; (2) that the accused killed him or her; (3) that the killing was attended by any of the qualifying circumstances mentioned in Article 248 of the RPC; and (4) that the killing is not parricide or infanticide.¹⁵

In the instant case, the prosecution has clearly established that: (1) Ryn Loui was shot and found by the police lifeless at the crime scene in Barangay Sayao, Sibonga, Cebu; (2) it was the petitioner that shot and killed him; (3) Ryn Loui's killing was attended by the qualifying circumstance of treachery as testified by Ramil and as proven by the prosecution; and (4) the killing of Ryn Loui was neither parricide nor infanticide.

Paragraph 16, Article 14 of the RPC defines treachery as the direct employment of means, methods, or forms in the execution of the crime against persons which tend directly and specially to insure its execution, without risk to the offender arising from the defense which the offended party might make. The essence of treachery is that, the attack is deliberate and without warning, and done in a swift and unexpected way, affording the hapless, unarmed and unsuspecting victim no chance to resist or to escape. In order for treachery to be properly appreciated, two elements must be present: (1) at the time of the attack, the victim was not in a position to defend himself; and (2) the accused consciously and deliberately adopted the particular means, methods, or forms of attack employed by him.¹⁶

The above-mentioned elements are present in this case. *First*, at the time of the attack Ryn Loui and Ramil were not in the position to defend themselves. On board their motorcycle, they were not aware of any kind of risk or threat to their lives until they reached the curved portion of the road when they saw the petitioner. They were rendered defenseless at the time when the petitioner surprisingly fired successive shots at them while they were driving and traversing the road. *Second*, the petitioner consciously adopted an attack that was deliberate, swift and sudden. To be exact, the petitioner did an "*ambush*" when he made a surprise attack upon Ryn Loui and Ramil from a concealed position, which is the curved portion of the

¹⁵ *People of the Philippines v. Racal*, G.R. No. 224886, September 4, 2017, 838 SCRA 476, 488-489.

¹⁶ *Id.*

road. Hence, the RTC and the CA were correct in determining that the crime committed was murder under Article 248 of the RPC by reason of the qualifying circumstance of treachery.

Undoubtedly, the person who authored the death of Ryn Loui was the petitioner. The only matter left to determine is whether the justifying circumstance of self-defense is present to exonerate petitioner from the crime of Murder.

Considering that self-defense is an affirmative allegation, and totally exonerates the accused from any criminal liability, it is well settled that when it is invoked, the burden of evidence shifts to the accused to prove it by credible, clear and convincing evidence. The accused claiming self-defense must rely on the strength of his own evidence and not on the weakness of the prosecution. Self-defense cannot be justifiably appreciated when uncorroborated by independent and competent evidence, or when it is extremely doubtful by itself.¹⁷

The essential elements of self-defense are the following: (1) unlawful aggression on the part of the victim, (2) reasonable necessity of the means employed to prevent or repel such aggression, and (3) lack of sufficient provocation on the part of the person defending himself. To successfully invoke self-defense, there must have been an unlawful and unprovoked attack that endangered the life of the accused, who was then forced to inflict severe wounds upon the assailant by employing reasonable means to resist the attack.¹⁸

The elements of self-defense are not present in the instant case.

While all three elements must concur, first and foremost self-defense relies on proof of unlawful aggression on the part of the victim. If no unlawful aggression is proved, no self-defense may be successfully pleaded. Unlawful aggression is a *condition sine qua non* for upholding the justifying circumstance of self-defense; if there is nothing to prevent or repel, the other two requisites of self-defense will have no basis.¹⁹

In the present case, the alleged act of Ryn Loui and Ramil of shooting the petitioner while the latter was gathering grass was not proven by competent evidence. The petitioner failed to prove that the victims were armed during the incident. In addition, no empty slugs were recovered from the place where the victims allegedly shot the petitioner. With this lacking, the conclusion is, there is no unlawful aggression.

¹⁷ *People of the Philippines v. Tica*, G.R. No. 222561, August 30, 2017, 838 SCRA 390, 397.

¹⁸ *Id.* at 398.

¹⁹ *Id.*



Assuming without admitting that the petitioner was fired at by Ramil, the claim of self-defense still fails. It is contrary to common experience that the petitioner continued gathering grass and remained in the area despite the shooting. He could have easily fled for his safety and report the incident to the police authorities. Undoubtedly, petitioner went beyond the call of self-preservation at the time when he chose to be aggressive and maintain his ground armed with a gun waiting for Ryn Loui and Ramil to come back, all of which took place when the alleged unlawful aggression had already ceased.

Considering that unlawful aggression was not proven by the petitioner, self-defense cannot be considered a justifying circumstance. Hence, the RTC and the CA correctly found appellant guilty of murder in Criminal Case No. AR-4143.

However, in Criminal Case No. AR-4144, the Court finds that the crime committed was attempted murder and not less serious physical injuries.

As discussed above, the elements of the crime of murder are: (1) that a person was killed; (2) that the accused killed him or her; (3) that the killing was attended by any of the qualifying circumstances mentioned in Article 248 of the RPC; and (4) that the killing is not parricide or infanticide.

On the other hand, the third paragraph, Article 6 of the RPC provides that:

x x x x

There is an attempt when the offender commences the commission of a felony directly by overt acts and does not perform all the acts of execution which should produce the felony by reason of some cause or accident other than his own spontaneous desistance.

The essential elements of an attempted felony are as follows: (1) the offender commences the commission of the felony directly by overt acts; (2) he does not perform all the acts of execution which should produce the felony; (3) the offender's act be not stopped by his own spontaneous desistance; and (4) the non-performance of all acts of execution was due to cause or accident other than his spontaneous desistance.

With respect to attempted or frustrated murder, the principal and essential element thereof 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 in the information, and then prove by either direct or circumstantial evidence, as differentiated from a general criminal intent, which is presumed from the commission of a felony by *dolo*. Intent to kill, being a state of mind, is discerned 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. The following factors are considered to determine the presence of intent to kill, namely: (1) the means used by the malefactors; (2) the nature, location, and number of wounds sustained by the victim; (3) the conduct of the malefactors before, during, or immediately after the killing of the victim; and (4) the circumstances under which the crime was committed and the motives of the accused.²⁰

In the present case, the prosecution has established petitioner's intent to kill Ryn Loui. The Court also finds such intent to be present with respect to Ramil. In this regard, it is hard to reconcile that there is an intent to kill Ryn Loui while there is none when it comes to Ramil considering that petitioner commenced the commission of the felony directly through overt acts by treacherously shooting both the victims while they were on board the same motorcycle. In particular, with respect to Ramil, after he was shot by petitioner in the arm, the latter's intent to consummate the crime was shown by the fact that he continued to chase Ramil and fire at him. However, the petitioner was not able to perform all the acts of execution which should produce the crime of murder as the wound inflicted upon Ramil was not fatal and the latter was able to run away from the petitioner. From the foregoing, it is evident that petitioner also intended to kill Ramil and that all the elements of attempted murder are present.

Meanwhile, voluntary surrender must be considered in the instant case for the reduction of penalty. Its requisites, as a mitigating circumstance, are that: (1) the accused has not been actually arrested; (2) the accused surrenders himself to a person in authority or the latter's agent; and (3) the surrender is voluntary.

Voluntary surrender is a circumstance that reduces the penalty for the offense. Its requisites as a mitigating circumstance are, that: (1) the accused has not been actually arrested; (2) the accused surrenders himself to a person in authority or the latter's agent; and (3) the surrender is voluntary.²¹

The petitioner was able to prove all the requisites of voluntary surrender. The claim of petitioner that he voluntarily presented himself to the Sibonga Police Station, upon the persuasion of his father and the arrangement made by his sister, was not controverted by the prosecution. It

²⁰ *Johnny Garcia Yap @ "Charlie," etc. v. People*, G.R. No. 234217, November 14, 2018.

²¹ *People of the Philippines v. Placer*, 719 Phil. 268, 281-282 (2013).

is clear that there was a manifestation on the part of the petitioner to freely submit himself to the police authorities for the killing of Ryn Loui.

As to the penalty, Article 248 of the RPC provides that the penalty for murder is *reclusion perpetua* to death. Article 63(3) of the RPC provides that “[w]hen the commission of the act is attended by some mitigating circumstance and there is no aggravating circumstance, the lesser penalty shall be applied.” In the present case, considering that the mitigating circumstance of voluntary surrender was found to be present, and in the absence of any ordinary aggravating circumstance, the RTC correctly imposed the penalty of *reclusion perpetua*. As to attempted murder, applying Article 51,²² in relation to the second paragraph, Article 61²³ of the same Code, the penalty is two degrees lower than *reclusion perpetua*, which is *prision mayor*.²⁴ Since the mitigating circumstance of voluntary surrender is present, the maximum penalty shall be taken from the minimum period of *prision mayor* which is six (6) years and one (1) day to eight (8) years. Applying the Indeterminate Sentence Law,²⁵ the minimum penalty shall be taken from any of the periods of the penalty next lower in degree which is *prision correccional*. Thus, the penalty of two (2) years and four (4) months of *prision correccional*, as minimum, to six (6) years and one (1) day of *prision mayor*, as maximum, would be appropriate.

As to the civil liability of petitioner for the murder of Ryn Loui, since the penalty imposed is *reclusion perpetua* by reason of the presence of the ordinary mitigating circumstance of voluntary surrender, the CA correctly awarded to the heirs of Ryn Loui the additional amounts of ₱75,000.00 as moral damages, ₱75,000.00 as exemplary damages, and ₱50,000.00 as temperate damages. With respect to the attempted murder of Ramil, petitioner must pay him ₱25,000.00 as civil indemnity, ₱25,000.00 as moral damages, and ₱25,000.00 as exemplary damages. These awards are in consonance with this Court’s ruling in the controlling case of *People v. Jugueta*.²⁶

In line with jurisprudence,²⁷ interest of 6% *per annum* shall be charged on all the monetary awards herein, computed from the date of the finality of this decision until fully paid.

²² A penalty lower by two degrees than that prescribed by law for the consummated felony shall be imposed upon the principals in an attempt to commit a felony.

²³ When the penalty prescribed for the crime is composed of two indivisible penalties, or one or more divisible penalties to be imposed to their full extent, the penalty next lower in degree shall be that immediately following the lesser of the penalties prescribed in the respective graduated scale.

²⁴ Revised Penal Code, Art. 51 in relation to Art. 61, par. 2.

²⁵ Act No. 4103, as amended by Act No. 4225.

²⁶ 783 Phil. 708 (2016).

²⁷ *People v. Joseph A. Ampo*, G.R. No. 229938, February 27, 2019, citing *People v. Tica*, G.R. No. 222561, August 30, 2017, 838 SCRA 390, 400.

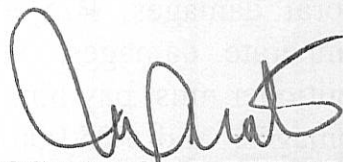
WHEREFORE, the instant petition is **DENIED**. The July 18, 2017 Decision and March 8, 2018 Resolution of the Court of Appeals in in CA-G.R. CR HC No. 01977 is hereby **AFFIRMED WITH MODIFICATION**, as follows:

In Criminal Case No. AR-4143, petitioner Roel C. Casilac is found **GUILTY** beyond reasonable doubt of **MURDER** and is sentenced to suffer the penalty of *reclusion perpetua*. He is **ORDERED** to indemnify the heirs of Ryn Loui Navarez the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱75,000.00 as exemplary damages and ₱50,000.00 as temperate damages.

In Criminal Case No. AR-4144, petitioner Casilac is found **GUILTY** of **ATTEMPTED MURDER** and is meted the indeterminate penalty of two (2) years and four (4) months of *prision correccional*, as minimum, to six (6) years and one (1) day of *prision mayor*, as maximum. He is further **ORDERED** to pay the victim Ramil Navarez the amounts of ₱25,000.00 as civil indemnity, ₱25,000.00 as moral damages, and ₱25,000.00 as exemplary damages.

An interest at the rate of six percent (6%) *per annum* shall be imposed on all damages awarded from the date of the finality of this Decision until fully paid.

SO ORDERED.


DIOSDADO M. PERALTA
Chief Justice

WE CONCUR:



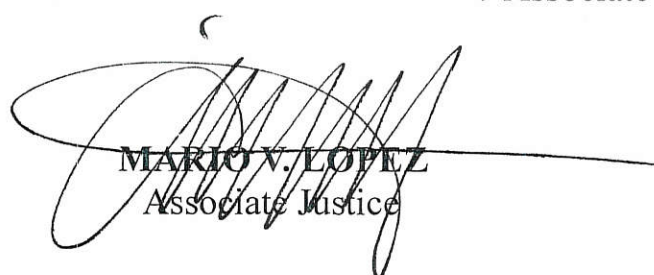
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



JOSE C. REYES, JR.
Associate Justice



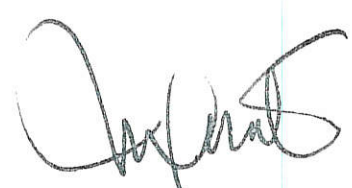
AMY C. LAZARO-JAVIER
Associate Justice



MARIO V. LOPEZ
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.



DIOSDADO M. PERALTA
Chief Justice

