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SECOND DIVISION

[G.R. Nos. L-40367-69. August 22, 1985]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **PACITO STO. TOMAS,** *accused-appellant.*

SYLLABUS

1. **CRIMINAL LAW; AGGRAVATING CIRCUMSTANCES; DWELLING; CONSIDERED BY THE COURT EVEN IF THE VICTIM TEMPORARILY SOJOURNED THEREIN.**— There is no dispute that the place where the crimes herein involved were committed is the house of Consolacion Grulla. It is there where she lives with her daughter, Natividad Grulla (the other victim) and where Salvacion Grulla was temporarily staying in order to escape from the brutalities of the appellant brought about by the latter's jealousy. The fact that Salvacion's stay in the said place may be considered as a temporary sojourn adds no validity to appellant's stance on this point. As we earlier held in *People vs. Galapia*, the aggravating circumstance of dwelling is present when the appellant killed his wife in the house occupied by her other than the conjugal home.

2. **ID.; ID.; TREACHERY; PRESENT WHEN THE VICTIM WAS FIRED UPON BY THE ACCUSED WHILE SHE WAS RUNNING WITH HER ARMS RAISED IN SURRENDER.**— A review of the evidence on record, however, clearly indicates that Natividad was fired upon by the appellant while she was entering her bedroom with her back turned against the appellant. It was while she was running away with her arms raised in surrender that accused fired at her. Treachery therefore clearly attended the attack made upon her.

3. **CIVIL LAW; DAMAGES; MORAL DAMAGES; PROPER WHEN THE VICTIM SUFFERED PERMANENT DEFORMITY.**— With respect to the questioned deformity, it was indubitably shown that she is now permanently mained. Her left arm became shorter than her right arm as a result of the gunshot wound sustained by her. All hope of her left arm being restored to its normal length had been totally foreclosed. In short, her present condition

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is beyond medical repair. By reason thereof, she is now exposed to public ridicule aside from having spent some ₱700.00 for her hospitalization. She also lost the chance of a lifetime to better her future in the form of a scholarship grant by the Insular Life Assurance Corporation amounting to ₱10,000.00. The two (2) bullets pumped into her body from the gun of the accused deprived her of a better tomorrow and total loss of the monetary value of said scholarship grant to which she is rightfully entitled to.

D E C I S I O N

CUEVAS, *J.*:

At about ten o'clock in the evening of May 23, 1967, tragedy struck at the residence of the GRULLAS situated in the municipality of Donsol, Sorsogon. After the smoke of gun fire had cleared, two (2) persons were found dead inside the house of the Grullas bathed in their own blood, namely: SALVACION GRULLA, wife of the herein accused-appellant who lay prostrate on the floor at the sala; and appellant's mother-in-law CONSOLACION BELMONTE *VDA. DE* GRULLA who appeared seated motionless on a chair with her body reclining on a table. The third victim NATIVIDAD GRULLA, younger sister of Salvacion, nearly escaped death but likewise suffered gunshot wounds necessitating hospitalization for almost a month.

As an aftermath of the aforesaid shooting incident, three Criminal Cases were filed before the then Court of First Instance of Sorsogon-Branch III, against appellant PACITO STO. TOMAS. One for PARRICIDE under Criminal Case No. 22, for the death of Salvacion Grulla; another one for MURDER under Criminal Case No. 23, for the death of appellant's mother-in-law Consolacion Belmonte *Vda. de* Grulla; and the third one for FRUSTRATED MURDER under Criminal Case No. 29, for the near fatal shooting of Natividad Grulla, appellant's sister-in-law.

After trial, following a plea of NOT GUILTY entered upon arraignment, accused was convicted and thereafter sentenced as follows:

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"1. In Criminal Case No. 22: to suffer the penalty of *reclusion perpetua* and to indemnify the heirs of the deceased Salvacion Grulla in the amount of ₱15,000.00; plus ₱10,000.00 by way of moral damages;

2. In Criminal Case No. 23: to suffer an indeterminate penalty of twelve (12) years as the minimum, to twenty (20) years of *reclusion temporal*; and to indemnify the heirs of deceased Consolacion *Vda. de* Grulla in the amount of ₱15,000.00; and to pay ₱10,000.00 as moral damages plus ₱5,000.00 as punitive damages.

3. In Criminal Case No. 29: to suffer an indeterminate penalty of ten (10) years of *prision mayor*, as the minimum of twenty (20) years of *reclusion temporal* as the maximum; and to indemnify Natividad Grulla, in the amount of ₱700.00 as actual damages; ₱10,000.00 as moral damages; and ₱5,000.00 as punitive damages; plus ₱10,000.00 as additional actual damages for loss of scholarship grant."

From the aforesaid judgment, accused ventilated an appeal to this Court, seeking the reversal of his aforesaid conviction on the ground that the trial court allegedly erred —

I

IN HOLDING THAT SALVACION GRULLA IS THE WIFE OF THE ACCUSED-APPELLANT;

II

IN FINDING THAT NATIVIDAD GRULLA WITNESSED THE SHOOTING OF SALVACION GRULLA AND CONSOLACION *VDA. DE* GRULLA;

III

IN FINDING THAT TREACHERY ACCOMPANIED THE SHOOTING OF NATIVIDAD GRULLA;

IV

IN FINDING THAT THE AGGRAVATING CIRCUMSTANCE OF ABUSE OF SUPERIOR STRENGTH ATTENDED THE COMMISSION OF THE OFFENSE;

V

IN TAKING INTO ACCOUNT THE AGGRAVATING CIRCUMSTANCE OF DWELLING IN THE IMPOSITION OF PENALTIES;

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VI

IN FINDING THAT NATIVIDAD GRULLA SUFFERED PERMANENT DEFORMITY FROM THE INJURY WHICH COULD HAVE CAUSED HER DEATH;

VII

IN AWARDING DAMAGES DESPITE THE ABSENCE OF A CLEAR AND CONVINCING PROOF IN SUPPORT THEREOF; and

VIII

IN CONVICTING APPELLANT ON THE BASIS OF PURELY CIRCUMSTANTIAL EVIDENCE.

The prosecution's version of the incident in question as summarized by the Solicitor General runs thus —

"On May 23, 1967 at about 10:00 o'clock in the evening, Natividad Grulla, then a 19-year old girl, was engrossed in reading the Illustrated Classics in her bedroom at the Grulla residence in Dansol, Sorsogon (pp. 19, 21, tsn, Feb. 25, 1969). Also then at home, were her nephews, Fidel, Pacito, Jr., and Roberto, her sisters, Blesilda and Salvacion, her mother Consolacion Grulla, a niece, Alma and their maid Avelina Bordeos (p. 34, tsn, Dec. 5, 1968). A brother, Sixto, was out of the house at that time, while two other brothers Samuel and Alfredo, were asleep in the house of Natividad's grandmother located at the back of their residence (p. 38, tsn, *ibid.*). Between 10:00 o'clock and 11:00 o'clock that same evening, Salvacion Grulla's husband, Pacito Sto. Tomas arrived by car and knocked at the front door of the Grulla residence and upon hearing the knocking, Natividad proceeded to the front door to open it but Pacito had walked towards the back door and knocked upon it, (p. 4, tsn, Dec. 27, 1968). Pacito's wife, Salvacion, proceeded to meet him in the kitchen. Once inside, Pacito asked his wife to go with him, together with their children, and rushed the maid to get their things packed for Legaspi City. Natividad saw the couple talking in the sala. (p. 5, tsn, *ibid.*).

Awakened by Pacito and Salvacion's conversation, Consolacion Grulla, Salvacion and Natividad's mother, came out of her bedroom and joined the spouses in the sala. There, Pacito asked his mother-in-law's permission to bring his wife and children to Legaspi City. Speaking in the dialect, Consolacion Grulla replied, "Pacito, my daughter cannot go with you to Legaspi because she does not want

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to live with you. She can no longer endure the sufferings she is undergoing because of your jealousy." Pacito, however, retorted. "May, I cannot talk over this thing with you any longer and I would like Vacion to go with me to Legaspi." (p. 5, tsn, Dec. 27, 1968) After which, he turned to his wife and asked her whether she was going with him, but she answered that she could not do so because their youngest child Blesilda, then only seven months old, was with fever (p. 36, tsn, Dec. 5, 1968; p. 6, tsn, Dec. 27, 1968).

Later, while Natividad was already in her room she heard a series of gunshots that caused her to stopped reading, and she went out her room to see Pacito firing at her sister (p. 6, tsn, Dec. 27, 1968; pp. 6, 34 and 35, tsn, Feb. 25, 1969). After the series of gunshot by Pacito, Natividad then saw her mother seated, motionless, on a chair about three meters from Pacito, her body reclining on a table, while her sister lay prostrate on the floor (pp. 29, 31-33, tsn, Dec. 5, 1968; p. 6, tsn, Dec. 27, 1968). Then, in response to Natividad's call of "*Manay*," Mrs. Sto. Tomas raised her head slightly but was apparently too weak to rise (p. 27, tsn, Dec. 5, 1968; p. 6, tsn, Dec. 27, 1968). Natividad pleaded with Pacito to spare Salvacion's life telling him that the latter would go with him to Legaspi. But her pleas merited no more than an expression of "Hmmm" from Pacito who began to reload his revolver (p. 6, tsn, Dec. 27,1968).

At this juncture, Natividad suddenly remembered that her sister had told her, sometime in the past, that Pacito had threatened to kill all the members of the Grulla family (p. 6, tsn, Dec. 27, 1968). Scared by this recollection, Natividad thought of escaping, and forthwith returned to her bedroom, her back now towards the accused, her hands raised in a gesture of surrender. As she entered her room she heard gunshots again, and she turned around to find out at whom the accused was firing, but as she did so, she felt her left arm go numb (p. 34, tsn, Dec. 5, 1968, p. 7, tsn, Dec. 27, 1968; p. 47, tsn, Feb. 25, 1969). She saw her left arm bleed and tried to support it with her right hand, but Pacito shot her once more, this time hitting her right forearm (p. 35, tsn, Dec. 5, 1968). Frightened to death, she ran through the front door, shouting for help at the top of her voice (p. 35, tsn, Dec. 5, 1968; p. 7, tsn, Dec. 27, 1968; p. 42, tsn, Feb. 25, 1969). Upon reaching a doromon tree some ten meters away from her house, she met Reynaldo Masanque and Hospicio Pasibi, who were on their way to find out the cause of the successive gunshots that they had heard while conversing in the park near the municipal building.

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Natividad thereupon requested Reynaldo Masanque to go to her mother and sister, telling him that they had been shot and so Masanque complied, and ran towards Natividad's house (pp. 5, 16-20, tsn, March 31, 1970). Upon reaching the door of the Grulla residence, Masanque saw Pacito Sto. Tomas inside, his right hand holding a gun and his back towards the door. Masanque likewise saw Salvacion lying on the floor and Consolacion leaning against a table (pp. 6-7, tsn, *ibid.*). Afraid that he might be shot if he were seen by Pacito, Masanque left immediately, and he overtook Natividad Grulla near the house of Mr. Barios, her arms being held by Hospicio Pasibi (pp. 10, 11, tsn, *ibid.*). Upon reaching the corner of Calle Tres Marias, they met Sixto Grulla, a brother of Natividad, who had also been alarmed by the shots he heard. Sixto went with them to the municipal building, and on the way, Natividad unfolded to him the tragic incident (p. 11, tsn, March 31, 1970; p. 16, tsn, April 1, 1970)."[1]

On the other hand, appellant's version of the incident tends to show that it was his wife Salvacion Grulla who accidentally shot his mother-in-law, the deceased Consolacion Belmonte *Vda. de* Grulla. Summing up his evidence, it appears that he went to Donsol, Sorsogon on the fatal day in question in order to fetch his wife Salvacion Grulla and their children for purposes of bringing them to Legaspi City since he will have to be confined in a hospital on the following day upon orders of his doctor. Upon reaching his wife's place, he knocked at the back door near the kitchen. Salvacion opened the door. Right then and there, appellant told her to get ready for Legaspi City with their children. Salvacion refused to leave for Legaspi City and ignored appellant's plea. Appellant then entered the room occupied by his mother-in-law, Consolacion, to get the suitcase containing his children's clothes. Consolacion was awakened and learning of appellant's purpose in going to their place, she angrily cursed the latter. Appellant then reiterated and explained to his mother-in-law, (Consolacion) his purpose in fetching his wife and children. A verbal altercation thereafter ensued between them during which time, accused-appellant branded his mother-in-law as "*kunsintidora.*"

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[1] Appellee's Brief, pages 2, 3, 4 & 5.

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Angered by the harsh and discourteous words of the appellant, Consolacion grabbed both hands of the latter from behind and while struggling to free himself from his mother-in-law, Salvacion grabbed appellant's Magnum 357 revolver from the latter's shoulder holster, and when Salvacion saw accused kicking her mother, she fired the gun hitting the appellant at the lower mandible dislocating his mandible and shattering completely his pharynx. The force of the gun fire lifted the appellant, forcing him to fall by his side on the floor bleeding and gasping for breath. Salvacion fell on her knees beside the fallen body of accused-appellant and in a moment of self-recrimination uttered out of fear. "I pulled the trigger of the gun when I saw you kicked my mother. I did not do it purposely, Cito" referring to the appellant, Accused-appellant then succeeded in reaching for the gun held by his wife Salvacion. Salvacion warded him off and called her mother for help. Salvacion, Consolacion and appellant then began grappling for the gun. In the process, the gun went off hitting Consolacion who was thrown backward into a chair. Still, accused-appellant and Salvacion continued to grapple for the possession of the gun until both of them fell on the floor with Salvacion falling on top of the appellant. As they continued grappling near a table, the gun again exploded. Finally, Salvacion slowly relaxed her hold on the gun and said "I am hit, Cito." and thereafter fell on the floor. Later, accused-appellant heard a noise coming from the room of Natividad Grulla, sister of Salvacion. Afraid that someone was trying to gain entrance into the bedroom, accused-appellant instinctively reloaded his gun and fired in the general direction of the bedroom where the noise came from. The noise stopped and suddenly Natividad crying, came out of the bedroom across the sala.[2]

As will be noted, appellant denies any liability for the death of Salvacion (his deceased wife), Consolacion (his mother-in-law), and the near fatal shooting of Natividad (his sister-in-law), claiming that the death of the two (2) aforementioned victims was purely accidental, the firing of his gun that hit them being brought about by Salvacion's grappling with him for the

[2] Pages 9, 10 & 11, Appellant's Brief.

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possession thereof. Disputing this claim, however, and totally demolishing the veracity of said assertion, are the injuries sustained by the deceased as shown by the *post mortem* examination conducted upon their cadavers. Salvacion Grulla suffered four (4) gunshot wounds: one on the posterior aspect of her neck; another one on the chest; a third one on the left abdominal region; and a fourth one on the right forearm.[3]

Mrs. Consolacion Grulla on the other hand, likewise sustained four (4) gunshot wounds: — one on the left face just below the cheekbone; a second one on the left side of the neck; a third one on the left cheek at the level of the second rib; and a fourth one at the back left side of her body. These multiple gunshot wounds sustained by the two (2) aforementioned victims conclusively negate the theory espoused by the appellant — that the shooting was merely accidental. On the contrary, they were mute but vivid testimonials of the manner by which they were inflicted — indicating that both Salvacion and Consolacion were deliberately fired upon by the appellant thereby sustaining those various gunshot wounds resulting in their death.

The same holds true with regards to Natividad. That she was intentionally fired upon by the appellant is clearly established by her clear and straightforward testimony which do not appear to have been dented despite rigorous and rigid cross-examination. Natividad testified that the exchange of words between appellant and his wife Salvacion at their sala awakened her. Coming out of her bedroom, Natividad joined the spouses (appellant and Salvacion) and her mother Consolacion in the sala. The incident was preceded by appellant's plea upon Consolacion to allow Salvacion to go with him to Legaspi City since he was going to enter the hospital the following day. Consolacion told appellant that her daughter Salvacion is no longer willing to go and live with him because of the untold miseries and sufferings she has undergone at his hands brought about by appellant's jealousy. Turning upon his wife (Salvacion) appellant also got a negative answer. Besides, Salvacion told appellant that their daughter

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[3] Exhibit "A".

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Blesilda was suffering from high fever at the time.

As the heated exchange of words went on between appellant on the one hand and Consolacion and Salvacion at the other, and while Natividad was returning to her bedroom, a series of gunshots rent the air. She then turned around and saw appellant firing at Salvacion. As she stepped back into their sala, she saw accused holding his revolver.[4] She also saw her mother Consolacion about three meters away from the appellant already reclining on a table totally motionless. Natividad called her but there was no answer. Consolacion was already dead.

Natividad continued pleading to the appellant to spare the life of his sister Salvacion telling him that the latter will now go with him to Legaspi City. Natividad's plea, however, fell on deaf ears. Frightened that appellant may now vent his ire on her and already panicky at the time, she rushed back to the bedroom with her hands raised in gesture of surrender. As she was entering her room she again heard gunshots. She turned around to see whom the accused was firing at only to find out that she was already hit at her left arm which was profusely bleeding at that time. She tried to support it with her right arm, but the accused again fired at her this time hitting her at her right forearm. She lost no time running out of the house passing by their front door to escape from the appellant, simultaneously shouting for help.

Examined and treated by Dr. Adan R. Eva of the Albay Provincial Hospital on that same night, she was found to have suffered[5] gunshot wounds at the posterior lateral side, middle third left forearm; another gunshot wound with lacerated edges on the posterior surface of her left elbow; a third gunshot wound with lacerated edges on distal 1/5 posterior surface left arm; and a compound fracture of the left forearm.

Testifying on the said injuries, Dr. Eva stated that the injury of the left forearm which penetrated through and through, causing

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[4] Exhibit "D".

[5] Exhibit "C", Criminal Case No. 29.

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a compound fracture comminuted with bone fragments which necessitated an operation could have caused the death of the patient were it not for the timely surgery because complications could have arisen and tetanus would have set in.

That appellant's gun which had finally been determined to be a Magnum 357 revolver was fired intentionally appeared further corroborated by the empty shells found at the sala of the Grullas' residence. Chief of Police Salvatierra responding to the report of the shooting incident, found ten (10) empty shells on the floor of the sala of Mrs. Grulla's house. Inspecting the Magnum revolver of the appellant, he found inside its chamber one empty shell and another live bullet. Considering that the revolver's chamber could accommodate only six (6) bullets at a time and as admitted by the appellant himself, the gun was reloaded after being emptied. If the first shot was accidental, why was there a necessity to reload the said gun? Would that not be inviting more trouble that could lead to more disastrous consequences? If his version is true, he should have thrown that gun away to prevent a repetition of it being fired by accident. But that is not what he did. His reloading of that gun destroys and unravel the falsity of his concoction. To subscribe with appellant's claim of accidental shooting will be gullibility at its highest.

The trial court found Natividad Grulla to be a very credible witness. Her testimony appeared positive, categorical and unequivocal despite rigid and thorough cross-examination. She has never waivered much less vacillated at any time throughout the entire course of her testimony.

As aptly observed by the trial court —

"A careful analysis of Natividad's testimony gives out the revealing fact that she saw something else, and this was the horrible spectacle of her helpless sister being fired at pointblank by the accused. Natividad stuck to this statement, making no mention whatsoever, however, that she saw the accused doing the same to an equal beloved if not a far dearer individual in the person of her mother whom she saw at the same moment seated motionless. This

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unembelished testimony of Natividad, who could have so easily pointed an accusing finger at the accused as having been likewise seen by her firing at her mother, exudes nothing less than the untarnished truth of what she actually saw and spoke of. If her purpose in declaring forthright that she actually saw accused Pacito Sto. Tomas firing at Salvacion was none other than to falsely implicate him, how easily could she have done the same insofar as the incident concerned her mother"!

We can do no less in according her the same credence since the record is bereft of any circumstance of note that will negate His HONOR's findings and conclusions.[6]

In view thereof, We find no merit in appellant's assignment of error nos. II, III, VI and VIII.

In Criminal Case No. 22, accused-appellant was charged with and convicted of PARRICIDE, the victim being his wife Salvacion Grulla. Appellant, however, contends that even assuming he could be made liable for the death of Salvacion, yet his conviction for parricide is erroneous, his marriage to the latter being null and void since he is previously married to a certain Prima Patanao wayback in 1943. In support of his aforesaid claim, he presented Prima Patanao who testified on this alleged marriage. He also introduced a xerox copy of his alleged marriage certificate[7] with Patanao. Upon objection, however, by the prosecution, the trial court rejected said xerox copy since admission thereof violates the best evidence rule.

We agree with His Honor's ruling, the same being well-taken. Section 2, Rule 130 of the Rules of Court provides:

> Sec. 2. Original writing must be produced; exceptions. — There can be no evidence of a writing the contents of which is the subject of inquiry, other than the original writing itself, except in the following cases:
>
> a) When the original has been lost, destroyed, or cannot be produced in court;

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[6] *People vs. Felipe*, 115 SCRA 88.

[7] Exhibit "4".

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b) When the original is in the possession of the party against whom the evidence is offered, and the latter fails to produce it after reasonable notice;

c) When the original is a record or other document in the custody of a public officer;

d) When the original has been recorded in an existing record a certified copy of which is made evidence by law;

e) When the original consists of numerous accounts or other documents which cannot be examined in court without great loss of time and the fact sought to be established from them is only the general result of the whole."

None of the aforesaid circumstances appeared proven by the defense evidence that will sufficiently warrant admission of the xerox copy in question. The uncorroborated testimony of Patanao hardly sufficed to overthrow the legality of appellant's marriage to the deceased Salvacion Grulla.

Anent appellant's submission that the trial court erred in considering dwelling as an aggravating circumstance, we find the same bereft of any legal support. There is no dispute that the place where the crimes herein involved were committed is the house of Consolacion Grulla. It is there where she lives with her daughter, Natividad Grulla (the other victim) and where Salvacion Grulla was temporarily staying in order to escape from the brutalities of the appellant brought about by the latter's jealousy. The fact that Salvacion's stay in the said place may be considered as a temporary sojourn adds no validity to appellant's stance on this point. As we earlier held in *People vs. Galapia*,[8] the aggravating circumstance of dwelling is present when the appellant killed his wife in the house occupied by her other than the conjugal home. Similarly, dwelling is aggravating where the offended party was raped in a boarding house rented by her.[9]

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[8] 84 SCRA 526.

[9] *People vs. Daniel*, 86 SCRA 511.

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Appellant also questions the trial court's findings that Natividad Grulla suffered permanent deformity[10] by reason of the injuries sustained by her. Furthermore, he also asserts that no treachery attended the shooting of Natividad. A review of the evidence on record, however, clearly indicates that Natividad was fired upon by the appellant while she was entering her bedroom with her back turned against the appellant. It was while she was running away with her arms raised in surrender that accused fired at her. Treachery therefore clearly attended the attack made upon her.[11]

With respect to the questioned deformity, it was indubitably shown that she is now permanently mained. Her left arm became shorter than her right arm as a result of the gunshot wound sustained by her. All hope of her left arm being restored to its normal length had been totally foreclosed. In short, her present condition is beyond medical repair. By reason thereof, she is now exposed to public ridicule aside from having spent some ₱700.00 for her hospitalization. She also lost the chance of a lifetime to better her future in the form of a scholarship grant by the Insular Life Assurance Corporation amounting to ₱10,000.00. The two (2) bullets pumped into her body from the gun of the accused deprived her of a better tomorrow and total loss of the monetary value of said scholarship grant to which she is rightfully entitled to.

Aside from parricide, accused-appellant was likewise found guilty of MURDER for the death of her mother-in-law Consolacion *Vda. de* Grulla. The Information in this case[12] alleged evident premeditation as the qualifying circumstance. We, however, found no evidence on record proving the existence of said circumstance. Consolacion was fired upon while arguing with the appellant, the latter having probably blacked-outed when he thereafter squeezed the trigger of his gun aimed at

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[10] Assignment of Error No. 6.

[11] *People vs. Camano*, 115 SCRA 688.

[12] Criminal Case No. 23 — for MURDER.

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Consolacion. There is likewise no evidence on record showing the manner by which he was attacked and/or fired upon by the appellant. Hence, appellant may be liable only for Homicide.

WHEREFORE, the judgment appealed from is hereby AFFIRMED with the following MODIFICATIONS:

A. *In Criminal Case No. 22:*

Accused-appellant is hereby sentenced to *reclusion perpetua*; and to indemnify the heirs of the deceased Salvacion Grulla in the amount of ₱30,000.00 plus ₱10,000.00 moral damages; and costs.

B. In Criminal Case No. 23:

To an indeterminate penalty of 10 years and 1 day of *prision mayor* as minimum, to 17 years and 4 months of *reclusion temporal* as the maximum; and to indemnify the heirs of the deceased Consolacion *Vda. de* Grulla the amount of ₱30,000.00 plus ₱10,000.00 moral damages and costs.

C. *In Criminal Case No. 29:*

To 6 years and 1 day of *prision mayor* as minimum, to 14 years and 8 months of *reclusion temporal* as the maximum; to indemnify Natividad Grulla in the following amounts: ₱700.00 covering actual damages; ₱20,000.00 by way of moral damages plus ₱10,000.00 representing value for the loss of the scholarship grant and costs.

SO ORDERED.

Concepcion Jr. (Acting Chairman), Escolin, De la Fuente,[*] and *Alampay, JJ.*, concur.

Aquino (Chairman) and *Abad Santos, JJ.*, are on leave.

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[*] Designated to sit in the Second Division pursuant to Special Order No. 325 of the Chief Justice dated July 31, 1985.