



**Republic of the Philippines
Supreme Court
Manila**

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 181539

Present:

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

- *versus* -

EDWIN ALEMAN y LONGHAS,
Accused-Appellant.

Promulgated:

JUL 24 2013

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DECISION

LEONARDO-DE CASTRO, J.:

Accused-appellant Edwin Aleman appeals from the Decision¹ dated September 28, 2007 of the Court of Appeals in CA-G.R. CR.-H.C. No. 02100 affirming the Decision² dated November 16, 2005 of the Regional Trial Court (RTC) of Quezon City, Branch 76 in Criminal Case No. Q-03-118348 which found him guilty of the crime of robbery with homicide.

Accused-appellant was charged under the following Information:

That on or about the 10th day of February 2003, in Quezon City, Philippines, the said accused, conspiring and confederating with another person whose true name, identity and other personal circumstances have not as yet been ascertained and mutually helping each other, did then and there willfully, unlawfully and feloniously rob one RAMON JAIME BIROSEL y VILLA in the following manner, to wit: on the date and place aforementioned while said victim was inside his car having a conversation over his cellphone, the said accused suddenly appeared and with intent to

¹ Rollo, pp. 2-18; penned by Associate Justice Marlene Gonzales-Sison with Associate Justices Juan Q. Enriquez, Jr. and Vicente S.E. Veloso, concurring.

² CA rollo, pp. 32-42.

gain and by means of violence approached the said vehicle and ordered said victim to open it and once opened thereafter stabbed the said victim with a bladed weapon hitting him on the thorax thereby inflicting upon him serious and mortal wounds which were the direct and immediate cause of his untimely death, and thereupon took, stole and carried away the following, to wit:

- a) Two (2) NOKIA cellular phones
- b) One (1) brown leather wallet
- c) Undetermined amount of cash money
- d) One (1) necklace
- e) One (1) men's ring

all with undetermined value, belonging to said RAMON JAIME BIROSEL y VILLA, to the damage and prejudice of the heirs of said RAMON JAIME BIROSEL y VILLA.³

Accused-appellant pleaded not guilty to the charge when arraigned.⁴ After pre-trial was conducted, trial ensued.

The prosecution established that, as shown in the medico-legal report prepared by Police Senior Inspector (P/S Insp.) Elizardo Daileg of the Philippine National Police (PNP) Crime Laboratory who autopsied the victim's cadaver, the cause of death was "hemorrhagic shock secondary to multiple stab wounds [in] the thorax." In particular, three penetrating stab wounds were inflicted on the upper left portion of the victim's chest, "piercing the upper lobe of the left lung and perforating the heart." He also suffered stab wounds in the right eye, stomach and left forearm and incised wounds in the left upper eyelid and left palm.⁵

The victim, Ramon Jaime Birosel, was a 55-year old real estate broker at the time of his death. He was survived by his widow, Maria Filomena Birosel, with whom he had no child. Filomena spent a total of ₱477,054.30 in funeral expenses in connection with the burial of her deceased husband. Filomena stated that the Nokia 3315 and Siemens S-45 cellular phones taken away from Ramon were valued at ₱3,500.00 each, while the necklace snatched from him was worth ₱20,000.00.⁶

The prosecution's case against accused-appellant hinges on the following eyewitness account of Mark Almodovar:

[O]n February 10, 2003[,] at about 7:00 o'clock in the evening, [Mark] went out of his house to play ball in the basketball court. He walked to the basketball court[, played there,] and at about 9:00 o'clock, he stopped playing as he then felt like urinating. He went to a place near the basketball court where there were five cars parked. While urinating, he

³ Records, p. 1.

⁴ Id. at 26; Order dated September 23, 2003.

⁵ Id. at 226; Exhibit "K," Medico Legal Report No. M-0425-03.

⁶ *Rollo*, p. 4.

saw a fat man walking towards a car. The fat man was talking on his cellular phone. He then noticed two men following the fat man, who entered a parked car. The two male persons who were then following the fat man then separated: one went to the left side of the fat man's car and stood by the door at the driver's side of the vehicle. While the other positioned himself by the door at the opposite side of the car. [Mark] made a diagram, rectangular shape and two circles on both sides, (Exhibit "L") depicting the car and the positions of the two men. The man who stood by the door at the driver's side had a knife while his companion was armed with a gun. He then witnessed the man with the knife in his hand stabbing the fat man repeatedly on different parts of his body, while the man with the gun fired once. After taking the fat man's personal belongings, including his ring, watch, wallet and cellular phone, the two men left. He followed them to a place which he described as far and there, he saw them buried the knife and covered it with soil. He made a drawing representing the place where he followed them (Exh. "M"). After burying the knife in the ground, the men left and he followed them again to a place which he described as near. While thereat, he saw one of the culprits uncovered his face. He recognized him as the person who went to the left side of the car and stabbed the victim who was later on identified as the accused Edwin Aleman. After which, the two men left. He decided not to follow them and went home instead. It was about 11:00 o'clock in the evening when he arrived home. After waking up at 8:00 o'clock the following morning, he returned to the scene of the incident. There were many people gathered in the area, including policemen. He saw a chubby girl and requested her to call the policemen. He rode in a car with the police officers and the chubby girl. They went to a house in a far place, but no one was there. He recognized and identified the face of the fat man depicted in the picture (Exhibit "N") shown to him.

On cross-examination, he stated that he did not receive any death t[h]reat. In the year 2003, his grandfather died in Nueva Ecija and he attended the wake. He stayed there until his father, grandmother and another person, whom he does not know but of the same age as that of his father, fetched him on September 12, 2003. He was taken to Antipolo where he stayed at the house of the relatives of the victim until December 10, 2003, the day he initially testified in court. There was no sign language interpreter in the said house. The relatives of the victim gave him some money which he used to buy for two shirts, two pants and a pair of shoes.

Before going to the basketball court which is a little farther from their house at 7:00 o'clock in the evening, he already ate his evening meal at 6:00 o'clock. There were six of them, boys and girls playing basketball. The basketball court was a full court but they were not playing a real game, just running and shooting. At about 8:00 o'clock, they stopped playing, they sat down and had soft drinks. After finishing his soft drink, he urinated in the shrubbery near the five parked cars.

He added that he is familiar with Sikatuna Bliss but he does not know what building in Sikatuna Bliss was fronting the five cars that were parked near the basketball court. It was the first time that he saw the fat man and the two male persons who wore black bonnets which covered their whole face. The fat man was already inside his car when he was repeatedly stabbed. The fat man was not using his cell phone when the one

with the knife knocked twice on the window of the car. The window of the car was half-opened when the fat man was immediately stabbed. The man with a gun was on the other side of the car when he fired his gun once. He did not notice any argument between the fat man and his attacker. He kept a distance of about eight to ten meters between him and the two men as he followed them. There were no persons around when the two men attacked the fat man. After witnessing the stabbing, his initial reaction was to follow the culprits. He did not call his playmates because they were still playing. In fleeing, the two male persons did not run. They just walk[ed] fast. He had been [on] their trail for about nine minutes before they removed their bonnets. He followed them for about thirty minutes.

When he gave his statements to the police, he did not tell them that the knife was buried under the ground. It was 9:56 o'clock when the men took off their bonnets. The man with the knife removed the bloodstained white t-shirt that he was wearing and, along with his bonnet, threw it away in a place he described as flowing or running water. At about 10:00 o'clock, the two men boarded a motorcycle and left. It was the man with the gun who drove the motorcycle. He took the same route when he walked back home. It was about 10:00 o'clock when he passed by the car of the fat man again. There were no persons when he went back to the basketball court. Thus, he just went home to sleep and the following morning, he gave his statement to the police.

On re-direct examination, he was asked and he made a drawing (Exhibit "O") showing the basketball court (Exhibit "O-1"), the five parked cars near the place where he urinated (Exhibit "O-2"), the exact spot where he urinated (Exhibit "O-3") and the car of the fat man (Exhibit "O-4"). When asked how he was able to see the face of the accused, he answered that "there was light in the area which he described as near the flowing water where the accused removed his bonnet." He stated that the light near the flowing water came from a light bulb and the distance from the witness stand up to second door outside the courtroom represents how far he was from the man with the knife when [the latter] took off his bonnet.⁷

Mark was 14 years old when he testified. He is a deaf-mute. He was assisted in his testimony by Daniel Catinguil, a licensed sign language interpreter from the Philippine Registry of Interpreters for the Deaf who has been teaching in the Philippine School for the Deaf since 1990. Catinguil had also completed a five-year course at the Philippine Normal University with a degree in teaching special education children.⁸

Accused-appellant was 26 years old and a resident of Area 6, Barangay Botocan, Project 2, Quezon City when he testified. He interposed denial and alibi as his defenses. He claimed that, at the time the incident happened on February 10, 2003, he was at the billiards hall which was a 15-minute walk from his residence. A road separates the billiards hall from

⁷ Id. at 5-7.

⁸ Id. at 4-5.

Sikatuna Bliss.⁹

On that particular night, accused-appellant went to the billiards hall at around 7:00 in the evening and played billiards against a certain Ruben. They played until around 10:00 in the evening. Just as they were finished playing, accused-appellant's sister, Hilda Aleman, arrived to fetch him for dinner. He went home with her. The following morning, after having breakfast, he watched a basketball game and talked to his friends. At around noon, while on his way back to his house, a neighbor, Vangie Barsaga, called him and informed him that police officers came to his house looking for him. At around 3:00 in the afternoon of that day, he went to the nearest police station, Camp Karingal, where he presented himself to Senior Police Officer (SPO) 1, at that time Police Officer 3, Leonardo Pasco of that station's District Police Intelligence Unit. He asked SPO1 Pasco if they were looking for a certain Edwin Aleman and, upon receiving a positive answer, he introduced himself. He was informed that he was a suspect in a killing incident. He was told to stay put while they were waiting for the alleged eyewitness to arrive. On February 13, 2003, he was twice made to join a police line-up together with five others. In both instances, they were ordered to turn around several times and they complied. Thereafter, he was given a spot report: re: Voluntary Surrender of Alleged Suspect in a Robbery w/ Homicide Case by a police officer and was informed that he would be turned over to the custody of the Criminal Investigation Division of Camp Karingal.¹⁰

Accused-appellant's testimony that he was at the billiards hall on February 10, 2003 playing against Ruben until around 10:00 in the evening was corroborated by Filomena Fungo, grandmother of Ruben, who saw accused-appellant and Ruben playing when she went to the billiards hall twice that night to fetch Ruben.¹¹ Hilda, accused-appellant's sister, also corroborated accused-appellant's testimony that she fetched him from the billiards hall at around 10:00 in the evening of February 10, 2003. She further stated that, upon getting home, she and accused-appellant ate dinner together and, thereafter, watched some television shows until accused-appellant went to sleep some 30 minutes later.¹²

Accused-appellant also attempted to show that the eyewitness, Mark, failed to identify him during the police line-up. Defense witness SPO1 Leonardo Pasco stated that he was the one who prepared the spot report although it was his superior who signed it. He further stated that Mark failed to identify accused-appellant during the police line-up. Another defense witness, *barangay kagawad* Ricofredo Barrientos, stated that he was with

⁹ Id. at 8-9.

¹⁰ Id.

¹¹ Id. at 10. The first time was at around 8:00 p.m. and the second time was at around 10:00 p.m. when she finally fetched Ruben.

¹² Id.

Mark on February 13, 2003 when Mark was asked to identify the robber-killer of the victim from a line-up. According to Barrientos, a police officer made a gesture to Mark by slashing his throat with the use of his hand and, after viewing the persons in the line-up, Mark shook his head. The line-up was presented to Mark twice and he shook his head in both instances.¹³

After studying the parties' respective evidence, the trial court rejected the defenses of accused-appellant for their inherent weakness and implausibility. On the other hand, it viewed the prosecution's evidence favorably, particularly the eyewitness testimony of Mark and his positive identification of accused-appellant as the one who stabbed the victim. In particular, the trial court found Mark's testimony simple and credible. He had no ill motive that would make him testify falsely against accused-appellant. While there were minor inconsistencies in his testimony, the discrepancies were inconsequential and did not affect the truthfulness of Mark's narration. Thus, in its Decision dated November 16, 2005, the trial court found accused-appellant guilty beyond reasonable doubt of the crime of robbery with homicide. The dispositive portion of the Decision reads:

WHEREFORE, finding the accused Edwin Aleman guilty beyond reasonable doubt of the crime of Robbery with Homicide, described and penalized under Article 294 of the Revised Penal Code, as amended by Republic Act 7659, in relation to Article 63 of the Revised Penal Code, the court hereby sentences him to suffer the penalty of *reclusion perpetua* and to indemnify the heirs of Ramon Jaime Birosel as follows:

1. The amount of FIFTY THOUSAND PESOS (₱50,000.00) as civil indemnity for the death of the victim;
2. The amount of FIFTY THOUSAND PESOS (₱50,000.00) as moral damages; and
3. The amount of FOUR HUNDRED SEVENTY-SEVEN THOUSAND FIFTY-FOUR PESOS AND THIRTY CENTAVOS (₱477,054.30) as actual damages.

He is also ordered to reimburse the heirs of the victim the amount of THREE THOUSAND FIVE HUNDRED PESOS (₱3,500.00) representing the value of the Nokia 3315 cellular phone, the amount of THREE THOUSAND FIVE HUNDRED PESOS (₱3,500.00) representing the value of the S-45 Siemens cellular phone, and the amount of TWENTY THOUSAND PESOS (₱20,000.00) representing the value of the necklace, which were all taken from the victim.

With costs against the accused.¹⁴

Accused-appellant appealed his case to the Court of Appeals. He anchored his appeal on the claim that the trial court erred in convicting him

¹³ Id. at 9-10.

¹⁴ CA *rollo*, p. 42.

for robbery with homicide. His claim was four-pronged, all aimed at discrediting the eyewitness, Mark.¹⁵

First, accused-appellant questioned the qualification of Mark to be a witness. Accused-appellant argued that, being a deaf-mute who cannot make known his perception to others as he has no formal education on sign language, Mark is unqualified to be a witness. In fact, he was unable to give a responsive answer to some questions propounded to him through the interpreter such as when he could not answer why he preferred to play in a basketball far from his house than in a nearer one.¹⁶

Second, accused-appellant asserted that Mark's testimony was not corroborated by his alleged playmates or by the "chubby girl" he mentioned in his testimony. Such lack of corroboration weakened Mark's testimony.¹⁷

Third, accused-appellant contended that Mark admitted receiving money, new clothes and shoes from the private complainant before he took the witness stand. This made his testimony highly suspicious.¹⁸

Fourth, accused-appellant highlighted Mark's failure to identify him as the perpetrator of the crime in the two instances that he was presented to Mark in a line-up. This made Mark's alleged positive identification of accused-appellant doubtful.¹⁹

In its Decision dated September 28, 2007, the Court of Appeals held that the contentions of accused-appellant lacked merit.²⁰

The Court of Appeals declared that the capacity of a deaf-mute to testify has long been recognized. The witness may communicate his perceptions to the court through an interpreter. In this case, Mark's testimony was facilitated by Catinguil, a licensed sign language interpreter who has been teaching in the Philippine School for the Deaf since 1990. With the help of Catinguil, the trial court determined that Mark is not mentally deficient and that he was able to tell time, space and distance. He was able to draw and make sketches in open court to show the relative position of things and persons as he perceived like a normal person. By using signs and signals, he was able to recount clearly what he witnessed in the evening of February 10, 2003. According to the appellate court, the above established Mark's competence as a witness.²¹

¹⁵ Id. at 52-70. Brief for the Accused-Appellant.

¹⁶ Id. at 61-63.

¹⁷ Id. at 63-64.

¹⁸ Id. at 64-65.

¹⁹ Id. at 66-70.

²⁰ *Rollo*, p. 12.

²¹ Id. at 12-13.

The Court of Appeals also found that Mark's testimony was corroborated by the findings of the medico-legal officer who autopsied the victim's corpse that the cause of death was hemorrhagic shock secondary to multiple stab wounds in the thorax. This physical evidence is an eloquent manifestation of truth and its evidentiary weight is far more than that of corroborative testimonies.²²

The Court of Appeals rejected as groundless accused-appellant's imputation to Mark of improper motive or bias. It also pointed out the irrelevance of non-identification of an accused in a police line-up. What is important is the positive identification of the accused as the perpetrator of the crime by the witness in open court.²³

Thus, the Court of Appeals agreed with the trial court that the prosecution was able to establish beyond reasonable doubt all the elements of robbery with homicide. It upheld the conviction of accused-appellant for the said felony. The decretal portion of the Decision dated September 28, 2007 reads:

WHEREFORE, premises considered[,] the decision dated November 16, 2005 of the Regional Trial Court [(RTC)], National Capital Judicial Region, Branch 76, Quezon City, in Criminal Case No. Q-03-118348 is **AFFIRMED**.²⁴

Accused-appellant is now before this Court insisting on the failure of the prosecution to prove his guilt beyond reasonable doubt on the very same grounds he raised in the Court of Appeals.

This Court is not persuaded.

Both the RTC and the Court of Appeals found that accused-appellant stabbed the victim several times, causing the latter's death, for the purpose of depriving the victim of his personal properties, which personalities accused-appellant took away with him before leaving the scene of the crime. The killing of the victim was by reason of the robbery. It therefore constitutes the special complex crime of robbery with homicide. This finding of the trial court as affirmed by the appellate court is conclusive to this Court. Also, a review of the records show that both the trial and the appellate courts did not miss, misapply or misinterpret any relevant fact that would warrant an alteration of their identical conclusions as to the criminal responsibility of accused-appellant.²⁵

²² Id. at 13-14.

²³ Id. at 14-17.

²⁴ Id. at 18.

²⁵ The general rule is that the factual findings of the trial court deserve a high degree of respect and will not be disturbed on appeal in the absence of any clear showing that it overlooked, misapprehended or misapplied some facts or circumstances of weight and substance which can alter the result of the case. (*Navarrete v. People*, 542 Phil. 496, 506 [2007].)

The Court of Appeals has sufficiently addressed the concerns of accused-appellant. Accused-appellant has presented no compelling reason that would justify the reversal of his conviction.

The mere fact that Mark is a deaf-mute does not render him unqualified to be a witness. The rule is that “all persons who can perceive, and perceiving, can make known their perception to others, may be witnesses.”²⁶ A deaf-mute may not be able to hear and speak but his/her other senses, such as his/her sense of sight, remain functional and allow him/her to make observations about his/her environment and experiences. The inability to hear and speak may prevent a deaf-mute from communicating orally with others but he/she may still communicate with others in writing or through signs and symbols and, as in this case, sketches. Thus, a deaf-mute is competent to be a witness so long as he/she has the faculty to make observations and he/she can make those observations known to others. As this Court held in *People v. Tuangco*²⁷:

A deaf-mute is not incompetent as a witness. All persons who can perceive, and perceiving, can make known their perception to others, may be witnesses. Deaf-mutes are competent witnesses where they (1) can understand and appreciate the sanctity of an oath; (2) can comprehend facts they are going to testify on; and (3) can communicate their ideas through a qualified interpreter. Thus, in *People vs. De Leon* and *People vs. Sasota*, the accused was convicted on the basis of the testimony of a deaf-mute. x x x. (Citations omitted.)

When a deaf-mute testifies in court, “the manner in which the examination of a deaf-mute should be conducted is a matter to be regulated and controlled by the trial court in its discretion, and the method adopted will not be reviewed by the appellate court in the absence of a showing that the complaining party was in some way injured by reason of the particular method adopted.”²⁸

In this case, both the trial and the appellate courts found that Mark understood and appreciated the sanctity of an oath and that he comprehended the facts he testified on. This Court sees no reason in ruling otherwise.

Mark communicated his ideas with the help of Catinguil, a licensed sign language interpreter from the Philippine Registry of Interpreters for the Deaf who has been teaching in the Philippine School for the Deaf since 1990 and possessed special education and training for interpreting sign language. The trial and the appellate courts found Catinguil qualified to act as interpreter for Mark. No ground to disturb that finding exists.

²⁶ Rules of Court, Rule 130, Section 20.

²⁷ 399 Phil. 147, 162 (2000).

²⁸ Id. at 163.

Mark communicated a credible account of the things he perceived on that fateful February 10, 2003 – the situation of the victim who had just boarded his car; the respective positions of accused-appellant and his still unidentified cohort vis-à-vis the victim; accused-appellant's knock on the window of the victim's car and the sudden series of stabs accused-appellant inflicted upon the victim; the taking of the victim's various personal properties; accused-appellant's walk away from the crime scene; and, the revelation of accused-appellant's identity when he finally removed the bonnet that covered his face, unaware that someone was secretly and silently watching. In this connection, the Court of Appeals correctly observed that "[d]espite intense and grueling cross-examinations, the eyewitness responded with consistency upon material details that could only come from a firsthand knowledge of the shocking events which unfolded before his eyes."²⁹ The imperfections or inconsistencies cited by accused-appellant were due to the fact that there is some difficulty in eliciting testimony where the witness is a deaf-mute.³⁰ Besides they concerned material details which are neither material nor relevant to the case. As such, those discrepancies do not detract from the credibility of Mark's testimony, much less justify the total rejection of the same. What is material is that he positively identified accused-appellant and personally saw what accused-appellant did to the victim on the fateful night when the incident happened. The trial court's assessment of the credibility of Mark, which was affirmed by the appellate court, deserves the highest respect of this Court.

Moreover, the Court of Appeals correctly observed that Mark's testimony was corroborated by the findings of the medico-legal officer who autopsied the victim's corpse that the cause of death was "hemorrhagic shock secondary to multiple stab wounds [in] the thorax."³¹ The multiple mortal wounds inflicted on the victim constitute physical evidence which further establish the truth of Mark's testimony. Its evidentiary value far outweighs any corroborative testimony which accused-appellant requires of the prosecution. Moreover, the settled rule is that the positive and credible testimony of a single witness is sufficient to secure the conviction of an accused.³²

The RTC and the Court of Appeals saw no improper motive which would impel Mark to testify falsely against accused-appellant. As the determination of bad faith, malice or ill motive is a question of fact, this Court respects the unanimous finding of the trial and the appellate courts on the matter.

Accused-appellant's attempt to render doubtful Mark's identification of him fails. Indeed, the law requires not simply an eyewitness account of

²⁹ *Rollo*, p. 13.

³⁰ *People v. Tuangco*, supra note 27 at 163.

³¹ *Rollo*, p. 13.

³² *People v. Sabado*, 398 Phil. 1107, 1120 (2000).

the act of committing the crime but the positive identification of the accused as the perpetrator of the crime.³³ Here, Mark has positively pointed to accused-appellant as the perpetrator of the crime. The Court of Appeals correctly ruled that Mark's failure to identify accused-appellant in a police line-up on February 13, 2003 was of no moment. There is no law stating that a police line-up is essential to proper identification. What matters is that the positive identification of the accused as the perpetrator of the crime be made by the witness in open court.³⁴ Nevertheless, the records show that Mark identified accused-appellant as the robber-killer of the victim in a police line-up on February 18, 2003³⁵ and, more importantly, in open court in the course of Mark's testimony.

In sum, the trial and the appellate courts correctly convicted accused-appellant for the special complex crime of robbery with homicide. Accused-appellant's crime is punishable under Article 294(1) of the Revised Penal Code, as amended by Republic Act No. 7659, by *reclusion perpetua* to death. Article 63 of the Revised Penal Code states that when the law prescribes a penalty consisting of two indivisible penalties, and the crime is not attended by any aggravating circumstance, the lesser penalty shall be imposed.³⁶ Considering that no modifying circumstance attended the commission of the crime, the penalty imposed by the trial and the appellate courts, *reclusion perpetua*, is proper.

The civil indemnity is increased from ₱50,000.00 to ₱75,000.00, the current amount of civil indemnity awarded in cases of murder.³⁷ Robbery with homicide belongs to that class of felony denominated as "Robbery with violence against or intimidation of persons"³⁸ under Article 294 of the Revised Penal Code and the killing or death of a person is committed "by reason or on occasion of the robbery." The increase in the amount of civil indemnity is called for as the special complex crime of robbery with homicide, like murder, involves a greater degree of criminal propensity than homicide alone where the civil indemnity awarded is ₱50,000.00.

The ₱50,000.00 imposed as moral damages is proper and conforms to recent jurisprudence.³⁹

The reimbursement of actual damages in the total amount of ₱477,054.30 for various funeral-related expenses is proper as it is fully supported by evidence on record. The same holds true for the payment of

³³ *People v. Paracale*, 442 Phil. 32, 43 (2002).

³⁴ *People v. Guillermo*, 461 Phil. 543, 561 (2003).

³⁵ Records, pp. 188-190; Exhibit "A," *Sinumpaang Salaysay ni Mark Almodovar y Cagolada*.

³⁶ *People v. Uy*, G.R. No. 174660, May 30, 2011, 649 SCRA 236, 260.

³⁷ *People v. Malicdem*, G.R. No. 184601, November 12, 2012, 685 SCRA 193, 206; *People v. Laurio*, G.R. No. 182523, September 13, 2012, 680 SCRA 560, 572.

³⁸ This felony includes robbery with homicide (paragraph 1), robbery with rape (paragraph 2), robbery with serious physical injuries (paragraphs 3 and 4) and simple robbery (paragraph 5).


³⁹ *Id.*

the value of the items taken from the victim, namely, two cellphones at ₱3,500.00 each and the necklace at ₱20,000.00.


In addition, and in conformity with current policy, we also impose on all the monetary awards for damages (namely, the civil indemnity, moral damages and actual damages) interest at the legal rate of 6% *per annum* from date of finality of this Decision until fully paid.⁴⁰

WHEREFORE, the Decision dated September 28, 2007 of the Court of Appeals in CA-G.R. CR.-H.C. No. 02100 affirming the Decision dated November 16, 2005 of the Regional Trial Court of Quezon City, Branch 76 in Criminal Case No. Q-03-118348 which found accused-appellant Edwin Aleman guilty beyond reasonable doubt of the special complex crime of robbery with homicide is **AFFIRMED with MODIFICATION** in so far as legal interest at the rate of 6% per annum is imposed on the civil indemnity, moral damages and actual damages awarded to the heirs of the victim, which shall commence from the date of finality of this decision until fully paid.

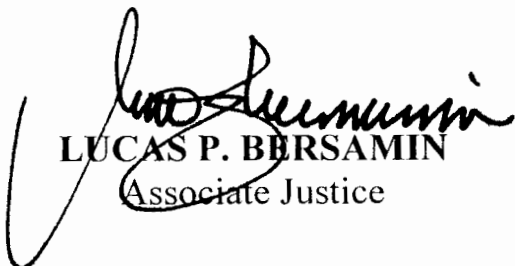
SO ORDERED.


TERESITA J. LEONARDO-DE CASTRO
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson

⁴⁰ *People v. Laurio*, supra note 37 at 573. See also *People v. Combate* (G.R. No. 189301, December 15, 2010, 638 SCRA 797, 824) where this Court ruled that interest of 6% *per annum* should be imposed on the award of civil indemnity and all damages, *i.e.*, actual or compensatory damages, moral damages and exemplary damages, from the date of finality of judgment until fully paid.



LUCAS P. BERSAMIN
Associate Justice



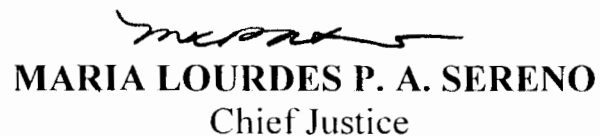
MARTIN S. VILLARAMA, JR.
Associate Justice



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