



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE G.R. No. 212151
PHILIPPINES,

Plaintiff-Appellee, Present:

- versus -

JAY HINLO a.k.a. "INDAY
KABANG" – (at large),

Accused,

RICHARD PALMA y VARCAS
a.k.a. "INDAY ATET,"

RUVICO SENIDO y

HAMAYBAY a.k.a. "RUBY,"

and EDGAR PEDROSO y

PALASOL a.k.a. "LIBAT,"

Accused-Appellants.

SERENO, C.J., Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
PEREZ, and
PERLAS-BERNABE, JJ.

Promulgated:

FEB 18 2015

X-----X

RESOLUTION

PERLAS-BERNABE, J:

Before the Court is an ordinary appeal¹ filed by accused-appellants Richard Palma y Varcas a.k.a. "Inday Atet" (Palma), Ruvico Senido y Hamaybay a.k.a. "Ruby" (Senido), and Edgar Pedroso y Palasol a.k.a. "Libat" (Pedroso; collectively, accused-appellants) assailing the Decision² dated July 4, 2013 of the Court of Appeals (CA) in CA-G.R. CR HC. No. 01215 which affirmed the Decision³ dated January 30, 2007 of the Regional Trial Court of Silay City, Branch 69 (RTC) in Crim. Case No. 5426-69 finding accused-appellants guilty beyond reasonable doubt of the special complex crime of Robbery with Homicide.

¹ See Notice of Appeal dated August 28, 2013; *rollo*, pp. 19-20.

² Id. at 4-18. Penned by Associate Justice Carmelita Salandanan-Manahan with Associate Justices Ramon Paul L. Hernando and Ma. Luisa C. Quijano-Padilla concurring.

³ CA *rollo*, pp. 40-53. Penned by Presiding Judge Felipe G. Banzon.

✓

The Facts

Sometime in the afternoon of October 14, 2003, accused Jay Hinlo a.k.a. “Inday Kabang” (Hinlo), Palma, Senido, Pedroso, and one Joemarie Dumagat (Dumagat) were drinking at the house of Senido when the latter informed the others of the plan to rob the house of Spouses Freddie (Freddie) and Judy Ann (Judy Ann) Clavel (Sps. Clavel) located at Dream Village, Barangay VI, Victorias City, Negros Occidental. Palma, Senido, and Hinlo were tasked to enter the house, Dumagat would act as a look-out at the back of the house where a sugar cane field was located, and Pedroso would wait at the highway with a tricycle.⁴

In the early morning of October 15, 2003, they proceeded to the house of Sps. Clavel where Senido used a knife to cut the cyclone wire fence.⁵ As they entered the compound of the house, they destroyed the knob of the kitchen door and gained entry where they took certain valuable items including video compact discs, a microphone and two leather bags.⁶ Meanwhile, Freddie woke up to go to the bathroom which was located outside his bedroom and as he opened the bathroom door, Senido, who was hiding inside, assaulted him and the two wrestled. Then, Hinlo approached Freddie and with the use of a bladed weapon, stabbed the latter on his abdomen which led to his untimely demise. Thereafter, Palma, Senido, Pedroso, Hinlo, and Dumagat hurriedly escaped and left behind part of the items they took on the railroad located behind the property. Shortly thereafter, the police arrived and recovered the two leather bags where the compact discs and microphone were placed.⁷

Dr. Jerry A. Pahamtang, the City Health Officer of Victorias City, Negros Occidental who conducted an autopsy on the body of Freddie, attested that the latter sustained a stab wound at the right upper quadrant of his abdomen causing massive hemorrhage which led to his death.⁸

Consequently, an Information dated July 25, 2005 was filed charging Palma, Senido, Pedroso, Hinlo, and Dumagat with the special complex crime of Robbery with Homicide, defined and penalized under Article 294 (1)⁹ of the Revised Penal Code (RPC), as amended, the accusatory portion of which reads:

⁴ See *rollo*, p. 10. See also *CA rollo*, pp. 42-43.

⁵ *Rollo*, p. 10. *CA rollo*, p. 43.

⁶ *Rollo*, p. 8. *CA rollo*, p. 43.

⁷ See *CA rollo*, pp. 43-44 and 48.

⁸ *Id.* at 45. See also *rollo*, p. 8.

⁹ Article 294 (1) of the RPC, as specifically amended by Republic Act No. 7659, entitled “AN ACT TO IMPOSE THE DEATH PENALTY ON CERTAIN HEINOUS CRIMES, AMENDING FOR THE PURPOSE THE REVISED PENAL LAWS, AS AMENDED, OTHER SPECIAL PENAL LAWS, AND FOR OTHER PURPOSES” (approved December 13, 1993), reads:

“That on or about the 15th day of October, 2003, in the City of Victorias, Province of Negros Occidental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a bladed weapon, with force upon things and with intent to gain, conspiring, confederating and mutually helping one another, did then and there willfully, unlawfully and feloniously enter the house of SPOUSES FREDDIE AND JUDY ANN CLAVEL by destroying the back door and once inside, take, rob and carry away one (1) leather bag worth One Thousand Three Hundred Pesos (₱1,300.00), Video CD’s worth One Thousand Seventy Five (₱1,075.00) and one (1) microphone worth Four Hundred Seventy Five Pesos (₱475.00), all valued in the total amount of THREE THOUSAND SEVENTY FIVE PESOS (₱3,075.00), Philippine Currency, to the damage and prejudice of said JUDY ANN M. CLAVEL and the heirs of FREDDIE P. CLAVEL.

That by reason or on the occasion of the said robbery, the above-named accused, conspiring, confederating and mutually helping one another, with intent to kill and treachery, did then and there willfully, unlawfully and feloniously stab FREDDIE P. CLAVEL, thereby inflicting stab wound upon the body of the latter which caused his untimely death.

CONTRARY TO LAW.”¹⁰

Upon arraignment, Palma, Senido, Pedroso, and Dumagat entered separate pleas of not guilty, while accused Hinlo remains at large.¹¹ Subsequently, in an Order¹² dated June 6, 2005, Dumagat was discharged as an accused to be a state witness.¹³

In their defense, Palma and Senido denied having any knowledge of the charges against them. Palma claimed that on said date, he stayed at home with his older brother and did not leave the house. Likewise, Senido maintained that he was with his older brother catching mud crabs at a nearby fishpond, after which, they went home and slept throughout the night. On the other hand, Pedroso manifested his desire to present witnesses in his defense which he, however, eventually failed to do so.¹⁴

Art. 294. *Robbery with violence against or intimidation of persons – Penalties.* – Any person guilty of robbery with the use of violence against or intimidation of any person shall suffer:

1. The penalty of *reclusion perpetua* to death, when by reason or on occasion of the robbery, the crime of homicide shall have been committed, or when the robbery shall have been accompanied by rape or intentional mutilation or arson.

x x x x

¹⁰ *Rollo*, p. 6.

¹¹ *CA rollo*, p. 41.

¹² Not attached to the *rollo*.

¹³ *CA rollo*, p. 44.

¹⁴ *Id.*

The RTC Ruling

In a Decision¹⁵ dated January 30, 2007, the RTC convicted accused-appellants as charged and, accordingly, sentenced them to suffer the penalty of *reclusion perpetua* and to pay the heirs of Freddie the amounts of ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱25,000.00 as exemplary damages.¹⁶

The RTC gave credence to the testimony of Dumagat which it found to be consistent and coherent, contrary to the alibi of accused-appellants which was self-serving. Records show that they conspired and robbed the house of the Sps. Clavel, destroying the fence and forcing open the kitchen door to gain entrance therein and, on the occasion thereof, caused the death of Freddie.¹⁷

Aggrieved, accused-appellants appealed to the CA.¹⁸

The CA Ruling

In a Decision¹⁹ dated July 4, 2013, the CA affirmed accused-appellants' conviction and ordered the immediate arrest of Hinlo who remains at large.²⁰ The CA found all the elements²¹ to sustain a conviction for Robbery with Homicide to be present, which was clearly established by the testimony of Dumagat. Moreover, the positive identification which was corroborated by the pieces of evidence gathered from their escape sufficiently point to accused-appellants as the perpetrators of the crime.²²

However, in the absence of proof to establish the actual damages and funeral expenses incurred by the family of Freddie, the CA modified the RTC ruling *to include* ₱30,000.00 as temperate damages pursuant to Article 2224 of the Civil Code;²³ hence, the instant appeal.

¹⁵ Id. at 40-53.

¹⁶ Id. at 52.

¹⁷ See id. at 47-51.

¹⁸ Not attached to the *rollo*.

¹⁹ *Rollo*, pp. 4-18.

²⁰ Id. at 17.

²¹ “To sustain a conviction for robbery with homicide, the prosecution must prove the following elements: (1) the taking of personal property is committed with violence or intimidation against persons; (2) the property belongs to another; (3) the taking is *animo lucrandi* or with intent to gain; and (4) on the occasion or by reason of the robbery, the crime of homicide, as used in the generic sense, was committed.” (*People v. Uy*, GR No. 174660, May 30, 2011, 649 SCRA 236, 249.)

²² See *rollo*, pp. 13-15.

²³ Id. at 17.

The Issue Before the Court

The lone issue for the Court's resolution is whether or not the CA correctly upheld the conviction of accused-appellants for Robbery with Homicide.

The Court's Ruling

The appeal is bereft of merit.

It is settled that in criminal cases, factual findings of the trial court are generally accorded great weight and respect on appeal, especially when such findings are supported by substantial evidence on record. It is only in exceptional circumstances, such as when the trial court overlooked material and relevant matters, that the Court will evaluate the factual findings of the court below.²⁴ Guided by the foregoing principle, the Court finds no cogent reason to disturb the RTC's factual findings, as affirmed by the CA.

In *People v. Uy*,²⁵ the Court explained that the elements for the crime of robbery with homicide are: (a) the taking of personal property is committed with violence or intimidation against persons; (b) the property belongs to another; (c) the taking is *animo lucrandi* or with intent to gain; and (d) on the occasion or by reason of the robbery, homicide was committed. A conviction requires that the robbery is the main purpose and the killing is merely incidental to the robbery. The intent to rob must precede the taking of human life, but the killing may occur before, during or after the robbery.²⁶

In the instant case, the CA correctly upheld the RTC's conclusions finding that accused-appellants were all armed with knives when they broke into the house of the Sps. Clavel, took certain personal properties, and, in the course thereof, stabbed Freddie, resulting to his death. This is supported by the testimony of the state witness, Dumagat, who presented a detailed, consistent, and credible narrative of the incident and positively identified accused-appellants as the perpetrators of the crime.

It is settled that the positive identification of accused-appellants prevails over their defense of alibi considering that in this jurisdiction the latter is considered as inherently weak and, thus, cannot outweigh the testimony of eyewitnesses establishing that accused-appellants committed

²⁴ See *People v. Baraga*, G.R. No. 208761, June 4, 2014, citing *Seguritan v. People*, G.R. No. 172896, April 19, 2010, 618 SCRA 406, 408.

²⁵ *Supra* note 21.

²⁶ *Id.*

the crime.²⁷ Moreover, conspiracy having been established, when a homicide takes place by reason of or on occasion of the robbery, all those who took part shall be guilty of the special complex crime of robbery with homicide whether they actually participated in the killing, unless there is proof that there was an endeavour to prevent the killing.²⁸

In sum, the RTC and the CA correctly convicted herein accused-appellants as charged and accordingly, sentenced them to suffer the penalty of *reclusion perpetua*. To this, the Court adds that the accused-appellants are not eligible for parole.²⁹

Anent the award of damages, the Court deems it proper to modify the amount given in order to conform with existing rules and recent jurisprudence. When death occurs due to a crime, the following may be awarded: (a) civil indemnity *ex delicto* for the death of the victim; (b) actual or compensatory damages; (c) moral damages; (d) exemplary damages; and (e) temperate damages.³⁰ Thus, with respect to the crime for which herein accused-appellants are convicted, civil indemnity in the amount of ₱75,000.00 is granted without need of evidence other than the commission of the crime,³¹ moral damages in the sum of ₱75,000.00 is granted automatically in the absence of any qualifying aggravating circumstance,³² exemplary damages in the sum of ₱30,000.00 is granted where the circumstances of the case show the highly reprehensible conduct of the offenders,³³ and where the amount of actual damages for funeral expenses cannot be ascertained due to the absence of receipts to prove them, temperate damages in the sum of ₱25,000.00 may be granted in lieu thereof.³⁴ In addition, the Court also imposes on all the monetary awards for damages interest at the legal rate of six percent (6%) from the date of finality of this Decision until fully paid.³⁵

WHEREFORE, the appeal is **DENIED**. The Decision dated July 4, 2013 of the Court of Appeals (CA) in CA-G.R. CR HC. No. 01215 is hereby **AFFIRMED** with **MODIFICATIONS**. Accordingly, accused-appellants Richard Palma y Varcas a.k.a. “Inday Atet,” Ruvico Senido y Hamaybay a.k.a. “Ruby,” and Edgar Pedroso y Palasol a.k.a. “Libat” are found **GUILTY** beyond reasonable doubt of the special complex crime of Robbery

²⁷ See *People v. Armada, Jr.*, G.R. No. 100592, August 26, 1993, 225 SCRA 644, 648.

²⁸ See *id.* at 649-650.

²⁹ Pursuant to Section 3 of RA 9346 which states that “[p]ersons convicted of offenses punished with *reclusion perpetua*, or whose sentences will be reduced to *reclusion perpetua*, by reason of this Act, shall not be eligible for parole under Act No. 4180, otherwise known as the Indeterminate Sentence Law, as amended.” (See *People v. Tadah*, G.R. No. 186226, February 1, 2012, 664 SCRA 744, 747; see also *People v. Lalog*, G.R. No. 196753, April 21, 2014.)

³⁰ *People v. Escleto*, G.R. No. 183706, April 25, 2012, 671 SCRA 149, 160; citation omitted.

³¹ *Id.*

³² *People v. Buyagan*, G.R. No. 187733, February 8, 2012, 665 SCRA 571, 579.

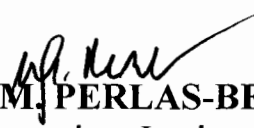
³³ *People v. Combate*, G.R. No. 189301, December 15, 2010, 638 SCRA 797, 823.

³⁴ *People v. Escleto*, *supra* note 30, at 161.


³⁵ *Id.*

with Homicide defined and penalized under Article 294 (1) of the Revised Penal Code, as amended, and are sentenced to suffer the penalty of *reclusion perpetua*, without eligibility for parole, and are ordered to pay the heirs of Freddie Clavel the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱30,000.00 as exemplary damages, and ₱25,000.00 as temperate damages, all with legal interest at the rate of six percent (6%) per annum from the finality of judgment until full payment. The rest of the CA Decision stands.

SO ORDERED.



ESTELA M. PERLAS-BERNABE
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson


TERESITA J. LEONARDO-DE CASTRO
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution 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