

FIRST DIVISION

[G.R. No. 233659, December 10, 2019]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOHN SANOTA Y SARMIENTO, DEO DAYTO Y GENORGA @ "RUBROB" AND ROLANDO ESPINELI Y ACEBO @ "LANDOY," ACCUSED-APPELLANTS.

DECISION

PERALTA, C.J.:

For consideration of this Court is the appeal of the Decision^[1] dated February 15, 2017 of the Court of Appeals (CA) affirming the Judgment^[2] dated August 20, 2014 of the Regional Trial Court (RTC), Branch 25, Bifian, Laguna in Criminal Case No. 21888-B, finding appellants John Sanota y Sarmiento (Sanota), Deo Dayto y Genorga @ "Rubrob" (Dayto) and Rolando Espineli y Acebo @ "Landoy" (*Espineli*) guilty beyond reasonable doubt of the crime of Robbery with Homicide as defined and penalized under Article 294 of the Revised Penal Code (RPC).

The facts follow.

According to Santiago Abion, Jr. (*Abion*), on March 31, 2011, around 4:00 p.m., he was feeding his ducks at the back of his house when he saw appellants having a drinking spree at a hut located five (5) meters away from his house. From a distance of three (3) meters, he overheard the three (3) appellants planning to raid a house in Hacienda 8. Abion also heard the same appellants saying that anyone who blocks their path will be killed. Thereafter, Abion entered his house and cooked food for dinner. Later, in the evening of the same day, appellant Espineli arrived at Abion's house and invited the latter to a birthday party in Don Jose, Santa Rosa, Laguna. After Abion asked permission from his wife, he and appellant Espineli boarded a motorcycle owned and driven by the same appellant. Instead of going to Don Jose, Santa Rosa, Laguna, the motorcycle headed towards Hacienda 8, and after five (5) minutes of travelling, appellant Espineli parked the motorcycle beside the road and in front of the house of Don Alfonso Quiros (Quiros). Appellant Espineli told Abion to stay put as he had to talk to his fellow security guard inside the house of Quiros. After a few seconds, appellants Sanota and Dayto arrived and the two asked Abion where appellant Espineli was. Abion told them that appellant Espineli went inside the house of Quiros and, thereafter, appellants Sanota and Dayto went inside the same house. Abion followed appellants Sanota and Dayto, and when he was twenty (20) meters away from the house of Quiros, he saw appellant Espineli handing a gun to appellant Dayto, and the latter, with a gun in his possession, climbed the window of the same house. After five (5) minutes, Abion heard a gunshot and saw appellant Dayto come out of the window of the house of Quiros with a gun on his right hand and a "black thing" on his left. Appellants Sanota and Dayto then fled to the forest, while appellant Espineli proceeded to where the motorcycle was parked. Abion also went back to the motorcycle and

pretended that he didn't witness the incident. Appellant Espineli drove the motorcycle and Abion alighted in Barangay Hernandez where the latter was told by the former to keep quiet. The following day, Abion heard from his neighbors that Quiros' house has been robbed and that the latter's son, Jose Miguel Quiros (Jose Miguel) was killed. Abion pretended not to know about the incident, but through the prodding of his wife who works as a gardener of Quiros, he was able to execute a Sinumpaang Salaysay^[3] dated April 5, 2011.

Thus, an Information was filed against the three (3) appellants charging them with the crime of Robbery with Homicide, which reads as follows:

That on or about March 31, 2011, in the City of Santa Rosa, Laguna, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a gun, conspiring, confederating, and helping one another, through the employment of violence and intimidation against Jose Miguel Quiros y Lopez, who is the son of complainant Miguel Alfonso Quiros y Yulo, with intent to gain, and without the consent of the owner thereof, did then and there willfully, unlawfully and feloniously take, steal and rob one (1) Asus Laptop worth Twenty[-]Seven Thousand Pesos (P27,000.00) owned by and belonging to complainant Miguel Alfonso Quiros y Yulo, to the damage and prejudice of the latter of the value of the said laptop in the amount of P27,000.00 Philippine Currency and that by reason of or on the occasion of the Robbery accused DEO DAYTO Y

GENORGA@ Rubrob, who as (sic) armed with a gun, shot Jose Miguel Quiros y Lopez hitting the latter at his trunk as a result thereof he sustained a fatal wound which resulted to his death, to the damage and prejudice of the heirs of Jose Miguel Quiros y Lopez.

With the presence of the aggravating circumstances that the Robbery with Homicide is committed in a dwelling and during night time.

CONTRARY TO LAW.^[4]

During their arraignment on July 8, 2011, appellants entered a plea of "not guilty."

The prosecution presented the testimonies of Abion, Lee Won Young (Lee), POI Adrian Alcon (POI Alcon), Florencio^[5] Mendoza (Mendoza), Nestor Laplap (Laplap), Maynard Malabanan (Malabanan), Miguel Alfonso Quiros y Yulo, and POI Mary Jennifer Encabo (POI Encabo).

Lee testified that on March 31, 2011, he visited his friend Jose Miguel, the son of Quiros, in the latter's house to attend a birthday party the following day and to play a video game with him. After twenty (20) minutes of playing a video game with Jose Miguel, Lee asked permission to go to the toilet. Thereafter, Lee heard a gunshot prompting him to shout, "*Miguel, are you okay?*," with no response from the latter. Miguel, looking shocked and soaked in blood that profusely oozing from his chest, ran towards Lee and saying, "Lee, there is a gun. A guy with a gun. I'd been shot. I'd been shot." Lee, then instinctively opened the door of the living room going to the main gate and called the guard on duty. Lee also called the attention of Miguel's father, who immediately went out of his room. They then brought Jose Miguel to the

hospital, but was declared dead on arrival.

The police officers testified on their respective investigations on the case. Mendoza and Laplap, both employees of Visman Security Agency with which appellant Espineli was employed as a security guard when the incident occurred, testified that the same appellant arrived at the agency around 10:30 in the evening of March 31, 2011 and deposited his motorcycle outside the area of their jurisdiction and left.

Appellants Espineli, Dayto and Sanota interposed the defense of denial and alibi.

In his testimony, appellant Espineli claimed that he was on duty as a security guard at Avida Nuvali Settings, specifically at East II Roving in Barangay Mangumit, Canlubang, Calamba City on March 31, 2011, from 7:00 a.m. to 7:00 p.m. After his duty, the same appellant was transferred to SIO Bravo and started his duty from 7:00 p.m. to 7:00 a.m. of the following day.

Appellant Dayto, on the other hand, testified that he attended his brother's birthday celebration at General Trias, Cavite on March 31, 2011 and around 8:00 p.m. of that day, he watched a television program while conversing with his common-law-wife until 10:00 p.m. before they fell asleep. He claimed to have stayed in General Trias until the arrival of his mother, brother and child from Bicol on April 3, 2011.

On his part, appellant John Sonata stated that on March 31, 2011, from 9:00 a.m. to 5:00 p.m., he was gathering wood in Sitio Hemedez, Barangay Malitit, Sta. Rosa, Laguna. Thereafter, he went to the house of his friend where he took a rest and watched television. After having dinner with his friend's family around 8:00 p.m., he proceeded to the house of his father-in law's "kumpare." Thereafter, he went back to the house of his friend around 9:00p.m. and slept.

The RTC, on August 20,2014, promulgated its Decision convicting the appellants of the crime of Robbery with Homicide. The dispositive portion of the decision reads as follows:

WHEREFORE, premises considered, the Court finds the accused John Sanota, Rolando "Landoy" Espineli, and Deo "Rubrob" Dayto GUILTY beyond reasonable doubt of the crime of Robbery with Homicide punished under Article 294 of the Revised Penal Code. All three accused are hereby sentenced to suffer imprisonment of Reclusion Perpetua. The accused are further ordered to pay, jointly, the amount of P383,764.65, as actual damages, P75,000[.00], as death indemnity, P1,000,000.00 as moral damages, P200,000[.00] as exemplary damages, attorney's fees of P100,000[.00] and costs of suit

SO ORDERED.^[6]

According to the RTC, all the elements of the crime of Robbery with Homicide are present.

Appellants sought further recourse to the CA.

The CA, in its Decision dated February 15, 2017, affirmed the decision of the RTC, thus:

WHEREFORE, the appealed Judgment rendered by Regional Trial Court of Biñan, Laguna, Branch 25 in Criminal Case No. 21888-B is AFFIRMED.

SO ORDERED.^[7]

The CA ruled that the prosecution was able to establish the guilt of all the accused beyond reasonable doubt. According to the CA, although there was no direct evidence to establish appellants' commission of the crime charged, circumstantial evidence suffices to convict them.

Hence, the present appeal. Appellants and the Office of the Solicitor General manifested to this Court that they are adopting their respective Briefs instead of filing Supplemental Briefs.

Appellants assigned the following errors:

I.

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANTS OF ROBBERY WITH HOMICIDE BASED ON CIRCUMSTANTIAL EVIDENCE DEDUCED FROM THE INCREDIBLE TESTIMONY OF PROSECUTION WITNESS, SANTIAGO ABION[,] JR.

II.

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANTS OF ROBBERY WITH HOMICIDE DESPITE THE PROSECUTION'S FAILURE TO PROVE THEIR GUILT BEYOND REASONABLE DOUBT.

III.

THE TRIAL COURT GRAVELY ERRED IN AWARDING ONE HUNDRED THOUSAND PESOS (PHPI00,000.00) AS ATTORNEY'S FEES SANS SUPPORTING DOCUMENT/RECEIPT. ^[8]

The appeal must fail.

The appellants argue that there was no direct proof presented by the prosecution on the events that led to the death of the victim, as well as the identity of the person or persons who shot the victim, nor was there any eyewitness to the actual taking of the missing laptop. They further insist that the testimony of Abion is incredible and does not warrant any consideration. Thus, absent any proof, appellants contend that the prosecution failed to prove their guilt beyond reasonable doubt.

Time and again, this Court has deferred to the trial court's factual findings and evaluation of the credibility of witnesses, especially when affirmed by the CA, in the absence of any clear showing that the trial court overlooked or misconstrued cogent facts and circumstances that would justify altering or revising such findings

and evaluation.^[9] This is because the trial court's determination proceeds from its first-hand opportunity to observe the demeanor of the witnesses, their conduct and attitude under grilling examination, thereby placing the trial court in the unique position to assess the witnesses' credibility and to appreciate their truthfulness, honesty and candor.^[10] As aptly ruled by the CA:

The above contentions of appellants are inadequate to overturn the established fact that Abion, Jr. saw the appellants in Hacienda Otso, in front of Don Miguel Alfonso Quiros' residence in the evening of 31 March 2016, when they robbed and killed Migs Quiros inside his house. While Abion, Jr. remained outside the house as ordered by Espineli, his distance or position was merely twenty meters away from the scene of the crime. Thus, We uphold the ruling of the trial court.

The trial court correctly rejected the defense of alibi of the appellants for the reason that they were positively identified by prosecution eyewitness Santiago Abion, Jr. ("Abion, Jr.") who does not appear to have any motive against them to fabricate evidence. Also, the distance of eyewitness Abion, Jr. in relation to the scene of the crime does not preclude any doubt on the physical impossibility of his presence at the locus criminis or its immediate vicinity at the time of its commission. Abion, Jr. alleged that at a distance of twenty (20) meters, he saw Landoy handed a gun to Rubrob. Rubrob then climbed the window of the house of Boss Coy. After five (5) minutes, a gunshot rang out, and Rubrob came out of the window with a gun on his right hand and a black thing on his left.

Hence, it has been established beyond reasonable doubt by the evidence on record that on 31 March 2011, prior to the incident or at around 4:00 o'clock in the afternoon, prosecution witness Abion, Jr. saw herein appellants, John Sanota y Sarmiento, Deo Dayto y Genorga@ "Rubrob" and Rolando Espineli y Acebo@ "Landoy", having a drinking spree at the house of Dayto. While feeding his ducks, he overheard appellants discussing their plan to rob a house located at Hacienda Otso.

^[11]

As such, this Court finds no error in the RTC's finding that the testimony of Abion is credible. Again, [T]he assessment of the credibility of the witnesses and their testimonies is best undertaken by the trial court because of its unique opportunity to observe the witnesses first hand and to note their demeanor, conduct, and attitude under grueling examination.^[12] These factors are the most significant in evaluating the sincerity of witnesses and in unearthing the truth, especially in the face of conflicting testimonies.^[13] The factual findings of the RTC, therefore, are accorded the highest degree of respect especially if the CA adopted and confirmed these,^[14] unless some facts or circumstances of weight were overlooked, misapprehended or misinterpreted as to materially affect the disposition of the case. ^[15] In the absence of substantial reason to justify the reversal of the trial court's assessment and conclusion, as when no significant facts and circumstances are shown to have been overlooked or disregarded, the reviewing court is generally bound by the former's findings. ^[16]

What is important is that the prosecution was able to prove the existence of all the