

FIRST DIVISION

[G.R. No. 212151, February 18, 2015]

THE PEOPLE OF PHILIPPINES, PLAINTIFF-APPELLEE, VS. 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.

R E S O L U T I O N

PERLAS-BERNABE, J.:

Before the Court is an ordinary appeal filed by accused-appellants^[1] 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 Decision^[2] dated July 4, 2013 of the Court of Appeals (CA) in CA-G.R. CR HC. No. 01215 which affirmed the Decision^[3] 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.

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:

"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 (P1,300.00), Video CD's worth One Thousand Seventy Five (P1,075.00) and one (1) microphone worth Four Hundred Seventy Five Pesos (P475.00), all valued in the total amount of THREE THOUSAND SEVENTY FIVE PESOS (P3,075.00), 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 Order^[12] 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]

The RTC Ruling

In a Decision^[15] 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 P50,000.00 as civil indemnity, P50,000.00 as moral damages, and P25,000.00 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. Gavel, 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 Decision^[19] 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 elements^[21] 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 P30,000.00 as temperate damages pursuant to Article 2224 of the Civil Code,^[23] hence, the instant appeal.

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