

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. JAYMAR RUGAY Y TORRES AND HARRY SOLIDUM ALIAS ARIEL SOLIDUM ALIAS REY TIMBAL, ACCUSED.

G.R. No. 145509. March 16, 2004

Ponente: QUISUMBING, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-145509/>

QUISUMBING, J.:

On January 17, 2000, the Regional Trial Court of Iligan City, Branch 6, found appellant Harry Solidum guilty of the special complex crime of Robbery with Homicide, and sentenced him to suffer the penalty of reclusion perpetua.[1]

The crime was allegedly committed as follows:

That on or about October 14, 1998, in the City of Iligan, Philippines, and within the jurisdiction of this Honorable Court, the said accused, conspiring and confederating together and mutually helping each other, by means of violence or intimidation, that is by arming themselves with knives, did then and there, with intent of gain, (sic) willfully, unlawfully and feloniously take, steal and carry away the wrist watch of one Jaime dela Peña, and during the said occasion, with intent to kill, the accused did then and there willfully, unlawfully and feloniously attack, assault, and jointly stab the said Jaime dela Peña thereby inflicting upon him the following physical injuries, to wit:

Hypovolemic shock sec. to penetrating stab wound (L) chest, left mid-clavicular line below the (L) nipple

Cardio-respiratory arrest

which caused the death of the said Jaime dela Peña.[2]

Upon arraignment, appellant Harry Solidum entered a plea of not guilty. His co-accused, Jaymar Rugay, entered a plea of guilty and was promptly sentenced to reclusion perpetua.[3] Trial ensued thereafter concerning the appellant only.

The facts on record show that on October 14, 1998, about 1:00 a.m., Leonel Samontiza[4] and Said Dumlas were at the sidewalk in front of the Equitable Bank located at the corner of Luna and Del Pilar Streets, Iligan City.[5] They were conversing with Mario, Dodong, and Toto, allegedly the fellow pimps of Leonel. Also present were Manay Terry and Manay Elena who were allegedly the managers of prostitutes.[6] Standing near them were Jaymar Rugay and Harry Solidum.[7]

At the opposite side of Luna St., more or less in front of the Equitable Bank, was a burnt building. Later, Leonel and Said saw someone urinating against a post in front of the burnt building. This person turned out to be the victim, Jaime dela Peña.[8] Jaymar and Harry crossed Luna St. and approached Jaime.[9] When they reached him, Jaymar held Jaime's hand while appellant placed his arm around Jaime's neck.[10] When Jaime fought back, appellant stabbed him at the back while Jaymar stabbed him on the chest.[11] Thereafter, Jaymar snatched the wristwatch of the victim and ran, followed by appellant, towards Labao St.[12] Fearful that they might be

implicated, Leonel and Said also ran away.[13]

That morning, the Iligan City Police Station No. 1 received a report concerning the killing of Jaime dela Peña. During investigation, SPO1 Cipriano Serino interviewed Leonel and Said, both of whom pointed to Jaymar and Harry as the culprits. SPO1 Serino and his fellow operatives looked for Jaymar and Harry who were well-known hangers-on at the city plaza, but they could not find both. Later, however, SPO2 Saramosing was able to arrest Jaymar.

Meanwhile, Dr. Livey Villarin, the city health officer, had examined the cadaver of Jaime.[14] He prepared a necropsy report showing the location and nature of his injuries.[15] He reported that the two stab wounds were probably inflicted by two individuals.[16]

During trial, accused-appellant Harry Solidum, for his defense, claimed that his real name is Rey Timbal.[17] He testified that he was a student of the Iligan City National High School but he stopped schooling sometime in September 1998. Thereafter, on September 20, 1998, he went to Impasog-ong, Bukidnon to join his father, who owned a half-hectare coffee plantation. He stayed there for a month. On October 30, 1998, he returned to his residence in Suarez, Iligan, where he stayed at home. Appellant declared he never left Suarez to come to Iligan City. He also vehemently denied having robbed much less killed the victim, Jaime.[18]

Testifying for appellant's defense, Jaymar said that about two months prior to October 14, 1998, he was employed as a cook at the barbeque stand located at the corner of Roxas Avenue and Aguinaldo St., Iligan City.[19] On October 13, 1998, he reported for work and went off duty only at 11:30 p.m.[20] About 1:00 a.m., October 14, 1998, he saw Jaime standing at the sidewalk beside the Bahayan Restaurant.[21] He claimed he saw two persons, Leonel and Said, approach Jaime and snatch his wristwatch. Afterwards, Leonel and Said ran away.[22] Jaime, on the other hand, approached Jaymar and kicked him. Thereupon, Jaymar pulled his knife and stabbed Jaime at the right side of the waist and then on the chest.[23] Jaymar denied knowing appellant earlier, adding that he came to know appellant only when he was arrested and charged[24]

The court found the testimonies of the prosecution witnesses Leonel and Said credible. It disbelieved appellant's defense of alibi as well as mistaken identity. According to the trial court, the fact that appellant's real name might have been Rey Timbal was not the overriding consideration in the case because both Leonel and Said positively identified him as one of the perpetrators of the crime. The court also held that appellant failed to prove by clear and convincing evidence that he could not have been within the vicinity of the crime when it happened.[25] Accordingly, the trial court decreed:

WHEREFORE, the court finds the accused Rey Timbal alias Harry Solidum alias Ariel Solidum GUILTY beyond reasonable doubt as principal of the offense of Robbery with Homicide defined and penalized in Art. 294, par. 1 of the Revised Penal Code as amended by R.A. 7659 and there being present neither aggravating nor mitigating circumstances hereby imposes upon him the penalty of RECLUSION PERPETUA with all the accessory penalties prescribed by law and to indemnify the Heirs of Jaime dela Peña the sums of P50,000.00 as death indemnity, P115, 549.55 as actual damages and P100,000.00 as moral damages without subsidiary imprisonment in case of insolvency.

Having been under preventive detention since November 3, 1998 until the present, the period of such preventive imprisonment shall be credited in full in favor of the said accused in the service of his sentence.

Costs against the accused.

SO ORDERED.[26]

Dissatisfied with the decision, appellant seasonably filed his notice of appeal raising the sole issue of whether the trial court erred in giving credence to the testimonies of prosecution witnesses Leonel and Said and convicting appellant on the basis thereof.

According to appellant, the testimonies of Leonel and Said were self-serving and not even corroborated. Since both admitted being police characters, appellant also argued that their testimonies deserve no weight.

The well-entrenched rule is that an appellate court will generally not disturb the assessment of the trial court on the credibility of witnesses[27] considering that trial court judges would naturally be in a much better position than the appellate court to appreciate testimonial evidence.[28] Having personal opportunity to observe the witness' deportment and manner of testifying,[29] the trial court judge's determination deserves the highest respect, sometimes even finality. Unless there appears on record some circumstance of weight and influence which had been overlooked[30] or the significance of which had been misinterpreted by the trial court,[31] the reviewing court will not set aside the findings of the trial court. Appellant has not shown any significant fact or circumstance which the trial court overlooked or misinterpreted. All that appellant says is that the testimonies of Leonel and Said are self-serving and that the testimonies of two police characters must be taken with extreme caution, for lack of credibility and weight, but he has not demonstrated convincingly and clearly why the conclusions of the court below should be disturbed and overturned.

While Leonel admitted to being a pimp[32] and Said had been a usual suspect in many incidents of robberies,[33] these circumstances do not necessarily make them or their testimonies ipso facto incredible. In *People v. Cuadra*,[34] we held that the determination of the character of a witness is not a prerequisite to belief in his testimony. The alleged bad character of a witness, even if true, should not sway the court in the evaluation of the witness' veracity. Other important factors should be considered, such as the witness' manner and behavior on the witness stand, the general characteristics, tone, tenor, and inherent probability of the witness' statements.[35]

No rule requires that the testimony of a witness must be corroborated before evidentiary weight is assigned to it. In fact, we have consistently held that even the testimony of a single witness, if found convincing and credible by the trial court, may be sufficient to support a finding of guilt beyond reasonable doubt. Truth is not established by the number of witnesses but by the quality of their testimonies.[36]

In this case, Leonel and Said corroborated each other's testimonies. Both of them positively stated that appellant placed his arm around Jaime's neck while Jaymar was trying to take the victim's watch. When Jaime fought back, appellant stabbed him at the back and Jaymar stabbed him on the chest. These two stab wounds caused Jaime's death. Their testimonies are also corroborated by the physical evidence[37] and the necropsy report of Dr. Villarín. Thus the prosecution evidence has established that appellant and his co-accused had intended to rob Jaime of his wristwatch, but because Jaime resisted, they stabbed him.

Jaymar's testimony that he didn't know appellant and his corollary claim that he acted alone in stabbing Jaime are not persuasive. Having pleaded guilty to the crime, he could make any claim without fear of additional penalty. But considering the prosecution's evidence in detail, we entertain no doubt that appellant Harry Solidum participated as principal with his co-accused Jaymar Rugay in committing the crime of robbery with homicide. [38]

As to the civil liability, the award of P50,000 as indemnity to the heirs of Jaime is in order. The award of P100,000 as moral damages, however, must be reduced to P50,000 in accordance with current jurisprudence.[39] The award of P115,549.55 as actual damages does not appear wholly supported by the evidence on record.

Evangeline dela Peña, the widow of the victim, presented receipts and testified that she spent P1,449.55 for hospital bills, P50,000 for funeral services including the cost for the casket, and P34,500 for the burial lot and tombstone.[40] She did not present receipts for the P30,000 she claimed as funeral expenses but only a statement of expenses[41] she had prepared herself. A party seeking the award of actual damages must produce competent proof or the best evidence obtainable to justify such award. Only substantiated and proven expenses, or those that appear to have been genuinely incurred in connection with the death, wake or burial of the victim will be recognized in court.[42] The award of actual damages must therefore be reduced to P85,949.55. But it being undeniable that expenses for the funeral of the victim was incurred, the sum of P10,000 may be awarded to his widow as temperate damages.

WHEREFORE, the appealed decision of the Regional Trial Court of Iligan City, Branch 6, is **AFFIRMED** with **MODIFICATION** as to damages. Appellant HARRY SOLIDUM alias ARIEL SOLIDUM alias REY TIMBAL is declared **GUILTY** beyond reasonable doubt, of the crime of **ROBBERY WITH HOMICIDE**. He is sentenced to suffer the penalty of reclusion perpetua, and ordered to pay the heirs of the victim, Jaime dela Peña, P50,000 as civil indemnity, P50,000 as moral damages, P85,949.55 as actual damages, and P10,000 as temperate damages.

Costs de oficio.

SO ORDERED.

Austria-Martinez, Callejo, Sr., and Tinga, JJ., concur.

Puno, (Chairman), on leave.

[1] Rollo, pp. 27-33, Decision in Crim. Case No. 06-7365.

[2] Id. at 17, Information.

[3] See Rollo, p. 17.

[4] Sometimes “Leonil” or “Lionel Samonteza” in some parts of the Records.

[5] TSN, 27 January 1999, pp. 4, 8-9.

[6] Id. at 5; TSN, 28 January 1999, pp. 3, 9-10.

[7] Ibid.

[8] Id. at 15.

[9] Id. at 10; TSN, 28 January 1999, p. 3.

[10] Id. at 10-11; Ibid.

[11] Id. at 11-13; Id. at 4.

[12] Id. at 13; Ibid.

[13] Id. at 14; Ibid.

[14] TSN, 26 January 1999, pp. 4, 6-9.

[15] Exhibit “B,” “B-1,” and “B-2,” Records, p. 7.

[16] TSN, 26 January 1999, p. 25.

[17] TSN, 6 September 1999, pp. 5-8; Exhibits “1” to “7-B,” Records, pp. 122-129.

[18] Id. at 11-15.

[19] TSN, 12 April 1999, pp. 4-5, 23.

[20] Id. at 24.

[21] Id. at 14.

[22] Id. at 13-14, 28-29.

[23] Id. at 14-15, 31-33.

[24] Id. at 16.

[25] Rollo, p. 32.

[26] Id. at 27-33.

[27] *People v. Galam*, G.R. No. 114740, 15 February 2000, 382 Phil. 376, 384 citing *People v. Batidor*, G.R. No. 126027, 18 February 1999, 362 Phil. 673, 681-682.

[28] *People v. Taboga*, G.R. Nos. 144086-87, 6 February 2002, 376 SCRA 500, 517.

[29] *People v. Romero*, G.R. Nos. 137037-38, 5 August 2002, 386 SCRA 173, 182; *People v. Conde, Jr.*, G.R. No. 134483, 16 January 2002, 373 SCRA 490, 500.

[30] *People v. Morfi*, G.R. Nos. 145449-50, 1 August 2002, 386 SCRA 158, 167.

[31] *People v. Mationg*, G.R. No. 137989, 27 March 2001, 355 SCRA 458, 471.

[32] TSN, 27 January 1999, p. 3.

[33] TSN, 19 February 1999, pp. 21, 24.

[34] No. L-27973, 23 October 1978, 85 SCRA 576, 586.

[35] Id. at 586-587.

[36] *People v. Francisco*, G.R. No. 110873, 23 September 1999, 373 Phil. 733, 746.

[37] See Exhibits “B,” “B-1,” and “B-2,” Records, p. 7.

[38] REV. PENAL CODE, ART. 294. Robbery with violence against or intimidation of persons —Penalties.— Any person guilty of robbery with the use of violence against or any person shall suffer:

- 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.

- The penalty of reclusion temporal in its medium period to reclusion perpetua, when or if by reason or on occasion of such robbery, any of the physical injuries penalized in subdivision 1 of Article 263 shall have been

inflicted.

- The penalty of reclusion temporal, when by reason or on occasion of the robbery, any of the physical injuries penalized in subdivision 2 of the article mentioned in the next preceding paragraph, shall have been inflicted.

- The penalty of prision mayor in its maximum period to reclusion temporal in its medium period, if the violence or intimidation employed in the commission of the robbery shall have been carried to a degree clearly unnecessary for the commission of the crime, or when in the course of its execution, the offender shall have inflicted upon any person not responsible for its commission any of the physical injuries covered by subdivisions 3 and 4 of said Article 263.

- The penalty of prision correccional in its maximum period to prision mayor in its medium period in other cases. (As amended by Sec. 9, RA No. 7659.)

[39] See *People v. Faco*, G.R. No. 115215, 16 September 1999, 373 Phil. 283, 302-303.

[40] See Exhibit “E-2” to “E-5,” Records, pp. 87-90.

[41] Exhibit “E,” Records, p. 86.

[42] *People v. Bonifacio*, G.R. No. 133799, 5 February 2002, 376 SCRA 134, 142.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.