SALVADOR ATIZADO AND SALVADOR MONREAL, PETITIONERS, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 173822. October 13, 2010

Ponente: BERSAMIN, J.

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BERSAMIN, J.:

On May 4, 2000, the Regional Trial Court (RTC), Branch 52, Sorsogon, convicted the petitioners of murder.[1] On December 13, 2005, the Court of Appeals (CA) affirmed their conviction in C.A.-G.R. CR-HC No. 01450, but modified the awarded damages.[2]

The petitioners contest the CA's affirmance of their conviction in this appeal via petition for review on certiorari.

We affirm their conviction, but we reduce the penalty imposed on Salvador Monreal because the RTC and the CA did not duly appreciate his minority at the time of the commission of the crime. We order his immediate release from prison because he already served his sentence, as hereby modified. Also, we add to the damages to which the heirs of the victim were entitled in order to accord with the prevailing law and jurisprudence.

Antecedents

On June 20, 1994, the Office of the Sorsogon Provincial Prosecutor formally charged the petitioners and a certain Danilo Atizado (Danilo) with murder through the following information, to wit:

> That on or about the 18[th] day of April 1994, at Barangay Bogña, Municipality of Castilla, Province of Sorsogon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, did then and there, willfully, unlawfully and feloniously, with treachery and evident premeditation, and without any justifiable cause or motive, with intent to kill, armed with handguns, attack, assault and shot one Rogelio Llona y Llave, a Sangguniang Bayan member of Castilla, Sorsogon, thereby inflicting upon him mortal and serious wounds which directly caused his instantaneous death, to the damage and prejudice of his legal heirs.
>
> CONTRARY TO LAW. [3]

After the petitioners and Danilo pleaded not guilty to the information on November 7, 1994,[4] the trial ensued.

The witnesses for the State were Simeona Mirandilla (Mirandilla), Major Saadra Gani (Major Gani), Dr. Wilhelmo Abrantes (Dr. Abrantes), Lawrence Llona (Lawrence), and Herminia Llona (Herminia).

Mirandilla narrated that on April 18, 1994 she and the late Rogelio Llona (Llona), her common-law husband, had attended the fiesta of Barangay Bonga in Castilla, Sorsogon; that at about 8 pm of that date, they had gone to the house of Manuel Desder (Desder) in the same barangay; that as they and Jose Jesalva (Jesalva), a barangay kagawad of the place, were seated in the sala of Desder's house, she heard "thundering steps" as if people were running and then two successive gunshots; that she then saw Atizado pointing a gun at the prostrate body of Llona; that seeing Atizado about to shoot Llona again, she shouted: Stop, that's enough!; that while aiding Llona,

she heard three clicking sounds, and, turning towards the direction of the clicking sounds, saw Monreal point his gun at her while he was moving backwards and simultaneously adjusting the cylinder of his gun; that the petitioners then fled the scene of the shooting; that she rushed to the house of barangay captain Juanito Lagonsing (Lagonsing) to report the shooting; and that she and Lagonsing brought Llona to a hospital where Llona was pronounced dead.[5]

Major Gani testified that the petitioners and Danilo were arrested on May 18, 1994,[6] based on the warrant of arrest issued by Judge Teodisio R. Dino, Jr. of the Municipal Trial Court in Castilla, Sorsogon.

Dr. Abrantes confirmed that Llona died due to two gunshot wounds in the back that penetrated his spinal column, liver, and abdomen.[7]

Lawrence and Herminia stated that the Llona family spent P30,000.00 for the funeral expenses of Llona.[8]

Denying the accusation, the petitioners interposed alibi. The witnesses for the Defense were Monreal, Roger Villafe (Villafe), Merlinda Lolos, Joseph Lorenzana (Lorenzana), Jesalva, and Lagonsing.

The Defense showed that at the time of the commission of the crime, Atizado had been in his family residence in Barangay Tomalaytay, Castilla,

Sorsogon, because he had been sick of influenza, while Monreal and Danilo had been in the house of a certain Ariel also in Barangay Tomalaytay, Castilla, Sorsogon drinking gin; that the petitioners and Danilo had not been recognized to be at the crime scene during the shooting of Llona; and that the petitioners had been implicated only because of their being employed by their uncle Lorenzana, the alleged mastermind in the killing of Llona.

As stated, on May 4, 2000, the RTC convicted the petitioners but acquitted Danilo, viz:

> WHEREFORE, premises considered, the Court finds accused Salvador Atizado and Salvador Monreal guilty beyond reasonable doubt of the crime of murder, defined and penalized under Article 248 of the Revised Penal Code, with the qualifying circumstance of treachery, the Court hereby sentences each of the accused to an imprisonment of Reclusion Perpetua and to pay the heirs of Rogelio Llona the sum of Fifty Thousand (P50,000.00) Pesos, Philippines currency, in solidum, as civil indemnity, without subsidiary imprisonment in case of insolvency; to reimburse the heirs of the victim the amount of P30,000.00 as actual expenses and to pay the cost.
>
> Accused Danilo Atizado on reasonable doubt is hereby acquitted of the crime charged and he being a detention prisoner, his immediate release from the provincial jail is hereby ordered, unless he is charged of other lawful cause or causes.
>
> Accused Salvador Atizado and Salvador Monreal being detained, shall be credited in full in the service of their sentence.
>
> SO ORDERED.[9]

The Court referred the petitioners' direct appeal to the CA pursuant to People v. Mateo.[10]

On December 13, 2005, the CA affirmed the conviction, disposing:

> WHEREFORE, the judgment of conviction is AFFIRMED. Accused-appellants Salvador Atizado and Salvador Monreal are hereby ordered to suffer the imprisonment of Reclusion Perpetua. Likewise, they are ordered to pay the heirs of Rogelio Llona the amount of: (a) P50,000.00 as civil indemnity; (b) P30,000.00 as actual damages; and (c) P50,000.00 as moral damages.
>
> SO ORDERED.[11]

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After the CA denied their motion for reconsideration,[12] the petitioners now appeal.

Issue

The petitioners submit that the RTC and the CA erred in finding them guilty of murder beyond reasonable doubt based on the eyewitness testimony of Mirandilla despite her not being a credible witness; that some circumstances rendered Mirandilla's testimony unreliable, namely: (a) she had failed to identify them as the assailants of Llona, because she had not actually witnessed them shooting at Llona; (b) she had merely assumed that they had been the assailants from the fact that they had worked for Lorenzana, the supposed mastermind; (c) the autopsy report stated that Llona had been shot from a distance, not at close range, contrary to Mirandilla's claim; (d) Mirandilla's testimony was contrary to human experience; and (e) Mirandilla's account was inconsistent with that of Jesalva's.

Ruling

The conviction of the petitioners is affirmed, subject to modifications in the penalty imposed on Monreal and in the amounts and kinds of damages as civil liability.

I.
Factual findings of the RTC and CA
are accorded respect
The RTC and CA's conclusions were based on Mirandilla's positive identification of the petitioners as the malefactors and on her description of the acts of each of them made during her court testimony on March 6, 1995,[13] viz:

> q
>
> Who were you saying `we sat together'?
>
> a
>
> Kdg. Llona, Mr. Jose Jesalva and I was letting my 5 years old child to sleep.
>
> q
>
> Can you demonstrate or described before this Honorable Court the size of the sala and the house you wherein (sic)?
>
> a
>
> The size of the sale (sic) is about 3 x 3 meters.
>
> q
>
> Now, please show to this Honorable Court the relative position, the sitting arrangement of yours, Kgd. Llona and Kgd. Jesalva.
>
> a
>
> I was sitting on a long bench then my child was on my lap, then Kdg. Llona was infront of me, I was at the right side of Kdg. Llona
>
> q
>
> How about Kdg. Jesalva?
>
> a

This Kgd. Jesalva was facing Kgd. Llona and Kgd. Llona was facing the door in otherwords, the door was at his back.

q

Was the door open?

a

Yes, sir.

q

Was the door immediately found... Rather was this the main door of the house?

a

That was the main door leading to the porch of the house.

q

And from the porch is the main stairs already?

a

Yes, sir.

q

Now, what were you doing there after dinner as you said you have finished assisting the persons in Bongga about the program, ... after that, what were you doing then?

a

I was letting my child to sleep and Kgd. Llona was fanning my child.

q

How about Kgd. Jesalva?

a

His head was stopping (sic) because of his drunkenness.

q

Can you tell this Honorable Court, while you were on that situation, if there was any incident that happened?

a

There was a sudden thundering steps as if they were running and there were successive shots.

q

Simultaneously with these two (2) successive shots can you see the origin or who was responsible for the shots?

a

Upon hearing the shots, I turned my head and saw Salvador Atizado.

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q

Who is this Salvador Atizado?

a

He was the one who shot Kgd. Llona.

q

Can you be able to identify him?

a

(Witness identifying the person, and when asked of his name answered Salvador Atizado.)

q

So when you heard the shots, who was actually shot?

a

Kgd. Llona, because after looking at the (3) persons I saw Kgd. Llona sliding downward.

q

Then after that what happened?

a

Then I stood immediately and I told the persons responsible `stop that's enough', and I gave assistance to Kgd. Llona.

q

Then after that what happened?

a

My intention was to let Kgd. Llona push-up but I heard three (3) clicks of the trigger of the gun.

q

Then what did you do when you heard that?

a

After which I turned my head suddenly then I saw this Salvador Monreal but at that time I do not know his name.

q

Then what did you see of him?

a

I saw this Salvador Monreal stepping backward and he was adjusting the cylinder of the gun.

q

Now, when you saw and heard Atizado three (3) clicks of the gun, can you see where the gun was pointed at?

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a

It was pointed towards me.

q

So, there were three (3) shots that did not actually fired towards you?

a

Yes, sir.

q

So when you said that you saw this man Monreal, can you still recognize this man?

a

Yes, sir.

q

Could you be able to point at him, if he is in Court?

a

Yes, sir.

q

Kindly please go down and tap his shoulder?

a

(witness going down and proceeded to the first bench and tap the shoulder of the person, the person tapped by the witness answered to the name Salvador Monreal.)

q

You said, when you stood up and face with him while he was adjusting his revolver and he was moving backward, did you see other persons as his companion, if any?

a

At the first time when I turned my head back, I saw this Atizado he was already on the process of leaving the place.

q

Who is the first name of this Atizado?

a

Danilo Atizado

q

And did they actually leave the place at that moment?

a

> Salvador Monreal was the one left.

Our own review persuades us to concur with the RTC and the CA. Indeed, Mirandilla's positive identification of the petitioners as the killers, and her declarations on what each of the petitioners did when they mounted their sudden deadly assault against Llona left no doubt whatsoever that they had conspired to kill and had done so with treachery.

It is a basic rule of appellate adjudication in this jurisdiction that the trial judge's evaluation of the credibility of a witness and of the witness' testimony is accorded the highest respect because the trial judge's unique opportunity to observe directly the demeanor of the witness enables him to determine whether the witness is telling the truth or not.[14] Such evaluation, when affirmed by the CA, is binding on the Court unless facts or circumstances of weight have been overlooked, misapprehended, or misinterpreted that, if considered, would materially affect the disposition of the case.[15] We thus apply the rule, considering that the petitioners have not called attention to and proved any overlooked, misapprehended, or misinterpreted circumstance. Fortifying the application of the rule is that Mirandilla's positive declarations on the identities of the assailants prevailed over the petitioners' denials and alibi.[16]

Under the law, a conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.[17] Yet, the State did not have to prove the petitioners' previous agreement to commit the murder,[18] because their conspiracy was deduced from the mode and manner in which they had perpetrated their criminal act.[19] They had acted in concert in assaulting Llona, with their individual acts manifesting a community of purpose and design to achieve their evil end. As it is, all the conspirators in a crime are liable as co-principals.[20] Thus, they cannot now successfully assail their conviction as co-principals in murder.

Murder is defined and punished by Article 248 of the Revised Penal Code (RPC), as amended by Republic Act No. 7659, which provides:

> Article 248. Murder. -- Any person who, not falling within the provisions of Article 246 shall kill another, shall be guilty of murder and shall be punished by reclusion perpetua to death, if committed with any of the following attendant circumstances:
>
> - With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity.
>
> - In consideration of a price, reward, or promise.
>
> - By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a railroad, fall of an airship, or by means of motor vehicles, or with the use of any other means involving great waste and ruin.
>
> - On occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic or other public calamity.
>
> - With evident premeditation.
>
> - With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse.

There is treachery when the offender commits any of the crimes against the person, employing means, methods or forms in the execution thereof which tend directly and specially to insure its execution, without risk to himself arising from the defense which offended party might make.[21] For treachery to be attendant, the means, method,

or form of execution must be deliberated upon or consciously adopted by the offenders.[22] Moreover, treachery must be present and seen by the witness right at the inception of the attack.[23]

The CA held that Mirandilla's testimonial narrative "sufficiently established that treachery attended the attack o[n] the victim" because Atizado's shooting the victim at the latter's back had been intended to ensure the execution of the crime; and that Atizado and Monreal's conspiracy to kill the victim was proved by their presence at the scene of the crime each armed with a handgun that they had fired except that Monreal's handgun did not fire.[24]

We concur with the CA on the attendance of treachery. The petitioners mounted their deadly assault with suddenness and without the victim being aware of its imminence. Neither an altercation between the victim and the assailants had preceded the assault, nor had the victim provoked the assault in the slightest. The assailants had designed their assault to be swift and unexpected, in order to deprive their victim of the opportunity to defend himself.[25] Such manner constituted a deliberate adoption of a method of attack that ensured their unhampered execution of the crime.

II.
Modification of the Penalty on Monreal
and of the Civil Damages

Under Article 248 of the RPC, as amended by Republic Act No. 7659, the penalty for murder is reclusion perpetua to death. There being no modifying circumstances, the CA correctly imposed the lesser penalty of reclusion perpetua on Atizado, which was conformable with Article 63 (2) of the RPC.[26] But reclusion perpetua was not the correct penalty for Monreal due to his being a minor over 15 but under 18 years of age. The RTC and the CA did not appreciate Monreal's minority at the time of the commission of the murder probably because his birth certificate was not presented at the trial.

Yet, it cannot be doubted that Monreal was a minor below 18 years of age when the crime was committed on April 18, 1994. Firstly, his counter-affidavit executed on June 30 1994 stated that he was 17 years of age.[27] Secondly, the police blotter recording his arrest mentioned that he was 17 years old at the time of his arrest on May 18, 1994.[28] Thirdly, Villafe's affidavit dated June 29, 1994 averred that Monreal was a minor on the date of the incident.[29] Fourthly, as RTC's minutes of hearing dated March 9, 1999 showed,[30] Monreal was 22 years old when he testified on direct examination on March 9, 1999,[31] which meant that he was not over 18 years of age when he committed the crime. And, fifthly, Mirandilla described Monreal as a teenager and young looking at the time of the incident.[32]

The foregoing showing of Monreal's minority was legally sufficient, for it conformed with the norms subsequently set under Section 7 of Republic Act No. 9344, also known as the Juvenile Justice and Welfare Act of 2006,[33] viz:

> Section 7. Determination of Age. - The child in conflict with the law shall enjoy the presumption of minority. He/She shall enjoy all the rights of a child in conflict with the law until he/she is proven to be eighteen (18) years old or older. The age of a child may be determined from the child's birth certificate, baptismal certificate or any other pertinent documents. In the absence of these documents, age may be based on information from the child himself/herself, testimonies of other persons, the physical appearance of the child and other relevant evidence. In case of doubt as to the age of the child, it shall be resolved in his/her favor.
>
> Any person contesting the age of the child in conflict with the law prior to the filing of the information in any appropriate court may file a case in a summary proceeding for the determination of age before the Family Court which shall decide the case within twenty-four (24) hours from receipt of the appropriate pleadings of all interested parties.

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> If a case has been filed against the child in conflict with the law and is pending in the appropriate court, the person shall file a motion to determine the age of the child in the same court where the case is pending. Pending hearing on the said motion, proceedings on the main case shall be suspended.
>
> In all proceedings, law enforcement officers, prosecutors, judges and other government officials concerned shall exert all efforts at determining the age of the child in conflict with the law.

Pursuant to Article 68 (2) of the RPC,[34] when the offender is over 15 and under 18 years of age, the penalty next lower than that prescribed by law is imposed. Based on Article 61 (2) of the RPC, reclusion temporal is the penalty next lower than reclusion perpetua to death. Applying the Indeterminate Sentence Law and Article 64 of the RPC, therefore, the range of the penalty of imprisonment imposable on Monreal was prision mayor in any of its periods, as the minimum period, to reclusion temporal in its medium period, as the maximum period. Accordingly, his proper indeterminate penalty is from six years and one day of prision mayor, as the minimum period, to 14 years, eight months, and one day of reclusion temporal, as the maximum period.

Monreal has been detained for over 16 years, that is, from the time of his arrest on May 18, 1994 until the present. Given that the entire period of Monreal's detention should be credited in the service of his sentence, pursuant to Section 41 of Republic Act No. 9344,[35] the revision of the penalty now warrants his immediate release from the penitentiary.

In this regard, the benefits in favor of children in conflict with the law as granted under Republic Act No. 9344, which aims to promote the welfare of minor offenders through programs and services, such as delinquency prevention, intervention, diversion, rehabilitation and re-integration, geared towards their development, are retroactively applied to Monreal as a convict serving his sentence. Its Section 68 expressly so provides:

> Section 68. Children Who Have Been Convicted and are Serving Sentences. - Persons who have been convicted and are serving sentence at the time of the effectivity of this Act, and who were below the age of eighteen (18) years at the time of the commission of the offense for which they were convicted and are serving sentence, shall likewise benefit from the retroactive application of this Act. They shall be entitled to appropriate dispositions provided under this Act and their sentences shall be adjusted accordingly. They shall be immediately released if they are so qualified under this Act or other applicable laws.

Both petitioners were adjudged solidarily liable to pay damages to the surviving heirs of Llona. Their solidary civil liability arising from the commission of the crime stands,[36] despite the reduction of Monreal's penalty. But we must reform the awards of damages in order to conform to prevailing jurisprudence. The CA granted only P50,000.00 as civil indemnity, P30,000.00 as actual damages, and P50,000.00 as moral damages. We hold that the amounts for death indemnity and moral damages should each be raised to P75,000.00 to accord with prevailing case law;[37] and that exemplary damages of P30,000.00 due to the attendance of treachery should be further awarded,[38] to accord with the pronouncement in People v. Catubig,[39] to wit:

> The commission of an offense has two-pronged effect, one on the public as it breaches the social order and other upon the private victim as it causes personal sufferings, each of which, is addressed by, respectively, the prescription of heavier punishment for the accused and by an award of additional damages to the victim. The increase of the penalty or a shift to a graver felony underscores the exacerbation of the offense by the attendance of aggravating circumstances, whether ordinary or qualifying, in its commission. Unlike the criminal liability which is basically a State concern, the award of damages, however is likewise, if not primarily, intended for the offended party who suffers thereby. It would make little sense for an award of exemplary damages to be due the private offended party when the aggravating circumstance is ordinary but to be withheld when it is qualifying. Withal, the ordinary or qualifying nature of an aggravating circumstance is a distinction that should only be of consequence to the criminal, rather than to the civil liability of the offender. In fine, relative to the civil aspect of the case, an aggravating circumstance, whether ordinary or qualifying,

> should entitle the offended party to an award of exemplary damages within the unbridled meaning of Article 2230 of the Civil Code.

The award of actual damages of P30,000.00 is upheld for being supported by the record.

WHEREFORE, the Court affirms the decision dated December 13, 2005 promulgated in CA-G.R. CR-HC No. 01450, subject to the following modifications:

(a) Salvador Monreal is sentenced to suffer the indeterminate penalty from six years and one day of prision mayor, as the minimum period, to 14 years, eight months, and one day of reclusion temporal, as the maximum period;

(b) The Court orders the Bureau of Corrections in Muntinlupa City to immediately release Salvador Monreal due to his having fully served the penalty imposed on him, unless he is being held for other lawful causes; and

(c) The Court directs the petitioners to pay jointly and solidarily to the heirs of Roger L. Llona P75,000.00 as death indemnity, P75,000.00 as moral damages, P30,000.00 as exemplary damages, and P30,000.00 as actual damages.

Let a copy of this decision be furnished for immediate implementation to the Director of the Bureau of Corrections in Muntinlupa City by personal service. The Director of Bureau of Corrections shall report to this Court the action he has taken on this decision within five days from service.

SO ORDERED.

Carpio Morales, (Chairperson), Brion, Villarama, Jr., and Sereno, JJ., concur.

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[1] Original records, pp. 357-364 (Criminal Case No. 94-3653).

[2] Rollo, pp. 18-36; penned by Associate Justice Vicente S.E. Veloso, with Associate Justice Bienvenido L. Reyes and Associate Justice Amelita G. Tolentino, concurring.

[3] Original records, pp. 20-23.

[4] Id. pp. 55-56.

[5] TSN, March 6, 1995, pp. 2-14.

[6] TSN, February 22, 1995, p. 8.

[7] TSN, February 20, 1995, pp. 2-4.

[8] TSN, January 9, 1995; February 22, 1995, p. 22.

[9] Supra, note 1, p. 364.

[10] G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640.

[11] Rollo, p. 36.

[12] Id., p. 43.

[13] At pp. 5-10.

[14] People v. Pascual, G.R. No. 173309, January 23, 2007, 512 SCRA 385, 392.

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[15] People v. Domingo, G.R. No. 184958, September 17, 2009, 600 SCRA 280, 293; People v. Gerasta, G.R. No. 176981, December 24, 2008, 575 SCRA 503, 512.

[16] See People v. Magdaraog, G.R. No. 151251, May 19, 2004, 428 SCRA 529, 531.

[17] Article 8, Revised Penal Code.

[18] People v. Cabrera, G.R. No. 105992, February 1, 1955, 241 SCRA 28.

[19] People v. Factao, G.R. No. 12566, January 13, 2004, 419 SCRA 38.

[20] People v. Peralta, No. L-19069, October 29, 1968, 25 SCRA 759, 776-777; People v. Pablo, G.R. Nos. 120394-97, January 16, 2001, 349 SCRA 79.

[21] Article 14, paragraph 16, Revised Penal Code.

[22] People v. Punzalan, No. L-54562, August 6, 1982, 153 SCRA 1, 2.

[23] People v. Sayaboc, G.R. No. 147201, January 15, 2004, 419 SCRA 659, 660; People v. Cajurao, G.R. No. 122767, January 20, 2004, 420 SCRA 207, 208; People v. Guillermo, G.R. No. 147786, January 20, 2004, 420 SCRA 326, 328.

[24] CA Rollo, pp. 163-165.

[25] People v. Villanueva, G.R. No. 122746, January 29, 1999, 302 SCRA 380, 382.

[26] Article 63. Rules for the application of indivisible penalties. -- In all cases in which the law prescribes a single indivisible penalty, it shall be applied by the courts regardless of any mitigating or aggravating circumstances that may have attended the commission of the deed.

In all cases in which the law prescribes a penalty composed of two indivisible penalties, the following rules shall be observed in the application thereof:

> xxx
>
> 2. When there are neither mitigating nor aggravating circumstances and there is no aggravating circumstance, the lesser penalty shall be applied.
>
> xxx

[27] Original records, pp. 28-29.

[28] TSN, February 22, 1995, p. 8.

[29] Original records, p. 30.

[30] Id., p. 338.

[31] TSN, March 9, 1999, p. 1.

[32] TSN, March 28, 1995, pp. 50-51.

[33] The law was enacted on April 28, 2006 and took effect on May 20, 2006.

[34] Article 68. Penalty to be imposed upon a person under eighteen years of age. -- When the offender is a minor under eighteen years and his case is one coming under the provisions of the paragraphs next to the last of Article 80 of this Code, the following rules shall be observed:

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- Upon a person under fifteen but over nine years of age, who is not exempted from liability by reason of the court having declared that he acted with discernment, a discretionary penalty shall be imposed, but always lower by two degrees at least than that prescribed by law for the crime which he committed.

- Upon a person over fifteen and under eighteen years of age the penalty next lower than that prescribed by law shall be imposed, but always in the proper period.

[35] Section 41. Credit in Service of Sentence. - The child in conflict with the law shall be credited in the services of his of his/her sentence with the full time spent in actual commitment and detention under this Act.

[36] Sections 6, 38 and 39 of RA No. 9344.

[37] People v. Arbalate, G.R. No. 183457, September 17, 2009, 600 SCRA 239, 255; People v. Satonero, G.R. No. 186233, October 2, 2009, 602 SCRA 769.

[38] Id.

[39] G.R. No. 137842, August 23, 2001, 363 SCRA 621.

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