

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RENATO LAGAT Y GAWAN A.K.A. RENAT GAWAN AND JAMES PALALAY Y VILLAROSA, ACCUSED-APPELLANTS.

G.R. No. 187044. September 14, 2011

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

This appeal was filed by accused-appellants Renato Lagat y Gawan (Lagat), also known as Renat Gawan, and James Palalay y Villarosa (Palalay) to challenge the Court of Appeals' October 8, 2008 Decision[1] in CA-G.R. CR.-H.C. No. 02869, for affirming with modification the March 19, 2007 Decision[2] of the Regional Trial Court (RTC), Branch 21, Santiago City, wherein they were found guilty beyond reasonable doubt of Qualified Carnapping in Criminal Case No. 21-4949.

Accused-appellants Lagat and Palalay were charged with the crime of Carnapping as defined under Section 2 and penalized under Section 14[3] of Republic Act No. 6539. The accusatory portion of the Information,[4] reads:

That on or about the 12[th] day of April 2005, at Santiago City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, conniving with each other, and mutually helping one another and with intent to gain and without the consent of the owner thereof, did then and there willfully, unlawfully and feloniously take, steal and carry away one (1) unit YASUKI tricycle bearing Engine No. 161FMJ41535420 and Motor No. LX8PCK0034D002243 then driven and owned by JOSE BIAG, valued at P70,000.00, to the damage and prejudice of the owner thereof.

That in the course of the commission of carnapping, or on occasion thereof, the above-named accused, conspiring, conniving confederating and helping each other, and with intent to kill, did then and there assault, attack and wound the said JOSE BIAG with sharp and pointed instrument directing blows against the vital parts of the body of the latter thereby inflicting upon him multiple stab and hacking wounds which directly caused the death of the said JOSE BIAG.

Lagat pleaded not guilty upon arraignment on June 16, 2005.[5] Palalay, on the other hand, did not enter any plea; hence, a plea of not guilty was entered by the RTC for him.[6]

On August 1, 2005, both accused proposed to plead guilty to a lesser offense.[7] In their plea-bargaining proposal,[8] they asked that they be allowed to plead guilty to the crime of Homicide under Article 249 of the Revised Penal Code and that the mitigating circumstances of plea of guilty and/or no intention to commit so grave a wrong be considered in their favor. They also asked that damages be fixed at P120,000.00. This proposal was rejected[9] by the prosecution; thus, the pre-trial conference proceeded. The pre-trial Order contained the following facts as admitted by the parties:

1. That the cadaver of Jose Biag was recovered along Angadanan and Sn. Guillermo road by members of the police together with Barangay Captain Heherson Dulay and Chief Tanod Rumbaoa, Sr.
2. That the two accused were arrested in possession of palay allegedly stolen in Alicia, Isabela.

3. That the cause of death of Jose Biag was multiple stab and hack wounds as described in the Autopsy Report and death certificate which shall be submitted during trial.[10]

After the pre-trial conference, trial on the merits ensued.

The prosecution first presented Florida Biag (Florida), the wife of the victim Jose Biag (Biag), to testify on the circumstances leading to Biag's disappearance and the discovery of his body, the recovery of Biag's tricycle, and the expenses she incurred and the income she had lost as a result of her husband's death. Florida testified that her husband was a farmer, a barangay tanod, and a tricycle driver.[11] On April 12, 2005, at around two o'clock in the morning, her husband left to operate his tricycle for public use. It was around 11:00 a.m. of April 13, 2005, when news reached her that their tricycle was with the Philippine National Police (PNP) of the Municipality of Alicia and that her husband had figured in an accident. After learning of the incident, Florida sought the help of their Barangay (Brgy.) Captain, Heherson Dulay, who immediately left for Angadanan without her. At around 2:00 p.m., Brgy. Captain Dulay informed[12] Florida of what had happened to her husband.[13] Florida then presented in court the receipts[14] evidencing the expenses she had incurred for her husband's wake and funeral and for the repair of their tricycle, which was recovered with missing parts. She also testified as to the income Biag was earning as a farmer, a tanod, and a tricycle driver, and claimed that his death had caused her sleepless nights.[15]

The second witness for the prosecution was the Chief Tanod of Barangay Rizal, Poe Rumbaoa, Sr. (Rumbaoa). He testified that on April 13, 2005, after he and Brgy. Captain Dulay received Florida's report, they immediately went to the Alicia Police Station, wherein they found Biag's tricycle. The PNP of Alicia showed them the identification card recovered in the tricycle and told them that the tricycle was used in stealing palay from a store in Angadanan, Isabela that belonged to a certain Jimmy Esteban (Esteban). Rumbaoa and Brgy. Captain Dulay were also told that the owner of the tricycle was killed and dumped along the Angadanan and San Guillermo Road. They were thereafter shown the two suspects and the place where Biag's body was dumped. Rumbaoa said that he was able to identify the body as Biag's, which was almost unrecognizable because it was bloated all over, only because Biag had a mark on his right shoulder, which Rumbaoa knew of.[16]

Police Officer 2 (PO2) Arthur Salvador, a member of the PNP in Alicia, took the witness stand next. He testified that on April 13, 2005, he was on duty along with other colleagues at the Alicia PNP Station, when they received a report from Esteban that the cavans of palay stolen from him were seen at Alice Palay Buying Station in Alicia, Isabela, in a tricycle commandeered by two unidentified male persons. PO2 Salvador said that upon receipt of this report, their Chief of Police composed a team, which included him, PO2 Bernard Ignacio, and PO2 Nathan Abuan, to verify the veracity of the report. At Alice Palay Buying Station, they saw the tricycle described to them by their chief, with the cavans of palay, and the two accused, Lagat and Palalay. PO2 Salvador averred that he and his team were about to approach the tricycle when the two accused "scampered"[17] to different directions. After "collaring" the two accused, they brought them to the Alicia PNP Station together with the tricycle and its contents. PO2 Salvador asseverated that when they reached the station, they asked the two accused if they had any papers to show for both the tricycle and the palay, to which the two accused did not answer. They allegedly kept silent even after they were informed of their rights not only to remain as such, but also to have counsel, either of their own choosing, or to be assigned to them if they cannot afford one. PO2 Salvador then continued that when they unloaded the tricycle, they discovered bloodstains inside and outside the sidecar. He also personally found a wallet containing the tricycle's Certificate of Registration and Official Receipt[18] issued by the Land Transportation Office in the name of Jose Biag. When they asked the two accused about their discoveries, Lagat and Palalay voluntarily answered that the name in the papers is that of the owner of the tricycle, whom they killed and dumped along Angadanan and San Guillermo Road, when they carnapped his tricycle. PO2 Salvador alleged that upon hearing this revelation, they again informed Lagat and Palalay that anything they say would be used

against them, and that they had a right to counsel. Thereafter, they coordinated with the PNP of Angadanan Police Station, and together with the two accused, they proceeded to Angadanan-San Guillermo Road, where they found Biag's body in a ravine just after the bridge near the road.[19]

The prosecution's last witness, PO2 Ignacio corroborated PO2 Salvador's testimony on the events that led them to the tricycle, the palay, the two accused, and the body of Biag. He also confirmed PO2 Salvador's claim that they had informed the two accused of their rights but the latter just ignored them; hence, they continued with their investigation.[20] PO2 Ignacio added that the two accused also told them how they killed Biag, to wit:

A- They rented a tricycle from Santiago to Alicia but they proceeded to Angadanan. And upon arrival at the site, they poked a knife to the driver and the driver ran away. They chased him and stabbed him, sir.[21]

Upon cross-examination, PO2 Ignacio averred that they were not able to recover the murder weapon despite diligent efforts to look for it and that they had questioned the people at Alice Palay Buying Station and were told that the two accused had no other companion. PO2 Ignacio also admitted that while they informed Lagat and Palalay of their constitutional rights, the two were never assisted by counsel at any time during the custodial investigation.[22]

The prosecution also submitted the Post-Mortem Autopsy Report[23] on Biag of Dr. Edgar Romanchito P. Bayang, the Assistant City Health and Medico-Legal Officer of Santiago City. The Report showed that Biag was likely killed between 12:00 noon and 2:00 p.m. of April 12, 2004, and that he had sustained three stab wounds, an incise wound, two hack wounds and an "avulsion of the skin extending towards the abdomen." [24]

After the prosecution rested its case, the accused filed a Motion to Dismiss on Demurrer to Evidence[25] without leave of court[26] on the ground that the prosecution failed to prove their guilt beyond reasonable doubt. Lagat and Palalay averred that their constitutional rights on custodial investigation were grossly violated as they were interrogated for hours without counsel, relatives, or any disinterested third person to assist them. Moreover, the admissions they allegedly made were not supported by documentary evidence. Palalay further claimed that Rumbaoa's testimony showed that he had a "swelling above his right eye" and "a knife wound in his left arm," which suggests that he was maltreated while under police custody.[27]

The accused also claimed that the circumstantial evidence presented by the prosecution was not sufficient to convict them. They averred that aside from the alleged admissions they had made, the prosecution had nothing else: they had no object evidence for the bloodstains allegedly found in the tricycle; the murder weapon was never found; and no eyewitness aside from the police officers was presented to show that they were in possession of the tricycle at the time they were arrested. Lagat and Palalay argued that the prosecution failed to establish an unbroken chain of events that showed their guilt beyond reasonable doubt, thus, they were entitled to enjoy the constitutional presumption of innocence absent proof that they were guilty beyond reasonable doubt.[28]

As the accused filed their Demurrer to Evidence without leave of court, they in effect waived their right to present evidence, and submitted the case for judgment on the basis of the evidence for the prosecution.[29]

On March 19, 2007, the RTC rendered a Decision, the dispositive portion of which reads:

WHEREFORE in the light of the foregoing considerations the Court finds the accused Renato Lagat y Gawan and James Palalay y Villarosa GUILTY beyond reasonable doubt of qualified carnapping and hereby sentences each of them to the penalty of reclusion perpetua. They are also ORDERED TO PAY Florida Biag the sum of Twelve thousand three hundred pesos (P12,300.00) as actual damages plus Fifty thousand pesos (P50,000.00) for death indemnity and another Fifty thousand pesos (P50,000.00) for moral damages.[30]

After evaluating the evidence the prosecution presented, the RTC agreed with the accused that their rights were

violated during their custodial investigation as they had no counsel to assist them. Thus, whatever admissions they had made, whether voluntarily or not, could not be used against them and were inadmissible in evidence.[31]

However, the RTC held that despite the absence of an eyewitness, the prosecution was able to establish enough circumstantial evidence to prove that Lagat and Palalay committed the crime, to wit:

- The accused were caught by the Alicia PNP in possession of Biag's tricycle, loaded with stolen palay;
- The accused ran immediately when they saw the Alicia PNP approaching them;
- The Alicia PNP found bloodstains on the tricycle and Biag's wallet with documents to prove that Biag owned the tricycle;
- The Alicia PNP contacted the PNP of Santiago City to inquire about a Jose Biag, and this was how the barangay officials of Santiago City and Florida found out that Biag's tricycle was with the Alicia PNP;
- Biag left early morning on April 12, 2005 and never returned home;
- The accused themselves led the Alicia PNP and Barangay Captain Dulay and Rumbaoa to where they dumped Biag's body.[32]

The RTC convicted Lagat and Palalay of the crime of carnapping, qualified by the killing of Biag, which, according to the RTC, appeared to have been done in the course of the carnapping.[33]

Lagat and Palalay asked the RTC to reconsider its Decision on the grounds that it erred in giving full credence to the testimonies of the prosecution's witnesses and in relying on the circumstantial evidence presented by the prosecution.[34]

On May 29, 2007, the RTC denied[35] this motion, holding that the testimonies of the witnesses were credible and supported by the attending facts and circumstances, and that there was sufficient circumstantial evidence to convict the accused.

Lagat and Palalay went[36] to the Court of Appeals, asserting that their guilt was not established beyond reasonable doubt.[37] They averred that circumstantial evidence, to be sufficient for a judgment of conviction, "must exclude each and every hypothesis consistent with innocence,"[38] which was allegedly not the case in their situation. They elaborated on why the circumstantial evidence the RTC enumerated could not be taken against them:

- The accused's possession of the tricycle cannot prove that they killed its owner;
- Their act of fleeing may be due to the stolen palay (which is not the subject of this case), and not the tricycle;
- No evidence was given that would link the bloodstains found in the tricycle to Biag himself. They could have easily been Palalay's, who was shown to have a knife wound; and
- The accused's act of pointing to the police and the barangay officials the ravine where Biag's body was dumped was part of their interrogation without counsel, which the RTC itself declared as inadmissible in evidence.[39]

On October 8, 2008, the Court of Appeals rendered its Decision with the following dispositive portion:

WHEREFORE, the Decision dated March 19, 2007 of the RTC, Branch 21, Santiago City, in Criminal Case No. 21-4949, is **AFFIRMED** with the **MODIFICATION** that accused-appellants Renato Lagat y Gawan and James Palalay y Villarosa are ordered to pay to private complainant the increased amount of ₱14,900.00 as actual damages.[40]

In affirming the conviction of the accused, the Court of Appeals held that the elements of carnapping were all present in this case. The Court of Appeals pointed out that Lagat and Palalay were in possession of the missing tricycle when they were apprehended by the Alicia PNP. Moreover, they failed to offer any explanation as to how they came to be in possession of the tricycle. The Court of Appeals also agreed with the RTC that whatever confession or admission the Alicia PNP extracted out of the accused could not be used in evidence for having been done without the assistance of counsel. The Court of Appeals nonetheless affirmed the RTC's judgment as it was "convinced" that the following circumstantial evidence supported the conviction of the accused for qualified carnapping:

- Biag and his tricycle went missing on April 12, 2005;
- Lagat and Palalay were found in unauthorized possession of the tricycle on April 13, 2005;
- The Alicia PNP, upon inspection of the tricycle, found traces of blood inside it, together with the original receipt and certificate of registration of the vehicle in the name of Jose Biag;
- Palalay had a stab wound on his left arm when the Alicia PNP presented him and Lagat to Brgy. Capt. Dulay and prosecution witness Rumbaoa;
- Biag bore five (5) hack wounds on his body when the Alicia PNP recovered his corpse in a ravine; and
- Lagat and Palalay failed to account for their possession of the bloodstained tricycle immediately after their arrest.[41]

The accused are now before us with the same lone assignment of error they posited before the Court of Appeals, to wit:

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANTS GUILTY OF THE CRIME CHARGED DESPITE FAILURE OF THE PROSECUTION TO ESTABLISH HIS GUILT BEYOND REASONABLE DOUBT.[42]

Ruling of the Court

Lagat and Palalay have been charged and convicted of the crime of qualified carnapping under Republic Act. No. 6539[43] or the Anti-Carnapping Act of 1972. Section 2 of the Act defines "carnapping" and "motor vehicle" as follows:

"Carnapping" is the taking, with intent to gain, of a motor vehicle belonging to another without the latter's consent, or by means of violence against or intimidation of persons, or by using force upon things.

"Motor vehicle" is any vehicle propelled by any power other than muscular power using the public highways, but excepting road rollers, trolley cars, street-sweepers, sprinklers, lawn mowers, bulldozers, graders, fork-lifts, amphibian trucks, and cranes if not used on public highways, vehicles, which run only on rails or tracks, and tractors, trailers and traction engines of all kinds used exclusively for agricultural purposes. Trailers having any number of wheels, when propelled or intended to be propelled by attachment to a motor vehicle, shall be classified as separate motor vehicle with no power rating.[44]

The elements of carnapping as defined and penalized under the Anti-Carnapping Act of 1972 are the following:

- That there is an actual taking of the vehicle;
- That the vehicle belongs to a person other than the offender himself;
- That the taking is without the consent of the owner thereof; or that the taking was committed by means of

violence against or intimidation of persons, or by using force upon things; and

- That the offender intends to gain from the taking of the vehicle.[45]

The records of this case show that all the elements of carnapping are present and were proven during trial.

The tricycle, which was definitively ascertained to belong to Biag, as evidenced by the registration papers, was found in Lagat and Palalay's possession. Aside from this, the prosecution was also able to establish that Lagat and Palalay fled the scene when the Alicia PNP tried to approach them at the palay buying station. To top it all, Lagat and Palalay failed to give any reason why they had Biag's tricycle. Their unexplained possession raises the presumption that they were responsible for the unlawful taking of the tricycle. Section 3(j), Rule 131 of the Rules of Court states that:

[A] person found in possession of a thing taken in the doing of a recent wrongful act is the taker and the doer of the whole act; otherwise, that thing which a person possesses, or exercises acts of ownership over, are owned by him.

In *Litton Mills, Inc. v. Sales*,^[46] we said that for such presumption to arise, it must be proven that: (a) the property was stolen; (b) it was committed recently; (c) that the stolen property was found in the possession of the accused; and (d) the accused is unable to explain his possession satisfactorily.^[47] As mentioned above, all these were proven by the prosecution during trial. Thus, it is presumed that Lagat and Palalay had unlawfully taken Biag's tricycle. In *People v. Bustinera*,^[48] this Court defined "unlawful taking," as follows:

Unlawful taking, or *apoderamiento*, is the taking of the motor vehicle without the consent of the owner, or by means of violence against or intimidation of persons, or by using force upon things; it is deemed complete from the moment the offender gains possession of the thing, even if he has no opportunity to dispose of the same.^[49]

Lagat and Palalay's intent to gain from the carnapped tricycle was also proven as they were caught in a palay buying station, on board the stolen tricycle, which they obviously used to transport the cavans of palay they had stolen and were going to sell at the station. In *Bustinera*, we elucidated on the concept of "intent to gain" and said:

Intent to gain or *animus lucrandi* is an internal act, presumed from the unlawful taking of the motor vehicle. Actual gain is irrelevant as the important consideration is the intent to gain. The term "gain" is not merely limited to pecuniary benefit but also includes the benefit which in any other sense may be derived or expected from the act which is performed. Thus, the mere use of the thing which was taken without the owner's consent constitutes gain.^[50]

Having established that the elements of carnapping are present in this case, we now go to the argument of the two accused that they cannot be convicted based on the circumstantial evidence presented by the prosecution.

Under Section 4, Rule 133 of the Rules of Court, circumstantial evidence is sufficient for conviction if:

- (a) There is more than one circumstance;
- (b) The facts from which the inferences are derived are proven; and
- (c) The combination of all the circumstances results in a moral certainty that the accused, to the exclusion of all others, is the one who has committed the crime.

In *People v. Mansueto*,^[51] we said:

Circumstantial evidence is that evidence which proves a fact or series of facts from which the facts in issue may be established by inference. Such evidence is founded on experience and observed facts and coincidences

establishing a connection between the known and proven facts and the facts sought to be proved.[52]

Hence, to justify a conviction based on circumstantial evidence, the combination of circumstances must be interwoven in such a way as to leave no reasonable doubt as to the guilt of the accused.[53]

A careful and exhaustive examination of the evidence presented, excluding those that are inadmissible, show that the circumstantial evidence, when viewed as a whole, effectively establishes the guilt of Lagat and Palalay beyond reasonable doubt. We considered the following pieces of evidence as convincing:

First, Lagat and Palalay were found in possession of the tricycle the same day that it, together with its owner Biag, was reported missing.

Second, Lagat and Palalay were found at a palay buying station, with the stolen tricycle packed with cavans of palay allegedly stolen in Alicia, Isabela.

Third, Lagat and Palalay who were then on board the tricycle, jumped and ran the moment they saw the Alicia PNP approaching them.

Fourth, Lagat and Palalay could not explain to the Alicia PNP why they were in possession of Biag's tricycle.

Fifth, Biag's wallet and his tricycle's registration papers were found in the tricycle upon its inspection by the Alicia PNP.

Sixth, Biag's body bore hack wounds as evidenced by the post-mortem autopsy done on him, while his tricycle had traces of blood in it.

The foregoing circumstantial evidence only leads to the conclusion that Lagat and Palalay conspired to kill Biag in order to steal his tricycle. Direct proof that the two accused conspired is not essential as it may be inferred from their conduct before, during, and after their commission of the crime that they acted with a common purpose and design.[54] The pieces of evidence presented by the prosecution are consistent with one another and the only rational proposition that can be drawn therefrom is that the accused are guilty of killing Biag to carnap his tricycle.

When a person is killed or raped in the course of or on the occasion of the carnapping, the crime of carnapping is qualified and the penalty is increased pursuant to Section 14 of Republic Act No. 6539, as amended:

Section 14. Penalty for Carnapping. Any person who is found guilty of carnapping, as this term is defined in Section Two of this Act, shall, irrespective of the value of motor vehicle taken, be punished by imprisonment for not less than fourteen years and eight months and not more than seventeen years and four months, when the carnapping is committed without violence or intimidation of persons, or force upon things; and by imprisonment for not less than seventeen years and four months and not more than thirty years, when the carnapping is committed by means of violence against or intimidation of any person, or force upon things; and the penalty of reclusion perpetua to death shall be imposed when the owner, driver or occupant of the carnapped motor vehicle is killed or raped in the course of the commission of the carnapping or on the occasion thereof. (As amended by R.A. No. 7659.) (Emphasis ours)

As there was no aggravating circumstance attendant in the commission of the crime, the RTC properly imposed the penalty of reclusion perpetua.

In conformity with prevailing jurisprudence, we affirm the award of P50,000.00 as civil indemnity ex delicto for the death of Jose Biag and P50,000.00 as moral damages for the proven mental suffering of his wife as a result of his untimely death. However, when actual damages proven by receipts during trial amount to less than P25,000.00, as in this case, the award of temperate damages for P25,000.00 is justified in lieu of actual damages

of a lesser amount.[55] Thus, an award of P25,000.00 as temperate damages in lieu of the amount of P14,900.00 that the Court of Appeals awarded as actual damages is proper in this case.

Both the RTC and the Court of Appeals failed to consider that under Article 2206 of the Civil Code, the accused are also jointly and severally liable for the loss of the earning capacity of Biag and such indemnity should be paid to his heirs.[56] In *People v. Jadap*,[57] this Court said:

As a rule, documentary evidence should be presented to substantiate the claim for damages for loss of earning capacity. By way of exception, damages for loss of earning capacity may be awarded despite the absence of documentary evidence when (1) the deceased is self-employed and earning less than the minimum wage under current labor laws, in which case judicial notice may be taken of the fact that in the deceased's line of work no documentary evidence is available; or (2) the deceased is employed as a daily wage worker earning less than the minimum wage under current labor laws. In this case, no documentary evidence was presented to prove the claim of the victim's heirs for damages by reason of loss of earning capacity. However, the victim's father testified that at the time of his son's death, he was only 20 years old and was working as a mason with a monthly income of P3,000.00. We find the father's testimony sufficient to justify the award of damages for loss of earning capacity.[58]

Biag's widow, Florida, testified that Biag worked as a farmer, tanod, and tricycle driver, and that his income amounted to P40,000.00 per cropping season as a farmer, ₱2,000.00 per month as a tanod, and ₱300.00 per day as a tricycle driver. However, since the prosecution failed to present any document pertaining to Biag's appointment as a tanod, or that he actually worked as a farmer, we shall consider only his earnings as a tricycle driver. According to the death certificate[59] submitted by the prosecution, Biag was 56 years old at the time of his death.

The amount of damages recoverable for the loss of earning capacity of the deceased is based on two factors: 1) the number of years on the basis of which the damages shall be computed; and 2) the rate at which the losses sustained by the heirs of the deceased should be fixed. The first factor is based on the formula $(\frac{2}{3} \times 80 - \text{age of the deceased at the time of his death} = \text{life expectancy})$ which is adopted from the American Expectancy Table of Mortality.[60] Net income is computed by deducting from the amount of the victim's gross income the amount of his living expenses. As there is no proof of Biag's living expenses, the net income is estimated to be 50% of the gross annual income.[61] Thus, the loss of earning capacity of the deceased is computed as follows:

$$\begin{aligned}\text{Net Earning Capacity} &= \text{life expectancy} \times [\text{gross annual income} - \text{living expenses}][62] \\ &= \frac{2}{3} [80 - \text{age at time of death}] \times [\text{gross annual income} - 50\% \text{ of gross annual income}] \\ &= \frac{2}{3} [80 - 56] \times [P109,500.00 - P54,750.00] \\ &= 16 \times P54,750.00 \\ &= P876,000.00\end{aligned}$$

WHEREFORE, we AFFIRM with MODIFICATION the October 8, 2008 decision of the Court of Appeals in CA-G.R. CR.-H.C. No. 02869. Accused-appellants Renato Lagat y Gawan and James Palalay y Villarosa are found GUILTY beyond reasonable doubt of the crime of QUALIFIED CARNAPPING and are sentenced to suffer the penalty of reclusion perpetua. They are hereby ORDERED to pay the heirs of the victim Jose Biag the following: (a) P50,000.00 as civil indemnity; (b) P50,000.00 as moral damages; (c) P25,000.00 as temperate damages; (d) P876,000.00 as loss of earning capacity; and (e) interest on all damages awarded at the rate of 6% per annum from the date of finality of this judgment.

SO ORDERED.

Corona, C.J., (Chairperson), Bersamin, Del Castillo, and Villarama, Jr., JJ., concur.

[1] Rollo, pp. 2-17; penned by Associate Justice Hakim S. Abdulwahid with Associate Justices Portia Aliño-Hormachuelos and Teresita Dy-Liacco Flores, concurring.

[2] Records, pp. 126-133.

[3] As amended by Republic Act No. 7659.

[4] Records, pp. 1-2.

[5] Id. at 22.

[6] Id. at 21.

[7] Id. at 28.

[8] Id. at 38.

[9] Id. at 41.

[10] Id. at 39.

[11] TSN, January 9, 2006, p. 10.

[12] Records, p. 4.

[13] TSN, January 9, 2006, pp. 3-6.

[14] Records, pp. 98A-98I.

[15] TSN, January 9, 2006, pp. 7-13.

[16] TSN, April 20, 2006, pp. 3-6.

[17] TSN, September 18, 2006, p. 5.

[18] Records, p. 8.

[19] TSN, September 18, 2006, pp. 4-16.

[20] TSN, November 15, 2006, pp. 4-10.

[21] Id. at 9.

[22] Id. at 13-21.

[23] Records, pp. 94-96.

[24] Id.

[25] Id. at 104-110.

[26] Rules of Court, Rule 119, Section 23.

[27] TSN, April 20, 2006, p. 10.

- [28] Records, pp. 108-109.
- [29] Rules of Court, Rule 119, Section 23, paragraph 2.
- [30] Records, p. 133.
- [31] Id. at 130-131.
- [32] Id. at 131-132.
- [33] Id. at 131-133.
- [34] Id. at 135-138.
- [35] Id. at 141-142.
- [36] Id. at 143.
- [37] CA rollo, p. 29.
- [38] Id. at 34.
- [39] Id. at 35-36.
- [40] Rollo, p. 16.
- [41] Id. at 14.
- [42] CA rollo, p. 33.
- [43] As amended by Republic Act No. 7659.
- [44] Republic Act No. 6539, Section 2.
- [45] *People v. Bernabe and Garcia*, 448 Phil. 269, 280 (2003).
- [46] G.R. No. 151400, September 1, 2004, 437 SCRA 488.
- [47] Id. at 502.
- [48] G.R. No. 148233, June 8, 2004, 431 SCRA 284.
- [49] Id. at 295.
- [50] Id. at 296.
- [51] 391 Phil. 611 (2000).
- [52] Id. at 629.
- [53] *People v. Casitas, Jr.*, 445 Phil. 407, 417 (2003).
- [54] *People v. Sube*, 449 Phil. 165, 176-177 (2003).
- [55] *People v. Magdaraog*, G.R. No. 151251, May 19, 2004, 428 SCRA 529, 543.
- [56] *People v. Sirad*, 390 Phil. 412, 426 (2000).
- [57] G.R. No. 177983, March 30, 2010, 617 SCRA 179.
- [58] Id. at 196-197.

[59] Records, p. 9.

[60] *People v. Librando*, 390 Phil. 543, 559 (2000).

[61] *People v. Templo*, 400 Phil. 471, 494 (2000).

[62] *People v. Verde*, 362 Phil. 305, 321 (1999).

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