

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. DANILO SULAYAO Y LABASBAS, ACCUSED-APPELLANT.

G.R. No. 198952. September 06, 2017

Ponente: TIJAM, J.

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TIJAM, J.:

On appeal[1] before this Court is the March 31, 2011 Decision[2] of the Court of Appeals (CA), 10[th] Division in CA-G.R. CR-HC. No. 03509, affirming the Decision[3] dated August 28, 2008 of the Regional Trial Court (RTC), Branch 76 of Quezon City, in Criminal Case No. Q-03-119757 convicting accused-appellant Danilo Sulayao y Labasbas of the crime of Robbery with Homicide committed against the victim Marianito Casiano Palacios (Marianito), defined and penalized under Article 294 of the Revised Penal Code (RPC), as amended by Republic Act No. 9346 (RA 9346)[4].

Culled from the records are the following salient facts:

The accusatorial portion of the August 6, 2003 Information[5] charging accused-appellant of the crime of Robbery with Homicide under Article 294 of the RPC, reads as follow:

That on or about the 3[rd] day of August 2003, in Quezon City, Philippines, the said accused, Danilo Sulayao y Labasbas, being then a regular employee of Floor Center Ceramics and Granite Sales, conspiring, confederating with two (2) other persons whose identities, whereabouts and other personal circumstances have not as (sic) yet been ascertained the (sic) mutually helping one another, with intent to gain and by means of violence and intimidation rob the FLOOR CENTER CERAMICS AND GRANITE SALES with business address at No. 1250 EDSA, Balintawak, this City, herein represented by AMY FERNANDEZ y HONRADO, in the manner as follows; (sic) accused pursuant to their conspiracy went to said establishment and once inside took, robbed and carried away cash money- Php238,805.69 and three (3) checks amounting to Php16,839.45 all totally (sic) valued at Php255,645.14, Philippine Currency, belonging to said Floor Center Ceramics and Granite Sales and on the occasion thereof and as a necessary means to commit robbery said accused with intent to kill, treachery, evident premeditation and taking advantage of superior strength, did then and there attack, assault, and employ personal violence upon the person of MARIANITO CASIANO PALACIOS, by then and there stabbing the latter with a bladed weapon on the neck, thereby inflicting upon him serious and grave wounds which was the direct and immediate cause of his untimely death, to the damage and prejudice of the heirs of said Marianito Casiano Palacios and offended party Floor Center Ceramics and Granite Sales.

CONTRARY TO LAW.[6]

By virtue of a Commitment Order,[7] dated August 13, 2003, accused- appellant was incarcerated at the Quezon City Jail. When arraigned on October 1, 2003, he pleaded not guilty to the charge.[8] During the pre-trial conference conducted on October 8, 2003, the prosecution and the defense stipulated on the identity of accused-appellant, the jurisdiction of the trial court and the fact of the death of the victim, Marianito. The parties also formulated the following issues for resolution by the court a quo: (1) whether or not accused-appellant committed the crime charged; (2) whether or not the prosecution would be able to prove accused-appellant's guilt

beyond reasonable doubt; and, (3) the fact of death of the victim, Marianito.[9]

Upon the termination of the pre-trial, trial on the merits ensued.

The Prosecution's Version

The prosecution presented the following witnesses, namely: William Saquita (William)[10] and Jose Chito Baltazar (Jose Chito),[11] both Barangay Security Development Officers (BSDO) at Barangay Apolonio Samson, Balintawak, Quezon City; Amalia Honrado (Amalia),[12] the Branch Manager of Floor Center Ceramics and Granite Sales (Floor Center); Dr. Ravell Baluyot (Dr. Baluyot),[13] Senior Medico-Legal Officer of the National Bureau of Investigation (NBI), Victoria Palacios (Victoria),[14] wife of the victim; and, PO1 Rommel Merino (PO1 Merino),[15] police investigator assigned at the Central Police District (CPD) Camp Karingal, Quezon City.

William narrated that on August 3, 2003, at 12 midnight, while he was on patrol along EDSA boulevard with his fellow BSDO members, namely: Jose Chito, Rene Medina (Rene), Artemio Chavez (Artemio), and Jose Paragas (Jose), he saw two males and a female, wearing bloodstained clothes walking along the boulevard. When William's group approached the three individuals, they scampered in different directions. A chase ensued. They caught one of them, who was later identified as the accused-appellant. Accused-appellant had blood all over and he had a wound on his forehead. The other two individuals eluded the arrest by boarding a bus. Accused-appellant told William's group that he, together with the man and the woman who fled, had just robbed Floor Center and killed the security guard therein. William's group brought accused-appellant to the barangay hall.[16]

Thereafter, William's group and the Barangay Captain of Apolonio Samson returned to the building of Floor Center and immediately, they called the police. They noticed that the front glass door of the store was broken. William saw bloodstains, broken marbles and tiles scattered all over the place. Upon arrival, the police officers followed the trail of blood that led to the toilet. The police officers forcibly opened the locked door and once inside, they saw the lifeless body of the victim, Marianito, slumped on the floor in a pool of blood.[17]

On cross-examination, William testified, among others, that accused-appellant did not resist when he was caught.

Jose Chito substantially corroborated William's testimony.

Amalia recounted that on the night of the robbery, at around 2:00 a.m., she was awakened by a telephone call from an unidentified caller informing her that somebody was killed in the Floor Center. She rushed to the scene of the crime, opened the drawers located at the Accounting Section, and found that the following items were missing: (1) the amount of PhP34,701.30 which was kept at the mezzanine; (2) the amount of PhP204,104.30, representing the store's sales for three days; and, (3) three checks payable to cash in the total amount of PhP16,839.45. Floor Center lost the aggregate amount of PhP255,645.05. Amalia likewise recalled that upon seeing the accused-appellant, the latter apologized to her; he admitted that, although he was not the one who killed Marianito, he was the one who hammered the victim's head; and, he told her that he did not get any money from the robbery incident. Amalia testified that when accused-appellant made his voluntary admission, he was not assisted by counsel.[18]

Dr. Baluyot narrated that his autopsy on the victim's cadaver revealed that Marianito suffered contusions, incise wounds, hack wounds, lacerations, and stab wounds that caused his immediate death.[19]

PO1 Merino testified that after apprising accused-appellant of his constitutional rights and although without the assistance of counsel, he admitted that he and his companions planned to rob Floor Center.[20]

Victoria, the victim's wife, testified on the civil aspect of the case. She said that: (1) Marianito was receiving a monthly salary of PhP7,000; (2) the expenses incurred by their family by reason of Marianito's death amounted to

PhP87,246.45; and, (3) she has an official receipt in the amount of PhP27,000, representing the payment for the memorial services.[21]

The Defense' Version

Accused-appellant testified solely for the defense.[22]

On August 2, 2003, at around 5:00p.m., accused-appellant went home from work at the Floor Center store and thereafter went back to the store at 10:00 p.m. Upon his arrival, he noticed that the glass panel was broken. He went inside and saw broken tiles, with blood splattered on the floor. He called the guard-the victim Marianito, but there was no reply. He followed the trail of blood leading to the toilet. On his way out of the toilet, Nando Saludar (Nando), the brother of one of his co-workers, grabbed him and stabbed him with a piece of broken tile, causing him to fall. Nando tried to attack him again, but accused-appellant was able to flee. When accused-appellant reached the top of an overpass, he took out a T-shirt from his bag and wrapped it around his arm. While he was descending the stairs of the overpass, he came across two barangay tanods. Accused-appellant asked for their help and informed them that he was stabbed by Nando in the Floor Center. Accused-appellant and the barangay tanods headed back to the Floor Center.[23]

Once inside the store, one of the barangay tanods found the dead body of Marianito. Immediately, the barangay tanods handcuffed the accused-appellant. While on board the tricycle, one of the barangay tanods asked accused-appellant to admit that he committed the crime. They kicked and punched him, before he was brought to the barangay office. The police officers arrived and brought the accused-appellant back to the crime scene. When asked if he killed the victim, the accused-appellant denied it. Thereafter, media reporters arrived. Since he was confused at that time, accused-appellant could no longer remember what he told the media.[24]

On cross-examination, accused-appellant testified that he arrived at the Floor Center at 11:45 p.m. Although he was shock to see the store's broken door and scattered broken tiles splattered with blood, he did not report the matter to the police officers or barangay officials. He said that he had no medical certificate to prove the injury he sustained by reason of his having been stabbed by Nando.

The Trial Court's Ruling

On August 28, 2008, the RTC rendered its decision, the dispositive portion of which reads:

WHEREFORE, finding the accused Danilo Sulayao guilty beyond reasonable doubt of the crime of Robbery with Homicide, described and penalized under Article 294 of the Revised Penal Code, as amended by Republic Act 9346, the court hereby sentences him to suffer the penalty of reclusion perpetua and to indemnify the heirs of Marianito Palacios, as follows:

1. The amount of FIFTY THOUSAND PESOS (P50,000.00) as civil indemnity for the death of the victim;
2. The amount of FIFTY THOUSAND PESOS (P50,000.00) as moral damages; and
3. The amount of TWENTY-SEVEN THOUSAND PESOS (P27,000.00) as actual damages.

He is also ordered to indemnify the owner of Floor Center Ceramics and Granite Sales for the stolen money amounting to TWO HUNDRED FIFTY-FIVE THOUSAND SIX-HUNDRED FORTY-FIVE PESOS AND FIVE CENTAVOS (P255,645.05) Philippine Currency.

With costs against the accused.

SO ORDERED.[25]

Aggrieved, accused-appellant filed an appeal[26] before the CA.

On March 31, 2011, the CA rendered its assailed decision,[27] dismissing the appeal and affirming the RTC's decision.

Hence, this petition.

In this Court's April 12, 2012 Resolution,[28] We noted the accused- appellant's and the Office of the Solicitor General's (OSG'S) respective Manifestations, stating in essence that they are dispensing with their supplemental briefs, and thus, adopting their respective briefs which they filed before the CA.

The accused-appellant raises this lone assignment of error, to wit:

THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF ROBBERY WITH HOMICIDE.[29]

We sustain the conviction of accused-appellant.

The Court, in the case of *People of the Philippines v. Jerry Jacalne y Gutierrez*[30] held that:

Time and again, We have ruled that the findings of the trial court on the credibility of witnesses and their testimonies are entitled to the highest respect and will not be disturbed on appeal in the absence of any clear showing that the trial court overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which would have affected the result of the case.[31] The trial court has the singular opportunity to observe the witnesses through the different indicators of truthfulness or falsehood, such as the angry flush of an insisted assertion or the sudden pallor of a discovered lie or the tremulous mutter of a reluctant answer or the forthright tone of a ready reply; or the furtive glance, the blush of conscious shame, the hesitation, the sincere or the flippant or sneering tone, the heat, the calmness, the yawn, the sigh, the candor or lack of it, the scant or full realization of the solemnity of an oath, the carriage and mien.[32]

Although this rule admits of exceptions,[33] none of them is available in the instant case. There is, thus, no reason to deviate from the conclusions of the trial and the appellate courts.

To exonerate himself from criminal liability, accused-appellant advanced two arguments. He avers that the court a quo failed to consider: (1) the inconsistencies of the prosecution witnesses; and, (2) his defense of denial.

Accused-appellant puts much capital on the inconsistent testimonies of the prosecution witnesses William and Jose Chito.

He insists that there were flaws in the prosecution's evidence on the following details, thus: (1) while William said that he was with four BSDO, namely, Jose Chito, Artemio, Rene and Jose on patrol, Jose Chito testified that he was with six BSDO on patrol, namely, himself, William, Mario Morgado, Jose, Artemio, and Rene; (2) while William recalled that three of them chased accused-appellant and no one chased the other guy and the woman; Jose Chito testified that all of them chased the two males and the woman; and, (3) while Saquita narrated that the media arrived together with the police officers and the Scene of the Crime Operatives (SOCO), Jose Chito testified that no member of the media arrived at the crime scene together with the police officers.[34]

These alleged inconsistencies, however, do not place in doubt the evidence of accused-appellant's guilt.

The number of BSDO on patrol and the number of BSDO who chased accused-appellant and his companions; and, the presence or absence of the media in the scene of the crime, are minor inconsistencies or discrepancies. These inconsistencies glaringly pertain only to trivial, collateral and inconsequential matters that do not affect the credibility of witnesses. The court treats them as badges of truth rather than indicia of falsehood. Instead of weakening prosecution evidence, these minor lapses and inconsistencies strengthen the theory of the prosecution. As consistently held by this Court, slight inconsistencies in the testimony even strengthen credibility as they show

that the testimony was not rehearsed.[35]

What is important is that there is consistency as to the occurrence and identity of the perpetrator, and that the prosecution has established the existence of the elements of the crime as written in law.[36]

In the case of *Rodel Crisostomo v. People of the Philippines*,[37] this Court held that:

Robbery with homicide exists "when a homicide is committed either by reason, or on occasion, of the robbery. To sustain a conviction for robbery with homicide, the prosecution must prove the following elements: (1) the taking of personal property belonging to another; (2) with intent to gain; (3) with the use of violence or intimidation against a person; and, (4) on the occasion or by reason of the robbery, the crime of homicide, as used in its generic sense, was committed. A conviction requires certitude that the robbery is the main purpose and objective of the malefactor and the killing is merely incidental to the robbery. The intent to rob must precede the taking of human life but the killing may occur before, during or after the robbery." [38]

In this case, the RTC and the CA did not err in convicting the accused-appellant of the crime charged on the basis of circumstantial evidence.

Citing the case of *People of the Philippines v. Madelo Espina y Cuñasares*[39], this Court held:

For circumstantial evidence to be sufficient to support a conviction, all circumstances must be consistent with each other, consistent with the hypothesis that the accused is guilty, and at the same time inconsistent with the hypothesis that he is innocent and with every other rational hypothesis except that of guilt. Thus, conviction based on circumstantial evidence can be upheld, provided the circumstances proven constitute an unbroken chain which leads to one fair and reasonable conclusion that points to the accused, to the exclusion of all others, as the guilty person, a conclusion adequately proven in this case.[40] (Citation omitted)

We quote with approval the CA's disquisition on the matter, thus:

Circumstantial evidence is not a "weaker" form of evidence vis-a-vis direct evidence. The Rules of Court do not distinguish between direct evidence and evidence of circumstances insofar as their probative value is concerned. No greater degree of certainty is required when the evidence is circumstantial than when it is direct, for in either case, the trier of fact must be convinced beyond a reasonable doubt as to the guilt of the accused.

Under Section 4, Rule 133 of the Revised Rules of Court, circumstantial evidence is sufficient for conviction if there is more than one circumstance, the facts from which the inference is derived are proven, and the combination of all the circumstances produces moral certainty as to convict beyond a reasonable doubt.

To the mind of this Court, the following pieces of circumstantial evidence are sufficient to prove the guilt of accused-appellant for robbery with homicide beyond reasonable doubt: (1) BSDO members sighted accused-appellant - with two others - wounded and wearing bloodstained clothes while walking along EDSA near the crime scene; (2) accused-appellant and his companions scampered in different directions when the BSDO members tried to approach them; (3) upon his apprehension by the BSDO members, accused-appellant disclosed that he and his companions just robbed a store and killed its security guard; (4) the store's security guard, Marianito Palacios, was found dead, soaked in his own blood inside the store where accused-appellant worked; (5) accused-appellant admitted to Amalia, the branch manager of Floor Center, that he hammered the victim's head and that he and his companions took money from the Floor Center during the subject incident.

All the foregoing circumstances were duly proven by the prosecution during the trial of the instant case. The presence of all the foregoing pieces of circumstantial evidence lead Us to the inescapable conclusion that the accused-appellant acted in conspiracy with his unidentified companions in robbing Floor Center and in killing Marianito Palacios in the course of the robbery.[41] (Citations omitted)

Hence, both the lower court and the appellate court correctly found accused-appellant guilty of robbery with

homicide.

Against the damning evidence adduced by the prosecution, accused- appellant could only muster mere denial. During his testimony, he denied having committed the crime and implicated a certain Nando Saludar as the perpetrator of the crime. As ruled in various cases by this Court, denial, if unsubstantiated by clear and convincing evidence is inherently a weak defense as it is negative and self-serving.[42] So it is, in this case.

Penalty and Damages

Likewise, persons found guilty of committing the special complex crime of Robbery with Homicide are punishable with reclusion perpetua to death. Considering that the generic aggravating circumstance of abuse of superior strength was alleged in the information and proven during the trial, accused-appellant shall suffer the penalty of death pursuant to Article 63 of the Revised Penal Code, as amended. Nonetheless, in light of R.A. No. 9346, the penalty shall be reduced from death to reclusion perpetua without eligibility for parole.[43] (Citations omitted)

Anent the award of damages, the Court deems it proper to modify the amount given in order to conform with existing rules and recent jurisprudence.[44] "When death occurs due to a crime, the following damages may be awarded: (1) civil indemnity ex delicto for the death of the victim; (2) actual or compensatory damages; (3) moral damages; (4) exemplary damages; and, (5) temperate damages." [45] Thus, with respect to the crime for which herein accused-appellant is convicted, civil indemnity in the amount of PhP100,000 is granted without need of evidence other than the commission of the crime,[46] moral damages in the sum of PhP100,000 is granted automatically in the absence of any qualifying aggravating circumstance,[47] exemplary damages in the sum of PhP100,000 is granted where the circumstances of the case show the highly reprehensible conduct of the offenders.[48]

Since the amount of actual damages for funeral expenses has been ascertained by receipts in the amount of only PhP27,000, the same should be increased to PhP50,000 representing temperate damages, in line with recent jurisprudence. [49]

In addition, the Court also imposes on all the monetary awards for damages interest at the legal rate of six percent (6%) per annum from the date of finality of this decision until fully paid.[50]

WHEREFORE, premises considered, We AFFIRM WITH MODIFICATIONS the March 31, 2011 Decision of the Court of Appeals, 10[th] Division in CA-G.R. CR-H.C. No. 03509, which affirmed the Regional Trial Court's Decision dated August 28, 2008 in Criminal Case No. Q-03-119757, to read as follows:

Accused-appellant Danilo Sulayao y Labasbas is found GUILTY beyond reasonable doubt of the crime of robbery with homicide under Article 294 of the Revised Penal Code, as amended by Republic Act No. 9346, and is sentenced to suffer the penalty of reclusion perpetua, without eligibility for parole; the accused-appellant is ordered to pay the heirs of Marianito Casiano Palacios the amounts of PhP100,000 as civil indemnity, PhP100,000 as moral damages, PhP100,000 as exemplary damages, and PhP50,000 as temperate damages, all with legal interest at the rate of six percent (6%) per annum from the finality of judgment until full payment. The rest of the Court of Appeals' decision STAND.

SO ORDERED.

Leonardo-De Castro, Del Castillo, and Jardeleza, JJ., concur.

Sereno, C.J., (Chairperson), on official leave.

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- [1] Notice of Appeal filed with the Court of Appeals pursuant to Section 13 (c) of Rule 124 as amended by A.M. No. 00-5-03-SC, CA rollo, p. 119.
- [2] Penned by Associate Justice Hakim S. Abdulwahid and concurred in by Associate Justices Ricardo R. Rosario and Danton Q. Bueser, Rollo, pp. 2-20.
- [3] Penned by Judge Alexander S. Balut, CA rollo, pp. 29-36.
- [4] An Act Prohibiting the Imposition of Death Penalty in the Philippines.
- [5] Records, pp. 1-2.
- [6] Id. at 1.
- [7] Id. at 23.
- [8] Id. at 26.
- [9] Id. at 29.
- [10] TSN, dated November 17, 2003, Records, pp. 28-34; TSN, dated December 1, 2003, Records, pp. 48-64.
- [11] TSN, dated January 19, 2004, Records, pp. 83-100.
- [12] TSN, dated March 8, 2004, Records, pp. 121-137; TSN, dated May 6, 2004, Records, pp. 139-157.
- [13] TSN, dated October 29, 2003, Records, pp. 1-12.
- [14] TSN, dated July 1, 2004, Records, pp. 179-193.
- [15] TSN, dated August 12, 2004, Records, pp. 210-245; TSN, dated September 30, 2004, Records, pp. 284-294.
- [16] Rollo, pp. 102-103.
- [17] Id. at 103.
- [18] Id.
- [19] Id.
- [20] Id. at 106.
- [21] Id. at 107.
- [22] TSN, dated March 9, 2006, Records, pp. 295-317; TSN, dated April 19, 2006, Records, pp. 319-343; TSN, dated October 4, 2007, Records, pp. 371-383; TSN, dated October 25, 2007, Records, pp. 398-406.
- [23] CA rollo, pp. 60-61.
- [24] Id. at 61.
- [25] CA rollo, pp. 34-35.
- [26] Id. at 37.
- [27] Supra note 2.
- [28] Id. at 36.

[29] Id. at 61.

[30] 674 Phil. 139 (2011).

[31] Id. at 145 (Jacalne case)

[32] Id. at 146 (Jacalne Case.)

[33] When the trial court's findings of facts and conclusions are not supported by the evidence on record, or when certain facts of substance and value likely to change the outcome of the case have been overlooked by the lower court, or when the assailed decision is based on a misapprehension of facts. *People v. Jorge Bi-Ay, and "John Doe, "Accused, Eliseo Bi-Ay, Jr. y Sarintas alias "Gideon,"* G.R. No. 192187, December 13, 2010, 637 SCRA 828, 835.

[34] CA rollo, p. 62.

[35] *Cicera v. People*, 739 Phil. 25, 38 (2014).

[36] Id. (*Cicera Case.*)

[37] 644 Phil. 53 (2010).

[38] Id. at 61.

[39] 383 Phil. 656 (2000).

[40] Id. at 667.

[41] CA rollo, pp. 112-113.

[42] *People v. Mamaruncas*, 680 Phil. 192, 212 (2012).

[43] *People v. Bacero*, G.R. No. 208527, July 20, 2016.

[44] *People v. Jugueta*, G.R. No. 202124, April 5, 2016, 788 SCRA 331.

[45] *People v. Llobera*, G.R. No. 203066, August 5, 2015, 765 SCRA 379, 397.

[46] Id. at 39 (*Jugueta Case.*)

[47] Id. (*Jugueta Case.*)

[48] Id. (*Jugueta Case.*)

[49] Id. (*Jugueta Case.*)

[50] *People v. Veloso*, 703 Phil. 541, 544 (2013).

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