

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DANNY ROSE Y DAZA @ “JOHN REY ROSE” AND ARNESTO CORNILLO @ “PANOY” (AT LARGE), ACCUSED;

G.R. No. 276965, July 08, 2026

Ponente: ROSARIO, J.

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ROSARIO, J.:

Where homicide is not punished as an offense in itself but is absorbed as an element of distinct special complex crimes, a conviction for each complex crime arising from the same act does not offend the constitutional proscription against double jeopardy.

I

This is an ordinary appeal[1] of the Court of Appeals (CA) Decision,[2] which convicted accused-appellant Danny Rose y Daza (Rose) of robbery with homicide and carnapping with homicide.

Rose and his co-accused, Arnesto Cornillo (Cornillo), were charged with robbery with homicide before the Regional Trial Court (RTC) of Bacolod City. The accusatory portion of the Information[3] reads:

That, on or about [August 6], 2011, in the City of Talisay, Province of Negros Occidental, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, both armed with stone and bladed weapon, conspiring, confederating and mutually helping one another, with violence against and intimidation of persons and with intent to gain, did then and there, willfully, unlawfully[,] and feloniously take, rob and carry away the wallet, collection money[,] and tricycle of DEXTER JOHN LINOGON [y] AREVALO (Dexter), minor, 17 years old[,] with a total amount of [PHP 60,400.00], Philippine Currency, to the damage and prejudice of the victim in the aforestated amount.

That, by reason of or on the occasion of said robbery and in order to perpetrate the crime above-mentioned, the said accused, in furtherance of the said conspiracy, with intent to kill, did then and there, willfully, unlawfully[,] and feloniously attack, assault, stab several times[,] and hammer with stone several times the head of DEXTER JOHN LINOGON [y] AREVALO, thereby inflicting injuries on the different parts of his body which caused his death.

CONTRARY TO LAW.[4]

Cornillo remained at large. Rose, on arraignment, pled not guilty to the charge.[5] Trial on the merits ensued.

The prosecution presented three witnesses: Scott Teodoro y Arevalo (Teodoro), an eyewitness; Senior Police Office III Santiago B. Cabangal (SPO3 Cabangal), the investigating officer; and Dominador Linogon y Jusayan (Dominador), Dexter's father.

Teodoro, a tricycle driver, testified that on August 6, 2011, at around 3:30 p.m., he was driving his tricycle toward Talisay City when he saw Dexter operating his tricycle with Rose seated behind him and Cornillo in the sidecar. As he passed Sitio Matab-ang, he heard cries for help and stopped to locate the source.[6] From a distance of

about 10 arm's length, he saw Rose repeatedly stabbing Dexter with a knife while Cornillo struck Dexter's head several times with a large stone. Dexter struggled and attempted to parry the blows, but he eventually collapsed.[7]

After Dexter fell, Rose and Cornillo took his wallet and money from his pockets, then fled using Dexter's tricycle, with Rose driving and Cornillo seated in the sidecar.[8] Teodoro further testified that he personally knew both accused, as they were fellow tricycle drivers plying the same routes.[9]

Dominador testified that his son Dexter failed to return home on the evening of August 6, 2011. He went to the tricycle terminal in Barangay Bata to look for his son, but none of Dexter's fellow drivers had seen him that night.[10]

The following morning, he was informed by one of Dexter's friends that a dead body had been found in Vista 5, Barangay Matab-ang, Talisay City. He and his wife immediately went to Manapla Funeral Homes in Talisay City, where he identified the remains as those of his son, who had sustained 16 stab wounds.[11]

Dominador then proceeded to the Talisay City Police Station, where the investigation was being conducted. SPO3 Cabangal was the officer assigned to handle the case.[12]

SPO3 Cabangal testified that at around 7:45 a.m. on August 7, 2011, he conducted an ocular inspection at Hacienda Vista-5, Barangay Matab-ang, Talisay City, following a report of an unidentified deceased male found in the area. The victim was discovered lying on his back, bearing multiple stab wounds and head injuries consistent with blows from a stone. The surrounding sugarcane fields showed signs of a struggle. The body was brought to Manapla Funeral Homes' where it was later identified as that of Dexter.[13]

SPO3 Cabangal verified through his follow-up investigation that prior to his death, Dexter was driving a rented red Bajaj-100 motorcycle with a black-and-white sidecar marked "BATODA," which he failed to return to its owner. He also learned that Dexter was last seen on August 6, 2011 at around 5:30 p.m., operating his tricycle with Rose and Cornillo as his passengers. The motorcycle was later recovered abandoned and stripped of its sidecar.[14]

On May 8, 2012, Rose was arrested in Barangay Malingin, Bago City.[15]

In his defense, Rose denied the accusations and invoked alibi, asserting that he had been residing in Barangay Malingin, Bago City since 2005, where he worked as a farmer, and that he has not returned to Talisay City.[16] He likewise denied any acquaintance with Dexter and Teodoro, although he admitted knowing Cornillo, who, like him, was a tricycle driver.[17]

After due proceedings, the RTC convicted Rose of robbery with homicide.[18] The trial court disposed:

WHEREFORE, this Court finds the accused Danny Rose [y] Daza alias "John Rey Rose" or "Johnny" as GUILTY beyond reasonable doubt of Robbery with Homicide punished under paragraph 1 of Article 294 of the Revised Penal Code. He is hereby sentenced to suffer the penalty of reclusion perpetua.

He is also directed to pay damages to the heirs of the minor victim, Dexter John A. Linogon, the amounts of: (1) [PHP 75,000.00] as moral damages; (2) [PHP 75,000.00] as civil indemnity; (3) [PHP 75,000.00] as exemplary damages; and (4) [PHP 50,000.00] as temperate damages.

All damages awarded shall be subject to interest at the rate of [6% per annum] from the finality of this Decision until full satisfaction.

With the category of herein convict as a national prisoner, the Clerk of Court is directed to prepare the corresponding mittimus or commitment order for his immediate transfer to the Bureau of Corrections and Penology, Muntinlupa City, pursuant to SC Circular No. 4-92-A dated April 20, 1992.

Meantime, send this case to the Archives as to accused Arnesto Cornillo alias "Panoy", to be revived upon his arrest.

SO ORDERED.[19] (Emphasis in the original)

On appeal, the CA affirmed Rose's conviction for robbery with homicide and, additionally, found him guilty of carnapping with homicide. In holding him liable for the latter offense, the appellate court invoked its authority to review the entire records of the case and rectify errors even if these were not specifically assigned on appeal.[20]

The CA underscored that the nature of an offense is determined not by the designation given in the Information or the statutory provision cited, but by the factual allegations contained therein. Upon examination, it found that the Information effectively charged Rose and his co-accused Cornillo with two special complex crimes—robbery with homicide and carnapping with homicide. As no procedural objection to this defect was raised prior to Rose's arraignment, the appellate court ruled that he may be convicted of both offenses.[21]

The CA thus disposed:

WHEREFORE, the appeal is DENIED. The Partial Decision dated [December 14,] 2022 of Branch 43 of the Regional Trial Court (RTC), Bacolod City in Criminal Case No. 12-36560, finding Danny Rose [y] Daza Alias "John Rey Rose" GUILTY beyond reasonable doubt of the special complex crime of Robbery with Homicide is AFFIRMED with MODIFICATIONS.

The Court further finds that accused-appellant is GUILTY beyond reasonable doubt of the crime of carnapping as defined and penalized by Republic Act [No.] 6539 (Anti-Carnapping Act of 1972) as amended by [Republic Act No.] 7659, with homicide. Accordingly, he is sentenced to suffer the penalty of reclusion perpetua. Accused-appellant is ordered to indemnify the heirs of Dexter John Linogon [y] Arevalo of the amount of [PHP] 100,000.00 as civil indemnity, [PHP] 100,000.00 as moral damages, and [PHP] 100,000.00 as exemplary damages and [PHP] 50,000.00 as temperate damages with interest at 6% per [annum] is imposed on all the amounts awarded, reckoned from the date of finality of this Decision until full payment.

Accused-appellant shall be fully credited with the period of his preventive detention pursuant to Article 29 of the Revised Penal Code.

SO ORDERED.[22] (Emphasis in the original)

Hence, the present appeal.

In their Manifestations,[23] the parties dispensed with the filing of supplemental briefs and instead adopted their respective appellate briefs. The Court now resolves.

II

In criminal appeals, the entire case is thrown wide open for review, empowering the Court to scrutinize the records, correct errors in the judgment appealed from, and apply the proper penal provision, even on grounds not raised by the parties.[24]

As a preliminary matter, the Court must determine whether the Information is duplicitous and, if so, whether a conviction may nonetheless be sustained.

A complaint or information must charge only one offense; otherwise it is defective. This principle is expressly provided under Rule 110, Section 13 of the Rules of Court:

SEC. 13. Duplicity of the offense. — A complaint or information must charge only one offense, except when the law prescribes a single punishment for various offenses.

We discussed the policy underpinning the prohibition on duplicitous informations in *People v. Court of Appeals*, 21[st] Division:[25]

The rationale behind this rule prohibiting duplicitous complaints or informations is to give the accused the necessary knowledge of the charge against [them] and enable [them] to sufficiently prepare for [their] defense. The State should not heap upon the accused two or more charges which might confuse [them in their] defense. Non-compliance with this rule is a ground for quashing the duplicitous complaint or information under Rule 117 of the Rules on Criminal Procedure and the accused may raise the same in a motion to quash before [they enter their] plea, otherwise, the defect is deemed waived.[26] (Citation omitted)

The CA correctly determined that the Information charged accused-appellant and Cornillo with two separate offenses. We concur with the following observations:

Parsing the accusatory portion of the Information shows that accused-appellant and his co-accused allegedly performed two unlawful acts resulting to two special complex crimes-robbery with homicide and carnapping with homicide. In particular, when accused-appellant used violence and intimidation against the victim in taking his wallet and collection money resulting to the latter's death, it is an offense constituting robbery with homicide. When accused-appellant, with the same violence and intimidation against persons, took away the victim's motorcycle and allegedly killed the latter, on the occasion thereof, it comprised the second offense of carnapping with homicide.[27]

Nevertheless, because accused-appellant entered a plea of not guilty and did not move to quash the Information, he is deemed to have waived any objection to its duplicity. Under Rule 120, Section 3 of the Rules of Court, "[w]hen two or more offenses are charged in a single complaint or information but the accused fails to object to it before trial, the court may convict the accused-appellant of as many as are charged and proved, and impose on him the penalty for each offense, setting out separately the findings of fact and law in each offense." Thus, a conviction for multiple offenses may validly stand even where only one information was filed.

III

The Court has long recognized that a single act or incident may offend against two or more distinct and unrelated provisions of law, thereby justifying prosecution for more than one offense.[28] In *People v. Quijada*,[29] We explained that multiple convictions arising from a single act are permissible when such act violates different penal provisions and constitutes separate crimes.[30] The same doctrinal thread was reiterated in *People v. Rangaig*,[31] where it was emphasized that what is controlling is not the singularity of the act, but the plurality of offenses defined by law.[32]

The only constraint upon this doctrine is the constitutional prohibition against double jeopardy, which precludes an individual from being twice put in jeopardy for the same offense. The right against double jeopardy, a cornerstone of criminal law, is enshrined in Article III, Section 21 of the Constitution:

No person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act.

Under this rule, an accused is guaranteed protection against (1) a second prosecution after acquittal; (2) a second prosecution after conviction; and (3) multiple punishments for the same offense.[33]

For double jeopardy to lie, three requisites must concur: first, a first jeopardy must have attached; second, the first jeopardy must have been validly terminated; and third, the second jeopardy must be for the same offense, or for an offense which necessarily includes or is necessarily included in the first.[34] A first jeopardy attaches only

upon the existence of a valid indictment, before a court of competent jurisdiction, after arraignment and the entry of a valid plea, and upon conviction, acquittal, or dismissal without the express consent of the accused.[35]

These principles are decisive in this context. Here, there was no sequential prosecution that could give rise to double jeopardy. The charges for robbery with homicide and carnapping with homicide were brought in one Information and resolved in a single criminal proceeding. Accused-appellant was arraigned for both offenses at the same time; neither charge preceded the other, nor was there a prior conviction or acquittal that could give rise to a subsequent jeopardy. Clearly, the constitutional interdiction was not violated.

More fundamentally, accused-appellant was charged with two separate and distinct offenses. In *People v. Doriquez*,^[36] the Court categorically ruled:

It is a cardinal rule that the protection against double jeopardy may be invoked only for the same offense or identical offenses. A simple act may offend against two (or more) entirely distinct and unrelated provisions of law, and if one provision requires proof of an additional fact or element which the other does not, an acquittal or conviction under one does not bar prosecution under the other.^[37] (Citation omitted)

The test, therefore, is not the identity of the act, but the identity of the offenses. This is determined by examining the essential elements of each crime as defined by statute. The Court has long employed the test of identity of offenses, as articulated in the early case of *People v. Diaz*^[38] and reiterated in *Ivler v. Modesto-San Pedro*:^[39]

One of the tests of double jeopardy is whether or not the second offense charged necessarily includes or is necessarily included in the offense charged in the former complaint or information (Rule 113, Sec. 9). Another test is whether the evidence which proves one would prove the other that is to say whether the facts alleged in the first charge if proven, would have been sufficient to support the second charge and vice versa; or whether one crime is an ingredient of the other.^[40]

Robbery with homicide is defined and penalized under Article 294(1) of the Revised Penal Code. The essential elements are: (1) the taking of personal property belonging to another; (2) with intent to gain; (3) by means of violence or intimidation against persons; and (4) on the occasion or by reason of the robbery, homicide is committed.^[41]

Carnapping with homicide, on the other hand, is punished under Section 14 of Republic Act No. 6539, as amended by Republic Act No. 7659. The essential elements are: (1) there is an actual taking of a vehicle; (2) the vehicle belongs to a person other than the offender; (3) the taking is without the consent of the owner, or that the taking was committed by means of violence against or intimidation of persons, or by force upon things; (4) the offender intends to gain from the taking of the vehicle; and (5) on the occasion or by reason of the carnapping, homicide is committed.^[42]

A scrutiny of these statutory definitions readily shows that neither offense necessarily includes, nor is necessarily included in, the other. Robbery with homicide does not require that the property taken be a motor vehicle, whereas carnapping with homicide is predicated specifically on the unlawful taking of a motor vehicle. Each offense demands proof of an essential element not required of the other.

The fact that homicide is an element common to both crimes does not render them identical. In both instances, homicide is not punished as a separate offense, but is absorbed as a constituent element of the respective special complex crimes. The homicide committed is neither prosecuted independently nor punished twice; rather, it serves to qualify and aggravate two distinct offenses defined by law.

The essential distinction between the offenses is further underscored by their respective nature. Robbery with homicide is a felony classified as *malum in se* under the Revised Penal Code, wherein criminal intent is an

indispensable element. In contrast, carnapping with homicide is penalized under a special law and is characterized as *malum prohibitum*, where criminal liability attached by reason of the commission of the prohibited act itself, irrespective of intent. As consistently held, a *malum in se* felony cannot absorb a *malum prohibitum* offense.[43]

These distinctions are consistent with the guidelines laid down in *People v. Relova*,[44] where the Court clarified that the identity of offenses required for double jeopardy need not be absolute, but must involve offenses constituted by a common or overlapping set of essential elements.[45] Where, as here, the offenses are defined by different statutory elements and protect distinct juridical interests, no identity exists.

The constitutional protection against double jeopardy is not violated when distinct statutes define separate crimes, even if both offenses stem from a single act, provided that each crime involves an important element not essential to the other. In this case, the Information charged accused-appellant with two distinct offenses; thus, conviction for both stands firmly within constitutional bounds.

With the threshold issues settled, the Court now proceeds to consider the merits and determine whether accused-appellant's conviction should be upheld.

IV

Accused-appellant argues that Teodoro's testimony should not have been relied upon, pointing out that Teodoro initially stated in his affidavit that he saw both accused-appellant and Cornillo take Dexter's wallet and cash, but later testified on direct examination that he immediately fled the scene after witnessing Cornillo repeatedly strike Dexter's head with a stone.[46] He likewise notes that although Teodoro claimed to have reported the incident to Dominador, the latter never mentioned Teodoro as his informant and in fact, testified that he was unaware at that time that the body recovered from the crime scene was his son's.[47] Lastly, accused-appellant contends that the police blotters do not show that Teodoro ever reported what he allegedly witnessed, and that he executed his affidavit only nine months after the incident, further undermining the credibility of his account.[48]

The arguments fail to persuade.

While certain inconsistencies may be gleaned from Teodoro's testimony, these do not diminish its overall credibility. On the contrary, he delivered a candid and straightforward account of the crime he personally witnessed. Settled is the rule that minor and inconsequential inconsistencies tend to strengthen, rather than weaken, the credibility of a witness, as they dispel any suspicion that the testimony was rehearsed or contrived.[49] The Court's pronouncement in *People v. Villanueva*[50] is instructive:

Indeed, neither inconsistencies on trivial matters nor innocent lapses affect the credibility of witnesses and the veracity of their declarations. On the contrary, they may even be considered badges of truth on material points in the testimony. The testimonies of witnesses must be considered and calibrated in their entirety and not in truncated portions or isolated passages.[51] (Citations omitted)

It bears emphasis that Teodoro provided his testimony in open court nearly seven years after the commission of the crime. Given this considerable lapse of time, it would be unreasonable to demand from him to recall and recount every detail of the incident with precision. Any discrepancies observed between his testimony and prior affidavit are reasonably ascribed to the passage of time. Indeed, a truth-telling witness cannot always be expected to deliver a flawless account, as the reliability of human memory inevitably diminishes over time.[52]

When the issues revolve on matters of witness credibility, the findings of fact of the trial court are accorded great respect, as it has the unique opportunity to observe the demeanor of witnesses and is best positioned to determine whether or not they are telling the truth.[53] Here, both the RTC and the CA found Teodoro's testimony to be credible. Their factual findings, being grounded on such direct observation, are entitled to great weight, and We

find no reason to disturb them.

Moreover, Teodoro's positive and categorical identification of accused-appellant and his co-accused Cornillo as the perpetrators was positive and unwavering. Having personally known both men as fellow tricycle drivers, Teodoro could not have been mistaken in recognizing them at the scene of the crime. His testimony on this point was unequivocal:

Prosecutor Tabirao:

Q:

Mr. Witness, you mentioned about seeing a certain Dexter John, Danny Rose and Panoy Cornillo, where did you first see them at that time?

Witness:

A:

When they were going inside Talisay.

Prosecutor Tabirao:

Q:

At what particular area in Talisay City did you saw [sic] these persons you mentioned?

Witness:

A:

At Matabang.

Prosecutor Tabirao:

Q:

You mentioned about these persons, do [sic] you know them prior the time that you said you saw them?

Witness:

A:

Yes, Ma'am, because they were also driving a tricycle.

Prosecutor Tabirao:

Q:

How long do you know Dexter John Linogon?

Witness:

A:

Quite a long time?

Prosecutor Tabirao:

Q:

How about Dioneto Rose?

Witness:

A:

The same.

Prosecutor Tabirao:

How about this certain alias "Panoy Cornillo"?

Witness:

A:

I already know him for quite a long time.

Prosecutor Tabirao:

When you first saw them what were they doing?

Witness:

A:

They were driving a tricycle. Dioneto Rose was in tandem with the driver and Panoy was in the sidecar.

Prosecutor Tabirao:

Who particularly drove the tricycle?

Witness:

A:

Dexter John.

Prosecutor Tabirao:

You said they [sic] you know these persons, Dioneto Rose and Panoy Cornillo, if these persons are present in Court would you be able to identify them?

Witness:

A:

Yes, Ma'am.

Prosecutor Tabirao:

Q:

Can you first point at Dioneto Rose and to alias "Panoy Cornillo next"?

Witness:

A:

That is Dioneto Rose.

Court Interpreter:

At this juncture, the witness is pointing to a person sitting at the back to Atty. Buntalidad, who when asked his name answered, Danny Rose.[54] (Emphasis supplied)

Equally significant, the defense presented no evidence of any improper motive on the part of Teodoro or any of the prosecution witnesses to falsely accuse accused-appellant. Where there is no indication that a witness was impelled by ill motive, his testimony is entitled to full faith and credit.[55]

V

Robbery with homicide is defined and penalized by Article 294(1) of the Revised Penal Code, which provides in part:

Art. 294. Robbery with violence against or intimidation of persons — Penalties. — Any person guilty of robbery with the use of violence against or intimidation of any person shall suffer:

1. 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. (Emphasis supplied)

It is a special complex crime with four elements:

(1)

the taking of personal property with the use of violence or intimidation against the person;

(2)

the property taken belongs to another;

(3)

the taking is characterized by intent to gain; and

(4)

on the occasion of or by reason of the robbery, homicide was committed.[56]

To warrant conviction, 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. It is essential that the intent to rob precedes the homicide, which is a mere incident or result thereof. The precise moment of killing is immaterial; it may have happened before, during, or after the robbery. What matters is that in the process of committing the crime of robbery, a life was taken as a result or incident thereof.[57]

All four elements were established in this case. As previously discussed, Teodoro provided a detailed account of how accused-appellant, in conspiracy with Cornillo, forcibly deprived Dexter of his personal belongings following a violent assault. The occurrence of homicide was conclusively demonstrated by Dexter's Certificate of Death[58] and the Post-Mortem Examination,[59] which revealed that he died of "acute blood loss secondary to multiple wounds in the head, neck, chest and abdominal area."[60] The killing was committed by reason of: and on the occasion of, the robbery, thereby satisfying the fourth element of the special complex crime.

Accordingly, We affirm accused-appellant's conviction for robbery with homicide.

VI

Carnapping with homicide, on the other hand, is committed when: (1) a motor vehicle is taken without the consent of the owner; (2) the taking is with intent to gain; (3) the taking is accomplished by violence against or

intimidation of persons, or by force upon things; and (4) by reason of or on the occasion of the carnapping, homicide is committed.[61] To sustain a conviction for carnapping with homicide, it must be shown that the original criminal design of the offender was carnapping, and that the killing was perpetrated in the course of, or on the occasion of, the commission of the carnapping.[62]

The evidence unequivocally demonstrates that first, accused-appellant and Cornillo unlawfully took the tricycle driven by Dexter, without the consent of either Dexter or its owner. Second, their intent to gain is manifest in their act of fleeing with the stolen tricycle, which was subsequently recovered after being sold to a third party. Third, the taking was accomplished through the fatal assault upon Dexter. Fourth, Dexter was killed in the course of the unlawful taking of the tricycle. Collectively, these satisfy the requisites of the special complex crime of carnapping with homicide.

Taken together, the prosecution evidence establishes beyond reasonable doubt that accused-appellant committed two distinct special complex crimes: robbery with homicide, in relation to the forcible taking of Dexter's wallet and money; and carnapping with homicide, in connection with the unlawful taking of the tricycle.

VII

The special aggravating circumstance of minority likewise attends both offenses, it being established that the victim, Dexter, was only 17 years old at the time of his death.[63] By reason thereof, the imposable penalty for each offense should have been death. However, pursuant to Republic Act No. 9346, the proper penalty is reclusion perpetua without eligibility for parole. As clarified by the Court in A.M. No. 15-08-02-SC,[64] when circumstances warrant the imposition of the death penalty but the same is not imposed by reason of Republic Act No. 9346, the designation "without eligibility for parole" must qualify reclusion perpetua, to underscore that the accused would have otherwise been meted the death penalty were it not for the said law.

On the matter of damages, the ruling in *People v. Jugueta*[65] is instructive. There, the Court held that in special complex crimes where the imposable penalty is death but reduced to reclusion perpetua by virtue of Republic Act No. 9346, civil indemnity and moral damages in the amount of PHP 100,000.00 each, as well as exemplary damages in the amount of PHP 100,000.00, should be awarded.[66]

In view of the foregoing, and considering the two distinct special complex crimes of robbery with homicide and carnapping with homicide, appellant is liable to the heirs of Dexter for the following: (1) PHP 100,000.00 as civil indemnity for each offense; (2) PHP 100,000.00 as moral damages for each offense; and (3) PHP 100,000.00 as exemplary damages for each offense.

We likewise draw guidance from *People v. Racal*,[67] which teaches that when actual damages proven by receipts during trial amount to less than the sum allowed by the Court as temperate damages, the latter may be awarded in lieu of the lesser actual damages.[68]

Finally, all monetary awards—namely, civil indemnity, moral damages, exemplary damages, and temperate damages—shall earn interest at the rate of 6% per annum from the finality of this Decision until full satisfaction.[69]

ACCORDINGLY, the appeal is DISMISSED. The June 26, 2024 Decision of the Court of Appeals in CA-G.R. CR-HC No. 04505 is AFFIRMED in toto. Accused-appellant Danny Rose y Daza is found GUILTY beyond reasonable doubt of robbery with homicide under Article 294(1) of the Revised Penal Code. He is sentenced to suffer the penalty of reclusion perpetua without eligibility for parole.

For the crime of robbery with homicide, he is ORDERED to pay the heirs of Dexter John A. Linogon the amounts of PHP 100,000.00 as civil indemnity, PHP 100,000.00 as moral damages, PHP 100,000.00 as exemplary

damages, and PHP 50,000.00 as temperate damages.

He is additionally found GUILTY beyond reasonable doubt of carnapping as defined and penalized by Republic Act No. 6539, as amended by Republic Act No. 7659, with homicide. He is sentenced to suffer the penalty of reclusion perpetua without eligibility for parole.

For the crime of carnapping with homicide, he is ORDERED to pay the heirs of Dexter John A. Linogon the amounts of PHP 100,000.00 as civil indemnity, PHP 100,000.00 as moral damages, and PHP 100,000.00 as exemplary damages.

All monetary awards shall earn legal interest at the rate of 6% per annum from the finality of this Decision until full payment thereof.

SO ORDERED.

Hernando[**] (Acting Chairperson) and Zalameda, JJ., concur.
Gesmundo,[*] C.J. and Marquez,[***] J., on official business.

[*] On official business.

[**] Per Special Order No. 3309 dated July 3, 2026.

[***] On official business.

[1] Rollo, pp. 5-9.

[2] Id. at 14-32. The June 26, 2024 Decision in CA-G.R. CR-HC No. 04505 was penned by Associate Justice Marilyn B. Lagura-Yap and concurred in by Associate Justices Jacinto G. Fajardo, Jr. and Rogelio G. Largo of the Nineteenth Division, Court of Appeals, Cebu City.

[3] RTC records, pp. 1-2.

[4] Id. at 1.

[5] Id. at 32.

[6] Rollo, p. 15.

[7] Id. at 16, 36.

[8] Id. at 15-16.

[9] Id. at 16.

[10] Id. at 15.

[11] Id.

[12] Id.

[13] Id. at 36.

[14] Id. at 37.

[15] Id.

[16] Id. at 16.

[17] Id.

[18] Id. at 34-50. The December 14, 2022 Partial Decision in Criminal Case No. 12-36560 was penned by Presiding Judge Karen Joy J. Tan-Gaston of Branch 43, Regional Trial Court, Bacolod City.

[19] Id. at 49-50.

[20] Id. at 20.

[21] Id. at 21-22.

[22] Id. at 31.

[23] Id. at 53-58, 59-62.

[24] *People v. Alejandro*, 807 Phil. 221, 229 (2017) [Per J. Perlas-Bernabe, First Division].

[25] 755 Phil. 80 (2015) [Per J. Peralta, Third Division].

[26] Id. at 116-117.

[27] Rollo, p. 22.

[28] *Loney v. People*, 517 Phil. 408, 421 (2006) [Per J. Carpio, Third Division], citing *Nierras v. Dacuycuy*, 260 Phil. 6, 13 (1990) [Per J. Paras, En Banc]; *People v. Doriquez*, 133 Phil. 295, 305 (1968) [Per J. Ruiz Castro]; *People v. Alvarez*, 45 Phil. 472, 479 (1923) [Per J. Avanceña]; *People v. Cabrera*, 43 Phil. 64, 97 (1922) [Per J. Malcolm]; *United States v. Capurro*, 7 Phil. 24, 34 (1906) [Per J. Johnson].

[29] 328 Phil. 505 (1996) [Per J. Davide, Jr., En Banc].

[30] Id. at 534-536.

[31] 901 Phil. 390 (2021) [Per J. Leonen, Third Division].

[32] Id. at 400-402.

[33] *People v. Udang*, 823 Phil. 411, 428 (2018) [Per J. Leonen, Third Division]. (Citations omitted)

[34] *People v. City Court of Manila*, Br. VI, 238 Phil. 170, 174-175 (1987) [Per J. Padilla, En Banc].

[35] *Condrada v. People*, 446 Phil. 635, 641 (2003) [Per J. Callejo, Sr., Second Division].

[36] 133 Phil. 295 (1968) [Per J. Ruiz Castro, En Banc].

[37] Id. at 305.

[38] 94 Phil. 714 (1954) [Per J. Montemayor, En Banc].

[39] 649 Phil. 478 (2010) [Per J. Carpio, Second Division].

[40] Id. at 501.

[41] *People v. Laguda*, 887 Phil. 754, 762-763 (2020) [Per J. Lopez, First Division]. (Citations omitted)

[42] *People v. Arcenal*, 808 Phil. 50, 60-61 (2017) [Per J. Peralta, Second Division]. (Citations omitted)

[43] *People v. Quijada*, 328 Phil. 505, 560 (1996) [Per J. Davide, Jr., En Banc]. (Citations omitted)

- [44] 232 Phil. 269 (1987) [Per J. Feliciano, First Division].
- [45] Id. at 283-284.
- [46] CA rollo, pp. 67-68.
- [47] Id. at 71.
- [48] Id. at 75-77.
- [49] *People v. Ohayas*, 811 Phil. 141, 148 (2017) [Per J. Tijam, Third Division]. (Citations omitted)
- [50] 456 Phil. 14 (2003) [Per J. Corona, En Banc].
- [51] Id. at 23.
- [52] *People v. Delim*, 444 Phil. 430, 465 (2003) [Per J. Callejo, Sr., En Banc].
- [53] *People v. Guarin*, 891 Phil. 492, 501-502 (2020) [Per C.J. Peralta, First Division].
- [54] TSN, Scott Teodoro y Arevalo, January 29, 2018, pp. 7-8.
- [55] *People v. Pabillano*, 404 Phil. 43, 62 (2001) [Per J. Quisumbing, Second Division].
- [56] Id. at 170, citing *People v. Algarme*, 598 Phil. 423, 446 (2009) [Per J. Brion, Second Division].
- [57] *People v. Algarme*, 598 Phil. 423, 446 (2009) [Per J. Brion, Second Division]. (Citations omitted)
- [58] RTC records, p. 9.
- [59] Id. at 8.
- [60] Id. at 9.
- [61] *People v. Bernabe*, 448 Phil. 269, 280 (2003) [Per J. Ynares-Santiago, First Division].
- [62] *People v. Nocum*, 707 Phil. 267, 279 (2013) [Per J. del Castillo, Second Division].
- [63] RTC records, p. 16.
- [64] Guidelines for the Proper Use of the Phrase "Without Eligibility for Parole" in Indivisible Penalties, August 4, 2015.
- [65] 783 Phil. 806 (2016) [Per J. Peralta, En Banc].
- [66] Id. at 849.
- [67] 817 Phil. 665 (2017) [Per J. Peralta, Second Division].
- [68] Id. at 685.
- [69] *People v. Jugueta*, 783 Phil. 806, 854 (2016) [Per J. Peralta, En Banc].

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