



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 233659

Present:

- versus -

PERALTA, C.J., Chairperson,
CAGUIOA,
REYES, J., JR.,
LAZARO-JAVIER, and
LOPEZ, JJ.

JOHN SANOTA y SARMIENTO,
DEO DAYTO y GENORGA @
"RUBROB" and ROLANDO
ESPINELI y ACEBO @
"LANDOY,"

Promulgated:

Accused-Appellants.

DEC 10 2019

X-----

DECISION

PERALTA, C.J.:

For consideration of this Court is the appeal of the Decision¹ dated February 15, 2017 of the Court of Appeals (CA) affirming the Judgment² dated August 20, 2014 of the Regional Trial Court (RTC), Branch 25, Biñan, Laguna in Criminal Case No. 21888-B, finding appellants John Sanota y Sarmiento (*Sanota*), Deo Dayto y Genorga @ "Rubrob" (*Dayto*) and Rolando Espineli y Acebo @ "Landoy" (*Espineli*) guilty beyond reasonable doubt of the crime of Robbery with Homicide as defined and penalized under Article 294 of the Revised Penal Code (RPC).

The facts follow.

According to Santiago Abion, Jr. (*Abion*), on March 31, 2011, around 4:00 p.m., he was feeding his ducks at the back of his house when he saw

¹ Penned by Associate Justice Ricardo R. Rosario, with Associate Justices Edwin D. Sorongon and Marie Christine Azcarraga-Jacob, concurring; *rollo*, pp. 2-10.

² Penned by Presiding Judge Teodoro N. Solis; *CA rollo*, pp. 61-75.

appellants having a drinking spree at a hut located five (5) meters away from his house. From a distance of three (3) meters, he overheard the three (3) appellants planning to raid a house in Hacienda 8. Abion also heard the same appellants saying that anyone who blocks their path will be killed. Thereafter, Abion entered his house and cooked food for dinner. Later, in the evening of the same day, appellant Espineli arrived at Abion's house and invited the latter to a birthday party in Don Jose, Santa Rosa, Laguna. After Abion asked permission from his wife, he and appellant Espineli boarded a motorcycle owned and driven by the same appellant. Instead of going to Don Jose, Santa Rosa, Laguna, the motorcycle headed towards Hacienda 8, and after five (5) minutes of travelling, appellant Espineli parked the motorcycle beside the road and in front of the house of Don Alfonso Quiros (*Quiros*). Appellant Espineli told Abion to stay put as he had to talk to his fellow security guard inside the house of Quiros. After a few seconds, appellants Sanota and Dayto arrived and the two asked Abion where appellant Espineli was. Abion told them that appellant Espineli went inside the house of Quiros and, thereafter, appellants Sanota and Dayto went inside the same house. Abion followed appellants Sanota and Dayto, and when he was twenty (20) meters away from the house of Quiros, he saw appellant Espineli handing a gun to appellant Dayto, and the latter, with a gun in his possession, climbed the window of the same house. After five (5) minutes, Abion heard a gunshot and saw appellant Dayto come out of the window of the house of Quiros with a gun on his right hand and a "black thing" on his left. Appellants Sanota and Dayto then fled to the forest, while appellant Espineli proceeded to where the motorcycle was parked. Abion also went back to the motorcycle and pretended that he didn't witness the incident. Appellant Espineli drove the motorcycle and Abion alighted in Barangay Hernandez where the latter was told by the former to keep quiet. The following day, Abion heard from his neighbors that Quiros' house has been robbed and that the latter's son, Jose Miguel Quiros (*Jose Miguel*) was killed. Abion pretended not to know about the incident, but through the prodding of his wife who works as a gardener of Quiros, he was able to execute a *Sinumpaang Salaysay*³ dated April 5, 2011.

Thus, an Information was filed against the three (3) appellants charging them with the crime of Robbery with Homicide, which reads as follows:

That on or about March 31, 2011, in the City of Santa Rosa, Laguna, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a gun, conspiring, confederating, and helping one another, through the employment of violence and intimidation against Jose Miguel Quiros y Lopez, who is the son of complainant Miguel Alfonso Quiros y Yulo, with intent to gain, and without the consent of the owner thereof, did then and there willfully, unlawfully and feloniously take, steal and rob one (1) Asus Laptop worth Twenty[-]Seven Thousand Pesos (P27,000.00) owned by and belonging to complainant Miguel Alfonso Quiros y Yulo, to the damage and prejudice of the latter of the value of the said laptop in the amount of P27,000.00 Philippine Currency and that by reason of or on the occasion of the Robbery accused DEO DAYTO Y

³ Exhibit "A."



GENORGA @ Rubrob, who as (sic) armed with a gun, shot Jose Miguel Quiros y Lopez hitting the latter at his trunk as a result thereof he sustained a fatal wound which resulted to his death, to the damage and prejudice of the heirs of Jose Miguel Quiros y Lopez.

With the presence of the aggravating circumstances that the Robbery with Homicide is committed in a dwelling and during night time.

CONTRARY TO LAW.⁴

During their arraignment on July 8, 2011, appellants entered a plea of “not guilty.”

The prosecution presented the testimonies of Abion, Lee Won Young (*Lee*), PO1 Adrian Alcon (*PO1 Alcon*), Florencio⁵ Mendoza (*Mendoza*), Nestor Laplap (*Laplap*), Maynard Malabanan (*Malabanan*), Miguel Alfonso Quiros y Yulo, and PO1 Mary Jennifer Encabo (*PO1 Encabo*).

Lee testified that on March 31, 2011, he visited his friend Jose Miguel, the son of Quiros, in the latter's house to attend a birthday party the following day and to play a video game with him. After twenty (20) minutes of playing a video game with Jose Miguel, Lee asked permission to go to the toilet. Thereafter, Lee heard a gunshot prompting him to shout, “*Miguel, are you okay?*,” with no response from the latter. Miguel, looking shocked and soaked in blood that profusely oozing from his chest, ran towards Lee and saying, “*Lee, there is a gun. A guy with a gun. I'd been shot. I'd been shot.*” Lee, then instinctively opened the door of the living room going to the main gate and called the guard on duty. Lee also called the attention of Miguel's father, who immediately went out of his room. They then brought Jose Miguel to the hospital, but was declared dead on arrival.

The police officers testified on their respective investigations on the case. Mendoza and Laplap, both employees of Visman Security Agency with which appellant Espineli was employed as a security guard when the incident occurred, testified that the same appellant arrived at the agency around 10:30 in the evening of March 31, 2011 and deposited his motorcycle outside the area of their jurisdiction and left.

Appellants Espineli, Dayto and Sanota interposed the defense of denial and alibi.

In his testimony, appellant Espineli claimed that he was on duty as a security guard at Avida Nuvali Settings, specifically at East II Roving in Barangay Mangumit, Canlubang, Calamba City on March 31, 2011, from 7:00

⁴ *Rollo*, pp. 2-3.

⁵ Also “Florendo” in some parts of the records.

a.m. to 7:00 p.m. After his duty, the same appellant was transferred to SIO Bravo and started his duty from 7:00 p.m. to 7:00 a.m. of the following day.

Appellant Dayto, on the other hand, testified that he attended his brother's birthday celebration at General Trias, Cavite on March 31, 2011 and around 8:00 p.m. of that day, he watched a television program while conversing with his common-law-wife until 10:00 p.m. before they fell asleep. He claimed to have stayed in General Trias until the arrival of his mother, brother and child from Bicol on April 3, 2011.

On his part, appellant John Sonata stated that on March 31, 2011, from 9:00 a.m. to 5:00 p.m., he was gathering wood in Sitio Hemedez, Barangay Malitit, Sta. Rosa, Laguna. Thereafter, he went to the house of his friend where he took a rest and watched television. After having dinner with his friend's family around 8:00 p.m., he proceeded to the house of his father-in-law's "*kumpare*." Thereafter, he went back to the house of his friend around 9:00 p.m. and slept.

The RTC, on August 20, 2014, promulgated its Decision convicting the appellants of the crime of Robbery with Homicide. The dispositive portion of the decision reads as follows:

WHEREFORE, premises considered, the Court finds the accused John Sanota, Rolando "Landoy" Espineli, and Deo "Rubrob" Dayto GUILTY beyond reasonable doubt of the crime of Robbery with Homicide punished under Article 294 of the Revised Penal Code. All three accused are hereby sentenced to suffer imprisonment of *Reclusion Perpetua*. The accused are further ordered to pay, jointly, the amount of P383,764.65, as actual damages, P75,000[.00], as death indemnity, P1,000,000.00 as moral damages, P200,00[.00] as exemplary damages, attorney's fees of P100,000[.00] and costs of suit

SO ORDERED.⁶

According to the RTC, all the elements of the crime of Robbery with Homicide are present.

Appellants sought further recourse to the CA.

The CA, in its Decision dated February 15, 2017, affirmed the decision of the RTC, thus:

WHEREFORE, the appealed Judgment rendered by Regional Trial Court of Biñan, Laguna, Branch 25 in Criminal Case No. 21888-B is AFFIRMED.

⁶ CA rollo, pp. 74-75.



SO ORDERED.⁷

The CA ruled that the prosecution was able to establish the guilt of all the accused beyond reasonable doubt. According to the CA, although there was no direct evidence to establish appellants' commission of the crime charged, circumstantial evidence suffices to convict them.

Hence, the present appeal. Appellants and the Office of the Solicitor General manifested to this Court that they are adopting their respective Briefs instead of filing Supplemental Briefs.

Appellants assigned the following errors:

I.

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANTS OF ROBBERY WITH HOMICIDE BASED ON CIRCUMSTANTIAL EVIDENCE DEDUCED FROM THE INCREDIBLE TESTIMONY OF PROSECUTION WITNESS, SANTIAGO ABION[,] JR.

II.

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANTS OF ROBBERY WITH HOMICIDE DESPITE THE PROSECUTION'S FAILURE TO PROVE THEIR GUILT BEYOND REASONABLE DOUBT.

III.

THE TRIAL COURT GRAVELY ERRED IN AWARDING ONE HUNDRED THOUSAND PESOS (PHP100,000.00) AS ATTORNEY'S FEES SANS SUPPORTING DOCUMENT/RECEIPT.⁸

The appeal must fail.

The appellants argue that there was no direct proof presented by the prosecution on the events that led to the death of the victim, as well as the identity of the person or persons who shot the victim, nor was there any eyewitness to the actual taking of the missing laptop. They further insist that the testimony of Abion is incredible and does not warrant any consideration. Thus, absent any proof, appellants contend that the prosecution failed to prove their guilt beyond reasonable doubt.

Time and again, this Court has deferred to the trial court's factual findings and evaluation of the credibility of witnesses, especially when affirmed by the CA, in the absence of any clear showing that the trial court

⁷ *Rollo*, pp. 9-10

⁸ *CA Rollo*, p. 46.

overlooked or misconstrued cogent facts and circumstances that would justify altering or revising such findings and evaluation.⁹ This is because the trial court's determination proceeds from its first-hand opportunity to observe the demeanor of the witnesses, their conduct and attitude under grilling examination, thereby placing the trial court in the unique position to assess the witnesses' credibility and to appreciate their truthfulness, honesty and candor.¹⁰ As aptly ruled by the CA:

The above contentions of appellants are inadequate to overturn the established fact that Abion, Jr. saw the appellants in Hacienda Otso, in front of Don Miguel Alfonso Quiros' residence in the evening of 31 March 2016, when they robbed and killed Migs Quiros inside his house. While Abion, Jr. remained outside the house as ordered by Espineli, his distance or position was merely twenty meters away from the scene of the crime. Thus, We uphold the ruling of the trial court.

The trial court correctly rejected the defense of alibi of the appellants for the reason that they were positively identified by prosecution eyewitness Santiago Abion, Jr. ("Abion, Jr.") who does not appear to have any motive against them to fabricate evidence. Also, the distance of eyewitness Abion, Jr. in relation to the scene of the crime does not preclude any doubt on the physical impossibility of his presence at the *locus criminis* or its immediate vicinity at the time of its commission. Abion, Jr. alleged that at a distance of twenty (20) meters, he saw Landoy handed a gun to Rurob. Rubrob then climbed the window of the house of Boss Coy. After five (5) minutes, a gunshot rang out, and Rubrob came out of the window with a gun on his right hand and a black thing on his left.

Hence, it has been established beyond reasonable doubt by the evidence on record that on 31 March 2011, prior to the incident or at around 4:00 o'clock in the afternoon, prosecution witness Abion, Jr. saw herein appellants, John Sanota y Sarmiento, Deo Dayto y Genorga @ "Rubrob" and Rolando Espineli y Acebo @ "Landoy", having a drinking spree at the house of Dayto. While feeding his ducks, he overheard appellants discussing their plan to rob a house located at Hacienda Otso.¹¹

As such, this Court finds no error in the RTC's finding that the testimony of Abion is credible. Again, [T]he assessment of the credibility of the witnesses and their testimonies is best undertaken by the trial court because of its unique opportunity to observe the witnesses first hand and to note their demeanor, conduct, and attitude under grueling examination.¹² These factors are the most significant in evaluating the sincerity of witnesses and in unearthing the truth, especially in the face of conflicting testimonies.¹³ The factual findings of the RTC, therefore, are accorded the highest degree of respect especially if the CA adopted and confirmed these,¹⁴ unless some facts

⁹ *Medina, Jr. v. People*, 724 Phil. 226, 234 (2014), citing *People v. Malicdem*, 698 Phil. 408, 416 (2012); *People v. Dumadag*, 667 Phil. 664, 674 (2011).

¹⁰ *People v. Villacorta*, 672 Phil. 712, 719-720 (2011).

¹¹ *Rollo*, p. 7. (Citations omitted)

¹² *Antonio Planteras, Jr. v. People*, G.R. No. 238889, October 3, 2018.

¹³ *Id.*, citing *People v. Macaspac*, 806 Phil. 285, 290 (2017).

¹⁴ *Id.*, citing *People v. Delector*, G.R. No. 200026, October 4, 2017, 841 SCRA 647, 656.

or circumstances of weight were overlooked, misapprehended or misinterpreted as to materially affect the disposition of the case.¹⁵ In the absence of substantial reason to justify the reversal of the trial court's assessment and conclusion, as when no significant facts and circumstances are shown to have been overlooked or disregarded, the reviewing court is generally bound by the former's findings.¹⁶

What is important is that the prosecution was able to prove the existence of all the elements of the crime. The crime of robbery with homicide has been thoroughly discussed in *People v. Ebet*,¹⁷ thus:

In *People v. De Jesus*,¹⁸ this Court had the occasion to meticulously expound on the nature of the crime of Robbery with Homicide, thus:

Article 294, paragraph 1 of the Revised Penal Code provides:

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

The penalty of *reclusion perpetua* to death, when by reason or on occasion of the robbery, the crime of homicide shall have been committed, or when the robbery shall have been accompanied by rape or intentional mutilation or arson.

For the accused to be convicted of the said crime, the prosecution is burdened to prove the confluence of the following elements:

- (1) the taking of personal property is committed with violence or intimidation against persons;
- (2) the property taken belongs to another;
- (3) the taking is *animo lucrandi*; and
- (4) by reason of the robbery or on the occasion thereof, homicide is committed.

In robbery with homicide, the original criminal design of the malefactor is to commit robbery, with homicide perpetrated on the occasion or by reason of the robbery. The intent to commit robbery must precede the taking of human life. The homicide may take place before, during or after the robbery. It is only the result obtained, without reference or distinction as to the circumstances, causes or modes or persons intervening in the commission of the crime that has to be taken into consideration. There is no such felony of robbery with homicide through reckless imprudence or

¹⁵ *Id.*, citing *People v. Macaspac*, *supra* note 13.

¹⁶ *Id.*, citing *People v. Labraque*, G.R. No. 225065, September 13, 2017, 839 SCRA 591, 598, citing *People v. Alberca*, 810 Phil. 896, 906 (2017).

¹⁷ 649 Phil. 181 (2010).

¹⁸ 473 Phil. 405 (2004).

simple negligence. The constitutive elements of the crime, namely, robbery and homicide, must be consummated.

It is immaterial that the death would supervene by mere accident; or that the victim of homicide is other than the victim of robbery, or that two or more persons are killed or that aside from the homicide, rape, intentional mutilation, or usurpation of authority, is committed by reason or on the occasion of the crime. Likewise immaterial is the fact that the victim of homicide is one of the robbers; the felony would still be robbery with homicide. Once a homicide is committed by or on the occasion of the robbery, the felony committed is robbery with homicide. All the felonies committed by reason of or on the occasion of the robbery are integrated into one and indivisible felony of robbery with homicide. The word "homicide" is used in its generic sense. Homicide, thus, includes murder, parricide, and infanticide.


Intent to rob is an internal act but may be inferred from proof of violent unlawful taking of personal property. When the fact of asportation has been established beyond reasonable doubt, conviction of the accused is justified even if the property subject of the robbery is not presented in court. After all, the property stolen may have been abandoned or thrown away and destroyed by the robber or recovered by the owner. The prosecution is not burdened to prove the actual value of the property stolen or amount stolen from the victim. Whether the robber knew the actual amount in the possession of the victim is of no moment because the motive for robbery can exist regardless of the exact amount or value involved.

When homicide is committed by reason or on the occasion of robbery, all those who took part as principals in the robbery would also be held liable as principals of the single and indivisible felony of robbery with homicide although they did not actually take part in the killing, unless it clearly appears that they endeavored to prevent the same.

If a robber tries to prevent the commission of homicide after the commission of the robbery, he is guilty only of robbery and not of robbery with homicide. All those who conspire to commit robbery with homicide are guilty as principals of such crime, although not all profited and gained from the robbery. One who joins a criminal conspiracy adopts the criminal designs of his co-conspirators and can no longer repudiate the conspiracy once it has materialized.

Homicide is said to have been committed by reason or on the occasion of robbery if, for instance, it was committed to (a) facilitate the robbery or the escape of the culprit; (b) to preserve the possession by the culprit of the loot; (c) to prevent discovery of the commission of the robbery; or, (d) to eliminate witnesses in the commission of the crime. As long as there is a nexus between the robbery and the homicide, the latter crime may be committed in a place other than the situs of the robbery.¹⁹

¹⁹ *People v. Ebet*, supra note 17, at 188-190, citing *People v. Pedroso*, 336 SCRA 163 (2000), *People v. Salazar*, 277 SCRA 67 (1997), *People v. Abuyan*, 213 SCRA 569 (1991), *People v. Ponciano*, 204 SCRA 627 (1991), *People v. Mangulabnan*, 99 Phil. 992 (1956), *People v. Puloc*, 202 SCRA 179 (1991), *People v. Corre, Jr.*, 363 SCRA 165 (2001), *People v. Carrozo*, 342 SCRA 600 (2000), *People v. Verzosa*, 294 SCRA 466 (1998), and *People v. Palijon*, 343 SCRA 486 (2000).



In this case, all the elements were proven by the prosecution beyond reasonable doubt.

As to the contention of appellants that the prosecution failed to present any direct evidence that proves their participation in the commission of the crime, such does not deserve merit. Direct evidence of the commission of a crime is not the only basis on which a court draws its finding of guilt.²⁰ The commission of a crime, the identity of the perpetrator,²¹ and the finding of guilt may all be established by circumstantial evidence.²² In *Antonio Planteras, Jr. v. People*,²³ this Court expounded on the distinction between direct and circumstantial evidence, thus:

The difference between direct evidence and circumstantial evidence involves the relationship of the fact inferred to the facts that constitute the offense.²⁴ Their difference does not relate to the probative value of the evidence.²⁵

Direct evidence proves a challenged fact without drawing any inference.²⁶ Circumstantial evidence, on the other hand, "indirectly proves a fact in issue, such that the fact-finder must draw an inference or reason from circumstantial evidence."²⁷

The probative value of direct evidence is generally neither greater than nor superior to circumstantial evidence.²⁸ The Rules of Court do not distinguish between "direct evidence of fact and evidence of circumstances from which the existence of a fact may be inferred."²⁹ The same quantum of evidence is still required. Courts must be convinced that the accused is guilty beyond reasonable doubt.³⁰

A number of circumstantial evidence may be so credible to establish a fact from which it may be inferred, beyond reasonable doubt, that the elements of a crime exist and that the accused is its perpetrator.³¹ There is no requirement in our jurisdiction that only direct evidence may convict.³² After all, evidence is always a matter of reasonable inference from any fact that may be proven by the prosecution provided the inference is logical and beyond reasonable doubt.

²⁰ *People v. Casitas, Jr.*, 445 Phil. 407, 417 (2003).

²¹ *Cirera v. People*, 739 Phil. 25, 41 (2014) [Per J. Leonen, Third Division].

²² *People v. Villaflores*, 685 Phil. 595, 615-617 (2012) [Per J. Bersamin, First Division].

²³ *Supra* note 12.

²⁴ *Bacerra v. People*, 812 Phil. 25 (2017).

²⁵ *Id.*

²⁶ *People v. Ramos*, 310 Phil. 186, 195 (1995) [Per J. Puno, Second Division].

²⁷ *People v. Villaflores*, *supra* note 22, at 614.

²⁸ *People v. Fronda*, 384 Phil. 732, 744 (2000) [Per C.J. Davide, First Division].

²⁹ *Id.*

³⁰ *Id.*

³¹ See *People v. Villaflores*, *supra* note 22, at 613-618; *People v. Whisenhunt*, 420 Phil. 677, 696-699 (2001) [Per J. Ynares-Santiago, First Division].

³² *Id.* at 614; *Id.* at 696.

Rule 113, Section 4 of the Rules on Evidence provides three (3) requisites that should be established to sustain a conviction based on circumstantial evidence:

Section 4. Circumstantial evidence, when sufficient. -
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 is such as to produce a conviction beyond reasonable doubt.³³

The commission of a crime, the identity of the perpetrator,³⁴ and the finding of guilt may all be established by circumstantial evidence.³⁵ The circumstances must be considered as a whole and should create an unbroken chain leading to the conclusion that the accused authored the crime.³⁶

The determination of whether circumstantial evidence is sufficient to support a finding of guilt is a qualitative test not a quantitative one.³⁷ The proven 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."³⁸

The RTC, therefore, committed no error in convicting the appellants based on the circumstantial evidence presented in court, thus:

The prosecution's witnesses established the existence of circumstances that support a clear conclusion that the 3 accused conspired to commit robbery, that they carried out the plan and, as a result of such concerted resolve, complainant's only son was shot and killed.

Abion positively identified the three (3) accused present at the scene of the crime in the evening of March 31, 2011; Dayto's clambering up the open window with a gun, the sound emanating from inside the house of a single gunshot, after which Dayto exited the open window with a gun and a laptop in tow, which he then handed to Espineli and Sanota.

Abion overheard the accused's drunken conversation earlier that day regarding their plan to rob a residence in Hacienda 8 (where the Quiros residence was located) and that they would shoot anyone who blocks their path. He described how the 3 arrived almost at the same time in the wooded area behind the Quiros residence, their acting together to implement entry onto the open window that Dayto scaled, and their fleeing into several directions after Dayto had exited the window with a gun and laptop in his hands.

³³ RULES OF COURT, Rule 133, Sec. 4.

³⁴ *Cirera v. People*, *supra* note 21, at 41.

³⁵ *People v. Villaflores*, *supra* note 22, at 615-617.

³⁶ *People v. Whisenhunt*, *supra* note 31, at 696.

³⁷ *See People v. Ludday*, 61 Phil. 216, 221 (1935) [Per J. Vickers, En Banc].

³⁸ *Id.* at 221-222.

Abion's testimony was sufficient to establish the guilt of all 3 accused, as it was not shown that he had ill-motive which impelled him to testify against them.

His credence was fortified by other prosecution witnesses, who corroborated his testimony with object evidence on its material points.

Moreover, the prosecution presented documentary evidence and testimonies connecting the accused to the commission of other crimes of Robbery with Homicide perpetrated with the same *modus operandi*.³⁹

It must be remembered that, "[n]o general rule can be laid down as to the quantity of circumstantial evidence which in any case will suffice. All the circumstances proved 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."⁴⁰ In this case, the totality of the circumstantial evidence presented by the prosecution prove beyond reasonable doubt that appellants conspired to rob the residence of Quiros and on that occasion, the latter's son was shot dead.

Appellants' defense of denial and alibi are, likewise, of no merit. The defense of denial and alibi is weak compared to the positive identification of the appellants as the perpetrators.⁴¹ Alibi and denial, if not substantiated by clear and convincing evidence, are negative and self-serving evidence undeserving of weight in law.⁴²

As to the penalty imposed, the RTC was correct in imposing the penalty of *reclusion perpetua* instead of Death despite the presence of aggravating circumstances, considering that the latter penalty has been suspended by Republic Act No. 9346.

As to the award of damages, this Court deems it proper to modify the ruling of the RTC. In *People v. Jugueta*,⁴³ the amounts of ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages and ₱100,000.00 as exemplary damages are provided for in cases when the penalty imposed is *reclusion perpetua* instead of death due to the suspension of the latter. The RTC's award of ₱100,000.00 as attorney's fees, however, must also be modified. Nothing on the record shows the actual expenses incurred by the heirs of the victim for attorney's fees and lawyer's appearance fees. Attorney's fees are in the concept of actual or compensatory damages and allowed under the circumstances provided for in Article 2208 of the Civil

³⁹ CA rollo, p. 72. (Citations omitted)

⁴⁰ *Antonio Planteras, Jr. v. People*, supra note 12, citing *People v. Ludday*, supra note 37, at 221.

⁴¹ *People v. Bagsit*, 456 Phil. 623, 632 (2003).

⁴² *Esqueda v. People*, 607 Phil. 480, 497 (2009).

⁴³ 783 Phil. 806 (2016).



Code,⁴⁴ one of which is when the court deems it just and equitable that attorney's fees should be recovered.⁴⁵ In this case, this Court finds an award of ₱50,000.00 in attorney's fees and litigation expenses more reasonable and equitable than the one ordered by the RTC.

WHEREFORE, the Decision dated February 15, 2017 of the Court of Appeals affirming the Judgment dated August 20, 2014 of the Regional Trial Court, Branch 25, Biñan, Laguna in Criminal Case No. 21888-B, finding appellants John Sanota y Sarmiento, Deo Dayto y Genorga @ "Rubrob" and Rolando Espineli y Acebo @ "Landoy" guilty beyond reasonable doubt of the crime of Robbery with Homicide, as defined and penalized under Article 294 of the Revised Penal Code is **AFFIRMED** with **MODIFICATION** that the same appellants are also **ORDERED** to **PAY**, jointly and severally, the heirs of the victim, aside from the actual damages of ₱383,764.65, the amounts of ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages and ₱100,000.00 as exemplary damages per *People v. Jugueta*,⁴⁶ as well as ₱50,000.00 as attorney's fees, with legal interest on all the said amounts awarded at the rate of six percent (6%) *per annum* from the date of the finality of this Decision until fully paid.

SO ORDERED.


DIOSDADO M. PERALTA
Chief Justice

⁴⁴ Article 2208. In the absence of stipulation, attorney's fees and expenses of litigation, other than judicial costs, cannot be recovered, except:

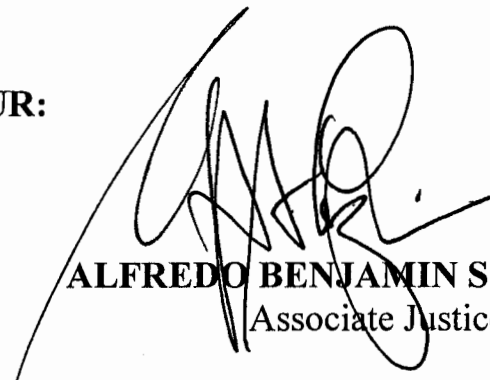
- (1) When exemplary damages are awarded;
- (2) When the defendant's act or omission has compelled the plaintiff to litigate with third persons or to incur expenses to protect his interest;
- (3) In criminal cases of malicious prosecution against the plaintiff;
- (4) In case of a clearly unfounded civil action or proceeding against the plaintiff;
- (5) Where the defendant acted in gross and evident bad faith in refusing to satisfy the plaintiff's plainly valid, just and demandable claim;
- (6) In actions for legal support;
- (7) In actions for the recovery of wages of household helpers, laborers and skilled workers;
- (8) In actions for indemnity under workmen's compensation and employer's liability laws;
- (9) In a separate civil action to recover civil liability arising from a crime;
- (10) When at least double judicial costs are awarded;
- (11) In any other case where the court deems it just and equitable that attorney's fees and expenses of litigation should be recovered.

In all cases, the attorney's fees and expenses of litigation must be reasonable.

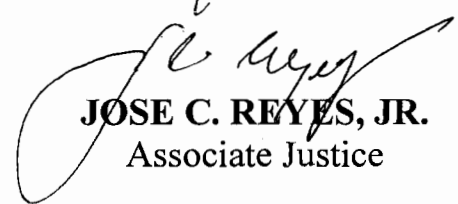
⁴⁵ *People v. Bergante*, 350 Phil. 275, 292 (1998).

⁴⁶ *Supra* note 43.

WE CONCUR:



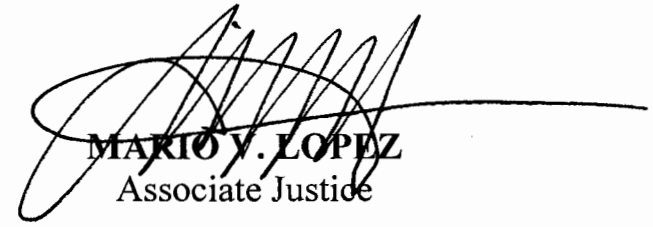
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



JOSE C. REYES, JR.
Associate Justice



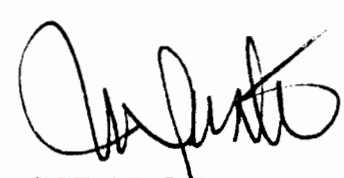
AMY C. LAZARO-JAVIER
Associate Justice



MARIO V. LOPEZ
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



DIOSDADO M. PERALTA
Chief Justice