



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **October 7, 2020** which reads as follows:*

**“G.R. No. 247321 (*People of the Philippines v. Rodan Belvestre y Baes*)**

**The Case**

This appeal assails the Decision<sup>1</sup> dated February 19, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 01681-MIN convicting appellant Rodan Belvestre y Baes of carnapping with homicide.

**Antecedents**

**The Charge and Plea**

By Information dated November 29, 2011, appellant was charged with violation of Section 14 of Republic Act (RA) 6539, *The Anti-Carnapping Act of 1972*, viz.:

That on or about September 5, 2011, at ABC Farm located at the boundary of Sta. Filomena and North Proper, Galas, Dipolog City, Philippines, and within the jurisdiction of this Honorable Court, accused RODAN BELVESTRE y B[AES], with intent of gain by means of violence, did, then and there willfully, unlawfully and feloniously, strangle to death one Manolo Amorio y Montecino and forcibly take, steal and carry away the following properties belonging to said Manolo Amorio y Montecino, viz: one (1) unit blue Yamaha Crypton motorcycle with Engine/Chasis No. 5VF-500992 valued at Ten Thousand (P10,000.00) Pesos, Philippine Currency, wallet with an undetermined amount of cash

- over – sixteen (16) pages ...

**126-B**

<sup>1</sup> Penned by Associate Justice Loida S. Posadas-Kahulugan and concurred in by Associate Justices Tita Marilyn Payoyo-Villordon and Evalyn M. Arellano-Morales; *rollo*, p. 4.

*ms*

and Nokia cellular phone worth Five Thousand (P5,000.00) Pesos, Philippine Currency, in violation of Republic Act No. 6539, otherwise known as the Anti-Carnapping Act of 1972, as amended.

CONTRARY TO LAW.<sup>2</sup>

The case was raffled to the Regional Trial Court - Branch 8, Dipolog City. On arraignment, appellant pleaded *not guilty*. Trial ensued.

SPO3 Roel Talaid (SPO3 Talaid), Dr. Rowel J. Mata and Rudy Saplid testified for the prosecution while the defense presented appellant and his mother Emelia Belvestre.

### **Prosecution's Version**

**SPO3 Roel Talaid** stated that on September 7, 2011, Judito Tepacia, a supervisor at the Andres Bonifacio College (ABC) farm, went to the Dipolog City Police Station to report that their agricultural technician Manolo Amorio had gone missing since September 6, 2011. Amorio's motorcycle, a blue Yamaha motorcycle with Plate No. 1590, also went missing on the same day Amorio disappeared. Tepacia handed him the original copy of a Deed of Absolute Sale of Motor Vehicle signed by one Reynaldo Tagalog in favor of Amorio to prove that Amorio owned the motorcycle.<sup>3</sup>

On September 8, 2011, he received information from the farm that a dead body of a male person had been found inside one of its cement culverts. The dead body was identified as the missing Amorio.<sup>4</sup>

On even date, he also received information from retired police officer SPO4 Supat that appellant acquired a new blue Yamaha Crypton motorcycle. SPO4 Supat allegedly learned this from his neighbor who was a relative of appellant.<sup>5</sup> Thus, around 8 o'clock that evening, he and his team, together with a barangay tanod, went to appellant's house to verify the report. He introduced himself to appellant and inquired about the latter's newly acquired motorcycle. Appellant showed them the motorcycle which he had parked at his neighbor's house. When he (SPO3 Talaid) asked appellant to prove his ownership of the motorcycle, the latter took out a document from

- over -

**126-B**

---

<sup>2</sup> *Rollo*, p. 5.

<sup>3</sup> *Id.* at 6.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

his wallet.<sup>6</sup> Upon inspection, he noticed that appellant's document was a photocopy of the same Deed of Absolute Sale which Tepacia gave him, except that Amorio's name was covered with black ink and replaced by the handwritten name of appellant. He therefore arrested appellant for having Amorio's motorcycle in his possession and control without the proper documents.<sup>7</sup>

He brought appellant to the police station where appellant's brother Federico and his other relatives came to visit. As they were talking in front of the police officers, he overheard appellant admit to Federico that he killed Amorio inside the ABC farm on September 5, 2011 because he wanted Amorio's motorcycle. Appellant also admitted that he placed Amorio's cadaver inside a cement culvert in the middle of the ABC farm.<sup>8</sup>

On September 9, 2011, he asked appellant to accompany him and his team to the crime scene. There, appellant pointed to the cement culvert where he hid Amorio's body. He revealed that he used a piece of wood to smash Amorio's head. He asked for forgiveness but refused to reduce his admission into writing. That same day, it was also confirmed that the engine number of the motorcycle found in appellant's possession matched Amorio's motorcycle.<sup>9</sup>

**Dr. Rowel J. Mata** testified that he issued Amorio's death certificate before he was able to examine Amorio's cadaver. He indicated therein that Amorio died due to "R/I Asphyxia by Strangulation" based on the information given by one Robert D. Eguia. But after examining Amorio's remains, he discovered a softening at the back of Amorio's head suggestive of blunt force trauma. He concluded that Amorio's real cause of death was cerebral hemorrhaging as there were no signs of strangulation.<sup>10</sup>

**Rudy Saplid** testified that he used to work at the ABC farm and was tasked to tend to its carabaos. Amorio and appellant were his co-workers with Amorio as their immediate supervisor.<sup>11</sup>

On September 5, 2011, appellant went to the farm after a week-long absence and wanted to re-apply for work. He told appellant to see Amorio who was staying in a house about 500 meters away from the farm. Appellant stayed in the farm that afternoon, cutting weeds.<sup>12</sup>

- over -

126-B

---

<sup>6</sup> *Id.* at 6-7.

<sup>7</sup> *Id.* at 7.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 8.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* at 8-9.

Before leaving, he asked appellant if the latter would be sleeping in the makeshift hut being used as a guard house. Appellant replied "yes." He then walked past Amorio's house and waved at the latter, signaling that he was on his way home. Amorio waved back.<sup>13</sup>

On September 6, 2011, he reported for work by 6 o'clock in the morning. Appellant arrived around 9 o'clock and told him that he no longer liked the work at the farm. Appellant went to Amorio's house supposedly to inform the latter of his (appellant's) plan to leave the farm but Amorio was not there. Appellant then returned to where he was and told him to relay to Amorio that he would no longer be reporting for work.<sup>14</sup>

Later that day, he became worried about Amorio whom he had not seen the entire day. He went to Amorio's house and noticed that his motorcycle was not there anymore. Amorio's clothes were also scattered in the house and the lights were not turned off. He reported the matter to ABC farm's security guards and then to Tepacia. They searched for Amorio inside ABC's 50-hectare farm. They discovered Amorio's lifeless body inside a cement culvert on September 8, 2011.<sup>15</sup>

He was present when police officers brought appellant to the farm on September 9, 2011. He saw them take photographs of appellant as the latter pointed to the cement culvert where Amorio's body was found. He also heard appellant admit to the police that he killed Amorio by hitting him twice on the nape with a piece of wood because he wanted Amorio's motorcycle.<sup>16</sup>

### **Defense's Version**

**Emelia Belvestre** testified that appellant was her youngest son. On September 5, 2011, appellant arrived home by motorcycle around 4 o'clock in the afternoon. He stayed at home from September 6 to 8, 2011. On September 8, 2011, around 7 o'clock in the evening, four (4) police officers came to her house and arrested appellant.<sup>17</sup>

Appellant never owned a motorcycle; appellant informed her that he only borrowed the motorcycle from a friend.<sup>18</sup>

- over -

**126-B**

---

<sup>13</sup> *Id.* at 9.

<sup>14</sup> *Id.*

<sup>15</sup> at 9-10.

<sup>16</sup> *Id.* at 10.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

**Appellant**, for his part, testified that in August 2011, he worked as a mango wrapper at ABC farm with Amorio as his supervisor. On September 5, 2011, around 4 o'clock in the afternoon, Amorio told him to go home and recruit another mango wrapper. Amorio let him borrow his motorcycle that afternoon. He did not return to the farm the following day because he was not able to recruit anyone. He also did not report to work on September 7 and 8, 2011 as he was helping his mother Emelia with household chores. As for Amorio's motorcycle, it ran out of gasoline so he parked it in his neighbor's premises.<sup>19</sup>

Around 6 o'clock in the evening of September 8, 2011, SPO3 Talaid arrived in their house accompanied by other police officers and a barangay tanod. They arrested him as a suspect in the killing of Amorio and brought him to the Dipolog City police station. There, he was whipped and struck with a book until he admitted that he was Amorio's assailant. He was placed in a detention cell. The following day, he was taken to ABC farm where he was again coerced into admitting that he killed Amorio.<sup>20</sup>

He denied showing SPO3 Talaid the altered Deed of Absolute Sale. He also denied admitting to Federico that he killed Amorio.<sup>21</sup>

### **Trial Court's Ruling**

By Decision<sup>22</sup> dated March 28, 2017, the trial court found appellant guilty as charged, viz.:

WHEREFORE, premises considered in finding the accused RODAN BELVESTRE y BAES guilty as charged under Section 14 of R.A. 6539, he is hereby convicted of said offense. He is sentenced to LIFE IMPRISONMENT.

Furthermore, he is ordered to pay to the heirs of the victim, Manolo Amorio, the following: (a) ₱75,000 as civil indemnity for his death, (b) temperate damages of ₱25,000 and (c) moral damages of ₱50,000. An interest rate of 6% per annum is hereby imposed on all damages awarded from the date of the finality of this judgment until fully paid.

SO ORDERED.

- over -

**126-B**

---

<sup>19</sup> *Id.* at 11.

<sup>20</sup> *Id.* at 11-12.

<sup>21</sup> *Id.* at 12.

<sup>22</sup> Penned by Judge Ric S. Bastasa; CA *rollo*, p. 38.

*WTA*

The trial court held that there was sufficient circumstantial evidence to prove appellant's guilt to a moral certainty. The prosecution witnesses credibly and reliably described a chain of circumstances which incriminated appellant in the criminal act of taking the motorcycle of the deceased Amorio. Meanwhile, the defense presented nothing but bare denial, unsubstantiated by clear and convincing evidence.<sup>23</sup>

Considering that Amorio, the owner of the carnapped vehicle, was killed in the course of the commission of the carnapping, and in the absence of any attendant aggravating circumstance, the penalty of life imprisonment was imposed.<sup>24</sup>

### **Proceedings Before the Court of Appeals**

On appeal, appellant faulted the trial court for admitting his alleged extrajudicial confession in evidence. He claimed that SPO3 Talaid made it appear that his (appellant's) relatives wanted to talk to him in the precinct but in truth, SPO3 Talaid was fishing for an uncounseled admission.<sup>25</sup>

Appellant, too, denied showing a tampered Deed of Absolute Sale to SPO3 Talaid. He was a mere laborer who did not know the significance of said document, much less, its contents. The so-called evidence was clearly fabricated; the police officers were overstretching their version of the facts to the point of being downright ridiculous.<sup>26</sup>

The Office of the Solicitor General (OSG), on the other hand, defended the verdict of conviction.<sup>27</sup> It argued that appellant's extrajudicial confession was admissible since it was made to appellant's relatives, not to law enforcement officers. At any rate, it qualified as an independent relevant statement since SPO3 Talaid merely testified on what he heard while appellant was talking to Federico.<sup>28</sup>

More, the elements of carnapping were duly proven; the chain of circumstantial evidence indubitably pointed to appellant's

- over -

**126-B**

---

<sup>23</sup> *CA rollo*, pp. 44-45.

<sup>24</sup> *Id.* at 45.

<sup>25</sup> *Id.* at 31-34.

<sup>26</sup> *Id.* at 34.

<sup>27</sup> *Id.* at 56.

<sup>28</sup> *Id.* at 64-66.

*WJH*

culpability.<sup>29</sup> The trial court's factual findings on this matter should be accorded great respect.<sup>30</sup>

Finally, the fact that he was a laborer did not mean he could not have understood the ramifications of a deed of sale. Being a laborer, too, did not render appellant incapable of committing falsification. *Non sequitur*.<sup>31</sup>

### **The Court of Appeals' Ruling**

By Decision<sup>32</sup> dated February 19, 2019, the Court of Appeals affirmed with modification, thus:

WHEREFORE, the appeal is DENIED. The Decision dated March 28, 2017 of the Regional Trial Court, 9<sup>th</sup> Judicial Region, Branch 8, Dipolog City convicting accused-appellant for the offense of carnapping in Criminal Case No. 17340 is AFFIRMED with the following MODIFICATIONS: (1) Accused-appellant Rodan Belvestre is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole; and (2) Accused-appellant Rodan Belvestre is ORDERED to pay the heirs of Manolo Amorio the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages, and interest on all these damages assessed at the legal rate of 6% from date of finality of this Decision until fully paid.

SO ORDERED.

The Court of Appeals held that appellant's supposed confession was not the sole basis for the verdict of conviction against him. As it was, the attendant circumstantial evidence was sufficient to establish his guilt. Thus, despite the absence of direct evidence linking appellant to the carnapping and killing, the trial court's finding of guilt was nevertheless warranted.<sup>33</sup>

As for the admissibility of the altered Deed of Absolute Sale and the credibility of SPO3 Talaid's testimony, the Court of Appeals held that these are matters best left to the trial court which had the opportunity to observe the demeanor of witnesses as they took the stand. At any rate, it was not shown that the prosecution witnesses were actuated by ill motive in implicating appellant for a crime as grave as carnapping with homicide.<sup>34</sup>

- over -

**126-B**

---

<sup>29</sup> *Id.* at 67-69.

<sup>30</sup> *Id.* at 70.

<sup>31</sup> *Id.*

<sup>32</sup> *Rollo*, p. 4.

<sup>33</sup> *Id.* at 14-22.

<sup>34</sup> *Id.* at 22-23.

As for the penalty, the Court of Appeals noted that Section 14 of RA 6539 had already been amended by RA 7659. The law now prescribes the penalty of *reclusion perpetua* to death, in lieu of life imprisonment to death, when the owner is killed in the course of the commission of the carnapping. In the absence of any attendant aggravating circumstance, the Court of Appeals sentenced appellant to *reclusion perpetua* “without eligibility for parole.” The award of damages was likewise modified to conform with the Court’s pronouncement in *People v. Jugueta*.<sup>35</sup>

### **The Present Appeal**

Appellant now seeks affirmative relief from the Court and prays anew for his acquittal. In compliance with Resolution dated July 15, 2019,<sup>36</sup> appellant and the OSG manifested that, in lieu of supplemental brief, they were adopting their appeal brief before the Court of Appeals.<sup>37</sup>

### **The Issue**

Did the Court of Appeals err in affirming appellant’s conviction for carnapping?

### **Ruling**

The appeal is devoid of merit.

Carnapping is defined and penalized under Section 14 of RA 6539 as amended by Section 20 of RA 7659, thus:

SEC. 14. *Penalty for Carnapping.* Any person who is found guilty of carnapping, as this term is defined in Section two of this Act, shall, irrespective of the value of the motor vehicle taken, be punished by imprisonment for not less than fourteen years and eight months and not more than seventeen years and four months, when the carnapping is committed without violence or intimidation of persons, or force upon things, and by imprisonment for not less than seventeen years and four months and not more than thirty years, when the carnapping is committed by means of violence or intimidation of any person, or force upon things; and the penalty of *reclusion perpetua* to death shall be imposed when the owner, driver or occupant of the carnapped motor vehicle is killed or raped in the course of the commission of the carnapping or on the occasion thereof.

- over -

**126-B**

---

<sup>35</sup> *Id.* at 23-25.

<sup>36</sup> *Id.* at 33.

<sup>37</sup> *Id.* at 45.



The elements of carnapping are: 1) there is an actual taking of the vehicle; 2) the vehicle belongs to a person other than the offender himself; 3) the taking is without the consent of the owner, or was committed by means of violence against or intimidation of persons, or by using force upon things; and 4) the offender intends to gain from the taking of the vehicle.<sup>38</sup>

Despite the absence of direct evidence here to establish that appellant acquired possession of the motorcycle without Amorio's consent, the Court nevertheless finds that there are sufficient circumstantial evidence on record to establish such fact. Pertinently, Section 4, Rule 133 of the Revised Rules of Evidence ordains:

**Section 4.** *Circumstantial evidence, when sufficient.* — Circumstantial evidence is sufficient for conviction if:

- (a) There is more than one circumstances;
- (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.

Inferences cannot be based on other inferences.

The Court has invariably held that circumstantial evidence is sufficient to support a conviction, and that direct evidence is not always necessary. This is but a recognition of the reality that in certain instances, it is not always possible to obtain direct evidence due to the inherent attempt to conceal a crime.<sup>39</sup> To sustain a conviction based on circumstantial evidence, it is essential that the evidence presented must constitute an unbroken chain which leads one to a fair and reasonable conclusion pointing to the accused, to the exclusion of the others, as the guilty person.<sup>40</sup>

Here, the courts below aptly noted the following circumstances when they rendered the verdict of conviction against appellant:

1. Appellant's co-worker Rudy Saplid testified that he last saw Amorio alive on September 5, 2011 at the farm. Appellant was also there and actually stayed behind after he had left;

- over -

**126-B**

---

<sup>38</sup> *People v. Bernabe and Garcia*, 448 Phil. 269, 280 (2003).

<sup>39</sup> *Zabala v. People*, 752 Phil. 59, 67 (2015).

<sup>40</sup> *Lozano v. People*, 638 Phil.582, 594 (2010).

2. Emelia testified that in the afternoon of September 5, 2011, appellant arrived home on board a motorcycle. Appellant did not own a motorcycle; he allegedly borrowed the motorcycle from a friend;
3. Appellant did not park the motorcycle in his own premises but his neighbor's;
4. Saplid testified that on September 6, 2011, appellant arrived at the farm around 9 o'clock in the morning to tell Amorio that he no longer wanted to work at the farm. When appellant got back from Amorio's house, he told Saplid that Amorio was not home then left;
5. Saplid went to Amorio's house but did not find the latter there. Instead, he noticed that Amorio's motorcycle was missing. Amorio's clothes were also scattered in the house. Too, the lights in the house were not turned off. He reported the matter to ABC farm officials;
6. On September 8, 2011, Amorio's decomposing body was discovered inside a cement culver in the 50 hectare farm;
7. Also on September 8, 2011, the motorcycle of the deceased victim was found in the possession of appellant. When confronted why the motorcycle was in his possession, he showed the police officers a Deed of Absolute Sale with his name superimposed over Amorio's.

There is no question that the blue Yamaha Crypton motorcycle with Engine/Chasis No. 5VF-500992 belonged to Amorio. Appellant was found in possession thereof soon after Amorio disappeared. Appellant himself admitted that he rode the motorcycle to his house on the day Amorio was last seen alive on September 5, 2011. On the same day the motorcycle was recovered from his possession, Amorio's decomposing body was also discovered inside a cement culvert in the ABC farm.<sup>41</sup>

In the absence of a plausible explanation on how appellant came into possession of the Amorio's motorcycle, appellant is

- over -

**126-B**

---

<sup>41</sup> *Rollo*, p. 18.



presumed to have authored not just its unlawful taking, but also Amorio's killing. This is in accordance with Section 3(j), Rule 131 of the Revised Rules of Evidence, *viz.* :

**Section 3. Disputable presumptions.** — The following presumptions are satisfactory if uncontradicted, but may be contradicted and overcome by other evidence:

x x x x

**(j) That a person found in possession of a thing taken in the doing of a recent wrongful act is the taker and the doer of the whole act;** otherwise, that things which a person possess, or exercises acts of ownership over, are owned by him or her; (emphasis added)

In *People v. Veras*,<sup>42</sup> the Court held that the presumption extends to cases of unlawful taking as in theft, robbery, and carnapping where possession is either unexplained or that the proffered explanation is rendered implausible in view of independent evidence inconsistent thereto. In the absence of an explanation of how one has come into the possession of stolen effects belonging to a person treacherously killed, he or she must necessarily be considered the author of the aggression, the death of the person, as well as the robbery committed.

Against this presumption, appellant ripostes that the taking of Amorio's motorcycle was not without the latter's consent. To be sure, he does not deny as he in fact admits that it was Amorio's motorcycle which was found in his control and possession on September 8, 2011. In his defense, however, appellant asserts that Amorio willingly lent him said motorcycle on September 5, 2011.

We are not convinced.

**For one**, appellant's defense is negated by the testimony of SPO3 Talaid, thus:<sup>43</sup>

Q: Now you mentioned that you asked him about the motorcycle, is that correct?

A: Yes, sir.

Q: What was his replied? (sic)

A: **He voluntarily told us that his acquired one-unit Yamaha Crypton motorcycle colored blue was parked to his neighbor's house a certain Dodong Tinaco, sir.**

- over -

126-B

<sup>42</sup> 460 Phil. 194, 211-212 (2003).

<sup>43</sup> As quoted by the Court of Appeals; *rollo*, pp. 20-22.

xxx xxx xxx

Q: So you went to his neighbor's house as mentioned by the accused?

A: Yes, sir. Rodan Belvestre voluntarily accompanied us to the house of Dodong Tinaco and he personally pinpointed his accordingly newly acquired motorcycle, sir.

Q: Where was his motorcycle situated when you arrived at the house of his neighbor?

A: In front of the house of Dodong Tinaco, sir.

Q: When Rodan Belvestre pointed out to you the motorcycle can you describe the motorcycle pinpointed to you by Rodan Belvestre?

A: Rodan Belvestre pinpointed one-unit Yamaha motorcycle without plate number colored blue and he further told us that he allegedly acquired the motorcycle from unidentified woman here in Dipolog City. At this moment, **I then asked him any document to prove that he is the owner of the said motorcycle and thereon Belvestre got a document from his wallet and showed to us a Deed of Absolute Sale of motorcycle which I saw that the original name of the owner of he said motorcycle is covered by a colored black ink, sir.**

Q: You mean there was a document presented to you by Belvestre at that time?

A: **Yes, sir. Rodan Belvestre presented to us a document which is a deed of absolute sale of motorcycle is the same document which was handed to me by Judito Tepacia and when I compared the said document, sir, I found out that the document is the same document which was handed to me by Tepacia, the same date and the same lawyer, however, I saw the name of Manolo Amorio covered with colored black ink and it was changed with the name Rodan B. Baes.**

As shown, appellant originally claimed ownership of the motorcycle found in his possession. He even tried to prove his supposed ownership by presenting the falsified Deed of Absolute Sale. But when appellant took the witness stand, he told a completely different story and claimed that Amorio voluntarily lent him his motorcycle.

Between SPO3 Talaid's testimony and the version presented by appellant, the courts below found the former to be more worthy of credence. Suffice it to state that, in this jurisdiction, the assessment of credibility is best undertaken by the trial court since it has the opportunity to observe evidence beyond what is written or spoken, such as the deportment of the witness while testifying on the stand.<sup>44</sup>

- over -

**126-B**

---

<sup>44</sup> See *People v. Ocdol*, 741 Phil. 701, 710-711 (2014).

Hence, the trial court's factual findings on the credibility of witnesses are binding and conclusive on the reviewing court, especially when affirmed by the Court of Appeals, as in this case.<sup>45</sup>

**For another**, the aforestated chain of events lead to a fair and reasonable conclusion that appellant forcibly took Amorio's motorcycle. For if Amorio truly lent his motorcycle to appellant, there would have been no need for appellant to falsify a Deed of Absolute Sale of the motorcycle in his favor. It was also quite curious why appellant did not exert any effort to return the motorcycle for three (3) days. Obviously, all these is because appellant already considered himself as the owner of the motorcycle; he had already appropriated the vehicle unto himself.

Worse, appellant obviously attempted to cover his tracks. This is underscored by the fact that Amorio's lifeless body was hidden in a cement culvert somewhere within the 50-hectare ABC farm. It was also highly suspicious that appellant allegedly opted to stay at home for three (3) days immediately after Amorio went missing. We also cannot ignore appellant's act of parking Amorio's motorcycle in his neighbor's premises rather than his own. It, too, is a wonder why appellant did not report seeing anything unusual after going to Amorio's house on September 6, 2011 when Saplid immediately realized that something was amiss when he set foot in Amorio's house. These circumstances, taken together, convey appellant's deliberate attempt to conceal the *corpus delicti* of the offense – the very reason why our rules allow sustaining convictions based on circumstantial evidence.

In fine, evidence on record discredits petitioner's claim that he lawfully acquired possession of Amorio's motorcycle. Without any plausible explanation how appellant came into possession of stolen effects belonging to the deceased Amario, the Court upholds the finding that appellant was the author of the aggression, the death of the person, as well as the carnapping.

Clearly, appellant's conviction was not hinged on the supposed extrajudicial confession which SPO3 Talaid overheard. Thus, the Court will no longer belabor on its admissibility.

All told, the Court of Appeals did not err in affirming appellant's conviction for carnapping in violation of Section 14, RA 6539. Under the same provision, carnapping becomes qualified or

- over -

**126-B**

---

<sup>45</sup> See *People v. Regaspi*, 768 Phil. 593, 598 (2015).

aggravated when, in the course of the commission or on the occasion of the carnapping, the owner, driver, or occupant is killed. Under such circumstance, the accused shall be sentenced to *reclusion perpetua* to death. *People v. Macaranas*<sup>46</sup> elucidates:

Under the last clause of Section 14 of the R.A. No. 6539, as amended, the prosecution has to prove the essential requisites of carnapping and of the homicide or murder of the victim, and more importantly, it must show that the original criminal design of the culprit was carnapping and that the killing was perpetrated "in the course of the commission of the carnapping or on the occasion thereof." In other words, **to prove the special complex crime of carnapping with homicide, there must be proof not only of the essential elements of carnapping, but also that it was the original criminal design of the culprit and the killing was perpetrated in the course of the commission of the carnapping or on the occasion thereof.** (emphasis added)

Here, several circumstances lead the Court to conclude that appellant's original intention was really to steal from Amorio. *First*, Amorio's house appeared to have been ransacked. Saplid realized that something must have gone wrong since Amorio's belongings were scattered in his house. *Second*, Amorio's Nokia cellphone worth ₱5,000.00 was also missing. Though the information alleged that appellant was responsible for its theft, the matter was no longer litigated during the trial. *Finally*, if appellant only planned on killing Amorio, there would have been no reason for him to take his motorcycle let alone alter a Deed of Absolute Sale to claim ownership thereof.

Appellant denies ever presenting the altered Deed of Absolute Sale to SPO3 Talaid. He claims that as a simple laborer, he does not know of the document's significance. This defense, however, is inconsequential. For the fact remains that Amorio's motorcycle was found in his possession without any plausible explanation. Thus, the presumption under Section 3(j), Rule 131 of the Revised Rules of Evidence came into play and, compounded by circumstantial evidence on record, served as basis for the verdict of conviction against for carnapping qualified by homicide.

In the absence of any other aggravating circumstance, appellant was correctly sentenced to *reclusion perpetua*. We find, however, that the phrase "without eligibility for parole" need not be borne in the ruling. As clarified in A.M. 15-08-02,<sup>47</sup> the phrase is used to qualify

- over -

126-B

---

<sup>46</sup> 811 Phil. 610, 621 (2017).

<sup>47</sup> GUIDELINES FOR THE PROPER USE OF THE PHRASE "WITHOUT ELIGIBILITY FOR PAROLE" IN INDIVISIBLE PENALTIES.

the penalty of *reclusion perpetua* only if the accused would have been sentenced to suffer the death penalty were it not for the enactment of RA 9346.<sup>48</sup>

Finally, as for the damages imposed, the Court affirms the award of civil indemnity, moral damages, and exemplary damages of ₱75,000.00 each in line with our pronouncement in *People v. Jugueta*.<sup>49</sup> There is, however, a need to award temperate damages of ₱50,000.00 in lieu of actual damages considering that Amorío's heirs definitely incurred burial expenses owing to his untimely demise. As held in *People v. Gallanosa*,<sup>50</sup> temperate damages may be awarded where no receipts or other evidence was presented as proof of funeral or burial expenses as here.

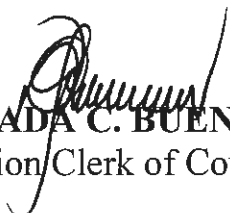
So must it be.

**WHEREFORE**, the appeal is **DENIED**. Decision dated February 19, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 01681-MIN is **AFFIRMED with MODIFICATION**.


**RODAN BELVESTRE y BAES** is found **GUILTY** of **Carnapping** and sentenced to *Reclusion Perpetua*. He is further required to pay ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱75,000.00 as exemplary damages, and ₱50,000.00 as temperate damages. These amounts shall earn six percent (6%) interest *per annum* from finality of this Resolution until fully paid.

**SO ORDERED."**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court

by:

  
**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
**126-B** <sup>2019</sup>

- over -

<sup>48</sup> AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES

<sup>49</sup> 783 Phil. 806, 845 (2016).

<sup>50</sup> 813 Phil. 850, 861 (2017).

The Solicitor General  
134 Amorsolo Street, Legaspi Village  
1229 Makati City

Court of Appeals  
9000 Cagayan de Oro City  
(CA-G.R. CR HC No. 01681-MIN)

The Hon. Presiding Judge  
Regional Trial Court, Branch 8  
7100 Dipolog City  
(Crim. Case No. 17340)

PUBLIC ATTORNEY'S OFFICE  
Regional Special and Appealed  
Cases Unit  
Counsel for Accused-Appellant  
BJS Building, Tiano Bros.  
cor. San Agustin Streets  
9000 Cagayan de Oro City

Mr. Rodan B. Belvestre  
Accused-Appellant  
c/o The Superintendent  
San Ramon Prison and Penal Farm  
7000 Zamboanga City

The Superintendent  
San Ramon Prison and Penal Farm  
7000 Zamboanga City

Public Information Office (x)  
Library Services (x)  
Supreme Court  
(For uploading pursuant to A.M.  
No. 12-7-1-SC)

Judgment Division (x)  
Supreme Court

**126-B**

UR

*mt*  
*W*