



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **May 5, 2021** which reads as follows:*

“G.R. No. 249942 (*People of the Philippines v. Roger Narvasa y Cabatingan*)

After a careful review, the Court resolves to **AFFIRM with MODIFICATION** the June 28, 2019 Decision¹ of the Court of Appeals (*CA*) in CA-G.R. CR-HC No. 02569 which affirmed the May 23, 2017 Decision² of the Regional Trial Court (*RTC*) Branch 58 of [DDD],³ Negros Occidental in Criminal Case No. RTC-2877, convicting Roger Narvasa y Cabatingan (*accused-appellant*) for the crime of Rape with Homicide under Article 266-B in relation to Article 266-A of the Revised Penal Code.

It is undisputed that nobody actually saw the gruesome rape and killing of AAA.⁴ However, it does not necessarily follow that the guilt of accused-appellant for the crime can no longer be proven. Direct evidence is not a condition *sine qua non* to prove the guilt of an

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¹ *Rollo*, pp. 5-21; penned by Associate Justice Dorothy P. Montejo-Gonzaga with Associate Justices Edgardo L. Delos Santos (now a Member of this Court) and Marilyn B. Lagura-Yap, concurring.

² *CA rollo*, pp. 55-70; penned by Presiding Judge Amy Alabado Avellano.

³ The city where the crime was committed is withheld to protect the identity of the rape victim pursuant to Amended Administrative Circular No. 83-2015 issued on September 5, 2017.

⁴ The true name of the victim has been replaced with fictitious initials in conformity with Amended Administrative Circular No. 83-2015 dated September 5, 2017 (*Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances*). The confidentiality of the identity of the victim is mandated by Republic Act (R.A.) No. 7610 (*Special Protection of Children Against Abuse, Exploitation and Discrimination Act*); R.A. No. 8505 (*Rape Victim Assistance and Protection Act of 1998*); R.A. No. 9208 (*Anti-Trafficking in Persons Act of 2003*); R.A. No. 9262 (*Anti-Violence Against Women and Their Children Act of 2004*); and R.A. No. 9344 (*Juvenile Justice and Welfare Act of 2006*).

accused beyond reasonable doubt. For in the absence of direct evidence, the prosecution may resort to adducing circumstantial evidence to discharge its burden.⁵ As the Court ruled in *People v. Pascual*,⁶

It is settled that in the special complex crime of rape with homicide, both the rape and the homicide must be established beyond reasonable doubt. In this regard, we have held that the crime of rape is difficult to prove because it is generally unwitnessed and very often only the victim is left to testify for herself. It becomes even more difficult when the complex crime of rape with homicide is committed because the victim could no longer testify. Thus, in crimes of rape with homicide, as here, resort to circumstantial evidence is usually unavoidable.⁷

Circumstantial evidence are proof of collateral facts and circumstances from which the existence of the main fact may be inferred according to reason and common experience.⁸ For circumstantial evidence to be sufficient to support a conviction, all the circumstances must be consistent with each other, consistent with the hypothesis that 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.⁹

In the present case, the RTC and the CA correctly found and concluded that the facts, when taken altogether, undeniably point to accused-appellant as the perpetrator, to the exclusion of all others. BBB¹⁰ categorically testified seeing not only accused-appellant's back while dragging her sister's body down the hill, but also his face while he was still uphill. Further, accused-appellant's alibi was unworthy of belief because it remained unsubstantiated and uncorroborated. He did not present Betia and his son whom he claimed to be watching him while plowing. Instead, he presented his sister whose testimony about his whereabouts at or about the time of the crime contradicted his own claim. Lastly, Christopher Labajo's testimony to prove accused-appellant's innocence, cannot also be given credence as it appears to be ill-motivated after he admitted having an axe to grind against

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⁵ *People v. Broniola*, 762 Phil. 186, 193-194 (2015).

⁶ 596 Phil. 260 (2009).

⁷ *Id.* at 272.

⁸ *People v. ZZZ*, G.R. No. 228828, July 24, 2019.

⁹ *People v. Pascual*, supra note 6, at 273.

¹⁰ The complete names and personal circumstances of the victim's family members or relatives, who may be mentioned in the court's decision or resolution have been replaced with fictitious initials in conformity with Amended Administrative Circular No. 83-2015 dated September 5, 2017 (*Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances*).

CCC,¹¹ who allegedly stabbed him on November 10, 2014.¹² The RTC correctly held that the presence of accused-appellant at the place and time of the commission of the crime was not shown to be physically impossible.

Moreover, the prosecution has established accused-appellant's motive through the testimony of Daisy Labajo that the former had previously attempted to corrupt AAA. In *People v. Cadenas*,¹³ the Court ruled that the motive of the accused in a criminal case is generally held to be immaterial, not being an element of the offense. However, motive assumes importance when, as in this case, the evidence on the commission of the crime and the identity of the perpetrator is purely circumstantial.

Having satisfactorily shown an unbroken chain leading to the sole conclusion that accused-appellant authored the crime, the Court sees no cogent reasons to disturb the findings of the RTC and the CA.

Finally, the Court shall modify the damages awarded to AAA's heirs, to include temperate damages in the amount ₱50,000.00 in conformity with *People v. Jugueta*,¹⁴ in relation to Article 2224 of the Civil Code. Temperate damages may be recovered by the heirs of AAA, as it cannot be denied that they suffered pecuniary loss although the exact amount was not proved during trial. The award of temperate damages is proper when no evidence of burial and funeral expenses is presented in the trial court. The same shall also be subject to an interest rate of six percent (6%) *per annum* from date of finality of this resolution until fully paid.

WHEREFORE, the appeal is **AFFIRMED with MODIFICATION.** Accused-appellant Roger Narvasa y Cabatingan is **GUILTY** beyond reasonable doubt of the special complex crime of rape with homicide. He is sentenced to suffer the penalty of *reclusion perpetua*, without the possibility of parole. He is also **ORDERED** to **PAY** the heirs of AAA the amounts of ₱100,000.00 as civil indemnity; ₱100,000.00 as moral damages, ₱100,000.00 as exemplary damages, and ₱50,000.00 as temperate damages.

All damages awarded shall be subject to interest at the rate of six percent (6%) *per annum* from the finality of this Resolution until fully paid.

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¹¹ Id.


¹² CA *rollo*, p. 69.

¹³ G.R. No. 233199, November 5, 2018.

¹⁴ 783 Phil. 806 (2016).

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court
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by:

MARIA TERESA B. SIBULO
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(CA-G.R. CR HC No. 02569)

The Hon. Presiding Judge
Regional Trial Court, Branch 58
San Carlos City, 6127 Negros Occidental
(Crim. Case No. RTC-2877)

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