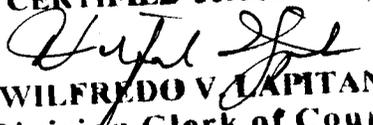




Republic of the Philippines
 Supreme Court
 Manila

CERTIFIED TRUE COPY

 WILFREDO V. KAPITAN
 Division Clerk of Court
 Third Division
 SEP 26 2018

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff-Appellee,

G.R. No. 212191

Present:

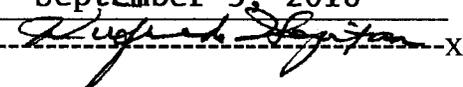
PERALTA, J., *Chairperson,*
 BERSAMIN,*
 LEONEN,
 GESMUNDO, and
 REYES, A., JR.,** JJ.

- versus -

RICHARD DILLATAN, SR. y PAT
and DONATO GARCIA y DUAZO,
 Accused-Appellants.

Promulgated:

September 5, 2018

X----------X

DECISION

PERALTA, J.:

Before the Court is an ordinary appeal filed by herein accused-appellants Richard Dillatan, Sr. y Pat (*Dillatan*) and Donato Garcia y Duazo (*Garcia*) seeking the reversal and setting aside of the Decision¹ of the Court of Appeals (*CA*), dated August 30, 2013, in CA-G.R. CR-H.C. No. 05294, which denied their appeal and affirmed, with modification, the October 24, 2011 Decision² of the Regional Trial Court (*RTC*) of Roxas, Isabela, Branch 23, finding herein accused-appellants guilty of the crime of robbery with homicide, imposing upon them the penalty of *reclusion perpetua* and ordering them to pay civil indemnity as well as moral and actual damages.

The facts, as established by the prosecution, are as follows:

* Designated additional member in lieu of Associate Justice Jose C. Reyes, Jr., per Raffle dated September 3, 2018.

** Designated additional member per Special Order No. 2588 dated August 28, 2018.

¹ Penned by Associate Justice Jose C. Reyes, Jr., (now a member of this Court), with Associate Justices Mario V. Lopez and Socorro B. Inting concurring; *CA rollo*, pp. 100-111.

² Penned by Judge Bernabe B. Mendoza; records, pp. 126-141.



Herein private complainants, the spouses Henry and Violeta Acob (*Spouses Acob*), were owners of a market stall at the public market of Sta. Rosa, Aurora, Isabela. Around 6 o'clock in the evening of February 7, 2010, the Spouses Acob, together with their son, Homer, closed their stall and proceeded home by riding together on their motorcycle. Homer was the driver, Violeta sat at the middle, while Henry sat behind her. They were approaching the entrance to their *barangay* around 6:30 p.m. when they noticed two persons, whom they later identified as herein accused-appellants, near a motorcycle. When they passed, accused-appellants rode the motorcycle and tailed them. Accused-appellants eventually caught up with them, whereupon, accused Dillatan forced them to stop and immediately declared a holdup. Violeta embraced Homer, while Dillatan grabbed her belt bag which contained ₱70,000.00 cash. Thereafter, Dillatan uttered, "*barilin mo na.*" Garcia then fired at the victims hitting, first, the left hand of Violeta. The bullet went through the left hand of Violeta and pierced Homer's chest causing the latter to fall down together with the motorcycle. Henry, on the other hand, was able to get off the motorcycle and tried to escape but Garcia also fired at him thereby hitting his right knee. Accused-appellants, thereafter, fled through their motorcycle. Several people then came to the aid of the private complainants and brought them to the hospital where Homer later expired by reason of his gunshot wound. Violeta and Henry were treated for their wounds. Accused-appellants were apprehended by police authorities later at night where they were subsequently identified by Violeta at the police station as the ones who grabbed her belt bag and shot them. A criminal complaint was subsequently filed against accused-appellants.

On February 8, 2010, an Information was filed against herein accused-appellants, the accusatory portion of which reads, thus:

That on or about the 7th day of February, 2010 in the Municipality of Aurora, Province of Isabela, Philippines and within the jurisdiction of this Honorable Court, the accused RICHARD DILLATAN, SR. y PAT and DONATO GARCIA y DUAZO, conspiring, confederating together, and helping one another, with intent to gain and by means of force, violence and intimidation against persons, did then and there, willfully, unlawfully and feloniously, take, steal and carry away a belt bag containing cash money in the amount of SEVENTY THOUSAND PESOS (P70,000.00) and belonging to [complainants] against their will and consent to the damage and prejudice of the said owners, in the aforesaid amount of SEVENTY THOUSAND PESOS (P70,000.00).

That during the occasion and by reason of the said robbery, the said accused in pursuance of their conspiracy, and to enable them to take, [steal] and bring away the said amount of SEVENTY THOUSAND PESOS (P70,000.00), with intent to kill and without any just motive, did then and there willfully, unlawfully and feloniously assault, attack and shoot the [person] of Homer Acob on his chest which directly caused his death and the bullet penetrating Homer Acob's body and hitting Violeta Acob inflicting gunshot wound on [her] left hand and Henry Acob hitting

him on his right knee, which injuries would ordinarily cause the death of said Violeta Acob and Henry Acob, thus, performing all the acts of execution which should have produced the crime of homicide, as a consequence, but nevertheless, did not produce it, by reason of causes independent of their will, that is by the timely and able medical assistance rendered to the said Violeta Acob and Henry Acob, which prevented their death.

CONTRARY TO LAW.³

Accused-appellants were arraigned on September 29, 2010 where both pleaded not guilty.⁴

In their defense, accused-appellants denied the allegations of the prosecution and also raised the defense of alibi. For his part, Garcia claimed that on February 7, 2010, he was at a tricycle terminal in Aurora, Isabela where he worked as a dispatcher until 7 o'clock in the evening. His allegation was corroborated by the testimony of another tricycle driver who claimed to have seen him during the night in question. On the part of Dillatan, he testified that he was in his bakery in Quezon, Isabela until 7 o'clock in the evening of February 7, 2010. His testimony was corroborated by his own witness.

Pre-trial was conducted on October 20, 2010.⁵ Thereafter, trial ensued.

On October 24, 2011, the RTC rendered its Decision finding accused-appellants guilty of the crime of robbery with homicide, the dispositive portion of which reads as follows:

WHEREFORE, finding them guilty beyond reasonable doubt, a JUDGMENT is hereby rendered convicting accused RICHARD DILLATAN y PAT and DONATO GARCIA y DUAZO of the crime of Robbery with Homicide, defined and penalized under Article 294, par. 1 of the Revised Penal Code, thus, imposing upon them the penalty of *reclusion perpetua*.

The Accused are also ordered to jointly and severally pay the following:

- a. The amount of Fifty thousand pesos (P50,000) as civil indemnity, and another Fifty thousand pesos (P50,000) as moral damages to the Heirs of Homer Acob;
- b. The amount of seventy thousand pesos (P70,000) as actual damages to spouses Henry and Violeta Acob;

³ Records, p. 1.

⁴ See RTC Order and Certificate of Arraignment, *id.* at 34 and 35, respectively.

⁵ See Pre-Trial Order, *id.* at 54-55.

- c. The amount of Forty-eight thousand six hundred seventy-three and 75/100 pesos (P48,673.75) to Henry Acob as reimbursement of his medical expenses;
- d. The amount of Five thousand five hundred seventy-one pesos (P5,571) to Violeta Acob as reimbursement of her medical expenses.

SO ORDERED.⁶

The RTC held that: all the elements of the crime of robbery are present in the instant case; robbery was the main purpose of accused-appellants; the killing of Homer and the infliction of injuries upon Violeta and Henry are only committed on the occasion or by reason of the robbery; hence, these crimes are merged into a special complex crime of robbery with homicide, as defined and penalized under Article 294 of the Revised Penal Code (*RPC*). The RTC further held that the prosecution was able to sufficiently establish that the accused-appellants are the perpetrators of the crime when they were positively identified by Violeta.

Accused-appellants appealed the RTC Decision to the CA.

On August 30, 2013, the CA promulgated its assailed Decision affirming the Decision of the RTC with modification by ordering accused-appellants to further pay temperate damages in the amount of P25,000.00.

The CA affirmed the ruling of the RTC that the prosecution was able to establish the presence of all the elements of robbery with homicide by proving that Dillatan declared a holdup and grabbed Violeta's belt bag, while Garcia fired at the private complainants in order to facilitate the taking of the bag and their escape from the crime scene. The CA sustained the RTC in giving credence to the testimony of Violeta who positively identified the accused-appellants in court, as well as in the police station, on the same night that the crime took place. The CA also gave credence to Henry's testimony identifying accused-appellants as the perpetrators of the crime. The CA held that accused-appellants' defenses of denial and alibi could not prevail over the positive testimony of Violeta and Henry who pointed to them as the ones who robbed and fired at them.

On September 11, 2013, accused-appellants, through counsel, filed a Notice of Appeal⁷ manifesting their intention to appeal the CA Decision to this Court.

⁶ CA rollo, pp. 56-57.

⁷ *Id.* at 116-118.



In its Resolution⁸ dated October 29, 2013, the CA gave due course to accused-appellants Notice of Appeal and ordered the elevation of the records of the case to this Court.

Hence, this appeal was instituted.

In a Resolution⁹ dated July 7, 2014, this Court, among others, notified the parties that they may file their respective Supplemental Briefs, if they so desire.

In its Manifestation and Motion¹⁰ dated August 27, 2014, the Office of the Solicitor General (*OSG*) manifested that it will not be filing a Supplemental Brief because it had already adequately addressed in its Brief filed before the CA all the issues and arguments raised by accused-appellants in their Brief.

In the same manner, accused-appellants filed a Manifestation in Lieu of Supplemental Brief¹¹ dated September 2, 2014, indicating that they no longer intend to file a Supplemental Brief on the ground that the issues have been thoroughly discussed and applicable defenses and arguments were already raised in their Brief which was filed with the CA.

In their Brief, accused-appellants mainly contend that the RTC erred in convicting them of the crime charged, and the CA, in affirming their conviction, despite the incredibility of the testimonies of the prosecution witnesses, and the failure of the prosecution to establish the identity of the assailants.

The appeal lacks merit. The Court finds no cogent reason to reverse accused-appellants' conviction.

Essentially, accused-appellants question the credibility of the prosecution's key witnesses, Henry and Violeta Acob, who identified them as the malefactors.

First, accused-appellants argue that, since the alleged crime happened so fast and in a very short period of approximately two minutes, Violeta and Henry could not have clearly seen and remembered the faces of the perpetrators. *Second*, accused-appellants attempt to cast doubt on their identification by claiming that there was inadequate lighting at the *locus criminis*. They contend that the poor illumination at the crime scene made

⁸ *Id.* at 120.

⁹ *Rollo*, p. 19.

¹⁰ *Id.* at 20-22.

¹¹ *Id.* at 23-26.

positive identification impossible; thus, the trial court should not have accepted the identification of accused-appellants as the malefactors.

The Court is not persuaded.

The basic issues raised by accused-appellants are mainly factual and it is a well settled rule that in criminal cases, factual findings of the trial court are generally accorded great weight and respect on appeal, especially when such findings are supported by substantial evidence on record.¹² It is only in exceptional circumstances, such as when the trial court overlooked material and relevant matters, that the Court will evaluate the factual findings of the court below.¹³ More importantly, it is an established principle in appellate review that the trial court's assessment of the credibility of the witnesses and the probative weight of their testimonies are accorded great respect and even conclusive effect and that these findings and conclusions assume greater weight if they are affirmed by the CA.¹⁴ Guided by the foregoing principle, the Court finds no cogent reason to disturb the RTC's factual findings, as affirmed by the CA.

Robbery with homicide exists when a homicide is committed either by reason, or on occasion, of the robbery.¹⁵ To sustain a conviction for robbery with homicide, the prosecution must prove the following elements: (1) the taking of personal property is committed with violence or intimidation against persons; (2) the property belongs to another; (3) the taking is *animo lucrandi* or with intent to gain; and (4) on the occasion or by reason of the robbery, the crime of homicide, as used in the generic sense, was committed.¹⁶ A conviction needs certainty that the robbery is the central purpose and objective of the malefactor and the killing is merely incidental to the robbery.¹⁷ The intent to rob must precede the taking of human life, but the killing may occur before, during or after the robbery.¹⁸

Under the given facts, the Court finds no error in the findings of both the RTC and the CA that the prosecution was able to clearly establish that: (1) accused-appellants forced Homer, Henry and Violeta to stop their motorcycle; (2) Dillatan declared the holdup and grabbed the belt bag in Violeta's possession; and (3) thereafter, Garcia fired at the victims in order to preserve their possession of the stolen item and to facilitate their escape.

The Court, likewise, finds no cogent reason to disturb the rulings of both the RTC and the CA in giving credence to the testimonies of Henry and

¹² *People v. Palma, et al.*, 754 Phil. 371, 377 (2015).

¹³ *Id.*

¹⁴ *People v. Diu, et al.*, 708 Phil. 218, 232 (2013).

¹⁵ *People v. Uy, et al.*, 664 Phil. 483, 498 (2011).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

Violeta, especially, their positive and categorical identification of accused-appellants as the perpetrators of the crime.

Thus, pertinent portions of Violeta's testimony in open court are as follows:

x x x x

- Q. In going home coming from your store, Madam Witness, can you recall what time did you leave the Public Market of Aurora, Isabela?
- A. 6:00 o'clock in the evening, sir.
- Q. Were you able to reach your home at Barangay Diamantina, Aurora, Isabela, Madam Witness?
- A. No, sir.
- Q. Can you please tell us why you were not able to reach your home at Barangay Diamantina, Aurora, Isabela, Madam Witness?
- A. When we were about to enter our barangay a motorcycle came near us, sir.
- Q. Do you know who are these persons riding on a motorcycle, Madam Witness?
- A. No, sir.
- Q. When these two (2) persons riding on a motorcycle went near you, what happened then, Madam Witness, if there was any?
- A. When the motorcycle came near us I heard the words stop this is a hold-up, give your bag to us, sir.
- Q. Did you know who was this person declaring hold-up, Madam Witness?
- A. That man, sir. (The witness pointed to a man sitting on the first bench of the Court and who when asked his name gave his name as Richard Dillatan, Sr.)
- Q. When accused Richard Dillatan, Sr. declared hold-up, what did you do, Madam Witness, if there was any?
- A. When I was about to give my bag he said again "shoot them", sir.
- Q. To whom did you give your bag, Madam Witness?
- A. It was grabbed from me by that person I previously identified a while ago as Richard Dillatan, Sr., sir.
- Q. Was he able to get your bag, Madam Witness?
- A. Yes, sir.
- Q. You also mentioned a while ago that somebody uttered, "sige barilin mo na sila", do you know who was that person who uttered that (sic) words?
- A. The same person who took my bag, sir.



Q. What happened, Madam Witness, when accused Richard Dillatan, Sr. instructed his co-accused to shoot you?

A. I was hit on my left hand and the bullet which penetrated my hand hit my son on his chest, sir.

Q. By the way, Madam Witness, do you know this person who shot you?

A. I know him, sir.

Q. Can you please tell us his name, Madam Witness, if you know?

A. That man, sir (The witness pointed to a man sitting on the first bench of the Court and who when asked his name answered Donato Garcia)

x x x x

Q: You mentioned a while ago that a motorcycle went near you, Madam Witness, is that correct?

A: Yes, sir.

Q: How far were these two (2) persons from you when they went near you, Madam Witness?

A: Like this, sir. (The witness demonstrated the distance and when measured it is 25 centimeters away).

Q: When these two (2) male persons you identified as Donato Garcia and Richard Dillatan, Sr. went near you, were you able to recognize their [faces], Madam Witness?

A: I recognized them because we were near with (sic) them, sir.

Q: You mentioned a while ago that the incident transpired at around 6:30 o'clock in the evening, how come that you were able to identify the faces of the two accused, Madam Witness?

A: Because it was still bright that time, sir.

x x x x

Q. Madam Witness, when you were shot upon by accused Donato Garcia, what happened next?

A. They shot also my husband and he was hit on his knee, sir.

Q. Who shot your husband, Madam Witness?

A. Donato Garcia, sir.

Q. How many times did he shoot your husband, Madam Witness?

A. Only once, sir.

Q. By the way, where was your husband when accused Donato Garcia shot him, Madam Witness?

A. He was running when he was shot, sir.

Q. And Donato Garcia was using the same firearm then, Madam Witness?

A. Yes, sir.¹⁹

Henry also testified, during cross-examination, as follows:

Q. Mr. Witness, you said in your direct-testimony that on your way home from the Aurora Public Market on February 7, 2010, you were held up by two (2) men, is this correct?

THE WITNESS:

A. Yes, ma'am

Q. And that the incident happened at the Barangay Road of Barangay Diamantina, Aurora, Isabela, is that correct?

A. Yes, Sir.

Q. And that the incident happened at around 6:30 in the evening, is this correct?

A. Yes, Ma'am.

Q. And that you were on board a motorcycle, together with your wife and son, when the incident happened?

A. Yes, Ma'am.

Q. The men who held you up were also on board a motorcycle, is this correct?

A. Yes, Ma'am.

Q. And that the motorcycle was one (1) meter away from the motorcycle you were riding at when they declared a hold up, is this correct?

A. Yes, Ma'am.

Q. And that the man driving the other motorcycle immediately shot your son, which caused the motorcycle that you were riding at to fall down, is this correct?

A. Yes, Ma'am.

Q. And that the man who held you up also shot you once, which hit you on your knee, is this correct, Mr. Witness?

A. Yes, Ma'am.

Q. And that the companion of the man, who shot you, immediately grabbed the belt bag from your wife, is this correct?

A. Yes, Ma'am, after we were shot.

Q. Mr. Witness, how long did it take for the men who held you up to declare hold up to time they grabbed the belt bag and sped away?

A. I cannot recall, Ma'am.

Q. Could it be one (1) minute, Mr. Witness?

A. Maybe two (2) minutes, Ma'am.

Q. So, Mr. Witness, you are saying that the incident happened in more or less two (2) minutes?

A. Yes, Ma'am.

- Q. And that the assailants were one (1) meter away from you when it happened?
- A. Yes, Ma'am.
- Q. So, Mr. Witness, can you tell us how were the assailants identified?
- A. They were near from (sic) us when they shot us, Ma'am.
- Q. You were able to clearly see their faces despite the fact that the incident happened at 6:30 in the evening?
- A. Yes, Ma'am.
- Q. Mr. Witness, did you personally identify the accused?
- A. I recognized their faces, Ma'am.²⁰

In this case, both the trial and appellate courts found Violeta's and Henry's separate testimonies as credible. It is doctrinal that findings of trial courts on the credibility of witnesses deserve a high degree of respect and will not be disturbed on appeal absent a clear showing that the trial court had overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which could reverse a judgment of conviction.²¹ In fact, in many instances, such findings are even accorded finality.²² This is so because the assignment of value to a witness' testimony is essentially the domain of the trial court, not to mention that it is the trial judge who has the direct opportunity to observe the demeanor of a witness on the stand, which opportunity provides him the unique facility in determining whether or not to accord credence to the testimony or whether the witness is telling the truth or not.²³ The foregoing doctrine finds application in the instant case.

Even after carefully going through the records of the case, the Court still finds no sufficient ground to disturb the findings of both the RTC and the CA.

The records show that Henry and Violeta positively, categorically and unhesitatingly identified Dillatan as the one who declared the holdup and successfully grabbed Violeta's belt bag, while Garcia was the one who fired at the victims, thereby killing Homer and wounding Henry and Violeta.

The Court is not persuaded by accused-appellants' insistence on their argument that given the circumstances surrounding the commission of the crime, the prosecution failed to establish their identity as the malefactors.

²⁰ TSN, November 18, 2010, pp. 3-6.

²¹ *People v. Mokammad, et al.*, 613 Phil. 116, 126 (2009).

²² *Id.*

²³ *Id.*

First, this Court has ruled that common human experience tells us that when extraordinary circumstances take place, it is natural for persons to remember many of the important details.²⁴ This Court has held that the most natural reaction of victims of criminal violence is to strive to see the features and faces of their assailants and observe the manner in which the crime is committed.²⁵ Most often the face of the assailant and body movements thereof, create a lasting impression which cannot be easily erased from a witness' memory.²⁶ Experience dictates that precisely because of the unusual acts of violence committed right before their eyes, eyewitnesses can remember with a high degree of reliability the identity of criminals at any given time.²⁷

Thus, if family members who have witnessed the killing of a loved one usually strive to remember the faces of the assailants, this Court sees no reason how both parents, who witnessed the violence inflicted, not only upon themselves, but especially upon their son, who eventually died by reason thereof, could have done any less. It must be stressed that Henry and Violeta were seated together atop their motorcycle when Dillatan grabbed her bag and Garcia fired at them. In fact, Violeta was embracing her son, Homer, when a single bullet struck them. Both accused-appellants, at that time, were both less than a meter away from the victims. Hence, despite the swiftness of the assault upon them, Henry and Violeta could not have mistaken the identity of accused-appellants as the persons responsible for the attack.

Moreover, Violeta's testimony disproves the poor illumination claim of accused-appellants when she testified that "it was still bright" at the time of the commission of the crime.²⁸ It is settled that when the conditions of visibility are favorable, as in this case, the eyewitness identification of accused-appellants as the malefactors and the specific acts constituting the crime should be accepted.²⁹ Add the fact that Violeta and Henry had an unhindered view of the faces of accused-appellants during the whole time that the crime was being committed. Thus, accused-appellants' attack on the positive identification by Violeta and Henry must, therefore, fail.

The lower courts, also, correctly ruled that accused-appellants acted in conspiracy with one another. Conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.³⁰ Conspiracy may be inferred from the acts of the accused before,

²⁴ *People v. Lughasin, et al.*, 781 Phil. 701, 714 (2016), citing *People v. Martinez*, 469 Phil. 509, 524-525 (2002).

²⁵ *Id.*

²⁶ *People v. Pepino, et al.*, 777 Phil. 29, 55 (2016), citing *People v. Esoy, et al.*, 631 Phil. 547, 556 (2010).

²⁷ *Id.*

²⁸ See TSN, October 29, 2010.

²⁹ *People v. Manchu, et al.*, 593 Phil. 398, 409 (2008).

³⁰ *People v. Buyagan*, 681 Phil. 569, 574 (2012).



during, and after the commission of the crime which indubitably point to, and are indicative of, a joint purpose, concert of action and community of interest.³¹ For conspiracy to exist, it is not required that there be an agreement for an appreciable period prior to the occurrence; it is sufficient that at the time of the commission of the offense, the malefactors had the same purpose and were united in its execution.³² In the present case, the coordinated acts and movements of accused-appellants before, during and after the commission of the crime point to no other conclusion than that they have acted in conspiracy with each other. Moreover, it is settled that 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.³³

Lastly, accused-appellants' lackluster defenses of denial and alibi fail to cast doubt on the positive identification made by Henry and Violeta and the continuous chain of circumstances established by the prosecution. This Court has consistently held that alibi and denial being inherently weak cannot prevail over the positive identification of the accused as the perpetrator of the crime.³⁴ They are facile to fabricate and difficult to disprove, and are thus generally rejected.³⁵ Besides, for the defense of alibi to prosper, the accused must prove not only that he was at some other place at the time of the commission of the crime but also that it was physically impossible for him to be at the *locus delicti* or within its immediate vicinity.³⁶ The excuse must be so airtight that it would admit of no exception.³⁷ Where there is the least possibility of accused-appellants' presence at the crime scene, as in this case, the alibi will not hold water.³⁸ The Court finds no cogent reason to depart from the ruling of the lower courts that apart from their self-serving testimony that they were someplace else at the time of the commission of the crime, accused-appellants were unable to sufficiently show that it was physically impossible for them to be at the scene of the crime when it was committed.

As to the penalty, the special complex crime of robbery with homicide is punishable by *reclusion perpetua* to death under Article 294(1) of the RPC, as amended by Republic Act No. 7659. Article 63 of the same Code, as amended, states that when the law prescribes a penalty consisting of two (2) indivisible penalties, and the crime is neither attended by mitigating nor aggravating circumstances, the lesser penalty shall be imposed. Considering

³¹ *Id.*

³² *Id.*

³³ *People v. Diu, et. al.*, 708 Phil. 218, 237 (2013), citing *People v. De Jesus*, 473 Phil. 405, 426-428 (2004).

³⁴ *People v. Manchu, supra* note 29, at 410.

³⁵ *Id.*

³⁶ *People v. Ambatang*, G.R. No. 205855, March 29, 2017.

³⁷ *Id.*

³⁸ *Id.*



that there was no modifying circumstance which attended the commission of the crime, the RTC and the CA correctly imposed the penalty of *reclusion perpetua*.

At this stage, the Court notes that, on the occasion of the robbery, aside from Homer being killed, the Spouses Acob also sustained injuries by reason of the gunshots fired by Garcia. It bears to reiterate at this point that the component crimes in a special complex crime have no attempted or frustrated stages because the intention of the offender/s is to commit the principal crime which is to rob but in the process of committing the said crime, another crime is committed.³⁹ "Homicide," in the special complex crime of robbery with homicide, is understood in its generic sense and forms part of the essential element of robbery, which is the use of violence or the use of force upon anything.⁴⁰ Stated differently, 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.⁴¹ Thus, as in the present case where, aside from the killing of Homer, the Spouses Acob, on the occasion of the same robbery, also sustained injuries, regardless of the severity, the crime committed is still robbery with homicide as the injuries sustained by the Spouses Acob are subsumed under the generic term "homicide" and, thus, become part and parcel of the special complex crime of robbery with homicide.

Nonetheless, it is also settled that in robbery with homicide, the victims who sustained injuries, but were not killed, shall also be indemnified.⁴² Hence, the nature and severity of the injuries sustained by these victims must still be determined for the purpose of awarding civil indemnity and damages.⁴³

It is settled that if a victim suffered mortal wounds and could have died if not for a timely medical intervention, the victim should be awarded civil indemnity, moral damages, and exemplary damages equivalent to the damages awarded in a frustrated stage, and if a victim suffered injuries that are not fatal, an award of civil indemnity, moral damages and exemplary damages should likewise be awarded equivalent to the damages awarded in an attempted stage.⁴⁴

In the instant case, while it was alleged in the Information that Henry, who was shot on his right knee, and Violeta, who's left hand was hit by the same bullet that killed Homer, could have died from their injuries were it not for the timely and able medical assistance rendered to them, the prosecution

³⁹ *People v. Jugueta*, 783 Phil. 806, 845 (2016).

⁴⁰ *Id.* at 846.

⁴¹ *People v. Diu*, *supra* note 33.

⁴² *People v. Jugueta*, *supra* note 39.

⁴³ *Id.* at 846.

⁴⁴ *Id.*

failed to present sufficient evidence to prove such allegation. Thus, their injuries are not considered fatal and, as such, the Spouses Acob are each entitled only to be indemnified amounts which are equivalent to those awarded in an attempted stage.

Also, this Court has held in the controlling case of *People v. Jugueta*⁴⁵ that in special complex crimes like robbery with homicide where the penalty imposed is *reclusion perpetua*, the awards for civil indemnity, moral damages, and exemplary damages are now uniformly pegged at ₱75,000.00. The award of temperate damages is also increased to ₱50,000.00.

Thus, with respect to accused-appellants' civil liabilities, this Court deems it proper to modify the monetary awards granted by the lower courts in conformity with prevailing jurisprudence.

Hence, for the death of Homer, his heirs are entitled to the awards of ₱75,000 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages. The award of temperate damages to the heirs of Homer, for burial expenses, shall be increased from ₱25,000.00 to ₱50,000.00. With respect to the Spouses Acob, in addition to the awards of actual damages to them for their hospitalization expenses and the return of the ₱70,00.00 cash taken from them, each of them are entitled to the awards of ₱25,000.00 as civil indemnity, ₱25,000.00 as moral damages, and ₱25,000.00 as exemplary damages.⁴⁶

The Court also imposes interest, at the legal rate of six percent (6%) *per annum*, on all the monetary awards from the date of finality of this Decision until fully paid.

WHEREFORE, the instant appeal is **DISMISSED** and the Decision, dated August 30, 2013, of the Court of Appeals in CA-G.R. CR-H.C. No. 05294, is hereby **AFFIRMED with MODIFICATIONS**. Accordingly, accused-appellants, **RICHARD DILLATAN, SR. Y PAT AND DONATO GARCIA Y DUAZO**, are found **GUILTY** beyond reasonable doubt of the special complex crime of Robbery with Homicide, defined and penalized under Article 294(1) of the Revised Penal Code, as amended, and are sentenced to suffer the penalty of *reclusion perpetua*.

In addition, to the monetary awards granted by the lower courts, accused-appellants are further **ORDERED to PAY** the Heirs of Homer the following:



⁴⁵ *Supra* note 39.

⁴⁶ *Id.* at 851.

- (1) civil indemnity and moral damages in the increased amounts of ₱75,000.00, each;
- (2) exemplary damages in the amount of ₱75,000.00;
- (3) temperate damages in the increased amount of ₱50,000.00.

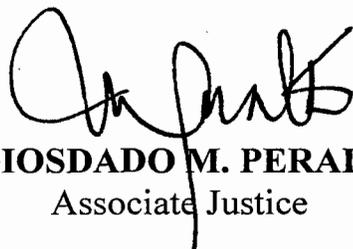
Accused-appellants are, likewise, **ORDERED** to **PAY** each of the victims, Henry and Violeta Acob, the following:

- (1) civil indemnity in the amount of ₱25,000.00;
- (2) moral damages in the amount of ₱25,000.00; and
- (3) exemplary damages in the amount of ₱25,000.00.

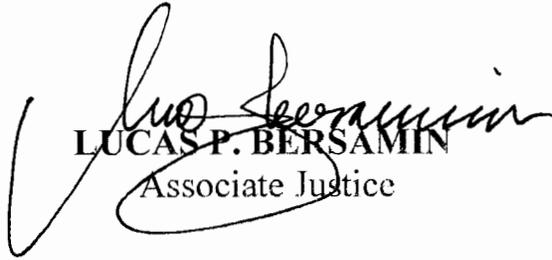
Accused-appellants shall pay interest at the rate of six percent (6%) *per annum* on all the monetary awards, from the date of finality of this Decision until fully paid.

All other awards are **AFFIRMED**.

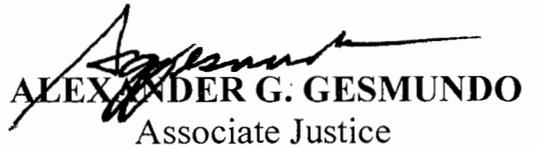
SO ORDERED.


DIOSDADO M. PERALTA
Associate Justice

WE CONCUR:


LUCAS P. BERSAMIN
 Associate Justice

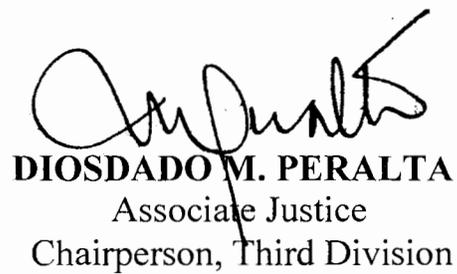

MARVIC MARIO VICTOR F. LEONEN
 Associate Justice


ALEXANDER G. GESMUNDO
 Associate Justice


ANDRES B. REYES, JR.
 Associate Justice

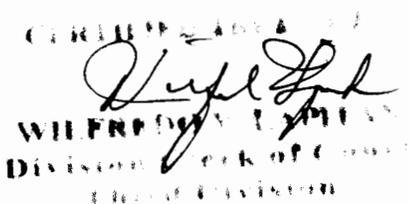
ATTESTATION

I attest 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
 Associate Justice
 Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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.


WILFREDO LIM
 DIVISION CLERK OF COURT
 THIRD DIVISION


TERESITA J. LEONARDO-DE CASTRO
 Chief Justice