

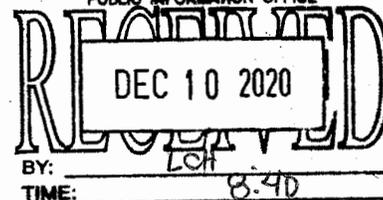


Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated July 8, 2020, which reads as follows:

“G.R. No. 208070 – (PEOPLE OF THE PHILIPPINES, *plaintiff-appellee*, v. RODEL OLORBIDA y ALIBO, *accused-appellant*). – On July 29, 2013, the Court of Appeals (CA), Cagayan de Oro City, elevated to this Court the records of this case,¹ pursuant to its Resolution² dated April 4, 2013. The Resolution gave due course to the notice of appeal³ dated March 7, 2013 filed by Rodel Olorbida y Alibo (*accused-appellant*).

In the Resolution⁴ dated August 28, 2013, this Court noted the records of the case forwarded by the CA. The parties were then ordered to file their respective supplemental briefs, should they so desire, within 30 days from notice.⁵

On December 20, 2013, the Office of the Solicitor General filed a Manifestation and Motion⁶ of even date on behalf of the People of the Philippines stating that it would no longer file a supplemental brief and praying that in lieu thereof, the brief for the appellee dated December 12, 2008 filed with the CA be considered.

On February 4, 2014, the Public Attorney’s Office on behalf of accused-appellant filed its Supplemental Brief⁷ dated January 16, 2014.

After evaluating the records of this case, this Court resolves to dismiss the appeal as accused-appellant failed to show any reversible error in the

¹ *Rollo*, p. 1.
² *Id.* at 18.
³ *Id.* at 15-17.
⁴ *Id.* at 20.
⁵ *Id.*
⁶ *Id.* at 23-26.
⁷ *Id.* at 33-39.

assailed CA Decision⁸ dated February 20, 2013 which would warrant the exercise of this Court's appellate jurisdiction. However, this Court modifies the award of damages in accordance with *People v. Jugueta*,⁹ wherein We clarified that for special complex crimes, if the penalty is death but it cannot be imposed due to Republic Act No. 9346¹⁰ and what is actually imposed is the penalty of *reclusion perpetua*, the civil indemnity and moral damages will be ₱100,000.00 each, and another ₱100,000.00 as exemplary damages in view of the heinousness of the crime and to set an example.¹¹ Moreover, if on the occasion of a robbery with homicide, 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 ₱75,000.00 each.¹² Accordingly, We modify the award of civil indemnity, in addition to the proven actual damages,¹³ moral damages, and exemplary damages to ₱100,000.00, each for the heirs of Aurelia de las Alas. Moreover, We modify the award to the heirs of Marcelo de las Alas, Sr. and Maylinda Erong, separately for civil indemnity, moral damages, and exemplary damages to ₱75,000.00 each.

WHEREFORE, the findings of fact and conclusions of law of the Court of Appeals are **ADOPTED**. The assailed decision of the Court of Appeals is **AFFIRMED with MODIFICATION**. Accused-appellant **RODEL OLORBIDA y ALIBO** is hereby found **GUILTY** beyond reasonable doubt of the crime of Robbery with Homicide, pursuant to Article 294 in relation to Articles 249 and 250 of the Revised Penal Code. He is sentenced to suffer the penalty of *reclusion perpetua*.

Moreover, accused-appellant is **ORDERED** to **PAY** the heirs of Aurelia de las Alas the amounts of ₱272,436.15 as actual damages representing medical, burial, and litigation expenses, ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages. Accused-appellant is likewise **ORDERED** to **PAY** the heirs of Marcelo de las Alas, Sr. and Maylinda Erong the following amounts for each of the two victims, ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages

In line with current jurisprudence, interest at the rate of 6% *per annum* should be imposed on all damages awarded from the date of the finality of this judgment until fully paid.¹⁴

⁸ Id. at 3-14; penned by Associate Justice Henri Jean Paul Inting (now a Member of this Court) with Associate Justices Edgardo T. Lloren and Josep Y. Lopez, concurring.

⁹ 783 Phil. 806 (2016).

¹⁰ Anti-Death Penalty Law.

¹¹ *People v. Jugueta*, supra at 847.

¹² Id. at 851.

¹³ *Rollo*, pp. 12-13.

¹⁴ *Nacar v. Gallery Frames*, 716 Phil. 267 (2013).

SO ORDERED.”

By authority of the Court:

Misael C Batt
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court *Misael C Batt*

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