



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated 27 February 2023 which reads as follows:*

**“G.R. No. 251755 (*People of the Philippines vs. Jayson E. Montoya and Dyerold A. Navia*).** — This Court resolves to dismiss the appeal<sup>1</sup> from the Court of Appeals (CA) Decision<sup>2</sup> dated 11 October 2019 in CA G.R. CR-HC No. 11325, which affirmed the Decision<sup>3</sup> dated 22 September 2017 of the Regional Trial Court (RTC), Branch 218, Quezon City, in Criminal Case No. GL-Q-12-176789, finding accused-appellants Jayson Montoya y Espinosa and Dyerold Navia y Agumbay guilty beyond reasonable doubt of the crime of Robbery with Homicide.

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. It is only in exceptional circumstances, such as when the trial court overlooked material and relevant matters, that the Court will recalibrate and evaluate the factual findings of the court below.<sup>4</sup> Guided by the foregoing principle, the Court finds no cogent reason to disturb the RTC’s factual findings, as affirmed by the CA.

The elements of Robbery with Homicide are: “(1) the taking of personal property with violence or intimidation against persons; (2) the property taken belongs to another; (3) the taking was done with *animo lucrandi* or with intent to gain; and (4) on the occasion of the robbery or by reason thereof, homicide was committed.”<sup>5</sup>

In the instant case, the CA correctly upheld the RTC’s finding that the prosecution was able to establish the fact that accused-appellants took the victim’s mobile phone and wallet, and that the victim, Juan Paolo Arizala y

<sup>1</sup> *Rollo*, pp. 25–28. See Notice of Appeal dated 25 October 2019.

<sup>2</sup> *Rollo*, pp. 3–24. Penned by Associate Justice Louis P. Acosta, and concurred in by Associate Justices Nina G. Antonio-Valenzuela and Ma. Luisa Quijano Padilla.

<sup>3</sup> *CA rollo*, pp. 54-60. Penned by Presiding Judge Luis Zenon Q. Maceren.

<sup>4</sup> *People v. Baraga*, 735 Phil. 466, 471 (2014), citing *Seguritan v. People*, 632 Phil. 415 (2010).

<sup>5</sup> *People v. Palema*, G.R. No. 228000, 10 July 2019.

Jurado (victim), was stabbed on the different parts of his body resulting in his death.<sup>6</sup> This is buttressed by Danilo Diño (Diño) and Randy Cabana's (Cabana) positive identification of accused-appellants as the ones who committed the crime as opposed to the latter's denial and alibi, which were correctly considered by both the RTC and the CA as weak and self-serving. It is well-settled that alibi and denial are outweighed by positive identification that is categorical, consistent, and untainted by any ill motive on the part of the eyewitnesses testifying on the matter.<sup>7</sup>

In *People v. Pondivida*,<sup>8</sup> the Court distinguished two types of positive identification: (a) that by direct evidence, through an eyewitness to the very commission of the act; and (b) that by circumstantial evidence, such as where the accused is last seen with the victim immediately before or after the crime. The Court said:

**Positive identification pertains essentially to proof of identity and not *per se* to that of being an eyewitness to the very act of commission of the crime.** There are two types of positive identification. A witness may identify a suspect or accused in a criminal case as the perpetrator of the crime as an eyewitness to the very act of the commission of the crime. This constitutes direct evidence. There may, however, be instances where, **although a witness may not have actually seen the very act of commission of a crime, [the witness] may still be able to positively identify a suspect or accused as the perpetrator of a crime as for instance when the latter is the person or one of the persons last seen with the victim immediately before and right after the commission of the crime. This is the second type of positive identification,** which forms part of circumstantial evidence, which, when taken together with other pieces of evidence constituting an unbroken chain, leads to only fair and reasonable conclusion, which is that the accused is the author of the crime to the exclusion of all others. If the actual eyewitnesses are the only ones allowed to possibly positively identify a suspect or accused to the exclusion of others, then nobody can ever be convicted unless there is an eyewitness, because it is basic and elementary that there can be no conviction until and unless an accused is positively identified. Such a proposition is absolutely absurd, because it is settled that direct evidence of the commission of a crime is not the only matrix wherefrom a trial court may draw its conclusion and finding of guilt.<sup>9</sup>

Thus, while eyewitnesses Diño and Cabana admittedly failed to see the actual stabbing, their account properly falls under the second type of positive identification described above. To require them to positively identify accused-appellants as the actual stabbers is absurd. They last saw the victim being robbed and pushed from the bus by the accused-appellants and their companions. Direct evidence is not the only measure from which the guilt of the accused could be drawn.

<sup>6</sup> *Rollo*, pp. 21–22.

<sup>7</sup> *People v. Balute*, 751 Phil. 980, 987 (2015).

<sup>8</sup> 705 Phil. 201, 205–206 (2013), citing *People v. Caliso*, 675 Phil. 742 (2011). Emphasis in the original.

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

In sum, the RTC and the CA correctly convicted accused-appellants of the crime of Robbery with Homicide as defined and penalized under Article 294 (1), Revised Penal Code (RPC), as amended, since death resulted by reason of the robbery. The penalty for the crime is *reclusion perpetua* to death. Since the crime of Robbery with Homicide was attended by the aggravating circumstance of abuse of superior strength, the penalty imposed should be death.<sup>10</sup> However, considering that the death penalty remains suspended,<sup>11</sup> the legally imposable penalty would be *reclusion perpetua*. In addition, pursuant to Administrative Matter No. 15-08-02-SC,<sup>12</sup> accused-appellants will not be eligible for parole.

In *People v. Jugueta*,<sup>13</sup> this Court held that for special complex crimes like Robbery with Homicide where the penalty is death but reduced to *reclusion perpetua* by reason of Republic Act No. (RA) 9346, the heirs of the victim should be awarded with civil indemnity and moral damages of ₱100,000.00 each, exemplary damages of ₱100,000.00 in view of the heinousness of the crime, and actual damages proven and loss of earning capacity as duly substantiated in order to set an example.<sup>14</sup>

Hence, in this instance, the Court sustains the award of actual damages since the heirs of the deceased were able to prove the amount through receipts presented during trial.

Anent unearned income, the RTC correctly applied the formula in *People v. Moreno*,<sup>15</sup> but the resulting computation was incorrect. As found by the RTC, records would show that the prosecution sufficiently established that at the time of his death, the victim was 28 years old and gainfully employed as a call center agent with gross annual income of ₱206,000.00. The victim's gross income was computed from his monthly income of ₱17,166.66.<sup>16</sup> His reasonable and necessary living expenses is computed at fifty percent (50%) of the gross annual income, or ₱103,000.00.<sup>17</sup> We, thus, apply the formula:

$$\begin{aligned}
 \text{Net Earning Capacity} &= \text{life expectancy} \times [\text{gross annual income} - \text{living expenses}] \\
 &= \frac{2}{3} [80 - \text{age of the victim at the time of death}] \times [\text{gross annual income} - 50\% \text{ of gross annual income}] \\
 &= \frac{2}{3} [80 - 28] \times [206,000.00 - 103,000.00] \\
 &= \frac{2[52]}{3} \times 103,000.00
 \end{aligned}$$

<sup>10</sup> *People v. Vallar*, 801 Phil. 870, 881 (2016).

<sup>11</sup> RA 9346, entitled "AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES." Approved on 24 June 2006.

<sup>12</sup> Entitled "GUIDELINES FOR THE PROPER USE OF THE PHRASE 'WITHOUT ELIGIBILITY FOR PAROLE' IN INDIVISIBLE PENALTIES." Approved on 04 August 2015.

<sup>13</sup> 783 Phil. 806, 850 (2016).

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

<sup>15</sup> G.R. No. 191759, 02 March 2020.

<sup>16</sup> CA *rollo*, p. 60.

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

= **₱3,570,666.67**


Therefore, the award for loss of income should be modified from ₱7,024,600.00 to **₱3,570,666.67**.

Finally, the interest imposed is likewise sustained as it conforms to prevailing jurisprudence, that is, all damages awarded shall earn six percent (6%) interest *per annum* from the date of finality of this Resolution until full payment.<sup>18</sup>

**WHEREFORE**, the appeal is **DISMISSED**. The Court **ADOPTS** the findings of fact and conclusions of law in the Decision dated 11 October 2019 of the Court of Appeals in CA G.R. CR-HC No. 11325 and **AFFIRMS** the Decision dated 22 September 2017 of the Regional Trial Court, Branch 218, Quezon City, in Criminal Case No. GL-Q-12-176789, finding accused-appellants Jayson Montoya y Espinosa and Dyerold Navia y Agumbay **GUILTY** beyond reasonable doubt of the crime of Robbery with Homicide, defined and penalized under Article 294 (1), Revised Penal Code, as amended, and sentencing them to *reclusion perpetua* **with the MODIFICATION** that the sentence of *reclusion perpetua* shall be without eligibility for parole, and that both accused-appellants are ordered to pay the heirs of Juan Paulo Arizala y Jurado the amounts of ₱100,000.00 as civil indemnity, ₱60,301.30 as actual damages, ₱100,000.00 as moral damages, ₱100,000.00 as exemplary damages, and ₱3,570,666.67 as indemnity for the loss of earning capacity of the victim all with legal interest at the rate of six percent (6%) *per annum* from the finality of this Resolution, until full payment.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court<sup>18</sup>

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
**218**

**MAR 20 2023**

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Court of Appeals (x)  
Manila  
(CA-G.R. CR-HC No. 11325)

<sup>18</sup> *Nacar v. Gallery Frames*, 716 Phil. 267, 283 (2013).

The Hon. Presiding Judge  
Regional Trial Court, Branch 218  
1100 Quezon City  
(Crim. Case No. GL-Q-12-176789)

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