



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 29, 2023** which reads as follows:*

**“G.R. No. 258822 (*People of the Philippines v. Allein\* Hussein B. Sumadlayon*).**—On appeal<sup>1</sup> is the January 15, 2021 Decision<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CR HC No. 11538 which affirmed the July 6, 2018 Decision<sup>3</sup> of Regional Trial Court (RTC), Makati City, Branch 143 in Criminal Case No. 17-00324 finding accused-appellant Allein Hussein B. Sumadlayon guilty beyond reasonable doubt of the crime of Robbery with Homicide under paragraph 1 of Article 294 of the Revised Penal Code (RPC).

Accused-appellant and his co-accused, Danell Santiago (Santiago), were charged with the special complex crime of Robbery with Homicide penalized under par. 1 of Art. 294 of the RPC, in an Information that reads:

On or about the 20<sup>th</sup> day of July 2016, in Makati City, Philippines, accused, conspiring together and mutually helping one another, with intent to gain and by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously take, rob and carry away the cellphone, wallet and other personal properties of Nikko Atienza, a patient of one Dr. Antonio Limos, and while inside the dental clinic of the latter, and after Nikko Atienza was robbed of his properties, Antonio Limos chased the accused and as a consequence thereof, accused did then and there shot Dr. Limos, thereby inflicting upon him mortal wounds which directly caused the death of Dr. Antonio Limos.

CONTRARY TO LAW.<sup>4</sup>

\* Alle-in in some parts of the *rollo*.

<sup>1</sup> *Rollo*, pp. 3-5.

<sup>2</sup> *Id.* at 9-29. Penned by Associate Justice Ronaldo Roberto B. Martin and concurred in by Associate Justices Manuel M. Barrios and Florencio Mallanao Mamauag, Jr.

<sup>3</sup> *Id.* at 31-40. Penned by Presiding Judge Maximo M. De Leon.

<sup>4</sup> Records, p. 1.

During arraignment, accused-appellant entered a plea of “not guilty”.<sup>5</sup> Santiago remained at-large during the pendency of the case. After termination of preliminary conference and pre-trial, the trial on the merits ensued.

The prosecution presented the following witnesses: Senior Police Officer 4 Noel Pardiñas of the Homicide Section, Criminal Investigation Division of the Makati City Police Station; Medico-Legal Police C/Insp. Dr. Gracia Catherine Guno (Dr. Guno) of the Philippine National Police Crime Laboratory in Camp Crame, Quezon City; Mark Christian Padua (Padua) and Jerome Dizon (Dizon), members of Makati Public Safety Assistance (MAPSA); Loise Laine Limos (Loise), daughter of Dr. Antonio Limos (Dr. Limos); Rona Isturis (Isturis), secretary of Dr. Limos; and Nikko Atienza (Atienza), a patient of Dr. Limos and the victim of the Robbery. The defense presented as witnesses accused-appellant and Paulo Sumadlayon (Paulo), the brother of accused-appellant.

### The Facts

At around 11:50 a.m. to 12:30 p.m. of July 20, 2016, two individuals, who were later identified as accused-appellant and Santiago, entered the dental clinic of Dr. Limos in Barangay San Antonio, Makati City, and inquired about dental cleaning services.<sup>6</sup> Dr. Limos was attending to his patient, Atienza, at the time.<sup>7</sup> The secretary of Dr. Limos, Isturis, conferred with Dr. Limos if the latter could accommodate the new patients and Dr. Limos replied in the affirmative.<sup>8</sup> In the meantime, accused-appellant and Santiago filled out forms, browsed magazines, and even went to the comfort room.<sup>9</sup> After receiving the accomplished forms, Isturis returned to the work area to assist Dr. Limos.<sup>10</sup> The clinic had only one room and the patients in the waiting area can see the patient currently receiving treatment.<sup>11</sup>

After a few minutes, Isturis saw accused-appellant retrieve a short gun from his backpack.<sup>12</sup> Accused-appellant then instructed his companion, Santiago, to go to Dr. Limos’ work area and take the belongings of Dr. Limos, Isturis, and Atienza.<sup>13</sup> Isturis testified that accused-appellant pointed the gun at them and said to Santiago, “*kunin mo lahat ng gamit, kapkapan mo, at bilisan mo*”.<sup>14</sup> Accused-appellant and Santiago were able to take away Atienza’s iPhone 6 and wallet containing his driver’s license, ATM cards, and cash amounting to ₱80.00.<sup>15</sup> Before leaving the dental clinic, they tied Dr.

<sup>5</sup> Id. at 71-73.

<sup>6</sup> TSN, April 16, 2018, pp. 33-36.

<sup>7</sup> Id. at 33.

<sup>8</sup> Id. at 36.

<sup>9</sup> Id. at 38.

<sup>10</sup> Id.

<sup>11</sup> Id. at 61-62.

<sup>12</sup> Id.

<sup>13</sup> Id. at 39-41.

<sup>14</sup> Id.

<sup>15</sup> TSN, April 23, 2018, pp. 18-20; records, p. 19.

Limos' hands behind his back with a white zip tie<sup>16</sup> but Dr. Limos managed to break free.<sup>17</sup> Dr. Limos then got his gun under the dental chair and chased after accused-appellant and Santiago.<sup>18</sup>

While Dr. Limos was pursuing accused-appellant and Santiago outside the dental clinic, witnesses heard gunshots<sup>19</sup> and also saw two individuals riding a motorcycle leaving the area.<sup>20</sup> Dr. Limos was later found bloodied and lying on the pavement.<sup>21</sup> Dr. Limos was then brought to Makati Medical Center for immediate medical treatment but was pronounced dead on arrival.

Upon the request of Loise,<sup>22</sup> Medico-Legal Police C/Insp. Dr. Guno conducted an autopsy of the body of Dr. Limos. Dr. Guno thereafter prepared and signed the Medico-Legal Report No. A16-0503<sup>23</sup> and the Death Certificate of Dr. Limos.<sup>24</sup> Dr. Guno reported that the victim sustained three gunshot wounds<sup>25</sup> and that the cause of death is a gunshot wound to the trunk.<sup>26</sup> During direct examination, Dr. Guno explained that "[...] the slug penetrated the body, lacerating the omentum or the fat covering of the abdomen, also the mesentery the one that connects the intestine and also the small intestines [...]. The slug also hit the iliac artery that is a large blood vessel supplying the lower extremity of the body."<sup>27</sup> Loise presented receipts of the expenses incurred by her family covering hospital expenses, funeral services, and burial expenses.<sup>28</sup>

For the defense, accused-appellant claimed that he was in the house of his grandparent in Montalban, Rizal at the time of the incident,<sup>29</sup> and that he did not know Santiago and Dr. Limos.<sup>30</sup> He insisted that he did not go to Makati City because there were people who were after him in connection with an alleged carjacking incident.<sup>31</sup> When asked during cross-examination if there were other people in their house in Montalban, Rizal on the day in question, accused-appellant stated that his grandparent had already passed away in 2016 and he cannot remember if there were other people in the house at the time.<sup>32</sup> Accused-appellant's brother, Paulo, testified that accused-appellant indeed resided in their grandparent's house in Montalban, Rizal

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<sup>16</sup> TSN, April 16, 2018, p. 43.

<sup>17</sup> Id. at 46.

<sup>18</sup> Id. at 45-47.

<sup>19</sup> TSN, April 4, 2018, pp. 54-55; TSN, April 16, 2018, pp. 48-49; TSN, April 23, 2018, pp. 30-31.

<sup>20</sup> TSN, April 4, 2018, pp. 58-63; TSN, April 23, 2018, pp. 30-31.

<sup>21</sup> TSN, April 4, 2018, pp. 56-57.

<sup>22</sup> Records, p. 103 (Request for Autopsy); TSN, April 4, 2018, p. 10.

<sup>23</sup> Records, p. 108.

<sup>24</sup> Id. at 107.

<sup>25</sup> TSN, April 4, 2018, p. 19

<sup>26</sup> Id. at 19-21.

<sup>27</sup> Id. at 20.

<sup>28</sup> TSN, April 16, 2018, pp. 5-9; Records, pp. 115-127. (Exhibits "EE," "FF," "GG," and "GG-1").

<sup>29</sup> TSN, May 7, 2018, pp. 7-8.

<sup>30</sup> Id. at 6 and 11.

<sup>31</sup> Id. at 9-10, 14-15.

<sup>32</sup> Id. at 16-17.

from May 2016 to the start of 2018.<sup>33</sup> Before May 2016, accused-appellant used to live with Paulo in Makati City.<sup>34</sup> Paulo, along with their Aunt Belinda Sumadlayon, would visit him in the house in Montalban, Rizal twice a month to give him money.<sup>35</sup> Paulo admitted that he advised accused-appellant to not return to Makati City because police officers would often go to their house looking for him.<sup>36</sup> Paulo confirmed that accused-appellant lived in their grandparent's house alone,<sup>37</sup> and that he does not know or remember accused-appellant was in Montalban, Rizal at the time of the incident.<sup>38</sup>

### **Ruling of the Regional Trial Court**

In its July 6, 2018 Decision,<sup>39</sup> the trial court rendered judgment finding accused-appellant guilty of the special complex crime of Robbery with Homicide. The trial court found that the testimony of the prosecution witnesses established beyond moral certainty accused-appellant's culpability. The dispositive portion of the RTC judgment reads:

WHEREFORE, viewed in the light of the foregoing considerations, this court finds accused ALLEIN HUSSEN [sic] B. SUMADLAYON, guilty beyond reasonable doubt of the crime of ROBBERY WITH HOMICIDE defined and penalized under Art. 294 (par. 1) in relation to Art. 293 of the revised Penal Code as amended and he is hereby sentenced to suffer the penalty of RECLUSION PERPETUA and all its accessory penalties under the law.

The accused is also ordered to pay the private complainant, by way of actual damages, the amount of THREE HUNDRED TWENTY ONE THOUSAND FIVE HUNDRED [sic] SEVENTY PESOS AND FIFTY NINE CENTAVOS (P321,570.59) representing the actual expenses spent in relation to the death of Dr. Limos.

The accused is also ordered to pay the complainant the amount of P50,000.00 as temperate damages and the amount of P500,000.00 as moral damages.

Cost against the accused.

SO ORDERED.<sup>40</sup>

Accused-appellant appealed his conviction to the appellate court on July 23, 2018.<sup>41</sup> In the Appellant's Brief, accused-appellant claimed that the trial court erred in finding him guilty of Robbery with Homicide despite the highly

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<sup>33</sup> TSN, May 11, 2018, p. 6.

<sup>34</sup> Id. at 11.

<sup>35</sup> Id. at 11-12 and 21.

<sup>36</sup> Id. at 13-14 and 18-19.

<sup>37</sup> Id. at 17.

<sup>38</sup> Id. at 23 - 24.

<sup>39</sup> *Rollo*, pp. 31-40.

<sup>40</sup> Id. at 40.

<sup>41</sup> *CA rollo*, p. 10.

inconsistent, irreconcilable, and incredible testimonies of the prosecution witnesses, and the failure of the prosecution to prove the identity of the accused-appellant as one of the perpetrators of the crime charged.<sup>42</sup>

### **Ruling of the Court of Appeals**

In its January 15, 2021 Decision,<sup>43</sup> the CA affirmed the trial court's judgment of conviction. The CA disagreed with accused-appellant's contention that the testimonies of the prosecution witnesses were inconsistent. The CA found the prosecution witnesses' testimonies inherently believable as they clearly and positively identified accused-appellant as one of the perpetrators of the crime charged. Accused-appellant, however, failed to present convincing evidence to reinforce his defense of denial. The *fallo* of the CA's January 15, 2021 Decision reads:

**WHEREFORE**, premises considered, the appeal is **DENIED**. The *Decision* dated 6 July 2018 rendered by the Regional Trial Court, National Capital Judicial Region, Makati City, Branch 143 (**RTC**) in Criminal Case No. 17-00324 is **AFFIRMED**.

**SO ORDERED.**<sup>44</sup>

In view of the CA's adverse Decision, accused-appellant filed a Notice of Appeal on February 11, 2021.<sup>45</sup>

### **Issue**

For Our resolution is the issue of whether the CA correctly affirmed the finding of the RTC that accused-appellant is guilty beyond reasonable doubt of the special complex crime of Robbery with Homicide under Art. 294 of the RPC.

### **Our Ruling**

Accused-appellant's conviction is affirmed with modifications.

Robbery with Homicide is a special complex crime penalized under Art. 294, par. 1, of the RPC, which states:

ARTICLE 294. *Robbery with Violence Against or Intimidation of Persons — Penalties.* — Any person guilty of robbery with the use of violence against or intimidation of any person shall suffer:

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<sup>42</sup> Id. at 40-55.

<sup>43</sup> *Rollo*, pp. 9-29.

<sup>44</sup> Id. at 28.

<sup>45</sup> Id. at 3.

1. The penalty of *reclusion perpetua* to death, when by reason or on occasion of the robbery, the crime of homicide shall have been committed.

In *People v. De Jesus*,<sup>46</sup> the Court explained the nature of the crime of Robbery with Homicide, as follows:

**In robbery with homicide, the original criminal design of the malefactor is to commit robbery, with homicide perpetrated on the occasion or by reason of the robbery. The intent to commit robbery must precede the taking of human life. The homicide may take place before, during or after the robbery.** It is only the result obtained, without reference or distinction as to the circumstances, causes or modes or persons intervening in the commission of the crime that has to be taken into consideration. There is no such felony of robbery with homicide through reckless imprudence or simple negligence. The constitutive elements of the crime, namely, robbery and homicide, must be consummated.

**It is immaterial** that the death would supervene by mere accident; or that the **victim of homicide is other than the victim of robbery**, or that two or more persons are killed or that aside from the homicide, rape, intentional mutilation, or usurpation of authority, is committed by reason or on the occasion of the crime. Likewise, immaterial is the fact that the victim of homicide is one of the robbers; the felony would still be robbery with homicide. **Once a homicide is committed by or on the occasion of the robbery, the felony committed is robbery with homicide. 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. The word "homicide" is used in its generic sense.** Homicide, thus, includes murder, parricide, and infanticide.

x x x x

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.

If a robber tries to prevent the commission of homicide after the commission of the robbery, he [or she] is guilty only of robbery and not of robbery with homicide. All those who conspire to commit robbery with homicide are guilty as principals of such crime, although not all profited and gained from the robbery. One who joins a criminal conspiracy adopts the criminal designs of his [or her] co-conspirators and can no longer repudiate the conspiracy once it has materialized.

Homicide is said to have been committed by reason or on the occasion of robbery if, for instance, it was committed to (a) facilitate the robbery or the escape of the culprit; (b) to preserve the possession by the culprit of the loot; (c) to prevent discovery of the commission of the robbery; or, (d) to eliminate witnesses in the commission of the crime. **As long as there is a nexus**

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<sup>46</sup> 473 Phil. 405, 428 (2004).



**between the robbery and the homicide, the latter crime may be committed in a place other than the *situs* of the robbery.<sup>47</sup>**

The elements of Robbery with Homicide are the following: (1) the taking of personal property belonging to another; (2) with intent to gain or *animus lucrandi*; (3) with the use of violence or intimidation against a person; and (4) on the occasion or by reason of the robbery, the crime of homicide, as used in its generic sense, was committed.<sup>48</sup> We emphasize that the main intent of the perpetrators was to commit robbery, and that the killing is merely incidental to the robbery.<sup>49</sup> Stated differently, “[t]he intent to rob must precede the taking of human life, but the killing may occur before, during or after the robbery.”<sup>50</sup>

In every criminal case, the task of the prosecution is always two-fold: (1) to prove beyond reasonable doubt the commission of the crime charged; and (2) to establish with the same quantum of proof the identity of the person or persons responsible therefor, because, even if the commission of the crime is a given, there can be no conviction without the identity of the malefactor being likewise clearly ascertained.<sup>51</sup> As correctly found by the courts *a quo*, the prosecution sufficiently established all the elements of the crime charged and also proved beyond reasonable doubt that accused-appellant is the perpetrator of the crime.

As to the *first* element pertaining to the taking of the personal property belonging to another, both Isturis and Atienza identified accused-appellant and his co-accused as the persons who took the personal property of Atienza, particularly Atienza’s iPhone 6 and wallet containing his driver’s license, ATM cards, and cash amounting to ₱80.00.<sup>52</sup>

The *second* element provides that the taking was done with intent to gain or *animus lucrandi*, an internal act which is presumed from the unlawful taking of things.<sup>53</sup> In other words, when unlawful taking is proved, intent to gain is presumed.<sup>54</sup> In the present case, accused-appellant and Santiago entered the dental clinic posing as new patients.<sup>55</sup> Accused-appellant brought a gun and instructed Santiago to take the possessions of Dr. Limos, Isturis, and Atienza while he pointed a gun at them.<sup>56</sup> Once they successfully and unlawfully took the property of Atienza, they fled from the scene of the

<sup>47</sup> Id. Emphases supplied. Citations omitted.

<sup>48</sup> *People v. Bacyaan*, G.R. No. 238457, September 18, 2019.

<sup>49</sup> *People v. Dela Cruz*, 595 Phil. 998, 1023 (2008), citing *People v. Daniela*, 449 Phil. 547, 564 (2003).

<sup>50</sup> Id. at 1024, citing *People v. Escote, Jr.*, 448 Phil. 749, 783 (2003).

<sup>51</sup> *People v. Lumikid*, G.R. No. 242695, June 23, 2020, citing *People v. Vargas*, 784 Phil. 144, 149 (2016).

<sup>52</sup> TSN, April 16, 2018, pp. 38-43; TSN, April 23, 2018, pp. 18-20; records, p. 19.

<sup>53</sup> *People v. Boringot*, G.R. No. 245544, March 21, 2022, citing *People v. Roelan*, G.R. No. 241322, September 8, 2020.

<sup>54</sup> Id., citing *People v. Coritana*, G.R. No. 209584, March 3, 2021.

<sup>55</sup> TSN, April 16, 2018, pp. 33-36.

<sup>56</sup> Id. at 38-41.

crime.<sup>57</sup> Hence, intent to gain is clear from the acts of the accused.

As to the *third* element pertaining to the use of violence or intimidation against a person, both Isturis and Atienza testified that accused-appellant pointed the gun at them while instructing Santiago to take their belongings.<sup>58</sup> By threatening and intimidating Dr. Limos, Isturis, and Atienza with a gun, accused-appellant and his companion successfully divested Atienza of his personal belongings.

As to the *fourth* element which provides that the crime of homicide, in its generic sense, must be committed on the occasion or by reason of the robbery, this is apparent given the circumstances succeeding the robbery that transpired in the dental office. Although the prosecution did not present witnesses who saw the actual shooting, prosecution witnesses testified that they heard several gunshots outside the dental office and later saw Dr. Limos bloodied and lying on the pavement.<sup>59</sup> Based on the Autopsy Report conducted by Dr. Guno, Dr. Limos sustained three gunshot wounds and that the cause of death is a gunshot wound to the trunk.<sup>60</sup> CCTV footage of the incident outside the dental office were also shown in court as evidence.

In the case of *People v. Sanota*,<sup>61</sup> citing Section 4 of Rule 113 of the Rules of Court and *Planteras, Jr. v. People*,<sup>62</sup> this Court emphasized that “the commission of a crime, the identity of the perpetrator and the finding of guilt may all be established by circumstantial evidence,” to wit:

Direct evidence of the commission of a crime is not the only basis on which a court draws its finding of guilt. **The commission of a crime, the identity of the perpetrator, and the finding of guilt may all be established by circumstantial evidence.** In *Antonio Planteras, Jr. v. People*, this Court expounded on the distinction between direct and circumstantial evidence, thus:

The difference between direct evidence and circumstantial evidence involves the relationship of the fact inferred to the facts that constitute the offense. Their difference does not relate to the probative value of the evidence.

Direct evidence proves a challenged fact without drawing any inference. Circumstantial evidence, on the other hand, “indirectly proves a fact in issue, such that the fact-finder must draw an inference or reason from circumstantial evidence.”

The probative value of direct evidence is generally neither greater than nor superior to circumstantial evidence. The Rules of Court do not distinguish between “direct evidence of fact and

<sup>57</sup> Id. at 43.

<sup>58</sup> Id. at 38-41.

<sup>59</sup> TSN, April 4, 2018, pp. 55-57; TSN, April 16, 2018, p. 49; TSN, April 23, 2018, p. 30.

<sup>60</sup> TSN, April 4, 2018, p. 19; records, p. 107 (Exh. “CC” – Death Certificate of Dr. Antonio Limos).

<sup>61</sup> G.R. No. 233659, December 10, 2019.

<sup>62</sup> 841 Phil. 492, 506 (2018).



evidence of circumstances from which the existence of a fact may be inferred." The same quantum of evidence is still required. Courts must be convinced that the accused is guilty beyond reasonable doubt.

**A number of circumstantial evidence may be so credible to establish a fact from which it may be inferred, beyond reasonable doubt, that the elements of a crime exist and that the accused is its perpetrator.** There is no requirement in our jurisdiction that only direct evidence may convict. After all, evidence is always a matter of reasonable inference from any fact that may be proven by the prosecution provided the inference is logical and beyond reasonable doubt.

**Rule 113, Section 4 of the Rules on Evidence provides three (3) requisites that should be established to sustain a conviction based on circumstantial evidence:**

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

- (a) There is more than one circumstance;**
- (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.**

The commission of a crime, the identity of the perpetrator, and the finding of guilt may all be established by circumstantial evidence. The circumstances must be considered as a whole and should create an unbroken chain leading to the conclusion that the accused authored the crime.

The determination of whether circumstantial evidence is sufficient to support a finding of guilt is a qualitative test not a quantitative one. The proven circumstances must be "consistent with each other, consistent with the hypothesis that the 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."

x x x x

It must be remembered that, "[n]o general rule can be laid down as to the quantity of circumstantial evidence which in any case will suffice. All the circumstances proved must be consistent with each other, consistent with the hypothesis that the 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."<sup>63</sup>

In the present case, several circumstances support the conclusion that accused-appellant was the perpetrator of the crime charged. There is no doubt that both Isturis and Atienza identified accused-appellant and his co-accused

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<sup>63</sup> *People v. Sanota*, supra. Emphasis supplied. Citations omitted.

as the persons who took the personal property of Atienza.<sup>64</sup> Both Isturis and Atienza testified and confirmed that accused-appellant possessed a gun and pointed such gun at them at the time of the robbery in the dental office.<sup>65</sup> Both Isturis and Atienza also testified that they saw Dr. Limos get his gun under the dental chair and chase after accused-appellant and his co-accused.<sup>66</sup> While still in the dental office, Isturis and Atienza both heard gunshots.<sup>67</sup> Padua and Dizon, who were members of MAPSA assigned in Pasong Tamo, Kamagong, Makati City, both testified that they also heard gunshots and saw two individuals on a motorcycle with a gun leaving the area where they found Dr. Limos bloodied and lying on the pavement.<sup>68</sup> Dr. Limos sustained three gunshot wounds and he shortly thereafter succumbed to his injuries.<sup>69</sup> Thus, considering the totality of circumstantial evidence, it is apparent that accused-appellant is indeed guilty beyond reasonable doubt of Robbery with Homicide.

With regard to accused-appellant challenging the credibility of the prosecution witnesses, this Court has consistently held that the findings of the trial court are accorded high respect, if not conclusive effect unless it “overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which will alter the assailed decision or affect the result of the case:”

The Court has ruled, time and again, that when the issues involve matters of credibility of witnesses, the findings of the trial court, its calibration of the testimonies, and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings, are accorded high respect, if not conclusive effect. This is so because it is the trial court that has the unique opportunity to observe the demeanor of witnesses; and the trial court is in the best position to discern whether or not the witnesses are telling the truth. Generally, the appellate courts will not overturn the trial court's findings unless it overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which will alter the assailed decision or affect the result of the case x x x.<sup>70</sup>

Prosecution witnesses, particularly Isturis and Atienza, who witnessed the robbery and heard the gunshots outside the dental office, clearly and positively identified accused-appellant as one of the perpetrators of the crime charged in open court.<sup>71</sup> There is also no showing of any ill motive of the prosecution witnesses in testifying against the accused.

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<sup>64</sup> TSN, April 16, 2018, pp. 38-43; TSN, April 23, 2018, pp. 18-20; records, p. 19.

<sup>65</sup> TSN, April 23, 2018, pp. 26-28.

<sup>66</sup> TSN, April 16, 2018, pp. 45-47; TSN, April 23, 2018, p. 20.

<sup>67</sup> TSN, April 16, 2018, p. 49; TSN, April 23, 2018, p. 30.

<sup>68</sup> TSN, April 4, 2018, pp. 55-57.

<sup>69</sup> TSN, April 4, 2018, p. 19; records, p. 107 (Exh. “CC” – Death Certificate of Dr. Antonio Limos).

<sup>70</sup> *People v. Silvederio III*, G.R. No. 239777, July 8, 2020, citing *People v. Cirbeto*, 825 Phil. 793, 805 (2018) and *People v. Agalot*, 826 Phil. 541, 550 (2018).

<sup>71</sup> TSN, April 16, 2018, pp. 35 and 39; TSN, April 23, 2018, pp. 10-13, 26, and 30.

In contrast to the overwhelming evidence presented by the prosecution, accused-appellant merely denies any knowledge of the crime and claims that he was in Montalban, Rizal at the time of the incident.<sup>72</sup> In the case of *People v. Seguisabal*,<sup>73</sup> this Court held that the defenses of denial and alibi cannot defeat the positive identification of eyewitnesses, and for the defense of alibi to prosper, the accused-appellant must prove “(a) that he was present at another place at the time of the perpetration of the crime, and (b) that it was physically impossible for him to be at the scene of the crime during its commission.”

The Court finds no reason to disturb the findings of the lower court that accused-appellant’s weak defense[s] of denial and alibi cannot defeat the positive identification of eyewitnesses, whose testimonies were strengthened by the corroborative testimony of Martinez. **Unless substantiated by clear and convincing proof, denial and alibi is negative, self-serving and undeserving of any weight in law. Thus, for the defense of alibi to prosper, the accused must prove (a) that he [or she] was present at another place at the time of the perpetration of the crime, and (b) that it was physically impossible for him [or her] to be at the scene of the crime during its commission.**<sup>74</sup>

Other than accused-appellant’s testimony, the defense did not present any evidence to substantiate his claim that he was indeed present at another place or particularly his house in Montalban, Rizal at the time of the perpetration of the crime. Even his brother, Paulo, admitted that he does not know or remember if accused-appellant was in Montalban, Rizal at the time of the incident.<sup>75</sup> Accused-appellant also did not provide any evidence to show that it was physically impossible for him to be at the scene of the crime.<sup>76</sup>

With regard to the penalty imposed by the lower courts, this Court affirms the imposition of the penalty of *reclusion perpetua*. However, the damages awarded must be modified in light of prevailing jurisprudence.

From the dispositive portion of the trial court decision, it is unclear if the lower court awarded damages to both the heirs of Dr. Limos and the victim of the robbery at the dental office, Atienza. To justify an award of actual damages, it is necessary for the claimant to produce competent proof and the best evidence obtainable.<sup>77</sup> The family of Dr. Limos presented receipts of the expenses incurred by the family for the medical treatment of Dr. Limos at Makati Medical Center, funeral services, and burial services with a total amount of ₱321,570.59. The amount indicated

<sup>72</sup> TSN, May 7, 2018, pp. 6-11.

<sup>73</sup> *People v. Seguisabal*, G.R. No. 250330, March 18, 2021, citing *People v. Narciso*, 440 Phil. 964, 977 (2002) and *People v. Macaranas*, 811 Phil. 610, 624 (2017).

<sup>74</sup> Id. Emphasis supplied. Citations omitted.

<sup>75</sup> TSN, May 11, 2018, pp. 23-24.

<sup>76</sup> *Rollo*, pp. 27 and 39.

<sup>77</sup> *People v. Bacero*, 790 Phil. 745, 767 (2016).



in Official Receipt No. 51848 issued by Rosehills Memorial Management Philippines, Inc. for interment fees is actually ₱28,071.43 and not ₱28,077.43, the amount of actual damages is reduced to ₱321,564.59.<sup>78</sup>

Atienza, however, did not present any competent proof as to the actual value of the items lost during the robbery other than his testimony claiming that the iPhone 6 taken from him was valued at “around maybe twenty-three thousand [pesos] (₱23,000.00)”<sup>79</sup> and that his wallet contained ₱80.00.<sup>80</sup> Nonetheless, this Court finds it prudent to award Atienza the amount of ₱23,080.00 as temperate damages equivalent to the estimated value of the belongings divested from Atienza. Temperate damages must be more than nominal but less than compensatory damages and may be recovered when the court finds that some pecuniary loss has been suffered but its amount cannot, from the nature of the case, be proved with certainty.<sup>81</sup>

In light of the ruling in *People v. Jugueta*,<sup>82</sup> in special complex crimes like Robbery with Homicide where the penalty imposed is *reclusion perpetua*, the award of damages such as civil indemnity, moral damages, and exemplary damages are uniformly pegged at ₱75,000.00 each. Thus, in the present case, accused-appellant is ordered to pay the heirs of Dr. Limos civil indemnity and exemplary damages in the amount of ₱75,000.00 each, and the amount of moral damages is reduced to ₱75,000.00.

**WHEREFORE**, the appeal is **DISMISSED**. The January 15, 2021 Decision of the Court of Appeals in CA-G.R. CR HC No. 11538 is **AFFIRMED** with **MODIFICATION** in that accused-appellant **ALLEIN HUSSEIN SUMADLAYON** is found **GUILTY** beyond reasonable doubt of Robbery with Homicide and sentenced to suffer the penalty of *reclusion perpetua*. He is ordered to pay the heirs of deceased Dr. Antonio Limos the following:

1. ₱321,564.59 as actual damages;
2. ₱75,000.00 as civil indemnity;
3. ₱75,000.00 as moral damages; and
4. ₱75,000.00 as exemplary damages.

Accused-appellant Allein Hussein Sumadlayon is also ordered to pay Nikko Atienza the amount of ₱23,080.00 as temperate damages.

Interest at the rate of six percent (6%) per *annum* shall be imposed on the aggregate amount of the monetary awards computed from the finality of this Resolution until full payment.

<sup>78</sup> Records, p. 115.

<sup>79</sup> TSN, April 23, 2018, p. 19.


<sup>80</sup> Id. at 20.

<sup>81</sup> CIVIL CODE, Art. 2224.

<sup>82</sup> 783 Phil. 806, 848 (2016).

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *3/29/23*

by:

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

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**APR 12 2023**

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

Court of Appeals (x)  
Manila  
(CA-G.R. CR-HC No. 11538)

The Hon. Presiding Judge  
Regional Trial Court, Branch 143  
1200 Makati City  
(Crim. Case No. 17-00324)

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Bureau of Corrections  
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