



Republic of the Philippines
 Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
 PUBLIC INFORMATION OFFICE
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FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 218130

Present:

- versus -

SERENO, C.J., Chairperson,
 LEONARDO-DE CASTRO,
 BERSAMIN,*
 DEL CASTILLO, and
 TIJAM, JJ.

HERMIE PARIS y NICOLAS,
Accused,

RONEL FERNANDEZ y DELA VEGA,
Accused-Appellant.

Promulgated:

FEB 14 2018

X ----- X

DECISION

DEL CASTILLO, J.:

This resolves the appeal filed by appellant Ronel Fernandez y Dela Vega (Fernandez) assailing the July 21, 2014 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06013 which affirmed with modification the Judgment² of the Regional Trial Court (RTC) of Lingayen, Pangasinan, Branch 69, in Criminal Case No. L-9196 dated January 22, 2013 finding him and his co-accused Hermie Paris y Nicolas (Paris) guilty beyond reasonable doubt of the special complex crime of robbery with homicide under Article 294 of the Revised Penal Code, as amended, and sentencing them to suffer the penalty of *reclusion perpetua*.

In an Information³ dated June 17, 2011, Paris and Fernandez were charged with robbery with homicide, allegedly committed as follows:

That on or about June 15, 2011[,] midnight up to about June 16, 2011 early morning, in McKinley St., Poblacion, Binmaley, Pangasinan[,] and within the jurisdiction of this Honorable Court the above-named armed accused in conspiracy with each other, with evident premeditation did, then and there, wil[l]fully, unlawfully[,] and feloniously enter the

* Designated as additional member per November 29, 2017 raffle vice J. Jardeleza who recused due to prior action as Solicitor General.

¹ CA *rollo*, pp. 199-231; penned by Associate Justice Celia C. Librea-Leagogo and concurred in by Associate Justices Franchito N. Diamante and Melchor Q.C. Sadang.

² Records, pp. 140-173; penned by Judge Caridad V. Galvez.

³ Id. at 1-2.

Anna Leizel Construction Supply building and thereafter broke into the office of the said establishment and upon gaining entry[,] the said accused took[,] with intent to gain[,] the assorted pieces of jewelry worth the sum of ₱128,000.00 and the cash amounting to ₱700,000.00, all owned by Anna Leizel S. Abagat (without her consent) and on the occasion of such asportation, the said accused stabbed Reymark Salvador, a stay-in worker in the establishment on several parts of his body with the [use] of a sharp[-]pointed [weapon] causing the instantaneous death of the said Reymark Salvador, to the prejudice and damage of the said Anna Leizel S. Abagat and the heirs of Reymark Salvador.

Contrary to Article 293 in relation to Articles 294 and 299 of the Revised Penal Code.

During arraignment, Paris and Fernandez separately pleaded not guilty to the offense charged against them. At the pre-trial conference, the prosecution and the defense stipulated on the following facts: that the incident happened at McKinley St., Binmaley, Pangasinan; the identity of the accused and the appellant; and that Fernandez was a stay-in worker of Anna Leizel Trading and Construction Supply (Anna Leizel Trading) at the time of the incident. Trial on the merits followed.

Version of the Prosecution

The prosecution presented the following witnesses: PO1 Osman Honrado, P/C Insp. Mary Ann Cayabyab, Dr. Gladiola Manaois, SPO1 Jose Ysit (SPO1 Ysit), Atty. Franco Francisco (Atty. Francisco), Anna Leizel Abagat (Anna), and Luisito Salvador. Their testimonies were summarized by the Office of the Solicitor General in the Consolidated Brief for Plaintiff-Appellee⁴ as follows:

At around midnight of June 16, 2011, Reymark Salvador (Salvador) and Fernandez were sleeping in their separate rooms in the warehouse of Anna Leizel Trading at McKinley Street, Binmaley, Pangasinan.

Fernandez woke up when he heard someone knocking on the gate of the warehouse. He then got up from his bed, opened the gate, and let Paris and his unnamed companions enter the warehouse.

Once inside, Paris and one of his companions asked Fernandez where the office of Anna Leizel Abagat (Anna) is located. Fernandez pointed Anna's office to them. However, before going to said office, Paris and his companion went to Salvador's room. Fernandez heard Salvador crying for help.

Moments later, Paris and his companion left the room but Fernandez could no longer hear anything from Salvador.

⁴ CA rollo, pp. 163-182.

Paris and his companions proceeded to Anna's office and began searching the place. Several minutes later, Paris left the office carrying a big bag.

At around five o'clock in the morning of the next day, Fernandez texted Russel Abagat (Russel), Anna's husband, informing him that something happened to Salvador. Fernandez went to the Abagat's residence and informed Russel and Anna that Salvador was stabbed several times.

Fernandez, Russel, and Anna went to the warehouse. Thereat, Fernandez accompanied them to the comfort room where they saw the lifeless body of Salvador.

Russel and Anna went to Binmaley Police Station and reported the incident. Together with several police officers, they went back to the warehouse. When they arrived thereat, Anna proceeded to her office and saw that the door's safety lock was destroyed. When she went inside, she saw that the safety hubs of the steel cabinet were also destroyed and discovered that the money and pieces of jewelry inside the steel cabinet were missing.

Anna approached Fernandez and asked him about what happened in her office. Fernandez apologized and told her that the missing money and pieces of jewelry from her cabinet were taken by Paris and the latter's companions.

Anna called the police officers and informed them of Fernandez's confession. The latter was then brought to Binmaley Police Station.

While at the police station, Colonel Samson, the Chief of Police, informed Senior Police Officer I Jose Ysit (SPO1 Ysit) of Fernandez's intention to confess. At that time, Mercedes dela Vega Fernandez (Mercedes), Fernandez's mother, was also present. SPO1 Ysit approached Fernandez and confirmed from the latter his intention to confess. SPO1 Ysit asked Fernandez whether he wanted a counsel [to] which the latter answered in the affirmative.

Several police officers went to Binmaley City Hall to look for a lawyer. They found Atty. Franco C. Francisco (Atty. Francisco) and informed him that a person in the police station needs a lawyer.

Atty. Francisco went to the police station, and met Fernandez. Atty. Francisco informed Fernandez that he can choose another counsel but the latter told him that he preferred him.

Atty. Francisco also informed Fernandez that any information he will disclose during the confession may be used against him. Fernandez replied that he is aware of the consequences of his voluntary confession.

Fernandez, Mercedes, and Atty. Francisco together with SPO1 Ysit went to the investigator and made his Extra-Judicial Confession x x x. Atty. Francisco translated and explained every question to Fernandez.

When the confession was completed, SPO1 Ysit printed a copy of said confession. Atty. Francisco read and explained one by one the contents of said written confession in the Pangasinan dialect to Fernandez. The extra-judicial



confession was then freely signed by Fernandez, Mercedes and Atty. Francisco.

Dr. Gladiola Manaois (Dr. Manaois), the Municipal Health Officer of Binmaley, Pangasinan, testified that she conducted an autopsy on the body of Salvador. She placed her findings in an autopsy report. According to Dr. Manaois, Salvador sustained several stab wounds on his neck and chest which have been caused by a pointed sharp instrument such as a knife or bolo. Dr. Manaois confirmed that the cause of the death of Salvador was due to *hypovolemic shock secondary to multiple stab wounds*.⁵

Version of the Defense

The defense presented Fernandez, Paris, and his sister, Alicia Paris (Alicia). Their testimonies are summarized as follows:

Fernandez testified that he was a stay-in worker at Anna Liezel Trading. Prior to the incident on June 15, 2011, Fernandez met Paris who worked at Trio 8 Hardware, a nearby hardware store across the street.

At around 12 midnight of June 15, 2011, someone knocked at the gate of the warehouse of Anna Liezel Trading. Thinking it was his employer, Fernandez opened the gate. However, to his surprise, it was Paris and two other unidentified companions all of whom were armed with knives. One of Paris' companions then pushed him and poked him with a 29-cm. knife. Paris and his companions then proceeded to where Salvador was sleeping. He heard Salvador screaming, "*Bok, tulong!*" but he could not have done anything since he was held by one of Paris' companions.

Thereafter, the person who held a knife against him covered Fernandez's eyes with a blindfold. Fernandez then heard a commotion inside Anna's office. After a few minutes, Paris removed the blindfold. The person who held him tried to stab him but Paris prevented it. He claimed that one of Paris' companions threatened to kill him and his family and told him not to report the incident. Thereafter, he saw Paris and his companions leave in a tricycle carrying a bag.

Fernandez then checked on Salvador. He saw Salvador in a pool of blood with several stab wounds in different parts of his body. He was frightened after seeing Salvador dead on the floor. Fernandez then stayed in his room for about three to four hours. He then texted Anna's husband, Russel Abagat, (Russel) to inform him of the incident. After getting no response, Fernandez rode a bicycle and went to Anna's house. He told Russel that something had happened to Salvador.

⁵ Id. at 168-170.



The two then proceeded to the warehouse. Anna followed, and soon, the police arrived. Fernandez was then apprehended and brought to the police station without being informed of the reason for his arrest.

At the police station, Fernandez claimed that he was forced to admit his participation in the crime. He claimed that three police officers had inflicted bodily harm upon him by hitting the back of his head and his forehead. This caused him to admit his participation in the crime to SPO1 Ysit. Although he signed an extrajudicial confession, Fernandez denied the truthfulness of the same. He claimed that he only admitted the crime because of fear of being subjected to more physical harm while under the custody of the police. Fernandez claimed that he gave honest answers to questions that pertained to the participation of Paris and his companions.⁶

With regard to Atty. Francisco's assistance during the investigation, Fernandez claimed that Atty. Francisco explained the extrajudicial confession only after it was already printed out and covered only some questions asked. Fernandez claimed that Atty. Francisco did not explain the part of the confession where he admitted joining the culprits in plotting the crime nor the possibility of him being charged with Paris.⁷ He further claimed that he signed the extrajudicial confession only because Atty. Francisco and the police promised to make him a star witness to the crime.⁸

Paris, on the other hand, offered the defenses of denial and alibi. He testified that he knew Fernandez since the latter worked at Anna Liezel Trading, a hardware store across the street from Trio 8 Hardware where he used to work. He testified that he was terminated from his employment on June 13, 2011 due to his involvement in an untoward incident during which he was drunk and offended the female employees of Anna Liezel Trading. As a result, Anna reported the said incident to Paris' employer which caused his termination from work.⁹

Paris denied the accusations against him and claimed that he was asleep in their house at Brgy. Tebag, Sta. Barbara at the time of the incident. He claimed that he was at their house the whole day. The following day on June 16, 2011, Paris claimed that he had a drinking spree in the morning and attended a birthday party thereafter. Police officers from Binmaley arrived and invited him for a few questions concerning a child whom Paris allegedly had ran over. When they arrived at Binmaley, Paris was then immediately detained. He claimed that he was forced to admit his participation in the

⁶ Id. at 78.

⁷ Id.

⁸ TSN, June 14, 2012, pp. 3-36.

⁹ TSN, August 2, 2012, pp. 12-13.



crime when police officers threatened to shoot him, inserted a .38 caliber in his mouth and inflicted physical harm upon him.

When asked how far his house in Brgy. Tebag, Sta. Barbara was from the warehouse in Binmaley, Paris testified that it was about thirty minutes travel time if he used his own vehicle.¹⁰

Alicia corroborated Paris' testimony that he was at home at the time of the incident. She claimed that Paris slept at 8:00 p.m. and woke up between 6:00 a.m. and 7:00 a.m. the following day on June 16, 2011.¹¹

Ruling of the Regional Trial Court (RTC)

On January 22, 2013, the RTC of Lingayen, Pangasinan, Branch 69, rendered judgment finding Paris and Fernandez guilty as charged. The RTC was convinced that the extrajudicial confession of Fernandez was obtained in accordance with constitutional requirements. The RTC thus found Fernandez's extrajudicial confession admissible and used it as basis to establish the conspiracy between Paris and Fernandez to commit the crime of robbery.

The dispositive portion of the RTC's Judgment reads:

WHEREFORE, in light of all the foregoing, both accused Hermie Paris and Ronel Fernandez are found guilty beyond reasonable doubt of the special complex crime of ROBBERY WITH HOMICIDE and are hereby imposed the penalty of reclusion perpetua.

Accused Hermie Paris and Ronel Fernandez are ORDERED to PAY, jointly and severally, the heirs of Reymark Salvador ₱75,000.00 and ₱30,000.00 as moral damages and exemplary damages, respectively; and to pay ₱25,000.00 as temperate damages, in lieu of actual damages of a lesser amount for the funeral and other expenses.

On the other hand, accused are likewise ordered to pay jointly and severally Anna Liezel Abagat the amount of ₱800,000.00 constituting the actual damages suffered.

SO ORDERED.¹²



¹⁰ Id. at 9 and 19.

¹¹ TSN, August 28, 2012, pp. 5-7.

¹² Records, p. 173.

Aggrieved by the RTC's Judgment, Paris and Fernandez elevated their case to the CA.

Ruling of the Court of Appeals

On July 21, 2014, the CA affirmed the RTC's Judgment with modification as follows:

WHEREFORE, premises considered, the appeal is DENIED for lack of merit. The Judgment dated 22 January 2013 of the Regional Trial Court of Lingayen, Pangasinan, Branch 69 in Criminal Case No. L-9196 finding accused-appellants Hermie Paris y Nicolas and Ronel Fernandez y Dela Vega guilty beyond reasonable doubt of the special complex crime of robbery with homicide under Article 294 of the Revised Penal Code, as amended, and sentencing them to suffer the penalty of *reclusion perpetua*, and to pay the heirs of Reymark Salvador, jointly and severally, the amount of Php25,000.00 as temperate damages is AFFIRMED WITH MODIFICATION in that the amounts of Php75,000.00 as civil indemnity and Php50,000.00 (instead of Php75,000.00) as moral damages should also be jointly and severally paid by them to the heirs of Reymark Salvador; the amount of Php30,000.00 as exemplary damages in favor of the said heirs is DELETED; the amount of Php700,000.00 (instead of Php800,000.00) should be jointly and severally paid by them to Anna Leizel Abagat as actual damages; and interest at the legal rate of 6% per annum on all the damages, from the date of finality of this Decision until fully paid, is also awarded.

SO ORDERED.¹³

Dissatisfied with the CA's Decision, Fernandez filed a Notice of Appeal¹⁴ dated August 8, 2014.

Issue

The issue in this case is whether Fernandez was guilty of robbery with homicide.

According to Fernandez, his extrajudicial confession cannot be used against him since the same was inadmissible. He further claims that there was insufficient circumstantial evidence against him and that the prosecution failed to establish conspiracy. Fernandez insists that the RTC erroneously convicted him since the prosecution failed to prove his guilt beyond reasonable doubt.

¹³ CA rollo, p. 227.

¹⁴ Id. at 237.

Our Ruling

Admissibility of Fernandez's extrajudicial confession

It is settled that for an extrajudicial confession to be admissible in evidence against the accused, the same “must be (a) voluntary, (b) made with the assistance of a competent and independent counsel, (c) express, and (d) in writing.”¹⁵

Article III, Section 12 of the 1987 Constitution provides:

(1) Any person under investigation for the commission of an offense shall have the right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.

(2) No torture, force, violence, threat, intimidation, or any other means which vitiate the free will shall be used against him. Secret detention places, solitary, incommunicado, or other similar forms of detention are prohibited.

(3) Any confession or admission obtained in violation of this or Section 17 hereof shall be inadmissible in evidence against him.

x x x x (Emphasis supplied)

Moreover, Section 2 of Republic Act (RA) No. 7438¹⁶ requires that “any person arrested, detained, or under custodial investigation shall at all times be assisted by counsel.”

In *People v. Cachuela*,¹⁷ the Court held that a custodial investigation is:

any questioning initiated by law enforcement authorities after a person is taken into custody or otherwise deprived of his freedom of action in any significant manner. x x x It begins when there is no longer a general inquiry into an unsolved crime and the investigation has started to focus on a particular person as a suspect, i.e., when the police investigator starts

¹⁵ *People v. Peñaflores*, 766 Phil. 484, 500 (2015).

¹⁶ AN ACT DEFINING CERTAIN RIGHTS OF PERSON ARRESTED, DETAINED OR UNDER CUSTODIAL INVESTIGATION AS WELL AS THE DUTIES OF THE ARRESTING, DETAINING AND INVESTIGATING OFFICERS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF. Approved April 27, 1992.

¹⁷ 710 Phil. 728, 739 (2013).



interrogating or exacting a confession from the suspect in connection with an alleged offense.

In this case, Fernandez was not assisted by counsel at all times during his custodial investigation. The records show that Fernandez was assisted by Atty. Francisco only during the time he executed his extrajudicial confession. However, no lawyer assisted Fernandez at the time he was arrested and brought to the police station to answer questions about the robbery with homicide.

Fernandez testified that he was brought to the Binmaley Police Station at 6:00 a.m. on June 16, 2011 and was asked if he was the one responsible for the crime and if he would rather admit the same.¹⁸ Despite the fact that he was already considered as a suspect of the crime, Fernandez was not assisted by a lawyer at that time. Atty. Francisco only arrived past 1:00 p.m. after Fernandez had already been subjected to questioning by the police officers starting 6:00 a.m.¹⁹ Thus, prior to 1:00 p.m., while Fernandez was in the custody of the Binmaley police and under investigation as a suspect, he was not able to confer with any lawyer.

Moreover, we agree with the CA that Atty. Francisco was not an independent counsel. Atty. Francisco testified that he was a legal consultant in the Office of the Municipal Mayor of Binmaley.²⁰ As such, his duty was to provide legal advice to the Mayor whose duty, in turn, is to execute the laws and ordinances and maintain peace and order in the municipality. To our mind, Atty. Francisco cannot be considered as an independent counsel since protecting the rights of Fernandez as a suspect is in direct conflict with his duty to the Municipal Mayor and the local government of the Municipality. We have held that a lawyer who assists a suspect during custodial investigation should, as much as possible, be the choice of the suspect. It is also important that the lawyer who will assist the accused should be competent, independent and prepared to fully safeguard the constitutional rights of the accused, as distinguished from one who would merely be giving a routine, peremptory and meaningless recital of the individual's constitutional rights.²¹

In this case, the Court finds that Atty. Francisco was not vigilant in protecting the rights of Fernandez during the course of the custodial investigation. Atty. Francisco allowed Fernandez to answer each question without reminding him that he can refuse to answer them and/or remain

¹⁸ TSN, June 14, 2012, pp. 24-26.

¹⁹ TSN, July 5, 2012, pp. 17-18.

²⁰ TSN, March 20, 2012, pp. 28-30.

²¹ *People v. Cachuela*, supra note 17 at 739-730.



silent.²²

Given these circumstances, Fernandez's extrajudicial confession is inadmissible in evidence.

Sufficiency of the Circumstantial Evidence

Notwithstanding the inadmissibility of Fernandez' extrajudicial confession, his conviction for the crime of robbery with homicide can still be obtained on the basis of circumstantial evidence. "To justify a conviction upon circumstantial evidence, the combination of circumstances must be such as to leave no reasonable doubt in the mind as to the criminal liability of the accused. Jurisprudence requires that the circumstances must be established to form an unbroken chain of events leading to one fair reasonable conclusion pointing to the accused, to the exclusion of all others, as the author of the crime."²³

In *Espineli v. People*,²⁴ we explained circumstantial evidence as follows:

X X X Circumstantial evidence is that evidence 'which indirectly proves a fact in issue through an inference which the fact-finder draws from the evidence established.' Under Section 4, Rule 133 of the Rules of Court, circumstantial evidence would be sufficient to convict the offender if i) there is more than one circumstance; ii) the facts from which the inference is derived are proven; and iii) the combination of all circumstances is such as to produce a conviction beyond reasonable doubt. All the circumstances must be consistent with one another, consistent with the hypothesis that the accused is guilty and at the same time inconsistent with the hypothesis that he is innocent. Thus, conviction based on circumstantial evidence can be upheld provided that the circumstances proved constitute an unbroken chain which leads to one fair and reasonable conclusion that points to the accused, to the exclusion of all others as the guilty person.

The following pieces of circumstantial evidence, as testified by Fernandez himself, established his guilt for the crime of robbery with homicide: *first*: Fernandez and Paris were acquaintances even prior to the incident; *second*: Fernandez opened the gate of Anna Leizel Trading without first checking who was knocking outside thereby allowing Paris and his companions to freely enter the premises; *third*: Paris and his companions purposely proceeded directly to the room occupied by the victim Salvador;

²² TSN, March 20, 2012, pp. 5, 7.

²³ *Dungo v. People*, 762 Phil. 630, 679 (2015).

²⁴ 735 Phil. 530, 539-540 (2014).

fourth: Paris and his companions did not harm Fernandez despite the latter having already recognized or seen their faces; instead, they went looking for Salvador who was then asleep and killed him; *fifth*: it was Fernandez who directed Paris and his companions to the office of Anna; *sixth*: Fernandez did not offer any resistance nor attempted to help Salvador; and, *seventh*: Fernandez did not do anything after seeing Paris and his companions leave Anna's office carrying a bag; interestingly, he waited for more than three hours before informing his employers about the incident.

To our mind, these pieces of circumstantial evidence lead to a fair and reasonable conclusion that Fernandez and Paris conspired to rob Anna Leizel Trading making them the authors of the crime to the exclusion of all others. Under Article 8 of the Revised Penal Code, “[a] conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and [decide] to commit it.” In this case, considering the abundance of circumstantial evidence against Fernandez and Paris, the Court finds that Fernandez and Paris conspired to rob Anna. As aptly held by the CA:

x x x We find that said acts of accused-appellant Fernandez, when taken together with the acts of Paris and his two unidentified companions, show concerted action and joint purpose. x x x [I]t is contrary to human nature that, if Paris and his companions were the only perpetrators of the crime charged, they would also have killed Fernandez to prevent him from being a witness and not merely frighten him.²⁵

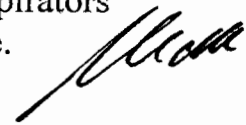
Indeed, why would Paris and his companions harm and kill Salvador, who was totally unaware of their activities since he was inside his room sleeping, and leave Fernandez, who was a witness to their illegal acts, alive and unscathed?

Time and again, the Court has ruled that when there is conspiracy, the act of one is the act of all.²⁶ Thus, “[w]hen 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.”²⁷ In the present case, both Fernandez and Paris were co-conspirators who are guilty of the special complex crime of robbery with homicide.

²⁵ CA rollo, p. 224.

²⁶ *People v. Lago*, 411 Phil. 52, 61 (2001).

²⁷ *People v. Diu*, 708 Phil. 218, 237 (2013).



Finally, as to the award of damages, the Court enunciated in *People v. Jugueta*²⁸ that where the crime of robbery with homicide is committed and where the imposable penalty is *reclusion perpetua*, the proper amounts of damages should be ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱75,000.00 as exemplary damages and ₱50,000.00 as temperate damages. Here, the CA awarded ₱50,000.00 as moral damages, ₱25,000.00 as temperate damages, and ₱75,000.00 as civil indemnity, all with interest of 6% *per annum* from date of finality of Decision until full payment. It however, deleted the award of exemplary damages. Hence, pursuant to our ruling in *Jugueta*, there is a need to increase the award of moral damages from ₱50,000.00 to ₱75,000.00, temperate damages from ₱25,000.00 to ₱50,000.00, and impose exemplary damages in the amount of ₱75,000.00. The award of exemplary damages in the amount of ₱75,000.00 and the incremental amounts of ₱25,000.00 each in the awards of moral damages and temperate damages must be paid solely by appellant pursuant to Section 11, Rule 122 of the Rules of Court which provides, *viz.*:

Section 11. *Effect of appeal by any of several accused.* --

(a) An appeal taken by one or more of several accused shall not affect those who did not appeal, except insofar as the judgment of the appellate court is favorable and applicable to the latter.

Here, the imposition of additional/incremental damages is not favorable to Paris who did not appeal. Hence, only Fernandez should be made accountable therefor.

In fine, based on the evidence on record, save as to the amount of damages awarded, the Court finds no reason to disturb the findings of the CA that Fernandez is guilty beyond reasonable doubt of robbery with homicide.

WHEREFORE, the July 21, 2014 Decision of the Court of Appeals in CA-G.R. CR-HC No. 06013 is **AFFIRMED with MODIFICATION** as regards the award of damages as follows: exemplary damages is imposed in the amount of ₱75,000.00; moral damages is increased from ₱50,000.00 to ₱75,000.00; and temperate damages is increased from ₱25,000.00 to ₱50,000.00. The incremental amounts imposed in the awards of moral damages and temperate damages, and the additional award of exemplary damages shall be paid solely by appellant Ronel Fernandez y Dela Vega pursuant to Section 11, Rule 122 of the Rules of Court.




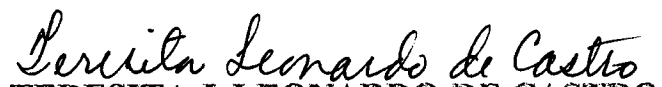
²⁸ G.R. No. 202124, April 5, 2016, 788 SCRA 331, 373.

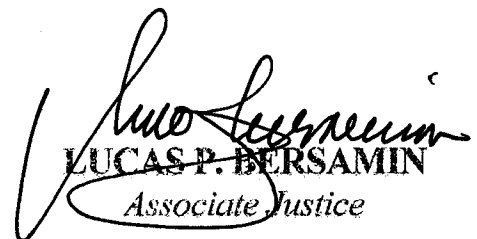
SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson



TERESITA J. LEONARDO-DE CASTRO
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


NOEL GIMENEZ TIJAM
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.


MARIA LOURDES P. A. SERENO
Chief Justice