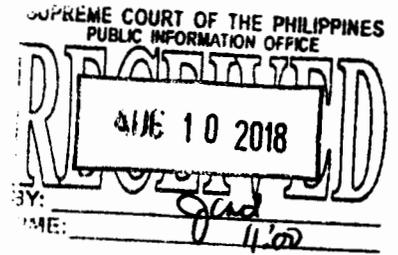




Republic of the Philippines
Supreme Court
 Manila

FIRST DIVISION



PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 221427

- versus -

Present:

LEONARDO-DE CASTRO,
*Acting Chairperson,**
 DEL CASTILLO,
 LEONEN,**
 TIJAM, *and.*
 GESMUNDO,*** *JJ.*

ALVIN J. LABAGALA and
ROMEO LABAGALA,
Accused-Appellant.

Promulgated:
JUL 30 2018

x-----

DECISION

DEL CASTILLO, J.:

Assailed in this appeal is the June 27, 2014 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06040 which affirmed the November 15, 2012 Decision² of the Regional Trial Court (RTC), Branch 27, Cabanatuan City, finding appellants Alvin J. Labagala and Romeo Labagala guilty beyond reasonable doubt of the crime of robbery with homicide.

The Antecedent Facts

Appellants, together with their co-accused, Pablito Palens a.k.a. “Jun” (Pablito), Salve A. Pascual (Salve) and Michael Doe (Michael), were charged with the crime of robbery with homicide in an Amended Information³ dated December 23, 2002 which reads:

* Per Special Order No. 2559 dated May 11, 2018.

** Per January 17, 2018 raffle vice J. Jardeleza who recused due to prior action as Solicitor General.

*** Per Special Order No. 2560 dated May 11, 2018.

¹ *Rollo*, pp. 2-13; penned by Associate Justice Marlene B. Gonzales-Sison and concurred in by Associate Justices Rosmari D. Carandang and Danton Q. Bueser.

² *CA rollo*, pp. 34-45; penned by Presiding Judge Angelo C. Perez.

³ Records, p. 29. Docketed as Criminal Case No. 12694.

That on or about the 12th day of June, 2002 in Cabanatuan City, Republic of the Philippines and within the jurisdiction of this Honorable Court[,] the above-named accused, armed with a deadly weapon, with intent [to] gain and by means of force, violence and intimidation on the person of one MARIO P. LEGASPI, SR., conspiring, confederating and mutually aiding and abetting with one another[,] did then and there, willfully, unlawfully and feloniously take, steal and carry away the following: 2 big rings, necklace, watch, cash money and a licensed 9 MM Jericho pistol with Serial No. 95305683[,] more or less in the total amount of TWO HUNDRED THOUSAND PESOS (₱200,000.00), Philippine Currency, owned by and belonging to said Mario Legaspi[,] Sr., to the damage and prejudice of the heirs of said Mario Legaspi[,] and on the occasion [sic] of the said robbery, the above-named accused[,] with intent to kill, did then and there, willfully, unlawfully and feloniously attack, assault and use personal violence upon the person of Mario Legaspi[,] Sr. by hitting him on the head and stabbing him on the different parts of his body, thereby inflicting upon him serious physical injuries which directly caused his death.

CONTRARY TO LAW, with the qualifying circumstances of treachery and the fact that the accused took advantage of superior strength [sic] and had employed means to weaken the victim's defense and evidence premeditation [sic].

Upon being arraigned, appellants entered a plea of not guilty to the offense charged in the Information.⁴ Trial thereafter ensued.

Version of the Prosecution

The prosecution's version of the incident is as follows:

On June 12, 2002, at around 7:30 p.m., Jun Alberto⁵ (Jun) was having dinner with the victim under the mango tree at the latter's residence when Salve entered the yard to buy a pack of cigarettes.⁶ As he was attending to Salve, he noticed four men enter the premises.⁷ Jun identified two of them in open court as appellants Alvin and Romeo Labagala.⁸ Jun saw Alvin poke a gun at the victim and whip him with a gun⁹ while the other three held him in place.¹⁰ Alvin then took the victim's jewelry consisting of two rings, a necklace and a wristwatch.¹¹

⁴ See Order dated July 25, 2008, id. at 73.

⁵ Referred to as June Alberto in some parts of the records.

⁶ TSN, April 24, 2009, pp. 10-11 and 12-13.

⁷ Id. at 6.

⁸ Id. at 7-8.

⁹ Id. at 8.

¹⁰ Id. at 16.

¹¹ Id. at 9.

Afterwards, Jun witnessed the victim being dragged inside the house by Alvin.¹² At the time, he was cornered at the backyard by one of Alvin's companions.¹³ There was a commotion inside the house and he heard someone moaning.¹⁴ Alvin and his companions immediately ran away.¹⁵ When he went inside the house, he found the victim already dead.¹⁶

Version of the Defense

Appellants raised the defenses of denial and alibi, viz.:

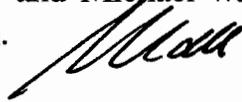
[Appellant] Romeo Labagala was a resident of Homestead II, Talavera, Nueva Ecija. On 5 June 2012, he went to Barangay Dicos, Nueva Ecija to harvest "*palay*" in the farm of Mario Agulto. He stayed there for almost a month.

He testified that from Cabanatuan City to Talavera, Nueva Ecija, it would take one (1) hour of travel by jeepney, while it would take about three (3) hours of travel from Cabanatuan City to Barangay Dicos, Nueva Ecija.

[Appellant] Alvin Labagala is Romeo Labagala's nephew. He was also a farmer in Talavera, Nueva Ecija. On 12 June 2002, however, he was in Tanza, Navotas helping his friends[,] Lolita Asuncion and Chito Asuncion[,] sell vegetables. He stayed there until the first week of July. Thereafter, he returned to Guimba, Nueva Ecija with the Asuncion spouses to reap vegetables. A week after, they returned to Tanza, Navotas to sell the harvested vegetables. When going to Navotas, they would usually pass by Cabanatuan.¹⁷

Ruling of the Regional Trial Court

In its Decision dated November 15, 2012, the RTC convicted appellants of the crime of robbery with homicide under Article 293, in relation to Article 294, par. 1, of the Revised Penal Code. However, it acquitted Salve of the crime charged for failure of the prosecution to prove her guilt beyond reasonable doubt¹⁸ while the case against Pablito and Michael was archived and alias warrants of arrest were issued against them.



¹² Id.

¹³ Id.

¹⁴ Id.

¹⁵ Id.

¹⁶ Id.

¹⁷ CA rollo, p. 25.

¹⁸ Id. at 44-45.

The RTC held that the prosecution was able to establish that appellants had conspired with each other to commit the crime against the victim,¹⁹ viz.:

The [p]rosecution was likewise able to establish conspiracy among [appellants] in the commission of the crime. Jun Alberto stated how the accused confederated and mutually aided one another in the commission of the crime, identifying [appellant] Alvin Labagala as the one who poked and whipped the victim with his gun while his other companions held him. x x x²⁰

On this point, the RTC noted that “conspiracy and mutual aid to one another was crystal clear from the acts of [appellants] whose conduct during the commission of the crime clearly indicated that they had the same purpose and were united in its execution.”²¹

The RTC likewise rejected appellants’ defenses of denial and alibi in light of the positive identification of appellants as the victim’s assailants by a credible witness who had no motive to testify falsely against them.²²

Accordingly, the RTC sentenced appellants to suffer the penalty of *reclusion perpetua*. It likewise ordered appellants to return to the victim’s heirs two stolen rings, a necklace and a wristwatch, and to pay the latter, jointly and severally, the amount of ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱25,000.00 as temperate damages.²³

Appellants thereafter appealed the RTC Decision before the CA.

Ruling of the Court of Appeals

In its Decision dated June 27, 2014, the CA affirmed the assailed RTC Decision *in toto*.²⁴

The CA found that the prosecution was able to prove that the overriding intention of appellants was to rob the victim, and the victim’s killing was merely

¹⁹ Id. at 39.

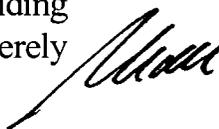
²⁰ Id. at 42.

²¹ Id.

²² Id. at 41-42.

²³ Id. at 44-45.

²⁴ *Rollo*, p. 12.



incidental thereto, resulting by reason or on the occasion of the robbery.²⁵ Like the RTC, it found Jun's testimony to be positive and credible, and enough to sustain a judgment of conviction.²⁶

In addition, the CA upheld the RTC's conclusion that appellants, together with their co-accused, had acted in conspiracy in committing the crime charged.²⁷ It explained that:

From the circumstances obtaining in this case, it cannot be doubted that the appellants, together with their co-accused who are at large, acted in conspiracy in committing the crime charged. They were together when they entered the compound of [the victim]. Afterwards, they were still together when they divested [the victim] of his jewelry and in dragging the latter inside his house where he was killed, while one of them cornered Jun Alberto and brought him at the backyard, up to the time they fled the scene of the crime. Thus, there can be no other conclusion than they hatched a criminal scheme, synchronized their acts for unity in its execution, and aided each other for its consummation.²⁸

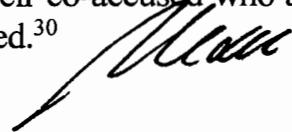
Aggrieved, appellants filed the present appeal.

The Issues

Appellants raise the following issues for the Court's resolution:

First, whether the prosecution was able to sufficiently prove the elements of the crime of robbery with homicide, considering that Jun's testimony narrating the incident was uncorroborated by another witness;²⁹

And *second*, whether appellants, together with their co-accused who are at large, acted in conspiracy in committing the crime charged.³⁰



²⁵ Id. at 7.

²⁶ Id. at 8.

²⁷ Id. at 11.

²⁸ Id.

²⁹ CA *rollo*, pp. 27-28.

³⁰ Id. at 28-30.

The Court's Ruling

The appeal is unmeritorious.

Article 294, par. 1 of the Revised Penal Code provides:

ART. 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:

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, or when the robbery shall have been accompanied by rape or intentional mutilation or arson.

For the accused to be convicted of robbery with homicide, the prosecution must prove the following elements: (a) the taking of personal property with the use of violence or intimidation against the person; (b) the property taken belongs to another; (c) the taking is characterized by intent to gain or *animus lucrandi*; and (d) on the occasion or by reason of the robbery, the crime of homicide, as used in its *generic sense*,³¹ was committed.³²

In robbery with homicide, it must be established that the *original criminal design* of the malefactor/s is to commit robbery, and the killing is merely *incidental* thereto.³³ “The intent to commit robbery must precede the taking of human life[, but] the homicide may take place *before, during* or *after* the robbery.”³⁴

A thorough review of the records shows that the prosecution was able to prove all the elements of the crime of robbery with homicide through the testimony of Jun, who was an eyewitness to the incident, *viz.*:

[FISCAL VICENTE B. FRANCISCO:]

Q: Now, you mentioned that when accused Salve Pascual entered the yard of [the victim] to buy cigarette[s,] the four (4) accused also entered the yard, what happened after that?

³¹ “The word ‘homicide’ is used in its generic sense. Homicide, thus, includes murder, parricide, and infanticide.” See *People v. De Jesus*, 473 Phil. 405, 427 (2004).

³² *People v. Madrelajos*, G.R. No. 225328, March 21, 2018.

³³ *People v. De Jesus*, *supra*.

³⁴ *Id.*

- A: They poked a gun at [the victim].
- Q: Who[,] in particular[,] poked a gun at [the victim]?
- A: It was Abel who poked a gun at [the victim].
- Q: And when you say Abel[,] you are referring to accused Alvin Lagabala [sic], [are you] not?
- A: Yes, [s]ir.
- Q: And what happened after accused Alvin Lagabala [sic] poked a gun [at the victim]?
- A: **After he poked a gun, he whipped [the victim] with his gun and then he took away his jewelries...**
- Q: And what are those jewelries that accused Alvin Labagala took away from [the victim]?
- A: Two (2) rings, necklace and one wrist watch.
- Q: And after accused Alvin Lagabala [sic] took away the pieces of jewelries from [the victim], what happened after that?
- A: He dragged the victim inside the house.
- Q: And what happened after that[?]
- A: I heard that there was a commotion, that somebody was moaning.
- Q: What about you, what did you do?
- A: I was cornered by one of their companions and I was brought at the backyard.
- Q: And after [the victim] was brought inside the house, what happened after that?
- A: There was a commotion and they ran away.
- Q: After the commotion[,] what happened?
- A: **I went inside the house and saw [the victim] already dead.**³⁵
(Emphasis supplied)

We agree with the court *a quo* in upholding the detailed, clear and straightforward testimony of Jun.³⁶ That said testimony is uncorroborated by another witness is of no moment. After all, “the testimony of a single witness, if positive and credible, is sufficient to sustain a judgment of conviction x x x.”³⁷

Besides, it is settled that “when the decision hinges on the credibility of witnesses and their respective testimonies, the trial court’s observations and conclusions deserve great respect and are accorded finality, *unless* the records

³⁵ TSN, April 24, 2009, pp. 8-9.

³⁶ *Rollo*, p. 8.

³⁷ *People v. Navarro*, 357 Phil. 1010, 1030 (1998).



show facts or circumstances of material weight and substance that the lower court overlooked, misunderstood or misappreciated, and which, if properly considered, would alter the result of the case.”³⁸

In this case, we find no cogent reason to overturn the factual findings of the trial court, as they are *not clearly arbitrary or unfounded*,³⁹ and said findings were *affirmed by the CA* on appeal.⁴⁰

We likewise uphold the CA’s conclusion that appellants, together with their co-accused who are still at large, acted in conspiracy in committing the crime charged.⁴¹

We explained in *People v. De Jesus*⁴² that an accused who participated as a principal in the commission of a robbery will also be held liable as a principal of robbery with homicide *even if he did not actually take part in the killing* that was committed by reason or on the occasion of the robbery, *unless* it is clearly shown that he tried to prevent the same, *viz.:*

When homicide is committed by reason or on the occasion of [a] robbery, all those who took part as principals in the robbery would also be 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 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 co-conspirators and can no longer repudiate the conspiracy once it has materialized.*⁴³ (Emphasis and italics supplied)

Per the records, it was established that appellants, together with their co-accused, entered the victim’s yard where they took the victim’s personal effects by means of force, and with an obvious intent to gain.⁴⁴ That they cooperated with each other to achieve this purpose was plainly manifested by their actions, *viz.:*

³⁸ *People v. Cabral*, 623 Phil. 809, 814 (2009). Italics supplied.

³⁹ See *People v. Espino, Jr.*, 577 Phil. 546, 562-563 (2008).

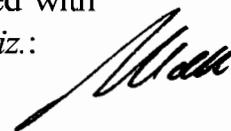
⁴⁰ *Id.*

⁴¹ *Rollo*, p. 11.

⁴² *Supra* note 31.

⁴³ *Id.* at 428.

⁴⁴ TSN, April 24, 2009, p. 6-9.



[COURT:]

Q: So you said it was this Alvin Labagala who poked a gun on [the victim] and who whipped a gun on him. How about the other companions[,] what were they doing when Alvin Labagala ganged the old man?

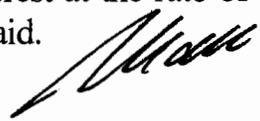
A: **While Alvin Labagala was whipping the old man, they were holding [the latter in place].**⁴⁵ (Emphasis supplied)

Since it was not shown that appellants had endeavored to prevent the victim's killing, they are both liable as principals of the crime of robbery with homicide.

However, we deem it appropriate to *modify* the award of damages in conformity with prevailing jurisprudence.⁴⁶ Thus, we *increase* the amounts of civil indemnity and moral damages from ₱50,000.00 to ₱75,000.00 each, and temperate damages from ₱25,000.00 to ₱50,000.00, and *award* exemplary damages in the amount of ₱75,000.00.

WHEREFORE, the appeal is **DISMISSED**. The June 27, 2014 Decision of the Court of Appeals in CA-G.R. CR-HC No. 06040 is hereby **AFFIRMED** with the following **MODIFICATIONS**:

- (a) the amounts of civil indemnity and moral damages are increased from ₱50,000.00 to ₱75,000.00 each;
- (b) the amount of temperate damages is increased from ₱25,000.00 to ₱50,000.00;
- (c) appellants are ordered to pay the heirs of the victim, jointly and severally, the amount of ₱75,000.00 as exemplary damages; and,
- (d) all damages awarded shall earn interest at the rate of 6% *per annum* from finality of this Decision until fully paid.



⁴⁵ Id. at 16.

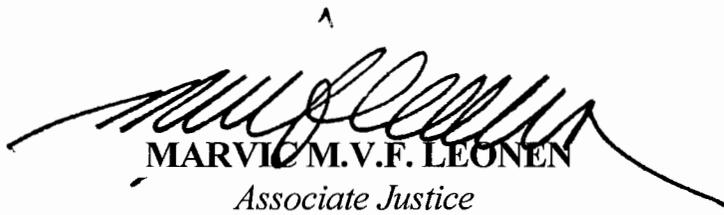
⁴⁶ *People v. Jugueta*, 783 Phil. 806, 846-848 (2016).

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:


TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Acting Chairperson


MARVIC M.V.F. LEONEN
Associate Justice


NOEL GIMENEZ TIJAM
Associate Justice


ALEXANDER G. GESMUNDO
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.


TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Acting Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting 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.


ANTONIO T. CARPIO
Acting Chief Justice

