



SUPREME COURT OF THE PHILIPPINES  
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Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

**THE PEOPLE OF THE PHILIPPINES**

*Plaintiff-appellee,*

**G.R. No. 228951**

Members:

CARPIO, *Chairperson*  
PERLAS-BERNABE,\*  
CAGUIOA,  
REYES, J., JR.,  
LAZARO-JAVIER, JJ.

- versus -

**JAY GODOY MANCAO,**

*Accused-appellant.*

Promulgated:

17 JUL 2019

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**DECISION**

**LAZARO-JAVIER, J.:**

**The Case**

This appeal assails the *Decision*<sup>1</sup> dated September 27, 2016 of the Court of Appeals in CA-G.R. CR-HC No. 01258-MIN affirming with modification the trial court's verdict of conviction against appellant for robbery with homicide.

**The Proceedings Before the Trial Court**

**The Charge**

Appellant Jay Godoy Mancao was charged with robbery with homicide

\*On Official Leave

<sup>1</sup> *Rollo*, pp. 3-21, penned by Associate Justice Perpetua T. Atal-Paño and concurred in by Associate Justice Romulo V. Borja and Associate Justice Ruben Reynaldo G. Roxas.

under the following Information, *viz*:

That on or about September 2, 2007, in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-mentioned accused, with intent to gain and to kill, armed with bladed weapons, with force and violence, willfully, unlawfully and feloniously grabbed the neck and dragged Peter Ray Garcia Enriquez who was then seventeen (17) years old, and then took away the latter's Nokia 6630 cellular phone, silver bracelet, necklace, wallet containing cash of undetermined amount. Without the said victim's consent and on occasion of the said robbery stabbed the aforementioned victim, thereby inflicting upon him fatal wounds which caused his death, to the damage and prejudice of the said victim's legal heirs.

CONTRARY TO LAW.

The case was raffled to the Regional Trial Court-Branch 8, Davao City.

On arraignment, appellant pleaded "not guilty".<sup>2</sup> Trial followed. Manuel Bernido, Jr., Pedro Enriquez and SPO2 Kelvin Magno testified for the prosecution. On the other hand, appellant was the lone witness for the defense.

#### **Evidence for the Prosecution**

**Manuel Bernido, Jr.** testified that on September 2, 2007, around 3:30 in the morning, he was in front of Toto's Eatery along Quirino Avenue, Davao City. About ten meters away, he saw Peter Enriquez texting while waiting for a jeepney ride. Appellant suddenly approached Enriquez from behind and stabbed the latter in the neck.<sup>3</sup> Appellant then dragged the victim toward an alley in Barangay 9. Shocked by what he saw, he ran home.<sup>4</sup>

Later, he saw appellant pass his house, running. Then, appellant passed his house again, this time carrying a dipper with water. He used the water to wash away blood stains off the crime scene and the alley where he dragged the lifeless body of his victim.<sup>5</sup>

He called appellant and asked why he was not wearing slippers and why he was covered with blood.<sup>6</sup> Appellant responded he came from the Bankerohan Public Market.<sup>7</sup> Few hours later, he saw appellant's brother Wangyu Mancao flag down a taxicab and board the same together with appellant.<sup>8</sup>

**SPO2 Kelvin Magno** testified that on September 3, 2007, around 6 o'clock in the morning, the San Pedro Police Station received a report that a dead body was found in Barangay 9. He and SPO2 Nelson Galban proceeded

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<sup>2</sup> *CA rollo*, p. 38.

<sup>3</sup> *Rollo* p.4.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

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to the area to investigate. There, they found the lifeless body of Enriquez. His cellphone, silver necklace, silver bracelet, and wallet containing cash were missing.<sup>9</sup>

They followed a trail of blood near the body which led to the boarding house of the Mancao brothers. After asking around, they went to the eatery where Wangyu worked.<sup>10</sup> Wangyu was there. Upon seeing the police officers, he cried and confessed that appellant was involved in the robbery and that he assisted his brother in fleeing to Maco, Davao del Norte.<sup>11</sup>

The next day, SPO2 Magno and other police officers proceeded to Maco in search for appellant.<sup>12</sup> When they finally found him, he tried to escape but they were able to capture and arrest him.<sup>13</sup> They found in his possession a silver necklace and a pair of blood-stained pants.<sup>14</sup>

**Pedro Enriquez**, the victim's father, identified the necklace in open court. He recognized it because it was his gift to his son. He remembered the pendant bearing the letter "T".<sup>15</sup>

### **Evidence for the Defense**

Appellant denied the charge. He averred that he had been in Barangay Libay-libay, Compostela Valley since September 1, 2007 to tend the land of his mother. On September 4, 2007, more than ten people arrested him without a warrant. He was brought to the police station where he was forced to wear a silver necklace. He discovered later on that he was already being charged with murder for the death of victim Peter Enriquez.

### **The Trial Court's Ruling**

By *Decision* dated September 19, 2013,<sup>16</sup> the trial court rendered a verdict of conviction, thus:

FOR THE FOREGOING, finding accused Jay Godoy Mancao GUILTY beyond reasonable doubt of the crime of Robbery with Homicide, he is hereby sentenced to suffer the penalty of **RECLUSION PERPETUA**. He is, likewise, directed to pay moral damages in the amount of P50,000.00; civil

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<sup>9</sup> *Id.* at 5.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

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

<sup>15</sup> *Id.* at 6.

<sup>16</sup> CA rollo, pp. 52-58.

indemnity, likewise in the amount of P50,000.00 and actual damages in the amount of P22, 800.00.<sup>17</sup>

**SO ORDERED.**

It found that even in the absence of eyewitnesses to the actual taking of victim's personal belongings, the crime of robbery with homicide was nonetheless established by circumstantial evidence. The testimonies of the prosecution witnesses constituted an unbroken chain which proved that appellant, with intent to gain, took the victim's personal property and by reason of the robbery, killed such hapless victim.

### **The Proceedings Before the Court of Appeals**

On appeal, appellant faulted the trial court for finding him guilty of robbery with homicide despite the alleged incredible and inconsistent testimonies of the prosecution witnesses; the purported fact that he was not positively identified as the perpetrator of the crime; and the supposed insufficiency of the circumstantial evidence to support a verdict of conviction.<sup>18</sup>

On the other hand, the Office of the Solicitor General (OSG) through Solicitor General Jose C. Calida, Assistant Solicitor Renan E. Ramos, Senior State Solicitor James Lee Cundangan and State Solicitor Ma. Teresa Ana V. Bermejo riposted that the elements of the crime were all proven through the direct and straightforward account of the prosecution witnesses; prosecution witness Bernido, Jr. positively identified appellant; there was no showing of ill-motive on the part of the prosecution witnesses to falsely testify against him; and appellant's defense of alibi was inherently weak.<sup>19</sup>

### **The Court of Appeals' Ruling**

In its assailed *Decision*<sup>20</sup> dated September 27, 2016, the Court of Appeals affirmed with modification as to the amount of damages, viz:

**WHEREFORE**, the instant appeal is DENIED. The Decision of Branch 8, Regional Trial Court, Davao City, is AFFIRMED but modified with respect to the award of Moral Damages and Civil Indemnity which are hereby increased to P75,000.00 each. The damages awarded shall earn an interest of 6% per annum from finality of judgment until fully paid.

**SO ORDERED.**

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<sup>17</sup> *Id.* at 57-58.

<sup>18</sup> *Id.* at 37-51.

<sup>19</sup> *Id.* at 79-90.

<sup>20</sup> *Rollo*, pp. 3-21.

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## The Present Appeal

Appellant now seeks affirmative relief from the Court and prays anew for his acquittal. In compliance with *Resolution*<sup>21</sup> dated February 27, 2017, both the OSG and appellant manifested<sup>22</sup> that, in lieu of supplemental briefs, they were adopting their respective briefs before the Court of Appeals.

### Issue

Did the Court of Appeals err in affirming appellant's conviction for robbery with homicide?

### Ruling

The appeal utterly lacks merit.

Robbery with homicide is defined and penalized under Article 294(1) of the Revised Penal Code, *viz*:

**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:

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.

XXXX

It requires the following elements: (1) taking of personal property is committed with violence or intimidation against persons; (2) the property taken belongs to another; (3) the taking is with *animo lucrandi*; and (4) by reason of the robbery, or on the occasion thereof, homicide is committed.<sup>23</sup> A conviction for robbery with homicide requires certitude that the robbery is the main purpose and objective of the malefactor, and the killing is merely incidental to the robbery. The intent to rob must precede the taking of human life but the killing may occur before, during or after the robbery.<sup>24</sup>

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<sup>21</sup> *Id.* at 27-28.

<sup>22</sup> *Id.* at 29-30; pp. 35-38.

<sup>23</sup> *People v. Beunamer*, 794 Phil. 214, 223 (2016).

<sup>24</sup> *People v. Suga et al.*, 661 Phil 749, 754 (2011).

***Taking of personal  
property established  
through circumstantial  
evidence***

Here, there was no eyewitnesses to the actual taking of the victim's personal property. Prosecution, nevertheless, proved appellant's guilt through circumstantial evidence.

Normally, the Court bases its findings of guilt on direct evidence of the commission of a crime.<sup>25</sup> But the lack or absence of direct evidence does not necessarily mean that the guilt of the accused can no longer be proved because circumstantial evidence, if sufficient, can supplant the absence of direct evidence.<sup>26</sup>

Thus, in *People v. Beriber*, the Court convicted the accused even though no direct testimony was presented by the prosecution to prove that the accused is guilty of robbery with homicide since the incriminating circumstances, when taken together, constitute an unbroken chain of events enough to arrive at the conclusion that appellant was responsible for the killing and robbing the victim.<sup>27</sup>

For circumstantial evidence to be sufficient for conviction, there must be more than one circumstance; the facts from which the inferences are derived are proven and the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.<sup>28</sup>

Here, the first two elements of robbery with homicide were established through circumstantial evidence. SPO2 Magno testified that the object of the crime was found in appellant's possession at the time of his arrest, thus:

Pros. Sencio: In paragraph 8 of your affidavit, you said that you and the Maco Police immediately went to the said place and upon reaching there, it was positive that the suspect stayed at the house and recovered from him was a silver necklace owned by the victim as well as xxx. I am showing to you this necklace already marked as Exhibit "C", please go over this and tell us what relation has this necklace to that necklace which you mentioned in your affidavit?

**SPO2 Magno: The same necklace that the accused was wearing.**

xxx

**SPO2 Magno: The necklace that was presented to me now is the same necklace that I noticed that he was wearing at the time we arrested him.**

xxx

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<sup>25</sup> *People v. Casitas, Jr.*, 445 Phil. 407, 417 (2003).

<sup>26</sup> *Zabala v. People*, 752 Phil. 59, 67 (2015).

<sup>27</sup> 693 Phil. 629, 641 (2012).

<sup>28</sup> Section 4, Rule 133, Rules of Court.

xxx

Q: By the way, this person you said that you arrested, is he present in Court?

A: Yes. He is here.

Q: Please point him out.

The witness pointed to the accused.

Pedro Enriquez testified that the necklace appellant was wearing at the time of his arrest was the same silver necklace he gifted the victim with, *viz*:

Prosecutor Sencio: And what happened to the items?

A: What was only recovered is the silver necklace with the initial of my son with letter "T" pendant.

Q: Where is that pendant?

A: The pendant is in the possession or custody of the police.

**Q: Why do you know that it belongs to your son?**

**A: because I gave that necklace to him.**

Q: If you will be shown the pendant, will you be able to identify that pendant?

A: Yes.<sup>29</sup>

xxx

**Q: I am showing to you this necklace. What relation does this necklace have to that necklace which you said belongs to your son?**

**A: This is the same necklace that I gave to my son.**

xxx

Atty. Alonzo: You said that this necklace is with stones. Will you please show to us where are these stones that you were referring to?

Pros. Sencio: For the record, the witness points to the pendant and there were three stones on it.

Q: You agree with me Mr. Enriquez, that there are also similar pendants with stones that are sold in the same store?

A: The necklaces that had a letter "P" (sic) in the place where I bought this for my son did not have stones in it except for the one I bought.

Q: You want to tell this Honorable Court that there is only one necklace that was sold in that place the same with that you have purchased?

A: Yes.<sup>30</sup> (emphasis added)

Under Section 3(j), Rule 131 of the Rules of Court, a person found in possession of a thing taken in the doing of a recent wrongful act is the taker and the doer of the whole act.<sup>31</sup> In the case at bar, appellant failed to justify

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<sup>29</sup> *Rollo*, p.10.

<sup>30</sup> *Id.* at 11.

<sup>31</sup> Rules of Court.

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his possession of the victim's necklace. Thus the presumption that he stole the same from the victim and that he is the perpetrator of the crime, stands.

The third element *i.e.* animus lucrandi was similarly established by the same presumption. For intent to gain is an internal act which is presumed from the unlawful taking by appellant of the thing subject of asportation.<sup>32</sup> And since the object of the crime *i.e.* victim's necklace was recovered from appellant, his intent to gain is presumed.

***Homicide committed by  
reason of robbery***

For the fourth element, eyewitness Manuel Bernido, Jr. testified how appellant slayed his victim, thus:

Pros. Sencio: What happened next?

A: He stabbed the man.

xxx

Q: Where was he hit?

A: He was hit at his neck.

Q: What happened next?

A: He dragged the man inside Barangay 9.<sup>33</sup>

xxx

Q: By the way, is the man who stabbed the person, is he in Court?

A: Yes.

Q: Please point him out to the Honorable Court.

Interpreter: the witness pointed to a man inside the Courtroom wearing an orange t-shirt and faded maong pants who when asked answered by the name Jay Godoy Mancao.<sup>34</sup>

xxx

On cross-examination, Bernido, Jr. further testified:

Atty. Alonzo: You want to tell us that the person who crossed that Barangay 9 towards the person standing immediately approached him and stabbed him, is that what you mean?

A: Yes, sir.

Q: Are you sure of that?

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<sup>32</sup> *Medina v. People*, 760 Phil. 729, 735 (2015).

<sup>33</sup> *Rollo*, p. 12.

<sup>34</sup> *Id.* at 13.

A: Yes, sir. I'm very sure.<sup>35</sup>

xxx

Q: What more or less did you report to the police?

A: What I reported to the police that sometime at 3:30 in the morning, I was waiting for my wife. I saw somebody in Barangay 9 who was stabbed xxx.<sup>36</sup>

xxx

Pros. Sencio: In your cross-examination, you stated that morning after or hours after the time you saw the stabbing, a dead person was found, that person and the person you saw stabbed hours before, what is their relation?

A: The same person, the person that I saw being stabbed is the same person that was found dead after the stabbing.<sup>37</sup>

xxx

Q: After that, what happened next?

A: He came back bringing with him a small dipper with water in it and he washed the blood stained (sic) in the alley.

xxx

Q: What happened next?

A: The accused went back to the place of the incident and he continued to wash the blood stains in the alley.

To bolster Bernido, Jr.'s testimony, SPO2 Magno testified:

Pros. Sencio: Then, what else did you do?

A: We asked bystanders, witnesses, who committed the crime, if anybody witnessed.

Q: So, when you asked those questions, what did you find out?

A: Blood drips from the scene of the crime crossing the street.

xxx

A: We followed the blood stains which were already dry.

Q: Where did the blood stains lead you?

A: It led to a boarding house near the crime scene.

Q: When you arrived at the boarding house, what happened?

A: We knocked at the door but first we sought assistance from the brgy. official who accompanied us in entering the house, but we found out that nobody was there.

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<sup>35</sup> *Id.* at 13.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.* at 14.

Q: Then what did you do?

A: We asked around the people living near the boarding house and we were informed that the persons living there are the Mancaos.<sup>38</sup>

Both the trial court and the Court of Appeals found the testimonies of the prosecution witnesses to be clear, straightforward and consistent. They gave full credence to Bernido, Jr.'s eyewitness account of the victim's killing and SPO2 Magno and Pedro Enriquez's identification of the object of the crime *i.e.* the victim's necklace found in appellant's possession. In any event, the courts below ruled that there is no showing that the witnesses were impelled by any improper motive to falsely testify against appellant.

Suffice it to state that, in this jurisdiction, the evaluation of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct, and attitude under grueling examination.<sup>39</sup> Hence, the Court defers and accords finality to the factual findings of trial courts especially when such findings are undisturbed by the appellate court, as in the case at bar.<sup>40</sup>

The fact that the incident happened around 3:30 o'clock in the morning did not preclude Bernido, Jr. from clearly recognizing appellant as the assailant. Bernido, Jr. was only about ten meters away when he saw the appellant approach the victim from behind and stab the latter in the neck.<sup>41</sup> Appellant then dragged the victim toward an alley in Barangay 9. After the incident, appellant passed his house not once but twice. He even had a short conversation with appellant, asking him why his shirt was stained with blood. These numerous encounters gave Bernido, Jr. an opportunity to ascertain appellant's identity. Thus, when he pointed at appellant during trial, there can be no doubt that he was positively identifying him as the perpetrator of the crime.

In this light, appellant's denial and alibi must fail. We are replete of cases pronouncing that denial and alibi are inherently weak defenses because they can easily be fabricated.<sup>42</sup> These defenses cannot prevail over the categorical testimonies of the prosecution witnesses.<sup>43</sup> So must it be.

In sum, the inculpatory circumstances on record are: **first**, eyewitness Manuel Bernido, Jr. testified that on September 2, 2007, around 3:30 in the morning, he saw the victim texting on his cellphone while waiting for a jeepney ride. He also saw appellant stealthily moving from behind toward the victim, appellant then stabbed the victim in the neck. Thereafter, appellant dragged the victim's body toward an alley. **Second**, SPO2 Kelvin Magno

<sup>38</sup> *Id.* at 15.

<sup>39</sup> *Heirs of Villanueva v. Heirs of Mendoza*, G.R. No. 209132, June 5, 2017, 825 SCRA 513, 527.

<sup>40</sup> *Heirs of Spouses Liwagon, et al. v. Heirs of Spouses Liwagon*, 748 Phil. 675, 689 (2014).

<sup>41</sup> *Rollo*, p.4.

<sup>42</sup> *People v. Ambatang*, G.R. No. 205855, March 2, 2017, 822 SCRA 118, 125-126.

<sup>43</sup> *People v. Corpuz*, 714 Phil. 337, 345-346 (2013).

testified that on September 4, 2007, when he and his team arrested appellant, they were able to recover from appellant's possession the victim's silver necklace. **Lastly**, the victim's father Pedro Enriquez confirmed that the silver necklace that was recovered from appellant was the necklace he gave his son.

These circumstances, taken together, created an unbroken chain of events leading to no other conclusion than that appellant's primary purpose was to rob the victim and the killing was merely resorted to in order to gain easy access to the victim's personal belongings. There was no showing, as none was shown, that the victim and appellant had known each other before the incident happened or that they had previous conflicts which would have served as sufficient motive for appellant to end the victim's life. The only logical conclusion is the killing was committed on the occasion only or by reason of the robbery.

### **Penalty**

All told, the Court of Appeals did not err in affirming the trial court's verdict of conviction. Absent any mitigating or aggravating circumstances, the penalty of *reclusion perpetua* was correctly imposed on appellant.

As for the monetary awards, the Court sustains the grant of P75,000.00 as civil indemnity and P75,000.00 as moral damages. In accordance with prevailing jurisprudence, the Court further awards P75,000.00 as exemplary damages and P50,000.00 as temperate damages.<sup>44</sup> These amounts shall earn interest of six (6) percent *per annum* from finality of judgment until fully paid.

**WHEREFORE**, the appeal is **DENIED**. The Decision dated September 27, 2016 of the Court of Appeals in CA-G.R. CR-HC No. 01258-MIN, is **AFFIRMED** with **MODIFICATION**.

Appellant Jay Godoy Mancao is found guilty of robbery with homicide and sentenced to *reclusion perpetua*. He is ordered to pay P75,000.00 civil indemnity; P75,000.00 moral damages; P75,000.00 as exemplary damages; and P50,000.00 as temperate damages. These amounts shall earn six (6) percent interest *per annum* from finality of this decision until fully paid.

**SO ORDERED.**

  
**AMY C. LAZARO-JAVIER**  
Associate Justice

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<sup>44</sup> *People v. Jugueta*, 783 Phil. 806, 839 (2016).

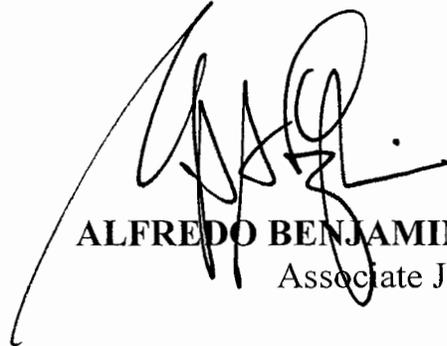
**WE CONCUR:**



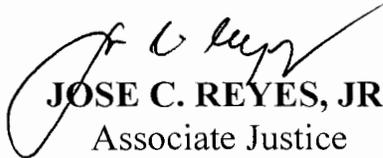
**ANTONIO T. CARPIO**  
Senior Associate Justice  
Chairperson

(On Official Leave)

**ESTELA M. PERLAS-BERNABE**  
Associate Justice



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice



**JOSE C. REYES, JR.**  
Associate Justice

**ATTESTATION**

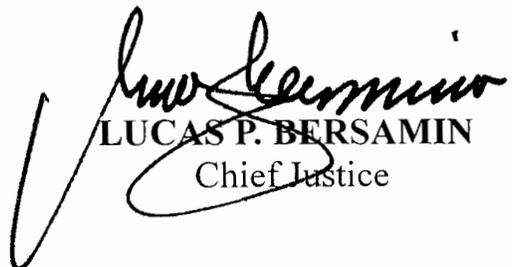
I attest that the conclusion in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**ANTONIO T. CARPIO**  
Associate Justice  
Chairperson

**CERTIFICATION**

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



**LUCAS P. BERSAMIN**  
Chief Justice

