

SECOND DIVISION

[G.R. No. 174660, May 30, 2011]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RICKY LADIANA Y DAVAO, (AT- LARGE), ACCUSED. ANTONIO MANUEL UY, ACCUSED-APPELLANT.

D E C I S I O N

PERALTA, J.:

Before us is an appeal from the Decision^[1] dated July 18, 2006 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 00110 affirming with modification the Decision^[2] of the Regional Trial Court (RTC), Branch 114, Pasay City, finding appellant Antonio Manuel Uy guilty beyond reasonable doubt of the crime of Robbery with Homicide.

In an Information^[3] dated July 16, 2001, appellant, together with a co-accused merely identified as John Doe, was charged with the crime of Robbery with Homicide which reads:

That on or about the 27th day of June 2001, in Pasay City, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused Antonio Manuel Uy y Suangan and John Doe, conspiring and confederating together and mutually helping one another, with intent to gain, by means of force and intimidation, did then and there willfully, unlawfully and feloniously take and carry away the following jewelry, to wit:

QTY	DESCRIPTION	AMOUNT
3	Star ruby brooch 7 x 9 mm	P1,920.00
5	Star ruby pendant plain 8 x 10 mm	825.00
4	Star ruby pendant plain 10 x 14 mm	1,220.00
6	Star ruby pendant w/ zircon 12 x 16 mm	4,170.00
2	Star ruby pendant w/ zircon 10 x 14 mm	1,730.00
4	Star ruby pendant plain	3,020.00
3	Star ruby bracelet 12 x 16 mm	4,500.00
3	Star ruby bracelet	2,025.00

	w/ zircon 8 x 10 mm	
2	Star ruby bracelet w/ zircon 6 x 8 mm	1,050.00
7	Star ruby bracelet plain 8 x 10 mm	4,375.00
2	Star ruby ring w/ zircon medium stone	1,760.00
2	Star ruby ring w/ zircon 10 x 12 mm	1,510.00
2	Star ruby ring w/ zircon large stone	2,010.00
1	Star ruby ring plain 10 x 15 mm	905.00
1	Star ruby ring plain 9 x 11 mm	680.00
9	Star ruby ring plain 10 x 14 mm	7,110.00
6	Star ruby ring plain yg	4,350.00
1	Star ruby ring plain wg	685.00
5	Star ruby ring plain 11 x 15 mm	5,200.00
8	Star ruby ring plain 10 x 12 mm	2,320.00
7	Star ruby ring plain 12 x 16 mm	2,800.00
1	Star ruby ring plain 8 x 10 mm	165.00
6	Star ruby pendant small stone	4,140.00
1	Star sapphire earring pierced 10 x 12 mm	830.00
3	Star sapphire brooch 6 x 8 mm	1,965.00
26	Star sapphire tie tack 8 x 10 mm	4,180.00
1	Star sapphire tie tack & cufflinks set 6 x 8 mm	525.00
1	Star sapphire pendant 12 x 16 mm	390.00
1	Star sapphire earring pierced 6 x 8 mm	165.00
1	Star sapphire earring plain 6 x 8 mm	445.00
1	Star sapphire	360.00

	bracelet	
11	Star sapphire tie pin wg 8 x 10 mm	2,090.00
3	Star sapphire tie tack & cufflinks set	1,380.00
3	Star sapphire tie tack & cufflinks set	2,745.00
1	Emerald ring	1,260.00
1	Diamond earring	4,450.00
1	Diamond earring	10,285.00
1	Diamond earring	5,970.00
1	Diamond earring	7,700.00
1	Diamond earring	7,150.00
1	Diamond earring	9,970.00
1	Diamond earring	6,700.00
1	Diamond earring	8,700.00
1	Diamond ring	5,850.00
1	Diamond ring	4,800.00
1	Diamond ring	4,120.00
1	Diamond ring	4,020.00
1	Diamond ring	2,820.00
1	Diamond ring	3,500.00
1	Diamond ring	6,200.00
1	Diamond ring	4,250.00
1	Diamond ring	5,450.00
1	Diamond ring	5,000.00
1	Diamond ring	4,120.00
1	Diamond ring	5,450.00
1	Diamond ring	5,450.00
1	Diamond ring	2,950.00
1	Diamond pendant w/ china jade	31,200.00
2	Italian gold bangles	3,000.00
2	Italian gold bangles	2,700.00
1	Italian gold bangles	1,200.00
1	Italian gold bangles	1,200.00
1	Italian gold necklace	4,600.00
1	Italian gold bracelet	5,700.00
1	Italian gold bracelet	7,250.00
1	Italian gold bracelet	6,250.00
1	Italian gold bracelet	3,500.00
1	Italian gold bracelet	3,450.00
1	Italian gold bracelet	3,400.00

	bracelet		
1	Italian	gold	2,800.00
	bracelet		
1	Italian	gold	5,200.00
	bracelet		
1	Italian	gold	3,600.00
	bracelet		
1	Italian	gold	6,850.00
	bracelet		
1	Diamond ring		3,100.00
1	Diamond ring		3,000.00
1	Gold pendant w/ topaz & onyx stone		3,400.00
1	Didien Lamarthe		11,000.00
1	Christian Dior		<u>12,250.00</u>
			<u>P 327,390.00</u>

all belonging to JEEPNEY SHOPPING CENTER, represented by RICARDO M. SALVADOR and an ARMSCOR .38 caliber revolver with SERIAL No. 64517 amounting to P9,000.00, more or less, belonging to ENERGETIC SECURITY AGENCY represented by ROMEO SOLANO, to the damage and prejudice of Jeepney Shopping Center in the total amount of P327,390.00 and Energetic Security Agency in the total amount of P9,000.00 more or less; and on the occasion thereof, accused willfully, unlawfully and feloniously stabbed Gilbert V. Esmaquilan and hit on the head with a 2x2 wood Felix Arañez y Gida and Delfin Biniahan y Cahtong, Security Guard, Janitor and maintenance of Jeepney Shopping Center(,) respectively, thereby causing their death; and accused to facilitate their escape thereafter take, steal and drive away a (sic) one (1) Black Honda Civic with Plate No. WFD-891 registered in the name of OLIVER GATCHALIAN.

Contrary to law.^[4]

During his arraignment on July 24, 2001, appellant, with the assistance of counsel, pleaded "not guilty" to the crime charged.^[5]

The Information was subsequently amended to identify appellant's co- accused as Ricky Ladiana y Davao (Ricky), without changing the allegations of the original information.^[6] However, accused Ricky remained at-large.

Trial on the merits thereafter ensued.

The evidence for the prosecution is aptly summarized by the Solicitor General in the appellee's brief as follows:

Appellant Antonio Manuel Uy was one of the maintenance crew of the Jeepney Shopping Center located at No. 1913, Taft Avenue, Pasay City, owned by Mr. Jerry Limpe.

Appellant used to be a stay-in employee of the Jeepney Shopping Center.

However, appellant could not get along with his co-employees and usually engaged in quarrels with them. In their letter dated March 29, 2001 addressed to Michael Limpe, the son of Jerry Limpe, the co-employees of appellant requested that he be ordered to leave the employees' quarters. Resultantly, appellant was ordered by Michael Limpe to leave the quarters and transfer to another place. Appellant was forced to rent a house in Sandejas St., Pasay City.

When appellant was removed from the employees' quarters, Cecilio Aranez, also a member of the maintenance crew of the Jeepney Shopping Center, heard appellant made a threat, saying "*Balang araw makagaganti ako.*"

Sometime in the first week of June 2001, the co-employees of appellant, including Neptali Tamayo, had a drinking spree at Juz Café along Taft Avenue, Pasay City. The drinking session lasted until 3:00 o'clock in the morning of the following day. On their way home, the group noticed two persons outside the guardhouse of the Jeepney Shopping Center peeping inside. One of these persons was appellant. When the group approached them, they hid themselves inside the guardhouse. Later on, appellant came out from where he hid himself and uttered a joke. Thereafter, appellant and his companion left.

Around 9:00 o'clock in the morning of June 26, 2001, appellant, through a text message, informed Roger Tan, the Supervisor of the Maintenance Department of the Jeepney Shopping Center, that he (appellant) was not feeling well and would not be able to report for work.

Around 11:00 o'clock in the evening, Joel Adol, the security guard of Chang Juat Ltd. Company located at No. 1906, Taft Avenue, Pasay City, saw appellant with a companion standing at the gate of the Jeepney Shopping Center. The security guard had a clear and unobstructed view of the Jeepney Shopping Center as Chang Juat Ltd. Company was just adjacent to it and the Jeepney Shopping Center was brightly lighted. Joel Adol recognized appellant because he used to see him cleaning the premises of the Jeepney Shopping Center and directing traffic in the area. Joel Adol observed that appellant and his companion were looking at his post and were peeping inside the Jeepney Shopping Center. When Joel Adol went inside the building of Chang Juat Ltd. Company around 12:00 o'clock in the evening, he noticed that appellant and his companion were still at the gate of the Jeepney Shopping Center.

Around 5:30 in the morning of June 27, 2001, Carpio Bahatan, a stay-in employee of the Jeepney Shopping Center, discovered the lifeless bodies of Felix Aranez and Delfin Biniahan at the second floor and third floor, respectively, of the main building of the Jeepney Shopping Center. Another stay-in employee, Rico Victor Arbas, discovered the dead body of the security guard, Gilbert Esmaquilan, lying near the guardhouse which was inside the Jeepney Shopping Center compound.

A piece of wood with blood stains was found about three to five meters from the body of Gilbert Esmaquilan. Another blood-stained piece of