

SECOND DIVISION

[G.R. No. 223103, February 24, 2020]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
FLORENTINO LABUGUEN Y FRANCISCO ALIAS "TINONG," AND
ROMEO ZUÑIGA^[1] Y PILARTA, ACCUSED-APPELLANTS.**

D E C I S I O N

HERNANDO, J.:

Assailed in this appeal is the March 25, 2015 Decision^[2] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 04999 which affirmed with modification the April 15, 2011 Decision^[3] of the Regional Trial Court (RTC) of Cabagan, Isabela, Branch 22 in Criminal Case No. 22-1647 finding appellants Florentino Labuguen y Francisco alias "Tinong" (Labuguen) and Romeo Zuniga y Pilarta (Zuniga) guilty beyond reasonable doubt of the crime of Robbery with Homicide and Frustrated Homicide.

The accusatory portion of the Information^[4] reads as follows:

That on or about the 3rd day of January, 2002, in the Municipality of Delfin Albano, Province of Isabela, Philippines and within the jurisdiction of this Honorable Court, the accused Florentino Labuguen y Francisco alias Tinong, Rodrigo Macalinao, and Romeo Zuñiga, together with John Doe and Peter Doe, whose [identities] are still to be determined, conspiring, confederating together and helping one another, armed with a firearm and pointed and bladed instrument, with intent to gain and by means of force, violence and intimidation against persons, did then and there willfully, unlawfully and feloniously, take[,] steal and bring away cash money in the amount of P500,000.00 belonging to spouses Manuel Padre and Nenita Padre, against their will and consent, to the damage and prejudice of the said owners, in the aforesaid amount of P500,000.00

That during the commission and by reason of the said crime, the said accused, to enable them to take, steal and bring away the said amount of P500,000.00, with intent to kill and without any just motive, did then and there, willfully, unlawfully and feloniously, assault, attack and shoot with a firearm Rhoda Padre and stabbed for several times the person of Manuel Padre, Nenita Padre and Rachelle^[5] Padre, inflicting upon the said Rhoda Padre, a gunshot wound on the chest which directly caused her death, upon the person of Manuel Padre, stab wound on the face and on the neck which directly caused his death, upon the person of Nenita Padre, a stab wound on the thoracic area which likewise caused her death and upon the person of Rachelle Padre, lacerated wounds on the right frontal area, on the right orbital area, on the right parieto occipital area, on the right neck and on the left chest, which injuries would ordinarily cause the death of the said Rachelle Padre, thus, performing all

the acts of execution which could have produced the crime of Homicide as a consequence, but nevertheless, did not produce it by reason of causes independent of their will that is, by the timely and able medical assistance rendered to the said Rachelle Padre, which prevented her death.

That the said accused not being allowed [nor] authorized by law, to keep, possess and carry firearm and ammunitions, did then and there, willfully, unlawfully and feloniously, have in their possession and under their control and custody the said firearm with ammunitions which they used in robbing and shooting to death the said victims Manuel Padre, Nenita Padre and Rhoda Padre.^[6]

During the arraignment, accused-appellant Labuguen pleaded not guilty. Accused-appellant Zuñiga, however, initially entered a guilty plea but later withdrew the same and accordingly pleaded not guilty. Accused Rodrigo Macalinao (Macalinao) remains at large.

After the termination of the pre-trial conference, trial on the merits ensued.

The Facts:

The facts as summarized by the CA are as follows:

On 3 January 2002 at about 7:30 in the evening, while spouses Manuel Padre and Nenita Padre and their two daughters, Rhoda and Rachel, were having dinner at their home at Villaruz, Delfin Albano, Isabela, five (5) men suddenly barged in, one holding a firearm and one with a bonnet with [a] hole showing the eyes only. Labuguen, [sic] entered first and pulled Rachel into the comfort room (CR), together with her mother Nenita and sister Rhoda, who in turn were pulled by Macalinao and by an unidentified man respectively. Manuel, on the other hand, was brought to the store by an unidentified man. Nenita was then brought to [the] Padre's store while Rhoda and Rachel were left in the comfort room. A few minutes later, Labuguen brought Rachel out of the comfort room and she saw Zuniga, standing by the door of the store and Macalinao, standing guard at the CR door and holding a gun. Upon reaching the dining area, Labuguen stabbed Rachel with a small knife on the left breast and then Macalinao hit her on the forehead with the butt of a gun, causing her to fall down. Then Labuguen strangled her and as she could not remove his hands off her neck, she played dead. As soon as Labuguen stood up and left, together with the other perpetrators, she immediately ran for help to their neighbor Patricio Respicio (Respicio), who[,] together with Alex Rodriguez, brought her to the hospital. At the hospital, she learned from her relatives that her parents and sister died on the night of 3 January 2002. Dr. Gambalan treated her serious injury on the left chest and less serious wounds on the head and abrasions on the neck.

Meanwhile, after Manuel closed the store and returned to the house, Zuniga, upon the instruction of Joel Albano (Albano), hit [Manuel hard] on the forehead, causing the latter to fall. Eric Madday, one of the five men and who also used to work for Manuel Padre, boxed Nenita on the abdomen and when Zuniga saw the chopping knife, he stabbed her at the

back. On the other hand, Rudy Macalinao shot Rhoda when she tried to run away. On the belief that all members of the Padre family were dead, the group proceeded to Albano's house, where Zuniga learned that they got the money from the Padre family. He saw Albano [give] a bundle of money to Rudy Macalinao. He left Delfin Albano, [sic] in Isabela and went into hiding in Gerona, Tarlac on 7 January 2002.

Upon learning of the incident from Kagawad Alex Rodriguez, the police investigators went to the hospital on 4 January 2002 and interviewed Rachel, who identified two of the perpetrators - Labuguen, who happen[ed] to be Padre family's longtime neighbor and who used to work for them, and Macalinao, also one of the victims' helpers. At that time, she purposely withheld the name of Romeo Zuniga, one of Padre's longtime customers, as she wanted him to reveal his companions. From the hospital, the police proceeded to the crime scene, where they found Manuel's body near the store, Nenita's body was recovered inside the store while that of Rhoda was located inside the house. Rachel was released from the hospital on 12 January 2002.

Labuguen was apprehended by the police on 4 January 2002. The blood-stained jacket he was wearing during the custodial investigation was submitted for serological examination at the PNP Crime Laboratory at Camp Crame. The blood taken from Labuguen's jacket tested positive for *human blood group A*. As to Zuniga, Rachel decided to reveal his identity as one of the five men who robbed and killed her parents and sister Rhoda to Fiscal Dalpig and later to Fiscal Torio. He was arrested in Gerona, Tarlac by the police operatives in 2006 and narrated to them the incident.^[7] (Citations omitted)

Ruling of the Regional Trial Court:

Based on the foregoing facts, the RTC^[8] rendered its Decision^[9] dated April 15, 2011 convicting the appellants as charged, viz.:

WHEREFORE, in the light of the foregoing ratiocination, the court finds accused, Romeo Zuniga and Florentino "Tinong" Labuguen "GUILTY" beyond reasonable doubt of the crime charged and sentences them:

1. [T]o suffer each the penalty of reclusion perpetua; and
2. [T]o pay solidarity Rachel Padre, the amount of P165,000.00 as actual damages, P50,000.00 as civil indemnity for the death of Manuel Padre; P50,000.00 as civil indemnity for the death of Nenita Padre[;] and P50,000.00 as civil indemnity for the death of Rhoda Padre.

Considering that Rody Macalinao was not arrested and is still-at-large, let an alias warrant of arrest be issued for his immediate apprehension.

Meanwhile, let the records of his case, and, that of Peter Doe and John Doe be sen[t] to the court's archive to be revived once he is arrested and Peter Doe and John Doe properly identified.