

THIRD DIVISION

[G.R. No. 219116, August 26, 2020]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RAYMARK DAGUMAN Y ASIERTO, ALIAS "MARK," ACCUSED-
APPELLANT.**

DECISION

LEONEN, J.:

Police officers are generally presumed to have regularly performed their duties and their testimonies in criminal cases are given credence. Their extensive training and the gravity of their sworn duty to protect the peace give weight to their observations in the field. The presumption, however, can be overturned when there is evidence to the contrary.

This Court resolves an appeal assailing the Decision^[1] of the Court of Appeals, which affirmed the Regional Trial Court Decision^[2] finding Raymark Daguman y Asierto alias "Mark" (Daguman) guilty beyond reasonable doubt of the crime of robbery with homicide.^[3]

In an August 18, 2010 Information, Daguman was charged with the special complex crime of robbery with homicide:

That on or about the 16th day of August, 2010, in the City of Las Piñas, Philippines and within the jurisdiction of this Honorable Court, the above named accused, armed with an unlicensed firearm and a bladed weapon, conspiring and confederating together with one DENISE SIGDA, and one (1) John Doe a.k.a. "NogNog" and one Peter Doe (1) a.k.a. Algie whose true identities and present whereabouts are still unk[n]own, and all of them mutually helping and aiding one another, with intent to gain and by means of force[,] violence[,] and intimidation, did then and there willfully, unlawfully, and feloniously rob and carry away cash money amounting to Php46,415.00, belonging to Starbucks Coffee, Pamplona 3, Las Piñas City, represented by Alexander A. Angeles II, to their damage and prejudice, and that during or on the occasion of the robbery, the accused, conspiring and confederating and mutually helping one another, with intent to kill, had a ["shootout"] with elements of the Philippine National Police (PNP), resulting in serious physical injuries which caused the death of said Denise Sigua.

That the crime was committed with the aggravating circumstances of use of an unlicensed firearm and commission by a band.

CONTRARY TO LAW.^[4]

Daguman pleaded not guilty to the charge on his arraignment.^[5] Trial ensued at Branch 275 of the Las Piñas City Regional Trial Court.

As the trial court summarized, the prosecution alleged that Daguman and three others, including one Denise Sigua (Sigua), robbed a cafe in Las Piñas City on the early morning of August 16, 2010. In a police shootout that followed, Sigua was killed. The prosecution's version of the facts was:

... on 16 August 2010 at around 7:45 in the morning, Alexander Angeles II, assistant store manager of Starbucks Cafe in Las Piñas City, arrived at the store and saw the security guard, Gharry Oquindo, waiting for him. Alexander opened the store and left Gharry outside. Alexander went straight to the back office to count the money in the vault. Gharry, on the other hand, placed his things inside. At this instance, accused Raymark Daguman poked a knife at Gharry declaring hold-up. Gharry raised his hands and Raymark took Gharry's gun in his holster. Raymark passed the gun to his companion Denise Sigua whom Gharry recognized through his voice. Gharry knew Denise because the latter used to work at Starbucks as one of the reliever guards. When Raymark took the gun, Gharry glanced at him and saw his face. Raymark and Denise forced Gharry to walk inside the store with Denise pointing a gun behind him. When the robbers saw Alexander counting the money, Denise again declared hold-up. Gharry and Alexander were told to lie down; they were tied and blindfolded. Alexander remembered Raymark as the one who tied him. While in this position, Gharry and Alexander heard Denise Sigua saying to Raymark to place his money inside a bag. Thereafter, the two (2) robbers left. Incidentally, SPO2 Ramil Palisoc and two (2) other police officers namely, PO3 Rizaldy dela Cruz and PO3 Noel Bunal were travelling along Zapote Road, Las Piñas City boarded inside a Toyota Revo when they chanced upon four (4) male individuals hurriedly leaving Starbucks Cafe. The first individual who was identified later as Denise Sigua was in blue maong pants and white T-Shirt, wearing a black cap and holding in his hand a firearm. He was followed by a second male individual identified as Raymark Daguman who wore a black jacket in yellow shirt and maong shorts, carrying a colored black and white laptop bag. Behind them were the third and fourth male individuals. When the police team saw that Denise was armed, they alighted from the vehicle and introduced themselves as officers. Denise however, responded by pointing his gun at the officers coupled with a shot coming from the third man. The officers fired back wounding Denise who fell on the ground. When Raymark tried to pull something out from the bag, the officers subdued him. The officers recovered from Raymark the following: (1) a kitchen knife measuring 12 inches long; and (2) a black and white laptop bag containing a homemade .38 caliber revolver, color nickel, with five (5) live ammunitions and undetermined cash in different peso denominations (Exhs. "I", "J" to "J-1"). The two (2) other culprits eluded arrest. The police officers eventually released Gharry and Alexander from being hogtied and took off their blindfolds.^[6]

In contrast, the defense's version of the facts was:

On the early morning of August 16, 2010, Raymark Daguman was sitting outside their house located at No. 340 Basa Compound, Zapote I Las Piñas City, drinking coffee when Denise Sigua passed by. The latter approached him and they exchange[d] greetings. They have known each other for some time, having played basketball together in their place. Denise introduced his companion, Gharry Oquindo, a *tropa* and a co-worker at Starbucks. Thereafter, Raymark was invited for a treat since according to Denise, it was Gharry's payday. Raymark went inside their house to change clothes and went with them. They boarded a public utility jeepney and alighted in front of Red Ribbon. Gharry told Denise that he would just change and wear his uniform, while Denise and Raymark went to buy cigarettes. Then, Denise told Raymark that they will go to Gharry at Starbucks. Upon arrival thereat, Gharry opened the door for them. While inside, Raymark sat on a chair at about two (2) to three (3) meters away from Denise and Gharry who were then talking. He then saw Gharry handed (sic) his service firearm to Denise. The latter approached and told him, "*Pare pasensya ka na, makisama ka na lang para hindi ka madamay sa problema namin*".

Raymark was surprised and afraid since Denise was already holding a gun while telling them to go inside. In his fear, he just followed Denise' [s] orders and went inside with them. When inside, Denise declared a hold up, approached Alex Angeles and poked a gun at the latter's nape. At this point, Raymark ran outside, but was blocked by three (3) vehicles when he was about to cross the street. Three (3) armed civilians alighted from the vehicle and forced him to lie face down, handcuffed him and boarded him to a vehicle. After sometime, he heard successive gun shots while still lying down on his stomach aboard the white vehicle. Several people including the media approached him on the vehicle, while Alex Angeles was asked if Raymark was one of those who held up the store. It took Alex some time before he pointed at Raymark, and then they closed the vehicle door.

Raymark denied having any knowledge of Denise and Gharry's plan to rob Starbucks or that he was caught in possession of a bladed weapon, a *paltik* revolver and the laptop bag which contained an unaccounted amount of money bills. He was carrying nothing when he was arrested. He also denied that it was him who hand tied Alex Angeles while inside the back office of Starbucks.^[7] (Citations omitted)

On March 7, 2012, the Regional Trial Court issued a Decision^[8] finding Daguman guilty beyond reasonable doubt of the special complex crime of robbery with homicide. Its dispositive portion reads:

WHEREFORE, judgment is hereby rendered finding the accused RAYMARK DAGUMAN Y ASIERTO @ "MARK" GUILTY beyond reasonable doubt of the special complex crime of robbery with homicide and is hereby sentenced to suffer the penalty of *reclusion perpetua*. Accused is further ordered to pay the heirs of Denise Sigua the amount of Php75,000.00 as civil indemnity and Php50,000.00 as moral damages.

SO ORDERED.^[9]

According to the Regional Trial Court, the elements of robbery with homicide were proved, namely: (1) the taking of personal property belonging to another; (2) the taking was with intent to gain; (3) the taking was with the use of violence or intimidation against a person; and (4) on the occasion or by reason of the robbery, the crime of homicide, as used in its generic sense, was committed.^[10]

The Regional Trial Court gave credence to the testimonies of Alexander Angeles (Angeles), the store manager, and Gharry Oquindo (Oquindo), the security guard. To the trial court, both witnesses positively identified Daguman as the person who pointed the knife at Oquindo and took his firearm, and restrained and blindfolded Angeles. Daguman was also ascertained as the person from whom the police officers had recovered the stolen money. The trial court disregarded Daguman's denial, taking into account his presence at the crime scene and his admission that Sigua had informed him of the plan to rob the cafe beforehand.^[11]

Further, the trial court cited *People v. De Jesus*^[12] in finding that the crime committed was robbery with homicide. Sigua was found to have been killed by reason or on occasion of the robbery.^[13]

However, the Regional Trial Court did not appreciate the aggravating circumstances of commission of robbery by a band and use of an unlicensed firearm. As to the robbery by a band, the trial court found no evidence to show that there were two other suspects who escaped after the robbery, and neither Angeles nor Oquindo testified to their presence. While these two suspects were implicated because the third man shot at police officers during the purported escape from the cafe, it was not shown how they were connected to the robbery. As to the use of an unlicensed firearm, no evidence was presented to show that Daguman had no license to carry the homemade revolver.^[14]

Daguman appealed to the Court of Appeals, arguing that the Regional Trial Court gravely erred in convicting him despite the prosecution's failure to prove his guilt beyond reasonable doubt^[15] He claimed that he was misidentified as a robber,^[16] and that he has shown that he was not privy to the plan^[17] hatched by Sigua and Oquindo, whom he insisted was part of the scheme. He added that he only followed Sigua's instructions to enter the cafe out of fear, since Sigua was pointing a gun at him.^[18]

The prosecution countered that the Regional Trial Court correctly convicted Daguman. It pointed out that he was positively identified by two witnesses as one of the two persons who took money from the cafe, and that the money was found in his possession afterward.^[19]

The Court of Appeals denied Daguman's appeal. The dispositive portion of its August 26, 2014 Decision^[20] reads:

WHEREFORE, premises considered, the appeal is DENIED. The Decision of the Regional Trial Court, Branch 275, Las Piñas City is AFFIRMED.

SO ORDERED.^[21]

The Court of Appeals found that the prosecution presented sufficient evidence to prove Daguman's guilt. He was positively identified by both Angeles and Oquindo. Further, when Daguman was arrested, he was found in possession of the knife used in the robbery and the money taken from the cafe. The Court of Appeals noted that, despite Daguman's denial that he took part in the robbery, he was unable to satisfactorily explain why he was inside the cafe while the robbery was ongoing.^[22]

Daguman filed a Notice of Appeal.^[23] On July 15, 2015, the Court of Appeals elevated the records of this case to this Court pursuant to its October 7, 2014 Resolution, which gave due course to the notice of appeal.^[24]

In its September 2, 2015 Resolution,^[25] this Court noted the records of this case forwarded by the Court of Appeals and informed the parties that they may file their supplemental briefs.

Both plaintiff-appellee People of the Philippines,^[26] through the Office of the Solicitor General, and accused-appellant^[27] manifested that they would no longer be filing supplemental briefs, which were noted by this Court in its January 27, 2016 Resolution.^[28]

The issues to be resolved in this case are:

First, whether or not accused-appellant Raymark Daguman is guilty beyond reasonable doubt of the special complex crime of robbery with homicide; and

Second, whether or not he is liable to pay civil indemnity and damages to the heirs of Denise Sigua.

The special complex crime of robbery with homicide is punishable under Article 294(1) of the Revised Penal Code, which provides:

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.

The elements of robbery with homicide are: "(1) the taking of personal property with violence or intimidation against persons; (2) the property taken belongs to another; (3) the taking was done with *animo lucrandi*; and (4) on the occasion of the robbery or by reason thereof, homicide was committed."^[29]

Here, the prosecution satisfactorily proved the first three elements of the crime. Accused-appellant and Sigua were established to have taken cash from the cafe by intimidating its manager and security guard. Angeles and Oquindo positively identified accused-appellant as one of the perpetrators. Angeles pointed to accused-appellant as the person who restrained and blindfolded him during the robbery. Meanwhile, Oquindo testified that accused-appellant pointed a knife at him and took his service weapon.^[30]