FIRST DIVISION

[G.R. No. 230909, June 17, 2019]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RYAN GONZALES Y VILLA, ANGELO GUEVARRA Y BUENO ALIAS "ELO", ALVIN EUGENIO Y LACAY AND ROGELIO TALENS ALIAS "MONG", ACCUSED-APPELLANTS.

D E C I S I O N

DEL CASTILLO, J.:

On appeal is the September 30, 2016 Decision[1] the Court of Appeals (CA) in CA-G.R. CR-HC No. 07885, which affirmed with modification the August 5, 2015 Decision[2] of the Regional Trial Court (RTC), Branch 27, Cabanatuan City, convicting accused-appellants Ryan Gonzales y Villa (Gonzales), Angelo Guevarra y Bueno alias "Elo" (Guevarra), Alvin Eugenio y Lacay (Eugenio), and Rogelio Talens alias "Mong" (Talens) of the crime of carnapping with homicide, as defined and penalized by Republic Act (RA) No. 6539 (Anti-Carnapping Act of 1972), as amended by RA 7659.

Antecedent Facts

Accused-appellants were charged with the crime of carnapping with homicide in an Information[3] which reads:

> That on or about the 7th day of September 2007, in the City of Cabanatuan, Republic of the Philippines, and within the jurisdiction of this Honorable [C]ourt, the above-named accused, conspiring, confederating and mutually aiding and abetting with one another, with intent to gain and by means of force, violence and intimidation against person, did then and there, wilfully, unlawfully and feloniously take, steal and carry away, a Suzuki Motorcycle with side-car, described as Make: Suzuki, Series GS150TD; Engine No. QS157FMJ-A0505185121; Chassis No. NG 46A-104784; Plate No. 2187CE, registered in the name of Nena Cardenas Carlos and driven by her husband Benjamin Carlos Jr. y Banalagay, against the latter's will and consent and to his damage and prejudice and, on the occasion of such act of carnapping, the above-named accused, did then and there unlawfully and feloniously assault and use personal violence upon the person of the said BENJAMIN CARLOS JR[.], that is, by bashing the latter in the back of the head [with] a piece of rock and thereafter by repeatedly stabbing the latter nineteen times on various parts of his body, thereby inflicting upon him multiple stab wounds which caused his death.
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> CONTRARY TO LAW.[4]

The accused-appellants pleaded not guilty when arraigned. During pre-trial, the parties stipulated that the victim, Benjamin Carlos, Jr. (Benjamin), was a driver of the tricycle registered under the name of his wife, Nena Carlos (Nena), as evidenced by Certificate of Registration No. 5181256-3 and Official Receipt No. 475663440. Pre-trial was terminated on August 5, 2008 and trial on the merits ensued thereafter.[5]

The prosecution presented the testimonies of (1) the victim's wife, Nena, (2) Melquiades Verde (Verde), (3) Eugene De Ocampo (De Ocampo), (4) PO3 Alejandro Santos (PO3 Santos), and (5) Dr. Jun B. Concepcion (Dr. Concepcion).[6]

The facts of the case, as summarized by the trial court and adopted by the CA, are as follows:

> On September 7, 2007, around 11:30 P.M., 61-year old tricycle driver Benjamin Carlos, Jr. was plying his route looking for passengers on the streets of Cabanatuan City. He was found dead the following day along Vergara Highway, Barangay Sta. Arcadia, Cabanatuan City with nineteen (19) stab wounds and a bashed head. The result of his autopsy showed that he was killed between 11:00 P.M. and 12:00 midnight of September 7, 2007. Tricycle driver Melquiades Verde saw accused-appellants Ryan Gonzales y Villa, Alvin Eugenio y Lacay and Rogelio Talens x x x on board the victim's tricycle, while x x x accused-appellant Angelo Guevarra x x x was on board another tricycle, about 11:00 to 11:30 P.M. of September 7, 2007. On September 10, 2007, the victim's tricycle was found at Cantarilla, Barangay Valdefuente, Cabanatuan City x x x in the process of being dismantled by accused-appellants Ryan Gonzales y Villa and Alvin Eugenio y Lacay.
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> x x x x
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> Accused-appellant Rogelio Talens, however, claims that on the night of September 7, 2007, he was having a drinking session with his friends 'Ace' and 'Tarry' at the waiting shed of Brgy. Vijandre, Cabanatuan City, and they all went home to their respective houses after the drinking session around 11:30 P.M. Accused-appellant Alvin Eugenio y Lacay claims that at the time of the incident, he was with his parents in their house at Perigola, Valdefuente, Cabanatuan City.[7]

Ruling of the Regional Trial Court

In its August 5, 2015 Decision,[8] the RTC convicted all accused-appellants of carnapping with homicide, *viz*.:

> **WHEREFORE**, premises considered, the Court finds accused Ryan Gonzales y Villa, Angelo Guevarra y Bueno alias Elo, Alvin Eugenio y Lacay, and Rogelio Talens alias Mong **GUILTY** beyond reasonable doubt of the crime of carnapping as defined and penalized by Republic Act [No.] 6539 (Anti-Carnapping Act of 1972) as amended by R.A. 7659, with homicide. Accordingly, they are hereby sentenced to suffer the penalty of *reclusion perpetua*. Said accused are further sentenced to indemnify the heirs of Benjamin Carlos, Jr., jointly and severally, the sum of

> Php50,000.00 as death indemnity, Php50,000.00 as moral damages, and Php25,000.00 as temperate damages, with interest on all these damages awarded at the rate of 6% per annum from the date of finality of this Decision until fully paid.
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> **SO ORDERED.**[9]

The RTC found the testimonies of PO3 Santos and Verde to be straightforward, credible, and unrehearsed. It also ruled that the defense failed to establish ill motive on the part of the prosecution witnesses.[10]

The RTC disregarded the accused-appellants' defense of alibi for being inherently weak vis-a-vis the positive identification by the prosecution witnesses, and considering that the victim's tricycle was found in the possession of accused-appellant Gonzales and Eugenio.[11] It also held that accused-appellants had conspired with one another in the execution of the felony as shown by their concerted actions, community of design and unity of purpose.[12]

Aggrieved, accused-appellants elevated the case to the CA.[13]

Ruling of the Court of Appeals

In the assailed Decision,[14] the CA disposed of the appeal in this wise:

> **WHEREFORE**, the trial court's Decision dated August 5, 2015 is affirmed, subject to modification that accused-appellants are ordered to pay jointly and severally the heirs of the victim civil indemnity in the increased amount of Php75,000.00, moral damages in the increased amount of Php75,000.00 and exemplary damages of Php75,000.00, in addition to the temperate damages of Php25,000.00 awarded by the trial court. The Decision dated August 5, 2015 is affirmed in all other respects.
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> **SO ORDERED.**[15]

In affirming the conviction of accused-appellants for the crime of carnapping with homicide, the CA similarly gave weight to the testimony of Verde who positively identified the accused-appellants as the persons last seen with Benjamin before the latter was found dead the following morning. The CA also accorded credence to the corroborating testimonies of Dr. Concepcion, who determined the approximate time of death of the victim and the number of his assailants; as well as the testimony of PO3 Santos, who caught accused-appellants Gonzales and Eugenio in the act of repainting the victim's dismantled tricycle.[16]

The appellate court noted that the defense failed to show that the prosecution witnesses were prompted by any ill motive to falsely testify against the accused-appellants. It also pointed out that accused-appellants failed to dispute the fact that Benjamin's tricycle was found in their possession by the police. The CA gave short shrift to the accused-appellants' denial and alibi for being inherently weak and unreliable, especially since the accused-appellants failed to show that it was physically impossible for them to have been at the crime scene when the crime was

perpetrated. Finally, the CA affirmed the penalties imposed by the trial court, but increased the awards of civil indemnity, moral damages, and exemplary damages,[17] in accordance with this Court's ruling in *People v. Jugueta*.[18]

Hence, this appeal.

Issue

Whether or not accused-appellants are guilty of carnapping with homicide.

The Court's Ruling

The appeal lacks merit.

The elements of carnapping as defined and penalized under RA 6539, as amended, are as follows:

1. That there is an actual taking of the vehicle;

2. That the vehicle belongs to a person other than the offender himself;

3. That the taking is without the consent of the owner thereof; or that the taking was committed by means of violence against or intimidation of persons, or by using force upon things; and

4. That the offender intends to gain from the taking of the vehicle.[19]

For the crime to be considered a special complex crime of carnapping with homicide, it must be proven that the victim was killed "in the course of the commission of the carnapping or on the occasion thereof."[20] Thus, the prosecution must not only establish the essential elements of carnapping, but it must also show that such act of carnapping was the original criminal intent of the culprit and that the killing was committed in the course of executing the act of carnapping or on the occasion thereof.

In this case, the prosecution satisfactorily proved all the elements of the crime. It sufficiently established that the vehicle did not belong to the accused-appellants. Prosecution witnesses Nena and De Ocampo testified that the tricycle subject of the carnapping was purchased from Royce Motors on installment basis and registered in Nena's name.[21] Moreover, it was shown that the tricycle was forcibly taken from Benjamin with the intent to gain from such taking.

Prosecution witness Verde testified that, sometime past 11:00 p.m. of September 7, 2007, he saw the three accused-appellants alight from Gueverra's tricycle and flag down a red Suzuki tricycle with galvanized side car being driven by a man around the age of 60;[22] and that, he later knew the identity of the 60-year old driver of the red Suzuki tricycle when Benjamin's lifeless body was discovered the following morning along Vergara Highway in Brgy. Sta. Arcadia.[23]

Corroborating Verde's testimony, PO3 Santos testified that, after learning that a