

FIRST DIVISION

[G.R. No. 197562, April 20, 2015]

**AURORA ENGSON FRANSDILLA, PETITIONER, VS. PEOPLE OF
THE PHILIPPINES, RESPONDENTS.**

D E C I S I O N

BERSAMIN, J.:

The complex crime of robbery in an inhabited house by armed persons and robbery with violence against or intimidation of persons was committed when the accused, who held firearms, entered the residential house of the victims and inflicted injury upon the victims in the process of committing the robbery. Hence, the penalty is that imposed for the robbery in an inhabited house, the more serious crime. All the accused are liable because the act of one is the act of all.

The Case

Aurora Engson Fransdilla (Fransdilla), the lone appellant, seeks to reverse the decision promulgated on February 28, 2011,^[1] whereby the Court of Appeals (CA) affirmed her conviction and that of her co-accused for robbery on the basis of conspiracy, with modifications as to the penalty imposed, under the decision rendered on September 15, 1999 by the Regional Trial Court (RTC), Branch 99, in Quezon City^[2]

As factual background, the CA adopted the summary rendered by the Office of the Solicitor General (OSG) in its appellee's brief, *viz.*:

On February 20, 1991 between 3 o'clock and 4 o'clock in the afternoon, at private complainants' residence at No. 24, Mabait St., Teachers Village, Quezon City, private complainant Lalaine Yreverre saw appellant Aurora Engson in front of their gate. Upon noticing Aurora, Lalaine went to the gate and asked Aurora what is their purpose, as there were four (4) of them. Aurora then inquired about Cynthia Yreverre, Lalaine's sister. The latter replied that Cynthia was in the Japanese Embassy and asked Aurora if there was any other person whom she wanted to talk to. It was then that Aurora told Lalaine that she was from the Philippine Overseas Employment Agency (POEA). It was upon said pretension that Lalaine offered herself to instead talk to her and allowed her to enter their house. When they were already having a conversation, Aurora asked Lalaine if she could use the telephone, which the latter acceded to and handed her a cordless telephone. Lalaine noticed that Aurora seemed to keep on dialing the telephone and even said that the person she was calling did not know how to use the telephone. But still, Aurora kept on dialing the telephone.

Thereafter, appellant Aurora asked for a cigarette. After Lalaine gave Aurora the cigarette, the four (4) other men outside the gate, who were with Aurora, suddenly came inside the house. The four (4) men stood behind Aurora who was still dialing the telephone. When Aurora told that she could not contact the person she was calling, she asked Lalaine if she could use the comfort room, which the latter again permitted. Aurora stood up, put down the telephone, got her bag and went to the comfort room. When Aurora came back, she sat down again but in crossed-legs as she said she was having a menstrual period. Upon saying that, Lalaine's attention was focused on her. At this juncture, accused Edgardo Cacal poked a gun at Lalaine's neck and announced that it was a hold-up. While appellant Edgardo Cacal was poking a gun at Lalaine's neck, accused Danilo Cuanang and the two (2) other men proceeded to the kitchen. In the kitchen, Danilo and his two (2) other companions herded their maids, private complainant's niece and cousin inside the bodega.

Accused Cacal who was still poking the gun at Lalaine's neck, thereafter, pulled Lalaine's hair and dragged her upstairs and brought her inside Cynthia's room. The gun still being poked at Lalaine, Cacal looked around the room and when he spotted upon the vault he dropped Lalaine, opened the door and called for his companions to come along. Accused Cuanang came up and the two (Cacal and Cuanang) carried the vault and brought it downstairs. But before they went downstairs, they threatened Lalaine not to follow them and to just stay in the room, but Lalaine opened the door and followed them.

When Lalaine was halfway downstairs, accused Cacal turned his back and saw her. Accused Cacal then brought her inside her room. Inside the room, Cacal pushed her towards her bed and she fell. Cacal told her to just stay, and then he searched the room. Lalaine managed to stand up but Cacal slapped her. While sitting, accused Cuanang came and tied her arms at her back. While she was being tied, appellant Aurora Fransdilla peeped inside the room. It was also at the time that accused Cacal and Cuanang searched the entire room and took all the jewelries and things they saw.

When Cuanang and Cacal left the room, Lalaine followed them. While in the middle downstairs, she saw Cacal, Cuanang and their two other companions tucking their guns around their waists. Appellants and their co-accused then left the house on board two (2) cars that were waiting for them just outside the house, and one of which, a black Colt Mirage, was driven by accused Manuel Silao, together with appellant Edgardo Silao who was seated at the front passenger seat.

At this point, Lalaine shouted for help, thereafter, a relative came by to help and untied her. Lalaine then called her sister Cynthia and related the incident. Cynthia reported the incident to the police authorities. Not too long thereafter, the police investigated the incident.

In relation thereto, Lalaine executed her sworn statement on February 20, 1991 (Exhibit "J"). After said investigation, Lalaine underwent medical examination at the East Avenue Medical Center as her hands

were bruised when she was tied by her hands and her face being slapped by one of the accused. A medical certificate was issued in relation thereto (Exhibit "N").

Thereafter, Lalaine went to Camp Karingal at Sikatuna, Quezon City where there were at least fifteen (15) person(s) presented before her in the police line-up, but she was not able to identify any of the accused among said line-up.

After which, she went to the Station Investigation Division (SID) Station 4, Quezon City where she was shown about fifty (50) pictures in order for her to identify the robbers, but she was not able to identify any of them.

Since she failed to identify any of the malefactors, she proceeded to the National Bureau of Investigation (NBI), Manila. She was referred to a cartographer for the sketch of herein appellants and their co-accused as the malefactors in robbing their house (Exhibits "B", "C" and "D").

Thereafter, Lalaine proceeded to the Western Police District, Manila. There, she went to the rogues gallery where a picture of about (5) persons were shown to her. After carefully examining the pictures, Lalaine was able to pinpoint the picture of accused Danilo Cuanang as one of the robbers. She was also able to identify Manuel "Sonny" Silao in a group picture where she identified accused Cuanang (Exhibits "E" and "F") It was also in said rogues gallery that they were able to get accused Cuanang's address at Iriga, Cubao, Quezon City.

Lalaine, together with her police officers companions, proceeded to Cuanang's indicated address. Upon arrival thereat, they inquired from the security guard of the townhouse if Danilo Cuanang was residing there, which the latter confirmed.

On the following day Lalaine and her police companions went back to Cuanang's house. Lalaine knocked at the door and accused Cuanang himself opened the door. When Lalaine confronted him and told him that he was one of those who entered their house, the latter did not answer. Lalaine asked Cuanang if he could come with them at the PNP-SID, Station 4, EDSA, Kamuning, Quezon City and the latter acceded.

On their way to the police station, Lalaine inquired on Cuanang about their lady companion (herein appellant Fransdilla), but the latter just bowed his head. When Lalaine threatened him that if he would not tell the whereabouts of their lady companion (herein appellant Aurora) he would be answerable for all the things stolen, the latter replied that they had no share in the stolen items. Lalaine then asked the name of their lady companion and the latter said that her name was Jessica Engson (also known as Aurora Engson Fransdilla) and she was living in Antipolo Street, Sampaloc, Manila. Cuanang also volunteered himself to accompany them to Aurora's house provided that they should not hurt him. Agreeing thereto, the group of Lalaine, accompanied by Cuanang, proceeded to Aurora's house at the given address. Upon arrival thereat, Lalaine inquired from a child if Aurora was awake, and upon asking, she

saw appellant Aurora who was trembling at that time. Lalaine noticed that Aurora was nervous and even told her that Lalaine was able to remember her face. Appellant even voluntarily told Lalaine that she would tell her the whole truth. She (Aurora) told that she was instructed by her companions Edgar (Silao), Sonny (Manuel Silao) and Danilo Cacal. Lalaine even confronted her when she implicated her cousins (Sonny and Edgar).

Upon reaching PNP Station 4, SID, Kamuning, Quezon City, Lalaine and her police companions rested for a while before they proceeded to 921 Adelina St., Sampaloc, Manila, where accused Manuel "Sonny" Silao lived. Upon reaching the said address, Lalaine knocked at the gate, and a maid opened the same and allowed them to enter the house. In the house, Lalaine asked the maid where Sonny's room was and the latter said it was on the third floor. When Lalaine and her police companions were going upstairs, they passed by the second floor and saw accused Cacal sitting on a folding bed. She then told her police companions that that man (Cacal) was among those who entered and robbed their house, Cacal just remained silent. Thereafter, the group proceeded to the third floor of the house, knocked at the door and it was Manuel's (a.k.a. Sonny) wife who opened it. At this point, Manuel (a.k.a. Sonny) was lying on the bed and holding his gun, thus, Pat. Randy Quitarano immediately handcuffed him. Lalaine's group invited Manuel and Danilo to go with them at the police station; both acceded.

On March 21, 1991, Lalaine went back to the PNP Station 4, SID, Kamuning, Quezon City, where she was informed that they (Rod Fortaleza's group) were able to recover some money (dollar bills) from appellant Edgardo Silao. When these dollar bills were shown to her, she recognized that these were the same dollar bills withdrawn by her sister Cynthia from the RCBC Bank as the bills bear red markings (Exhibits "M" to "M-5").^[3]

Fransdilla and her co-accused were eventually charged with robbery under the following information, to wit:

That on or about the 20th day of February, 1991, in Quezon City Philippines and within the jurisdiction of the Honorable Court, the above-named accused, conspiring together, confederating with and mutually helping one another, did then and there wilfully, unlawfully and feloniously with intent to gain, and by means of violence and intimidation upon person rob the residence of CYNTHIA YREVERRE Y PANGANIBAN located at No. 24-B Mabait St., Teacher's Village, Quezon City, this City, by pretending to be from PHILIPPINE OVERSEAS EMPLOYMENT AGENCY (POEA) and once inside took, rob, and carried away the following items therefrom, to wit:

nine (9) pieces of expensive jewelry P1 .5 M
\$30,000.00 (U.S. Dollars equivalent to ... 900,000.00

belonging to CYNTHIA YREVERRE Y PANGANIBAN.

two (2) pairs of gold earrings P 10,000.00

one (1) gold necklace with pendant	180,000.00
one (1) Louie Viton Brown Leather (sic)...	11,000.00
one (1) Gucci Ladies watch	13,000.00
two (2) gold earrings w/diamond pendant...	80,000.00
CASH MONEY	7,000.00

belonging to LALAIN YREVERRE Y Panganiban, all in the total amount of PHP2,701,000.00, Philippines Currency, to the damage and prejudice of the said offended party in the aforementioned sum and in such other amounts as maybe awarded under the provisions of the Civil Code.

CONTRARY TO LAW.^[4]

At the pre-trial conference, the parties stipulated as follows:

1. The identity of all the accused as indicated in the information.
2. The accused Manuel Silao and Edgar Silao are brothers and first cousins of private complainant Cynthia Yreverre and prosecution witness Lalaine Yreverre.
3. The accused Manuel Silao had entered the house of complainant on several occasions to visit relatives.
4. The accused Edgardo Cacal is the driver of Manuel Silao and knows Manuel's brother accused Edgar Silao.
5. The accused Manuel Silao has a pending criminal case for illegal possession of firearms before the RTC, Manila.
6. The accused Manuel Silao is the owner of one Cal. 9mm Springfield bearing Serial No. 64624 with one magazine containing eight (8) ammunitions, although only 4 were delivered to the Court.
7. The accused were all investigated in connection with the instant case, without the assistance of counsel.
8. The person depicted in the picture marked as Exhibit "E" is accused Manuel Silao while the one in the photograph marked as Exhibit "D" is accused Danilo Cuanang.
9. On February 20, 1991, Edgar Silao was in Quezon City.^[5]

The prosecution presented complainants Lalaine Yreverre and Cynthia Yreverre, NBI Illustrator Amando Mendoza, SPO2 Randolph Quitoriano, RCBC Manager Ma. Teresa Jamir, Joel Yreverre and Dr. Richard Pascual as its witnesses during the trial on the merits. On its part, the defense relied on Celia Syquian, Edgardo Y. Silao, Dominador Pilar, Lourdes Samson Lopez, and Danilo Cuanang as witnesses.