

EN BANC

[G.R. No. 127789, April 02, 2002]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
DONATO CRUZ Y MALEJANA, ACCUSED-APPELLANT.**

D E C I S I O N

MELO, J.:

This case, involving as it does the gruesome death of a mother and her 5-year old daughter, once again underscores the evil that the drug menace poses to society.

The facts established by the prosecution, may be synthesized as follows:

On September 12, 1996, Renato Robles, the husband of Laura Robles and the father of Mary Lauren "Lara" Robles, arrived home from work at about 7:30 o'clock in the evening. Renato found the gate of his house padlocked on the inside and the house in total darkness. Thinking that his wife and daughter were just sleeping inside the house, Renato rang the doorbell several times but no one responded. Now alarmed, Renato went to the neighboring store to ask for assistance from the store owner, Mamerto Cesario. He then returned to his house, jumped over the fence, opened the gate and passed through the screened off portion of the kitchen to gain entry to the house.

Once inside the house, Renato switched on the lights and was greeted by a horrific scene — the cold and dead body of his wife lying prostrate on the floor bathed in her own blood. Renato rushed to the bedroom to check on his 5-year old daughter, Lara, only to find her cold and dead as well. Renato immediately called his mother-in-law and sister-in-law, and told them what happened. Afterwards, he went back to the bedroom, where he discovered that their cabinet had been ransacked. Among the items missing were a Minolta camera worth P30,000.00, a wedding ring worth P4,000.00, P8,000.00 in cash, as well as an undetermined amount of US dollars.

As testified to by Dr. Emmanuel Arañas, a medico-legal officer of the PNP Crime Laboratory, Laura and Lara died of multiple stab wounds. His testimony was capsulized by the State in this wise:

Dr. Arañas testified that the mother, Laura Robles, sustained 43 incise and stab wounds (ibid, p. 31). The stab wounds were on the left side of the head around the left ear and most are on the trunk, specifically at the back (ibid). The back of the victim, to be exact, sustained 19 stab wounds (ibid, p. 34). One of the most fatal wounds in the front portion of the body of the victim is wound no. 10 because it pierced her heart and that alone could have caused the spontaneous death of the victim (ibid, p. 33). There are eight (8) fatal stab wounds at the back of the victim which penetrated the right lung, left lung and the liver.

Dr. Arañas also testified that the five-year old victim, Lauren "Lara" Robles, sustained four (4) stab wounds, three (3) of which are fatal, and multiple abrasions on the neck (ibid, p. 39). Stab wound no. 2 pierced the heart of Lara while stab wounds nos. 4 and 5 pierced the left lung (ibid).

(pp. 130-131, Rollo.)

For the killing of Laura and Lara Robles, herein appellant Donato Cruz y Malejana was arrested by police authorities and subsequently charged before the Regional Trial Court of the National Capital Judicial Region (Branch 63, Pasig City) with two counts of murder. In addition, appellant was also charged with theft for stealing a camera and cash. The three Informations read as follows:

For the death of Laura Robles

The prosecution, through the undersigned Public prosecutor, charges Donato Cruz y Malejana with the crime of murder, committed as follows:

On or about September 12, 1996 in Pasig City and within the jurisdiction of this Honorable Court, the accused, with intent to kill, and with abuse of superior strength, treachery and cruelty, did then and there wilfully, unlawfully and feloniously attack, assault and stab Laura Robles y Santos on her trunk with a bladed weapon, thereby inflicting upon said Laura Robles stab wounds, which directly caused her death.

Contrary to law.

For the death of Lauren "Lara" Robles

The prosecution, through the undersigned Public prosecutor, charges Donato Cruz y Malejana with the crime of murder, committed as follows:

On or about September 12, 1996 in Pasig City and within the jurisdiction of this Honorable Court, the accused, with intent to kill, and with abuse of superior strength, treachery and cruelty, did then and there wilfully, unlawfully and feloniously attack, assault and stab Lauren "Lara" Robles y Santos, five (5) year old, on her chest with a bladed weapon, thereby inflicting upon said Lauren "Lara" Robles stab wounds, which directly caused her death.

Contrary to law.

For Theft

The prosecution, through the undersigned Public Prosecutor, charges Donato Cruz y Malejana with the crime of theft, committed as follows:

On or about September 12, 1996 in Pasig City and within the jurisdiction of this Honorable Court, the accused, with intent to gain and without the knowledge and consent of the owner, did then and there wilfully, unlawfully and feloniously take, steal and carry away the following items:

One (1) Minolta Camera P30,000.00
Cash money P 8,000.00
Dollars with an undetermined amount

all in the total amount of more or less P38,000.00, belonging to Renato M. Robles, to the damage and prejudice of the owner.

Contrary to law.

(pp. 47-48, Rollo.)

However, even before the above-mentioned informations could be filed in court, appellant, in a sworn statement before the investigating police authorities (p. 96, Annex "B", Record), confessed to the crimes. This confession was made with the assistance of counsel in the presence of appellant's wife and mother. Appellant admitted that he was high on drugs when he committed the killings. His confession, as summarized by the Office of the Prosecutor, is as follows:

In the afternoon of September 12, 1996, respondent (*herein appellant*) went to visit Ariel Tolentino at his house located at Tierra Verde, Santolan, Pasig City. Before he went to his friend's house, he sniffed shabu and smoked a stick of marijuana. He also drank a bottle of beer. Proceeding to his friend's house, however, he was not able to find him.

When respondent (*herein appellant*) was going out of the subdivision, he suddenly felt something unusual and found himself inside the gate of the house of the complainant. He then sat on a sofa near the kitchen. While seated on the sofa, Laura saw respondent and she became hysterical and started shouting. Respondent was rattled. Because he was feeling something unusual at that time, and thinking that he will be assaulted by Laura, respondent went inside the house, got hold of a pointed object and stabbed Laura a countless times. While he was stabbing Laura, he saw Lara coming out of a room and when she saw respondent stabbing her mother, she went back to the room where respondent followed and stabbed her with the same pointed object.

(pp. 10-11, Original Records.)

During the trial, the defense waived its right to present any evidence. Appellant only moved for the admission of the following mitigating circumstances: (1) voluntary surrender, (2) having committed the offense under the influence of drugs, and (3) plea of guilty. The trial court admitted the plea of guilty and disregarded the other two, there being no evidence to support the same.

On December 5, 1996, the trial court rendered judgment, disposing: