

FIRST DIVISION

[G.R. No. 126046, August 07, 1998]

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROBERT DARAMAN @ "JOVIT," EDGARDO LUMENARIAS @ "ALONG," ELIAS FUENTES (AT LARGE), JESSIE OBLIMA (AT LARGE), ACCUSED, ROBERT DARAMAN @ "JOVIT," APPELLANT.

DECISION

PANGANIBAN, J.:

In resolving this appeal, the Court reiterates the well-settled doctrine that the testimony of a single credible and trustworthy witness is sufficient to convict the appellant, particularly if said witness was not shown to have been motivated by any bias or ill motive.

The Case

On December 28, 1992, an Information for robbery with homicide^[1] was filed before the Regional Trial Court of Panabo, Davao, against Edgardo Lumenarias,^[2] Robert Daraman, Elias Fuentes and Jessie Oblima. The Information reads:

"That in the evening of September 30, 1992, in the Municipality of Sto. Tomas, Province of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together, with intent to gain, armed with handguns, and by means of force and intimidation, robbed and took away cash money amounting to P2,000.00 and two wrist watches valued at P2,000.00, or the total sum of P4,000.00 belonging to the spouses Fausto and Lina Labrador, and on the occasion of the said robbery, accused Edgardo Lumenarias, still in pursuance of the conspiracy, by means of his handgun, shot Lina Labrador in the head, causing her death, to the damage of her surviving heirs."

On March 11, 1993, Lumenarias and Daraman, assisted by Atty. Prosper P. Dajalos of the Public Attorney's Office, were arraigned. Lumenarias pleaded guilty while Daraman entered a plea of not guilty.^[3] Fuentes and Oblima remained at large. In his Judgment dated March 24, 1993, Judge Mariano C. Tupas imposed upon Edgardo Lumenarias an indeterminate sentence of 14 years and 8 months of reclusion temporal as minimum to 20 years of reclusion temporal as maximum. Lumenarias was also ordered to indemnify the heirs of Lina Labrador in the sum of fifty thousand pesos and to pay the costs.^[4] The case against Robert Daraman proceeded in due course, with Judge Tupas presiding over the trial until his retirement. Judge Bernardo V. Saldares, who replaced him, penned the assailed 28-page Decision of January 25, 1996, the dispositive portion of which reads:

"WHEREFORE, premises considered, this Court finds the accused Robert Daraman, alias 'Jovit', 33 years old, married to Letty T. Daraman, jobless and resident of Kinamayan, Sto. Tomas, Davao Province, guilty beyond reasonable doubt as co-principal [in] the crime of Robbery with Homicide penalized under Article 249, par. 1 of the Revised Penal Code, as charged in the information, and is hereby therefore sentenced to suffer the penalty of reclusion perpetua, with all the accessory penalties provided by law, and to indemnify Fausto Labrador, surviving spouse of the victim, Lina Labrador, in the amount of FIFTY THOUSAND PESOS, for such death, in addition to the payment of TWENTY THOUSAND (P20,000.00) as and for moral damages, TEN THOUSAND (P10,000.00) PESOS as and for exemplary damages, and NINETEEN THOUSAND (P19,000.00) PESOS for actual expenses in the burial and funeral expenses and restitution of the money and articles robbed, and to pay the costs.

"In the service of this sentence, said accused shall be immediately remitted and transferred to the custody of [t]he Director, Bureau of Corrections of the National Bilibid Prisons, Muntinlupa, Metro Manila, issuing the corresponding commitment order (or mittimus) pursuant to Circular No. 4-92-A, which amended Circular No. 4-92 of the Supreme Court dated April 20, 1992.

x x x x x x x x x

"SO ORDERED."^[5]

Hence, this appeal.^[6]

The Facts According to the Prosecution

The solicitor general summarized the facts of the case as follows:

"At about 6:30 in the evening of September 30, 1992, Fausto Labrador and his wife, victim Lina Labrador, were eating their evening meal in their kitchen when they heard a customer call out that he wanted to buy ice water and cigarettes from their sari-sari store. The Labradors' residence is located at North Gate, San Roque, Sto. Tomas. Lina stood up to attend to the customer. Fausto later heard her call out for him to join her in the store. There, Fausto saw his wife trembling before two men armed with firearms. The men told them to keep quiet as they were staging a hold-up. The hold-uppers insisted on entering the couple's residence. Lina was forced to open the door to their kitchen. One of the two men entered the house with Lina while the other stayed to guard Fausto. Fausto heard the robber hurrying up his wife, and then the sound of keys being used to open cabinets and drawers. A short while later, Fausto heard a gunshot. He saw the robber inside the house picking up coins from the floor then going out to the store and fleeing the scene with his companion. Fausto entered the house and saw his bloodied wife on the floor, with a gunshot wound on her head, already unable to speak. Lina died shortly thereafter, in Fausto's arms. (TSN, Aug. 24, 1993, pp. 3-14).

"Fausto identified the robber who shot his wife as accused Edgardo Luminarias, and the other who guarded him as appellant Robert Daraman. After the robbers had left, Fausto shouted for help. It took his neighbors about 30 minutes to respond. Fausto later found the following items missing from his house: two (2) wrist watches, their

motorcycle keys and around P2,000.00 in cash.

"A medico-legal examination of the victim was conducted by Dr. Dominador Tenchavez, [m]unicipal [h]ealth [o]fficer of Sto. Tomas, Davao. He testified that the victim died due to intracranial hemorrhage secondary to gunshot wound at the left temporal portion of the head. (Exh. "D") (TSN, May 27, 1993, pp. 4-7).

"Fausto's testimony was corroborated by Bienvenido Piamonte. Piamonte was one of the lookouts while the robbery was being staged by Luminarias and appellant. Piamonte testified that the plot to rob the Labradors was hatched a month before the incident. He claimed to have met appellant Robert Daraman at the residence of Luminarias. It was at this meeting that the robbery was planned. Piamonte confirmed Fausto's testimony that Luminarias and appellant Daraman, who were armed with handguns, were the ones who entered the Labrador residence while he, Jessie Oblima and Elias Fuentes posted themselves outside. He stated that after the robbery, the group proceeded to the residence of Luminarias where they were each given P100.00 as their share in the proceeds of the robbery. He testified that Luminarias told him he had to kill the victim because she shouted. (TSN, Aug. 18, 1993, pp. 4-15)."^[7]

According to the Defense

Appellant's version of the facts is presented below:

"x x x x x x x x x

"Edgardo Lumenarias testified that on September 30, 1992, at about 6:00 p.m., he, Bienvenido Piamonte, Elias and Totong gathered at his residence to plan the [r]obbery of the Labrador[s]. He and Totong entered the house where the [r]obbery with [h]omicide happened. He [did] not know the person of Robert Daraman before September 30, 1992. The first time that he saw and met Daraman was when they were already in the Sto. Tomas Municipal Jail on October 18, 1992. Bienvenido Piamonte was also in that jail on October 18, 1992.

"Alberto Caangay testified that accused Daraman was still in the bullmill operation at Balite District, Diwalwal, Monkayo, Davao when the alleged incident happened on September 30, 1992. (TSN, February 23, 1994, p. 6).

"Robert Daraman likewise testified that he met Bienvenido Piamonte inside Sto. Tomas Municipal Jail on October 18, 1992. Piamonte who was inside the jail acknowledged having participated in the commission of the crime. He was surprised why Piamonte was released from jail. It was he whom Piamonte pointed [to] later on as one of the perpetrators of the crime. (TSN, May 3, 1994, pp. 6-7)

"Mercedita Lumenarias testified [that] in the early afternoon of September 30, 1992, her husband Edgardo Luminarias, Bienvenido Piamonte, a certain Oblima and Elias Fuentes planned a robbery. Accused Robert Daraman was not present during the said planning. (TSN, September 1, 1995, pp. 4-5)

"Manny Daraman, the cousin of accused Robert Daraman was also presented in court to show that both of them [had] similar features and appearance."^[8]

To summarize, the defense presented the following witnesses: Robert Daraman, the appellant himself, who denied committing the crime charged and asserted that he was then at Diwalwal, Monkayo, Davao, where he worked from September 15 to October 15, 1992;^[9] Alberto Caangay, who claimed that appellant was in his employ at Diwalwal, during the aforesaid period;^[10] Manny Daraman, who was presented as a sur-rebuttal witness; ^[11] and Edgardo Lumenarias,^[12] who testified on the particulars of the crime charged -- how it was planned and how it was executed. Lumenarias also declared that Prosecution Witness Bienvenido Piamonte planned the robbery, and that it was one "Totong," not Appellant Robert Daraman, who had shot Lina Labrador to death. He claimed that he saw Daraman for the first time only on October 18, 1992, when the two of them were already in jail.^[13] The defense also sought to present Mercedita Lumenarias, but she did not take the witness stand anymore because the prosecution admitted that, if presented, the said witness would merely testify that appellant was not among those who were at her house on the afternoon of September 30, 1992.^[14]

The Trial Court's Ruling

In finding Appellant Daraman guilty of robbery with homicide, the court a quo gave full credence to the testimony of Bienvenido Piamonte and that of Fausto Labrador, the surviving spouse of Lina Labrador. The trial court said:

"It is quote [sic] clear and unmistakable that the testimony of Fausto Labrador, surviving spouse of Lina Labrador (his wife), positively pointed to, and identified accused Edgardo Lumenarias, alias "Along" and accused Robert Daraman, alias "Jovit" as the duo who entered their house on that fateful night of September 30, 1992, and were able to enter their said house by the use of threats and intimidation, using the guns in their possession, with Edgardo Lumenarias, alias "Along", entering their room and robbing them of their cash and other valuables and then, shot his wife, Lina, resulting in her instantaneous death, while said accused Robert Daraman, alias 'Jovit', stood guard over him with his handgun pointed at him, and after the robbery and shooting, rushed out of their house, leaving him and his [dead] wife and bringing with them their money, wrist watches, and other personal effects, like motorcycle keys. In addition to this positive and clearly convincing narration of credible facts by the robbery victim, Fausto Labrador, the narrated version given by Bienvenido Piamonte -- who was admittedly one of the group who planned and perpetrated the robbery heist on the Labrador store and house, but was deemed, upon closer investigation by the public [prosecutor] to be "less guilty", and would better enhance the ends of justice if utilized as a [s]tate [w]itness, which he was in fact -- was equally credible and trustworthy when he positively pointed to Edgardo Lumenarias, Robert Daraman, at-large accused Elias Fuentes and Jessie Oblima as the active participants in that robbery-killing committed on the early evening of September 30, 1992, at North Gate, San Roque, Sto. Tomas, Davao Province, where they robbed the Labrador couple of their money and other valuables worth P4,000.00 all in all."^[15]

The lower court gave little weight to the testimonies of the defense witnesses, *viz.*:

"On the other hand, the somersaulted version narrated by defense witness and co-accused Edgardo Lumenarias, when he pointed allegedly to one "Totong" and not

him as the killer of Lina Labrador, and that [by] co-accused Robert Daraman, alias "Jovit", cannot be given any iota of credence, considering his voluntary and spontaneous plea of guilty to the offense charged on March 11, 1993, thus admitting all the substantial allegations of the criminal charge which included the participation, as thereon alleged, of Robert Daraman, alias "Jovit". He is therefore already estopped from taking and presenting a different version, after pleading guilty to the Information earlier. With respect to the testimony parroted by defense witness Alberto Caangay, this Court cannot also trust this kind of witness, with the manner this witness [had] been noticed to be engaging in false, if not entirely fabricated testimony, which certainly created serious doubts on his credibility[;] the objective of his presentation is to fortify the defense of alibi concocted by accused Robert Daraman - to the effect that he could not have been a co-perpetrator in the commission of the robbery-killing at the Labrador store/house on September 30, 1992, as he was at his bullmill operations from September 15, 1992 to October 15, 1992[;] but with the glaring, noticeable flippancy in the testimony of this witness, this Court considers him to be a very unreliable witness. And, of more significant consideration which should not be overlooked is the undeniable fact that the distance of Mount Balite, Diwalwal, Monkayo, Davao, can easily be traveled in a matter of hours, in view of the numerous kinds of transportation plying that very route. x x x And more importantly is the element of human nature, common sense and simple logic. When this accused Robert Daraman had no children yet, and while working (if true) at faraway Mt. Diwata, Diwalwal, Monkayo, Davao, certainly his conjugal visitations to his spouse would be a very compelling factor for him to rush to his home at Kinamayan, Sto. Tomas, Davao, more often than what he claims as enduring for a period of one (1) month straight at the bullmill operations site. When he already had two (2) children, nature dictate[d] that he ha[d] to make frequent visits, not only to extend his fatherly love to his spouse and two (2) children, but to bring the needed supply for their essential necessities, as a responsible head of the family. From these observed factors, these versions narrated by this apparently coached witness can only be viewed with extreme caution and grave suspicion. They just do not dovetail with reality and truth. Moreover, it has been positively testified to by Artemio Herodias that he saw this accused - Robert Daraman, alias "Jovit" - at their place at North Gate, Sto. Tomas, Davao Province, on September 28, 1992, and considering that it was the eve of the fiesta of the place or "vesperas", x x x there is more than sufficient, solid reason to believe that accused Robert Daraman was in truth and in fact present during the vesperas and fiesta of their place."^[16]

As for the appellant's testimony, the lower court asserted:

"The bare denial of Robert Daraman to [sic] the prosecution's finger of guilt in the commission of that robbery-homicide is therefore very weak, and more so with his alibi."^[17]

The Issues

The appellant assigns the following errors to the trial court:^[18]

"I

The trial court gravely erred in finding accused-appellant Robert Daraman guilty beyond reasonable doubt of robbery with homicide despite the insufficiency of the