

## THIRD DIVISION

[ G.R. No. 121532, September 07, 1998 ]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
ROMMEL LACATAN, RUBY VILLAMARIN, AND DOMINADOR  
SALAZAR, ACCUSED-APPELLANTS.**

### D E C I S I O N

**PURISIMA, J.:**

Appeal interposed by accused Rommel Lacatan, Ruby Villamarin and Dominador Salazar from the decision of the Regional Trial Court, Branch 42, Pinamalayan, Oriental Mindoro, finding them guilty of Robbery with Homicide in Criminal Case No. R - 4002; and sentencing them, as follows:

*"WHEREFORE, premises considered, this Court finds accused ROMMEL LACATAN, RUBY VILLAMARIN and DOMINADOR SALAZAR guilty beyond reasonable doubt of the crime of ROBBERY WITH HOMICIDE defined and penalized under Article 294, paragraph 1 of the Revised Penal Code, with the aggravating circumstances of evident premeditation, abuse of superior strength, nocturnity and cruelty with no mitigating circumstance, and hereby sentences each of them to suffer the penalty of RECLUSION PERPETUA, and to indemnify the Heirs of Alfredo Salazar the amount of ₱50,000.00; to pay said heirs the amount of ₱100,000.00 for burial expenses by reason of said death; ₱100,000.00, money stolen; ₱50,000.00, jewelries stolen; ₱20,000.00, goods stolen, and to pay the costs.*

*SO ORDERED."* (Rollo, p. 36)

Filed on March 14, 1992 by Assistant Provincial Prosecutor Normelito J. Ballocanag, the Information indicting the three accused, now appellants, alleges:

*"That on or about the 23rd day of November, 1990 at around 8:00 to 8:30 o'clock in the evening, in barangay G. Antonio, municipality of Gloria, province of Oriental Mindoro, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, Rommel Lacatan, Ruby Villamarin and Dominador Salazar conspiring, confederating and acting in common accord, while armed with bladed instrument, did then and there, wilfully, unlawfully and feloniously and by means of violence and intimidation and with intent to gain and against the consent of the owner thereof, took and carried away cash money in the amount of ONE HUNDRED THOUSAND (₱100,000.00) Pesos, assorted jewelries valued at FIFTY THOUSAND (₱50,000.00) Pesos and assorted food stuff valued at TWENTY THOUSAND (₱20,000.00) Pesos, belonging to the victim Alfredo Salazar and his wife, Anicia Lamonte, to their*

*damage and prejudice in the total amount of ONE HUNDRED SEVENTY THOUSAND (P170,000.00) Pesos, Philippine Currency; that on the occasion of the said Robbery and for the purpose of enabling them to take, steal and carry away the articles above-mentioned herein accused in pursuance of their conspiracy, did then and there, wilfully, unlawfully and feloniously and with evident premeditation and taking advantage of their superior number and strength and with intent to kill, treacherously attack, assault, box and stab said Alfredo Salazar on the different parts of his body which caused his instantaneous death.*

*That in the commission of the dastardly crime, the qualifying circumstances of evident premeditation, treachery and abuse of superior strength and the aggravating circumstances of nocturnity and cruelty were present.*

CONTRARY TO LAW:" (Rollo, p. 12)

With all the accused entering negative pleas upon arraignment on April 29, 1992, their trial ensued, with the prosecution presenting Eduardo Ruallo, eyewitness to the crime, Elmer Salazar and Edna Salazar, children, Anicia Salazar, widow, of the victim, Pat. Delfin Yumang of the PNP in Gloria, Oriental Mindoro, and Dr. Edgardo N. Hernandez, medico-legal officer, to prove the accusation.

For the defense, Rodolfo Umbao and Ruel Suppleo, who were allegedly with prosecution witness Eduardo Ruallo shortly before the incident, and the appellants themselves, took the witness stand.

Testified on by the above-named witnesses, the version of the prosecution runs, thus:

On the evening of November 23, 1990, appellants took and carried away cash, jewelries and foodstuffs with a total value of One Hundred Seventy Thousand (P170,000.00) Pesos, from the house and store of Alfredo Salazar, and on the occasion of the robbery, they killed the said storeowner. The gory happening was witnessed by Eduardo Ruallo, a farmer residing in Papandungin, Gloria, Oriental Mindoro, and a long time customer of the victim, who had been borrowing money from him, since 1986. The said eyewitness testified that on the fateful night of November 23, 1990, he went to Bgy. Tinalunan to borrow from Alfredo Salazar some amount with which to buy fertilizer and chemicals. He reached the Salazar residence at around 8:00 to 8:30 o'clock. Hearing a commotion inside the house of Alfredo Salazar, he (Eduardo) peeped through a window with transparent jalousies, and he saw the herein appellants, Ruby Villamarin holding the right arm and Dominador Salazar holding the left hand, of the victim, even as Rommel Lacatan, who was then in front of the victim, was stabbing the latter several times with a "gulukan". He heard the victim utter: "Bakit ninyo ako ginaganito, kayo naman ay pinauutang ko?" At which juncture, Rommel Lacatan slit or cut the victim's mouth, after which the appellants dragged their victim from the sala towards a toilet adjoining the bathroom. Later on, the three entered the door leading to the store of the victim and got some goods therefrom. He (witness) saw cigarettes scattered at the store. After the appellants had gone out of the store, he (witness) went

home right away. The next day, upon the advice of his wife, he left for Santo Tomas, La Union (*her hometown*) because of fear that the appellants could have noticed his presence at the crime scene. On January, 1991, he addressed an anonymous letter to Ka Alpe, the victim's wife, to inquire about the investigation of the death of her husband. On December 15, 1991, he again wrote Ka Alpe to meet him at Ram 3, Ram St. in Sampaloc, Manila. Thereat, they met and he confided to her what he saw, and right there and then, he volunteered to testify in the case; this eyewitness recounted. (*TSN, September 22, 1992, pp. 4-21*)

Corroborating the testimony of Eduardo Ruallo, Elmer Salazar and Edna Salazar, children of the victim, declared that at past 9:00 o'clock on the evening of November 23, 1990, they called on their father's house but it was dark. As there was no response, they entered through the back door of their parents' abode. Once inside the house, they switched on the lights and saw clean empty bottles scattered all over. Things in the house and store were in disarray, the glass of the *aparador* was shattered. The container of their parents' money and jewelries was destroyed and the money and jewelries therein contained were missing. When they opened the bathroom, they saw their father, Alfredo Salazar, already dead, crouched on his arms and legs on the floor, face downward, bathed with his own blood. Terribly shocked, they called for help and police assistance. (*Rollo, p. 121*)

Patrolman Delfin Yumang of the Gloria PNP who responded, declared that at past 9:00 o'clock on the unfortunate night of November 23, 1990, he took pictures of the deceased lying on the bathroom, face down. (*Exhibits "C" & "C"-1*) He also took pictures of the destroyed *aparador* with contents scattered on the floor (*Exhibit "C"-2*), of Pat. Mantaring pointing to the receptacle inside the store (*Exhibit "C"-3*) and the drawer (*Exhibit "C"-4*) and contents of the destroyed *aparador* (*Exhibit "C"-5*). This witness likewise disclosed that he noticed bloodstains on the handle of the main door of the house and store, and inside the store, a drop of blood on a bottle but did not anymore take pictures thereof. Witness also recalled that the store referred to was inside the house of the victim so that for one to buy from the store, the buyer must enter the house. (*Rollo, p. 121*)

Anicia Salazar, (*nicknamed Ka Alpe, and wife of the victim*) testified that on November 23, 1990, she was in Lemery, Batangas, for the birthday of a grandson by her daughter, Fe Manalo. When she arrived in their house in Tinalunan the following day, she lost consciousness upon seeing her dead husband, Alfredo Salazar, in a coffin. For funeral expenses, the bereaved family spent more than P100,000.00, and for the fare of their four children from Italy to the Philippines and back, they spent another P100,000.00. The stolen money in dollars, liras and pesos amounted to around P100,000.00, the jewelries taken by the robbers were worth P50,000.00 while the value of the goods stolen from the store was P20,000.00, and for attorney's fees they paid P30,000.00, witness told the court. According to her, she received two anonymous letters for her to meet the writer at Ram 3 Ram St., Sampaloc, Manila. When she went to the designated place, the author of said letters turned out to be Eduardo Ruallo, an old customer of their store, who volunteered to testify regarding the slaying of her husband and robbery complained of, the commission of which he witnessed.