

## FIRST DIVISION

[ G.R. No. 120655, October 14, 1998 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JUDY SANCHEZ Y BAQUIRAS, ACCUSED-APPELLANT.**

### DECISION

**QUISUMBING, J.:**

On appeal is the decision<sup>[1]</sup> dated June 2, 1995 in Criminal Case No. 106437 of the Regional Trial Court of Pasig, Metro Manila, convicting the accused-appellant of the special complex crime of robbery with homicide<sup>[2]</sup> and sentencing him to *reclusion perpetua*.<sup>[3]</sup>

On June 16, 1994, Judy Sanchez y Baquiras was accused in an Information<sup>[4]</sup> filed by Assistant City Prosecutor Domingo P. Cecilio, of the offense allegedly committed as follows:

"That on or about the 6th day of June, 1994, in the Municipality of San Juan, Metro Manila, Philippines, and within the jurisdiction of the Honorable Court, the above-named accused, by means of force, violence and intimidation employed upon the person of one REYNALD PABORADA BALOLOY-ON, did then and there wilfully, unlawfully and feloniously, with intent to gain, take and steal and divest Reynald Paborada of his wallet containing cash money amounting to P3,015.00 and necklace, to the damage and prejudice of the latter in the aforementioned amount of P3,015.00, that on the occasion of said robbery, the above-named accused, attacked, assaulted and stabbed said Reynald Paborada, on the different parts of his body, thereby inflicting upon him mortal wounds which directly caused his death.

"CONTRARY TO LAW."

Upon arraignment on August 8, 1994, accused-appellant Sanchez, assisted by counsel *de officio*, Atty. Edelson Oliva, entered a plea of NOT GUILTY.<sup>[5]</sup> Trial ensued, and in due course the court *a quo* rendered judgment convicting the accused-appellant of the crime charged. The dispositive portion thereof reads:

"WHEREFORE, . . . this Court finds the accused Judy Sanchez guilty beyond reasonable doubt of the crime of Robbery with Homicide defined in Article 293 and penalized under Article 294. And considering the absence of any aggravating or mitigating circumstance on record, this Court sentences said accused to suffer the penalty of Reclusion Perpetua with its accessories provided by law; to indemnify the heirs of victim Reynald Paborada y Baloloy-on the sum of P50,000.00 and to pay the cost.

If accused has signed a written conformity to abide with the rules on convicted prisoners, his detention service if any shall be deducted from this sentence, computed as provided for by law.

SO ORDERED."<sup>[6]</sup>

Hence, this appeal.<sup>[7]</sup>

The Appellee's Brief<sup>[8]</sup> presents the facts as follows:

"Around 5:30 in the morning of June 6, 1994, while inside the security guard barracks of the Xavier School in San Juan, Metro Manila, Alejandro Oledan, a security guard, heard a loud scream of a person being seemingly slaughtered. He peeped through a small hole and saw appellant Judy Sanchez., standing at the direction where the scream came from and where the body of the victim, Reynald Paborada, was sprawled. He went out and was informed that somebody was stabbed. At this juncture, he saw appellant move away from the scene of the crime. He whistled at him to stop, but the latter ran away. Alejandro suspected that appellant had something to do with the stabbing incident, as he was the only person seen standing near the victim. Jonito Barela, another security guard, saw Alejandro running after the appellant. Thereupon, the two guards joined in chasing appellant, who then had rushed through the gate of the Xavier School and got lost. (TSN, September 23, 1994, pp. 3-10)

Jonito called and informed the police authorities about the incident. Promptly, the authorities responded and conducted an investigation. (TSN, October 13, 1994, pp. 5-7)

At the ocular inspection, the police authorities gathered from witnesses that immediately prior to the stabbing incident, the victim and appellant had a confrontation, until suddenly, they heard a loud scream and saw the victim fall down while appellant ran away, holding a bag. The same bag was recovered later at the scene of the crime and found to contain things belonging to the victim. A bloodied screwdriver was also recovered at the situs criminis. Both bag and screw driver were turned over to the PNP Crime laboratory. (TSN, October 13, 1994, pp. 7-8)

Several hours later, although accused was able to elude arrest for the stabbing incident, he was nevertheless apprehended and arrested for trespassing into the White Cross Orphanage, about 100 meters away from Xavier School. The trespassing incident took place a few hours after the guards had given up their search for appellant. (TSN, October 13, 1994, p.9)

At the police station, appellant's t-shirt was found to have blood stains. It was also discovered that he wore another pants underneath, which was a maong pants splattered with blood. [Citations omitted.] When asked why there was blood on his t-shirt and pants, appellant said that he sustained

injuries while being chased by the two guards. Recovered from the appellant's possession were the victim's wallet, Seiko wristwatch, money, documents, necklace and other personal belongings."<sup>[9]</sup> (TSN, ibid., pp.10-11)

In contrast, the defense presents the facts as follows:<sup>[10]</sup>

"Accused Judy Sanchez testified that on June 6, 1994, at about 5:30 a.m. he and his fellow laborers were drinking coffee in the canteen, inside the compound of Metro Construction situated at Xavier School, San Juan, Metro Manila.

While taking his coffee, he heard a man shouting for help. He then stood up and saw the man shouting at the barracks which is about 20 arms length from the canteen. He then approached the man shouting named Reynaldo Paborada but did not do anything, but to just look at him. The latter was lying down with face up and bloodied. He had other companions when he approached and saw the victim lying. A security guard then arrived and asked him what happened. Another security guard arrived who pinpointed to (sic) him as the one who stabbed the victim. He then retreated and went out of the gate. On his way out, a security guard followed and chased him. He then entered the compound of White Cross Orphanage and told a nun that he was being chased and somebody was stabbed and he is being suspected as the culprit. He was advised to sit down and rest until the policemen arrived and brought him to the station. He was later investigated why he entered the orphanage, and he told the investigator that he was chased and being pinpointed as the one who stabbed the victim. While at the station one of the security guards arrived and pinpointed (sic) to him as the man who killed the victim. Another security guard arrived and also pinpointed (sic) to him as the one who stabbed the victim. As to why he was being pinpointed as the assailant, he said that he was the one who reported the two security guards whom he caught them gambling inside the compound and therefore have grudge against him. He denied that the wallet, jewelries and other personal belongings of the accused was (sic) found in his possession. According to him, the aforesaid items were recovered from their quarters where he and the victim and other laborers were sleeping."

<sup>[11]</sup> (TSN, February 16, 1995, pp.2-8)

In convicting accused-appellant Sanchez, the trial court found that the circumstances in their entirety, all duly proven and consistent with each other, lead with moral certainty to the conclusion that said accused-appellant is guilty. It found the following set of circumstantial evidence pointing to the accused-appellant's guilt:

- "1. He was the person nearest the victim when the Security Guard first reacted to the scream for help made by the victim;
2. His flight and running, away from the scene of the incident when the security Guard looked at him as the suspect to the slaying;
3. His flimsy reason that to avoid accusation, he ran away and sought haven in an orphanage where he initially was charged for Trespassing,

4. His Possession of the personal effects of the victim which qualified the offense to the present charge of Robbery with Homicide."<sup>[12]</sup>

Finding the accused-appellant's defense of denial unavailing, the lower court gave full credence to the testimonies of the prosecution witnesses, who positively identified the accused-appellant as the killer, thus:

"The complete denial made by the accused is self-serving and deserves scant consideration. It is, to say the least, a contrivance made by the accused to put up a semblance of a defense. He was initially arrested by the police for trespassing into the compound of the White Cross Orphanage. But when he was brought back to the San Juan Criminal Investigation Department, the graver offense of Robbery with Homicide gestated as he was particularly pointed to by the two Security Guards Oledan and Barela as the person who stabbed the victim. The testimony of the Police Officer Lachica is to the mind of the Court credible. Absent any proof of irregularity or ill-motive on the part of the Police Officer it is presumed that his testimony was regular and done in the performance of his duty as a Police Officer. On the other hand, no corroborative evidence was presented by the defense to bolster the claim of the accused of his denial of the crime charged against him."<sup>[13]</sup>

The accused-appellant now raises the following assignment of errors:<sup>[14]</sup>

1. The trial court erred in convicting the accused-appellant although the prosecution failed to prove his guilt beyond reasonable doubt;
2. Assuming *arguendo* that the accused appellant stabbed the victim the trial court erred in finding that robbery was committed on the occasion thereof; and
3. Assuming *arguendo* that the accused appellant killed the victim, the trial court erred in convicting him of the crime of robbery with homicide, since the prosecution failed to prove that the original criminal design of the accused was to commit robbery.

In sum, accused-appellant posits two issues: (1) Did the trial court err in convicting him of robbery with homicide? (2) Did said court err in finding that the killing took place by reason of or on the occasion of the robbery?

To resolve these issues, we are guided by the principle that "in prosecuting robbery with homicide cases, the government needs to prove the following elements: (1) the taking of personal property is committed with violence or intimidation against persons; (2) the property taken belongs to another; (3) the taking is done with *animo lucrandi*; and (4) by reason of the robbery or on occasion thereof, homicide (used in its generic sense) is committed."<sup>[15]</sup>

The trial court convicted the accused-appellant on the basis of circumstantial evidence, ruling that "the circumstances constitute an unbroken chain -which leads to a fair and reasonable conclusion pinpointing to the accused, to the exclusion of all others as the perpetrator of the crime."<sup>[16]</sup> Thus, it held the accused guilty of the