

SECOND DIVISION

[G.R. No. 111193, January 28, 1997]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE,
VS. FERDINAND SUAREZ, ALIAS "JOJO", LORETO REYES, ALIAS
"DONDON" AND "LARRY"; WILFREDO LARA, ALIAS "CORTAL"
AND "WILLY"; MARIA VICTORIA G. SUAREZ; NOLI LICSI, ALIAS
"NIÑO"; VICENTE RODRIGUEZ, ALIAS "WAWAY"; AND MORRIS
SANTOS, ALIAS "WANKY", ACCUSED, WILFREDO LARA,
ACCUSED-APPELLANT.**

D E C I S I O N

REGALADO, J.:

In the early hours of December 8, 1987, Arlene Tuyor was awakened by loud knocking sounds on the door of her room. She was a domestic helper at that time, working in the household of Estrellita Guzman at 22 Sta. Teresita Street, Barrio Capitolyo, Pasig, Metro Manila. Also in the house then were the nieces of Estrellita, namely, Maria Prescilla Guzman (Babyruth), Maria Cristina Guzman (Cristy) and Maria Victoria Suarez (Marivic). Babyruth and Marivic had been adopted by Estrellita as her own daughters. Marivic's husband, Ferdinand Suarez (Jojo), and her three children likewise lived in Estrellita's bungalow-type house.

Upon opening the door, Tuyor was surprised to see Ferdinand Suarez, her "Señorito Jojo," surrounded by two men wearing black nylon cloths over their heads and faces. One of the men had a big body frame while the other had a small physique. The men immediately entered her room, tied her up and asked for her money. She was also asked if she knew Jojo. Getting no response from Tuyor, the intruders left her room bringing Suarez with them.

From her room, Tuyor heard the sound of the microwave oven located in the kitchen. She also heard the main door of the house slamming and someone crying in the house. When Tuyor went out of her room, she saw Marivic weeping in the living room. She proceeded to her employer's bedroom and found Estrellita bleeding and lying on her bed. All this time, accused Suarez was just sitting on the chair of the piano. ^[1]

Estrellita later died due to severe hemorrhage secondary to stab wounds. Post-mortem examinations revealed that she had sustained an elliptical and gaping wound on the right side of her abdomen and another wound of the same nature on the left side of her back. Further examination also disclosed that the deceased suffered an incised wound on her left thumb. ^[2]

When police investigators arrived at the scene of the crime, they found a half-eaten chicken on the dining table, ^[3] four pieces of black nylon cloth, ^[4] pieces of blue and white ropes, ^[5] three pieces of cloth, ^[6] and two strands of ordinary wire. ^[7] They initially surmised that the intruders had forcibly entered the house through its

back door located in the kitchen. [8] They arrived at this conclusion after finding a piece of wire inserted in the knob of the kitchen door [9] and its chain lock's anchor detached from the doorjamb. However, the door's dead bolt lock was intact and in perfect condition. [10]

Ferdinand Suarez narrated to Patrolman Pablo Roxas [11] of the Eastern Police District (EPD) at Meralco Avenue, Pasig what he claimed to have experienced on that fateful day, in this wise:

At around 3:00 A.M. of December 8, 1987, he was awakened by someone holding his hands and putting a piece of rag in his mouth. When he opened his eyes, he saw somebody pointing a knife at him and another at his wife. He saw inside their room six men with nylon cloths over their faces. When he was about to resist, one of the men hit him on the face and threatened to kill him, his wife and his children. After they had tied and gagged him and also covered his eyes, the men brought him out to the dining room. He heard the door of Estrellita being pushed open, and then Estrellita shouting.

Afterwards, he was brought to the room shared by Cristy and Babyruth and mauled in front of them. After that, he was brought to the room of Arlene Tuyor. From the maid's room, he was again brought to the dining room where he was tied to one of the chairs of the dining table. From there, he heard the men cooking with the use of the microwave oven in the kitchen. After a while, Estrellita cried loudly and called for Marivic. He later heard the running of the engine of one of their cars and the main door being slammed shut. After the men left at about five o'clock in the morning, he discovered that the trespassers had taken some things in the house such as a television set, a radio, a betamax and other household items.

As the police were getting no leads about the identity of the malefactors, the lawyer of the family of the deceased sought the help of the National Bureau of Investigation (NBI). The case was assigned to Atty. Salvador Ranin. Atty. Ranin concluded that the perpetrators could not have entered the house without the aid of somebody inside as the bolt lock of the kitchen door can only be released from within. He had one suspect in mind, that is, Ferdinand Suarez, or Jojo. [12]

Ranin had discovered in the course of his investigation that there were no signs of injuries or rope marks on Suarez and that he was not on good terms with Estrellita when the crime happened. He was even found positive for deception after taking the polygraph test at the NBI. Suarez eventually revealed to Ranin his involvement in the commission of the crime after Ranin told him that he had damaging information to the effect that Suarez had left the house in the evening of December 7, 1987.

In his sworn statement [13] before the NBI, Suarez said that one Loreto Reyes, alias "Dondon" or Larry, approached him during the last week of November, 1987 and talked to him to allow Reyes and his group to rob their house as they badly needed money for the Christmas season. It was only after the group threatened to kill him that Suarez acceded to their demand, on the condition that they would only steal but should not kill him.

On November 29, 1987, Suarez gave to Reyes and his gang the keys to the door of the house, the door of Babyruth's and Cristy's room, and the door of Estrellita's

room in order to have them duplicated. He returned to Reyes and the others on December 5, 1987 to receive instructions on what to do. He was told that the group would go to their place in the early morning of December 8, 1987. On the agreed date, at around twelve o'clock noon, Suarez disengaged the bolt lock of the kitchen door and unlocked the door of their rooms as earlier instructed by the gang.

The felons arrived at the house at around two o'clock in the morning and proceeded to Suarez and Marivic's room. Suarez saw four men with covers on their faces, but he recognized one of them as Reyes through his voice and build. They immediately bound Marivic and when one of the members of the gang was about to tie up Suarez, Reyes stopped him.

After Suarez was dragged out of the room, he told the group who were the occupants of the different rooms in the house. Two men entered the room of Babyruth and Cristy while Reyes and the fourth man went to Estrellita's room. They were able to enter Estrellita's room with the use of their duplicate key and after they had kicked open the door of her room. Estrellita shrieked when they went inside her room.

The two men brought Suarez to his sisters-in-law's room to point out to them what they could get from that room. Afterwards, he was brought to the dining table. From there, he saw the men asking Estrellita for the keys of the gate of the house and the car. After they brought Estrellita back to her room, two of the men brought Suarez to the maid's quarters.

Reyes asked Suarez to cook a chicken he found in the refrigerator. While Suarez was cooking the chicken in the microwave oven, the men took off the covers on their faces, smoked marijuana and drank liquor. They were not able to finish eating the chicken because it was not evenly cooked. When Estrellita shouted the name of Marivic, Rodriguez, one of the companions of Reyes, went to her room. Suarez heard only soft and fading moans from Estrellita after that.

Before they left, the marauders told Suarez not to tell the police or the NBI or else they would kill his mother. They slammed the front door shut and used the car of Estrellita to leave the house at around five o'clock in the morning.

The NBI soon found out that "Dondon" or Larry is Loreto Reyes, a former neighbor of Suarez in San Miguel, Pasig where he used to live before he transferred to his wife's residence at Barrio Capitolyo.^[14] Reyes also admitted his participation in the commission of the crime and gave a written statement ^[15] to the NBI.

He began his confession by implicating Wilfredo Lara in the crime. He said that while he, Arthur Lara, Morris Santos, and Eduardo Lozada were doing nothing in their place in San Miguel, Pasig, Lara approached them and told them that he had some good news. Lara told them that he was asked by Suarez to look for some men who could kill his Auntie Estrellita. Reyes could not believe what he heard, so Lara called Suarez to let him tell the gang about his offer.

Apparently, Suarez wanted his aunt killed so that he and his wife could get at once any property that Marivic might inherit from Estrellita upon the latter's demise. In exchange for the job, Suarez would allow them to steal what they wanted from the

house, in addition to giving them P100,000.00 after one month from the killing of Estrellita.

They initially planned to carry out the criminal plot on December 5, 1987 but the group of Reyes backed out on the agreed date when they felt unsure about the plan. However, they had duplicates made of the keys to the house, which keys had been left by Suarez under one of Estrellita's cars. The plan finally materialized on December 8, 1987 at about two o'clock in the morning. The persons who were to execute the plan were Noli Licsi, Vicente Rodriguez, Morris Santos, and Reyes. Before they went to Capitolyo, the group took some prohibited drugs and smoked marijuana.

Aided by the sketch of the house provided by Suarez, the group went directly to the back of the house and opened the back door with their duplicate key. As agreed upon earlier, Suarez had released the bolt and chain lock of the said door to facilitate their entry into the house. Once inside, Suarez, who was waiting for them there, instructed them to tie him and his wife. After doing so, they opened the bedrooms of Babyruth, Cristy and Estrellita. The men then tied them up inside their respective rooms. Since Santos and Licsi were the ones who entered Cristy's and Babyruth's room, Reyes could not be sure what they got from those rooms.

Reyes further revealed that before they went into the house, Suarez had earlier loosened the screws of the chain lock on the door of Estrellita's room. So, with their duplicate key and a little push from outside, Reyes and Rodriguez were able to easily enter Estrellita's room. As Estrellita was surprised by the entry of the two men, she instinctively held the knife being brandished by Reyes which thereby cut her thumb. The two men then tied Estrellita.

It was after the gang was able to tie all the occupants of the house that they started taking the betamax, jewelry, computer machine, camera, watches and other things inside the house. Estrellita Guzman pointed out to them where they could find her jewelry. They brought Suarez inside her room so that he could also show them where Estrellita's other jewelry and valuables were, and then they covered her with a blanket.

After taking what they wanted, the scoundrels ate the chicken Suarez had cooked for them and drank the imported liquor he offered. They also smoked marijuana. While they were drinking, Suarez remembered the maid, Tuyor, so he and two men went to her room and staged a show of their mauling Suarez in front of her. They then tied the maid and continued drinking outside. Thereafter, Suarez told the gang to kill Estrellita. Reyes said that Santos and Rodriguez were the ones who stabbed Estrellita because they told him later that each of them stabbed the old lady once.

Before Reyes and the gang left the place, Marivic told them to get their television ranger and to disarrange the things in their room to show that the couple was not spared by the criminals. Suarez ordered them to cut the telephone line and Reyes did so. Then, Suarez told Reyes to pull the chain lock of the kitchen door to make it appear that the door had been forced open from outside. Reyes complied with Suarez instructions. To hide the fact that a duplicate key was used in opening the kitchen door, the perpetrators inserted a wire in the doorknob keyhole of the kitchen door upon the prodding of Suarez.

The intruders left the house at around four o'clock in the morning. In getting out of the house, the gang used the front door and rode in one of the cars of Estrellita. From the statement of Reyes, it appears that the cabal wore black nylon cloths over their heads and faces when they committed the despicable crime.

Atty. Ranin was able to retrieve the duplicate keys used by the gang [16] from the father of Reyes [17] after Reyes had admitted that the keys could be found in his father's house in Montalban. Wilfredo Lara was arrested by the NBI at the house of his parents-in-law in Northern Samar. When brought to the NBI office at Taft Avenue, Manila, he likewise confessed his participation in the crime and gave a sworn statement. [18]

According to Lara, Suarez went to his house at San Miguel, Pasig on December 2, 1987 to ask him if he knew people who would be willing and capable of robbing a house. Lara told him that there were some persons he knew who could do the job and he brought Suarez to the group of Larry Reyes, Noli Licsi, Morris Santos and Vicente Rodriguez at Dr. Pilapil Street, San Miguel, Pasig. When Reyes and Suarez started talking, Lara left the place.

On December 4, 1987, Lara saw Suarez talking with the same group in front of a store. He overheard them planning the robbery of a house in Barrio Capitolyo on December 8, 1987. On December 7, 1987, he again saw Suarez and the gang when they agreed to consummate their earlier plan. Lara denied that he joined the group that robbed the house in Barrio Capitolyo and added that he never received any share of the loot from them. He did not report the matter to the police for fear of reprisal. He even went to the place of his in-laws at Nabas, Samar to avoid the group.

Based on the foregoing statements and on other evidence submitted by the NBI to the then provincial fiscal of the former municipality of Pasig, an information for the crime of robbery with homicide was filed against Ferdinand Suarez, Loreto Reyes, Wilfredo Lara, Maria Victoria G. Suarez, Noli Licsi, Vicente Rodriguez, and Morris Santos. The case was raffled to Branch 152 of the Regional Trial Court of Pasig[19] and docketed as Criminal Case No. 72249.

As stated in the information, which was twice amended, the felony was-allegedly committed as follows:

That on or about the 8th day of December, 1987 in the Municipality of Pasig, Metro Manila, Philippines a place within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together with one Mauro Santos whose true identity and present whereabouts is still unknown and mutually helping and aiding with one another, by means of force, violence and intimidation employed upon the person of one Estrellita Guzman did then and there willfully, unlawfully and feloniously take, rob and carry away from the house of said Estrellita Guzman the following articles, to wit:

- a. Jewelry
- b. Computer machine