

****Title:**** *People of the Philippines v. Benjamin Domasig a.k.a. “Mando” or “Pilikitot”*

****Facts:**** In an Information dated 5 October 2004, Benjamin Domasig, also known as “Mando” or “Pilikitot,” was charged with robbery with homicide for an incident that occurred on 5 September 2004. The victim, a minor referred to as AAA, was allegedly robbed of P300.00 and subsequently stabbed to death by Domasig. The prosecution presented the testimony of Gerald Gloriana, who claimed to have witnessed the crime, and Dr. Inocencio Lee, who conducted the autopsy. Domasig denied the crime, claiming an alibi that he was working in a bingo game in Albay at the time. The Regional Trial Court (RTC) of Sorsogon City convicted Domasig, giving full credence to the witnesses’ testimonies. Domasig’s appeal to the Court of Appeals (CA) was denied; the CA affirmed his conviction, merely modifying the damages awarded. Domasig then appealed to the Supreme Court.

****Issues:****

1. Whether the guilt of accused-appellant for robbery with homicide has been proven beyond reasonable doubt.

****Court’s Decision:**** The Supreme Court found the evidence insufficient to prove that a robbery occurred, noting that the testimony did not conclusively show that Domasig took any money from the victim. The Court observed that while there may have been P300.00 in the victim’s possession, the evidence merely presumed that Domasig was the perpetrator of the robbery. Without concrete proof of robbery and the intent to rob being proven as the prime motive, the Court concluded that the charge of robbery with homicide could not stand. However, it affirmed the eyewitness testimony regarding Domasig stabbing the victim, downgrading the conviction to homicide and adjusting the sentence accordingly.

****Doctrine:**** For a conviction of robbery with homicide, it must be conclusively proven that a robbery took place and that the homicide was committed either on the occasion of or by reason of the robbery. The intent to commit robbery must precede the act of killing. Absent proof of robbery, a conviction for robbery with homicide is inappropriate; the accused may only be held liable for homicide or murder, depending on the presence of qualifying circumstances.

****Class Notes:****

- In criminal cases, particularly those involving complex crimes like robbery with homicide, each element of the crime must be proven beyond reasonable doubt. For robbery with homicide: (a) the taking of personal property through violence or intimidation; (b) the intent

to gain (*animus lucrandi*); (c) the property taken belongs to someone else; and (d) a homicide is committed on the occasion or by reason of the robbery.

- Positive identification of the accused by a witness can be critical in securing a conviction, but such testimony must be thorough and consistent.
- The defense of alibi is considered weak and is often outweighed by positive identification from credible witnesses.
- The Supreme Court emphasized the importance of intent (*animus lucrandi*) and the causal or temporal connection between the act of robbery and the homicide for the special complex crime of robbery with homicide.
- In this case, the Supreme Court established or reiterated the doctrine that absent concrete proof of robbery, a conviction for robbery with homicide cannot stand, and the accused may only be held liable for homicide or murder, based on the evidence presented.

****Historical Background:**** In the Philippine legal system, the crime of robbery with homicide is considered a special complex crime, requiring the prosecution to prove both the robbery and the resultant homicide. The decision in this case reflects the judiciary's stringent requirements for evidentiary standards in convicting individuals for complex crimes, ensuring that the specifics of the crime charged align with the evidence presented.