

### Title: People of the Philippines vs. Joseph Barra

### Facts:

On 21 March 2004, an information for robbery with homicide was filed against Joseph Barra. The incident occurred on 9 October 2003.

**\*\*Series of Events:\*\***

1. **\*\*Incident Night:\*\*** At approximately 11:00 PM, Joseph Barra, armed with a firearm, entered Elmer Lagdaan's residence in Barangay Tinawagan, Tigaon, Camarines Sur.
2. **\*\*Eyewitness Testimony:\*\***
  - **\*\*Ricardo de la Peña:\*\*** Testified seeing Barra enter the victim's house around 9:00 PM, demanding money from Lagdaan while pointing a gun at his forehead. When Elmer stated the money was not in his possession, Barra shot him.
  - **\*\*Ely Asor:\*\*** Saw Barra in the yard of Lagdaan's house, inquired about Lagdaan's presence, heard a gunshot from his home later that night, and learned of the victim's death the following morning.
3. **\*\*Investigations:\*\***
  - **\*\*Dr. Peñafrancia Villanueva:\*\*** Examined the body and confirmed the cause of death was a gunshot wound to the forehead.
  - **\*\*Flora Lagdaan:\*\*** Testified regarding the funeral and burial expenses amounting to PHP 33,300.

**\*\*Procedural Posture:\*\***

1. **\*\*Regional Trial Court (RTC):\*\***
  - Barra denied the charges, claiming he was in Batangas City at the time of the incident.
  - The RTC found Barra guilty of robbery with homicide, sentencing him to reclusion perpetua with civil indemnities and damages to the Lagdaan family.
2. **\*\*Court of Appeals (CA):\*\***
  - The CA modified the RTC's decision, finding Barra guilty of attempted robbery with homicide, reasoning that no property was proven stolen.
  - CA imposed reclusion perpetua and revised the damages awarded.
3. **\*\*Supreme Court (SC):\*\***
  - Barra's main argument was the insufficiency of evidence identifying him as the perpetrator and proving robbery.

### Issues:

1. **Credibility of Prosecution's Witnesses:** Were the testimonies of the eyewitnesses credible and sufficient to establish Barra's identity as the perpetrator?
2. **Qualification of the Crime:** Did the trial and appellate courts correctly qualify the crime as attempted robbery with homicide instead of robbery with homicide?

### ### Court's Decision:

1. **Credibility of Prosecution's Witnesses:**
  - Affirmed both RTC and CA findings, emphasizing their correct assessment and absence of any cogent misinterpretation of facts. Prosecution witnesses were deemed credible.
2. **Qualification of the Crime:**
  - **Taking of Personal Property:** The SC concurred with the CA that the element of asportation (the act of taking away) was not proven beyond reasonable doubt since no property was shown to have been taken.
  - **Penalty:** SC upheld conviction for attempted robbery with homicide under Article 297 of the Revised Penal Code, aligning with CA's stance due to the absence of completed robbery.

### ### Doctrine:

**Attempted Robbery with Homicide Doctrine:** For a conviction under Article 297, it suffices that an attempted robbery occurs, and a homicide is committed in the course thereof, even if the actual robbery fails or is not consummated.

### ### Class Notes:

- **Key Elements for Robbery with Homicide (Article 294, RPC):**
  1. **Taking of personal property with violence/intimidation**
  2. **Property belongs to another**
  3. **Intent to gain (animo lucrandi)**
  4. **Homicide committed due to the robbery**
- **For Attempted Robbery with Homicide (Article 297, RPC):**
  1. **Attempted or frustrated robbery**
  2. **Homicide committed**
- **Statutory Provisions:**
- **Revised Penal Code (RPC), Article 297:**

"When by reason of or on occasion of an attempted or frustrated robbery a homicide is committed, the person guilty of such offenses shall be punished by reclusion temporal in its

maximum period to reclusion perpetua...”

### Historical Background:

The case reflects the nuanced interpretation and strict requirements in the classification and prosecution of complex crimes in Philippine criminal law. It underscores the judiciary’s reliance on detailed factual assessment and witness credibility in adjudicating serious criminal charges.