

**\*\*Title: People of the Philippines vs. Miguel Regato and Jose Salceda\*\***

**\*\*Facts:\*\***

On the evening of November 22, 1969, three individuals approached the house of Victor Flores in sitio Macaranas, Bo. Capiroawa, Palo, Leyte, simulating interest in buying cigarettes to gain entry. Felicisima Flores, wife of Victor, opened the door to recognize the visitors, lifting a small kerosene lamp. Miguel Regato, one of the visitors, struck her hand, causing the lamp to fall and pointed a gun at her, which made her flee to a neighbor's house.

Inside the house, the robbers began to take action. Rito Ramirez and Miguel Regato dragged Victor Flores downstairs while Jose Salceda detained Victor's son, Florencio, inside the house. As Victor was being maltreated to reveal the location of their money, Salceda ransacked a trunk in the bedroom and found P870. Ramirez and Regato hit Victor Flores brutally, eventually resulting in Ramirez shooting Victor after he called them "robbers."

Felicisima Flores returned with help to find her husband bleeding inside the house, and the chaos as indication of the robbery. Victor was taken midday to Leyte Provincial Hospital but succumbed to his injuries the next day. An affidavit from Felicisima (Exhibit F) and a formal statement from Victor preceded their investigations. Salceda was identified and apprehended on November 26, followed by the arrest of Regato. Rito Ramirez, however, remained at large.

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

The case proceeded with only Regato and Salceda, both denying their involvement, presenting alibis and denying presence at the crime scene. The trial court denied a motion for a new trial based on an affidavit from Regato and found them guilty of robbery with homicide, sentencing them to death. They then filed an appeal.

**\*\*Issues:\*\***

1. Did the trial court err in denying Salceda's motion for a new trial and not acquitting him?
2. Was Regato's conviction for robbery with homicide instead of simple robbery erroneous?
3. Should the mitigating circumstance of lack of intent to commit a grave wrong be considered?
4. Was the aggravating circumstance of nocturnity correctly applied?
5. Should the aggravating circumstance of craft absorb nocturnity?

**\*\*Court's Decision:\*\***

1. **Motion for New Trial and Acquittal of Salceda**: The Supreme Court found no merit in the denial of a new trial based on Regato's affidavit, considering it as forgotten evidence rather than newly discovered. It was deemed insincere and contradicted by eyewitness accounts.
2. **Conviction for Robbery with Homicide**: The court affirmed that the killing was committed due to or on the occasion of the robbery, thereby justifying the special complex crime rather than simple robbery. Despite the shooting occurring after the robbery, the crime was considered part of a continuous act of violence related to the robbery.
3. **Lack of Intent to Commit Grave Wrong**: The court ruled this mitigating circumstance inapplicable, concluding that the appellants' deliberate actions inferred intentional fatal consequences.
4. **Nocturnity**: The evidence supported that the crime's commission past 9 p.m. showcased its facilitation by the night's concealment, thus validating nocturnity as an aggravating circumstance.
5. **Craft and Nocturnity**: The supreme court upheld the use of craft as an aggravating circumstance, referencing the deception used by appellants to gain entry under the pretext of buying cigarettes and citing similar cases.

The court modified the penalty from death to reclusion perpetua due to insufficient votes for a death sentence.

**Doctrine:**

- **Robbery with Homicide**: Where killing occurs on the occasion or due to robbery, it constitutes the special complex crime, highlighting convergence in time, place, or occasion.
- **Aggravating Circumstances**: Nocturnity and craft, used to ease or hide the crime's execution, materially aggravate the offense.
- **Intention Externalized**: The perceived intention is adjudged by defendant's actions, not declarations, relating to the crime's gravity.

**Class Notes:**

- **Key Elements (Robbery with Homicide)**:
  - Robbery occurred.
  - Homicide occurred due to or on the occasion of the robbery.
  - Dual intent synchronistic with the primary felony.

- **Aggravating Circumstances**:
- **Nocturnity**: Crime committed during night-time for concealment.
- **Craft**: Intellectual deception to enable crime.

**Historical Background:**

Post WWII Philippines, plagued with economic instability, saw a rise in violent crimes. This era's context and anti-crime statutes influenced stringent penalties and rigorous judicial interpretations aimed at deterring grave offenses as seen in this case.