PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALEJANDRO SORILA, JR. Y SUPIDA AND JOSE BALAUSA Y CANTOR, ACCUSED-APPELLANTS.

Ponente: BATO, JR., J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/fb205a213b7b/

BATO, JR., J.:

Sorila, Jr.[[1]] and Jose Balausa, from the decision of the Regional Trial Court of Pasig City, Branch 163, rendered on August 4, 2004, finding them both guilty beyond reasonable doubt of the crime of robbery with homicide.

At about 6:30 in the evening of October 12, 2001, six (6) heavily armed men, who arrived in a Maroon Tamaraw FX, robbed the Canscor Construction and Development Office located in front of the Santolan, Barangay Hall, Pasig City. During that time, the employees of Canscor, namely, Clara Bisnar, Evelyn Tario, Marlene Avellaneda, Nelia Panaga, and Engineer Bong de la Rosa, were busy preparing the company's payroll for the week. The robbers went off with the company's payroll money amounting to P250,000.00 plus the employees personal belongings such as cellular phones and pieces of jewelry. In the process of escaping, the attention of the Barangay Security Forces of Barangay Santolan, who where in the Barangay Hall fronting the Canscor office, were drawn to the commotion happening in the Canscor office. When the Barangay Security Forces rushed to the nearby Canscor office, they were fired upon by the fleeing suspects so they retaliated. As a result of the shoot out, Restituto Mariquit, Jr., a barangay utility man, was hit by a bullet on the head which eventually caused his death. The robbers on the other hand were able to escape. In a follow up operation, the police was able to capture herein appellant Alejandro Sorila, Jr. and when he was brought to the CID office for tactical questioning, he mentioned Antonio Quimno, Canscor's company driver, as the person who gave them information as to Canscor's operation. The follow up operation led also to the arrest of herein appellant Jose Balausa.

Accordingly, accused-appellants Alejandro Sorila, Jr. and Jose Balausa, together with Antonio Quimno, were charged with the crime of robbery with homicide in an information dated October 16, 2001, the pertinent part of which reads as follows:

> "On or about October 12, 2001, in Pasig City, and within the jurisdiction of this Honorable Court, the accused, conspiring and confederating together with four unidentified male persons whose true identities and present whereabouts are still unknown, an all of them mutually helping and aiding one another, with intent to gain and by means of force, violence or intimidation, did then and there willfully, unlawfully and feloniously take, steal and divest the following to wit:1:35 PM 2/28/2007
>
> a)cash money amounting to P250,000.00 belonging to Canscor Construction and Development Incorporation, represented by Engr. Armando Baler y Almario;
>
> b)one (1) Citizen gold automatic watch valued at P2,500.00 belonging to Nelia Panaga;
>
> c)one (1) Nokia 5110 cellphone valued at P4,500.00 belonging to Nelia Panaga;
>
> d)one (1) 14k gold bracelet valued at P1,200.00 belonging to Nelia Panaga;

e)cash money amounting to P50.00 belonging to Clara Bisnar y Calasara;

f)one (1) Nokia 3210 cellphone valued at P6,900.00 belonging to Clara Bisnar y Calasara;

g)one (1) 18k gold ring with brilliantitos valued at P15,000.00 belonging to Clara Bisnar y Calasara;

h)one (1) 18k wedding ring valued at P5,000.00 belonging to Clara Bisnar y Calasara; and

i)one (1) Nokia 5110 cellphone valued at P4,500.00 belonging to Evelyn Tario;

to the damage and prejudice of the above-mentioned owners in their respective amounts, in the total amount of P289,650.00; that on the occasion of the aforesaid robbery, accused, did then and there willfully, unlawfully and feloniously attack, assault and employ personal violence and shot one Restituto Mariquit, thereby inflicting upon said Restituto Mariquit gunshot wounds on his head, which directly caused his death.

Contrary to law."[2]

The prosecution presented seven witnesses to prove its case. The relevant portions of their testimonies are as follows: Andres Saludsod, Jr., whose Tamaraw FX was carnapped in the morning of October 12, 2001, testified that the same vehicle was used to transport the robbers to Canscor and was also used as a getaway vehicle. Out of the three accused, he was only able to identify appellant Sorila, Jr. as one of those people who carnapped his vehicle and went to Canscor. Similarly, the employees of Canscor, namely, Clara Bisnar and Nelia Panaga, testified that they were positioned in such a way that they were clearly able to see appellant Sorila, Jr. holding a gun and a grenade inside their office. They however testified that they did not see appellant Balausa and accused Quimno during the robbery. Their co-employee, Evelyn Tario on the other hand was not able to see the holduppers faces, not even one. Romeo Santiago, a member of the Barangay Security Force, testified that he and his companion, Nomeriano Ramos, exchanged gunfires with the robbers during that fateful night. The same with Clara Bisnar and Nelia Panaga, he only pointed to appellant Sorila, Jr. as one of the robbers with whom they had a shoot out. He was not able to notice the presence of appellant Balausa and accused Quimno in the crime scene. Jaime Fiatos, another Barangay Security Force, testified that during the shooting incident, he was inside the barangay hall standing beside the window. He noticed two men in front of the Barangay Hall, one big and one small, both of whom were firing at the other barangay security forces. He identified the big guy as appellant Jose Balausa who was sporting a mustache and had gray hair.

Anent to the civil liabilities claimed by the heirs of the victim, Restituto Mariquit, Jr., the testimony of Edgardo Mariquit, uncle of Restituto Mariquit, Jr., was dispensed with upon presentation of the receipts and documents to prove that they incurred hospitalization and funeral expenses amounting to P271,419.50. The testimony of Restituto Mariquit, Sr., the victim's father was also dispensed with upon stipulation that he is seeking P80,000.00 as moral damages.

For his part, Alejandro Sorila, Jr. interposed the defense of denial. He testified that at around 11:00 a.m. on October 12, 2001, he was in the house of his aunt at Barangay San Antonio, Angono, Rizal. At around 7:00 in the evening, he decided to go home to Marikina, hitching a ride with his cousin, Marvin Supinda, in a Tamaraw FX bound for Pasig City. When they reached Pasig City, his cousin told him to alight from the Tamaraw FX telling him that he can now easily get a ride to Marikina as he on the other hand was still going to his friend's house. But before taking a ride to Marikina, he went to a store in Pasig City to buy a cigarette and while in the store, he heard gunshots. Afraid, he hid himself at the back of a passenger jeepney where three policemen approached him and arrested him. He was brought to the Pasig Detention Center where he was tortured. Despite the fact that he denied any participation in the robbery that happened in Canscor, the police kept on asking him about the identity of the other robbers and the places that he had just recently visited. So the place that immediately came to his mind was

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

Regalado Extension, Fairview, Quezon City, where he once attended a wake. The police then brought him to Regalado Extension, Fairview, Quezon City, which by then was in the early morning of October 13, 2001 where he pointed to a house which at that time, he did not know that it was Jose Balausa's residence. When the police dragged Jose Balausa out of his house, it was the first time that appellant Sorila, Jr. met him and the next time was during the inquest.

As for appellant Jose Balausa, he testified that he was at their "carenderia" on October 12, 2001 from 10 a.m. to 6 p.m. Thereafter, he and his wife went home, watched television for a while and slept. At around one o'clock in the morning of October 13, 2001, they were awakened by a commotion and he was suddenly handcuffed by the police. His testimony was corroborated by his wife who further testified that Jose Balausa could never be one of the robbers since he is suffering from hypertension. That contrary to the allegation of Jaime Fiatos, Jose Balausa did not sport a mustache nor had a graying or white hair when he was arrested.

Appellant Jose C. Balausa also presented Ramil Agcaoili and Romeo Santiago as hostile witnesses. Both testified that Jaime Fiatos was not in the barangay hall when the shoot out happened. Rather, Jaime Fiatos was outside the barangay hall when the shoot out happened.

After trial, the court a quo promulgated the assailed decision, the dispositive portion of which reads:

> "WHEREFORE, Accused ALEJANDRO SORILA, JR., y SUPIDA and JOSE BALAUSA y CANTOR are hereby found GUILTY beyond reasonable doubt of the crime of Robbery with Homicide and, there being no aggravating circumstance alleged in the Information and no mitigating circumstance, are hereby sentenced to suffer the penalty of reclusion perpetua and to pay the costs.
>
> On the civil liability of the two accused, they are ordered to pay the legal heirs of the victim, Restituto Mariquit Jr., actual damages in the amount of P98,968.00, moral damages in the sum of P50,000.00, civil indemnity for the death of Restituto Jr. also for P50,000.00 and temperate damages in the amount o P25,000.00; to pay Canscor Construction and Development Incorporation, Nelia Panaga, Clara Bisnar and Evelyn Tario actual damages in the respective sums of P250,000.00, P7,000.00, P26,950.00 and P4,000.00 respectively, all with interest thereon at the legal rate of 6% per annum from this date until fully paid.
>
> Accused ANTONIO QUIMNO y SASOTONA is ACQUITED on ground of reasonable doubt.
>
> SO ORDERED."[3]

From said decision, the two accused, each represented by his own counsel, interposed separate appeals. Accused-appellant Alejandro Sorila, Jr. imputes to the trial court the lone error, to wit:

> "THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF ROBBERY WITH HOMICIDE."[4]

Accused-appellant Jose Balausa, for his part, faults the trial court as follows:

I

"THE LOWER COURT ERRED IN ITS FINDING THAT THE CRIME OF ROBBERY WITH HOMICIDE HAS BEEN COMMITTED WITH INSUFFICIENT OR WITHOUT ANY FACTUAL AND LEGAL BASES AT ALL."[5]

II

"THE LOWER COURT ERRED IN ITS FINDING THAT ACCUSED-APPELLANT JOSE C. BALAUSA WAS GUILTY OF THE CRIME OF ROBBERY WITH HOMICIDE AS CHARGED IN THE INFORMATION ASSUMING, ARGUENDO, THAT SUCH CRIME WAS PROVEN, ABSENT ANY CREDIBLE EVIDENCE THAT HE PARTICIPATED IN THE COMMISSION OF SAID CRIME OR ANY EVIDENCE AT ALL THAT HE JOINED IN ANY CONSPIRACY TO COMMIT SUCH CRIME."[6]

III

"THE LOWER COURT ERRED IN ORDERING ACCUSED-APPELLANT JOSE C. BALAUSA TO INDEMNIFY FOR DEATH OF RESTITUTO MARIQUIT, JR. IN THE ABSENCE OF PROOF AS TO WHO CAUSED HIS DEATH AND TO PAY FOR ACTUAL, MORAL AND TEMPERATE DAMAGES ABSENT ADEQUATE PROOF THAT HE PARTICIPATED OR CONSPIRED IN THE COMMISSION OF THE ROBBERY."[7]

The main contention of appellant Sorila, Jr. is that the witnesses for the prosecution erred in identifying him as one of the robbers. Appellant Sorila, Jr. posits that he was merely at the wrong place at the wrong time. Considering that everyone was still in a state of shock, their minds could have been very receptive to any suggestion or influence. So when they learned that a particular person was arrested, there were more chances that they would identify the one who was arrested as the one who robbed them.

Appellant Sorila, Jr.'s appeal must fail.

By challenging his identification made by the prosecution witnesses, mostly Canscor employees, that he was one of the robbers, appellant Sorila, Jr. thereby attacks the credibility of said witnesses and the probative weight of their testimonies. But after reviewing the transcript of stenographic notes, as well as the record of this case, we see no reason to depart the legal aphorism that when the issue of credibility of witnesses is involved, the findings of facts of the trial court, its calibration of the testimonies of witnesses and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings are accorded by the appellate court high respect if not conclusive effect precisely because of the unique advantage of the trial court in observing and monitoring at close range the demeanor, deportment and conduct of the witnesses as they testify.[8]

It may be true that the employees of Canscor who testified were frightened when the robbery occurred, but it does not follow that they failed to have a good look at the four out of the six robbers who went inside their office during the entire time that the robbery was taking place. It has been held in a catena of cases that it is the most natural reaction of victims of violence to strive to see the appearance of the perpetrators of the crime and to observe the manner in which the crime was committed. The evidence on record show that Clara Bisnar and Nelia Panaga was able to identify appellant Sorilla, Jr. as one of the four robbers who was holding a gun inside their office.[9]

Going now to appellant Balausa's assigned errors. In support of his first assigned error, appellant Balausa contends that if indeed the identities of the robbers were established, just the same, they cannot be convicted of the crime of robbery with homicide since no proof was presented by the prosecution on the manner surrounding the death of, and the identity of the person(s) who shot the victim, Restituto Mariquit, Jr., during the robbery. He submits that the crime of homicide not having been proven, it cannot be complexed with robbery.

We uphold the ruling of the trial court.

The lack of direct evidence on how the homicide was committed matters little. The crime of robbery with

homicide requires proof of the following elements: (1) the taking of personal property with violence or intimidation against persons; (2) the property taken belongs to another; (3) the taking was done with animo lucrandi; and (4) on the occasion of the robbery or by reason thereof, homicide was committed.[10] It is therefore immaterial that the death would supervene by mere accident; or that the victim of homicide is other than the victim of robbery.[11] Once a homicide is committed by or on the occasion of the robbery, the felony committed is robbery with homicide.[12] It is only the result obtained, without reference or distinction as to the circumstances, causes or modes or persons intervening in the commission of the crime that has to be taken into consideration.[13]

Anent his second assigned error, appellant Balausa assails the credibility of prosecution witness Jaime Fiatos as regards his identification of appellant as one of the perpetrators of the crime. First, appellant Balausa points out the contradictions of Jaime Fiatos in his affidavit[14] given to the police on October 13, 2001, his Sinumpaang Salaysay[15] dated March 5, 2002, and his testimony in court given on September 17, 2002. Appellant Balausa contends that in Jaime Fiatos affidavit, he stated that appellant Balausa was merely a lookout while in his testimony in open court, he testified that appellant Balausa was firing at the barangay security forces. Second, in his Sinumpaang Salaysay, he described appellant Balausa as a big and tall guy with white hair and sporting a mustache but on the day of his arrest, which was less than twenty-four (24) hours after the robbery took place, and also during the hearing of the case, inspite of his prolonged detention, appellant Balausa had black hair, not white. Third, Ramil Agcaoili, also a member of the barangay security force, categorically testified that he did not see Jaime Fiatos inside the barangay hall during the incident. Said testimony was corroborated by the testimony of Romeo Santiago, another member of the Barangay Security Force that Jaime Fiatos was not inside the barangay hall when the shooting incident happened. Rather, both testified that Jaime Fiatos was outside and in front of the barangay hall when the shooting incident happened. Fourth, appellant Balausa points out that witness Andres Saludsod, Jr., whose Tamaraw FX was carnapped in the morning of October 12, 2001 and used by the robbers in getting to Canscor, testified that he did not see appellant Balausa on that fateful day.

The Court is not persuaded by the contentions of appellant Balausa. Admittedly, in his affidavit taken in the police station,[16] Jaime Fiatos stated that appellant Balausa was merely a lookout. But this Court notes that he also stated therein that appellant Balausa was holding a “short” gun. Then in his Sinumpaang Salaysay which was in the prosecutor’s office, Jaime Fiatos declared that he saw appellant Balausa and another man, acting as a lookout outside the Canscor building. Jaime Fiatos went on to narrate that he saw appellant Balausa and the other lookout also fired at the barangay security forces when they were escaping from the Canscor building. As such, his Sinumpaang Salaysay can be reconciled with his testimony in court that appellant Balausa was one of the robbers who served as a lookout and that appellant Balausa also fired at the barangay security forces. Added to this, this Court is guided by the established rule that an extrajudicial statement of affidavit is generally not prepared by the affiant himself but by another who uses his own language in writing the affiant’s statement, hence omissions and misunderstandings by the writer are not infrequent[.[17]] Thus, whenever there is inconsistency between the affidavit and the testimony of a witness in court, the testimony commands greater weight.[18]

The description of witness Jaime Fiatos that appellant Balausa is a big and tall guy is indeed correct. Looking at the picture taken the day after the robbery,[19] appellant Balausa can definitely be described as relatively a big and tall guy compared to his companions. As to the color of appellant’s hair, this Court agrees with the trial court that a mustache can be shaved and the hair can be dyed in an hour or less.[20] What is more, whether Jaime Fiatos was outside or inside the barangay hall during the shootout is inconsequential. The important thing is that he was able to identify appellant Balausa as one of the robbers. Also, the barefaced fact that Andres Saludsod, Jr., was not able to identify appellant Balausa as one of the carnappers of his Tamaraw FX does not negate the fact that

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

witness Jaime Fiatos was able to identify appellant Balausa as one of the robbers. Notably, Andres Saludsod, Jr. was forced to wear sunglasses with covered lenses so that he could not properly identify the other carnappers of his Tamaraw FX.[21] On top of all these, there is no showing in the present case that Jaime Fiatos has any ill-motive or nurtured ill-feelings against appellant Balausa as to falsely implicate him for a crime for which appellant Balausa could be meted the penalty of Reclusion Perpetua.

Anent the amount taken by the robbers from Canscor and its employees, appellant Balausa claims that there is no evidentiary support at all that the amount taken from Canscor was P250,000.00. Appellant Balausa points out that the amount of money taken from Canscor as alleged in the information, which was P250,000.00, was contradicted by Clara Bisnar who testified that the amount taken was P344,144.00 while Nelia Panaga on the other hand testified that the amount taken from Canscor was P260,000.00. Also, in the case of Clara Bisnar, the trial court made a finding that the total value of the money and valuables taken from her was P26,950 as alleged in the information, but in her direct testimony she alleged that the total value personally taken from her was P34,000.00.

Indeed, the prosecution was able to prove that the appellants and their cohorts divested Canscor the amount of P260,000.00 representing its payroll money. This is gleaned from the testimony of Nelia Panaga, the cashier of Canscor, who testified that the P260,000,00 payroll money was on top of her table when it was taken by the robbers.[22] The testimony of Clara Bisnar, vice president for finance of Canscor that the money taken was P344,144.00 can be reconciled with the testimony of Nelia Panaga to the effect that at the time of the robbery, the available funds was indeed P344,000.00,[23] that is, the payroll money taken from her table was P260,000.00, but there was P80,000.00 on the left side of her table inside a box and another P4,000.00 inside the drawer.[24] Be that as it may, the trial court correctly awarded only P250,000.00 to Canscor because it was the only amount alleged in the information. In the same vein, even if Clara Bisnar testified that the personal belongings divested from her amounted to P34,000.00, the trial court correctly awarded only the amount of P26, 950.00 as alleged in the information.

As to the solidary civil liabilities, the trial court correctly ruled that the heirs of Restituto Mariquit, Jr., are entitled to a civil indemnity of P50,000.00 without need for proof other than that death occurred as a result of the crime. This Court also sustains the actual damages in favor of the heirs of Restituto Mariquit, Jr. in the amount of P98,698 as the same is duly supported by receipts.[25] But in view of the award of actual damages, the P25,000.00 temperate damages should be deleted. Basic is the rule that temperate damages may only be given if the court finds that some pecuniary loss has been suffered but that its amount cannot, from the nature of the case, be proved with certainty.[26] Another instance where temperate damages is called for is when the actual damages proven is less than P25,000.00, then the legal heirs are entitled to temperate damages in the amount of P25,000.00.[27] This Court also sustains to award moral damages in the amount of P50,000.00. As earlier mentioned, the testimony of Restituto Mariquit, Jr.'s father regarding this matter was dispensed in view of the stipulation of the parties that the victim's father is seeking P80,000.00 moral damages for the death of his son.

WHEREFORE, with the MODIFICATION that the award of P25,000.00 for temperate damages is DELETED, the challenged Decision of the Regional Trial Court of Pasig City, Branch 163, finding appellants Alejandro Sorila, Jr. and Jose Balausa GUILTY of the crime of robbery with homicide in Criminal Case No. 121877 is hereby AFFIRMED in all other respects.

SO ORDERED.

RAMON M. BATO, JR.
Associate Justice

WE CONCUR:

JOSE L. SABIO, JR.
Associate Justice

ROSALINDA ASUNCION-VICENTE
Associate Justice

[1] Spelled as Sorilla, Jr. in his appellent's brief.
[2] Records, pp. 1-3.
[3] Records, pp. 445-449, 448-449.
[4] Appellant’s Brief for accused-appellant Sorila, Jr., Rollo, pp. 45-60, 53.
[5] Appellant’s Brief for accused-appellant Balausa, Rollo, pp. 34-44, 43.
[6] Ibid, p.16.
[7] Ibid, p. 42.
[8] People vs. Abad, 401 SCA 498, 507, [2003].
[9] TSN, January 15, 2002, p. 8 and TSN, January 29, 2002, p. 11.
[10] People vs. Domacyong, 418 SCRA 85, 94 [2003].
[11] People vs. De Jesus, 429 SCRA 384, 402 [2004].
[12] Ibid.
[13] Ibid.
[14] Records, pp. 10-11.
[15] Record, p. 349.
[16] Records, pp. 10-11.
[17] People vs. Astudillo, 401 SCRA 732, 733 [2003].
[18] People vs. De la Cruz, 398 SCRA 415, 431 [2003].
[19] Rollo, p. 25.
[20] RTC Decision, p. 4.
[21] TSN, December 18, 2001, p. 23.
[22] TSN, January 29, 2002, p. 9.
[23] Ibid
[24] Ibid., p. 10.
[25] Exhibit k-k-29, Records, pp. 214.
[26] Art. 2224 of the Civil Code: Temperate or moderate damages, which are more than nominal but less than compensatory damages, may be recovered when the court finds that some pecuniary loss has been suffered but its amount cannot, from the nature of the case, be proved with certainty.
[27] People vs. Cañete, 410 SCRA 544, 561 [2003].

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.