PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. APOLINAR RAGANAS AND RUEL DALEON, ACCUSED-APPELLANTS.

G.R. No. 101188. October 12, 1999

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

This is an appeal from the April 24, 1991 decision of the Regional Trial Court of Cagayan De Oro City, Branch 18, in Criminal Case No. 90-850, finding Apolinar Raganas and Ruel Daleon guilty of the crime of Robbery with Homicide, and sentencing them to reclusion perpetua and to pay the heirs of the victim the amount of P30,000.00 as indemnity.

Both were charged on September 7, 1990, with the crime of Robbery with Homicide, allegedly committed as follows:

> "On June 18, 1990, at about 9:30 o'clock in the evening, Daylight Saving Time, at Barangay Igpit, Opol, Misamis Oriental, which is within the jurisdiction of the Honorable Court, the afore-named accused, with intent to gain, conspiring and confederating with and mutually helping each other and with violence against a person did, then and there, willfully, unlawfully, and feloniously enter the guardhouse of the Yasay Compound and the office beside it and forthwith proceeded to attack, assault, and stab one Mamerto Lucion, the security guard thereat, who died instantaneously from multiple stab wounds, after which the above-named accused destroyed, cut off, and disconnected the electrical and communication facilities therein such as the radio power supply unit and an intercom set valued, respectively, at P1,500.00 and P1,000.00 and then took and carried away one (1) Sanyo cassette recorder valued at P600.00 belonging to Joseph Denosta.

The commission of the crime was attended by the aggravating circumstance of abuse of superior strength with respect to the killing of said Mamerto Lucion.

CONTRARY TO and in violation of Article 293, in relation with Article 294, paragraph 1, both of the Revised Penal Code." [1]

Assisted by counsel, both entered pleas of not guilty on arraignment. After trial, the court a quo rendered judgment which reads:

> "WHEREFORE, the court finds the accused APOLINAR RAGANAS and RUEL DALEON guilty beyond reasonable doubt, as principals, as charged, of Robbery with Homicide (Article 294 (1)), Revised Penal Code, and hereby imposes upon each of them the penalty of RECLUSION PERPETUA and to indemnify the heirs of MAMERTO LUCION THIRTY THOUSAND PESOS (P30,000.00) and to pay proportionate costs. The accused shall be credited with the full period of preventive period of preventive imprisonment.
>
> SO ORDERED."[2]

While confined in the Provincial Jail of Misamis Oriental, Cagayan De Oro City, accused Ruel Daleon escaped from prison on May 28, 1992, after stabbing his co-accused, Apolinar Raganas. Because of this incident the Court

in a Resolution dated July 29, 1992, dismissed the appeal with respect to appellant Daleon.[3] Entry of Judgment concerning him was made on August 28, 1992.[4] Hence, the present appeal involves appellant Raganas only.

Appellant assigns for our consideration the lone error that:

> THE TRIAL COURT ERRED IN DISCREDITING THE DEFENSE OF DENIAL OF ACCUSED-APPELLANT APOLINARIO (sic) RAGANAS AND IN FINDING HIM GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF ROBBERY WITH HOMICIDE.

Appellant argues that though he was positively identified by prosecution witnesses as the one who fled from the Yasay compound with Daleon, this alone is not enough to prove that he inflicted the injuries on Mamerto Lucion. He contends that not one of the prosecution witnesses testified that they saw him stab the victim. He claims that these testimonies could not even support the finding of conspiracy as he did not have any idea what Daleon intended to do that fateful night of June 18, 1990.[5]

Prescinding from appellant's lone assignment of error, we find that the crucial issues in this appeal involve credibility of the witnesses and sufficiency of the prosecution's evidence to establish beyond reasonable doubt, the guilt of appellant for the crime of robbery with homicide.

For the State, the Solicitor General, while agreeing with the basic finding of guilt by the trial court, nonetheless recommended the modification of the penalty to conform with Section 9 in relation to Section 21 of Republic Act 7659.[6] He suggests that the penalty imposed should be modified from Reclusion Perpetua to twelve (12) years and one (1) day of Reclusion Temporal, as minimum, to twenty (20) years and one (1) day of Reclusion Perpetua, as maximum.

The records of the trial court reveal the following factual antecedents:

On June 18, 1990, at about 9:00 o'clock in the evening at Barangay Igpit, Opol, Misamis Oriental, two men with identical clothes alighted from a passenger jeepney.[7] They were later on identified as the herein accused-appellants. On their way to the Yasay Compound, they passed by Isidra Daayata and Delia Caracho who were both standing on the left side of the national highway the same side the former were. The place was illuminated by a lamp post light near the guardhouse of the Yasay Compound, where Mamerto Lucion was the guard on duty.

According to prosecution witness Roque Obsioma, at around 9:30 p.m. (DST) of June 18, 1990, he heard a commotion in the direction of the guardhouse in the Yasay compound.[8] He and his cousin, Edwin Obsioma, rushed towards the direction of the guardhouse and saw the security guard Mamerto Lucion grappling with two persons inside the guardhouse.[9] After a while, the small gate beside the guardhouse opened and the head of a man emerged. The gate re-opened and another head emerged. Apparently, noticing the presence of Roque and Edwin, the man slammed the gate close. A little later, a man with a cassette recorder tucked under his armpit, was seen coming out of the small gate. Roque chased the man and then gave up the chase. He later on identified the man as Apolinar Raganas.[10] During the chase, the cassette recorder fell and Roque retrieved it. He brought the cassette recorder belonging to a certain Joseph Denosta, a resident of the Yasay compound, back to the guardhouse.

Isidra Daayata, another witness, also testified that about 9:00 in the evening on June 18, 1990, she and her neighbor Delia Caracho were whiling the time away seated along the national highway. A passenger jeepney coming from the east, going to the west, stopped in front of them. Two men alighted from that jeep, crossed the national highway, headed towards the Yasay compound, proceeded to a mango tree near the barangay social hall about 40 meters away from the Yasay compound, then went back to the Yasay compound, and headed to a

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caimito tree where the two disappeared from view.[11]

At about 9:30 that same evening Isidra and Delia again saw Roque and Edwin standing along the highway about ten meters fronting the Yasay compound, looking towards the guardhouse.[12] Their curiosity aroused, Isidra and Delia went to the gasoline station from where the Yasay compound was visible. Isidra then saw a man with something tucked under his armpit come out of the small gate of the Yasay compound, passing in front of Roque and Edwin. Roque chased the man but failed to catch up with him.[13] While the pursuit was going on, a man jumped from the wall of the Yasay compound, and dropped something under his armpit as he fled. Roque picked the object up and returned to the guardhouse. Isidra and Delia then went to the guardhouse, with Ricardo Caracho, his wife, and other curious neighbors.[14] When they entered the small gate, they came upon the dead Mamerto Lucion inside the guardhouse. He was in a kneeling position, his inert right hand extended forward. He was bloodied from several fresh wounds. There were also bloodstains on the wall and floor of the guardhouse. The guardhouse was in disarray. During the trial, Isidra pointed to Apolinar Raganas and Ruel Daleon as the two men she saw emerging from the Yasay compound that day.[15]

Joseph Denosta, the owner of the cassette recorder, also testified. He said that he lent the recorder to Mamerto Lucion. He described the Yasay compound and the guardhouse where Mamerto Lucion was found dead. He also testified that he lost no time in rushing to the guardhouse where he saw the lifeless Mamerto in a kneeling position, slumped on a chair, bloodied, and wounded on several parts of his body.[16]

Roland J. Ebonia, a photographer fetched by the Opol Police, testified for the prosecution. He declared that he took about sixteen (16) photographs of the incident which he identified in court and were marked Exhibit A, A-1 to A-15. These photographs showed the exterior of the guardhouse, the view through its door including the adjacent gate of the compound; the cassette-recorder (Exh. F in Exh. A-2); the bloodied body of Mamerto; the intercom system; the disarrayed guardhouse; the blood stains on the floor, walls and chair inside the guardhouse; and the different angle shots of the dead Mamerto in blood-stained,[17] striped, long-sleeved shirt.

Witness Reinerio Baba declared that he was resting in his house in Barra, Opol, Misamis Oriental with his wife and family when, at about 10:50 p.m. (DST) of June 18, 1990, he was awakened by the rapping at his door. A man was calling: “Sir, sir, open the door. I’m a good man”.[18] Baba peered thru the windows and saw a man who had bloodstains on his hands, pants, and shirt. Baba asked the man who he was and the man replied, “Sir, I am a good man,” at the same time handing over his wallet which contained his identification card.[19] Despite the restraint of his wife, Baba opened the door. The man raised his hands and said, “I’ll not resist”. The man then told Baba that they have “hit” somebody. The man asked Baba to allow him to stay for the night but Baba refused. Fearful that something might happen, Baba brought the man to Atty. Amado Mabulay, the barangay captain of Barra. That same night, Atty. Mabulay, in the company of Renerio Baba, and several other residents, brought the man to the police station. Baba identified the man as Apolinar Raganas.[20] Appellant’s defense as summarized by the trial court runs this wise:

> “The defense of Apolinar Raganas is denial. He denied having inflicted any injury on the late Mamerto Lucion. According to him, he and Ruel Daleon known each other since 1986-87 as co-workers in a rubber plantation in Logitas, Malaybalay, Bukidnon, and had bunked together during their employment there as rubber tapper, but had separated ways in 1987 when Ruel Daleon left ahead to continue schooling.
>
> “He admitted having gone together with Ruel Daleon to the Yasay compound at Igpit, Opol, Misamis Oriental at about 9:30 p.m. on June 18, 1990 to see security guard Mamerto Lucion, whom he had previously known through a certain Paeng Reyes, to inquire about the latter whom he learned to have lost his job and whom he wanted to help find another. His purpose fell through because Ruel Daleon suddenly boxed Mamerto Lucion, and later assaulted him, wounding Mamerto, despite his efforts to separate them, in the ensuing struggle inside

> the guardhouse. When he sensed that Mamerto Lucion had been wounded, he got scared, and rushed out through the small gate of the Yasay compound, to the chapel nearby and ran and walked part of the way towards Barra, Opol, passing along the highway, in the general direction towards Cagayan de Oro. At Barra he decided to seek help, just at a house which he could not enter because of snarling sentry dogs, and instead he found his way into the house of a man (who turned out to be Reinerio Baba who is one of the prosecution witnesses in this case) to whom he identified himself as a "good man". He informed Baba that somebody had been "hit" (gibirahan). Gibirahan is a colloquial jargon for "assaulting or attacking somebody". He was referring to the wounding of Mamerto Lucion at the guardhouse of the Yasay compound a little while back that same night, and from where he had gone. Baba asked why he was splotched with blood. He did not explain why, because, he told Baba, he only thought it was mere fistcuffs between Lucion and Daleon, whom he tried to separate by holding back Daleon. Baba forthwith brought him to barangay captain Amado Mabulay to whom he was turned over, and later that same night he was brought in a truck by Atty. Amado Mabulay, the barangay captain, to the Opol municipal hall and there turned over to the Opol police for proper action.
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> Raganas refused to identify Ruel Daleon by name, despite inquiries about it from Baba and Mabulay.
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> All the while Raganas denied having killed Mamerto Lucion, but he implicated as the culprit, his companion whom he did not name, because according to him, he feared for his life and reprisal from that man who was the assailant. He also denied having carried and taken away from the Yasay compound the cassette recorder (Exhibit F), or of having half emerged from the Yasay compound small gate three times, or of having been chased by anyone after he had gone out of the Yasay compound on the run.
>
> Raganas revealed the name of Ruel Daleon as his companion on the incident in question only a few days later to his employer Vicente Cabrera who had come to visit him when he was already detained at the Opol municipal jail.
>
> Raganas admitted though that he and his companion (who turned out to be Ruel Daleon) had come by passenger jeepney from Carmen, Cagayan de Oro City, by error of taking the ride first leg up to Bulun, then next to Barra, and finally to Igpit, Opol. He admitted that he and his companion alighted from the jeepney along the highway in the vicinity of the Yasay compound and of having entered the Yasay compound up to the guardhouse.
>
> He earlier that day had drunk beer together with Ruel Daleon and other whom he did not know by name, at Vamenta Boulevard, Carmen, Cagayan de Oro City, starting at about four o'clock in the afternoon on June 18, 1990. He had talked with Ruel Daleon about going to Igpit, Opol, to see a friend on that date.[21]

After a thorough study and consideration of the evidence on record, we affirm the trial court's judgment. Settled is the rule that the defense of denial, if not substantiated by clear and convincing evidence, is negative and self-serving evidence bearing no weight in law.[22]

On the issue of credibility of witnesses, the Court has time and again ruled that where there is no evidence to indicate that the prosecution witness was actuated by improper motive, the presumption is that he was not so actuated and that he would not prevaricate and cause damnation to one who brought him no harm or injury.[23] In the case at hand, Roque Obsioma, Edwin Obsioma, Isidra Daayata and Delia Caracho were innocent bystanders who happened to be at the right place at the right time. They did not know the appellant and had no reason to perjure to implicate the latter. No evidence whatsoever was introduced to impeach the credibility of these witnesses. This being the case their testimony is accorded great weight and respect. Well-settled is the doctrine that findings of the trial court as to the credibility of witnesses are accorded great weight, even finality, on appeal, unless it has failed to appreciate certain facts and circumstances which, if taken into account, would materially affect the result of the case.[24] This rule is justified by the fact that the trial court is in a better position to decide the question, having had the advantage of directly observing the demeanor of the witnesses. In this light, we have

reviewed the records of this case, and we find no reason to disregard the foregoing rule much less reverse the finding of the trial court. The negative defense of denial proffered by the appellant cannot prevail over the positive testimonies of the prosecution witnesses.

On the second issue, the evidence on record adequately proves the guilt of the appellant beyond reasonable doubt.

First, the testimony of Isidra Daayata, that she saw the appellant and his companion arriving from the direction of Cagayan de Oro City at about 9:00 o'clock in the evening (DST) of June 18, 1990 and were moving about the vicinity of the Yasay compound, establishes his presence in the site of the killing. Another prosecution witness, Roque Obsioma, identified Raganas as the man he pursued fleeing from the Yasay Compound. Reinerio Baba, testified that appellant appeared at the former's house at Barra, Opol, with blood-stained shirt and informed him that somebody had been hit (girbahan). After Baba brought him to Barangay Captain Mabulay, appellant willingly narrated to Mabulay the bloody incident in the Yasay Compound.

While these testimonies do not provide direct evidence that appellant stabbed Mamerto Lucion, they provide proof consisting of overwhelming circumstantial evidence pointing to the guilt of appellant. Circumstantial evidence is that which relates to a series of facts other than the fact in issue, which by experience have been found so associated with such fact that in a relation of cause and effect, they lead us to a satisfactory conclusion.[25] However, in order that circumstantial evidence may be sufficient to convict, the same must comply with these essential requisites, viz.: (a) there is more than one circumstance; (b) the facts from which the inference are derived are proven; and (c) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.[26] All the foregoing requisites are here present. The testimonies of Daayata, Obsioma, and Baba pieced together reveal an unbroken chain of events which leads to but one fair and reasonable conclusion, that the appellant is guilty of the crime charged.[27]

Noteworthy, the flight of the appellant from the scene of the crime shows his culpability and a guilty conscience.[28] His guarded and adamant refusal to reveal the identity of his companion, whom he had implicated as the assailant, is inconsistent with his self-proclaimed innocence. His attempt to exculpate himself and point to his companion as the culprit, knowing fully well no other person was present to contradict his story is, to say the least, self-serving. None of these credibly support his claim of innocence.

With regard to the recommendation of Solicitor General, we must recall that in People vs. Lucas,[29] we held that although Section 17 of R.A. 7659 has fixed the duration of reclusion perpetua from twenty (20) years and one (1) day to forty (40) years, there was no clear legislative intent to alter its original classification as an indivisible penalty.

> "Article 63 of the Revised Penal Code provides that in all cases in which the law prescribes a single indivisible penalty, it shall be applied regardless of any mitigating or aggravating circumstance that may have attended the commission of the deed, and if the law prescribes a penalty composed of two indivisible penalties, then the greater penalty shall be applied if there is present only one aggravating circumstance, and the lesser penalty shall be applied when the commission of the act was attended by some mitigating circumstances but without an aggravating circumstance or when the there was neither mitigating or aggravating circumstance, and if both mitigating and aggravating circumstances were present, the court shall reasonably allow them to offset one another taking into account their number and importance and then to apply the preceding rules according to the result of such compensation."[30]

There we also said that "if reclusion perpetua was reclassified as a divisible penalty, then Article 63 of the Revised Penal Code would lose its reason and basis for existence." The imputed duration of thirty (30) years of reclusion perpetua, therefore, only serves as the basis for determining the convict's eligibility for pardon or for the application of the three-fold rule in the service of multiple penalties.[31]

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Hence, we cannot accept favorably the Solicitor General's recommendation to lower the penalty imposed by the trial court on appellant. Moreover, the award of P30,000.00 to the heirs of the victim by way of indemnity as a result of the death of the victim needs to be increased to P50,000.00 in line with prevailing jurisprudence.[32]

WHEREFORE, the judgment of the Regional Trial Court of Misamis Oriental, finding appellant Apolinar Raganas guilty of robbery with homicide beyond reasonable doubt, and sentencing him to reclusion perpetua is hereby AFFIRMED, with the MODIFICATION that the appellant is also ordered to pay the heirs of the victim, Mamerto Lucion, the amount of P50,000.00, as civil indemnity. Costs against appellant.

SO ORDERED.

Mendoza, and Buena, JJ., concur.

Bellosillo, J., (Chairman), on official leave.

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[1] Records, p. 2.

[2] Id. at 370-371.

[3] Rollo, p. 111.

[4] Id. at 119.

[5] Id. at 167.

[6] Sec. 9. Article 294 of the same Code is hereby amended to read as follows:

> "Art. 294. - Robbery with violence against or intimidation of persons -Penalties. - Any person guilty of robbery with the use of violence against or intimidation of any person shall suffer.
>
> 1. The penalty of reclusion perpetua to death, when by reason or on the occasion of the robbery, the crime of homicide shall have been committed, or when the robbery shall have been accompanied by rape or intentional mutilation or arson.
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> x x x
>
> "SEC 21. Article 27 of the Revised Penal Code, as amended, is hereby amended to read, as follows:
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> "Art. 27. Reclusion perpetua. - The penalty of reclusion perpetua shall be twenty years and one day to forty years.

[7] Id. at 160.

[8] Id. at 172.

[9] Ibid.

[10] Ibid.

[11] Id. at 175.

[12] Ibid.

[13] Ibid.

[14] Id. at 176.

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[15] Ibid.

[16] Id at 173.

[17] Ibid.

[18] Id. at 174.

[19] Ibid.

[20] Ibid.

[21] Id. at 176-178.

[22] People vs. Apongan, 270 SCRA 713, 727 (1997).

[23] Juliano vs. Sandiganbayan, 269 SCRA 52,60 (1997); People vs. Piandiong, 268 SCRA 555 (1997); People vs. Tabaco, 270 SCRA 32 (1997); People vs. Salvame, 270 SCRA 766 (1997).

[24] People vs. Batidor, G.R. No. 126027, February 18, 1999, p. 10.

[25] 1 Jones on Evidence, 2nd Ed., Sec.6; People vs. Songcuan, 176 SCRA 354 (1989).

[26] People vs. Malimit, 264 SCRA 167, 178 (1996); People vs. Magana, 259 SCRA 380 (1996); People vs. Diaz, 262 SCRA 723 (1996); People vs. Verano, 264 SCRA 546 (1996).

[27] cf. People vs. Yip Wai Ming, 264 SCRA 224, 243 (1996); People vs. Parel, 261 SCRA 720 (1996).

[28] People vs. Salvame, 270 SCRA 766, 773 (1997); People vs. Israel, 271 SCRA 95 (1997).

[29] 240 SCRA 66 (1995).

[30] Id. at 73-74.

[31] People vs. Reyes, 212 SCRA 402, 408 (1992).

[32] People vs. Trilles, 254 SCRA 633, 643 (1996); Sulpicio Lines, Inc. vs. CA, 246 SCRA 376 (1995); People vs. Flores, 237 SCRA 653 (1994); People vs. Ravelo, 202 SCRA 655 (1991).

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