

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. REYDERICK LAGO, APPELLANT.

G.R. No. 121272. June 06, 2001

Ponente: PANGANIBAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-121272/>

PANGANIBAN, J.:

When conspiracy is proven in a case of robbery with homicide, all those who participated in the robbery will be held guilty of the special complex crime of robbery with homicide, even if not all of them actually took part in the homicide perpetrated by just one of them on the occasion or as a consequence of the asportation.

The Case

Before the Court is an appeal by Reyderick Lago, assailing the February 28, 1995 Decision^[1] of the Regional Trial Court (RTC) of Pasig, Metro Manila (Branch 159), in Criminal Case No. 87719. The decretal portion of the assailed Decision, which found him guilty of robbery with homicide, reads as follows:

"WHEREFORE, this Court finds the accused Reyderick Lago guilty beyond reasonable doubt of the crime of [r]obbery with [h]omicide punishable under Art. 294 par. (1) of the Revised Penal Code and hereby sentences said accused to suffer the penalty of reclusion perpetua; to indemnify the heirs of the v.tim in the amount of [f]ifty [t]housand (P50,000.00) [p]esos; the sum of [e]ighteen [t]housand [s]ix [h]undred (P18,600.00) [p]esos representing reimbursement of funeral expenses and [s]ixty [s]even [t]housand (P67,000.00) [p]esos for the value of the stolen cash and articles; and to pay the cost.

The Jail Warden of the Rizal Prov.. Jail is hereby ordered to commit the person of accused Reyderick Lago to the Bureau of Prisons, Muntinlupa, Metro Manila immediately upon receipt hereof."^[2]

The Information,^[3] dated August 14, 1991, charged appellant and four others as follows:

"That on or about the 24th day of July, 1991, in the Municipality of Mandaluyong, Metro Manila, Philippines, a place within the jurisdiction of this Honorable Court, the abovenamed accused, armed with a bladed weapon, conspiring and confederating together and mutually helping [or] aiding each other, with intent to gain, by means of force upon things, did, then and there willfully, unlawfully and feloniously enter the house of Benjamin Raymundo y Sta. Teresa, by then and there removing one blade of the glass window jalousie near the door, and once inside the house, take, steal and carry away cash[,] money and jewelries worth P92,000.00 belonging to said Benjamin Raymundo y Sta. Teresa, to the damage and prejudice of the latter; that on the occasion of the said robbery and for the purpose of enabling them to take, steal and carry away the said cash, money and jewelries, in pursuance of their conspiracy and to insure the success of their criminal act, with intent to kill, did, then and there willfully, unlawfully and feloniously stab said Benjamin Raymundo y Sta. Teresa on the v.al part of his body, thereby inflicting upon the latter stab wounds which directly caused his death."

When arraigned on February 23, 1994, appellant pleaded^[4] not guilty.^[5] After due trial, the RTC promulgated its assailed Decision.

Hence, this appeal.[6]

The Facts

Prosecution's Vision

In its Brief,[7] the Office of the Solicitor General presents the prosecution's version of the facts as follows:

"Rosana Capacillo of 80 A.T. Reyes Street, Mandaluyong, Metro Manila, was one of victim Benjamin Raymundo's neighbors. On that fateful morning of July 24, 1991, around 7:30 a.m. to 8:00 a.m., she was waiting for her husband outside their house. While so engaged, [she] saw a man, whom she [later] identified as Rainier Lisbog, come out of Raymundo's house. Rosana and this person looked at each other. Later in the evening when Rosana and her husband came home from work, they learned that their neighbor, Benjamin Raymundo, had been robbed and killed.

"Ramon Bernardo, a refrigeration/aircon technician, testified that in the morning of July 24, 1991, he went to the house of Benjamin Raymundo to get a refrigeration gasket. Before reaching the gate of the compound where Benjamin lived, he met a man whom he described as wearing a ball cap, white T-shirt, black pants[; was] thin faced, dark skinned, of medium buil[d] and about 16 to 20 years old. He identified that person in open court as Jayson Diadid. When he was already inside the compound, he called out 'Mang Ben, Mang Ben'. A man opened the door and demonstrated that Benjamin Raymundo was still asleep. In turn, Ramon made a sign indicating that he [would] be back. A little later at about 9:00 in the morning, Ramon came back and learned that Benjamin Raymundo had been robbed and killed. Ramon Bernardo identified the man who made a sign to him as Rainier Lisbog.

"Cozette Aragon, one of appellant's co-accused, was called to testify as a witness during appellant's trial. Cozette testified that he was introduced to Jayson Diadid by a classmate named Dennis Sison. Dennis introduced Cozette to Jayson because the latter could do whatever had to be done in the robbery being planned by Cozette. When Jayson and Cozette were planning the robbery, Jayson asked Cozette if he wanted to have his uncle killed, to which Cozette replied in the negative as he merely wanted to rob his uncle.

"On the day of the robbery, Cozette, Rainier, Jayson and appellant arriv. together at the house of Benjamin Raymundo. Cozette removed one jalousie block of a window, through which he was able to unlock the door. They then entered the house. At first they sat on the sofa. After that, Cozette pointed out to Jayson the room of his uncle. Jayson saw a wallet and 3 packs of cigarettes on top of a refrigerator. He took them and handed them to appellant. When Cozette and Jayson entered Benjamin's room, Rainier acted as a look-out posted by the door while appellant sat on the sofa, waiting for Cozette and Jayson, just outside Benjamin Raymundo's room. During the robbery, Benjamin was repeatedly stabbed by Jayson, leading to Benjamin's death.

"Dr. Alberto Reyes, a medico-legal officer of the NBI, testified that he performed the autopsy on the cadaver of Benjamin Raymundo. According to Dr. Reyes, the victim sustained 21 stab wounds, 7 in the front and 14 at the back. The stab wounds affected some vital organs such as the lung, the liver and the pancreas. He gave the immediate cause of death as severe hemorrhage resulting from stab wounds."[8] (citations omitted)

Defense's vision

On the other hand, appellant given the following narration of facts:

"Accused Reyderick Lago testified that on June 24, 1991, the regular classes opened. At around 6:30 to 7:00 in the morning, accused Cozette Aragon who was his classmate in English approached him and asked him to accompany him to the house of his uncle to get a project and collect his salary. Aragon also invited Lisbog to go with them. Thereafter, he came to know that Diadid also proceeded to the house of Aragon's uncle at the back of Don Bosco in Kalentong.

"Upon entering the gate of the house, Aragon opened the jalousie window with the use of a 'beinte nueve'"

balisong and unlocked the door. Aragon let them in. Lisbog was instructed to wait outside. While he was seated on the sofa, Aragon and Diadid went inside the room. Suddenly, he heard somebody was groaning from the room. Afraid, he immediately left the place and went to the house of his grandmother in Mandaluyong who advised him not to leave the place anymore.

"On cross-examination, he testified that Cozette Aragon was his classmate in one of his back subjects at Jose Fabella Memorial School. Lisbog was also his classmate. He did not know personally Jayson Diadid and Dennis Sison. He admitted that when he heard the groaning inside the room, he did not bother to verify what was happening. He went out of the house immediately and did not attend his classes anymore. He stopped schooling." [9]

Trial Court's Ruling

The RTC found appellant a co-conspirator in the robbery with homicide committed on July 24, 1991. The trial court concluded:

"All considered, the quantum of proof required to establish proof beyond any shadow of doubt is satisfactorily met by the evidence on record and this Court is morally convinced that Reyderick Lago is equally responsible for the offense charged." [10]

The Issue

Appellant raises a single alleged error for our consideration:

"The trial court erred in convicting accused-appellant Reyderick Lago of the crime of robbery with homicide despite insufficiency of the evidence of the prosecution." [11]

The Court's Ruling

The appeal has no merit.

Sole Issue:

Sufficiency of the Evidence for the Prosecution

Appellant contends that the lower court erred in convicting him of the crime of robbery with homicide, supposedly because the prosecution was not able to prove the crime charged, beyond reasonable doubt. We are not convinced. As a co-conspirator in the aforesaid crime, he is liable for the acts of his co-conspirators.

The second paragraph of Article 8 of the Revised Penal Code defines conspiracy, as follows:

"A conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it."

The elements of conspiracy are the following: (1) two or more persons came to an agreement, (2) the agreement concerned the commission of a felony, and (3) the execution of the felony was decided upon. Proof of the conspiracy need not be based on direct evidence, because it may be inferred from the parties' conduct indicating a common understanding among themselves with respect to the commission of the crime. Neither is it necessary to show that two or more persons met together and entered into an explicit agreement setting out the details of an unlawful scheme or objective to be carried out. The conspiracy may be deduced from the mode or manner in which the crime was perpetrated; it may also be inferred from the acts of the accused evincing a joint or common purpose and design, concerted action and community of interest. [12]

Appellant met with his co-accused — Cozette Aragon, Jayson Diadid, Rainier Lisbog and Dennis Sison — at noon on July 23, 1991, to discuss Aragon's plan to rob an uncle. [13] Initially, appellant contended that he had only

accompanied Aragon, who was going to the house of the latter's uncle to get a project and collect an unpaid salary.[14] But appellant later admitted that he had conspired to rob but not to kill the victim.[15]

Except for Sison who did not show up at the meeting place agreed upon, all the four conspirators met on June 24, 1991, near the Jose Fabella Memorial School. From there they proceeded to the victim's house at the back of Don Bosco on Kalentong Street.[16] Upon reaching the house, Aragon forcibly opened the jalousie using a *viente-nueve balisong* (29-inch knife) and entered the house with Diadid and Lago.[17] The latter two entered the victim's bedroom, while appellant sat on the sofa where he waited for them to come out.[18] When appellant heard the groaning inside the bedroom, he became apprehensive and left, because he sensed that his two companions were stabbing the victim.[19] All this time, Lisbog acted as a lookout.[20]

Although Aragon av.s that it was only Diadid who did the stabbing, the latter's act is deemed to be the act of all.[21] This Court has ruled that whenever a homicide has been committed as a consequence or on the occasion of a robbery, all those who took part as principals in the robbery will also be held guilty as principals in the special complex crime of robbery with homicide, even if they did not all actually take part in the homicide; that is, unless it appears that those who did not do so endeavored to prevent the homicide.[22]

The medicolegal officer of the National Bureau of Investigation testified that the victim was stabbed 21 times, 7 in front and 14 at the back. Some of his vital organs were hit like the right lung, the liver and the pancreas. The immediate cause of death was severe hemorrhage resulting from stab wounds.[23]

Because the victim was stabbed 21 times, it could not be said that there was no intent to kill him. Although Aragon testified that he had no intention to kill, but only to rob, why did the former bring his co-assailants to his uncle's house? Why did he bring a *balisong* when he entered his uncle's room? Why did he not prevent Diadid from stabbing the victim? Why was it necessary to inflict 21 stab wounds? These questions further imply that the common objective was more than robbery.

Appellant himself, in his Brief,[24] agrees with the findings of the trial court that he "conspired with his co-accused to commit robbery." He claims, however, that there was "no concurrence of sentiment and no positive proof or evidence that he joined his co-accused in the commission of the crime of homicide." [25] We are not persuaded.

Time and time again, this Court has ruled that when conspiracy is proven, the act of one is the act of all.[26] As shown above the prosecution was able to prov.beyond reasonable doubt that conspiracy had attended the commission of the crime of robbery with homicide. Despite the protestations of appellant that he did not conspire to rob and kill, but only to rob, the victim, we hold that appellant is liable for the special complex crime of robbery with homicide.

The elements of this special complex crime are the following: (1) the taking of personal property is committed with violence or intimidation against a person; (2) the property taken belongs to another; (3) the taking is done with *animo lucrandi*; and (4) by reason of the robbery or on occasion thereof, homicide (used in its generic sense) is committed.[27]

The records and the pleadings show that all the above mentioned elements are present in the case at bar. Appellant and his cohorts broke into the house of Aragon's uncle;[28] took the victim's wallet and cash, wrist watch and several pieces of jewelry amounting to P67,000;[29] and, in the course of the robbery, stabbed and killed the victim.

As aforesaid, whenever a homicide is committed as a consequence of or on the occasion of a robbery, all those who took part in the asportation will be held guilty of the special complex crime of robbery with homicide, even if

they did not all actually take part in the homicide, unless it appears that those who did not do so endeavored to prevent the killing.[30]

Appellant, upon hearing the groaning emanating from the bedroom, did not do anything to check on what was happening. Thinking that his cohorts were stabbing the victim,[31] appellant simply allowed them to finish their dastardly deed. He hid for two years - first in the house of his grandmother[32] and, later on, in that of his mother.[33] On January 6, 1994, a barangay official apprehended and brought him to the Mandaluyong jail.[34]

It is therefore clear that appellant did not do anything to prevent his co-conspirators from stabbing and ultimately killing the victim. When he left the scene of the crime; he could have gone to the police to report the crime, but he hid and tried to escape the arm of the law. Because he did not do anything to prevent the homicide, he is therefore equally guilty of robbery with homicide.

We affirm the awards of actual damages which were duly proven.

WHEREFORE, the appeal is DENIED and the assailed Decision is AFFIRMED. Costs against appellant.

SO ORDERED.

Melo, (Chairman), Vitug, Gonzaga-Reyes, and Sandoval-Gutierrez, JJ., concur.

[1] Written by Judge Rodolfo R. Bonifacio.

[2] Assailed Decision, p. 10; rollo, p. 31; records, p. 166.

[3] Signed by Assistant Provincial Prosecutor Edwin D. Sorongon; rollo, pp. 5-6; records, pp.1-2.

[4] Assisted by Counsel de Oficio. Arnelo Mesa.

[5] See RTC Order dated February 23, 1994; records, p. 15.

[6] This case was deemed submitted for resolution on September 19, 2000, when the Court received the Appellee's Brief. The filing of a reply brief was deemed waived, as none had been submitted within the reglementary period.

[7] Signed by Solicitor General Ricardo P. Galvez, Assistant Solicitor General Mariano M. Martinez, and Solicitor Ofelia B. Cajigal.

[8] Appellee's Brief, pp. 4-7; rollo, pp. 172-75.

[9] Appellant's Brief, pp. 6-7; rollo, pp. 139-40; signed by Attys. Teresita S. de Guzman and Liwayway J. Nazal of the Public Attorney's Office

[10] Decision, p. 10; rollo, p. 31; records, p. 166.

[11] Appellant's Brief, p. 7; rollo, p. 140.

[12] *People v. Fegidero*, GR No. 113446, August 4, 2000; *People v. Francisco*, GR Nos. 118573-74, May 31, 2000.

[13] TSN, May 10, 1994, pp. 3-4.

[14] TSN, August 24, 1994, p. 2.

[15] Appellant's Brief, p. 8; rollo, p. 141.

[16] TSN, August 24, 1994, p. 4.

[17] Ibid., p. 8.

[18] Ibid.

[19] Ibid., p. 10.

[20] TSN, October 29, 1991, p. 9.

[21] Froilan v. Sandiganbayan, GR No. 115221, March 17, 2000; People v. Panganiban, 241 SCRA 91, 102, February 6, 1995; People v. Hernandez, 182 SCRA 794, 798, February 27, 1990.

[22] People v. Pedroso, GR No. 125128, July 19, 2000; People v. Nang, 289 SCRA 16, 33-34, April 15, 1998.

[23] TSN, November 18, 1991, pp. 6-7.

[24] Appellant's Brief, p. 8; rollo, p. 141.

[25] Ibid.

[26] Froilan v. Sandiganbayan, supra; People v. Panganiban, supra; People v. Hernandez, supra.

[27] People v. Doca, GR No. 126781, September 13, 2000; People v. Salazar, 277 SCRA 67, 85, August 11, 1997; People v. Cabiles, 248 SCRA 207, 219, September 14, 1995.

[28] Appellant's Brief, p. 8; rollo, p. 141.

[29] TSN, November 18, 1991, pp. 19-20.

[30] People v. Pedroso, supra; People v. Nang, supra.

[31] TSN, August 24, 1994, p. 10.

[32] Ibid.

[33] Ibid., p. 12.

[34] Ibid, pp. 14-15.

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.