

PEOPLE OF THE PHILIPPINES, plaintiff-appellee, vs. ARMANDO REANZARES also known as ARMANDO RIANZARES, accused-appellant.*G.R. No. 130656. June 28, 2000*

Ponente: BELLOSILLO, J.

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This case is with us on automatic review of the 26 May 1997 Decision[1] of the Regional Trial Court of Tanauan, Batangas, finding accused ARMANDO REANZARES also known as "Armando Rianzares" guilty of Highway Robbery with Homicide under PD 532[2] and sentencing him to the extreme penalty of death. He was also ordered to pay the heirs of his victim Lilia Tactacan P172,000.00 for funeral, burial and related expenses, P50,000.00 as indemnity for death, P1,000.00 for the cash taken from her bag, and to reimburse Gregorio Tactacan P2,500.00 for the Seiko wristwatch taken from him.

The facts, except as to the identity of accused Armando Reanzares, are undisputed. Spouses Gregorio Tactacan and Lilia Tactacan owned a sari-sari store in San Miguel, Sto. Tomas, Batangas. On 10 May 1994 at around 8:10 in the evening, the Tactacan spouses closed their store and left for home in Barangay San Roque, Sto. Tomas, Batangas on board their passenger-type jeepney. As Gregorio was maneuvering his jeep backwards from where it was parked two (2) unidentified men suddenly climbed on board. His wife Lilia immediately asked them where they were going and they answered that they were bound for the town proper. When Lilia informed them that they were not going to pass through the town proper, the two (2) said they would just get off at the nearest intersection. After negotiating some 500 meters, one of the hitchhikers pointed a .38 caliber revolver at Gregorio while the other poked a balisong at Lilia's neck and ordered Gregorio to stop the vehicle. Two (2) other persons, one of whom was later identified as accused Armando Reanzares, were seen waiting for them at a distance. As soon as the vehicle stopped, the accused and his companion approached the vehicle. Gregorio was then pulled from the driver's seat to the back of the vehicle. They gagged and blindfolded him and tied his hands and feet. They also took his Seiko wristwatch worth P2,500.00. The accused then drove the vehicle after being told by one of them, "Sige i-drive mo na." [3]

Gregorio did not know where they were headed for as he was blindfolded. After several minutes, he felt the vehicle making a u-turn and stopped after ten (10) minutes. During the entire trip, his wife kept uttering, "Maawa kayo sa amin, marami kaming anak, kunin nyo na lahat ng gusto ninyo." Immediately after the last time she uttered these words a commotion ensued and Lilia was heard saying, "aray!" Gregorio heard her but could not do anything. After three (3) minutes the commotion ceased. Then he heard someone tell him, "Huwag kang kikilos diyan, ha," and left. Gregorio then untied his hands and feet, removed his gag and blindfold and jumped out of the vehicle. The culprits were all gone, including his wife. He ran to San Roque East shouting for help. [4]

When Gregorio returned to the crime scene, the jeepney was still there. He went to the driver's seat. There he saw his wife lying on the floor of the jeepney with blood splattered all over her body. Her bag containing P1,200.00 was missing. He brought her immediately to the C. P. Reyes Hospital where she was pronounced dead on arrival. [5]

At the time of her death Lilia Tactacan was forty-eight (48) years old. According to Gregorio, he was deeply depressed by her death; that he incurred funeral, burial and other related expenses, and that his wife was earning P3,430.00 a month as a teacher.[6]

Dr. Lily D. Nunes, Medical Health Officer of Sto. Tomas, Batangas, conducted a post-mortem examination on the body of the victim. Her medical report disclosed that the victim sustained eight (8) stab wounds on the chest and abdominal region of the body. She testified that a sharp pointed object like a long knife could have caused those wounds which must have been inflicted by more than one (1) person, and that all those wounds except the non-penetrating one caused the immediate death of the victim.[7]

Subsequently, two (2) Informations were filed against accused Armando Reanzares and three (3) John Does in relation to the incident. The first was for violation of PD 532 otherwise known as the Anti-Piracy and Anti-Highway Robbery Law of 1974 for allegedly conspiring, with intent to gain and armed with bladed weapons and a .38 caliber revolver, to rob and carry away one (1) Seiko wristwatch owned by Gregorio Tactacan and P1,000.00 cash of Lilia Tactacan, and on the occasion thereof, killed her. The second was for violation of RA 6539, An Act Preventing and Penalizing Carnapping, for taking away by means of violence and intimidation of persons one (1) passenger-type jeepney with Plate No. DBP 235 owned and driven by Gregorio Tactacan and valued at P110,000.00. Only the accused Armando Reanzares was arrested. The other three (3) have remained unidentified and at large.

The accused testified in his defense and claimed that he could not have perpetrated the crimes imputed to him with three (3) others as he was in Barangay Tagnipa, Garchitorena, Camarines Sur, for the baptism of his daughter Jessica when the incident happened.[8] His father, Jose Reanzares, corroborated his story. Jose claimed that the accused borrowed P500.00 from him for the latter's trip to Bicol although he could not say that he actually saw the accused leave for his intended destination.[9] To bolster the alibi of the accused, his brother Romeo Reanzares also took the witness stand and alleged that he saw the accused off on 9 May 1994, the day before the incident. Romeo maintained that he accompanied the accused to the bus stop that day and even helped the latter carry his things to the bus. He however could not categorically state where and when the accused alighted or that he in fact reached Bicol.[10]

On 26 May 1997 the trial court found the prosecution's evidence credible and ruled that the alibi of the accused could not prevail over his positive identification by complaining witness Gregorio Tactacan. The court a quo declared him guilty of Highway Robbery with Homicide under PD 532 and sentenced him to death. It further ordered him to pay the heirs of Lilia Tactacan P50,000.00 as indemnity for death, P172,000.00 for funeral, burial and related expenses, and P1,000.00 for the cash taken from her bag. The accused was also ordered to reimburse Gregorio Tactacan P2,500.00 for the Seiko wristwatch taken from him.[11] But the trial court exonerated the accused from the charge of carnapping under RA 6539 for insufficiency of evidence.

The accused insists before us that his conviction for Highway Robbery with Homicide under PD 532 is erroneous as his guilt was not proved beyond reasonable doubt. He claims that the testimony of private complainant Gregorio Tactacan, who implicated him as one of the perpetrators of the crime, is incredible. He maintains that Gregorio failed to identify him because when the latter was questioned he stated that he did not know any of the culprits. He also claims that in the publication of Hotline by Tony Calvento in People's Tonight, Gregorio even asked the readers to help him identify the malefactors.

The trial court observed that Gregorio Tactacan testified in a categorical, straightforward, spontaneous and frank manner, and was consistent on cross-examination. Indeed, Gregorio might not have immediately revealed the name of accused Armando Reanzares to the police authorities when he was first investigated but the delay was not

an indication of a fabricated charge and should not undermine his credibility considering that he satisfactorily explained his reasons therefor. According to him, he did not immediately tell the police about the accused because he feared for the safety of his family as his neighbors told him that they saw some people lurking around his house on the day of the incident. Moreover, he was advised not to mention any names until after the burial of his wife. No ill motive could be attributed to him for implicating the accused. If at all, the fact that his wife died by reason of the incident even lends credence to his testimony since his natural interest in securing the conviction of the guilty would deter him from implicating persons other than the real culprits, otherwise, those responsible for the perpetration of the crime would escape prosecution.

To further undermine the credibility of Gregorio, the accused underscores Gregorio's refusal to be subjected to a lie detector test. We cannot subscribe to this contention as the procedure of ascertaining the truth by means of a lie detector test has never been accepted in our jurisdiction; thus, any findings based thereon cannot be considered conclusive.

Finally, the accused chides Gregorio for supposedly suppressing a very material piece of evidence, i.e., the latter failed to present as witnesses a certain Renato and his wife who allegedly saw the holduppers running away from the crime scene. But this is only a disputable presumption under Sec. 3, par. (e), Rule 131, of the Rules of Court on evidence, which does not apply in the present case as the evidence allegedly omitted is equally accessible and available to the defense.

These attempts of the accused to discredit Gregorio obviously cannot hold ground. Neither can they bolster his alibi. For alibi to be believed it must be shown that (a) the accused was in another place at the time of the commission of the offense, and (b) it was physically impossible for him to be at the crime scene.[12]

In this case, the accused claims to have left for Bicol the day before the incident. To prove this, he presented his father and brother but their testimonies did not meet the requisite quantum to establish his alibi. While his father testified that the accused borrowed money from him for his fare to Bicol for the baptism of a daughter, he could not say whether the accused actually went to Bicol. As regards the claim of Romeo, brother of the accused, that he accompanied the accused to the bus stop on 9 May 1994 and even helped him with his things, seeing the accused off is not the same as seeing him actually get off at his destination. Given the circumstances of this case, it is possible for the accused to have alighted from the bus before reaching Bicol, perpetrated the crime in the evening of 10 May 2000, proceeded to Bicol and arrived there on 12 May 2000 for his daughter's baptism.

Thus the trial court was correct in disregarding the alibi of the accused not only because he was positively identified by Gregorio Tactacan but also because it was not shown that it was physically impossible for him to be at the crime scene on the date and time of the incident.

Indeed the accused is guilty. But that the accused was guilty of Highway Robbery with Homicide under PD 532 was erroneous. As held in a number of cases, conviction for highway robbery requires proof that several accused were organized for the purpose of committing it indiscriminately.[13] There is no proof in the instant case that the accused and his cohorts organized themselves to commit highway robbery. Neither is there proof that they attempted to commit similar robberies to show the "indiscriminate" perpetration thereof. On the other hand, what the prosecution established was only a single act of robbery against the particular persons of the Tactacan spouses. Clearly, this single act of depredation is not what is contemplated under PD 532 as its objective is to deter and punish lawless elements who commit acts of depredation upon persons and properties of innocent and defenseless inhabitants who travel from one place to another thereby disturbing the peace and tranquility of the nation and stunting the economic and social progress of the people.

Consequently, the accused should be held liable for the special complex crime of robbery with homicide under

Art. 294 of the Revised Penal Code as amended by RA 7659[14] as the allegations in the Information are enough to convict him therefor. In the interpretation of an information, what controls is the description of the offense charged and not merely its designation.[15]

Article 294, par. (1), of the Revised Penal Code as amended punishes the crime of robbery with homicide by reclusion perpetua to death. Applying Art. 63, second par., subpar. 2, of the Revised Penal Code which provides that "[i]n all cases in which the law prescribes a penalty composed of two indivisible penalties, the following rules shall be observed in the application thereof: x x x 2. [w]hen there are neither mitigating nor aggravating circumstances in the commission of the deed, the lesser penalty shall be applied," the lesser penalty of reclusion perpetua is imposed in the absence of any modifying circumstance.

As to the damages awarded by the trial court to the heirs of the victim, we sustain the award of P50,000.00 as civil indemnity for the wrongful death of Lilia Tactacan. In addition, the amount of P50,000.00 as moral damages is ordered. Also, damages for loss of earning capacity of Lilia Tactacan must be granted to her heirs. The testimony of Gregorio Tactacan, the victim's husband, on the earning capacity of his wife, together with a copy of his wife's payroll, is enough to establish the basis for the award. The formula for determining the life expectancy of Lilia Tactacan, applying the American Expectancy Table of Mortality, is as follows: 2/3 multiplied by (80 minus the age of the deceased).[16] Since Lilia was 48 years of age at the time of her death,[17] then her life expectancy was 21.33 years.

At the time of her death, Lilia was earning P3,430.00 a month as a teacher at the San Roque Elementary School so that her annual income was P41,160.00. From this amount, 50% should be deducted as reasonable and necessary living expenses to arrive at her net earnings. Thus, her net earning capacity was P438,971.40 computed as follows: Net earning capacity equals life expectancy times gross annual income less reasonable and necessary living expenses -

Net earning capacity (x) = Life expectancy x Gross annual income - reasonable & necessary living expenses

$x = 2 (80-48)$

$\dots\dots 3 \times [P41,160.00 - P20,580.00]$

$= 21.33 \times P20,580.00$

= P438,971.40

However, the award of P1,000.00 representing the cash taken from Lilia Tactacan must be increased to P1,200.00 as this was the amount established by the prosecution without objection from the defense. The award of P172,000.00 for funeral, burial and related expenses must be reduced to P22,000.00 as this was the only amount sufficiently substantiated.[18] There was no other competent evidence presented to support the original award.

The amount of P2,500.00 as reimbursement for the Seiko wristwatch taken from Gregorio Tactacan must be deleted in the absence of receipts or any other competent evidence aside from the self-serving valuation made by the prosecution. An ordinary witness cannot establish the value of jewelry and the trial court can only take judicial notice of the value of goods which is a matter of public knowledge or is capable of unquestionable demonstration. The value of jewelry therefore does not fall under either category of which the court can take judicial notice.[19]

WHEREFORE, the Decision appealed from is MODIFIED. Accused ARMANDO REANZARES also known as "Armando Rianzares" is found GUILTY beyond reasonable doubt of Robbery with Homicide under Art. 294 of the Revised Penal Code as amended and is sentenced to reclusion perpetua. He is ordered to pay the heirs of the victim P50,000.00 as indemnity for death, another P50,000.00 for moral damages, P1,200.00 for actual damages,

P438,971.40 for loss of earning capacity, and P22,000.00 for funeral, burial and related expenses. Costs de oficio.

SO ORDERED.

Davide, Jr., (Chairman), Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, and De Leon, Jr., JJ., concur.

* Accused-appellant Armando Reanzares in his handwritten letter to Judge Flordeliz Ozaeta-Navarro dated 4 August 1994 signed his name as "Armando Rianzares;" Records, pp. 195-196.

[1] Decision penned by Judge Flordelis Ozaeta-Navarro, RTC-Br. 6, Tanauan, Batangas; Rollo, pp. 26-36.

[2] "Anti-Piracy and Anti-Highway Robbery Law of 1974."

[3] TSN, 4 May 1995, pp. 1-13.

[4] Ibid.

[5] Ibid.

[6] Ibid.

[7] TSN, 14 July 1995, pp. 2-9.

[8] TSN, 28 September 1995, pp. 1-4.

[9] TSN, 29 April 1996, pp. 2-16.

[10] TSN, 13 May 1996, pp. 2-20.

[11] See Note No. 2.

[12] *People v. Sumalde*, G.R. No. 121780, 17 March 2000.

[13] *People v. Puno*, G.R. No. 97471, 17 February 1993, 219 SCRA 85; *People v. Mendoza*, G.R. No. 104461, 23 February 1996, 254 SCRA 61; *People v. Versoza*, G.R. No. 118944, 20 August 1998, 294 SCRA 466.

[14] The crime was committed on 10 May 1994, after RA 7659 took effect on 31 December 1993.

[15] *Socrates v. Sandiganbayan*, G.R. Nos. 116259-60 and 118896-97, 20 February 1996, 253 SCRA 773, citing *People vs. Maravilla, et al.*, G.R. No. L-47646, 19 September 1988, 165 SCRA 392.

[16] *People v. Estepano*, G.R. No. 126283, 28 May 1999.

[17] See Note No. 4.

[18] *People v. Manlapaz*, G.R. No. 121483, 26 October 1999, citing *People v. Gutierrez, Jr.*, G.R. No. 116281, 8 February 1999.

[19] *People v. Paraiso*, G.R. No. 127840, 29 November 1999, citing *People v. Marcos*, G.R. No. 128892, 21 June 1999.

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