

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. WILFREDO LAYUG, NOEL BUAN AND REYNALDO LANGIT, ACCUSED,*G.R. No. 223679. September 27, 2017*

Ponente: PERALTA,** J.

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For consideration of this Court is the appeal of the Decision[1] dated April 23, 2015 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 03500 affirming with modification the Decision[2] dated December 20, 2007 of the Regional Trial Court (RTC), Branch 5, Dinalupihan, Bataan in Criminal Case No. DH-1204-01, finding appellants Wilfredo Layug and Noel Buan guilty beyond reasonable doubt of the crime of robbery with homicide.

The facts follow.

According to Analiza L. Paule (Analiza), a state witness, around 7 o'clock in the evening of June 1, 2001, she was at the plaza in Barangay Luacan, Dinalupihan, Bataan talking with Ramil Ambrosio alias Janice (Ramil) and they were talking about her supposed "date" with the victim Victorino Paule (Victorino). Thereafter, she went to the house of appellant Wilfredo Layug (Wilfredo), located in the same barangay where they had a shabu session together with appellant Noel Buan (Noel). Afterwards, they went to the house of accused Reynaldo Langit (Reynaldo) where they continued their shabu session. During the said shabu session, Analiza overheard accused Reynaldo giving instructions to appellants Wilfredo and Noel about a "hold-up," but did not hear the name of the person intended to be held-up. After the shabu session, Analiza asked permission to go back to the public plaza of Dinalupihan as per her agreement with Ramil that she will meet her customer there. Upon arriving at the plaza, Ramil was already with the victim Victorino. Analiza was introduced to Victorino and they agreed that the latter will bring her to Benzi Lodge to have sex with her for P500.00. After reaching an agreement, Analiza and Victorino left Ramil at the plaza and went in front of the Dinalupihan Parish Church to look for a ride. They boarded a tricycle driven by Analiza's brother-in-law Jesus Ronquillo (Jesus). Thereafter, Analiza and Victorino checked-in at Benzi Lodge, while Jesus waited outside. After three hours, Analiza and Victorino went back to the plaza riding the same tricycle driven by Jesus. Victorino then talked to Ramil in the plaza and, thereafter, gave Analiza her P500.00 service fee. Since Victorino still wanted to have a good time with her, Analiza brought Victorino to the house of appellant Wilfredo. Analiza joined appellants Wilfredo and Noel, and accused Reynaldo in their shabu session, while Victorino waited inside the tricycle with Jesus. After fifteen to thirty minutes, appellants Wilfredo and Noel, and accused Reynaldo, asked Analiza to go with them to their hideout. Victorino went with them because the former knew them as fellow residents of Barangay Luacan. They all boarded the tricycle driven by Jesus and upon reaching Sitio Bucia, Pangalanggang, Dinalupihan, Bataan, appellant Noel asked Jesus to stop the tricycle. Analiza asked appellant Noel where they are going and the latter replied that they have to walk because the tricycle cannot enter the place. Appellant Noel alighted first and, thereafter, asked Victorino to also alight from the tricycle. Appellant Wilfredo and accused Reynaldo also alighted from the tricycle. After more or less three steps from the tricycle, appellant Noel held the shoulder of Victorino and stabbed him twice in front of his body which led the latter to lean forward. Appellant Wilfredo and accused Reynaldo

surrounded Victorino and helped appellant Noel in stabbing Victorino. Victorino shouted "Tulongan ninyo ako," as accused Reynaldo took his wallet, wristwatch and necklace. Because of fear, Analiza and Jesus remained in the tricycle, while Victorino was being stabbed and robbed. Thereafter, the three boarded the tricycle, and warned Analiza and Jesus not to report the incident to anybody or else they will also get killed. Analiza then alighted at the public plaza of Dinalupihan and proceeded to the house of her live-in partner for five days. Thereafter, she went to the Municipal Station of Dinalupihan because her sister told her that Jesus was incarcerated at the Municipal Station of Dinalupihan, Bataan. She then executed a sworn statement regarding the incident.

Thus, the following information was filed against the appellants Wilfredo and Noel, and accused Reynaldo:

That on or about June 1, 2001 in Dinalupihan, Bataan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating together and mutually helping one another, with intent to gain and intent to kill, with treachery, evident premeditation and taking advantage of superior strength, that is by stabbing Victorino L. Paule with bladed weapons on the different parts of his body, did then and there wilfully, unlawfully and feloniously take, steal, and carry away a necklace, wristwatch and wallet containing cash money [sic] amounting to P20,000.00 more or less, belonging to Victorino Paule, and as a result or on occasion of the said robbery, the said victim sustained mortal wounds which were the direct and immediate cause of his death thereafter, to the damage and prejudice of the heirs of the said Victorino Paule.

CONTRARY TO LAW.[3]

Aside from Analiza, testimonies of Dr. Roberto Castafleda, a Municipal Health Officer of Dinalupihan, Bataan, who conducted the medico-legal examination on the body of the victim, and Ramil Ambrosio were also presented during the trial on the merits. Based on the findings of Dr. Castaneda, the victim sustained a total of nineteen (19) stab wounds on the different parts of his body and that the cause of death was a massive hemorrhage due to multiple stab wounds at the front and back part of the victim's body. Ramil corroborated some parts of the testimony of Analiza.

Appellants and accused Reynaldo denied that they had any participation in the incident. Noel Buan claimed that around 7:00 p.m. of June 1, 2001, he was in the house of Councilor Boy Timog (Boy) where Noel was working as a houseboy. According to him, on that night, he was with Boy and his live-in partner, Emelita Lubag (Emelita). He then saw the victim, Victorino and Emelita seated together and that they were holding hands. When Boy woke up, he saw Victorino and Emelita holding hands. Boy, thereafter, asked Noel to invite Victorino for a drink which the latter accepted. They then had a drink, together with a certain Boy Nacu and when they were already a little bit drunk, Boy raised the issue of Victorino and Emelita holding hands. They continued drinking, when suddenly, Victorino and Boy had a heated confrontation. During the commotion, Boy picked up a knife and stabbed Victorino twice. Victorino ran away, but Boy was able to catch him. Victorino once again tried to run away, but Boy was able to intercept and the latter stabbed him, too. After the incident, Boy Nacu brought Noel to the house of Emelita. It was there that Boy Timog talked to Noel and told the latter to implicate Wilfredo and Reynaldo as the ones responsible for the killing of Victorino because Reynaldo and Emelita had a misunderstanding. Noel did not follow Boy Timog's instruction and the former got arrested after Analiza implicated him for the death of Victorino. Wilfredo, on the other hand, testified that he was at his home in Luacan, Dinalupihan, Bataan, at the time of the incident and denied that he knew Analiza.

The RTC found appellants and accused Reynaldo guilty beyond reasonable doubt of the crime of robbery with homicide. The dispositive portion of the decision reads as follows:

WHEREFORE, premises considered, this court finds the accused Wilfredo Layug @ Aswang, Noel Buan @ Dadoy/Kuluping/Voltron, and Reynaldo Langit @ Rebong GUILTY beyond reasonable doubt of the crime of Robbery with Homicide, aggravated by treachery, evident premeditation and taking advantage of superior

strength, and hereby sentences said accused to suffer the penalty of reclusion perpetua.

In addition, the said accused are hereby ORDERED to pay jointly and severally the heirs of the victim Victorino Paule, the amount of P75,000 by way of civil indemnity, P50,000 by way of temperate damages and the cost of litigation.

SO ORDERED.[4]

According to the RTC, all the elements of the crime of robbery with homicide are present. It also held that the prosecution was able to prove the existence of treachery, evident premeditation and taking advantage of superior strength, thus, the penalty imposed should be death, however, in view of Republic Act No. 9346, the penalty of reclusion perpetua is imposed.

A notice of appeal was filed and the RTC gave such due course. Accused Reynaldo filed a motion to withdraw his appeal which was granted by the RTC.

The CA dismissed the appeal of the appellants and affirmed the decision of the RTC with modifications, thus:

WHEREFORE, in view of the foregoing, the assailed Decision dated December 20, 2007 of the Regional Trial Court of Dinalupihan, Bataan, Branch 5 in Criminal Case No. DH-1204-01 is hereby AFFIRMED WITH MODIFICATION as against accused-appellant Wilfredo Layug @ Aswang and Noel Buan @ Daboy/Kuluping/Voltron.

Accordingly, accused-appellants Wilfredo Layug and Noel Buan are hereby found GUILTY beyond reasonable doubt of the crime of Robbery with Homicide aggravated by treachery and evident premeditation, and are sentenced to suffer the penalty of reclusion perpetua. They are further ORDERED to pay, jointly and severally, the heirs of Victorino L. Paule the amounts of One Hundred Thousand Pesos (P100,000.00) as civil indemnity, One Hundred Thousand Pesos (P100,000.00) as moral damages, Fifty Thousand Pesos (P50,000.00) as temperate damages, and interest on all damages at the rate of six percent (6%) per annum from the finality of judgment until fully paid.

In accordance with Our Resolution dated June 1, 2012 which granted Reynaldo Langit's request to withdraw his appeal, the Decision dated December 20, 2007 stands and shall not be disturbed as against Reynaldo Langit.

SO ORDERED.[5]

The CA ruled that the prosecution was able to establish the guilt of all the accused beyond reasonable doubt. It also held that treachery and evident premeditation may be appreciated, but abuse of superior strength is absorbed by treachery. It further ruled that the award of moral damages is proper even in the absence of any allegation and proof of the heirs' emotional suffering.

Hence, the present appeal with both the appellants and the Office of the Solicitor General manifesting to this Court that they are adopting their respective Briefs instead of filing Supplemental Briefs.

Appellants raise the following errors:

I.

THE TRIAL COURT GRAVELY ERRED IN CONVICTING ACCUSED-APPELLANTS DESPITE THE PROSECUTION'S FAILURE TO PROVE THEIR GUILT BEYOND REASONABLE DOUBT; AND

II.

ASSUMING THAT THE ACCUSED-APPELLANTS KILLED THE VICTIM, THE TRIAL COURT

GRAVELY ERRED IN FINDING THAT TREACHERY, EVIDENT PREMEDITATION AND ABUSE OF SUPERIOR STRENGTH ATTENDED ITS COMMISSION.[6]

The appeal must fail.

In arguing that the prosecution failed to prove their guilt beyond reasonable doubt, the appellants pointed out the questionable credibility of the witnesses who testified against them. Time and again, this Court has deferred to the trial court's factual findings and evaluation of the credibility of witnesses, especially when affirmed by the CA, in the absence of any clear showing that the trial court overlooked or misconstrued cogent facts and circumstances that would justify altering or revising such findings and evaluation.[7] This is because the trial court's determination proceeds from its first-hand opportunity to observe the demeanor of the witnesses, their conduct and attitude under grilling examination, thereby placing the trial court in the unique position to assess the witnesses' credibility and to appreciate their truthfulness, honesty and candor.[8] As aptly ruled by the CA:

We agree with the RTC in giving full credence to the accounts of the eyewitnesses for the prosecution, particularly Analiza and Ambrosio's testimonies, as no evidence was adduced to refute them or to show why said witnesses would testify falsely against appellants. In the face of the positive identification by Analiza and Ambrosio, accused-appellants' defense of denial and alibi must fail. The said rule is that denials, as negative and self-serving evidence, do not deserve as much weight in law as positive and affirmative testimonies. Time and again, case law has held that positive identification of the accused, when categorical and consistent and without any showing of ill motive on the part of the eyewitnesses testifying, should prevail over the alibi and denial of the appellant whose testimony is not substantiated by clear and convincing evidence.[9]

What is important is that the prosecution was able to prove the existence of all the elements of the crime. The crime of robbery with homicide has been thoroughly discussed in *People v. Ebet*,[10] thus:

In *People v. De Jesus*, this Court had the occasion to meticulously expound on the nature of the crime of Robbery with Homicide, thus:

Article 294, paragraph 1 of the Revised Penal Code provides:

Art. 294. Robbery with violence against or intimidation of persons - Penalties. - Any person guilty of robbery with the use of violence against or any person shall suffer:

The penalty of reclusion perpetua to death, when by reason or on 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.

For the accused to be convicted of the said crime, the prosecution is burdened to prove the confluence of the following elements:

- (1) the taking of personal property is committed with violence or intimidation against persons;
- (2) the property taken belongs to another;
- (3) the taking is *animo lucrandi*; and
- (4) by reason of the robbery or on the occasion thereof, homicide is committed.

In robbery with homicide, the original criminal design of the malefactor is to commit robbery, with homicide perpetrated on the occasion or by reason of the robbery. The intent to commit robbery must precede the taking of human life. The homicide may take place before, during or after the robbery. 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. There is no such felony of robbery with homicide through reckless

imprudence or simple negligence. The constitutive elements of the crime, namely, robbery and homicide, must be consummated.

It is immaterial that the death would supervene by mere accident; or that the victim of homicide is other than the victim of robbery, or that two or more persons are killed or that aside from the homicide, rape, intentional mutilation, or usurpation of authority, is committed by reason or on the occasion of the crime. Likewise immaterial is the fact that the victim of homicide is one of the robbers; the felony would still be robbery with homicide. Once a homicide is committed by or on the occasion of the robbery, the felony committed is robbery with homicide. All the felonies committed by reason of or on the occasion of the robbery are integrated into one and indivisible felony of robbery with homicide. The word "homicide" is used in its generic sense. Homicide, thus, includes murder, parricide, and infanticide.

Intent to rob is an internal act but may be inferred from proof of violent unlawful taking of personal property. When the fact of asportation has been established beyond reasonable doubt, conviction of the accused is justified even if the property subject of the robbery is not presented in court. After all, the property stolen may have been abandoned or thrown away and destroyed by the robber or recovered by the owner. The prosecution is not burdened to prove the actual value of the property stolen or amount stolen from the victim. Whether the robber knew the actual amount in the possession of the victim is of no moment because the motive for robbery can exist regardless of the exact amount or value involved.

When homicide is committed by reason or on the occasion of robbery, all those who took part as principals in the robbery would also be held liable as principals of the single and indivisible felony of robbery with homicide although they did not actually take part in the killing, unless it clearly appears that they endeavored to prevent the same.

If a robber tries to prevent the commission of homicide after the commission of the robbery, he is guilty only of robbery and not of robbery with homicide. All those who conspire to commit robbery with homicide are guilty as principals of such crime, although not all profited and gained from the robbery. One who joins a criminal conspiracy adopts the criminal designs of his co-conspirators and can no longer repudiate the conspiracy once it has materialized.

Homicide is said to have been committed by reason or on the occasion of robbery if, for instance, it was committed to (a) facilitate the robbery or the escape of the culprit; (b) to preserve the possession by the culprit of the loot; (c) to prevent discovery of the commission of the robbery; or, (d) to eliminate witnesses in the commission of the crime. As long as there is a nexus between the robbery and the homicide, the latter crime may be committed in a place other than the situs of the robbery.[11]

In this case, all the elements were proven by the prosecution beyond reasonable doubt. As correctly ruled by the CA:

In this case before Us, all the essential ingredients of robbery with homicide have been established by the prosecution with proof beyond reasonable doubt through the convincing testimony of Analiza. Through her testimony, it was established that personal properties and cash belonging to Victorino were taken by the appellants by means of force, and with an obvious intent to gain. Moreover, during the heist, Victorino was mercilessly and repeatedly stabbed by the appellants which resulted to his immediate death.[12]

Also, treachery was adequately proven by the prosecution and aptly appreciated by the RTC and the CA. In *People v. Baron*,^[13] this Court reiterated that treachery is not considered as a qualifying circumstance in the crime of robbery with homicide but as a generic aggravating circumstance, the presence of which merits the imposition of the higher penalty, thus:

As thoroughly discussed in *People v. Escote, Jr.*, treachery is not a qualifying circumstance but "a generic aggravating circumstance to robbery with homicide although said crime is classified as a crime against property and a single and indivisible crime". Corollarily, "Article 62, paragraph 1 of the Revised Penal Code provides that in diminishing or increasing the penalty for a crime, aggravating circumstances shall be taken into account. However, aggravating circumstances which in themselves constitute a crime especially punishable by law or which are included by the law in defining a crime and prescribing a penalty therefor shall not be taken into account for the purpose of increasing the penalty". In the case at bar, "treachery is not an element of robbery with homicide". Neither is it "inherent in the crime of robbery with homicide". As such, treachery may be properly considered in increasing the penalty for crime.[14]

Again, robbery with homicide is classified as a crime against property. Nevertheless, treachery is a generic aggravating circumstance in said crime if the victim of homicide is killed treacherously.[15] Thus, the aggravating circumstance of treachery is appreciated in the crime of robbery with homicide only as to the killing but not as to the robbery. The essence of treachery is the sudden and unexpected attack on an unsuspecting victim by the perpetrator of the crime, depriving the victim of any chance to defend himself or repel the aggression, thus, insuring its commission without risk to the aggressor and without any provocation on the part of the victim.[16] The CA, therefore, is correct in appreciating the aggravating circumstance of treachery in imposing the higher penalty as it was shown that the killing of the victim was done treacherously, thus:

The RTC was correct in appreciating the aggravating circumstance of treachery. Treachery was established through Analiza's testimony that upon reaching the secluded place, Victorino was asked to alight from the tricycle and without any provocation on his part, was repeatedly stabbed and kicked by the accused-appellants. Here, Victorino was caught by surprise when he was immediately stabbed by Buan a few steps after they alighted from the tricycle. It shows that the victim was caught completely off-guard, which supports the existence of the first element of treachery, i.e., a sudden attack giving the victim no opportunity to defend himself or retaliate. The second element is likewise present as the accused-appellants consciously and deliberately stabbed the victim as evidenced by the fact that all of them had knives in their possession when the stabbing incident happened.[17]

Evident premeditation, on the other hand, cannot be appreciated as an aggravating circumstance in the crime of robbery with homicide because the elements of which are already inherent in the crime. Evident premeditation is inherent in crimes against property.[18]

As to the penalty imposed, the RTC was correct in imposing the penalty of reclusion perpetua instead of Death considering that the latter penalty has been suspended by Republic Act No. 9346.

As to the award of damages, this Court deems it proper to award exemplary damages in the amount of P100,000.00 per *People v. Jugueta*. [19] in addition to the award of damages ordered by the RTC and the CA. Being corrective in nature, exemplary damages, therefore, can be awarded not only due to the presence of an aggravating circumstance, but also where the circumstances of the case show the highly reprehensible or outrageous conduct of the offender.[20]

WHEREFORE, the Decision dated April 23, 2015 of the Court of Appeals in CA-G.R. CR-HC No. 03500 affirming with modification the Decision dated December 20, 2007 of the Regional Trial Court, Branch 5, Dinalupihan, Bataan, in Criminal Case No. DH-1204-01 convicting appellants Wilfredo Layug and Noel Buan of the crime of Robbery with Homicide, as defined and penalized under Article 294 of the Revised Penal Code, is **AFFIRMED**. The same appellants are also **ORDERED** to PAY, jointly and severally, the heirs of the victim, the amount of P100,000.00 as exemplary damages per *People v. Jugueta*, [21] including all the damages awarded by the Court of Appeals, with legal interest on all the said damages awarded at the rate of six percent (6%) per annum from the date of the finality of this Decision until fully paid.

SO ORDERED.

Perlas-Bernabe, Caguioa, and Reyes, Jr., JJ., concur.

Carpio, (Chairperson), J., on official leave.

[**] Acting Chairperson, per Special Order No. 2487 dated September 19, 2017.

[1] Penned by Associate Justice Ramon A. Cruz, with the concurrence of Associate Justices Marlene Gonzales-Sison and Danton Q. Bueser; rollo, pp. 2-20.

[2] Penned by Executive Judge Jose Ener S. Fernando; CA rollo, pp. 8-22.

[3] CA rollo, pp. 8-9.

[4] Id. at 22.

[5] Rollo, pp. 17-18.

[6] CA rollo, pp. 246-247.

[7] Medina, Jr. v. People, 724 Phil. 226, 234 (2014), citing People v. Malicdem, 698 Phil. 408, 416 (2012), People v. Dumadag, 667 Phil. 664, 674 (2011).

[8] People v. Villacorta, 672 Phil. 712, 719-720 (2011).

[9] Rollo, p. 12.

[10] 649 Phil. 181 (2010).

[11] Id. at 188-190, citing People v. Pedroso, 391 Phil. 43 (2000), People v. Salazar, 342 Phil. 745 (1997), People v. Abuyen, 288 Phil. 450 (1991), People v. Ponciano, 281 Phil. 694 (1991), People v. Mangulabnan, 99 Phil. 992 (1956), People v. Puloc, 279 Phil. 190 (1991), People v. Cone, Jr., 451 Phil. 386 (2001), People v. Carrozo, 396 Phil. 764 (2000), People v. Verzosa, 355 Phil. 890 (1998), and People v. Palijon, 397 Phil. 545 (2000).

[12] Rollo, pp. 11-12.

[13] 635 Phil. 608 (2010).

[14] People v. Baron, supra, at 625-626. (Citations omitted)

[15] People v. Escote, Jr., 448 Phil. 749, 788 (2003).

[16] People v. Calara, 710 Phil. 477, 488 (2013).

[17] Rollo, p. 14. (Emphasis ours)

[18] People v. Guiapar, et al., 214 Phil. 475,490 (1984), citing People v. Daos, 60 Phil. 143, 155 (1934).

[19] G.R. No. 202124, April 5, 2016, 788 SCRA 331.

[20] Id.

[21] Id.

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