

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RICARDO ALCORIZA LASCUNA, ROSITA DIONISIO VILLENA, CELSO CANO ALGOBA AND PLACIDO AQUINO PALANGOY, ACCUSED. PLACIDO AQUINO PAL...

G.R. No. 90626. August 18, 1993

Ponente: DAVIDE, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-90626/>

DAVIDE, JR., J.:

Accused Ricardo Alcoriza Lascuna, Rosita Dionisio Villena, Celso Cano Algoba and Placido Aquino Palangoy[1] were charged on 16 January 1989 with robbery with homicide, rape and physical injuries before the Regional Trial Court (RTC) of Malolos, Bulacan in an information[2] with the following accusatory portion:

"That on or about the 16th day of October, 1988, in the municipality of Malolos, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with Danilo Lagasca who is still at large and against whom the preliminary investigation has not yet been completed by the Municipal Trial Court of Malolos, conspiring and confederating together and helping one another, with intent of (sic) gain and by means of force and intimidation, did then and there wilfully, unlawfully and feloniously take, rob and carry away with them toys, cash, assorted clothes, wrist watches and valuable documents worth P4,900.00, all belonging to Luisa A. Villena, to the damage and prejudice of the said Luisa A. Villena in the total amount of P4,900.00; that by reason or on the occasion of the said robbery, the above-named accused, with Danilo Lagasca who is still at large as aforesaid, in furtherance of their conspiracy, did then and there wilfully, unlawfully and feloniously with intent to kill one Honesto Altiche, attack, assault and strangle the said Honesto Altiche, thereby resulting to his death; did then and there wilfully, unlawfully and feloniously, with force and intimidation and with lewd designs, have carnal knowledge of Luisa A. Villena against her will; did then and there wilfully, unlawfully and feloniously attack, assault and strangle the said Luisa A. Villena, inflicting on her slight physical injuries which required medical attendance and incapacitated her from performing her customary labor for a period of nine (9) days.

Contrary to law."

Each of the four accused pleaded not guilty upon being arraigned on 1 February 1989.[3]

On 10 February 1989, the trial court directed the assistant public prosecutor to amend the information by including Danilo Lagasca as co-accused.[4]

On 17 March 1989, after the principal prosecution witness, Luisa Villena y Altiche, had completed her testimony on direct examination, accused Ricardo Lascuna and Celso Algoba sought leave of court to change their not guilty plea to guilty. The trial court granted the request, re-arraigned them and issued an order[5] the dispositive portion of which reads:

"WHEREFORE, judgment of conviction is imposed upon the accused Ricardo Alcoriza Lascuna and Celso Cano Algoba by (sic) proof beyond reasonable doubt are found guilty and they are sentenced to a straight penalty of 12

years and 1 day to 20 years.

SO ORDERED."

Thereupon, trial proceeded against accused Rosita Villena and Placido Palangoy. Aside from Luisa Villena y Altiche, the other witnesses presented by the prosecution were Patrolmen Felicito de Belen, Oscar Enriquez and Jose Marcelino, Jr. of the Integrated National Police (INP) of Malolos, Bulacan, Dr. Juanito Sacdalan, Dr. Rolando Victoria, Dr. Isadora Gathbonton and Eduardo Vinuya, a neighbor of the victims. The defense, on the other hand, presented Celso Algoba who was by then already serving sentence, Rosita Villena and Placido Palangoy. Accused Ricardo Lascuna, who was likewise serving sentence, was subpoenaed but failed to appear. Apparently, on 26 July 1989, he escaped from detention.[6]

The prosecution's evidence establishes the following facts:

Luisa Villena y Altiche, together with her eight-month-old daughter and brother Honesto Altiche, was in her house at Bgy. Cofradia, Malolos, Bulacan on the night of 16 October 1988. Honesto was staying with her since her husband was working abroad. While both Honesto and Luisa were watching a television show at around 7:00 o'clock, the latter's sister-in-law, Rosita Villena, knocked on the door of the house. When Luisa opened the door, Rosita came in with her daughter and four strangers, three of whom the former later identified in court as the accused Celso Algoba, Ricardo Lascuna and Placido Palangoy. The fourth person, identified as Danilo Lagasca, was not present in court. Ricardo Lascuna and Danilo Lagasca were both carrying knives which they poked at Luisa and Honesto while Celso Algoba and Placido Palangoy started ransacking the house. Luisa and her brother were then gagged and their hands and feet were tied.[7] Both were herded inside the bedroom where Luisa was raped by Ricardo Lascuna while Honesto was asked to turn his back. Thereafter, Luisa was dragged into the kitchen[8] where she heard her brother, who was still inside the bedroom with Danilo Lagasca and Ricardo Lascuna, start moaning. She then lost consciousness and was left for dead after being strangled with pieces of cloth. Before this, however, Luisa noticed that Rosita Villena was the person giving out instructions to her co-accused. Luisa claims that she was able to recognize the persons who entered her house since they stayed there from 7:00 o'clock in the evening of 16 October 1988 up to 2:00 o'clock in the morning of the following day. Based on what she heard from them, it appears that the accused could not leave earlier because of a checkpoint in the area. It was only after regaining consciousness at around 3:00 o'clock that same morning that Luisa was able to free herself. Upon doing so, she proceeded to the bedroom where she found her brother who was already dead. She also discovered that an instamatic camera, a man's gold ring, a gold wrist watch, assorted clothes, a ladies' gold ring, P400.00 in cash and a pair of toy walkie-talkies were missing. All told, her loss amounted to P4,900.00.[9] Luisa then sought the help of a neighbor, Eduardo Vinuya. Vinuya brought her to his house and, together with his cousin and nephew, later proceeded to her house; upon reaching the house, they discovered its kitchen and living room in disarray. Inside the bedroom, they found the body of Honesto with an electric cord tied around his neck. They immediately reported the crime to the barangay captain of Cofradia and the police authorities.[10] As a result thereof, a police team was dispatched to the scene of the crime. At around 6:00 o'clock that same morning, Luisa Villena was questioned in the police station where she revealed that one of the persons who entered her house was her sister-in-law, Rosita Villena. A police team was thus dispatched to apprehend the latter in Bgy. Ibayo, Marilao, Bulacan. While being ferried to the station in the police car, Rosita, when asked who her companions were, implicated Celso Algoba -- her live-in partner -- a certain Dong, Placido (Palangoy) and Danny (Danilo Lagasca). She then led the policemen to the latter's respective houses. With the exception of Danilo Lagasca who was able to escape, the other accused were apprehended and brought to the police station where they were identified by Luisa.[11] At the station, accused Palangoy was wearing a polo shirt and a pair of pants (Exhibits "F-2" and "F-3") which were among the items taken from Luisa's house.[12]

Pat. Jose Marcelino, Jr., a member of the team dispatched to the crime scene, prepared a sketch of the house where the crime was committed. He likewise stated that the house was in disarray when he entered it and that the body of Luisa's brother was inside the bedroom with its hands bound together by an electric cord; an electric cord was also coiled around its neck. For her part, accused Rosita Villena admitted participating in the commission of the crime but such admission was not reduced to writing.[13]

The autopsy of Honesto Altiche's body, conducted by Dr. Juanito Sacdalan, Municipal Health Officer of Malolos, Bulacan, revealed that there were marks on the neck and wrists of the victim. Honesto's death was attributed to "[A]sphyxia (sic) due to occluded trachea and esophagus," and the breaking of the trachea as a result of strangulation.[14]

On the other hand, Dr. Rolando Victoria found abrasions in the neck of Luisa Villena[15] while Dr. Isadora Gatbonton's internal examination revealed "a normal looking external genitalia; labia minora and majora; clitoris were all intact with superficial abrasion 0-3 cm. over the posterior fourchette; negative bleeding; x x x negative (sic) tenderness, negative abnormal discharge (sic); x x x negative spermatozoa." [16] Dr. Gatbonton declared that the superficial abrasion "could possibly be secondary to irritation wherein a patient has a tendency to scratching (sic) so that abrasion is brought about and another possible cause is violent (sic) attempt of penetration or insertion of any object." [17]

Testifying for the defense, Celso Algoba admitted that he robbed Luisa Villena's house on 16 October 1989 together with Ricardo Lascuna, Danilo Lagasca and another person whose name he does not know. Celso, however, denied that Rosita Villena -- his live-in partner -- and accused Placido Palangoy were with them at the time. According to him, Rosita was in their apartment in Marilao, Bulacan at the time of the commission of the crime. While claiming to have no knowledge of Luisa's rape, Algoba declared that Ricardo Lascuna and Danilo Lagasca strangled the latter and killed Honesto Altiche. When presented with an item recovered from Placido Palangoy, Algoba stated that he sold the same to the latter for P60.00.[18]

For her part, Rosita Villena denied any participation in the crime. She testified that she was at home with her daughter on the night of 16 October 1988 and that when she woke up at 7:00 o'clock the next morning, some policemen arrived, searched their things and took the toy walkie-talkies from them. She averred that it was Celso who brought the said toy walkie-talkies home and recounted to her the robbery staged in the house of Luisa Villena. Although she wanted to report the matter to the authorities, Rosita desisted because Celso threatened her.[19]

Placido Palangoy also denied participating in the commission of the crime. He claimed that on the night of 16 October 1988, he was washing his child's diapers upon orders of his wife. After doing so, he went to sleep. The next morning, after hanging the diapers out to dry and taking a bath, he was approached by a stranger who sold him clothes for P60.00. A few moments later, the same stranger returned to Palangoy's house with some policemen. Palangoy was thereupon brought to the police station with three other men; in the station, they were confronted by a lady who declared that they were the persons who robbed her house.[20]

On 21 August 1989, immediately after accused Rosita Villena and Placido Palangoy had finished testifying and the prosecution had announced that it had no rebuttal evidence to present, the trial judge declared:

"COURT:

Promulgation of Judgment.

By proof beyond reasonable doubt, the Court finds both accused, Rosita Villena and Placido Palangoy guilty of the crime of Robbery with Homicide, Rape and Serious Physical Injuries covered by Art. 48 of the Revised

Penal Code and applying Art. 294 paragraphs 1 and 2. They are sentenced to suffer life imprisonment, reclusion perpetua and to indemnify the family of the deceased Honesto Altiche the amount of P30,000.00.

SO ORDERED."[21]

Thereafter, the trial court promulgated a 10-page decision,[22] the dispositive portion of which reads as follows:

"WHEREFORE, the Court finds accused Rosita Dionisio Villena and Placido Aquino Palanggoy guilty beyond reasonable doubt of the crime charged in the Information and hereby sentences each of them to suffer life imprisonment (reclusion perpetua) in accordance with Art. 294, pars. 1 and 2; and to indemnify the family of the deceased the amount of P30,000.00 each."

Accused Rosita Villena and Placido Palanggoy filed their notice of appeal on 23 August 1989.[23] The records of the case were, however, erroneously forwarded to the Court of Appeals which, upon orders of the Presiding Justice thereof, properly transmitted the same to this Court on 30 October 1989.[24] We accepted the appeal on 29 May 1991.[25]

On 16 March 1992, accused-appellant Rosita Villena filed a motion to withdraw her appeal[26] which this Court granted on 3 March 1991.[27] In view thereof, this decision concerns only the accused Placido Palanggoy, hereinafter referred to as the Appellant.

In his Brief, the appellant avers that the RTC erred:

"1.1.

... IN GIVING WEIGHT TO THE ACCUSED'S ALLEGED ADMISSION OF GUILT

1.2.

... IN HOLDING AGAINST APPELLANT PLACIDO PALANGGOY THAT HE WAS WEARING THE PANTS AND SHIRT TAKEN FROM THE VILLENA HOUSEHOLD AT THE TIME OF (HIS) APPREHENSION

1.3.

... IN NOT GIVING WEIGHT TO PLACIDO PALANGGOY'S DEFENSE OF ALIBI

1.4.

... IN FINDING THAT RAPE WAS COMMITTED AGAINST LUISA VILLENA

1.5.

... IN HOLDING AS AGAINST ACCUSED-APPELLANT PALANGGOY THAT THE HOMICIDE AND RAPE WAS (sic) PART OF THE CONSPIRACY

1.6.

... IN NOT APPLYING ARTICLE 13, PAR. 3 OR 10 (OF THE REVISED PENAL CODE), AS MITIGATING CIRCUMSTANCE (sic) FOR ACCUSED-APPELLANT

1.7.

THE REGIONAL TRIAL COURT DEPRIVED APPELLANT HIS (sic) RIGHT TO PROCEDURAL DUE PROCESS BY DISPLAYING MANIFEST BIAS AGAINST ACCUSED AND PREJUDGING THE CASE."

Subject to the observations and modifications hereinafter indicated, we are left with no choice but to affirm the judgment of conviction.

The first assigned error results from a misreading of the challenged decision for as correctly contended by the appellee, the appellant's conviction is not based on the admissions of the accused Rosita Villena. It appears that the appellant's conclusion proceeds from the trial court's summary of the testimonies of the prosecution witnesses found under the sub-heading PROSECUTION'S EVIDENCE. It is to be observed that the court's own findings of fact, capsulized under the sub-heading FINDINGS AND FACTS, do not even make any reference to any admission made by the appellant.

At the bottom of the second imputed error lies the issue of the sufficiency of the appellant's explanation of his possession of the pair of "maong" pants and polo shirt which were among the personal items taken from Luisa Villena's house on the night of the incident. The appellant claims to have purchased the same from Celso Algoba in the morning of 17 October 1988 while he (appellant) was drying his child's diapers. We are not persuaded at all by this concocted story. At the police station's information section where he was seen by Luisa Villena wearing the said items of clothing, the appellant did not even volunteer the information that Celso had sold the clothes to him. The latter only offered his explanation when he testified in court. As hereinafter discussed, he was positively identified by Luisa Villena as one of the perpetrators of the robbery. Thus, he miserably failed to overcome the presumption that a person found to be in possession of the effects belonging to a person robbed and killed is considered the author of the aggression, death of the person and the robbery committed.[28]

In his third assigned error, the appellant faults the trial court for not giving due weight to his alibi and contends that he was not positively and clearly identified as one of the perpetrators of the crime; he avers that Luisa Villena did not single him out from a police line-up. Moreover, he claims that Luisa Villena did not know, with the exception of Rosita Villena -- her sister-in-law, any of the accused before they were presented to her. Again, we are not persuaded. In the first place, while it is true that Rosita was the only person whom Luisa knew by name, it does not necessarily follow that the latter could not identify the rest of the accused. In fact, Luisa did just that at the police station and in court during trial. Secondly, it was Rosita Villena who revealed the identities of her co-accused and even led the police team to the latter's houses where they, with the exception of Danilo Lagasca, were apprehended.

There is no doubt in our minds that Luisa Villena was able to positively identify the appellant when he was inside her house since he and his co-accused stayed there from 7:00 o'clock in the evening of 16 October 1988 to 2:00 o'clock in the morning of the following day. In fact, she remembered the appellant very well because while the latter was inside the house, he changed into the very pair of maong pants and polo shirt which he was wearing when apprehended.[29] It is a fundamental juridical dictum that the defense of alibi cannot prevail over the positive identification of the accused.[30]

Appellant's arguments in support of his fourth assigned error are no more persuasive than those invoked to buttress the earlier errors. We cannot agree with his proposition that the evidence presented does not support the trial court's conclusion that rape was committed. According to him, the details of the alleged sexual assault were supplied only through the leading and misleading questions propounded by the court to the witnesses. Dr. Victoria, the physician who examined Luisa in the morning after the incident, testified that the latter did not complain to him that she had been raped; on the other hand, Dr. Gatbonton, the obstetrician who examined Luisa in the afternoon, could not say whether the latter was raped or not. Hence, the appellant concludes that any doubt should be resolved in his favor.

Luisa Villena satisfactorily explained that she did not initially report the rape committed against her because she

was ashamed to admit it.[31] When she testified in open court, however, she did not waver in her account of the assault on her. In fact, the overzealous defense counsel elicited, during cross-examination, further details on how the despicable deed was consummated:

"ATTY. DELA CRUZ:

Q How can the accused Lascuna be able to rape you when you said that your brother was beside you and your child who may be one year old beside (sic) you?

A What can my brother do, he was tied up?

ATTY. DELA CRUZ:

Q Assuming that your brother did not do anything but your child is beside you, is it not?

A Ricardo Lascuna made me lie down and he was thrusting the knife on my neck, sir.

Q And you did not struggle, is it not?

A I was struggling, sir, but what can I do I am just a woman and I have a weaker strength (sic)."[32]

It is settled that when a woman says that she had been raped, she says in effect all that is necessary to show that she had indeed been raped, and if her testimony meets the test of credibility, the accused may be convicted on the basis of the victim's testimony.[33] There is no reason for Luisa Villena to claim that she had been raped if it was not true. Considering a Filipina's inbred modesty and antipathy in airing publicly things that affect her honor, it is hard to conceive that Luisa would undergo the expense, trouble and inconvenience of a public trial, suffer the scandal, embarrassment and humiliation such action would indubitably invite and allow the examination of her private part if she had not been raped and her motive was other than to bring to justice the person who committed the crime.[34]

While it is true that the examining obstetrician declared that she was not sure whether Luisa had actually been raped, the former nevertheless admitted that it was possible that she was.

And even if the trial court had indeed asked "leading and misleading questions," it is now too late for the appellant to raise his objection thereto in this appeal. His counsel should have interposed the appropriate objections to such questions at the time they were asked.

In support of his fifth assigned error, the appellant contends that granting, arguendo, that he was indeed one of the malefactors, the trial court nonetheless erred in finding him guilty of rape and homicide since no evidence was presented to show his participation in or knowledge of the commission thereof. He adds that the doctrine in this jurisdiction -- that when the homicide takes place as a consequence of or on occasion of a robbery, all those who took part in the robbery are guilty as principals of the crime of robbery with homicide, unless proof is presented that the accused tried to prevent the killing -- should not be applied to him since he could not have prevented someone from doing something which he (appellant) was not even aware of in the first place.

Such reasoning is terribly flawed. The general rule is that whenever a homicide is committed as a consequence, or on occasion of a robbery, all those who took part therein are liable as principals of the crime of robbery with homicide, although some did not actually take part in the homicide.[35] Besides, it is difficult to believe that the appellant was not aware of the killing of Honesto Altiche. Luisa Villena's house was not large enough to allow any of the accused to have his privacy as the same is a mere one bedroom affair, with a sala and kitchen which have no partitions at all.[36] During the seven hours that they were inside Luisa's house, each of them had access to all the areas therein. When Honesto was killed, the bedroom door was even ajar.[37] It is likewise not

believable that the appellant did not know that Luisa was also strangled because this was done in the kitchen.

For his sixth ascribed error, the appellant would have us credit him with the mitigating circumstances described under either paragraph 3 or 10, Article 13 of the Revised Penal Code;^[38] he asseverates that if such circumstances are not appreciated in his favor, an injustice would result since a light sentence was meted out to Ricardo Lascuna, Luisa's actual rapist.

Paragraph 3, Article 13 of the Revised Penal Code addresses itself to the intention of the offender at the particular moment when he executes or commits the criminal act, and not to his intention during the planning stage.^[39] Thus, while it may be argued that the agreement was only to rob the victims, the perpetrators' acts at the time of the incident show that the conspiracy not only contemplated the commission of the robbery, but also the elimination of any witnesses to the crime. Therefore, the mitigating circumstance of lack of intention to commit so grave a wrong cannot be appreciated in favor of the appellant. Besides, conspiracy having been proven in this case, the act of one is the act of all. Corollarily, the circumstance of "analogous circumstances" cannot find application in the instant case.

We find, however, the straight penalty of 12 years and 1 day to 20 years imposed on Ricardo Lascuna and Celso Algoba after they had changed their plea from not guilty to guilty, to be erroneous. The penalty for robbery with homicide under the first paragraph of Article 294 of the Revised Penal Code is reclusion perpetua to death. Since, as hereinafter discussed, the rape committed against Luisa aggravated the crime, the imposable penalty would have been death had its imposition not been prohibited by Section 19(1), Article III of the 1987 Constitution. Accordingly, the penalty that should have been imposed upon them is reclusion perpetua. Additionally, both should have been made civilly liable for their acts. While we are not concerned here with accused Lascuna and Algoba as the judgment against them has become final by their service of sentence, the trial court's mistake in imposing the said penalty on the two cannot now benefit the appellant.

Finally, we find ourselves unable to accommodate the appellant in his last assigned error. He claims that he was denied due process because the trial judge displayed manifest bias and prejudice against him by asking questions which led witnesses to a preconceived notion of what the facts are, and of promulgating a judgment "right in the hearing when the defense presented its case and within seconds after both sides rested their cases."^[40]

While the trial court's decision leaves much to be desired, we cannot agree with the appellant's sweeping conclusion. The questions propounded by the trial judge merely sought to clarify important matters. Judges are not mere referees like those of a boxing bout, only to watch and decide the results of a game; they should have as much interest as counsel in the orderly and expeditious presentation of evidence, calling the attention of such counsel to points at issue that are overlooked, directing them to ask questions that would elicit the facts on the issues involved, clarifying ambiguous remarks by witnesses and so on.^[41]

It is true that as earlier adverted to, the trial court orally "promulgated" its judgment by dictating the same to the stenographer on 21 August 1989 after the completion of the testimonies of both Rosita Villena and the appellant and the prosecutor's manifestation that no rebuttal evidence was to be presented. Thus:

"COURT:

Promulgation of Judgment.

By proof beyond reasonable doubt, the Court finds both accused, Rosita Villena and Placido Palanggoy guilty of the crime of Robbery with Homicide, Rape and Serious Physical Injuries covered by Art. 48 of the Revised Penal Code and applying Art. 294 paragraphs 1 and 2. They are sentenced to suffer life imprisonment, reclusion perpetua and to indemnify the family of the deceased Honesto Altiche the amount of

P30,000.00."[42]

Such behavior does not manifest bias or prejudice per se for in view of the fact that the parties did not opt to submit their respective memoranda, the court forthwith considered the case submitted for decision. A trial judge who has painstakingly listened to the testimonies of the witnesses, taken notes of such testimonies and meticulously observed the latter's deportment and manner of testifying may logically be presumed to have properly made up his mind on what the decision should be. What may therefore remain for him is the actual writing of the decision. Judges are not required to await the transcription of the stenographic notes before they can render their decisions;[43] if this were so, there would be undue delays in the criminal justice system with judges easily finding justification for failing to comply with the mandatory period to decide cases. Hence, the promulgation of judgment by a Judge who, on the same hour, had first considered the case submitted for his decision, does not ipso facto warrant a presumption of bias. This is true in the instant case where our own review of the evidence sustains beyond reasonable doubt the judgment of conviction.

It must, however, be stressed here that the "verbal" judgment promulgated by the trial court was incomplete as it does not contain findings of fact and is not signed by the Judge. The Constitution provides that no decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based.[44] In criminal cases, Section 2, Rule 120 of the Rules of Court requires that a "judgment must be written in the official language, personally and directly prepared by the judge and signed by him and shall contain clearly and distinctly a statement of the facts proved or admitted by the accused and the law upon which the judgment is based." Be that as it may, the infirmity was corrected by the trial court itself when it subsequently issued a full-blown Judgment -- dated 21 August 1989 -- which contains a summary of the evidence for the parties, findings of fact and the signature of the Judge. The records do not, however, yield any proof that this full-blown Judgment was promulgated. Such a promulgation was necessary considering that the sentence dictated by the trial judge on 21 August 1989 is not similar in all respects to the dispositive portion of the full-blown decision. In view of the fact that in the Notice of Appeal, the appellant explicitly refers to the Judgment dated 21 August 1989, it is logical to presume that the same was properly promulgated.

In any event, we take this opportunity to advise Judges to strictly comply with the rules on the form of judgments and their rendition.

We agree with the Solicitor General's observation that the crime committed was erroneously designated as robbery with homicide, rape and physical injuries. The proper designation is robbery with homicide aggravated by rape. When rape and homicide co-exist in the commission of robbery, it is the first paragraph of Article 294 of the Revised Penal Code which applies, the rape to be considered as an aggravating circumstance.[45] The physical injuries inflicted on Luisa Villena and the killing of Honesto Villena should be merged in the composite, integrated whole -- that is, robbery with homicide -- it being clear that both the killing and physical injuries were perpetrated with the end in view of removing all opposition to the robbery, suppressing the relevant evidence or both.[46]

Once again, we note in this case the imposition by a trial judge of the penalty of "life imprisonment (reclusion perpetua)" in a manner that would make the former seem equivalent to or synonymous with the latter. Not only have we repeated in a number of cases that the two penalties are not synonymous, we have likewise advised Judges to apply the appropriate penalty and even warned them against lapsing into the same error.[47] All trial judges should seriously take heed of our pronouncement on this matter.

We also observe that the trial court failed to order the accused to pay the offended party actual damages in the amount of P4,900.00 representing the cash and the value of the articles taken by them.

Finally, conformably with the current policy of this Court, moral damages in the amount of P40,000.00 should be awarded to the rape victim, Luisa Villena y Altiche while the indemnity for the death of Honesto Altiche should be increased to P50,000.00.

WHEREFORE, the challenged decision of Branch 15 of the Regional Trial Court of Bulacan in Criminal Case No. 105-M-89 is AFFIRMED subject to the above modifications. As modified, Appellant PLACIDO AQUINO PALANGOY (or PALANGGOY) is hereby found guilty beyond reasonable doubt, as principal, of the special complex crime of robbery with homicide aggravated by rape under the first paragraph of Article 294 of the Revised Penal Code and is sentenced to suffer the penalty of reclusion perpetua, with all its accessories, indemnify the heirs of Honesto Altiche in the amount of P50,000.00 and pay Luisa Villena y Altiche the sums of P4,900.00 as actual damages and P40,000.00 as moral damages.

Costs against the appellant.

SO ORDERED.

Cruz, (Chairman), Griño-Aquino, Bellosillo, and Quiason, JJ., concur.

[1] Or Palangoy, as it appears in the appealed decision and transcripts of the stenographic notes of his testimony.

[2] Original Records (OR), 1-2.

[3] OR, 9.

[4] Id., 12. It appears, however, that instead of filing an amended information, the public prosecutor filed a separate information against Danilo Lagasca, dated 4 April 1989, which was docketed as Criminal Case No. 532-M-89 (Id., 75- 76).

[5] OR, 32.

[6] Id., 69.

[7] TSN, 10 February 1989, 3-6.

[8] TSN, 17 March 1989, 4; 11; 12.

[9] TSN, 10 February 1989, 6-11.

[10] TSN, 19 June 1989, 3-8.

[11] TSN, 10 February 1989, op. cit., 12-15.

[12] TSN, 17 March 1989, 18; 24-25; 28.

[13] TSN, 10 May 1989, 4; 7-8; 19.

[14] TSN, 2 June 1989, 5-6; Exhibit "A."

[15] TSN, 14 July 1984, 4; Exhibit "B."

[16] Exhibit "H."

[17] TSN, 12 May 1989, 5.

[18] TSN, 14 August 1989, 2-10.

[19] TSN, 21 August 1989, 2-8.

[20] TSN, 21 August 1989, 12; 15; 18.

[21] Id., 23-24.

[22] OR, 79-88; Rollo, 19-28.

[23] OR, 90.

[24] Rollo, 1.

[25] Id., 31.

[26] Id., 59.

[27] Id., 61.

[28] People vs. Repuela, 183 SCRA 244 [1990]; see also, People vs. Newman, 163 SCRA 496 [1988]; People vs. Palino, 183 SCRA 680 [1990].

[29] TSN, 10 February 1989, 10; TSN, 17 March 1989, 26.

[30] People vs. Mercado, 97 SCRA 232 [1980] and the citations therein; People vs. Clores, 184 SCRA 638 [1990]; People vs. Arceo, 187 SCRA 265 [1990]; People vs. Beringuel, 192 SCRA 561 [1990].

[31] TSN, 17 March 1989, 10.

[32] TSN, 17 March 1989, 14-15.

[33] People vs. Rabanes, 208 SCRA 768 [1992].

[34] People vs. Tismo, 204 SCRA 535 [1991].

[35] People vs. Solis, 128 SCRA 217 [1984]; People vs. Salvador, 163 SCRA 574 [1988]; People vs. Bartulay, 192 SCRA 621 [1990]; People vs. Nunag, 196 SCRA 206 [1991]; People vs. Hasiron, 214 SCRA 586 [1992].

[36] See sketch, Exhibit "G," Folder of Exhibits, 17.

[37] TSN, 10 February 1989, 7.

[38] Paragraph 3 refers to lack of intent to commit so grave a wrong as that committed, while paragraph 10 refers to circumstances similar and analogous to those already mentioned.

[39] AQUINO, R.C., The Revised Penal Code, vol. 1, 1987 ed., 251.

[40] Brief for the Appellant, 31.

[41] Ventura vs. Yatco, 105 Phil. 287 [1959], cited in People vs. Ibasan, 129 SCRA 695 [1984] and People vs. Hatton, 210 SCRA 1 [1992].

[42] TSN, 21 August 1989, 23-24.

[43] Balagot vs. Opinion, 195 SCRA 429 [1991].

[44] Section 14, Article VIII, 1987 Constitution.

[45] *People vs. Tapales*, 93 SCRA 134 [1979], and the citations therein; *People vs. Aspili*, 191 SCRA 530 [1991] and *People vs. Plaga*, 202 SCRA 53 [1991].

[46] *People v. Madrid*, 88 Phil. 1 [1951].

[47] *People vs. Baguio*, 196 SCRA 459 [1991]; *People vs. Penillos*, 205 SCRA 546 [1992]; *People vs. Carpio*, 207 SCRA 569 [1992]; *People vs. Garcia*, 215 SCRA 349 [1992].

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.