

FIRST DIVISION

[G.R. No. 244843, October 07, 2020]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RONALD LAGUDA Y RODIBISO A.K.A. "BOKAY," ACCUSED-
APPELLANT.**

DECISION

LOPEZ, J.:

The existence of conspiracy in the commission of robbery with homicide is the main issue in this appeal assailing the Court of Appeal's (CA) Decision^[1] dated January 10, 2018 in CA-G.R. CR HC No. 07969.

ANTECEDENTS

On April 19, 2012, at about 9:20 p.m., Herminia Sonon y Bolantes (Herminia) and Marieta Dela Rosa y Apelado (Marieta) were in a jeepney traversing along Dimasalang Road, Sampaloc, Manila. Suddenly, a man boarded the jeepney, wielded an ice pick and declared a hold-up. The man forcibly took Herminia and Marieta's bags containing cash and personal items. Thereafter, the man disembarked from the jeepney and proceeded to the driver's seat of a nearby tricycle where three other men were waiting. The man then started to drive the tricycle away. One of the three men pointed a gun at the jeepney and said "*[a]no, hindi pa kayo aalis?*" The passengers alighted from the jeepney and shouted for help.^[2] PO2 Joel Magno y Rivera (PO2 Magno) and Carlo Mijares y Zamora (Carlo) heard the pleas and approached the jeepney. Immediately, the man drove the tricycle back to the scene and one of his companions shot PO2 Magno in the forehead causing his death.^[3] The four robbers fled the scene.^[4]

In a follow-up investigation, the Manila Police District received an information that one of the suspects was seen at Blumentritt Street, Sampaloc, Manila.^[5] The authorities went to the target area and the informant pointed to one of the men sitting on the street who was identified as Ronald Laguda y Robidiso @ "Bokay" (Ronald).^[6] The police arrested Ronald. At the station, Herminia and Marieta confirmed that Ronald was the one who wielded an ice pick and robbed them.^[7] Also, Carlo identified Ronald as the companion of the person who shot PO2 Magno.^[8] Accordingly, Ronald was charged with the complex crime of robbery with homicide before the Regional Trial Court (RTC), to wit:

That on or about April 19, 2012, in the City of Manila, Philippines, the said accused, conspiring and confederating with others, whose true names, real identities and present whereabouts are still unknown and helping one another, did then and there willfully, unlawfully and feloniously, with intent to gain and by means of force, violence and

intimidation upon the person of HERMINIA SONON y BOLANTES and MARIETA DELA ROSA y APELADO, by then and there boarding a passenger jeepney, which was travelling at the corner of Marzan and Dimasalang Streets, Sampaloc, this City, announcing a hold-up at knifepoint and poking a gun upon them, and divesting from the latter the following:

From HERMINIA SONON y BOLANTES:

P4,000.00 cash
Nokia 7210-P7,000.00
ATM Card Veterans Bank
GSIS Card, PS-Bank, Avon Card
Blue Book
Reading glass and assorted important documents

From MARIETA DELA ROSA y APELADO:

Two (2) cellular phones, Galaxy Y and Nokia 1280
worth
P500.00 more or less
Two (2) BDO cheques
P800.00 cash and
Assorted personal belongings

or all in the total amount of P12,300.00, belonging to HERMINIA SONON y BOLANTES and MARIETA DELA ROSA y APELADO against their will, and that on the occasion or by reason of said the [sic] robbery, the said accused, in pursuance of their conspiracy, with intent to kill, with the qualifying circumstances of abuse of superior strength and treachery, upon one PO2 JOEL MAGNO, by then and there shooting the latter with a caliber .38, thereby inflicting upon him mortal gunshot wound, which was the direct and immediate cause of his death thereafter.

Contrary to law.^[9]

Ronald pleaded not guilty.^[10] At the trial, Ronald denied the accusation and claimed that on the night of April 19, 2012, he accompanied his common-law wife to her workplace and stayed at a computer shop until 3:00 a.m. the following day.^[11]

On November 16, 2015, the RTC convicted Ronald of the crime charged. It held that Ronald forcibly took personal properties from Herminia and Marieta and that he conspired in killing PO2 Magno,^[12] thus:

WHEREFORE, all premises considered, accused Ronald Laguda y Rodibiso is hereby found guilty beyond reasonable doubt of robbery with homicide and is sentenced to suffer the penalty of *reclusion perpetua* and to indemnify the heirs of PO2 Joel Magno the amounts of Fifty Thousand Pesos (P50,000.00) as civil indemnity, Fifty Thousand Pesos (P50,000.00) as moral damages, Thirty Thousand Pesos (P30,000.00) as exemplary damages and Fifty Four Thousand Pesos (P54,000.00) as actual damages and the amount of Four Million Thirty Two Thousand Pesos and Ninety Nine Centavos (P4,032,000.99) as damages for lost income plus legal

interest on all damages awarded at the rate of 6% from the date of the finality of this decision.

Furnish the Public Prosecutor, the heirs of PO2 Joel Magno represented by Mary Ann Magno, the accused and his counsel copies of this decision.

SO ORDERED.^[13]

Ronald elevated the case to the CA docketed as CA-G.R. CR HC No. 07969. Ronald questioned his warrantless arrest and maintained that he did not conspire in killing the responding police officer. Ronald explained that he drove the tricycle away from the scene after the hold-up. For unknown reason, they turned around and his companion shot PO2 Magno. Lastly, Ronald invoked the ruling in *People v. Illescas*,^[14] where the driver's participation was only that of an accomplice.^[15] In contrast, the Office of the Solicitor General argued that Ronald can no longer assail the validity of arrest after his arraignment. Moreover, Ronald is liable as a principal and not an accomplice. It was Ronald who drove the tricycle and purposely turned around to give his cohort a chance to shoot PO2 Magno.^[16]

On January 10, 2018, the CA affirmed the RTC's findings that Ronald conspired with his companions in perpetrating the crime of robbery with homicide,^[17] to wit:

Prosecution witnesses testified that appellant, armed with an icepick [*sic*], robbed the jeepney passengers of their belongings while his gun wielding companion served as guard outside the jeepney and their two (2) other cohorts guarded the getaway vehicle. Appellant brought the loot to the getaway vehicle while their gun toting companion threatened the jeepney driver to drive away. Thereafter, when PO2 Magno came to the rescue, appellant, who sat on the driver's seat of the tricycle, maneuvered the vehicle in order to enable his gun wielding companion to have a clear shot of PO2 Magno who could have impeded their escape.

Under the given facts, the appellant assisted his gun wielding companion to have a vantage point of PO2 Magno to facilitate their escape and to preserve their possession of the stolen items. Clearly, the appellant and his companions acted in concert to attain a common criminal purpose.

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WHEREFORE, premises considered, the APPEAL is DENIED for lack of merit.

SO ORDERED.^[18]

Hence, this appeal.^[19] Ronald insists on the illegality of his arrest, the absence of conspiracy, the failure to prove the elements of the special complex crime, and the credibility of the prosecution witnesses. Ronald also claims that the CA and the RTC erred in not giving credit to his defenses of denial and alibi.^[20]

RULING

The appeal is unmeritorious.

Robbery with homicide is a composite crime with its own definition and special penalty. Apropos is Article (Art.) 294, paragraph 1 of the Revised Penal Code (RPC), viz.:

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

1. The penalty of *reclusion perpetua* to death, when by reason or on occasion of the robbery, the crime of homicide shall have been committed[.]

In this kind of crime, the offender's original intent is to commit robbery and the homicide must only be incidental. The killing may occur before, during, or even after the robbery.^[21] It is only the result obtained, without reference or distinction as to the circumstances, causes, modes or persons intervening in the commission of the crime, that has to be taken into consideration.^[22] 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. It is also of no moment that the victim of homicide is one of the robbers. The word "homicide" is used in its generic sense and includes murder, parricide, and infanticide.^[23] As such, the crime is robbery with homicide when the killing was committed to facilitate the taking of the property, or the escape of the culprit, to preserve the possession of the loot, to prevent the discovery of robbery, or, to eliminate witnesses in the commission of the crime.^[24] Specifically, the special complex crime of robbery with homicide has the following elements, to wit:

1. the taking of personal property with the use of violence or intimidation against the person;
2. the property taken belongs to another;
3. the taking is characterized by intent to gain or *animus lucrandi*; and,
4. on the occasion of the robbery or by reason thereof the crime of homicide was committed.^[25]

All the elements are present in this case. Herminia and Marieta were certain that it was Ronald who boarded the jeepney, wielded an ice pick and declared a hold-up. They also narrated how Ronald forcibly divested them of their personal belongings. Thereafter, Ronald alighted from the jeepney and drove the tricycle where his three companions were waiting.^[26] Evidently, the taking was with intent to gain and was accomplished with intimidation against persons. Also, Carlo recounted that he was talking with PO2 Magno when they heard someone shouting "[t]ulong, may hold-up." They approached the scene and it was then that Ronald maneuvered the