

SECOND DIVISION

[G.R. No. 228951, July 17, 2019]

**THE PEOPLE OF THE PHILIPPINES PLAINTIFF-APPELLEE, VS. JAY
GODOY MANCAO, ACCUSED-APPELLANT.**

D E C I S I O N

LAZARO-JAVIER, J.:

The Case

This appeal assails the ***Decision***^[1] dated September 27, 2016 of the Court of Appeals in CA-G.R. CR-HC No. 01258-MIN affirming with modification the trial court's verdict of conviction against appellant for robbery with homicide.

The Proceedings Before the Trial Court

The Charge

Appellant Jay Godoy Mancao was charged with robbery with homicide under the following Information, *viz*:

That on or about September 2, 2007, in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-mentioned accused, with intent to gain and to kill, armed with bladed weapons, with force and violence, willfully, unlawfully and feloniously grabbed the neck and dragged Peter Ray Garcia Enriquez who was then seventeen (17) years old, and then took away the latter's Nokia 6630 cellular phone, silver bracelet, necklace, wallet containing cash of undetermined amount. Without the said victim's consent and on occasion of the said robbery stabbed the aforementioned victim, thereby inflicting upon him fatal wounds which caused his death, to the damage and prejudice of the said victim's legal heirs.

CONTRARY TO LAW.

The case was raffled to the Regional Trial Court-Branch 8, Davao City.

On arraignment, appellant pleaded "not guilty".^[2] Trial followed. Manuel Bernido, Jr., Pedro Enriquez and SPO2 Kelvin Magno testified for the prosecution. On the other hand, appellant was the lone witness for the defense.

Evidence for the Prosecution

Manuel Bernido, Jr. testified that on September 2, 2007, around 3:30 in the morning, he was in front of Toto's Eatery along Quirino Avenue, Davao City. About ten meters away, he saw Peter Enriquez texting while waiting for a jeepney ride. Appellant suddenly approached Enriquez from behind and stabbed the latter in the neck.^[3] Appellant then dragged the victim toward an alley in Barangay 9. Shocked by what he saw, he ran home.^[4]

Later, he saw appellant pass his house, running. Then, appellant passed his house again, this time carrying a dipper with water. He used the water to wash away blood stains off the crime scene and the alley where he dragged the lifeless body of his victim.^[5]

He called appellant and asked why he was not wearing slippers and why he was covered with blood.^[6] Appellant responded he came from the Bankerohan Public Market.^[7] Few hours later, he saw appellant's brother Wangyu Mancao flag down a taxicab and board the same together with appellant.^[8]

SPO2 Kelvin Magno testified that on September 3, 2007, around 6 o'clock in the morning, the San Pedro Police Station received a report that a dead body was found in Barangay 9. He and SPO2 Nelson Galban proceeded to the area to investigate. There, they found the lifeless body of Enriquez. His cellphone, silver necklace, silver bracelet, and wallet containing cash were missing.^[9]

They followed a trail of blood near the body which led to the boarding house of the Mancao brothers. After asking around, they went to the eatery where Wangyu worked.^[10] Wangyu was there. Upon seeing the police officers, he cried and confessed that appellant was involved in the robbery and that he assisted his brother in fleeing to Maco, Davao del Norte.^[11]

The next day, SPO2 Magno and other police officers proceeded to Maco in search for appellant.^[12] When they finally found him, he tried to escape but they were able to capture and arrest him.^[13] They found in his possession a silver necklace and a pair of blood-stained pants.^[14]

Pedro Enriquez, the victim's father, identified the necklace in open court. He recognized it because it was his gift to his son. He remembered the pendant bearing the letter "T".^[15]

Evidence for the Defense

Appellant denied the charge. He averred that he had been in Barangay Libay-libay, Compostela Valley since September 1, 2007 to tend the land of his mother. On September 4, 2007, more than ten people arrested him without a warrant. He was brought to the police station where he was forced to wear a silver necklace. He discovered later on that he was already being charged with murder for the death of victim Peter Enriquez.

The Trial Court's Ruling

By *Decision* dated September 19, 2013,^[16] the trial court rendered a verdict of conviction, thus:

FOR THE FOREGOING, finding accused Jay Godoy Mancao GUILTY beyond reasonable doubt of the crime of Robbery with Homicide, he is hereby sentenced to suffer the penalty of **RECLUSION PERPETUA**. He is, likewise, directed to pay moral damages in the amount of P50,000.00; civil indemnity, likewise in the amount of P50,000.00 and actual damages in the amount of P22, 800.00.^[17]

SO ORDERED.

It found that even in the absence of eyewitnesses to the actual taking of victim's personal belongings, the crime of robbery with homicide was nonetheless established by circumstantial evidence. The testimonies of the prosecution witnesses constituted an unbroken chain which proved that appellant, with intent to gain, took the victim's personal property and by reason of the robbery, killed such hapless victim.

The Proceedings Before the Court of Appeals

On appeal, appellant faulted the trial court for finding him guilty of robbery with homicide despite the alleged incredible and inconsistent testimonies of the prosecution witnesses; the purported fact that he was not positively identified as the perpetrator of the crime; and the supposed insufficiency of the circumstantial evidence to support a verdict of conviction.^[18]

On the other hand, the Office of the Solicitor General (OSG) through Solicitor General Jose C. Calida, Assistant Solicitor Renan E. Ramos, Senior State Solicitor James Lee Cundangan and State Solicitor Ma. Teresa Ana V. Bermejo riposted that the elements of the crime were all proven through the direct and straightforward account of the prosecution witnesses; prosecution witness Bernido, Jr. positively identified appellant; there was no showing of ill-motive on the part of the prosecution witnesses to falsely testify against him; and appellant's defense of alibi was inherently weak.^[19]

The Court of Appeals' Ruling

In its assailed *Decision*^[20] dated September 27, 2016, the Court of Appeals affirmed with modification as to the amount of damages, viz:

WHEREFORE, the instant appeal is DENIED. The Decision of Branch 8, Regional Trial Court, Davao City, is AFFIRMED but modified with respect

to the award of Moral Damages and Civil Indemnity which are hereby increased to P75,000.00 each. The damages awarded shall earn an interest of 6% per annum from finality of judgment until fully paid.

SO ORDERED.

The Present Appeal

Appellant now seeks affirmative relief from the Court and prays anew for his acquittal. In compliance with *Resolution*^[21] dated February 27, 2017, both the OSG and appellant manifested^[22] that, in lieu of supplemental briefs, they were adopting their respective briefs before the Court of Appeals.

Issue

Did the Court of Appeals err in affirming appellant's conviction for robbery with homicide?

Ruling

The appeal utterly lacks merit.

Robbery with homicide is defined and penalized under Article 294(1) of the Revised Penal Code, *viz*:

Article 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.

xxxx

It requires the following elements: (1) taking of personal property is committed with violence or intimidation against persons; (2) the property taken belongs to another; (3) the taking is with *animo lucrandi*; and (4) by reason of the robbery, or on the occasion thereof, homicide is committed.^[23] A conviction for robbery with homicide requires certitude that the robbery is the main purpose and objective of the malefactor, and the killing is merely incidental to the robbery. The intent to rob must precede the taking of human life but the killing may occur before, during or after the robbery.^[24]

***Taking of personal
property established
through circumstantial
evidence***

Here, there was no eyewitnesses to the actual taking of the victim's personal property. Prosecution, nevertheless, proved appellant's guilt through circumstantial evidence.

Normally, the Court bases its findings of guilt on direct evidence of the commission of a crime.^[25] But the lack or absence of direct evidence does not necessarily mean that the guilt of the accused can no longer be proved because circumstantial evidence, if sufficient, can supplant the absence of direct evidence.^[26]

Thus, in ***People v. Beriber***, the Court convicted the accused even though no direct testimony was presented by the prosecution to prove that the accused is guilty of robbery with homicide since the incriminating circumstances, when taken together, constitute an unbroken chain of events enough to arrive at the conclusion that appellant was responsible for the killing and robbing the victim. ^[27]

For circumstantial evidence to be sufficient for conviction, there must be more than one circumstance; the facts from which the inferences are derived are proven and the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.^[28]

Here, the first two elements of robbery with homicide were established through circumstantial evidence. SPO2 Magno testified that the object of the crime was found in appellant's possession at the time of his arrest, thus:

Pros. Sencio: In paragraph 8 of your affidavit, you said that you and the Maco Police immediately went to the said place and upon reaching there, it was positive that the suspect stayed at the house and recovered from him was a silver necklace owned by the victim as well as xxx. I am showing to you this necklace already marked as Exhibit "C", please go over this and tell us what relation has this necklace to that necklace which you mentioned in your affidavit?

SPO2 Magno: The same necklace that the accused was wearing.

xxx

SPO2 Magno: The necklace that was presented to me now is the same necklace that I noticed that he was wearing at the time we arrested him. xxx

xxx

Q: By the way, this person you said that you arrested, is he present in Court?