

FIRST DIVISION

[G.R. No. 218130, February 14, 2018]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
HERMIE PARIS Y NICOLAS, ACCUSED,**

RONEL FERNANDEZ Y DELA VEGA, ACCUSED-APPELLANT.

D E C I S I O N

DEL CASTILLO, J.:

This resolves the appeal filed by appellant Ronel Fernandez y Dela Vega (Fernandez) assailing the July 21, 2014 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06013 which affirmed with modification the Judgment^[2] of the Regional Trial Court (RTC) of Lingayen, Pangasinan, Branch 69, in Criminal Case No. L-9196 dated January 22, 2013 finding him and his co-accused Hermie Paris y Nicolas (Paris) guilty beyond reasonable doubt of the special complex crime of robbery with homicide under Article 294 of the Revised Penal Code, as amended, and sentencing them to suffer the penalty of *reclusion perpetua*.

In an Information^[3] dated June 17, 2011, Paris and Fernandez were charged with robbery with homicide, allegedly committed as follows:

That on or about June 15, 2011[,], midnight up to about June 16, 2011 early morning, in McKinley St., Poblacion, Binmaley, Pangasinan[,], and within the jurisdiction of this Honorable Court the above-named armed accused in conspiracy with each other, with evident premeditation did, then and there, wil[ly]fully, unlawfully[,], and feloniously enter the Anna Leizel Construction Supply building and thereafter broke into the office of the said establishment and upon gaining entry[,], the said accused took[,], with intent to gain[,], the assorted pieces of jewelry worth the sum of P128,000.00 and the cash amounting to P700,000.00, all owned by Anna Leizel S. Abagat (without her consent) and on the occasion of such asportation, the said accused stabbed Reymark Salvador, a stay-in worker in the establishment on several parts of his body with the [use] of a sharp[-]pointed [weapon] causing the instantaneous death of the said Reymark Salvador, to the prejudice and damage of the said Anna Leizel S. Abagat and the heirs of Reymark Salvador.

Contrary to Article 293 in relation to Articles 294 and 299 of the Revised Penal Code.

During arraignment, Paris and Fernandez separately pleaded not guilty to the offense charged against them. At the pre-trial conference, the prosecution and the defense stipulated on the following facts: that the incident happened at McKinley St., Binmaley, Pangasinan; the identity of the accused and the appellant; and that Fernandez was a stay-in worker of Anna Leizel Trading and Construction Supply (Anna Leizel Trading) at the time of the incident. Trial on the merits followed.

Version of the Prosecution

The prosecution presented the following witnesses: PO1 Osman Honrado, P/C Insp. Mary Ann Cayabyab; Dr. Gladiola Manaois, SPO1 Jose Ysit (SPO1 Ysit), Atty. Franco Francisco (Atty. Francisco), Anna Leizel Abagat (Anna), and Luisito Salvador. Their testimonies were summarized by the Office of the Solicitor General in the Consolidated Brief for Plaintiff-Appellee^[4] as follows:

At around midnight of June 16, 2011, Reymark Salvador (Salvador) and Fernandez were sleeping in their separate rooms in the warehouse of Anna Leizel Trading at McKinley Street, Binmaley, Pangasinan.

Fernandez woke up when he heard someone knocking on the gate of the warehouse. He then got up from his bed, opened the gate, and let Paris and his unnamed companions enter the warehouse.

Once inside, Paris and one of his companions asked Fernandez where the office of Anna Leizel Abagat (Anna) is located. Fernandez pointed Anna's office to them. However, before going to said office, Paris and his companion went to Salvador's room. Fernandez heard Salvador crying for help.

Moments later, Paris and his companion left the room but Fernandez could no longer hear anything from Salvador.

Paris and his companions proceeded to Anna's office and began searching the place. Several minutes later, Paris left the office carrying a big bag.

At around five o'clock in the morning of the next day, Fernandez texted Russel Abagat (Russel), Anna's husband, informing him that something happened to Salvador. Fernandez went to the Abagat's residence and informed Russel and Anna that Salvador was stabbed several times.

Fernandez, Russel, and Anna went to the warehouse. Thereat, Fernandez accompanied them to the comfort room where they saw the lifeless body of Salvador.

Russel and Alma went to Binmaley Police Station and reported the incident. Together with several police officers, they went back to the warehouse. When they arrived thereat, Anna proceeded to her office and saw that the door's safety lock was destroyed. When she went inside, she saw that the safety hubs of the steel cabinet were also destroyed and discovered that the money and pieces of jewelry inside the steel cabinet were missing.

Anna approached Fernandez and asked him about what happened in her office. Fernandez apologized and told her that the missing money and pieces of jewelry from her cabinet were taken by Paris and the latter's companions.

Anna called the police officers and informed them of Fernandez's confession. The latter was then brought to Binmaley Police Station.

While at the police station, Colonel Samson, the Chief of Police, informed Senior Police Officer I Jose Ysit (SPO1 Ysit) of Fernandez's intention to confess. At that time, Mercedes dela Vega Fernandez (Mercedes), Fernandez's mother, was also present. SPO1 Ysit approached Fernandez and confirmed from the latter his intention to confess. SPO1 Ysit asked Fernandez whether he wanted a counsel [to] which the latter answered in the affirmative.

Several police officers went to Binmaley City Hall to look for a lawyer. They found Atty. Franco C. Francisco (Atty. Francisco) and informed him that a person in the police station needs a lawyer.

Atty. Francisco went to the police station, and met Fernandez. Atty. Francisco informed Fernandez that he can choose another counsel but the latter told him that he preferred him.

Atty. Francisco also informed Fernandez that any information he will disclose during the confession may be used against him. Fernandez replied that he is aware of the consequences of his voluntary confession.

Fernandez, Mercedes. and Atty. Francisco together with SPO1 Ysit went to the investigator and made his Extra Judicial Confession x x x. Atty. Francisco translated and explained every question to Fernandez.

When the confession was completed, SPO1 Ysit printed a copy of said confession. Atty. Francisco read and explained one by one the contents of said written confession in the Pangasinan dialect to Fernandez. The extra-judicial confession was then freely signed by Fernandez, Mercedes and Atty. Francisco.

Dr. Gladiola Manaois (Dr. Manaois), the Municipal Health Officer of Binmaley, Pangasinan, testified that she conducted an autopsy on the body of Salvador. She placed her findings in an autopsy report. According to Dr. Manaois, Salvador sustained several stab wounds on his neck and chest which have been caused by a pointed sharp instrument such as a knife or bolo. Dr. Manaois confirmed that the cause of the death of Salvador was due to *hypovolemic* shock secondary to multiple stab wounds.^[5]

Version of the Defense

The defense presented Fernandez, Paris, and his sister, Alicia Paris (Alicia). Their testimonies are summarized as follows:

Fernandez testified that he was a stay-in worker at Anna Liezel Trading. Prior to the incident on June 15, 2011, Fernandez met Paris who worked at Trio 8 Hardware, a nearby hardware store across the street.

At around 12 midnight of June 15, 2011, someone knocked at the gate of the warehouse of Anna Liezel Trading, Thinking it was his employer, Fernandez opened the gate. However, to his surprise, it was Paris and two other unidentified

companions all of whom were armed with knives. One of Paris' companions then pushed him and poked him with a 29-cm. knife. Paris and his companions then proceeded to where Salvador was sleeping. He heard Salvador screaming, "*Bok, tulong!*" but he could not have done anything since he was held by one of Paris' companions.

Thereafter, the person who held a knife against him covered Fernandez's eyes with a blindfold. Fernandez then heard a commotion inside Anna's office. After a few minutes, Paris removed the blindfold. The person who held him tried to stab him but Paris prevented it. He claimed that one of Paris' companions threatened to kill him and his family and told him not to report the incident. Thereafter, he saw Paris and his companions leave in a tricycle carrying a bag.

Fernandez then checked on Salvador. He saw Salvador in a pool of blood with several stab wounds in different parts of his body. He was frightened after seeing Salvador dead on the floor. Fernandez then stayed in his room for about three to four hours. He then texted Anna's husband, Russel Abagat, (Russel) to inform him of the incident. After getting no response, Fernandez rode a bicycle and went to Anna's house. He told Russel that something had happened to Salvador.

The two then proceeded to the warehouse. Anna followed, and soon, the police arrived. Fernandez was then apprehended and brought to the police station without being informed of the reason for his arrest.

At the police station, Fernandez claimed that he was forced to admit his participation in the crime. He claimed that three police officers had inflicted bodily harm upon him by hitting the back of his head and his forehead. This caused him to admit his participation in the crime to SPO1 Ysit. Although he signed an extrajudicial confession, Fernandez denied the truthfulness of the same. He claimed that he only admitted the crime because of fear of being subjected to more physical harm while under the custody of the police. Fernandez claimed that he gave honest answers to questions that pertained to the participation of Paris and his companions.^[6]

With regard to Atty. Francisco's assistance during the investigation, Fernandez claimed that Atty. Francisco explained the extrajudicial confession only after it was already printed out and covered only some questions asked. Fernandez claimed that Atty. Francisco did not explain the part of the confession where he admitted joining the culprits in plotting the crime nor the possibility of him being charged with Paris.^[7] He further claimed that he signed the extrajudicial confession only because Atty. Francisco and the police promised to make him a star witness to the crime.^[8]

Paris, on the other hand, offered the defenses of denial and alibi. He testified that he knew Fernandez since the latter worked at Anna Liezel Trading, a hardware store across the street from Trio 8 Hardware where he used to work. He testified that he was terminated from his employment on June 13, 2011 due to his involvement in an untoward incident during which he was drunk and offended the female employees of Anna Liezel Trading. As a result, Anna reported the said incident to Paris' employer which caused his termination from work.^[9]

Paris denied the accusations against him and claimed that he was asleep in their house at Brgy. Tebag, Sta. Barbara at the time of the incident. He claimed that he

was at their house the whole day. The following day on June 16, 2011, Paris claimed that he had a drinking spree in the morning and attended a birthday party thereafter. Police officers from Binmaley arrived and invited him for a few questions concerning a child whom Paris allegedly had ran over. When they arrived at Binmaley, Paris was then immediately detained. He claimed that he was forced to admit his participation in the crime when police officers threatened to shoot him, inserted a .38 caliber in his mouth and inflicted physical harm upon him.

When asked how far his house in Brgy. Tebag, Sta. Barbara was from the warehouse in Binmaley, Paris testified that it was about thirty minutes travel time if he used his own vehicle.^[10]

Alicia corroborated Paris' testimony that he was at home at the time of the incident. She claimed that Paris slept at 8:00 p.m. and woke up between 6:00 a.m. and 7:00 a.m. the following day on June 16, 2011.^[11]

Ruling of the Regional Trial Court (RTC)

On January 22, 2013, the RTC of Lingayen, Pangasinan, Branch 69, rendered judgment finding Paris and Fernandez guilty as charged. The RTC was convinced that the extrajudicial confession of Fernandez was obtained in accordance with constitutional requirements. The RTC thus found Fernandez's extrajudicial confession admissible and used it as basis to establish the conspiracy between Paris and Fernandez to commit the crime of robbery.

The dispositive portion of the RTC's Judgment reads:

WHEREFORE, in light of all the foregoing, both accused Hermie Paris and Ronel Fernandez are found guilty beyond reasonable doubt of the special complex crime of ROBBERY WITH HOMICIDE and are hereby imposed the penalty of reclusion perpetua.

Accused Hermie Paris and Ronel Fernandez are ORDERED to PAY, jointly and severally, the heirs of Reymark Salvador P75,000.00 and P30,000.00 as moral damages and exemplary damages, respectively; and to pay P25,000.00 as temperate damages, in lieu of actual damages of a lesser amount for the funeral and other expenses.

On the other hand, accused are likewise ordered to pay jointly and severally Anna Liezel Abagat the amount of P800,000.00 constituting the actual damages suffered.

SO ORDERED.^[12]

Aggrieved by the RTC's Judgment, Paris and Fernandez elevated their case to the CA.

Ruling of the Court of Appeals

On July 21, 2014, the CA affirmed the RTC's Judgment with modification as follows: