

SECOND DIVISION

[G.R. No. 223679, September 27, 2017]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
WILFREDO LAYUG, NOEL BUAN AND REYNALDO LANGIT,
ACCUSED,**

WILFREDO LAYUG AND NOEL BUAN, ACCUSED-APPELLANTS.

D E C I S I O N

PERALTA, ** J.:

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