

SECOND DIVISION

[G.R. No. 218570, November 22, 2017]

**BEN MANANGAN, PETITIONER, VS. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

D E C I S I O N

CARPIO, J.:

The Case

This petition for review on *certiorari*^[1] under Rule 45 of the Rules of Court seeks to reverse the 20 May 2014 Decision^[2] and the 1 June 2015 Resolution^[3] of the Court of Appeals. in CA-G.R. CR No. 33280 which affirmed with modification the 22 January 2010 Decision^[4] of the Regional Trial Court (RTC) of Cabagan, Isabela, Branch 22.

The Charge

Criminal Case No. 22-1597, entitled *People of the Philippines v. Ben Manangan, John Doe, Peter Doe, Richard Doe, Paul Doe, and Albert Doe*, was filed against Ben Manangan (petitioner) for the crime of robbery by a band under Article 295 of the Revised Penal Code (RPC), committed as follows:

That on or about the 5th day of February, 2001, in the [M]unicipality of Tumauini, [P]rovince of Isabela, Philippines and within the jurisdiction of this Honorable Court, the accused Ben Manangan, together with John Doe, Peter Doe, Richard Doe, Paul Doe and Albert Doe, whose identities are still to be determined, conspiring, confederating together and helping one another, all armed with assorted firearms, with intent to gain and by means of force and intimidation against person, that is: by poking their firearms towards the persons of Ocampo U. Denna and members of his family including one Felix Denna and at gun point, did then and there, willfully, unlawfully and feloniously, take, steal and bring away cash money in the amount of P50,000.00, belonging to the said Ocampo U. Denna, against his will and consent, to the damage and prejudice of the said owner, in the aforesaid amount of P50,000.00.

CONTRARY TO LAW.^[5]

Upon arraignment, petitioner pleaded not guilty.^[6]

Version of Facts of the Prosecution

The RTC Decision narrated the prosecution's version of the facts as culled from the testimonies of two eyewitnesses, Jolita Denna and Fortunata Denna:

Jolita Denna told the Court [that] Ben Manangan, the herein accused, is the nephew of her husband, Ben being married to her husband's niece. She knows Ben since the time the latter married his wife. She positively identified Ben Manangan in open court.

On February 5, 2001 in the evening, she together with her daughter Jesusa Denna, her brother-in-law Mariano Denna, and Mariano's daughter Fortunata Denna were inside their house [in] San Vicente, Tamauni, Isabela. At around 7:30 o'clock in the evening of said date, her husband arrived. When she and her husband were about to sleep and after [turning] off the light, she heard somebody [call], "Uncle Ampoy, Uncle Ampoy." Ampoy, according to her, is her husband Ocampo Denna. She responded by saying to the caller, "Please wait, I will just put on the light." She lighted an improvised gas lamp and thereafter opened the door and saw Ben Manangan's face. However, Ben who was in front of the door, put off the light by blowing it. Thereafter, the armed group of about six (6), wearing masks (bonnets), instructed her to cook. She obliged. After cooking, they ate. After eating, three (3) of the armed group went to the house of his brother-in-law while the other three (3) remained. Then, the remaining three (3) wearing masks (bonnets) ask[ed] for their money by saying, "Hold up, hold up, iyawa nu y kwartu" which means "Give me your money." She and her husband replied to them, [saying] they [did] not have money. They angrily reacted by saying, "You are lying," at the same time letting them choose "Give your money or be killed?" Threatened and afraid, she told her husband to just give their money. Her husband refused but [Jolita] pleaded to him to give their money because of fear. Then, she told the armed men wearing mask[s] to wait. She went to get their money amounting to Fifty Thousand (P50,000.00) Pesos of different denominations and gave it to them. Thereafter, the armed group left.

x x x x

Fortunata Derma narrated to the Court [that] she knows Ben Manangan. On February 5, 2001 in the evening, she was in the house of her uncle Ocampo "Ampoy" Denna married to Jolita Derma [in] San Vicente, Tamauni, Isabela. When she, her aunt Jolita Derma and Jesusa Derma were about to sleep, someone called for her Uncle Ampoy and heard her aunt [say] "Ben." Thereafter, her Aunt Jolita lighted a gas lamp. She saw what her aunt was doing because she was lying just opposite the door where her aunt was. Later, her Aunt Jolita opened the door and afterwhich, somebody put off the gas lamp. The distance between the place where she was lying and the door was only about a meter. Then, she heard [someone] in an [I]locano dialect [say], "Mabalin ti makipangan?" which means "Can we eat?" Her aunt responded by calling her child to bring the kettle. While her aunt Jolita and daughter Jesusa were cooking, and while the armed men were roaming around, she was able to identify Ben Manangan who was not wearing [a] mask while she [could not identify the others] because they were all wearing masks and jackets. Then, she went out to help her aunt cook. After the [food was] cooked, the armed [men] including Ben Manangan ate. After eating, one of the armed men announced, "Hold up, hold up." Ben Manangan was

with them when the hold up was declared. With their announcement, she [cowered] in fear and was chilling. Later, she heard her Aunt Jolita [say], "We do not have money," which was seconded by her Uncle Ampoy. However, the armed men insisted that they have the money and told her uncle and aunt "Give your money or we will kill you all." Moments later, she heard her Aunt Jolita tell her husband Ampoy, "We should give now our money." Thereafter, her aunt went inside the house, took the money and gave it to the armed persons by saying "Here is the money." Then, the armed men after receiving the money left.

x x x x^[7]

Version of Facts of the Defense

The RTC Decision also narrated the defense's versiOn of the facts based on the testimony of petitioner, as follows:

Ben Manangan, the herein accused, narrated to the Court that he knows Jolita Derma, she being a neighbor. He [likewise knows] Fortunata Derma but [is] not too familiar [with her]. He denied [having] participated in robbing Jolita Derma on the night of February 5, 2001, he being inside his house [in] San Vicente, Tumauni, Isabela. Before 7:30 o'clock in the evening of said day, he was having a drinking session with his brother-in-law Johnny Mamauag. They stopped drinking at around 9:00 o'clock in the evening and slept. The following morning, he was taken by police officers and brought to the Tumauni Police Station. At the police station, he saw his Uncle Ampoy and Aunt Jolita.

The proffered testimony of Johnny Mamauag, to wit:

"That Johnny Mamauag will corroborate the earlier testimony of the accused that on February 5, 2001 from 7:30 to 9:00 o'clock in the evening at the residence of the accused [in] San Vicente, Tumauni, Isabela, they were drinking together. That Johnny Mamauag left after drinking at about 9:00 o'clock in the evening."

was admitted by the Public Prosecutor (Order dated November 20, 2009).

x x x x^[8]

The Ruling of the RTC

In its Decision dated 22 January 2010, the RTC found petitioner guilty beyond reasonable doubt of the crime of robbery by a band and sentenced him to suffer the indeterminate prison term of six years of *prision correccional* as minimum to ten years of *prision mayor* as maximum period, and ordered petitioner to pay the private complainant the amount of Fifty Thousand Pesos (P50,000.00).

Petitioner filed a Motion for New Trial^[9] dated 15 February 2010, reiterating his innocence and showing evidence which could not have been found by petitioner

during the first trial. Attached to the Motion is the Affidavit of Maria Manangan,^[10] petitioner's wife.

The RTC denied petitioner's Motion for New Trial in its Resolution dated 26 February 2010.^[11]

Petitioner appealed to the Court of Appeals.^[12]

The Ruling of the Court of Appeals

In its Decision dated 20 May 2014, the Court of Appeals affirmed with modification the RTC Decision by reducing the penalty imposed by the RTC to the indeterminate penalty of four years and two months of *prision correccional* as minimum to ten years of *prision mayor* as maximum period. The Court of Appeals also found that the RTC was correct in ordering petitioner to indemnify private complainant the amount of Fifty Thousand Pesos (P50,000.00) as the amount unlawfully taken from private complainant.

Petitioner sought reconsideration which the Court of Appeals denied in its Resolution^[13] dated 1 June 2015.

Hence, this petition.

The Issues

Petitioner presents the following issues:

1. Whether or not the Court of Appeals gravely erred in affirming the decision of the RTC in finding, based on its "honest belief," that there was "implied conspiracy";
2. Whether or not the *corpus delicti* was proven beyond reasonable doubt by the prosecution; and
3. Whether or not the denial of the *Motion for New Trial* by the RTC was proper.^[14]

The Ruling of the Court

The petition has no merit.

The quantum of proof required to prove implied conspiracy is proof beyond reasonable doubt.

Petitioner questions whether the RTC and the Court of Appeals were correct in finding that there was implied conspiracy in the commission of the crime of robbery by a band based merely on the RTC's "honest belief."

In its Decision dated 22 January 2010, the RTC found, based on its honest belief, that implied conspiracy existed in the crime of robbery by a band. It held that:

Expressed conspiracy was not shown by the prosecution. It means that there is no evidence showing that the co-accused Does had an

agreement with accused Ben Manangan to commit robbery and decided to commit it.

However, it is the honest belief of the Court that implied conspiracy exist[s].^[15] (Boldfacing and underscoring supplied)

However, in the same Decision, the RTC further held that it was convinced beyond moral certainty that conspiracy was shown. It held that:

This being the factual milieu of the case, **the Court is convinced beyond moral certainty that conspiracy was shown**, hence, Ben is equally guilty with the others as a co-conspirator to the crime of robbery.
^[16] (Boldfacing and underscoring supplied)

"Honest belief" is a term rarely used in criminal cases. In *Philippine National Bank v. De Jesus*,^[17] "honest belief" was loosely defined as "the absence of malice and the absence of design to defraud or to seek an unconscionable advantage."^[18]

A trial court's "honest belief" cannot be the basis of a finding of implied conspiracy because a finding of conspiracy must be supported by evidence constituting proof beyond reasonable doubt.^[19] In *People v. Bokingo*,^[20] this Court ruled that "conspiracy must be established with the same quantum of proof as the crime itself and must be shown as clearly as the commission of the crime."^[21]

We hold that a finding of implied conspiracy must be proven beyond reasonable doubt, and must not be merely based on the trial court's "honest belief." The use of the term "honest belief" in the RTC's Decision did not refer to the quantum of proof used to prove a finding of implied conspiracy. In fact, the RTC clarified in the next paragraph that it was "convinced beyond moral certainty that conspiracy was shown."

The real issue now is whether the RTC and the Court of Appeals were correct in finding beyond reasonable doubt proof of implied conspiracy.

Petitioner argues that there is no implied conspiracy between him and the other accused. He points out that eyewitnesses Jolita and Fortunata Denna testified that petitioner did not do anything that may be considered conspiratorial since he merely stood outside the house and did not receive the amount of Fifty Thousand Pesos (P50,000.00) himself. Petitioner further alleges that his mere presence at the scene of the crime does not imply conspiracy.

Petitioner's argument is unmeritorious.

An implied conspiracy exists when two or more persons are shown to have aimed their acts towards the accomplishment of the same unlawful object, each doing a part so that their combined acts, though apparently independent, were in fact connected and cooperative. Their acts must indicate a closeness of personal association and a concurrence of sentiment.^[22] It is proved not by direct evidence or mere conjectures, but through the mode and manner of the commission of the offense, or from the acts of the accused before, during, and after the commission of the crime indubitably pointing to a joint purpose, a concert of action, and a