

## SECOND DIVISION

[ G.R. No. 206227, August 31, 2016 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
STANLEY BUENAMER Y MANDANE, ACCUSED-APPELLANT.**

### DECISION

**DEL CASTILLO, J.:**

This is an appeal from the June 7, 2012 Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA-GR. CR-H.C. No. 04881, which affirmed with modification the May 18, 2010 Decision<sup>[2]</sup> of the Regional Trial Court (RTC) of Manila, Branch 33, in Criminal Case No. 09-272017, finding appellant Stanley Buenamer y Mandane (Buenamer) guilty beyond reasonable doubt of the crime of robbery with homicide, as defined and penalized in Article 294, paragraph 1 of the Revised Penal Code (RPC), and sentencing him to suffer the penalty of *reclusion perpetua*.

#### ***Proceedings before the Regional Trial Court***

Buenamer and his co-accused Jerome Lambada y Landero (Lambada) were indicted for the felony of robbery with homicide for staging an armed robbery inside a passenger FX taxi and causing the death of one of the passengers therein. The indictment against them alleged—

The undersigaed accuses STANLEY BUENAMER y MANDANE and JEROME LAMBADA y LANDERO of the crime of Robbery with Homicide, committed as follows:

That on or about October 20, 2009 in the City of Manila, Philippines, the said accused, conspiring and confederating together and mutually helping each other, with intent to gain and by means of force, violence, and intimidation, to wit: by boarding a passenger FX taxi going to España Blvd., Sampaloc, this City, announcing a hold up then pointing their guns to its passengers and FERRARIE TAN y OALLESMA and divesting from him his black bag containing a Sony PSP colored black with casing and one (1) brown envelope with cash money in the amount of P5,460.00, did then and there, willfully, unlawfully and feloniously take, rob and carry away the same, against his will, to the damage and prejudice of the said FERRARIE TANY OALLESMA in the amount of more than P5,460.00, Philippine Currency; that on occasion of or by reason of the said robbery and for the purpose of enabling themselves to take, rob and carry away the personal properties of the passengers, attack, assault and use personal violence upon said FERRARIE TAN y OALLESMA when he

chased the said accused who boarded a passenger jeepney in order to escape, but was boxed when he held on the handle bar of the jeepney causing him to [lose] his grip and [fall] from the jeepney and thereafter was ran over by the rear tire of said jeepney, thereby inflicting upon him physical injuries which were the direct and immediate cause of his death thereafter.

CONTRARY TO LAW.<sup>[3]</sup>

Arraigned on December 7, 2009 both accused, assisted by counsel, entered a negative plea to the crime charged. After the pre-trial conference, trial on the merits followed.

During the trial, the prosecution presented the following witnesses: Manila Traffic and Parking Bureau (MTPB) Enforcers Peter Paul de Jesus (De Jesus), Raymond Buaron (Buaron), and James Mendez y Dones (Mendez), Police Officer 3 Jay Santos (PO3 Santos), Diana David y Del Pilar (David), Carolyn Tan (Carolyn), and Dr. Romeo Salen (Dr. Salen). Their collective testimonies tended to establish the following facts:

On October 20, 2009, at around 5:00 o'clock in the afternoon, David was on board a passenger FX taxi on her way home from Quezon City to Sampaloc, Manila, when along España Boulevard, corner Maceda Street in Sampaloc, Inanila, a hold-up was announced by Buenamer and Lambada. The armed duo demanded for the wallets, cellphones, and other valuables of the FX passengers, The two threatened to shoot and blow up the brains of anyone who resisted them ("*pasabugin ang ulo namin*"). David heard the now deceased Ferrarie Tan (Ferrarie), who was then wearing a nurse's uniform, crying and pleading to the robbers that he had already given to them his cellphone, a Sony PSP, and that he was only a student. Nevertheless, the armed robbers proceeded to divest, as indeed they divested, the passengers of their personal effects, including David's own Nokia cellphone and coin purse.

When the FX stopped at an intersection along Maceda Street and España Boulevard in Sampaloc, Manila, David quickly got off the FX and shouted for help. Traffic enforcers and bystanders heard her shout and plea for assistance, and at once chased after Buenamer and Lambada who were trying to flee from the scene of the crime. Not long after this, David saw the lifeless Ferrarie lying along España Boulevard in Sampaloc.

De Jesus was an MTPB traffic enforcer on duty along España Boulevard when the incident took place. De Jesus testified that he responded to David's call for help, along with another MTPB traffic enforcer, Mendez. David told the traffic enforcers that the fleeing suspects had boarded a red jeepney. So De Jesus quickly rode his motorcycle and went after the red jeepney which was carrying the robbers. One of the robbers got off at Florentino Street in Sampaloc, Manila. Here, De Jesus was able to apprehend Buenamer after a tricycle accidentally ran over the latter. Buenamer was beaten up by the by-standers, and then brought to the *baranggy* hall nearby, where people there were able to recover from him a bag containing a Sony PSP, cellphone, a gun with several bullets, a pay slip with brown envelope, and money.

Another MTPB employee, traffic enforcer Mendez, also heard David's shout for help, and when David pointed to the jeepney where the hold-uppers were, he (Mendez) went near the jeepney, just in time to see a person in white uniform holding on to the *estribo* (the handle bar) of the jeepney. Mendez testified that he saw, this person's hands reaching inside the front seat of the jeepney, trying to regain possession of his Sony PSP, cellphone and other valuables from Buenamer who was then sitting in front of the jeepney, near the driver; that he then saw Buenamer strike or box that other person (who turned out to be Ferrarie), causing Ferrarie to fall off; and that after Ferrarie fell off, the jeepney's rear tire ran over Ferrarie. After this Mendez mounted his motorcycle and went after Buenamer who fled the crime scene.

Still another MTPB traffic enforcer presented by the prosecution was Buaron. This traffic enforcer testified that he was the one who apprehended Lambada somewhere near the vicinity of the North Cemetery along Bonifacio Avenue; and that he then brought Lambada to Police Station No. 1 in Quezon City because the police authorities of Quezon City insisted on asserting jurisdiction over his case.

PO3 Santos of the Manila Police Department was the police investigator who prepared the Crime Report, Booking Sheet, and Arrest Report for Buenamer and Lambada. It was also PO3 Santos who took the sworn statements of David, Mendez, and De Jesus. PO3 Santos testified that it was he who recovered a Sony PSP, black cellphone, a brown envelope with the name "Tan, Ferrarie," a pay slip containing P5,460.00s and a 138 caliber revolver with seven live bullets.

Carolyn was the mother of the victim. She identified her son Ferrarie at the Universal Funeral Parlor, despite his broken face. She testified that her son was a registered nurse at the *Ospital ng Makati* and was earning P6,000.00 every 15 days. She claimed that she spent P2 million for the interment and burial of Ferrarie.

Dr. Salen, the Medico-Legal Officer of the Manila Police District Crime Laboratory, conducted the post-mortem examination on the corpse of Ferrarie. Dr. Salen testified that the victim's corpse was already in a state of rigor mortis when he examined it; that he found a 10 x 3 cm. lacerated wound on Ferrarie's forehead, abrasions from the right and left side of the following: nose; chest; knees; feet; thighs; and; from the victim's abdomen; and two lacerated wounds at the lower lip and on the chin. According to Dr. Salen, Ferrarie's ribs were fractured and his lungs macerated.

The accused waived their right to present their defense.

### ***Ruling of the Regional Trial Court***

On May 18, 2010, the RTC rendered judgment finding Buenamer guilty beyond reasonable doubt of the crime of robbery with homicide. The RTC however found Lambada-guilty merely of simple robbery. The RTC disposed thus

WHEREFORE, judgment is hereby rendered finding the accused STANLEY BUENAMER guilty beyond reasonable doubt of the crime of Robbery with Homicide under Article 294 of the Revised Penal Code as principal and is hereby sentenced to suffer the penalty of *reclusion perpetua*.

As for the accused JEROME LAMBADA, judgment is hereby rendered finding him guilty of the crime of Robbery with violence against or intimidation of persons under Article 294 of the Revised Penal Code as principal and is hereby sentenced to suffer an indeterminate penalty of Two (2) years, Ten (10) months and Eleven (11) days of *prision correccional* as minimum TO Six (6) years, One (1) month and Eleven (11) days of *prision mayor* medium, as maximum.

The accused are likewise directed to pay the amount of P5,460.00 and the value of the Sony PSP taken from Ferrarie Tan.

Accused Stanley Buenamer is also ordered to pay the amount of P50,000.00 as civil indemnity and P50,000.00 as moral damages.

x x x x

SO ORDERED.<sup>[4]</sup>

Dissatisfied with the RTC's disposition, Buenamer appealed to the CA, arguing that the prosecution failed to prove his guilt beyond reasonable doubt since his identity as the alleged perpetrator of the crime was not sufficiently established, Buenamer also contended that the mitigating circumstance under Article 13(3) of the RPC should have been appreciated in his favor because he had no intention to commit so grave a wrong as that he committed. Buenamer insisted that when he hit or boxed Ferrarie on the arm, he had no intention of killing him at all.

### ***Riding of the Court of Appeals***

On June 7, 2012, the CA affirmed the RTC and ruled that Buenamer's appeal was without merit. The CA found that the prosecution was able to prove the identity of Buenamer through the testimonies of David and Mendez, both of whom were eyewitnesses to the crime. The CA noted in particular that David was able to see the face of Buenamer inside the passenger FX taxi because David was herself a passenger in that vehicle.

As to Buenamer's invocation of the mitigating circumstance under Article 13(3) of the RPC, the CA held that this plea was unavailing. The CA ruled that all the elements of the crime of robbery were present when Buenamer and Lambada held up the passengers of the FX taxi. The CA stressed that the felony of robbery with homicide is committed once it is clearly shown that the criminal intention of the felon is to rob, and that there is a killing which occurs before, during, or after the robbery.

The CA thus disposed as follows:

WHEREFORE, premises considered, the assailed Decision dated May 18, 2010 of the Regional Trial Court (RTC), Branch 33, Manila in Criminal Case No. 09-272017 is hereby AFFIRMED with MODIFICATION, Accused-appellant is found GUILTY BEYOND REASONABLE DOUBT of the crime of Robbery with Homicide and is hereby sentenced to suffer *reclusion perpetua*, and is ordered to pay P75,000.00 as civil damages and P50,000.00 as moral damages.