

FIRST DIVISION

[G.R. No. 212932, January 21, 2015]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ARNEL
BALUTE Y VILLANUEVA, ACCUSED-APPELLANT.**

R E S O L U T I O N

PERLAS-BERNABE, J.:

Before the Court is an ordinary appeal^[1] filed by accused-appellant Arnel Balutey Villanueva (Balute) assailing the Decision^[2] dated February 3, 2014 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 05649 which affirmed the Decision^[3] dated June 11, 2012 of the Regional Trial Court of Manila, Branch 18 (RTC) in Crim. Case No. 03-211951, finding Balute guilty beyond reasonable doubt of the special complex crime of Robbery with Homicide.

The Facts

On November 22, 2002, an Information was filed before the RTC charging Balute of the crime of Robbery with Homicide, defined and penalized under Article 294(1)^[4] of the Revised Penal Code (RPC), as amended, the accusatory portion of which reads:^[5]

Crim. Case No. 03-211951

“That on or about March 22, 2002, in the City of Manila, Philippines, the said accused conspiring and confederating together with one whose true name, real identity and present whereabouts are still unknown and mutually helping each other, with intent to gain and by means of force, violence and intimidation, to wit: by then and there poking a gun at one SPO1 RAYMUNDO B. MANAOIS, forcibly grabbing and snatching his Nokia 3210 cellular phone, did then and there wilfully, unlawfully and feloniously take, rob and carry away the same valued at P6,000.00 against his will, to the damage and prejudice of the said SPO1 RAYMUNDO B. MANAOIS in the aforesaid amount of P6,000.00 Philippine Currency; thereafter shooting said SPO1 RAYMUNDO B. MANAOIS with an unknown caliber firearm, hitting him at the back, and as a result thereof, he sustained mortal gunshot wound which was the direct and immediate cause of his death thereafter.

CONTRARY TO LAW.”

According to the prosecution, at around 8 o'clock in the evening of March 22, 2002, SPO1 Raymundo B. Manaois (SPO1 Manaois) was on board his owner-type jeepney

with his wife Cristita and daughter Blesilda, and was traversing Road 10, Tondo, Manila. While the vehicle was on a stop position at a lighted area due to heavy traffic, two (2) male persons, later on identified as Balute and a certain Leo Blaster (Blaster), suddenly appeared on either side of the jeepney, with Balute poking a gun at the side of SPO1 Manaois and saying "*putangina, ilabas mo!*" Thereafter, Balute grabbed SPO1 Manaois's mobile phone from the latter's chest pocket and shot him at the left side of his torso. SPO1 Manaois reacted by drawing his own firearm and alighting from his vehicle, but he was unable to fire at the assailants as he fell to the ground. He was taken to Mary Johnston Hospital where he died despite undergoing surgical operation and medical intervention.^[6]

In his defense, Balute denied having any knowledge of the charges against him. He maintained, *inter alia*, that on March 22, 2002, he was at the shop of a certain Leticia Nicol (Nicol) wherein he worked as a pedicab welder from 8:00 o'clock in the morning until 10:00 o'clock in the evening, and did not notice any untoward incident that day as he was busy working the entire time. Nicol corroborated Balute's story, and imputed liability on Blaster and a certain Intoy.^[7]

The RTC Ruling

In a Decision^[8] dated June 11, 2012, the RTC found Balute guilty beyond reasonable doubt of the crime of Robbery with Homicide with the aggravating circumstance of treachery, and accordingly, sentenced him to suffer the penalty of *reclusion perpetua*, without eligibility for parole, in lieu of the death penalty, as well as ordered him to pay the heirs of SPO1 Manaois the amounts of P50,000.00 as civil indemnity, P6,000.00 as compensatory damages for the value of the stolen mobile phone, and P50,000.00 as moral damages, with interest at the rate of six percent (6%) per annum (p.a.) from the filing of the Information.^[9]

It found that the prosecution was able to establish the existence of all the elements of Robbery with Homicide, as it proved that Balute poked his gun at SPO1 Manaois's side, took his mobile phone, and shot him, resulting in the latter's death. In this relation, the RTC gave credence to Cristita and Blesilda's positive identification of Balute as the assailant, as compared to the latter's mere denial and alibi.^[10]

Aggrieved, Balute appealed to the CA.

The CA Ruling

In a Decision^[11] dated February 3, 2014, the CA affirmed Balute's conviction with modification in that: (a) the aggravating circumstance of treachery was no longer considered as the prosecution failed to allege the same in the Information;^[12] (b) the civil indemnity was increased to P75,000.00 in view of existing jurisprudence; (c) the P6,000.00 compensatory damages, representing the value of the mobile phone, was deleted in the absence of competent proof of its value, and in lieu thereof, actual damages in the aggregate amount of P140,413.53 representing SPO1 Manaois's hospital and funeral expenses was awarded to his heirs; and (d) all the monetary awards for damages are with interest at the rate of six percent (6%) p.a. from the date of finality of the CA Decision until fully paid.^[13]

Hence, the instant appeal.

The Issue Before the Court

The lone issue for the Court's resolution is whether or not the CA correctly upheld Balute's conviction for Robbery with Homicide.

The Court's Ruling

The appeal is bereft of merit.

It must be stressed that in criminal cases, factual findings of the trial court are generally accorded great weight and respect on appeal, especially when such findings are supported by substantial evidence on record. It is only in exceptional circumstances, such as when the trial court overlooked material and relevant matters, that the Court will re-calibrate and evaluate the factual findings of the court below.^[14] Guided by the foregoing principle, the Court finds no cogent reason to disturb the RTC's factual findings, as affirmed by the CA.

In *People v. Ibañez*,^[15] the Court exhaustively explained that "[a] special complex crime of robbery with homicide takes place when a homicide is committed either by reason, or on the occasion, of the robbery. To sustain a conviction for robbery with homicide, the prosecution must prove the following elements: (1) the taking of personal property belonging to another; (2) with intent to gain; (3) with the use of violence or intimidation against a person; and (4) on the occasion or by reason of the robbery, the crime of homicide, as used in its generic sense, was committed. A conviction requires certitude that the robbery is the main purpose, and [the] 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."^[16] Homicide is said to have been committed by reason or on occasion of robbery if, for instance, it was committed: (a) to facilitate the robbery or the escape of the culprit; (b) to preserve the possession by the culprit of the loot; (c) to prevent discovery of the commission of the robbery; or (d) to eliminate witnesses in the commission of the crime.^[17]

In the instant case, the CA correctly upheld the RTC's finding that the prosecution was able to establish the fact that Balute poked his gun at SPO1 Manaois, took the latter's mobile phone, and thereafter, shot him, resulting in his death despite surgical and medical intervention. This is buttressed by Cristita and Blesilda's positive identification of Balute as the one who committed the crime as opposed to the latter's denial and alibi which was correctly considered by both the RTC and the CA as weak and self-serving, as it is well-settled that "alibi and denial are outweighed by positive identification that is categorical, consistent and untainted by any ill motive on the part of the [eyewitnesses] testifying on the matter."^[18] This is especially true when the eyewitnesses are the relatives of the victim – such as Cristita and Blesilda who are the wife and daughter of SPO1 Manaois, respectively – since "[t]he natural interest of witnesses, who are relatives of the victim, in securing the conviction of the guilty would actually deter them from implicating persons other than the true culprits."^[19]

In sum, the RTC and the CA correctly convicted Balute of the crime of Robbery with