

EN BANC

[G.R. No. 124871, May 13, 2004]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
MARIFE BELLO Y ROSCO @ "JOANN REDILLO," JOHN DOE @
"ELADIO M. CONSUELO, JR." AND "BOYET," PETER DOE @
"DANNY DINEROS," AND RICHARD DOE @ "GEORGE" AND/OR
"CAYO," ACCUSED,**

**MARIFE BELLO Y ROSCO @ "JOANN REDILLO" AND JOHN DOE @
"ELADIO M. CONSUELO, JR." AND "BOYET," ACCUSED-
APPELLANTS.**

PUNO, J.:

To support his family, **ROLANDO ANDASAN** left Cabanatuan City and landed a job as messenger/collector at the Sunshine Moneychanger in Pasay City, earning a measly net income of P2,000.00 per month. On July 25, 1995, in the course of his employment, he was mercilessly stabbed 28 times and died.^[1]

For his demise, an Information^[2] for robbery with homicide was filed against four (4) accused, viz: Marife Bello y Rosco alias "Joann Redillo," Eladio M. Consuelo, Jr. alias "Boyet," Danny Dineros and "Cayo" or "George." It reads:

That on or about 25 July 1995, in Pasay City, Metro Manila, and within the jurisdiction of this Honorable Court, said accused, conspiring and confederating together and mutually helping one another, with intent to gain, did then and there, willfully, unlawfully, and feloniously, by means of violence, intimidation, force and other unlawful means, take, divest and carry away from one **ROLANDO ANDASAN y LEGASPI** P114,000.00 cash belonging to the Sunshine Money Changer (sic) Shop, to its damage and prejudice in said amount, and during the occasion of which, repeatedly stab the latter with a bladed weapon, thereby inflicting upon him fatal wounds, which directly caused his death.

CONTRARY TO LAW.

Only accused Marife and Eladio, Jr. were arrested. Accused Danny and Cayo remain at large.

As there was no eyewitness to the actual commission of the crime, the prosecution built its case through circumstantial evidence. The unbroken chain of events was testified to by prosecution witnesses: Eduardo Rafael, OIC of the Sunshine Moneychanger; the employees of Queensland Lodge, namely: roomboys Mayonito Wayco and Jonathan Deniega, security guard Leonardo Acosta, accounting clerk Rose Caharian and telephone operator Digna Siazon; cab driver Ernesto Ramos; police investigators SPO3 Danilo Unico, SPO2 Angel Palattao, PO3 Warlito Hermo

and PO3 Ronald Cabaliw; NBI medico-legal officer Ravell Baluyot; and, the victim's wife, Zenaida Andasan. Their testimonies are summarized below.

On July 25, 1995, at about 10:30 a.m., a cab entered the Queensland Lodge in Pasay City, with **accused Marife and Eladio, Jr. on board**. They alighted in front of the private garage of room no. 2 and informed Jonathan Deniega, a roomboy, that they needed a room. Jonathan led them inside the private garage of room no. 2 and the three went up a flight of stairs leading to the room. Jonathan ushered them in, turned on the lights, aircondition unit and television set in the room before leaving.^[3] Jonathan then gave a stub to their telephone operator, **DIGNA SIAZON**, where he indicated that two customers checked in at room no. 2.

At about 11:00 a.m., accused Marife called up Digna and asked for an outside line. Initially, Digna was unable to grant her request as the telephone lines were busy. When a similar request was made by accused Marife at about 1:30 p.m., she was able to give her a line.^[4] Accused Marife then called up the Sunshine Moneychanger in Pasay City and talked with the officer-in-charge, **EDUARDO RAFAEL**. Identifying herself as Joann Redillo, accused Marife misrepresented to Eduardo that she came from Japan and would like to convert her 40 pieces of yen to pesos. She requested that the currency conversion be made in her room inside the nearby Queensland Lodge as she did not want to carry around a huge sum of money. Eduardo agreed to the arrangement as their office was used to extending such service to the customers of the lodge.

Eduardo instructed his messenger **ROLANDO ANDASAN** to proceed to the lodge and give the lady occupant of room no. 2 the sum of P114,000.00 in exchange for her 40 pieces of yen. Rolando left the office at about 1:35 p.m. and arrived at the lodge ten minutes later. When he asked security guard LEONARDO ACOSTA where he could find room no. 2, he was instructed to inquire from a roomboy inside the lodge.^[5]

At about that time, **ROSE CAHARIAN**, an accounting clerk of the lodge, saw Rolando standing by the hallway. Rolando informed her that he had about a hundred thousand pesos with him as they have a female guest in room no. 2 who wanted to have her yen converted into pesos. Rose escorted Rolando to Digna, the telephone operator, and directed the latter to call up room no. 2 and announce the presence and purpose of Rolando. Digna called up room no. 2 and accused Marife confirmed the currency transaction.^[6]

Roomboy **MAYONITO WAYCO** escorted Rolando and directed him to wait in the garage while he first went up the room to announce his presence. Accused Eladio, Jr. opened the door and instructed Mayonito to let Rolando in. Mayonito returned to the garage, fetched Rolando and ushered him to the room. Mayonito returned to the garage and waited.

At about 2 p.m., accused Marife called up telephone operator Digna and informed her that they were checking out of the room. Seconds later, Mayonito, who was still waiting for Rolando in the garage, saw accused Marife emerge from room no. 2. She inquired about the cost of their room occupancy and, without waiting for his reply, immediately handed him a P500.00 bill. Mayonito called on Jonathan to arrange for the payment of the bill and handed him the P500 bill. Jonathan then signaled

security guard Leonardo to hail a cab for accused Marife. In the meantime, Mayonito stayed in the garage with accused Marife.

While waiting for the bill and the cab, Mayonito inquired from accused Marife where Rolando was. She dismissed his query and directed him to follow-up instead the preparation of their bill as she and her companion were in a hurry. Mayonito rushed to the cashier to get the bill, only to be told that it was already with Jonathan.

Meanwhile, Jonathan returned to accused Marife with the bill. He waited with her at the garage for about 5 minutes for the arrival of her cab. As she seemed quite impatient to leave, they started to walk towards the gate of the lodge. Just then, security guard Leonardo was able to hail a cab and instructed it to enter the lodge.

[7]

Thus, when Mayonito returned to the garage of room no. 2, he saw accused Marife about to board the cab inside the lodge. Mayonito instructed cab driver **ERNESTO RAMOS** to stay for a while as they still had to inspect room no. 2. Accused Marife likewise directed Ernesto to wait for her companion accused Eladio, Jr. who, seconds later, emerged from the garage but did not board the cab and fled on foot. Accused Marife then ordered Ernesto to follow him.

In the meantime, roomboys Mayonito and Jonathan discovered the lifeless body of Rolando inside the room, lying beside the bed and covered by blood-stained bedsheets. He sustained multiple stab wounds and a TV cable wire was tied around his neck.

Mayonito immediately left the room to pursue its former occupants but he saw accused Marife's cab already on its way out of the lodge and accused Eladio, Jr. fleeing on foot. Mayonito and Jonathan chased after them while shouting at the guard to stop the accused at the exit.^[8] Responding, security guard Leonardo grabbed the hand of accused Eladio, Jr. as he went past by him near the exit, thinking that the latter had not yet paid his bill. However, Eladio, Jr. deftly freed himself from Leonardo's grip and ran inside the nearby Violeta Court Subdivision. At about the same time, the cab boarded by accused Marife left the premises of the lodge and followed accused Eladio, Jr. in the subdivision. Leonardo was about to pursue them but the guard stationed at the gate of the subdivision advised him to wait by the entrance as there was no other way out except through the same gate. The subdivision guard then immediately closed the gate to prevent the cab from leaving. While the two guards were waiting, Jonathan arrived and informed them that the accused killed Rolando in room no. 2 and that the policemen had been notified.^[9]

Inside the subdivision, accused Eladio, Jr. boarded the cab and sat beside accused Marife. When he asked if there was another way out of the subdivision, Ernesto replied that there was only one gate. When the cab reached the end of the road, the two accused alighted and scaled the wall of the subdivision. Accused Eladio, Jr. succeeded but Marife failed to climb over the wall and was left behind.

When Ernesto drove back to the gate of the subdivision, the security guards stopped him, inspected his cab and saw a brown envelope which was left by accused Marife at the backseat. They instructed Ernesto to return to the lodge as a crime had been

committed by his passengers.^[10]

Pasay City police operatives rushed to the lodge to investigate the crime scene. SPO3 Unico and PO3 Hermo proceeded to the subdivision and pursued the accused. They found accused Marife in a photo printing office inside the subdivision. Pale and trembling, she was holding a blood-stained face towel.^[11] When interrogated by the policemen, she identified herself as Joann Redillo and her companion as one Danny Dineros who ran away with the money. The policemen then brought her back to the lodge for identification by the employees.

At the lodge, the employees identified accused Marife as one of the persons who occupied room no. 2. Cab driver Ernesto surrendered to the police authorities the brown envelope left by Marife in the cab containing a scabbard for a knife and a shirt. SPO2 Palattao placed the blood-stained towel he confiscated from accused Marife in the envelope.

PO3 Warlie Hermo and Sgt. Danilo Unico^[12] investigated room no. 2 and discovered an improvised knife under the mattress, near Rolando's cadaver. The cadaver was then brought to the Rizal Funeral Homes for a medico-legal examination while accused Marife was taken to the police station for further investigation.^[13]

The autopsy conducted by NBI medico-legal officer **DR. RAVELL RONALD BALUYOT** revealed that Rolando sustained 28 stab wounds on different parts of his body; the stab wounds on the chest penetrated the heart and lungs; the widest width of the wounds, caused by a single bladed weapon, is 3.5 cms.; and, as the knife found by the policemen in the crime scene was about 3.4 cms. wide, Dr. Baluyot opined that it may possibly be the weapon that killed the victim.^[14]

At the police station, accused Marife was asked about the possible whereabouts of accused Danny. She opined that he might be hiding in his rented house in Bacoar, Cavite and volunteered to lead the operatives to his house.

They arrived in Cavite at past 3 p.m. of the same day but found the house of Danny uninhabited. According to the neighbors, Danny and his family left at about 2:30 that afternoon, bringing with them all their belongings. Marife then suggested that Danny might be hiding in their hometown in Samar. From Cavite, the group thus proceeded to Samar. Marife's aunt, a neighbor of Danny in Samar, informed them that she had not seen Danny. The police operatives also learned that the name Joann Redillo given to them by accused Marife was a mere alias and that her real name was Marife Bello.^[15] The group then decided to return to the Pasay City police station where Marife was detained.

Subsequently, on October 25, 1995, accused Eladio, Jr. was arrested by the NBI operatives at the house of his legal wife in Pasay City.

According to **REMEDIOS VALDEZ**, the owner of Sunshine Moneychanger, accused Eladio, Jr. worked for her from May until September 1994 as messenger/collector. He was thus familiar with their office's arrangement with the Queensland Lodge to service its guests who may want to convert their foreign currency into pesos and have the peso equivalent delivered to the hotel room. During this time, accused Marife who was then cohabiting with accused Eladio, Jr. would frequent their office

at least twice a week to visit her paramour.^[16]

On September 23, 1994, accused Eladio, Jr. misrepresented to them that a client called up and requested for the conversion of yen to pesos and the delivery of the peso equivalent to the client. For this spurious transaction, accused Eladio, Jr. received P213,000.00 from their cashier for delivery to the alleged client but he absconded with the money and never returned. Remedios filed an estafa case against him.

ZENAIDA ANDASAN, widow of the victim Rolando, testified about the damages she suffered and expenses incurred by reason of Rolando's death. Rolando, born on May 13, 1952, was buried in July, 1995 in Cabanatuan City; the cost of transporting the deceased to and burial in Cabanatuan City, duly supported by receipts, was P50,000.00; she suffered anxiety and pain over the loss of her husband as she was left to take care of their two (2) kids; Rolando used to give her monthly support in the amount of P2,000 when he visits them in Cabanatuan City.^[17]

After the prosecution rested its case, the two (2) accused foisted separate defenses. While accused Marife admitted that she participated in the perpetration of the crime, albeit under duress, accused Eladio, Jr. raised the defenses of denial and alibi.

ACCUSED MARIFE admitted that she was present at every stage of the crime – from the time it was planned until its consummation. She alleged however that she joined the conspirators under duress as Danny threatened to kill her if she refused to cooperate. Her account of the events that transpired is as follows: She cohabited with accused Eladio, Jr. for a year and bore him a child. They parted ways in May 1995 after she gave birth and it was two months later when she saw accused Eladio, Jr. again.

On July 25, 1995, at about 8 a.m., she was staying in the house of her friend in Bacoor, Cavite when accused Danny arrived. He asked her to act as godmother to his child who would be baptized that day. She acquiesced and went with him to his house also in Bacoor, Cavite.

When they arrived at his house at about 9 a.m., she was surprised to find only accused George Rebello, alias Cayo, and her former paramour accused Eladio, Jr. waiting for them. Accused Danny then told her that no baptism would be held that day. It was just their scheme to get her to go with him as they wanted her to do something for them. When she inquired what it was, Danny dismissed her query and assured her she would know later.

After learning about the ploy, her first reaction was to leave but accused Cayo and Danny angrily twisted her arm and prevented her from leaving. She remained seated in the living room with Danny's wife while the three accused momentarily locked themselves in the bedroom and talked. She begged Danny's wife to let her go but the latter refused.

Accused Danny then emerged from the bedroom and brought her back to the room with the other accused. Danny then told her that they would have to go some place which he would divulge later on. Frightened, she asked where they would bring her but Danny got mad at her persistence, cursed her and told her to shut up if she did