

FIRST DIVISION

[G.R. No. 116326, April 30, 2003]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ROBERT LEE, ET AL., ACCUSED-APPELLANT.**

DECISION

AZCUNA, J.:

This is an appeal from a decision of the Regional Trial Court, Branch 9, of Malolos, Bulacan, finding appellant guilty of robbery with homicide and sentencing him to a penalty of *reclusion perpetua*.

The facts of record are as follows:

Private complainant Belen Portugal-Legaspi, in the pursuit of her jewelry business, usually commuted in her car between the family residence in Saluysoy, Meycauayan, Bulacan and the BLG Jewelry Store that she owned and managed at P. Paterno St., Quiapo, Manila.^[1]

At about 7:00 p.m. of February 21, 1990, Mrs. Legaspi and her salesgirl, Flordeliza Francisco, were aboard her car, driven by her only son, Joselito, on their way from Quiapo to Saluysoy.^[2]

In their green-colored Ford Laser car, Mrs. Legaspi was seated in front beside her son, while Ms. Francisco occupied the backseat alone.^[3]

Not long after the said car entered the Meycauayan exit of the North Expressway, while it was cruising along the street leading to the St. Francis Subdivision in Malhacan, Meycauayan, a white old-model Toyota Corona sedan rammed it from behind, immediately overtook it, and finally blocked its path.^[4] Four men (three with drawn handguns and one clutching a long firearm) thereupon alighted from the Toyota sedan, while two others remained therein.^[5]

Joselito backed up the Ford Laser car but it slammed against the concrete wall of a nearby textile factory and got stalled in that position.^[6] The four men rushed to the car of the Legaspis.

One of the men stood by the Ford Laser's car door near the driver's seat and, in quick succession, fired his handgun once in the air, then to the ground and, finally, at Joselito. Then he made a quick turn round the front of the Ford Laser, opened the right front door and forcibly positioned himself beside Mrs. Legaspi.^[7]

Another man shoved Joselito towards the middle portion of the front seat and took over the steering wheel.^[8]

The other two men occupied the back seat to the left and right of Ms. Francisco.^[9]

With the Toyota Corona sedan following closely behind, the Ford Laser was driven along the intended route of the Legaspi over a distance of one kilometer or so, up to a dumpsite in front of a church under construction. There, having already divested Mrs. Legaspi of her personal valuables and taken two bags containing assorted pieces of jewelry worth about P3 Million, and P65,000.00 in cash, the armed men abandoned the Ford Laser, boarded their Toyota Corona sedan and in no time sped away.^[10]

Finding the wounded Joselito already lifeless, Mrs. Legaspi hailed a passenger jeepney and, aboard the same, rushed him to the Nazareno Clinic where he was pronounced dead on arrival.^[11]

Dr. Benito B. Caballero, Municipal Health Officer of Bocaue, Bulacan, at the request of the PNP-Meycauayan, conducted the autopsy of the cadaver at 8:30 p.m. of February 21, 1990 at the Meycauayan Funeral Homes.^[12]

He issued a certificate, stating the cause of Joselito P. Legaspi's death as: "Shock due to massive external and internal hemorrhage due to gunshot wound in the chest penetrating both lungs and heart."^[13]

At the time of his death, Joselito was 21 years old, single, and a college student. The family of the deceased incurred expenses in the amount of P60,000.00 for his wake and P20,000.00 for the funeral service.^[14]

On April 20, 1990, Robert Lee, Edmundo Rivera, Igmedio del Mundo, Angelito Orosco and Wilfredo Alcantara were charged by the Provincial Prosecutor of Bulacan with the crime of Robbery with Homicide penalized under par. 1, Article 294 of the Revised Penal Code.

The Information, filed with the Regional Trial Court of Malolos, Bulacan, reads as follows:

"That on or about the 21st day of February, 1990, in the municipality of Meycauayan, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused together with other persons who are still at large and against whom the preliminary investigation has not yet been completed, conspiring, confederating and mutually helping one another, armed with unlicensed firearms such as long firearm and handguns, did then and there willfully, unlawfully and feloniously, with intent of gain and by means of force, violence and intimidation, take, rob and carry away with them cash money in the sum of P65,000.00 and several pieces of jewelry valued at P3,000,000.00 belonging to one Belen Legaspi; to the damage and prejudice of the owner, said Belen Legaspi in the total amount of P3,065,000.00; and on the occasion of the commission of the said robbery in band, the said accused with intent to kill one Joselito Legaspi; did then and there willfully, unlawfully and feloniously in furtherance of their conspiracy, with evidence premeditation and treachery, attack, assault and shot with the

said firearm the said Joselito Legaspi, hitting the latter at his chest which directly caused his death.

The aggravating circumstance of use of a motor vehicle is present in the commission of this offense.”^[15]

On May 17, 1990, Robert Lee and Eduardo Rivera were arraigned and they pleaded, “not guilty.” Trial proceeded as to these two, as the other accused were then at large.

On February 18, 1991, Angelito Orosco was arrested and subsequently brought to the trial court. He also pleaded, “not guilty” upon being arraigned.

After trial, on April 22, 1993, the Regional Trial Court found all the three abovementioned accused guilty as charged, stating in the dispositive portion of its decision, thus:

WHEREFORE, premises considered, judgment is hereby rendered finding accused ROBERT LEE y MANUTA of Antipolo, Rizal EDUARDO RIVERA y DELA CRUZ alias “Eddie” of Bagbaguin, Meycauayan, Bulacan and ANGELITO OROSCO y SINCAHAN of Pulong Buhangin, Sta. Maria, Bulacan guilty beyond reasonable doubt as co-principals by conspiracy of the crime of Robbery in Band with Homicide as charged in the Information and sentencing each of them to suffer the penalty of reclusion perpetua with all the accessories prescribed by law; and ordering them to jointly pay unto the heirs of the late Joselito P. Legaspi the amounts of P50,000.00 as indemnity for the fact of his death, P80,000.00 as expenses for the traditional wake and funeral services for the aforementioned victim, P50,000.00 as moral damages, P30,000.00 as exemplary damages, and unto Mrs. Belen Portugal-Legaspi the amount of P3,065,000.00 representing the value of the pieces of assorted jewelry and cash subject-matter of the robbery, deducting therefrom the undetermined value of the few jewelry items subsequently recovered and delivered to her.

SO ORDERED.^[16]

From said decision, only the accused Angelito Orosco appealed.

Appellant assigned the following as errors:^[17]

1. THE TRIAL COURT ERRED IN NOT EXCLUDING THE EVIDENCE OF THE PROSECUTION FOR HAVING BEEN TAKEN AS A RESULT OF WARRANTLESS ARRESTS AND IN CONTRAVENTION OF THE SEARCH WARRANT ISSUED.
2. THE TRIAL COURT ERRED IN ADMITTING THE EVIDENCE OF THE PROSECUTION, CONSISTING OF THE ALLEGED CONFESSIONS OF ACCUSED ROBERT LEE AND EDUARDO RIVERA, INSPITE OF THE FACT THAT THEY WERE TAKEN IN VIOLATION OF THEIR CONSTITUTIONAL RIGHTS.

3. THE TRIAL COURT ERRED IN GREATLY RELYING UPON THE PURPORTED IDENTIFICATION OF THE ACCUSED-APPELLANT ANGELITO OROZCO MADE BY PROSECUTION WITNESSES BELEN LEGASPI AND FLORDELIZA FRANCISCO INSPITE OF THE FACT THAT THEY ARE UTTERLY UNRELIABLE.
4. THE TRIAL COURT ERRED IN CONVICTING ACCUSED APPELLANT ANGELITO OROZCO.

Appellant first argues that the extrajudicial confessions of his co-accused, Robert Lee and Eduardo Rivera, should be excluded because said persons were arrested without arrest warrants.

Appellee, through the Solicitor General, replies that arrest without warrant and custodial investigation are two different concepts, subject to separate requisites, so that the invalidity of a warrantless arrest does not *per se* make the confessions taken during the custodial investigation inadmissible in evidence. Accordingly, appellee submits that even assuming that the aforementioned co-accused were unlawfully arrested without warrants, the same will not affect the extrajudicial confessions signed by them during custodial investigation. The confessions, appellee points out, were taken freely and voluntarily, without any duress. The persons investigated were duly informed of their rights to remain silent and to counsel. They were in fact ably represented by Atty. Dale Dick Liban of the Citizens Legal Assistance Office during said custodial investigation.

The Court finds it unnecessary to resolve the foregoing issue. For independently of the extrajudicial confessions, the prosecution's evidence establishes beyond reasonable doubt the guilt of appellant.

From the testimony of Belen Portugal-Legaspi, there is no question that appellant shot and killed her son that fateful early evening of February 21, 1990, in the course of an armed robbery, thus:

Q What part did Angelito Orosco have in the commission of that offense that you have described?

A He was the one who shot my son, sir.

Q Where was Orosco whom you have pointed to the court now when he shot your son?

A He was outside on the street and beside the driver's seat where my son is situated.

Q On which side of the car?

A Left side (Witness indicating her left side)

Q How far exactly from the car was him when he shot your son?

A He was very near.