

FIRST DIVISION

[G.R. No. 118670, February 22, 2000]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RENATO DE GUZMAN AND MARCIANO RAMOS, ACCUSED-
APPELLANTS.**

D E C I S I O N

YNARES-SANTIAGO, J.:

Renato de Guzman, Marciano Ramos, Frederick Mosqueda and Paquito Ancheta were charged with *Robbery with Homicide* before the Regional Trial Court of Baguio City, Branch 7 in an Information dated January 26, 1993 which reads, thus:

"That on or about the 2nd day of December, 1992, in the City of Baguio, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually aiding one another, did then and there, willfully, unlawfully and feloniously, by means of violence, intimidation, taking advantage of nighttime, and with intent to gain, and against the consent of the owners, take, rob and carry away the following articles, to wit:

Cash	P 7,000.00
One (1)	
22k	3,200.00
bracelet	
Three (3)	
18k Pinky	3,500.00
rings	
One pair	
Creolla	1,800.00
earrings	
One men's	5,000.00
Seiko	(\$200)
watch	
One	
pocketbell	12,000.00
unit	
One ID	
leather	150.00
case	
One check	
slip	
One	
Chefmate	
knife	
One	8,000.00
Chinese	

24k ring	
One ID	
bracelet	2,500.00
18k	
One	
bracelet	2,500.00
with	
stones	
One Kia	<u>280,000.00</u>
Pride car	
T O T A L	P325,650.00

to the damage and prejudice of the said owners Dr. Amadeo Belmonte and Mrs. Maria Regina Belmonte in the aforesaid amount; that on the occasion and by reason of said robbery and for the purpose of enabling them to take, steal, rob and carry away the properties aforementioned, the above-named accused, did then and there willfully, unlawfully, feloniously and with intent to kill, being then armed with a knife and gun, taking advantage of the night, and of their superior strength, and by means of treachery, and ignominy, stab, shoot, strangle, hang then kill Dr. Amadeo Belmonte, and with the same circumstances kill Teresa Hape."^[1]

Only De Guzman, Ramos and Mosqueda were apprehended. Ancheta remains at-large. When they were arraigned, the three accused entered a plea of "not guilty." At the trial and upon motion of the prosecution, Mosqueda was discharged and was utilized as state witness.

On December 21, 1994, the Regional Trial Court rendered a decision finding de Guzman and Ramos guilty beyond reasonable doubt of robbery with homicide, the dispositive portion of which reads:

"WHEREFORE, in view of all the foregoing, this Court finds the accused Renato de Guzman and Marciano Ramos guilty beyond reasonable doubt of the crime of robbery with homicide and hereby sentences them to suffer the penalty of *reclusion perpetua* and accessory penalty of perpetual absolute disqualification (See Art. 41 and 73 of the R.P.C.) (NOTE: the old law is still more favorable to the accused than the new law, R.A. 7659).

With respect to the civil aspect, this Court hereby orders Renato de Guzman and Marciano Ramos:

1. To restore to the legal heirs of the victim, Dr. Belmonte, the following: (1) a cash amount of P7,000.00 representing a fee of Dr. Belmonte; (2) a Seiko watch at P5,000.00; (3) an I.D. leather case valued at P150.00; (4) a pocketbell unit valued at P12,000.00; (5) earrings valued at P1,800.00; (6) a 22k bracelet valued at P2,500.00 each; (7) a Chinese gold ring valued at P8,000.00; (8) another ring valued at P3,500.00; (9) a VHS unit; and (10) a pair of rubber shoes valued at P500.00, or in case of failure to do so, to pay jointly and solidarily the value thereof as therein stated;

2. To indemnify jointly and solidarily the legal heirs of Dr. Belmonte and Teresa Hape in the amount of P50,000.00 each victim (Art. 2206) or a total of P100,000.00 for all.

3. To indemnify jointly and solidarily the legal heirs of Dr. Belmonte for consequential damages as follows:

a) P46,200,000.00 representing the lost earnings of Dr. Belmonte for 25 years since he was only 35 years old when killed and the life expectancy of an average Filipino is now 60 years old;

b) P274,809.00 representing actual and/or compensatory damages;

c) P1,000,000.00 as moral damages;

d) P100,000.00 as exemplary damages;

4. To indemnify jointly and solidarily the legal heirs of Teresa Hape P100,000.00 as exemplary damages;

The accused shall be credited in full of their preventive imprisonment, or 4/5 thereof, as the case may be, pursuant to Art. 29, RPC. This is material in connection with any pardon that may be bestowed upon the said accused pursuant to Art. 27, RPC. No subsidiary imprisonment in case of insolvency.

Costs against the accused."^[2]

Unsatisfied with the verdict, accused-appellants are now before this Court on appeal. However, during the pendency of this case, accused-appellant De Guzman filed an Urgent Motion to Withdraw Appeal,^[3] which was granted by this Court in a Resolution dated December 2, 1998.^[4] Consequently, the instant appeal pertains only to that of accused-appellant Ramos.

The facts as found by the trial court are as follows:

Sometime in September 1992, Dr. Amadeo Belmonte and his wife Maria Regina Belmonte engaged the services of Renato De Guzman, a welder by profession, to construct and install a water tank in their house in Loakan, Baguio City. De Guzman, in turn, hired Frederick Mosqueda as sub-contractor. While the work was in progress, De Guzman, on October 27, 1992, sent Mosqueda to the house of the Belmontes to ask for an additional P2,000.00 with which to buy paint for the tank. The spouses Belmonte refused to give him the amount because they believed De Guzman had already obtained more than enough to defray the expenses for the construction and installation of the water tank. In turn, the spouses demanded that De Guzman return the amounts he had already received considering his failure to finish construction and installation of the water tank.

When De Guzman heard what the Belmontes said, he was furious. He then manifested to Mosqueda his intent to kill the Belmontes.

During a drinking spree sometime in November 1992, De Guzman, Paquito Ancheta, Marciano Ramos and Mosqueda planned to break into the house of Dr. Belmonte. Mosqueda was to serve as the look-out. About two (2) to three (3) days later, De Guzman, Mosqueda, Ancheta, together with Rudy Andrada and Rudy Casuga, again gathered in a drinking spree and discussed their plan to enter the house of Dr. Belmonte. Accused-appellant Ramos later arrived and joined them.

On November 28, 1992, the Belmonte couple left for Cabanatuan City. Dr. Belmonte instructed Lolita Valera, a trusted househelp of his father, to accompany Teresa Hape, their househelper, in the house while they were away. In the evening of November 30, 1992, De Guzman and Mosqueda went to the house of the Belmontes on the pretext of delivering the water tank. In fact, their intention was to inspect the layout of the house. That night, they learned from the househelpers that the Belmonte couple was scheduled to return from Cabanatuan City on December 1, 1992. Dr. Belmonte did return on December 1, 1992, but his wife remained in Cabanatuan City to take care of her sick father.

Of the group, only De Guzman, Mosqueda, Ancheta and Ramos decided to pursue their plan. At around 7:00 in the evening of December 2, 1992, the four proceeded to the house of Dr. Belmonte. They alighted in front of a waiting shed near the said house. As planned, Mosqueda remained outside and acted as the look-out while De Guzman, Ancheta and Ramos went inside. After 45 minutes, the white Kia car of Dr. Belmonte sped out of the gate. Mosqueda hid himself as he was afraid he might be seen. But when he saw it was Ramos who was driving the car with De Guzman and Ancheta seated at the back, he yelled at them, but the three did not hear him. In fact, Ramos, Ancheta and De Guzman were in such a great hurry that Ramos even overshot a curve. In their haste, they left behind Mosqueda.

At around 11:00 o'clock that same evening, Marilyn Serran saw a white Kia car pull up in front of her house in Barangay Batakil, Pozorrubio, Pangasinan. She saw Ramos, at that time a member of the Pozorrubio police force, alight from the car followed by De Guzman. When Serran woke up at 4:00 o'clock the next morning, she saw the same white Kia car still parked in front of her house.

A short while later, Gervasio Serran came and asked Marilyn Serran about the car. Gervasio took a closer look at the car, and saw a book and a kitchen knife inside. Suspecting the car to be carnapped, they reported the matter to the police authorities. The policemen from Pozorrubio, Pangasinan, including accused-appellant Ramos, came to investigate.

The robbery and killing of Dr. Belmonte and Teresa Hape were discovered on December 3, 1992. The body of Dr. Belmonte was found hanging with a scarf covering his mouth and his hands tied behind his back. Likewise, the dead body of Teresa Hape was found, her hands and feet were tied, and a cavan of rice was used to cover her face and shoulder. The cause of death of Dr. Belmonte was determined to be "asphyxia secondary to strangulation by ligature and hanging; neurogenic (traumatic) shock due to gunshot wound and multiple stab wounds at the back."^[5] Likewise, the cause of death of Teresa Hape was "asphyxia secondary to strangulation by ligature; hypovolemic shock secondary to penetrating and perforating wounds of the superior vena cava and right lung due to multiple stab wounds in the right anterior chest wall."^[6]

Several attempts were made by the police to arrest accused-appellant De Guzman but he successfully evaded them. Finally, with the cooperation of his sister Alicia de Guzman, accused-appellant was arrested in Cebu in January 1993. Accused-appellant Ramos, on the other hand, was already a suspect so he was summoned to the PNP Command in Lingayen, Pangasinan on January 20, 1993. Accused-turned-state-witness Mosqueda identified Ramos in a police line-up.

In his defense, accused-appellant De Guzman testified that he last saw Belmonte on December 1, 1992 when he and Paquito Ancheta went to his house and asked him to sign a check for the installation of the water tank. When they arrived at the house of Dr. Belmonte, De Guzman saw Edwin Guadamor and a certain Benny inside drinking coffee. After Dr. Belmonte signed the check, he asked De Guzman and Ancheta to wait for him outside. While outside, they peeped inside the house and saw Edwin and Benny collaring Dr. Belmonte. De Guzman and Ancheta rushed inside to help but Benny hit Ancheta on the leg causing him to fall down. Benny poked a gun at De Guzman. Edwin and Benny then tied the hands of De Guzman, Ancheta, Dr. Belmonte and Hape with electric cords. Dr. Belmonte and Hape were brought inside a room while De Guzman and Ancheta were left near the stairs. Thereafter, Edwin and Benny proceeded to ransack the room. After an hour, Edwin and Benny went out of the room and placed De Guzman and Ancheta at the backseat of a Kia car. Edwin and Benny went back inside the house. Thirty minutes later, Edwin and Benny emerged from the house holding a white bag and a pair of white rubber shoes. Edwin drove the car and when they reached a certain place in the lowlands, they released De Guzman and Ancheta with the instruction not to go back to Baguio City ever. Despite the warning, De Guzman and Ancheta boarded a tricycle and proceeded back to Baguio. De Guzman claimed he only learned of the death of Dr. Belmonte and Hape on December 5, 1992. Anent Mosqueda's testimony against him, De Guzman said that the former had nurtured ill-feelings towards him since he punched him sometime in 1989 or 1990.

Accused-appellant Ramos was a member of the PNP stationed at Pozorrubio, Pangasinan. He denied any knowledge or participation in the crime, and proffered the defense of alibi. He testified that at the time of the commission of the crime, he was in Pozorrubio, Pangasinan. Specifically, from 12:00 o'clock noon of December 2, 1992 up to 8:00 o'clock in the morning of December 3, 1992, he was on duty as building and jail guard in Pozorrubio, Pangasinan. He was not acquainted with De Guzman or Mosqueda. He claimed that he saw Mosqueda for the first time during the police line-up.

The prosecution presented rebuttal evidence. SPO1 Manuel Francisco who testified that he was on duty at the Pozorrubio Police Station from 4:00 o'clock in the afternoon up to 12:00 o'clock midnight of December 2, 1992. He only saw Ramos at around 12:05 in the morning of December 3, 1992 when the latter relieved him from duty. Their turn-over was reflected in the logbook. SPO4 Gloria Torio, administrative officer assigned at Pozorrubio Police Station, testified that Ramos took the weekly detail she posted at the bulletin board of their station and refused to return it to her.

Accused-appellants De Guzman and Ramos filed separate appeals to this Court. But as aforesaid, De Guzman later withdrew his appeal. Thus, this Court has to resolve only the appeal of accused-appellant Ramos. Accused Paquito Ancheta still