

FIRST DIVISION

[G.R. Nos. 110855-56, June 28, 1999]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDWIN CAÑETA Y VILLAPANDO, AND ANTONIO ABES Y GALLEGOS, ACCUSED-APPELLANTS.

D E C I S I O N

PARDO, J.:

What is before the Court on appeal is the decision^[1] of the Regional Trial Court, Manila, Branch 49, convicting accused-appellants of the special complex crime of robbery with homicide and sentencing each of them to *reclusion perpetua*, with the accessory penalties of the law, to pay the heirs of the deceased the amount of P30,000.00, as moral and exemplary damages, and P17,200.00, as actual damages and to return to Muñoz Surpresa Grande P50,000.00.

The prosecution initially filed two separate informations against accused-appellants with the Regional Trial Court, Manila, charging them with the special complex crime of robbery with homicide, as follows:

Criminal Case No. 88-67358

On October 17, 1988, Assistant Prosecutor Jacinto A. Delos Reyes, Jr. of Manila filed with the Regional Trial Court, Branch 49, Manila, an information charging EDWIN CAÑETA Y VILLAPANDO with robbery with homicide, which reads:

"That on or about October 12, 1988, in the City of Manila, Philippines, the said accused, conspiring and confederating with one, whose true name, 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 placing his arms around the shoulder of one TEODORICO MUÑOZ Y BALLESTEROS, poking the bladed weapon at him and then stabbing him with the same when the latter resisted, did then and there willfully, unlawfully and feloniously take, rob and carry away a clutch bag containing cash money in the sum of P50,000.00, belonging to the said Teodorico Muñoz y Ballesteros, against his will, to the damage and prejudice of the said owner in the aforesaid amount of P50,000.00, Philippine Currency.

"That on the occasion of the said robbery and for the purpose of enabling the said accused to take, rob and carry away the cash amount of P50,000.00, the said accused, in pursuance of their conspiracy, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and use personal violence upon the person of said Teodorico Muñoz y Ballesteros, by then and there stabbing him several

times with bladed weapon, hitting him on the vital parts of his body, thereby inflicting upon him fatal and mortal stabwounds which were the direct and immediate cause of his death thereafter.

"Contrary to law."^[2]

Criminal Case No. 88-68270

On November 18, 1988, Assistant Prosecutor Christopher O. Lock of Manila filed with the Regional Trial Court, Branch 28, Manila, an information charging ANTONIO ABES y GALLEG0 with robbery with homicide, which reads:

"That on or about October 12, 1988, in the City of Manila, Philippines, the said accused, conspiring and confederating with EDWIN CAÑETA Y VILLAPANDO who was already charged in a separate information before the Regional Trial Court of Manila in Crim. Case No. 88-67358 and mutually helping each other, with intent to gain and by means of force, violence and intimidation, to wit: by then and there placing his arms around the shoulder of one TEODORICO MUÑOZ Y BALLESTEROS, poking the bladed weapon at him and then stabbing him with the same when the latter resisted, did then and there willfully, unlawfully and feloniously take, rob and carry away a clutch bag containing cash money in the sum of P50,000.00 belonging to the said Teodorico Muñoz y Ballesteros, against his will, to the damage and prejudice of the said owner in the aforesaid amount P50,000.00 Philippine Currency.

"That on the occasion of the said robbery and for the purpose of enabling the said accused to take, rob and carry away the cash amount of P50,000.00 the said accused in pursuance of their conspiracy, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and use personal violence upon the person of said Teodorico Muñoz y Ballesteros, by then and there stabbing him several times with a bladed weapon, hitting him on the vital parts of his body, thereby inflicting upon him fatal and mortal stabwounds which were the direct and immediate cause of his death thereafter.

"Contrary to law."^[3]

Upon arraignment, accused-appellants pleaded not guilty to each of the informations.

Upon agreement of the prosecution and the defense, the two cases were consolidated and tried jointly.

During the trial, counsel of accused Edwin Cañeta moved that he be examined by experts of the National Center for Mental Health to determine whether he was mentally fit to undergo the rigors of trial. The trial court granted the motion and ordered the suspension of trial pending submission by the Director, National Center for Mental Health, of his report.

The evidence established that Teodorico Muñoz was employed as a delivery man of the Muñoz Sorpresa Grande, a firm engaged in the door-to-door delivery of cash

money from Honolulu, Hawaii, U.S.A. to various recipients in the Philippines. In the morning of October 12, 1981, Tedorico Muñoz reported for work and left the office with P50,000.00 in his custody to be delivered to various recipients in Kalookan City and Parañaque, Metro Manila. At around 10:00 in the morning of that day, while Muñoz was in the vicinity of Remigio St. and Rizal Ave. in Sta. Cruz, Manila, two persons held him up, who were later identified as accused-appellants Edwin Cañeta and Antonio Abes. Cañeta stabbed Munoz with a balisong while Abes grabbed the bag containing P50,000.00 cash. Then accused ran in different directions.^[4]

Witness Maria Manalac was at G & M Kitchenette located at the corner of Remigio Street and Avenida Rizal, Manila, on October 12, 1988, at about 10:00 in the morning. When she alighted from her car, she heard at a distance of about ten (10) meters, a man shouting "habulin ninyo, habulin ninyo". She asked the man why and he said that his bag was snatched. She saw blood oozing from all over the front portion of his body. He pointed to a person, who at that time, was fifty (50) meters away, running away towards an alley going out of Tomas Mapua Street, Sta. Cruz, Manila. The person pointed to was wearing a rust-colored t-shirt and was carrying an object which, at that distance, Maria Manalac could not discern. Another person was also running away from the scene. She brought Teodorico Muñoz to the Jose Reyes Memorial Hospital. The surgeon on duty pronounced Teodorico Muñoz dead on arrival at 10:15 in the morning of that day.^[5]

Pfc. Danilo Ongtengco proceeded to the crime scene and found that accused Edwin Cañeta was collared by an irate mob along Tomas Mapua Street near corner T. Remigio, Manila. He was turned over to operatives of the police and a fan knife (balisong) with broken handle.^[6] Edwin Cañeta confessed to stabbing the victim and also stated that Tony Gil was his companion.^[7]

Another prosecution eyewitness Evangeline Mico who was present during the startling occurrence, positively identified accused-appellant Antonio Abes as one of the two (2) assailants of the victim.

Dr. Marcial Ceñido, Medico-legal Officer of the Western Police District, Metropolitan Police Force, conducted an autopsy of the body of Teodorico Muñoz and submitted his findings in a Medico-Legal Report, Exhibit "B". His findings revealed the following:

"EXTERNAL INJURIES AND EXTENSION EXTERNALLY:

"1. Penetrating stab wound, right lower anterior thorax, 7cm. From the anterior midline, measuring 1.5 cm. x 10.5 cm. In depth, directed obliquely backwards, upwards and towards the midline thru the 6th right intercostal space and piercing the right ventricle of the heart;

"2. Non-penetrating stab wound, right lateral thorax above the level of the right nipple, just posterior to the midaxillary line, measuring 2 cm. x 0.6 cm x 6.2 cm. in depth, directed obliquely backwards, downwards and every slightly towards the midline coursing thru the muscle tissue;

"3. Penetrating stab wound, right anterior abdomen about the level of the umbilicus, 9 cm. from the anterior midline, measuring 3.2 cm. x 0.7 cm.