

FIRST DIVISION

[G.R. No. 119332, August 29, 1997]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JACK
SORREL Y VILLAR, ACCUSED-APPELLANT.**

D E C I S I O N

VITUG, J.:

Teofilo Geronimo y Nicolas is a 64-year old businessman engaged in the sale of heavy equipment and spare parts with an office in the JLB building at the corner of Ronquillo and P. Gomez streets, near the Quiapo central area, where he would earn around P20,000.00 a month.^[1] In the morning of 07 November of 1988, while walking along Paterno street on his way to the office, he was held up and shot to death. The bullet hit the posterior region of his head which lacerated his brain and caused abrasions on the right forehead.^[2] The slug, from a .38 caliber gun, was recovered in his cranial cavity. The muzzle of the gun must have been poised only about twenty-four inches from his head.^[3]

Charged with, and later convicted for, the commission of the crime was Jack Sorrel y Villar.

Sorrel now appeals from the decision of the Regional Trial Court ("RTC") of Manila, Branch 28,^[4] finding him guilty beyond reasonable doubt of the special complex crime of robbery with homicide under paragraph 1 of Article 294 of the Revised Penal Code. The trial court has imposed on him the penalty of reclusion perpetua and ordered him to indemnify the heirs of the victim in the amount of P50,000.00 and to reimburse to them the amounts of P40,000.00 taken from the victim and P30,000.00 spent by the family for his wake and cremation.

Sorrel pleaded not guilty to the charge. From the records, the following statement of facts and events could be gathered.

Evidence for the Prosecution. -

Benito de la Cruz, the 34-year old eye-witness for the prosecution, testified that at about ten o'clock in the morning of 07 November 1988, he was just across the Villagrancia Pawnshop in Paterno Street, waiting for the jewelry repair shop of a certain "Mang Roy" to open, when he noticed a man, whom he subsequently identified to be appellant Sorrel, with two other persons just standing ostensibly to while away the time in front of the pawnshop. After a few moments, he saw a man, whom he later found out to be Teofilo Geronimo, passed by. From a distance of approximately four (4) meters, Benito, through a gap between cars, saw appellant suddenly pull out a gun and heard him tell Geronimo, "Ibigay mo na lamang sa akin

ang iyong bag.”^[5] When Geronimo refused, appellant warned, “Akin na, iyang bag mo, kung hindi mo ibibigay sa akin, papatayin kita.”^[6] Geronimo held on to his clutch bag. Then, the sound of gunshot reverberated. Geronimo fell and hit the pavement in front of the Villagrancia Pawnshop. Appellant took the clutch bag and walked away with his two companions “as if nothing (had) happened.”

Soon, people started to gather around the lifeless body of Geronimo. When the police arrived, Benito was among those questioned about the incident. At 11:30 that morning, he executed a sworn statement at the Western Police District (“WPD”) headquarters.^[7] The following day, the picture of the victim lying on his belly appeared in the People’s Journal. A few days later, Benito saw in an issue of the same morning daily the picture of appellant who was so described in the news item as a member of the “Dugo-Dugo” gang. Recognizing appellant to be the man who killed Geronimo, Benito went to Police Station No. 5, along U.N. Avenue, and informed Pat. Nestor Napao-it that the killer of Geronimo was at the Quezon City jail. Brought to the Quezon City jail, Benito identified appellant among those who were behind bars.^[8]

Pat. Napao-it said that he had received the report on the shooting incident through a telephone call from Pat. Ramon de la Cruz of the mobile patrol. After informing their chief, P/Capt. Reynaldo Jaylo, of the report, Pat. Napao-it went to the crime scene with Pat. Habalo. The two police officers found the victim still slumped on the pavement. The victim was identified by a relative. Benito de la Cruz gave an eyewitness account of the incident. The investigators were informed that the victim had just withdrawn some cash from the PCIBank branch near the Quiapo Church.^[9] Pat. Napao-it invited Benito to the police headquarters for a sworn statement. He forwarded his advance information report^[10] to the Follow-up Unit which had received, a few days after the incident, an information that appellant was arrested by the Quezon City police. Benito identified appellant at the Quezon City jail to have been Geronimo’s assailant.^[11]

Cpl. Jesus Faller learned, on 19 November 1988, that Benito had identified Geronimo’s assailant through an item in a morning daily. He accompanied Benito to the Quezon City jail where the latter pointed to appellant who was inside a jail cell with six other detained persons. Pat. Faller went back to the WPD headquarters with Benito to prepare a written request to the Quezon City Police that appellant be “lent” to the Homicide Section of the WPD. There, the police took the additional statement of Benito.^[12]

Allan Bautista went to the WPD headquarters on 13 November 1988. He executed a sworn statement^[13] on 23 November 1988 describing one of the holduppers as “medyo mistiso.” He identified appellant from among the detainees at the WPD headquarters to be the “holdupper” who grabbed the clutch bag of Geronimo. Cpl. Faller likewise prepared a progress report on the case.^[14]

Evidence for the Defense. -

The defense interposed denial and alibi.

Defense witness Manuel Tuason Sajul, 19 years of age, claiming to be the best friend of appellant, testified that appellant was with him at 16 Jackie Kennedy Street corner Road 20, Project 8, Quezon City, at about ten o'clock of 07 November 1988. Appellant had been there with his daughter Jenny since 8:30 in the morning waiting for their balikbayan relative, a certain Ate Alice (Alicia Campos), to arrive. The whole day was spent planning for a family reunion for their Ate Alice who arrived at one o'clock in the afternoon.^[15]

Appellant, 44 years old, said that he was a contractor, likewise engaged in the "buy and sell" of appliances, aside from being a part-time movie actor. At 8:30 in the morning of 07 November 1988, he attended a family reunion in the house of Andres Sajul in No. 16, Jacqueline Street, Project 8, Quezon City. He was arrested, along with his distant relative, Rogelio Sajul, at 8:30 in the morning of 16 November 1988 near the YP Cinema in Sucat, Parañaque, by Patrolmen Actibo, Molina and Balana of the Quezon City Police District. The two were dragged to an "owner-type" vehicle, blindfolded and handcuffed, and brought to a "safehouse" in Quezon City where they were coerced into admitting things they supposedly could not even understand. Appellant was later brought to the WPD headquarters where he was again subjected to various forms of maltreatment after refusing to admit his having killed Geronimo.^[16] Appellant came to know prosecution witness Benito de la Cruz for the first time only when the latter testified against him in court. He did not notice at any time the presence of Benito at the Quezon City jail.

Teresita Bautista Ocampo, a 60-year-old widow,^[17] testified that she knew both Benito, a faith healer and an acquaintance, and appellant whom she got to know through a certain Dado. When Benito saw the witness "going out" with appellant, Benito became jealous of him.^[18]

Appellant's wife, Josefina Dulzo, learned about her husband's arrest on 17 November 1988. Immediately, Josefina went to the police precinct. She saw him with a blackeye and an injured shoulder. Policemen Balajunda, Actibo and Molina told her that if she would be able to come up with P100,000.00, the police would not pursue the case against her husband.

Decision of the Trial Court. -

On 03 October 1994, the trial court rendered its assailed judgment^[19] in Criminal Case No. 88-68508 which concluded:

WHEREFORE, finding the accused, Jack Sorrel, guilty beyond reasonable doubt of the felony of robbery with homicide as defined and penalized under par. 1, Article 294, as amended, of the Revised Penal Code, he is hereby sentenced to suffer the penalty of reclusion perpetua.

"He shall indemnify the heirs of the victim, Teofilo Geronimo, in the sum of P50,000.00 for his life, the sum of P40,000.00, the amount of money taken forcibly from the victim, and the further sum of P30,000.00 as reimbursement for the wake and cremation expenses for the deceased.

The accused shall pay the costs."^[20]