



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

PEOPLE OF THE G.R. No. 212932  
PHILIPPINES,

Plaintiff-Appellee, Present:

- versus -

ARNEL BALUTE y  
VILLANUEVA, Accused-Appellant.

SERENO, C.J., Chairperson,  
LEONARDO-DE CASTRO,  
BERSAMIN,  
PEREZ, and  
PERLAS-BERNABE, JJ.

Promulgated:

JAN 21 2015

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RESOLUTION

**PERLAS-BERNABE, J.:**

Before the Court is an ordinary appeal<sup>1</sup> filed by accused-appellant Arnel Balute y Villanueva (Balute) assailing the Decision<sup>2</sup> dated February 3, 2014 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 05649 which affirmed the Decision<sup>3</sup> dated June 11, 2012 of the Regional Trial Court of Manila, Branch 18 (RTC) in Crim. Case No. 03-211951, finding Balute guilty beyond reasonable doubt of the special complex crime of Robbery with Homicide.

**The Facts**

On November 22, 2002, an Information was filed before the RTC charging Balute of the crime of Robbery with Homicide, defined and

<sup>1</sup> See Notice of Appeal dated February 17, 2014; *rollo*, pp. 30-32.

<sup>2</sup> Id. at 2-29. Penned by Associate Justice Celia C. Librea-Leagogo with Associate Justices Franchito N. Diamante and Zenaida T. Galapate-Laguilles, concurring.

<sup>3</sup> CA *rollo*, pp. 45-64. Penned by Presiding Judge Carolina Icasiano-Sison.

penalized under Article 294 (1)<sup>4</sup> of the Revised Penal Code (RPC), as amended, the accusatory portion of which reads:<sup>5</sup>

**Crim. Case No. 03-211951**

“That on or about March 22, 2002, in the City of Manila, Philippines, the said accused conspiring and confederating together with one whose true name, real 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 poking a gun at one SPO1 RAYMUNDO B. MANAOIS, forcibly grabbing and snatching his Nokia 3210 cellular phone, did then and there wilfully, unlawfully and feloniously take, rob and carry away the same valued at ₱6,000.00 against his will, to the damage and prejudice of the said SPO1 RAYMUNDO B. MANAOIS in the aforesaid amount of ₱6,000.00 Philippine Currency; thereafter shooting said SPO1 RAYMUNDO B. MANAOIS with an unknown caliber firearm, hitting him at the back, and as a result thereof, he sustained mortal gunshot wound which was the direct and immediate cause of his death thereafter.

CONTRARY TO LAW.”

According to the prosecution, at around 8 o'clock in the evening of March 22, 2002, SPO1 Raymundo B. Manaois (SPO1 Manaois) was on board his owner-type jeepney with his wife Cristita and daughter Blesilda, and was traversing Road 10, Tondo, Manila. While the vehicle was on a stop position at a lighted area due to heavy traffic, two (2) male persons, later on identified as Balute and a certain Leo Blaster (Blaster), suddenly appeared on either side of the jeepney, with Balute poking a gun at the side of SPO1 Manaois and saying “*putang ina, ilabas mo!*” Thereafter, Balute grabbed SPO1 Manaois's mobile phone from the latter's chest pocket and shot him at the left side of his torso. SPO1 Manaois reacted by drawing his own firearm and alighting from his vehicle, but he was unable to fire at the assailants as he fell to the ground. He was taken to Mary Johnston Hospital where he died despite undergoing surgical operation and medical intervention.<sup>6</sup>

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<sup>4</sup> Article 294 (1) of the RPC, as specifically amended by Republic Act No. 7659, entitled “AN ACT TO IMPOSE THE DEATH PENALTY ON CERTAIN HEINOUS CRIMES, AMENDING FOR THAT PURPOSE THE REVISED PENAL LAWS, AS AMENDED, OTHER SPECIAL PENAL LAWS, AND FOR OTHER PURPOSES,” reads:

Art. 294. *Robbery with violence against or intimidation of persons; Penalties.* – Any person guilty of robbery with the use of violence against or intimidation of any person shall suffer:

1. The penalty of *reclusion perpetua* to death, when by reason or on occasion of the robbery, the crime of homicide shall have been committed, or when the robbery shall have been accompanied by rape or intentional mutilation or arson.

x x x x

<sup>5</sup> See *rollo*, p. 3.

<sup>6</sup> See *id.* at 4-8.

In his defense, Balute denied having any knowledge of the charges against him. He maintained, *inter alia*, that on March 22, 2002, he was at the shop of a certain Leticia Nicol (Nicol) wherein he worked as a pedicab welder from 8:00 o'clock in the morning until 10:00 o'clock in the evening, and did not notice any untoward incident that day as he was busy working the entire time. Nicol corroborated Balute's story, and imputed liability on Blaster and a certain Intoy.<sup>7</sup>

### **The RTC Ruling**

In a Decision<sup>8</sup> dated June 11, 2012, the RTC found Balute guilty beyond reasonable doubt of the crime of Robbery with Homicide with the aggravating circumstance of treachery, and accordingly, sentenced him to suffer the penalty of *reclusion perpetua*, without eligibility for parole, in lieu of the death penalty, as well as ordered him to pay the heirs of SPO1 Manaois the amounts of ₱50,000.00 as civil indemnity, ₱6,000.00 as compensatory damages for the value of the stolen mobile phone, and ₱50,000.00 as moral damages, with interest at the rate of six percent (6%) per annum (p.a.) from the filing of the Information.<sup>9</sup>

It found that the prosecution was able to establish the existence of all the elements of Robbery with Homicide, as it proved that Balute poked his gun at SPO1 Manaois's side, took his mobile phone, and shot him, resulting in the latter's death. In this relation, the RTC gave credence to Cristita and Blesilda's positive identification of Balute as the assailant, as compared to the latter's mere denial and alibi.<sup>10</sup>

Aggrieved, Balute appealed to the CA.

### **The CA Ruling**

In a Decision<sup>11</sup> dated February 3, 2014, the CA affirmed Balute's conviction with modification in that: (a) the aggravating circumstance of treachery was no longer considered as the prosecution failed to allege the same in the Information;<sup>12</sup> (b) the civil indemnity was increased to ₱75,000.00 in view of existing jurisprudence; (c) the ₱6,000.00 compensatory damages, representing the value of the mobile phone, was deleted in the absence of competent proof of its value, and in lieu thereof, actual damages in the aggregate amount of ₱140,413.53 representing SPO1 Manaois's hospital and funeral expenses was awarded to his heirs; and (d)

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<sup>7</sup> Id. at 9-11.

<sup>8</sup> CA *rollo*, pp. 45-64.

<sup>9</sup> Id. at 63-64.

<sup>10</sup> Id. at 60-63.

<sup>11</sup> *Rollo*, pp. 2-29.

<sup>12</sup> Id. at 26.

all the monetary awards for damages are with interest at the rate of six percent (6%) p.a. from the date of finality of the CA Decision until fully paid.<sup>13</sup>

Hence, the instant appeal.

### **The Issue Before the Court**

The lone issue for the Court's resolution is whether or not the CA correctly upheld Balute's conviction for Robbery with Homicide.

### **The Court's Ruling**

The appeal is bereft of merit.

It must be stressed that in criminal cases, factual findings of the trial court are generally accorded great weight and respect on appeal, especially when such findings are supported by substantial evidence on record. It is only in exceptional circumstances, such as when the trial court overlooked material and relevant matters, that the Court will re-calibrate and evaluate the factual findings of the court below.<sup>14</sup> Guided by the foregoing principle, the Court finds no cogent reason to disturb the RTC's factual findings, as affirmed by the CA.

In *People v. Ibañez*,<sup>15</sup> the Court exhaustively explained that “[a] special complex crime of robbery with homicide takes place when a homicide is committed either by reason, or on the occasion, of the robbery. To sustain a conviction for robbery with homicide, the prosecution must prove the following elements: (1) the taking of personal property belonging to another; (2) with intent to gain; (3) with the use of violence or intimidation against a person; and (4) on the occasion or by reason of the robbery, the crime of homicide, as used in its generic sense, was committed. A conviction requires certitude that the robbery is the main purpose, and [the] objective of the malefactor and the killing is merely incidental to the robbery. The intent to rob must precede the taking of human life but the killing may occur before, during or after the robbery.”<sup>16</sup> Homicide is said to have been committed by reason or on occasion of robbery if, for instance, it was committed: (a) to facilitate the robbery or the escape of the culprit; (b) to preserve the possession by the culprit of the loot; (c) to prevent discovery

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<sup>13</sup> Id. at 26-27.

<sup>14</sup> See *People v. Baraga*, G.R. No. 208761, June 4, 2014, citing *Seguritan v. People*, G.R. No. 172896, April 19, 2010, 618 SCRA 406, 408.

<sup>15</sup> G.R. No. 191752, June 10, 2013, 698 SCRA 161.

<sup>16</sup> Id. at 170, citing *People v. Algarme*, 598 Phil. 423, 446 (2009).

of the commission of the robbery; or (d) to eliminate witnesses in the commission of the crime.<sup>17</sup>

In the instant case, the CA correctly upheld the RTC's finding that the prosecution was able to establish the fact that Balute poked his gun at SPO1 Manaois, took the latter's mobile phone, and thereafter, shot him, resulting in his death despite surgical and medical intervention. This is buttressed by Cristita and Blesilda's positive identification of Balute as the one who committed the crime as opposed to the latter's denial and alibi which was correctly considered by both the RTC and the CA as weak and self-serving, as it is well-settled that "alibi and denial are outweighed by positive identification that is categorical, consistent and untainted by any ill motive on the part of the [eyewitnesses] testifying on the matter."<sup>18</sup> This is especially true when the eyewitnesses are the relatives of the victim – such as Cristita and Blesilda who are the wife and daughter of SPO1 Manaois, respectively – since "[t]he natural interest of witnesses, who are relatives of the victim, in securing the conviction of the guilty would actually deter them from implicating persons other than the true culprits."<sup>19</sup>

In sum, the RTC and the CA correctly convicted Balute of the crime of Robbery with Homicide as defined and penalized under Article 294 (1) of the RPC, as amended. However, the Court deems it appropriate to adjust the award of moral damages from ₱50,000.00 to ₱75,000.00 in order to conform with prevailing jurisprudence.<sup>20</sup> Further, the Court also awards exemplary damages in the amount of ₱30,000.00 in favor of the heirs of SPO1 Manaois due to the highly reprehensible and/or outrageous conduct of Balute in committing the aforesaid crime.<sup>21</sup>

**WHEREFORE**, the instant appeal is **DENIED**. The Decision dated February 3, 2014 of the Court of Appeals in CA-G.R. CR-HC No. 05649 finding accused-appellant Arnel Balute y Villanueva **GUILTY** beyond reasonable doubt of the crime of Robbery with Homicide defined and penalized under Article 294 (1) of the Revised Penal Code, as amended, is hereby **AFFIRMED** with **MODIFICATION** in that he is sentenced to suffer the penalty of *reclusion perpetua*, without eligibility for parole, and is

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<sup>17</sup> Id. at 177, citing *People v. De Leon*, 608 Phil. 701, 718 (2009).

<sup>18</sup> *People v. Rarugal*, G.R. No. 188603, January 16, 2013, 688 SCRA 646, 653, citing *Malana v. People*, 573 Phil. 39, 53 (2008).


<sup>19</sup> *Ilisan v. People*, G.R. No. 179487, November 15, 2010, 634 SCRA 658, 667, citing *People v. Quilang*, 371 Phil. 241, 255 (1999).

<sup>20</sup> *People v. Buyagan*, G.R. No. 187733, February 8, 2012, 665 SCRA 571, 579, citing *People v. Ngano Sugan*, G.R. No. 192789, March 23, 2011, 646 SCRA 406, 413.

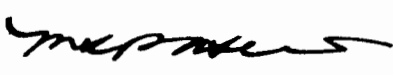
<sup>21</sup> "Clearly, as a general rule, exemplary damages are only imposed in criminal offenses when the crime was committed with one or more aggravating circumstances, be they generic or qualifying. However, there have been instances wherein exemplary damages were awarded despite the lack of an aggravating circumstance. This led the Court to clarify this confusion in *People v. Dalisay*, where it categorically stated that **exemplary damages may be awarded, not only in the presence of an aggravating circumstance, but also where the circumstances of the case show the highly reprehensible or outrageous conduct of the offender x x x.**" (*People v. Combate*, G.R. No. 189301, December 15, 2010, 638 SCRA 797, 813.)

ordered to pay the heirs of SPO1 Raymundo B. Manaois the amounts of ₱75,000.00 as civil indemnity, ₱140,413.53 as actual damages, and ₱75,000.00 as moral damages, and ₱30,000.00 as exemplary damages, all with legal interest at the rate of six percent (6%) per annum from the finality of judgment until full payment.

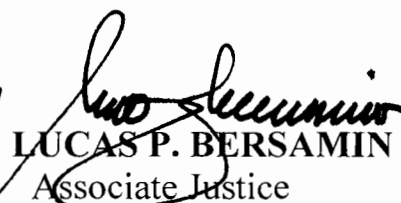
**SO ORDERED.**

  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

**WE CONCUR:**

  
**MARIA LOURDES P. A. SERENO**  
Chief Justice  
Chairperson

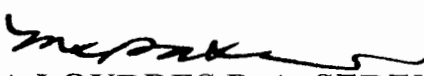
  
**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice

  
**LUCAS P. BERSAMIN**  
Associate Justice

  
**JOSE PORTUGAL PEREZ**  
Associate Justice

### **CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**MARIA LOURDES P. A. SERENO**  
Chief Justice