



Republic of the Philippines  
**Supreme Court**  
 Manila

**FIRST DIVISION**

**THE PEOPLE OF THE PHILIPPINES,**      **G.R. No. 244843**

Plaintiff-Appellee,      Present:

PERALTA, *CJ.*, *Chairperson*,  
 CAGUIOA,  
 LAZARO-JAVIER, and  
 LOPEZ,  
 GAERLAN, *JJ.*

— *versus* —

**RONALD LAGUDA y**  
**RODIBISO a.k.a. "BOKAY,"**  
 Accused-Appellant.

Promulgated:

**OCT 07 2020**

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**D E C I S I O N**

**LOPEZ, J.:**

The existence of conspiracy in the commission of robbery with homicide is the main issue in this appeal assailing the Court of Appeal's (CA) Decision<sup>1</sup> dated January 10, 2018 in CA-G.R. CR HC No. 07969.

**ANTECEDENTS**

On April 19, 2012, at about 9:20 p.m., Herminia Sonon y Bolantes (Herminia) and Marieta Dela Rosa y Apelado (Marieta) were in a jeepney traversing along Dimasalang Road, Sampaloc, Manila. Suddenly, a man boarded the jeepney, wielded an ice pick and declared a hold-up. The man forcibly took Herminia and Marieta's bags containing cash and personal items. Thereafter, the man disembarked from the jeepney and

<sup>1</sup> CA *rollo*, pp. 115-122; penned by Associate Justice Eduardo B. Peralta, Jr., with the concurrence of Associate Justices Ricardo R. Rosario and Maria Elisa Sempio Diy.

proceeded to the driver's seat of a nearby tricycle where three other men were waiting. The man then started to drive the tricycle away. One of the three men pointed a gun at the jeepney and said "[a]no, hindi pa kayo aalis?" The passengers alighted from the jeepney and shouted for help.<sup>2</sup> PO2 Joel Magno y Rivera (PO2 Magno) and Carlo Mijares y Zamora (Carlo) heard the pleas and approached the jeepney. Immediately, the man drove the tricycle back to the scene and one of his companions shot PO2 Magno in the forehead causing his death.<sup>3</sup> The four robbers fled the scene.<sup>4</sup>

In a follow-up investigation, the Manila Police District received an information that one of the suspects was seen at Blumentritt Street, Sampaloc, Manila.<sup>5</sup> The authorities went to the target area and the informant pointed to one of the men sitting on the street who was identified as Ronald Laguda y Robidiso @ "Bokay" (Ronald).<sup>6</sup> The police arrested Ronald. At the station, Herminia and Marieta confirmed that Ronald was the one who wielded an ice pick and robbed them.<sup>7</sup> Also, Carlo identified Ronald as the companion of the person who shot PO2 Magno.<sup>8</sup> Accordingly, Ronald was charged with the complex crime of robbery with homicide before the Regional Trial Court (RTC), to wit:

That on or about April 19, 2012, in the City of Manila, Philippines, the said accused, conspiring and confederating with others, whose true names, real identities and present whereabouts are still unknown and helping one another, did then and there willfully, unlawfully and feloniously, with intent to gain and by means of force, violence and intimidation upon the person of HERMINIA SONON y BOLANTES and MARIETA DELA ROSA y APELADO, by then and there boarding a passenger jeepney, which was travelling at the corner of Marzan and Dimasalang Streets, Sampaloc, this City, announcing a hold-up at knifepoint and poking a gun upon them, and divesting from the latter the following:

<sup>2</sup> *Rollo*, pp. 7 and 15.

<sup>3</sup> *Id.* at 33-34; Records, pp. 251 and 253. As per Medico-Legal Report No. A12-292, Dr. Shanne Lore Dettabali concluded that PO2 Magno died of a "gunshot wound, head (face)." *Id.* at 253. The report reads in part: EVIDENCE OF INJURIES: x x x 2. Gunshot wound, circular, point of entry at the left eyebrow region, measuring 1 x 1 cm, 3 cm from the anterior, 11 cm from the vertex with a contusion collar located uniformly measuring 0.3 cm, directed posteriorly, lacerating the scalp and causing scalp hematoma, creating a hole in the frontal bone, causing subdural hematoma, lacerating the dura, the left frontal, temporal, occipital lobes of the brain, brain stem cerebellum. No singeing of hair. No soot. No tattooing. *Id.*

<sup>4</sup> *Rollo*, p. 17.

<sup>5</sup> Records, p. 25.

<sup>6</sup> *Id.* See also TSN, December 11, 2013, pp. 3-8.

<sup>7</sup> *Id.* at 11; TSN, February 26, 2014, pp. 3-17.

<sup>8</sup> *Id.* at 19; TSN, November 26, 2014, pp. 3-8.

From HERMINIA SONON y BOLANTES:

P4,000.00 cash  
Nokia 7210-P7,000.00  
ATM Card Veterans Bank  
GSIS Card, PS-Bank, Avon Card  
Blue Book  
Reading glass and assorted important documents

From MARIETA DELA ROSA y APELADO:

Two (2) cellular phones, Galaxy Y and Nokia 1280 worth  
P500.00 more or less  
Two (2) BDO cheques  
P800.00 cash and  
Assorted personal belongings

or all in the total amount of P12,300.00, belonging to HERMINIA SONON y BOLANTES and MARIETA DELA ROSA y APELADO against their will, and that on the occasion or by reason of said the [*sic*] robbery, the said accused, in pursuance of their conspiracy, with intent to kill, with the qualifying circumstances of abuse of superior strength and treachery, upon one PO2 JOEL MAGNO, by then and there shooting the latter with a caliber .38, thereby inflicting upon him mortal gunshot wound, which was the direct and immediate cause of his death thereafter.

Contrary to law.<sup>9</sup>

Ronald pleaded not guilty.<sup>10</sup> At the trial, Ronald denied the accusation and claimed that on the night of April 19, 2012, he accompanied his common-law wife to her workplace and stayed at a computer shop until 3:00 a.m. the following day.<sup>11</sup>

On November 16, 2015, the RTC convicted Ronald of the crime charged. It held that Ronald forcibly took personal properties from Herminia and Marieta and that he conspired in killing PO2 Magno,<sup>12</sup> thus:

<sup>9</sup> *Id.* at 1.

<sup>10</sup> *Id.* at 53.

<sup>11</sup> TSN, June 3, 2015, pp. 3-5.

<sup>12</sup> Records, pp. 307-316; penned by Presiding Judge Maria Paz R. Reyes-Yson.

WHEREFORE, all premises considered, accused Ronald Laguda y Rodibiso is hereby found guilty beyond reasonable doubt of robbery with homicide and is sentenced to suffer the penalty of *reclusion perpetua* and to indemnify the heirs of PO2 Joel Magno the amounts of Fifty Thousand Pesos (₱50,000.00) as civil indemnity, Fifty Thousand Pesos (₱50,000.00) as moral damages, Thirty Thousand Pesos (₱30,000.00) as exemplary damages and Fifty Four Thousand Pesos (₱54,000.00) as actual damages and the amount of Four Million Thirty Two Thousand Pesos and Ninety Nine Centavos (₱4,032,000.99) as damages for lost income plus legal interest on all damages awarded at the rate of 6% from the date of the finality of this decision.

Furnish the Public Prosecutor, the heirs of PO2 Joel Magno represented by Mary Ann Magno, the accused and his counsel copies of this decision.

SO ORDERED.<sup>13</sup>

Ronald elevated the case to the CA docketed as CA-G.R. CR HC No. 07969. Ronald questioned his warrantless arrest and maintained that he did not conspire in killing the responding police officer. Ronald explained that he drove the tricycle away from the scene after the hold-up. For unknown reason, they turned around and his companion shot PO2 Magno. Lastly, Ronald invoked the ruling in *People v. Illescas*,<sup>14</sup> where the driver's participation was only that of an accomplice.<sup>15</sup> In contrast, the Office of the Solicitor General argued that Ronald can no longer assail the validity of arrest after his arraignment. Moreover, Ronald is liable as a principal and not an accomplice. It was Ronald who drove the tricycle and purposely turned around to give his cohort a chance to shoot PO2 Magno.<sup>16</sup>

On January 10, 2018, the CA affirmed the RTC's findings that Ronald conspired with his companions in perpetrating the crime of robbery with homicide,<sup>17</sup> to wit:

Prosecution witnesses testified that appellant, armed with an icepick [*sic*], robbed the jeepney passengers of their belongings while his gun wielding companion served as guard outside the jeepney and their two (2) other cohorts guarded the getaway vehicle. Appellant brought the loot to the getaway vehicle while their gun toting companion threatened the jeepney driver to drive away. Thereafter, when PO2 Magno came

<sup>13</sup> *Id.* at 315-316.

<sup>14</sup> 396 Phil. 200 (2000).

<sup>15</sup> *CA rollo*, pp. 52-67, Brief for the Accused-Appellant.

<sup>16</sup> *Id.* at 82-95, Appellee's Brief.

<sup>17</sup> *Supra* note 1.

to the rescue, appellant, who sat on the driver's seat of the tricycle, maneuvered the vehicle in order to enable his gun-wielding companion to have a clear shot of PO2 Magno who could have impeded their escape.

Under the given facts, the appellant assisted his gun-wielding companion to have a vantage point of PO2 Magno to facilitate their escape and to preserve their possession of the stolen items. Clearly, the appellant and his companions acted in concert to attain a common criminal purpose.

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WHEREFORE, premises considered, the APPEAL is DENIED for lack of merit.

SO ORDERED.<sup>18</sup>

Hence, this appeal.<sup>19</sup> Ronald insists on the illegality of his arrest, the absence of conspiracy, the failure to prove the elements of the special complex crime, and the credibility of the prosecution witnesses. Ronald also claims that the CA and the RTC erred in not giving credit to his defenses of denial and alibi.<sup>20</sup>

### RULING

The appeal is unmeritorious.

Robbery with homicide is a composite crime with its own definition and special penalty. Apropos is Article (Art.) 294, paragraph 1 of the Revised Penal Code (RPC), viz.:

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[.]

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<sup>18</sup> *Supra* at 120-122.

<sup>19</sup> *CA rollo*, pp. 127-129.

<sup>20</sup> *Rollo*, pp. 25-27. In his Manifestation, Laguda dispensed with the filing of his Supplemental Brief and adopts the Appellant's Brief filed before the CA as his Supplemental Brief. See also *CA rollo*, pp. 52-53.

In this kind of crime, the offender's original intent is to commit robbery and the homicide must only be incidental. The killing may occur before, during, or even after the robbery.<sup>21</sup> It is only the result obtained, without reference or distinction as to the circumstances, causes, modes or persons intervening in the commission of the crime, that has to be taken into consideration.<sup>22</sup> It is immaterial that the death would supervene by mere accident; or that the victim of homicide is other than the victim of robbery, or that two or more persons are killed or that aside from the homicide, rape, intentional mutilation, or usurpation of authority, is committed by reason or, on the occasion of the crime. It is also of no moment that the victim of homicide is one of the robbers. The word "homicide" is used in its generic sense and includes murder, parricide, and infanticide.<sup>23</sup> As such, the crime is robbery with homicide when the killing was committed to facilitate the taking of the property, or the escape of the culprit, to preserve the possession of the loot, to prevent the discovery of robbery, or, to eliminate witnesses in the commission of the crime.<sup>24</sup> Specifically, the special complex crime of robbery with homicide has the following elements, to wit:

1. the taking of personal property with the use of violence or intimidation against the person;
2. the property taken belongs to another;
3. the taking is characterized by intent to gain or *animus lucrandi*; and,
4. on the occasion of the robbery or by reason thereof the crime of homicide was committed.<sup>25</sup>

All the elements are present in this case. Herminia and Marieta were certain that it was Ronald who boarded the jeepney, wielded an ice pick and declared a hold-up. They also narrated how Ronald forcibly divested them of their personal belongings. Thereafter, Ronald alighted from the jeepney and drove the tricycle where his three companions were waiting.<sup>26</sup> Evidently, the taking was with intent to gain and was accomplished with intimidation against persons. Also, Carlo recounted that he was talking with PO2 Magno when they heard someone shouting "[t]ulong, may hold-up." They approached the scene and it was then that Ronald maneuvered the tricycle

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<sup>21</sup> *People v. Mancao*, G.R. No. 228951, July 17, 2019, citing *People v. Ngano Sugan*, 661 Phil. 749, 754 (2011). See also *People v. Palema*, G.R. No. 228000, July 10, 2019, citing *People v. De Jesus*, 473 Phil. 405, 427 (2004).

<sup>22</sup> *People v. Mangulabnan*, 99 Phil. 992, 999 (1956).

<sup>23</sup> *People v. Ebet*, 649 Phil. 181, 189 (2010).

<sup>24</sup> *People v. Ibanez*, 718 Phil. 370 (2013), citing *People v. De Leon*, 608 Phil. 701, 718 (2009).

<sup>25</sup> *People v. Madrelejos*, 828 Phil. 732, 737 (2018), citing *People v. Obedo*, 451 Phil. 529, 538 (2003).

<sup>26</sup> TSN, February 26, 2014, pp. 3-9.

and his companion shot PO2 Magno in the head.<sup>27</sup> Verily, Ronald's primary objective was to rob the jeepney passengers. The killing of PO2 Magno was only incidental to prevent the apprehension of the robbers and facilitate their escape.

On this point, we stress that the CA and the RTC's assessment on the credibility of the prosecution witnesses and the veracity of their testimonies are given the highest degree of respect,<sup>28</sup> especially if there is no fact or circumstance of weight or substance that was overlooked, misunderstood or misapplied, which could affect the result of the case.<sup>29</sup> To be sure, the prosecution witnesses vividly recalled the incident and harbored no ill motive to falsely testify against Ronald.<sup>30</sup> Corollarily, Ronald's uncorroborated denial and alibi cannot prevail over the positive declarations of the prosecution witnesses. These negative defenses are self-serving and undeserving of weight in law absent clear and convincing proof.<sup>31</sup> Notably, Ronald did not adduce evidence that he was somewhere else when the crime was committed and that it was physically impossible for him to be present at the crime scene or its immediate vicinity at the time of its commission.<sup>32</sup>

At any rate, Ronald abandoned his alibi. On appeal, Ronald admitted driving the tricycle and claimed that he is only liable as an accomplice. We do not agree. Roland's reliance in *Illescas* is misplaced. In that case, the accused-appellant's participation in the crime was limited to driving the motorcycle in the company of his co-accused immediately before and after the shooting incident. The acts of the accused-appellant, *vis-à-vis* those of his co-accused failed to establish the presence of conspiracy. Quite the contrary, Ronald's participation here was not only to drive the getaway vehicle. As discussed earlier, Ronald was the person who robbed the passengers. Also, he played a crucial role in the homicide when he drove the tricycle back to the crime scene to give his companion a better vantage point to shoot PO2 Magno. If he had no intention to harm the policeman, Ronald could have continued to drive away from the scene. More importantly, the CA and the RTC properly appreciated the existence of conspiracy.

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<sup>27</sup> TSN, November 26, 2014, pp. 4-8.

<sup>28</sup> *People v. Matignas*, 428 Phil. 834, 868-869 (2002), citing *People v. Basquez*, 418 Phil. 426, 439 (2001); *People v. Jaberto*, 366 Phil. 556, 566 (1999); *People v. Deleverio*, 352 Phil. 382, 401 (1998).

<sup>29</sup> *People v. Orosco*, 757 Phil. 299, 310 (2015), citing *People v. De Leon*, 608 Phil. 701, 721 (2009).

<sup>30</sup> *People v. Togahan*, 551 Phil. 997, 1013-1014 (2007).

<sup>31</sup> *People v. Togahan*, 551 Phil. 997, 1013-1014 (2007).

<sup>32</sup> *People v. Espina*, 383 Phil. 656, 668 (2000), citing *People v. Francisco*, 373 Phil. 733, 747 (1999); *People v. Baniel*, 341 Phil. 471, 481 (1997); *People v. Patawaran*, 340 Phil. 259, 266 (1997); *People v. Henson*, 337 Phil. 318, 324 (1997).



There is conspiracy when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.<sup>33</sup> Proof of the actual agreement to commit the crime need not be direct because conspiracy may be implied or inferred from their acts.<sup>34</sup> Further, to be a conspirator, one need not have to participate in every detail of the execution; neither did he have to know the exact part performed by his co-conspirator in the execution of the criminal acts.<sup>35</sup> In this case, the implied conspiracy between Ronald and his three companions is evident from the mode and manner in which they perpetrated the crime.

*First*, Ronald and the three other men were shown to have acted in concert not only in going together at the crime scene but also in purposely following the jeepney. It was Ronald who robbed the passengers while his companions stood guard outside. Likewise, Ronald was armed with an ice pick and his cohort carried a gun who pointed it at the jeepney. *Second*, the spontaneity of the attack and the simultaneous actions of Ronald and his companions show that they had one objective in mind – to commit robbery. *Third*, as soon as they achieved their common purpose, Ronald fled together with the three other men.<sup>36</sup> *Fourth*, Ronald maneuvered the tricycle around so that his companion can shoot the police officer to ensure their escape. *Fifth*, Ronald did nothing after the incident. Ronald did not alert the authorities about the crime which behavior certainly does not speak of innocence. Further, Ronald's presence at the crime scene with his companions is not a mere coincidence or a casual and unintended meeting.<sup>37</sup> Ostensibly, they were there for a common purpose. All these acts point to the conclusion that Ronald and the three other men are co-principals who conspired to commit the crime.

Lastly, it is too late for Ronald to question the legality of his warrantless arrest in view of his arraignment<sup>38</sup> and active participation at the trial. Neither did he move to quash the information, hence, any supposed defect in his arrest was deemed waived.<sup>39</sup> It is settled that the legality of an arrest affects only the jurisdiction of the court over the person of the accused. Any objection must be made before the accused enters his plea.

<sup>33</sup> REVISED PENAL CODE, Art. 8, par. 2. See also *Aradillos v. CA*, 464 Phil. 650, 668 (2004); and *People v. Bucol*, 160 Phil. 897, 904 (1975).

<sup>34</sup> *People v. Cabrera*, 311 Phil. 33, 40-41 (1995). See also *People v. Monadi*, 97 Phil. 575, 584 (1955); *People v. Yu*, 170 Phil. 402, 413-414 (1977); *People v. Binasing*, 98 Phil. 902, 908 (1956); *People v. San Luis*, 86 Phil. 485, 497-498 (1950); *People v. Malilay*, 159-A Phil. 10, 20 (1975); *People v. Cruz*, 114 Phil. 1055, 1061-1062 (1962); *People v. Molleda*, 176 Phil. 297, 333 (1978).

<sup>35</sup> *People v. De Jesus*, 473 Phil. 405, 429 (2004). See also *People v. Masagnay*, 475 Phil. 525, 535-536 (2004); and *People v. Geronimo*, 153 Phil. 1, 14-15 (1973).

<sup>36</sup> *People v. Cruza*, 307 Phil. 423, 429 (1994), where the Supreme Court held that togetherness in the escape of the malefactors is proof of conspiracy. See also *People v. Monadi*, 97 Phil. 575, 584 (1955).

<sup>37</sup> *People v. Landicho*, G.R. No. 116600, July 3, 1996, 258 SCRA 1, 31; *People v. Vda. De Quijano*, 292-A Phil. 157, 164 (1993); *People v. Berroya* 347 Phil. 410, 431 (1997).

<sup>38</sup> *People vs. Tumaneng*, 347 Phil. 56, 74-75 (1997); and *People vs. Mahusay*, 346 Phil. 762, 769 (1997).

<sup>39</sup> *Dolera v. People*, 614 Phil. 655, 665-666 (2009), citing *People v. Timon*, 346 Phil. 572, 593 (1997); and *People v. Nazareno*, 329 Phil. 16, 22 (1996).

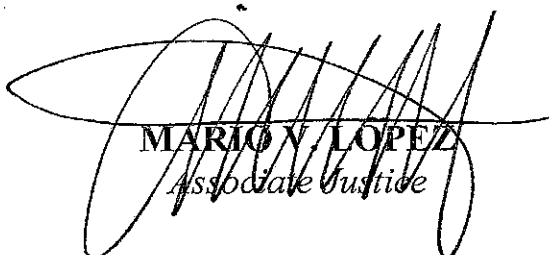


Otherwise, the defect is deemed cured.<sup>40</sup> In *People v. Torres*,<sup>41</sup> *Lapi v. People*,<sup>42</sup> and *Dacanay v. People*,<sup>43</sup> the accused were precluded from questioning the legality of their arrest for failure to timely object before arraignment.

To conclude, the crime of robbery with homicide carries the penalty of *reclusion perpetua* to death. Absent any aggravating circumstance, the CA and the RTC correctly imposed the penalty of *reclusion perpetua* in accordance with Art. 63<sup>44</sup> of the RPC. In line with current jurisprudence, we deem it proper to increase the amount of civil indemnity, moral damages, and exemplary damages to ₱75,000.00 each.<sup>45</sup>

**FOR THESE REASONS**, the appeal is **DISMISSED**. The Court of Appeal's Decision dated January 10, 2018 in CA-G.R. CR HC No. 07969 is **AFFIRMED** with **MODIFICATIONS**. The accused-appellant Ronald Laguda y Rodibiso a.k.a. "Bokay" is found **GUILTY** of robbery with homicide, and is sentenced to suffer the penalty of *reclusion perpetua*. The accused-appellant is also **DIRECTED** to pay the heirs of PO2 Joel Magno y Rivera the amounts of ₱75,000.00 as civil indemnity, ₱54,000.00 as actual damages, ₱4,032,000.99 for loss of earning capacity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages, all with legal interest at the rate of six percent (6%) *per annum* from the finality of judgment until full payment.<sup>46</sup>

**SO ORDERED.**



MARIO V. LOPEZ  
Associate Justice

<sup>40</sup> *People v. Alunday*, 586 Phil. 120, 133 (2008).

<sup>41</sup> G.R. No. 241012, August 28, 2019. In this case, the accused was precluded from questioning legality of his arrest considering that he pleaded not guilty to the charge *sans* any objection surrounding his arrest or motion to quash the information on the ground of lack of jurisdiction.

<sup>42</sup> G.R. No. 210731, February 13, 2019. In this case, the right of the accused to challenge the validity of his arrest was also deemed waived when the accused, assisted by counsel, failed to object before arraignment, and belatedly raised the issue of irregularity of the arrest only during the appeal to this Court.

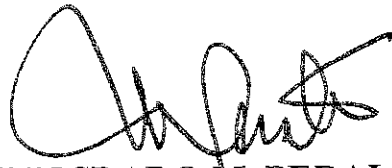
<sup>43</sup> 818 Phil. 885, 910 (2017). In this case, the accused was deemed to have voluntarily submitted himself to the jurisdiction of the trial court and waived any objection to his arrest because he failed to raise any objection before entering a plea of not guilty and later, actively participated in the proceedings before the trial court.

<sup>44</sup> ART. 63. *Rules for the application of indivisible penalties.* -- In all cases in which the law prescribes a single indivisible penalty, it shall be applied by the courts regardless of any mitigating or aggravating circumstances that may have attended the commission of the deed.

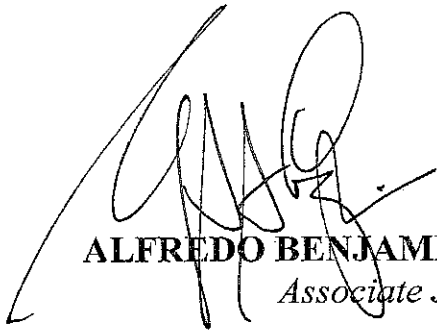
<sup>45</sup> *People v. Jugueta*, 783 Phil. 806, 849 (2016).

<sup>46</sup> *Nacar v. Gallery Frames*, 716 Phil. 267, 283 (2013).

**WE CONCUR:**




**DIOSDADO M. PERALTA**  
*Chief Justice*  
*Chairperson*



**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*



**AMY C. LAZARO-JAVIER**  
*Associate Justice*



**SAMUEL H. GAERLAN**  
*Associate Justice*

**CERTIFICATION**

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



**DIOSDADO M. PERALTA**  
*Chief Justice*