Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee,	**G.R. No. 252859**
	Present:
-versus-	LEONEN, *J., Chairperson,* LAZARO-JAVIER, LOPEZ, M., LOPEZ, J., and KHO, JR., *JJ.*
RONNIE RALLA y BULAQUIÑA,[1] Accused-Appellant.	**Promulgated:** MAR 15 2023

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DECISION

LEONEN, *J.*:

Felonies committed by reason or on occasion of the robbery are integrated into one and indivisible felony, the special complex crime of robbery with homicide. "Homicide," used in its generic sense, absorbs the felonies committed by reason or on occasion of the robbery, regardless of who and how many the victims are.[2]

This Court resolves a Notice of Appeal[3] assailing the Decision[4] of the Court of Appeals, which affirmed with modifications the Regional Trial

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1 Bulaquiña is sometimes spelled in the *rollo* as "Blaquina" or "Balaquina."

2 *People v. De Jesus*, 473 Phil. 405, 427 (2004) [Per Curiam, *En Banc*].

3 *Rollo*, pp. 22–23.

4 Id. at 3–21. The October 8, 2019 Decision in CA-G.R. CR-HC No. 10417 was penned by Associate Justice Victoria Isabel A. Paredes, and concurred in by Associate Justices Ramon R. Garcia and Tita Marilyn B. Payoyo-Villordon of the Eighth Division, Court of Appeals, Manila.

Court Joint Decision[5] convicting Ronnie Ralla y Bulaquiña (Ralla) of attempted homicide, attempted murder, frustrated murder, and robbery with homicide.

Two Informations for frustrated murder, one for attempted murder, and one for robbery with homicide were filed against Ralla. They read:

Criminal Case No. 1073-V-17
(Frustrated Murder)

That on or about May 24, 2017, in Valenzuela City, and within the jurisdiction of this Honorable Court, the above-named accused, without any justifiable cause and with deliberate intent to kill, and qualified with treachery, did then and there willfully, unlawfully and feloniously strike with a hammer the victim AAA, 17 years old (DOB: [redacted]), hitting her head twice, while said complainant was not in a position to defend herself, the attack being so sudden, thus performing all the acts of execution, which would constitute the crime of Murder as a consequence, but which nevertheless, did not produce it by reason or causes independent of the will of the herein accused, that is, due to the efficient medical attention rendered to the victim at the Fatima University Medical Center.

CONTRARY TO LAW.[6]

Criminal Case No. 1074-V-17
(Frustrated Murder)

That on or about May 24, 2017, in Valenzuela City, and within the jurisdiction of this Honorable Court, the above-named accused, without any justifiable cause and with deliberate intent to kill, and qualified with treachery, did then and there willfully, unlawfully and feloniously strike with a hammer the victim JESUSA REYES HERRERA, hitting her head, while said complainant was sleeping thus, was not in the position to defend herself, the attack being so sudden, thus performing all the acts of execution which would constitute the crime of Murder as a consequence, but which nevertheless, did not produce it by reason or causes independent of the will of the herein accused, that is, due to the efficient medical attention rendered to the victim at the Fatima University Medical Center.

CONTRARY TO LAW.[7]

Criminal Case No. 1075-V-17
(Robbery with Homicide)

That on or about May 24, 2017, in Valenzuela City, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to gain by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously take, rob and carry away with him the following:

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5 CA *rollo*, pp. 56–67. The November 17, 2017 Joint Decision in Criminal Case Nos. 1073-V-17, 1074-V-17, 1075-V-17, and 1076-V-17 was penned by Judge Nancy Rivas-Palmones of Branch 172, Regional Trial Court, Valenzuela City.

6 Id. at 56.

7 Id.

1. one (1) Philippine passport marked as RBR-3;
2. one (1) transparent plastic bag marked as RBR-4;
3. identification card of victim Simeon Herrera marked as RBR-4A;
4. HSBC ATM card marked as RBR-4B;
5. BPI Credit card marked as RBR-4C;
6. Electroworld card marked as RBR-4D;
7. CITI reward card marked as RBR-4E;
8. Eastwest ATM card marked as RBR-4F;
9. Metrobank card marked as RBR-4-G;
10. RCBC Bank card marked as RBR-4H;
11. Eastwest ATM card marked as RRB-4I;
12. BDO Shopmore card marked as RBR-4J;
13. Maybank ATM card marked as RBR-4K;
14. Eastwest card marked as RBR-4L;
15. RCBC Bank card marked as RBR-4M;
16. Maybank ATM card marked as RBR-4N;
17. Union bank card marked as RBR-4O;
18. Union bank card marked as RBR-4P;
19. Super 8 reward card marked as RBR-4Q;
20. PNB Account No. card marked as RBR-4R;
21. PNB ATM card marked as RBR-4S;
22. PNB card marked as RBR-4T;
23. Toyota card marked as RBR-4U;
24. Lucky Grocers Reward card marked as RBR-4V;
25. one (1) unit color black Nokia cellphone marked as RBR-5;
26. one (1) unit color blue Nokia cellphone marked as RBR-6;
27. one (1) unit color black Samsung cellphone marked as RBR-7;
28. one (1) unit color blue Nokia cellphone marked RBR-8;
29. one (1) unit color blue/black cellphone marked RBR-9;
30. identification card of victim AAA marked as RBR-10;
31. one (1) Samsung charger marked as RBR-11;
32. one thousand (1,000) and one hundred (100) pesos [sic] bills marked as RBR-12; and
33. cash amounting to Php384.00 in different denominations marked as RBR-15

all belonging to victim-complainant SIMEON FAUSTINO HERRERA, and on the said occasion, said accused, hit him on his head with a hammer, thereby inflicting upon the latter serious physical injuries, which subsequently caused his death.

CONTRARY TO LAW.[8]

Criminal Case No. 1076-V-17
(Attempted Murder)

That on or about May 24, 2017, in Valenzuela City, and within the jurisdiction of this Honorable Court, the above-named accused with intent to kill, using treachery, did then and there willfully, unlawfully and feloniously hit the head and hands of victim JOSEFINA DELA CRUZ REYES with a hammer while the latter was sleeping, thus commencing directly by overt acts the commission of the crime of Murder, but did not perform all the acts of execution which would have produced the felony as

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[8] Id. at 57.

a consequence, by reason or causes other than his own spontaneous desistance, that is the victim's injuries were insufficient to cause her death.

CONTRARY TO LAW.[9]

On arraignment, Ralla pleaded not guilty to the crimes charged. Joint trial then ensued.[10]

The prosecution presented as witnesses Ma. Katrina R. Herrera (Katrina), Jesusa Herrera (Jesusa), Armando Reyes (Armando), Josefina Reyes (Josefina), Glen Samuel Capacite (Glen), SPO1 Edwin Mapula (SPO1 Mapula), and Dr. Antonio Rebosa (Dr. Rebosa).[11]

Based on the seven witnesses' testimonies, the prosecution established during trial that, at the time of the incident on May 24, 2017, Ralla had been a stay-in employee for a month and a half at the beverage store owned by Simeon Faustino Herrera (Simeon) and his spouse Jesusa.[12]

Katrina, the spouses' then 17-year-old daughter, was still awake when the incident happened at around 2:30 a.m. that day, while the rest of her family were fast asleep. She was caught by surprise when, suddenly, Ralla entered her bedroom with a hammer and ordered her to go downstairs. When she refused, Ralla dragged her by her left arm. Katrina "began humming loudly to wake her family up[,]"[13] prompting Ralla to hit her thrice in the head with the hammer. He left her lying on the floor, numb and dizzy, and came for the rest of her family who were still sleeping: Jesusa and her siblings Josefina, Armando, and John.[14]

Moments later, Katrina heard her mother scream. Ralla had also hit Jesusa, who jolted awake and at once felt blood oozing from her head. She cried for help, rousing her siblings from sleep. Armando and John, upon seeing what was happening, jumped at Ralla and wrestled with him for the hammer. Josefina, also awakened by the commotion, helped in subduing Ralla, even as her head and hand bled from a strike Ralla had apparently given her while she was asleep. She recognized the hammer, which was usually placed in the store where she worked as a cashier.[15]

As the struggle continued, one yelled for Katrina to call for her father. She found Simeon lying on the floor downstairs, "as if asleep but his head was smashed and oozing blood."[16]

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9 Id.
10 Id. at 58.
11 *Rollo*, pp. 3–7.
12 Id. at 3–4, 16.
13 Id. at 4.
14 Id.
15 Id. at 4–5.
16 Id. at 4.

When the siblings finally restrained Ralla, Armando asked for his neighbor Glen, who had come to the house after hearing the commotion, to watch over Ralla while he brought Simeon to the Fatima Medical Center. Katrina, Jesusa, and Josefina also went to the hospital for treatment.[17]

Alas, Simeon died the following day. Dr. Rebosa, who attended to the four victims, found that Simeon had an open wound on the front right side of his head and a depressed open fracture on the back of his head, which he surmised as something probably caused by the hammer's forceful contact. The injuries caused bleeding inside Simeon's brain, leading to his death. Jesusa sustained a depressed open fracture deformity on her head, which could have caused her death if not for prompt medical intervention. Katrina sustained multiple lacerated wounds at the temporal, frontal, and occipital areas of her head, requiring stitches to avoid infection. Josefina sustained a contusion and a hematoma on the back of her head and a fracture deformity on the third and fourth digits of her left hand.[18]

The police accosted Ralla and recovered from his sleeping space a belt bag that contained some of the Herreras' things. They also recovered a crowbar, which Ralla had used to destroy the Herreras' cash register.[19]

The defense presented Ralla as its sole witness. Denying the charges against him, he claimed that at around 2:00 a.m. on May 24, 2017, he arrived at the Herreras' residence after playing billiards. He saw Arnold and an unidentified man, who hit him on his thigh. Ralla struggled for a while, but a hit on his head knocked him out. When he woke up, police officers helped him stand and brought him to the hospital. He was later brought to the police station, and there learned that he was being charged as the assailant of what happened to the Herreras.[20]

After the trial, the Regional Trial Court rendered its November 17, 2017 Joint Decision[21] finding Ralla guilty beyond reasonable doubt of attempted homicide, frustrated murder, attempted murder, and robbery with homicide. The dispositive portion of the ruling reads:

> WHEREFORE, the court finds the accused RONNIE RALLA y BULAQUIÑA guilty beyond reasonable doubt as principal of the crimes of ATTEMPTED HOMICIDE in Crim. Case No. 1073-V-17, FRUSTRATED MURDER in Crim. Case No. 1074-V-17, ROBBERY WITH HOMICIDE in Crim. Case No. 1075-V-17 and ATTEMPTED MURDER in Crim. Case No. 1076-V-17, and in the absence of any

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17 Id. at 5–6.
18 Id. at 6–7.
19 Id. at 5–6.
20 Id. at 7–8.
21 CA *rollo*, pp. 56–67.

mitigating and aggravating circumstance, he is hereby sentenced as follows:

1. In Crim. Case No. 1073-V-17, the accused is hereby sentenced to suffer the penalty of imprisonment of four (4) months of *arresto mayor* medium as minimum to four (4) years and two (2) months of *prision correccional* medium as maximum and ordered to pay AAA the amount of P20,000.00 as moral damages, which shall bear interest at six percent (6%) per annum from the finality of the decision until fully paid;

2. In Crim. Case No. 1074-V-17, the accused is hereby sentenced to suffer the penalty of imprisonment of eight (8) years and one (1) day of *prision mayor* as minimum to fourteen (14) years, eight (8) months and one (1) day of *reclusion temporal* in it[s] medium period as maximum, and to pay Jesusa Reyes Herrera the amount[s] of P50,000.00 as civil indemnity, P50,000.00 as moral damages, and P50,000.00 as exemplary damages which shall all bear interest at six percent (6%) per annum from the finality of the decision until fully paid;

3. In Crim. Case No. 1075-V-17, the accused is hereby sentenced to suffer the penalty of *reclusion perpetua* and to pay the heirs of Simeon Faustino Herrera the amount[s] of P75,000.00 as civil indemnity, P75,000.00 as moral damages and P75,000.00 as exemplary damages, which shall all bear interest at six percent (6%) per annum from the finality of the decision until fully paid; and

4. In Crim. Case No. 1076-V-17, the accused is hereby sentenced to suffer the penalty of imprisonment of two (2) years, four (4) months and one (1) day of *prision correccional* as minimum to eight (8) years and one (1) day of *prision mayor* as maximum and to pay the victim Josefina Dela Cruz Reyes the amount[s] of P25,000.00 as civil indemnity, P25,000.00 as moral damages and P25,000.00 as exemplary damages, which shall all bear interest at six percent (6%) per annum from the finality of the decision until fully paid.

The Jail Warden of Valenzuela City Jail is hereby directed to transfer/commit the accused to the New Bilibid Prison, Bureau of Corrections, Muntinlupa City immediately upon receipt of this joint decision and submit report five (5) days from compliance.

SO ORDERED.[22]

Ralla appealed before the Court of Appeals. He argued that the trial court erred in convicting him despite the prosecution witnesses' inconsistent testimonies on crucial points, casting doubt on his supposed guilt.[23]

Ralla stressed that his identity as the author of the crimes he was charged with "was equally clouded by the inconsistencies and irregularities."[24] He claimed that the prosecution did not completely eliminate the possibility that another person could have committed the

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22 Id. at 66–67.
23 Id. at 41–42.
24 Id. at 42.

crime, such as the other helper at the store, Arnold.[25] He added that the prosecution solely relied on eyewitness identification, which was insufficient to convict an accused because of "the frailty of human memory."[26]

Finally, Ralla argued that the "simple, straightforward[,] and categorical manner" by which he narrated his version, and his unwavering demeanor even during cross-examination, were "badges of truth that the trial court failed to recognize and construe" in his favor.[27]

On the other hand, the Office of the Solicitor General maintained that the prosecution sufficiently established all the elements of the crimes of which Ralla was convicted.[28] It noted that despite no eyewitnesses for the other victims, circumstantial evidence supported his conviction.[29]

In its October 8, 2019 Decision[30] the Court of Appeals affirmed the Regional Trial Court's Joint Decision, with modifications on the penalty:

> WHEREFORE, premises considered, the appeal is DENIED. The assailed Joint Decision dated November 17, 2017 of the Regional Trial Court, Branch 172, Valenzuela City, in Criminal Case Nos. 1073-V-17, 1074-V-17, 1075-V-17, and 1076-V-17, is AFFIRMED WITH MODIFICATIONS, as follows:
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> > (1) In Criminal Case No. 1073-V-17, appellant is ordered to [p]ay Ma. Katrina R. Herrera the amount of Twenty Thousand Pesos (₱20,000.00) as civil indemnity, with interest of six percent (6%) per annum from finality of this Decision until fully paid;
> >
> > (2) In Criminal Case No. 1074-V-17, the awards for civil indemnity, moral damages, and exemplary damages, are [i]ncreased to Seventy-Five Thousand Pesos (₱75,000.00) each, plus interest at the rate of six percent (6%) per annum from date of finality of this Decision until paid in full; and
> >
> > (3) In Criminal Case No. 1076-V-17, the awards for civil indemnity, moral damages, and exemplary damages, are [i]ncreased to Fifty[ ] Thousand Pesos (₱50,000.00) each, plus interest at the rate of six percent (6%) per annum from date of finality of this Decision until paid in full.
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> > The rest of the Joint Decision stands.
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> > SO ORDERED.[31] (Emphasis in the original)

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25 Id. at 43–44.
26 Id. at 44.
27 Id. at 45–46.
28 Id. at 84–93.
29 Id. at 93–94.
30 *Rollo*, pp. 3–21.
31 Id. at 20–21.

Ralla filed a Notice of Appeal,[32] which was given due course in the Court of Appeals' December 17, 2019 Resolution.[33]

In its September 21, 2020 Resolution, this Court noted the records of this case forwarded by the Court of Appeals and required the parties to file their respective supplemental briefs.[34] This Court later noted in the October 6, 2021 Resolution that both the Office of the Solicitor General, on behalf of plaintiff-appellee People of the Philippines, and accused-appellant manifested that they would no longer file supplemental briefs.[35]

This Court resolves the issue of whether or not the Court of Appeals erred in affirming accused-appellant Ronnie Ralla y Bulaquiña's conviction of attempted homicide, attempted murder, frustrated murder, and robbery with homicide.

In criminal cases, an appeal "'throws the whole case open for review[.]' The underlying principle is that errors in an appealed judgment, even if not specifically assigned, may be corrected *motu proprio* by the court if the consideration of these errors is necessary to arrive at a just resolution of the case."[36] The same is true here. Accused-appellant's conviction is upheld, but we modify the nomenclature of the crime he committed.

I

In Criminal Case No. 1075-V-17, the Regional Trial Court convicted accused-appellant of the crime of robbery with homicide. Robbery with homicide is penalized under Article 294(1) of the Revised Penal Code, which states:

> ARTICLE 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.

For an accused to be convicted, the prosecution must prove the following elements of this special complex crime:

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32 Id. at 22–23.
33 CA *rollo*, p. 141.
34 *Rollo*, p. 40.
35 Id. at 41.
36 *Dela Cruz v. People*, 776 Phil. 653, 673 (2016) [Per J. Leonen, Second Division].

> (1) the taking of personal property is committed with violence or intimidation against persons;
> (2) the property taken belongs to another;
> (3) the taking is *animo lucrandi*; and
> (4) by reason of the robbery or on the occasion thereof, homicide is committed.[37]

People v. De Jesus[38] elaborated on the nature of robbery with homicide:

> In robbery with homicide, the original criminal design of the malefactor is to commit robbery, with homicide perpetrated on the occasion or by reason of the robbery. The intent to commit robbery must precede the taking of human life. The homicide may take place before, during or after the robbery. It is only the result obtained, without reference or distinction as to the circumstances, causes or modes or persons intervening in the commission of the crime that has to be taken into consideration. There is no such felony of robbery with homicide through reckless imprudence or simple negligence. The constitutive elements of the crime, namely, robbery and homicide, must be consummated.
>
> *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*. Likewise immaterial is the fact that the victim of homicide is one of the robbers; the felony would still be robbery with homicide. *Once a homicide is committed by or on the occasion of the robbery, the felony committed is robbery with homicide. All the felonies committed by reason of or on the occasion of the robbery are integrated into one and indivisible felony of robbery with homicide. The word "homicide" is used in its generic sense. Homicide, thus, includes murder, parricide, and infanticide.*
>
> *Intent to rob is an internal act but may be inferred from proof of violent unlawful taking of personal property.* When the fact of asportation has been established beyond reasonable doubt, conviction of the accused is justified even if the property subject of the robbery is not presented in court. After all, the property stolen may have been abandoned or thrown away and destroyed by the robber or recovered by the owner. The prosecution is not burdened to prove the actual value of the property stolen or amount stolen from the victim. Whether the robber knew the actual amount in the possession of the victim is of no moment because the motive for robbery can exist regardless of the exact amount or value involved.
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> . . . .
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> Homicide is said to have been committed by reason or on the occasion of robbery if, for instance, it was committed to (a) facilitate the

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37 *People v. Ebet*, 649 Phil. 181, 188–189 (2010) [Per J. Peralta, Second Division] *citing People v. De Jesus*, 473 Phil. 405 (2004) [Per Curiam, *En Banc*].

38 473 Phil. 405 (2004) [Per Curiam, *En Banc*].

> robbery or the escape of the culprit; (b) to preserve the possession by the culprit of the loot; (c) to prevent discovery of the commission of the robbery; or, (d) to eliminate witnesses in the commission of the crime. As long as there is a nexus between the robbery and the homicide, the latter crime may be committed in a place other than the *situs* of the robbery.[39] (Emphasis supplied, citations omitted)

Direct evidence is not the sole basis for convicting an accused; circumstantial evidence may also establish guilt beyond reasonable doubt. Rule 133, Section 4 of the Rules of Court states:

> SECTION 4. *Circumstantial evidence, when sufficient.* — Circumstantial evidence is sufficient for conviction if:
>
> (a) There is more than one circumstance;
> (b) The facts from which the inferences are derived are proven; and
> (c) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.
>
> Inferences cannot be based on other inferences.

Here, no eyewitness testified on the taking of Simeon's personal belongings and the attendant killing. However, the record is replete with circumstances supporting the conclusion that accused-appellant robbed and killed Simeon. As the Court of Appeals found:

> The prosecution clearly established that [accused-appellant] is a stay-in employee of Simeon and Jesusa. He sleeps in the first floor of the house with Simeon and Arnold. When Katrina went to the first floor to look for Simeon after [accused-appellant] attacked her with a hammer, she saw him lying on the floor with blood oozing from his head. Armando also saw Simeon bloodied on the ground when he went downstairs. *Armando further testified that they discovered that a locked drawer in the store was destroyed and a crowbar was located nearby. They also found a belt bag that [accused-appellant] usually uses in his sleeping area and it contained cellphones and Simeon's various cards which were usually kept in the drawer that was destroyed open.* As for the cause of Simeon's death, Dr. Rebosa testified:
>
> SACP STA. CRUZ
> Q To your knowledge, where is Simeon Herrera now?
> A He died in our hospital the following day.
>
> Q What is the cause of death?
> A As listed in the medical certificate, Uncal Herniation secondary to Intracerebral bleed secondary to Traumatic Brain Injury and fracture of the right temporo-parietal bone.
>
> Q In layman terms could you explain this to us?

[39] Id. at 427–428.

> A There was [sic] severe injuries in the brain stem which caused his death. There was bleeding inside the brain and all of these are due to trauma.
>
> Q And the trauma referring [sic] to the injuries he sustained in your findings?
> A Yes, sir.[40] (Emphasis supplied, citations omitted)

As the Court of Appeals correctly held, "[i]ntent to rob is an internal act, but may be inferred from proof of violent unlawful taking of personal property."[41] Here, the Court of Appeals affirmed the Regional Trial Court's conclusion that the prosecution was able to show that accused-appellant killed Simeon to rob him. This, considering that the locked drawer was destroyed by a crowbar, and Simeon's belongings taken from it—including debit cards, credit cards, and cellphones, among others, as listed in the Information for Criminal Case No. 1075-V-17—were found in accused-appellant's possession.[42]

Further, per the witnesses' testimonies during trial:

> SPO1 Edwin Mapula testified that he is the investigator in these cases. The cases garnered media attention. April Rafales of ABS-CBN interviewed the accused. During the interview, the accused admitted what he did. The said interview was caught on the video, which was uploaded in the [sic] YouTube. The said YouTube video was downloaded by his co-investigator SPO2 Bragado. He was present when April Rafales interviewed the accused and he heard accused's answer admitting what he did.
>
> Dr. Antonio D. Rebosa, physician/lawyer testified that he was the medico-legal officer who examined the deceased Simeon Herrera and complainants AAA, Jesusa Herrera and Josefina Dela Cruz Reyes at the Fatima Medical Center.
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> According to Dr. Rebosa, victim Simeon was unconscious and stretcher-born when he was b[r]ought to the Emergency Room of Fatima Medical Center on May 24, 2017. Simeon [was] presented with: (1) [a]n avulsed wound, which is an open wound on the fronto-temporal right area (somewhere on the right side of the head); (2) [l]acerated wounds (open wounds) at the posterior auricular and occipital area (back of the head); and (3) [d]epressed open fracture on the right parieto-occipital area (somewhere at the right back side of the head). Dr. Rebosa opined that the relative position of the assailant with the victim Simeon regarding the avulsed wound . . . would be at the right side of the victim, and for lacerated wounds and depressed open fracture, the assailant would be more at the back of the victim. The force used to inflict the injuries was so great to cause the said injuries. According to Dr. Rebosa, Simeon died of uncal herniation secondary to intracerebral bleed secondary to traumatic brain injury and fracture of the right temporo-parietal bone. There were

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40 *Rollo*, p. 16.
41 Id. at 18.
42 Id.

> severe injuries in the brain stem, which caused the victim's death. There was also bleeding inside the brain due to trauma. It is [Dr.] Rebosa's opinion that the avulsed, lacerated and open fracture deformity were all caused by forceful contact with a blunt object, like a hammer; that there could possibly be 5 blows inflicted on the victim. He considered all injuries inflicted on Simeon as fatal.[43]

On the extrajudicial confession, accused-appellant alleged that "[a] media personnel came and interviewed him. Out of fear, because someone hurt him, he told the media that he needed money."[44]

In light of these pieces of evidence, it is apparent that accused-appellant's primordial intent was to steal from Simeon.

This Court has previously underscored how courts must appreciate the totality of the circumstances in identifying the perpetrators of the crime.[45] Accused-appellant's allegation that some other person may have attacked the family fails in the face of the witnesses' testimonies. The categorical narration of his four victims, their neighbor, and the police preclude the presence of other people when the crime was committed.

Against these charges, accused-appellant merely put up a defense of denial, but presented nothing else that could defeat the prosecution evidence.

He argues that his denial and narration of events were given in a "simple, straightforward[,] and categorical manner."[46] The rule is settled that a categorical and consistent positive identification, when not attended by ill motive, prevails over the self-serving defense of denial. "Denial is inherently a weak defense which cannot outweigh positive testimony."[47] Accused-appellant's self-serving denial cannot prevail over the prosecution witnesses pointing to him as the perpetrator.

We reiterate that trial courts are in the best position to determine whether testimonies are credible and convincing. Absent any showing that the Court of Appeals erred in affirming accused-appellant's conviction, this Court is bound to respect and uphold its ruling.

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43 CA *rollo*, pp. 60–61.

44 Id. at 61–62.

45 *See People v. Nuñez*, 819 Phil. 406 (2017) [Per J. Leonen, Third Division].

46 CA *rollo*, p. 45.

47 *People v. Moreno*, G.R. No. 191759, March 2, 2020, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66150> [Per J. Hernando, Second Division].

II

Accused-appellant's conviction for the attempted homicide of Katrina, the frustrated murder of Jesusa, and the attempted murder of Josefina, however, must be rectified.

"All the felonies committed by reason of or ***on the occasion of the robbery*** are integrated into one and indivisible felony of robbery with homicide. The word 'homicide' is used in its generic sense. Homicide, thus, includes murder, parricide, and infanticide."[48] Per jurisprudence, in a special complex crime of robbery with homicide, it is immaterial that aside from the homicide, "rape, intentional mutilation, or usurpation of authority, is committed by reason or on the occasion of the crime."[49] For the benefit of the accused, the law subjects them to a single criminal liability and their crimes are treated as one. This is "in recognition of the primacy given to criminal intent over the overt acts that are done to achieve that intent."[50]

Therefore, accused-appellant's criminal acts against Katrina, Jesusa, and Josefina, having been committed on the occasion of the robbery, are all absorbed in the special complex crime of robbery with homicide.

Accused-appellant's guilt for robbery with homicide was proved beyond reasonable doubt. The modified penalty and the increase in the amounts of civil indemnity, moral damages, and exemplary damages to ₱75,000.00 were also correctly imposed to conform to recent jurisprudence.[51] However, in *People v. Jugueta*:[52]

> In a special complex crime, like robbery with homicide, if, aside from homicide, several victims (except the robbers) sustained injuries, they shall likewise be indemnified. It must be remembered that in a special complex crime, unlike in a complex crime, the component crimes have no attempted or frustrated stages because the intention of the offender/s is to commit the principal crime which is to rob but in the process of committing the said crime, another crime is committed. For example, if on the occasion of a robbery with homicide, other victims sustained injuries, regardless of the severity, the crime committed is still robbery with homicide as the injuries become part of the crime, "Homicide", in the special complex crime of robbery with homicide, is understood in its generic sense and now forms part of the essential element of robbery, which is the use of violence or the use of force upon anything. ***Hence, the nature and severity of the injuries sustained by the victims must still be determined for the purpose of awarding civil indemnity and damages***. If a victim suffered mortal wounds and could have died if not

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48 *People v. De Jesus*, 473 Phil. 405, 427 (2004) [Per Curiam, *En Banc*].

49 Id.

50 J. Vitug, Separate Opinion in *People v. Escote, Jr.*, 448 Phil. 748, 802 (2003) [Per J. Callejo, Sr., *En Banc*].

51 *See People v. Jugueta*, 783 Phil. 806 (2016) [Per J. Peralta, *En Banc*].

52 Id.

> for a timely medical intervention, the victim should be awarded civil indemnity, moral damages, and exemplary damages equivalent to the damages awarded in a frustrated stage, and if a victim suffered injuries that are not fatal, an award of civil indemnity, moral damages and exemplary damages should likewise be awarded equivalent to the damages awarded in an attempted stage.[53] (Emphasis supplied)

In upholding accused-appellant's guilt of the attempted murder of Josefina, the Court of Appeals found that Josefina did not sustain fatal wounds that would have caused her death without the timely medical intervention.[54] In contrast, per Dr. Rebosa's finding, Jesusa's wounds would have been fatal had no medical attention been given to her promptly after the incident.[55] The Court of Appeals found that accused-appellant was convicted of frustrated murder in Jesusa's case.[56]

In Katrina's case, where the Court of Appeals found accused-appellant guilty of attempted homicide,[57] accused-appellant assails the trial court's finding of his intent to kill her. He underscored Dr. Rebosa's statements that Katrina was "conscious, coherent[,] and ambulatory upon entering the hospital[,]"[58] and that her wounds required stitching only, which if left untreated would have resulted only in an infection, not her death. He claimed that these were inconsistent with the trial court's conclusion that he had intended to kill her.[59]

Intent to kill "is a state of mind that the courts can discern only through external manifestations, *i.e.*, acts and conduct of the accused at the time of the assault and immediately thereafter."[60]

Here, accused-appellant's intent to kill Katrina manifested in the nature of the weapon that he used in his assault, which was a hammer; the extent of injuries he inflicted, as he actually hit Katrina "on the right side of the back of her head with the hammer around three times",[61] and the circumstances of accused-appellant's aggression in what appeared to be a robbery gone wrong. Records reveal that he commenced his attack on Katrina, but did not actually kill her due to the timely interference of her family members. Although he intended to kill her, no qualifying circumstance that aggravates his crime was established.

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53 Id. at 845–846.
54 *Rollo*, pp. 14–15.
55 Id. at 6.
56 Id. at 12–13.
57 Id. at 12.
58 CA *rollo*, p. 48.
59 Id.
60 *Serrano v. People*, 637 Phil. 319, 333 (2010) [Per J. Brion, Third Division].
61 *Rollo*, p. 4.

With these findings on the nature and severity of the victims' injuries, this Court likewise modifies the damages awarded to conform to jurisprudence.

ACCORDINGLY, the Court of Appeals' October 8, 2019 Decision in CA-G.R. CR-HC No. 10417 is **AFFIRMED with MODIFICATIONS**.

Accused-appellant Ronnie Ralla y Bulaquiña is found **GUILTY** beyond reasonable doubt of robbery with homicide punished under Article 294(1) of the Revised Penal Code. He is sentenced to suffer the penalty of *reclusion perpetua*. He is **DIRECTED** to pay the heirs of the victim, Simeon Faustino Herrera, moral damages, civil indemnity, and exemplary damages for ₱75,000.00 each.

He is likewise **DIRECTED** to pay Jesusa Reyes Herrera moral damages, civil indemnity, and exemplary damages for ₱75,000.00 each; Josefina Reyes, moral damages, civil indemnity, and exemplary damages for ₱50,000.00, each; and Ma. Katrina R. Herrera, moral damages, civil indemnity, and exemplary damages for ₱25,000.00 each.[62]

All damages awarded shall earn the legal interest rate of 6% per annum from the finality of this Decision until their full satisfaction.[63]

SO ORDERED.

MARVIC M.V.F. LEONEN
Senior Associate Justice

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[62] *People v. Jugueta*, 783 Phil. 806 (2016) [Per J. Peralta, *En Banc*].
[63] *Nacar v. Gallery Frames*, 716 Phil. 267 (2013) [Per J. Peralta, *En Banc*].

WE CONCUR:

AMY C. LAZARO-JAVIER
Associate Justice

MARIO V. LOPEZ
Associate Justice

JHOSEP Y. LOPEZ
Associate Justice

ANTONIO T. KHO, JR.
Associate Justice

ATTESTATION

I attest 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.

MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairperson's Attestation, 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.

ALEXANDER G. GESMUNDO
Chief Justice

Second Division

G.R. No. 252859 - People of the Philippines v. Ronnie Ralla *y* Bulaquiña

Promulgated:

MAR 15 2023

x----------x

DISSENT

LAZARO-JAVIER, *J.*:

The majority decision resolves to hold appellant guilty only of the complex crime of robbery with homicide on the ground that appellant's criminal acts against 17-year-old Ma. Katrina R. Herrera (Katrina), Jesusa Reyes Herrera (Jesusa), and Josefina Dela Cruz Reyes (Josefina), having been committed on the occasion of the robbery, are all absorbed in the special complex crime of robbery with homicide. In so holding, the majority decision heavily relies on *People v. De Jesus*[1] where the Court held that all the felonies committed by reason of or on the occasion of the robbery are integrated into one and indivisible felony of robbery with homicide. The word "homicide" is used in its generic sense. Homicide, thus, includes murder, parricide, and infanticide.

To recall, appellant here was separately charged with **frustrated murder** (Crim. Case No. 1073-V-17) committed against 17-year-old Katrina; **frustrated murder** (Crim. Case No. 1074-17) committed against Jesusa; **robbery with homicide** (Crim. Case No. 1075-V-17) committed against Simeon Fausto Herrera (Simeon); and **attempted murder** (Crim. Case No. 1076-V-17) committed against Josefina.

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[1] See *People v. De Jesus*, 473 Phil. 405 (2004) [*Per Curiam, En Banc*].

After due proceedings, the trial court found appellant guilty for attempted homicide in Crim. Case No. 1073-V-17; frustrated homicide in Crim. Case No. 1074-V-17; robbery with homicide in Crim. Case No. 1075-V-17; and attempted murder in Crim Case. No. 1076-V-17. The appellate court modified but only insofar as the penalties imposed were concerned.

I respectfully disagree.

As stated, the majority decision resolves to convict appellant of a single complex crime from an amalgamation of separate Informations. The hornbook doctrine in our jurisdiction, however, is that an accused cannot be convicted of an offense unless it is clearly charged in the complaint or Information. Constitutionally, the accused has the right to be informed of the nature and cause of the accusation against him or her. To convict an accused of an offense other than that charged in the complaint or Information would be violative of this constitutional right. Indeed, the accused cannot be convicted of a crime, even if duly proven, unless it is alleged or necessarily included in the Information filed against him or her.[2]

Section 14, par. 2, Article III of the 1987 Constitution reads.:

> (2) In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable.

Here, though the crimes of attempted homicide, frustrated homicide, and attempted murder were committed against Katrina, Jesusa, and Josefina, respectively, on the occasion of the robbery, before us are separate Informations charging appellant with separate crimes apart from the complex crime of robbery with homicide committed against Simeon.

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[2] See *People v. Manalili*, 355 Phil. 652, 684 (1998) [Per. J. Panganiban, First Division].

As a rule, only one Information should be filed when a complex crime is committed.[3] If the components of a complex crime or special complex crime are alleged in two different Informations, **the accused shall be convicted of separate crimes so as not to violate his or her right to be informed of the nature of the crime charged against him or her, although the penalty for the complex crime would have been more favorable to the accused.**[4]

In *People v. Manalili*,[5] therein appellants were separately charged with: 1) attempted robbery, 2) multiple frustrated murders, and 3) qualified illegal possession of firearms used in multiple murders. The trial court adjudged therein appellants guilty of attempted robbery with homicide on the ground that on the occasion of the attempted robbery, four persons were killed and one was injured. The Court disagreed holding that an accused cannot be convicted of a crime, even if duly proven, unless it was alleged or necessarily included in the Information filed against him or her. It added that to hold appellants liable for the complex crime of attempted robbery with homicide, notwithstanding the absence of the proper Information, was violative of appellants' right to be informed of the nature and cause of the accusation against them. Therein appellants were held guilty as principals of attempted robbery and for double murder.

The Court adopted the same view in *People v. Legaspi*.[6] There, appellants were indicted with double murder and violation of Republic Act No. 6539 (The Anti-Carnapping Law) through separate Informations. After due proceedings, the trial court found therein appellants guilty of robbery with double homicide. On appeal, the Court found that appellants were erroneously convicted of the special complex crime of robbery with homicide. Instead, the Court found them guilty of double murder and for violation of Republic Act No. 6539. The Court explained:

> . . . While the trial court can hold a joint trial of two or more criminal cases and can render a consolidated decision, it cannot convict the accused

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3 *People v. Pineda*, 127 Phil. 150; 65 OG 2595 (1967) [Per J. Sanchez].

4 *People v. Legaspi*, 316 Phil. 261 (1995) [Per J. Quiason, First Division]; *People v. Paramil*, 385 Phil. 1103 (2000) [Per J. Kapunan, *En Banc*]; *People v. Peridas and Dela Cruz*, 433 Phil. 828 (2002) [Per J. Ynares-Santiago, First Division]; *People v. Umawid*, 735 Phil. 737 (2014) [Per J. Perlas-Bernabe, Second Division]; *People v. Cilot*, 797 Phil. 725 (2016) [Per J. Perez, Third Division].

5 *Supra* note 2.

6 *Supra* note 4.

> of a complex crime constitutive of the various crimes alleged in the two informations. Thus, the accused were deprived of their constitutional right to be informed of the nature and cause of the accusation against them.[7]

Even the very jurisprudence relied upon by the majority decision (*People v. De Jesus*)[8] to support appellant's conviction for the complex crime of robbery with homicide itself involved only a single Information. *De Jesus* is different from the present case. In *De Jesus,* therein appellant was properly charged in a single Information with the complex crime of robbery with homicide. In this case, however, appellant was charged with four separate crimes under four separate Informations.

At any rate, appellant could have easily availed of the remedies under Section 9, Rule 117 of the Rules of Court, *viz.*:

> **Sec. 9. Failure to Move to Quash or to Allege Any Ground Therefor.** — The failure of the accused to assert any ground of a motion to quash before he pleads to the complaint or information, either because he did not file a motion to quash or failed to allege the same in said motion, shall be deemed a waiver of any objections except those based on the grounds provided for in paragraphs (a), (b), (g), and (i) of Section 3 of this Rule.

As it was though, appellant failed to question, let alone, raise the apparent defects in the Informations through a motion to quash. He is therefore deemed to have waived the defects in the Informations and to have understood the acts charged against him.[9]

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[7] *Supra* note 4.
[8] *Supra* note 1.
[9] See *People v. Solar,* 858 Phil. 884 (2019) [Per *J.* Caguioa, *En Banc*].

FOR THESE REASONS, I vote to affirm appellant's separate conviction for attempted homicide in Crim. Case No. 1073-V-17; frustrated homicide in Crim. Case No. 1074-V-17; robbery with homicide in Crim. Case No. 1075-V-17; and attempted murder in Crim Case. No. 1076-V-17.

AMY C. LAZARO-JAVIER
Associate Justice