



Republic of the Philippines
Supreme Court
 Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

GR. No. 206227

- versus -

Present:

CARPIO, *Chairperson*
 BRION,
 DEL CASTILLO,
 MENDOZA, *and*
 LEONEN, *JJ.*

STANLEY BUENAMER y MANDANE,
Accused-Appellant.

Promulgated:
31 AUG 2016

x-----x *Atty. Cabalag Justice* x

DECISION

DEL CASTILLO, J.:

This is an appeal from the June 7, 2012 Decision¹ of the Court of Appeals (CA) in CA-GR. CR-H.C. No. 04881, which affirmed with modification the May 18, 2010 Decision² of the Regional Trial Court (RTC) of Manila, Branch 33, in Criminal Case No. 09-272017, finding appellant Stanley Buenamer y Mandane (Buenamer) guilty beyond reasonable doubt of the crime of robbery with homicide, as defined and penalized in Article 294, paragraph 1 of the Revised Penal Code (RPC), and sentencing him to suffer the penalty of *reclusion perpetua*.

Proceedings before the Regional Trial Court

Buenamer and his co-accused Jerome Lambada y Landero (Lambada) were indicted for the felony of robbery with homicide for staging an armed robbery inside a passenger FX taxi and causing the death of one of the passengers therein. The indictment against them alleged —

The undersigned accuses STANLEY BUENAMER y MANDANE and JEROME LAMBADA y LANDERO of the crime of Robbery with Homicide,

* *On leave.*

¹ CA *rollo*, pp. 110-120; penned by Associate Justice Juan Q. Enriquez, Jr. and concurred in by Associate Justices Marlene Gonzales-Sison and Danton Q. Bueser.

² Id. at 22-34; penned by Presiding Judge Reynaldo G. Ros.

committed as follows:

That on or about October 20, 2009 in the City of Manila, Philippines, the said accused, conspiring and confederating together and mutually helping each other, with intent to gain and by means of force, violence, and intimidation, to wit: by boarding a passenger FX taxi going to España Blvd., Sampaloc, this City, announcing a hold up then pointing their guns to its passengers and FERRARIE TAN y OALLESMA and divesting from him his black bag containing a Sony PSP colored black with casing and one (1) brown envelope with cash money in the amount of ₱5,460.00, did then and there, willfully, unlawfully and feloniously take, rob and carry away the same, against his will, to the damage and prejudice of the said FERRARIE TAN y OALLESMA in the amount of more than ₱5,460.00, Philippine Currency; that on occasion of or by reason of the said robbery and for the purpose of enabling themselves to take, rob and carry away the personal properties of the passengers, attack, assault and use personal violence upon said FERRARIE TAN y OALLESMA when he chased the said accused who boarded a passenger jeepney in order to escape, but was boxed when he held on the handle bar of the jeepney causing him to [lose] his grip and [fall] from the jeepney and thereafter was ran over by the rear tire of said jeepney, thereby inflicting upon him physical injuries which were the direct and immediate cause of his death thereafter.

CONTRARY TO LAW.³

Arraigned on December 7, 2009 both accused, assisted by counsel, entered a negative plea to the crime charged. After the pre-trial conference, trial on the merits followed.

During the trial, the prosecution presented the following witnesses: Manila Traffic and Parking Bureau (MTPB) Enforcers Peter Paul de Jesus (De Jesus), Raymond Buaron (Buaron), and James Mendez y Dones (Mendez), Police Officer 3 Jay Santos (PO3 Santos), Diana David y Del Pilar (David), Carolyn Tan (Carolyn), and Dr. Romeo Salen (Dr. Salen). Their collective testimonies tended to establish the following facts:

On October 20, 2009, at around 5:00 o'clock in the afternoon, David was on board a passenger FX taxi on her way home from Quezon City to Sampaloc, Manila, when along España Boulevard, corner Maceda Street in Sampaloc, Manila, a hold-up was announced by Buenamer and Lambada. The armed duo demanded for the wallets, cellphones, and other valuables of the FX passengers. The two threatened to shoot and blow up the brains of anyone who resisted them ("*pasabugin ang ulo namin*"). David heard the now deceased Ferrarie Tan (Ferrarie), who was then wearing a nurse's uniform, crying and pleading to the

³ Records, p. 1.

robbers that he had already given to them his cellphone, a Sony PSP, and that he was only a student. Nevertheless, the armed robbers proceeded to divest, as indeed they divested, the passengers of their personal effects, including David's own Nokia cellphone and coin purse.

When the FX stopped at an intersection along Maceda Street and España Boulevard in Sampaloc, Manila, David quickly got off the FX and shouted for help. Traffic enforcers and bystanders heard her shout and plea for assistance, and at once chased after Buenamer and Lambada who were trying to flee from the scene of the crime. Not long after this, David saw the lifeless Ferrarie lying along España Boulevard in Sampaloc.

De Jesus was an MTPB traffic enforcer on duty along España Boulevard when the incident took place. De Jesus testified that he responded to David's call for help, along with another MTPB traffic enforcer, Mendez. David told the traffic enforcers that the fleeing suspects had boarded a red jeepney. So De Jesus quickly rode his motorcycle and went after the red jeepney which was carrying the robbers. One of the robbers got off at Florentino Street in Sampaloc, Manila. Here, De Jesus was able to apprehend Buenamer after a tricycle accidentally ran over the latter. Buenamer was beaten up by the by-standers, and then brought to the *barangay* hall nearby, where people there were able to recover from him a bag containing a Sony PSP, cellphone, a gun with several bullets, a pay slip with brown envelope, and money.

Another MTPB employee, traffic enforcer Mendez, also heard David's shout for help, and when David pointed to the jeepney where the hold-uppers were, he (Mendez) went near the jeepney, just in time to see a person in white uniform holding on to the *estribo* (the handle bar) of the jeepney. Mendez testified that he saw this person's hands reaching inside the front seat of the jeepney, trying to regain possession of his Sony PSP, cellphone and other valuables from Buenamer who was then sitting in front of the jeepney, near the driver; that he then saw Buenamer strike or box that other person (who turned out to be Ferrarie), causing Ferrarie to fall off; and that after Ferrarie fell off, the jeepney's rear tire ran over Ferrarie. After this Mendez mounted his motorcycle and went after Buenamer who fled the crime scene.

Still another MTPB traffic enforcer presented by the prosecution was Buaron. This traffic enforcer testified that he was the one who apprehended Lambada somewhere near the vicinity of the North Cemetery along Bonifacio Avenue; and that he then brought Lambada to Police Station No. 1 in Quezon City because the police authorities of Quezon City insisted on asserting jurisdiction over his case.

PO3 Santos of the Manila Police Department was the police investigator



who prepared the Crime Report, Booking Sheet, and Arrest Report for Buenamer and Lambada. It was also PO3 Santos who took the sworn statements of David, Mendez, and De Jesus. PO3 Santos testified that it was he who recovered a Sony PSP, black cellphone, a brown envelope with the name "Tan, Ferrarie," a pay slip containing ₱5,460.00, and a .38 caliber revolver with seven live bullets.

Carolyn was the mother of the victim. She identified her son Ferrarie at the Universal Funeral Parlor, despite his broken face. She testified that her son was a registered nurse at the *Ospital ng Makati* and was earning ₱6,000.00 every 15 days. She claimed that she spent ₱2 million for the interment and burial of Ferrarie.

Dr. Salen, the Medico-Legal Officer of the Manila Police District Crime Laboratory, conducted the post-mortem examination on the corpse of Ferrarie. Dr. Salen testified that the victim's corpse was already in a state of rigor mortis when he examined it; that he found a 10 x 3 cm. lacerated wound on Ferrarie's forehead, abrasions from the right and left side of the following: nose; chest; knees; feet; thighs; and from the victim's abdomen; and two lacerated wounds at the lower lip and on the chin. According to Dr. Salen, Ferrarie's ribs were fractured and his lungs macerated.

The accused waived their right to present their defense.

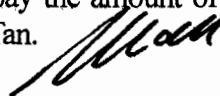
Ruling of the Regional Trial Court

On May 18, 2010, the RTC rendered judgment finding Buenamer guilty beyond reasonable doubt of the crime of robbery with homicide. The RTC however found Lambada guilty merely of simple robbery. The RTC disposed thus

WHEREFORE, judgment is hereby rendered finding the accused STANLEY BUENAMER guilty beyond reasonable doubt of the crime of Robbery with Homicide under Article 294 of the Revised Penal Code as principal and is hereby sentenced to suffer the penalty of *reclusion perpetua*.

As for the accused JEROME LAMBADA, judgment is hereby rendered finding him guilty of the crime of Robbery with violence against or intimidation of persons under Article 294 of the Revised Penal Code as principal and is hereby sentenced to suffer an indeterminate penalty of Two (2) years, Ten (10) months and Eleven (11) days of *prision correccional* as minimum TO Six (6) years, One (1) month and Eleven (11) days of *prision mayor* medium, as maximum.

The accused are likewise directed to pay the amount of ₱5,460.00 and the value of the Sony PSP taken from Ferrarie Tan.



Accused Stanley Buenamer is also ordered to pay the amount of ₱50,000.00 as civil indemnity and ₱50,000.00 as moral damages.

x x x x

SO ORDERED.⁴

Dissatisfied with the RTC's disposition, Buenamer appealed to the CA, arguing that the prosecution failed to prove his guilt beyond reasonable doubt since his identity as the alleged perpetrator of the crime was not sufficiently established. Buenamer also contended that the mitigating circumstance under Article 13(3) of the RPC should have been appreciated in his favor because he had no intention to commit so grave a wrong as that he committed. Buenamer insisted that when he hit or boxed Ferrarie on the arm, he had no intention of killing him at all.

Ruling of the Court of Appeals

On June 7, 2012, the CA affirmed the RTC and ruled that Buenamer's appeal was without merit. The CA found that the prosecution was able to prove the identity of Buenamer through the testimonies of David and Mendez, both of whom were eyewitnesses to the crime. The CA noted in particular that David was able to see the face of Buenamer inside the passenger FX taxi because David was herself a passenger in that vehicle.

As to Buenamer's invocation of the mitigating circumstance under Article 13(3) of the RPC, the CA held that this plea was unavailing. The CA ruled that all the elements of the crime of robbery were present when Buenamer and Lambada held up the passengers of the FX taxi. The CA stressed that the felony of robbery with homicide is committed once it is clearly shown that the criminal intention of the felon is to rob, and that there is a killing which occurs before, during, or after the robbery.

The CA thus disposed as follows:

WHEREFORE, premises considered, the assailed Decision dated May 18, 2010 of the Regional Trial Court (RTC), Branch 33, Manila in Criminal Case No. 09-272017 is hereby AFFIRMED with MODIFICATION. Accused-appellant is found GUILTY BEYOND REASONABLE DOUBT of the crime of Robbery with Homicide and is hereby sentenced to suffer *reclusion perpetua*, and is ordered to pay ₱75,000.00 as civil damages and ₱50,000.00 as moral damages.

SO ORDERED.⁵



⁴ CA rollo, p. 34.

⁵ Id. at 119.

From that Decision, Buenamer took the present appeal and in support thereof now contends that the CA's Decision was contrary to the evidence, the law, and jurisprudence.

Buenamer insists that the prosecution was not able to positively identify the perpetrators of the crime since the alleged eyewitness, David, was not in a position to recognize them; that when the traffic enforcers heeded David's call for help and ran after the suspects, they did not know who to pursue; and that in any event, the mitigating circumstance under Article 13, paragraph 3 of the RPC should benefit him because he did not intend to kill Ferrarie when he hit the latter's right arm that caused the latter to fall off the passenger jeepney and be run over by the jeepney's rear tire.

Our Ruling

The appeal will not prosper.

We hold that both the RTC and the CA correctly found the appellant guilty beyond reasonable doubt of the felony of robbery with homicide. Indeed, we are satisfied that in this case the prosecution was able to satisfactorily establish the elements of robbery with homicide, to wit:

- (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 with *animo lucrandi*; and
- (4) By reason of the robbery, or on the occasion thereof, homicide is committed.⁶

All the elements mentioned above are present in this case. In point of fact, the prosecution succeeded in showing that the primary aim or objective of the malefactors Buenamer and Lambada was to rob the passengers of the FX taxi. Prosecution witness David, a passenger of the FX taxi in which the two robbers staged the heinous felony, was herself a victim of the robbery that was staged by the malefactors that afternoon of October 20, 2009 along España Boulevard in Sampaloc, Manila. David positively identified Buenamer as the very perpetrator of the crime together with his co-accused Lambada. David testified that she saw the faces of these two malefactors when these two boarded the FX taxi at the Pantranco terminal in Quezon Avenue, Quezon City; that Buenamer and Lambada, then armed with firearms, declared a hold-up on board the moving

⁶ *People v. Barra*, 713 Phil. 698, 705 (2013) citing *People v. Quemeggen*, 611 Phil. 487, 497 (2009).

vehicle, after which these two divested the passengers of their personal belongings, while threatening the passengers that they would blow off their heads (“*pasabugin ang ulo namin*”) should the passengers resist the robbery. By taking the personal belongings and valuables of the passengers, employing force, violence, and intimidation, and motivated moreover by *animus lucrandi* or intent to gain or profit, and thereafter hitting Ferrarie causing him to fall from the passenger jeepney resulting to his death, there can be no question that Buenamer did commit robbery with homicide.

Traffic enforcer Mendez saw Buenamer box or strike Ferrarie who, in consequence of such a blow, lost his grip on the *estribo* (or the handle bar) of the moving vehicle, and fell off that vehicle, and was at once ran over by the vehicle’s right rear tire, resulting in Ferrarie’s sustaining lacerated wounds, and numerous abrasions in various parts of his body that ultimately led to his death. In the face of these actual, incontrovertible facts, there can be no doubt that all the elements of robbery with homicide are present in this case.

Buenamer insists that his identity as the perpetrator of the crime was not clearly established because David was not in a position to recognize him.

We are not persuaded. David, who was a co-passenger of the now deceased Ferrarie that fateful afternoon of October 20, 2009, categorically declared that it was Buenamer and Lambada who perpetrated the hold-up:

[Private Prosecutor] Atty. ARNULFO PELAGIO

Q Now, you said that there were **two** male persons who boarded the FX, what about the other one, would you be able to recognize him also?

THE WITNESS:

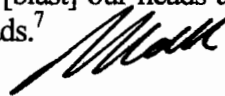
A Yes, sir.

Q Again, will you please look inside the Courtroom and tell the Honorable Court if he is inside the Courtroom?

Note: At this point the Witness is pointing to accused Stanley Buenamer y Mandane.


Q Now, after this male person who was seated at the middle seat announced the hold up and pointed the gun to the driver, what happened next, Madam Witness?

A He told [us] to bring out the cellphones and wallet, sir. And then he [threatened] to kill us if we will not give our belongings to them and if ever we will fight back then he will [blast] our heads away [*pasabugin ang ulo namin*], he will fire at our heads.⁷



⁷ TSN, January 25, 2010, pp. 12-13.

And, no less clear and convincing, is the testimony of traffic enforcer Mendez about the identity of Buenamer. Mendez was one of the traffic enforcers who immediately responded to David's plea for help about the robbery hold-up; in fact, this witness boarded the very vehicle where the robbery hold-up took place. And, as his testimony attests, there can be no doubt or question that Buenamer was one of the perpetrators of this heinous crime:

- Q Could you tell us that incident, Mr. Witness?
A Because that hour is a rush hour, we were directing traffic at that time at our jurisdiction Sir when all of a sudden we heard a voice from a woman coming from my right side asking for assistance.
- Q Could you recall the words that you heard from the woman?
A "*Tulongan nyo po kami hinohold-up kami.*"
- Q Upon hearing those words from that woman, what did you do Mr. Witness?
A I approached her and she pointed to the jeepney where the hold-uppers boarded.
- Q Could you please describe to us, Mr. Witness, the jeepney?
A It is a red jeepney.
- Q After x x x Diana pointed to you the jeepney where the hold-uppers transferred, what did you do?
A I approached the jeepney and I saw a person wearing white clothes was holding at the "*estribo*" in the passenger side of the jeepney and that person cannot ride at the front portion because [sic] of the jeepney and so he was being drag [sic] by the jeepney.
- Q You said that the person wearing white uniform [was] holding at the bar or the "*estribo*" of the jeepney at the right side, could you tell us which hand was x x x holding on to the bar?
A His right hand, Sir.
- Q What about his left arm?
A What I saw [was] that that person wearing white uniform [was] getting something from [the] person seated inside the jeepney.
- Q After you saw this incident, what happened next after that?
A I saw the person holding the iron bar was **hit** on his arm so he fell down and he was r[a]n over by the last tire of the jeepney, Sir.
- Q Could you tell us who was that person which you said **hit** the arm of the person wearing white uniform while he was holding at the iron bar or "*estribo*"?
A Yes, Sir. Because I was **near** them.
- Q Could you tell us who is that?
A **Stanley Buenamer, Sir.**⁸ 

⁸ TSN, February 5, 2010, pp. 5-6.

Anent appellant's claim that the CA erred in not appreciating in his favor the mitigating circumstance of lack of intent to commit so grave a wrong as that committed, this Court agrees with the CA that this mitigating circumstance cannot be invoked by the appellant. "This mitigating circumstance addresses itself to the intention of the offender at the particular moment when the offender executes or commits the criminal act"⁹ — an intention that must comport, amongst others, with the weapon/s used by the offender and the mode of attack adopted by the latter, vis-à-vis the injuries sustained by his victim. Thus, in *People v. Gonzalez, Jr.*,¹⁰ we explained —

[t]his mitigating circumstance is obtaining when there is a notable disparity between the means employed by the accused to commit a wrong and the resulting crime committed. **The intention of the accused at the time of the commission of the crime is manifested from the weapon used, the mode of attack employed, and the injury sustained by the victim.** x x x

Here, the records showed that Buenamer boxed or struck Ferrarie with such force that the latter lost his grip on the *estribo* or handle bar of the vehicle, fell off and run over by the vehicle's rear tire. He subsequently died. The legal postulate enshrined under Article 3 of the RPC decrees that every person shall be held responsible for **all** the natural and logical consequences of his felonious act. And, complementing this Article 3 is Article 4 of the same RPC, which provides that "criminal liability shall be incurred (1) by any person committing a felony, although the wrongful act done be different from that which he intended." These two articles of the RPC must thus apply with implacable force against appellant; he must be called to account for all the natural and logical consequences of his felonious act; and hence must be deemed to have incurred criminal liability, although the felonious act he committed might have been different from that which he intended.

Nonetheless, the CA's award of moral damages in the amount of ₱50,000.00 is hereby upgraded to ₱75,000.00 in conformity with recent jurisprudence. In addition, appellant must pay exemplary damages in the amount of ₱75,000.00.

WHEREFORE, the appeal is **DISMISSED**. The Decision of the Court of Appeals dated June 7, 2012 in CA-G.R.CR-H.C. No. 04881, is **AFFIRMED subject to the MODIFICATION** that the appellant Stanley Buenamer y Mandane is condemned to pay the heirs of Ferrarie Tan moral damages in the increased amount of ₱75,000.00 and exemplary damages of ₱75,000.00. The award of civil damages, also in the amount of ₱75,000.00, is maintained. These monetary awards shall earn interest at the rate of 6% *per annum*, reckoned from the date of finality of this Decision until fully paid.

⁹ *People v. Badriago*, 605 Phil. 894, 911 (2009), citing *People v. Abueg*, 230 Phil. 27 (1986).

¹⁰ 411 Phil. 893, 925 (2001).

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
Associate Justice
Chairperson

(On leave)
ARTURO D. BRION
Associate Justice


JOSE CAPRAL MENDOZA
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice

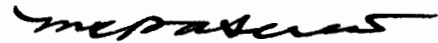
ATTESTATION

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.


ANTONIO T. CARPIO
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII 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.



MARIA LOURDES P. A. SERENO

Chief Justice

