



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated February 1, 2023 which reads as follows:

“G.R. No. 249499 (*People of the Philippines v. Carlito Santos y Sanchez alias “Etot”*).—Accused-appellant Carlito Santos y Sanchez assails the June 6, 2019 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 10783 which affirmed with modifications the February 20, 2018 Joint Decision² of the Regional Trial Court (RTC) of Makati City, Branch 137, in Criminal Case Nos. 13-2888 and 13-2889 finding him guilty beyond reasonable doubt of the following crimes:

1. Criminal Case No. 13-2888 – complex crime of Robbery in an inhabited house by armed men under Article 299 of the Revised Penal Code (RPC) and Robbery with violence against or intimidation of persons under Article 294 of the same law; and

2. Criminal Case No. 13-2889 – violation of Section 2 in relation to Sec. 14 of Republic Act. No. (RA) 6539,³ otherwise known as the Anti-Carnapping Law of 1972.

Factual Antecedents

In two separate Informations, accused-appellant, together with Christian Santos (at large), was charged with Robbery under Article 293 of the RPC and violation of RA 6539, *viz.*:

Criminal Case No. 13-2888:

On the 25th day of June 2013, in the city of Makati, the Philippines, accused, conspiring and confederating with their co-accused Carlito Santos y Sanchez *alias Etot* who was employed as security/caretaker together with five

¹ *Rollo*, pp. 3-20. Penned by Associate Justice Ruben Reynaldo G. Roxas and concurred in by Associate Justices Marlene Gonzales-Sison and Victoria Isabela A. Paredes.

² *CA rollo*, pp. 57-69. Penned by Presiding Judge Ethel V. Mercado-Gutay.

³ Entitled “AN ACT PREVENTING AND PENALIZING CARNAPPING.” Approved: August 26, 1972.

(5) John Does whose true identities and present whereabouts are still unknown and all of them armed with unlicensed firearms, with intent to gain and by means of violence and intimidation entered the house of complainant Ma. Lourdes Chua y Gayuso located at No. 1862 P. Domingo St., Kasilawan, Makati, and once inside did then and there willfully, unlawfully, and feloniously rob, take, steal and carry away the following personal belongings: two (2) Paraordinance .45 caliber pistols, with serial numbers BV1013 and HM 10146 valued at Php180,000.00, two (2) Norinco .45 caliber pistols with serial number 1000007 and SN 10000087 valued at Php30,000, one (1) Colt .45 caliber pistol with serial number 586218854 valued at Php60,000, two (2) Armscor shotguns with serial numbers 969479 and 969478 valued at Php40,000.00, one (1) Glock 9mm with serial number BKB826 valued at Php60,000, two (2) MPS rifle[s] with serial numbers TO62409Y00277 and T0624-08V0061107 valued at Php570,000, one (1) HPLR/RGR with serial number 118463176 valued at Php80,000, cash money worth Php117,000, two (2) Rolex watches (solid gold), diamond wedding rings, earrings and golden bracelets, and necklaces with an estimated value of Php7 million, to the damage and prejudice of complainant Ma. Lourdes Chua y Gayuso.

CONTRARY TO LAW.⁴

Criminal Case No. 13-2889

On or about the 25th day of June 2013, in the city of Makati, the Philippines, accused conspiring and confederating with five (5) John Does whose true identities and whereabouts are still unknown and all of them mutually helping and aiding one another, by means of violence against or intimidation of persons, armed with firearms, with intent to gain did then and there willfully, unlawfully and feloniously take, steal, carnap and drive away two (2) motor vehicles described as follows:

Make/Type : Mazda Passenger Van
Engine No. : WL-205724
Plate No. : RCV-125
Chassis No. : SGL-W-101095
Color : Silver

Make/Type : Ford Expedition Wagon
Engine No. : AEB 56240
Plate No. : POQ-740
Chassis No. : IFMJK1J
Color : Blue

which said accused used as their getaway cars during their escape in a robbery case, without knowledge and consent of Ma. Lourdes Chua y Gayuso the registered owner thereof, to the latter's damage (sic) prejudice.

CONTRARY TO LAW.⁵

⁴ Records, Volume 1, pp. 3-4.

⁵ Id. at 9-10.

On September 17, 2015, accused-appellant pleaded not guilty to both charges during the arraignment.⁶

The prosecution presented as witnesses Maria Lourdes Chua y Gayoso⁷ (Lourdes), Marlon Macawili (Macawili), Senior Police Officer 2 Romeo G. Peñaflor, Gerald Nemesio G. Chua, Joan Chua, and Police Officer 1 Fred O. Valencia. For its part, the defense presented accused-appellant as its lone witness.⁸

Version of the Prosecution

Emil and Lourdes Chua, together with their children, live in 1862 P. Domingo St., Brgy. Kasilawan, Makati City. Accused-appellant is the driver and personal bodyguard of Emil Chua. The other victims, who are Macawili, Ranel Doniza (Doniza), Mario Esteves, and Rosalina Yongson (Rosalina), are employees and caretakers of the Chua family.⁹

Macawili testified that at around 1:00 a.m. of June 25, 2013, he was awakened by the howling of dogs. He then went out of the house to check if there were any intruders. When he opened the door on the first floor, a man wearing a bonnet suddenly poked a gun at him. The two grappled for possession of the gun. When Macawili lost his hold of the gun, he was hit with the said gun at the nape causing him to fall. At this point, he identified the assailant as accused-appellant.¹⁰

Thereafter, accused-appellant, together with the other assailants, brought Macawili to the second floor. He then saw accused-appellant's son and co-accused, Christian Santos. The assailants asked Macawili the location of the family's vault and threatened to hurt him if he refused to reveal its location to them. He thus accompanied them to the family vault located inside the room of Emil and Lourdes Chua. There, he saw his employer, Lourdes, and the latter's cook, Rosalina, lying down on the floor with their hands tied. He also identified four other assailants ransacking the room.¹¹

Lourdes also testified that at around 1:00 a.m. of June 25, 2013, she was awakened by a loud knock on her bedroom door. When she opened the door, armed individuals entered and pushed inside the room her houseboy, Doniza. The armed individuals then instructed her to open the vault. Lourdes was surprised that the armed men knew the location of the family vault. Out of fear, she readily obliged and opened the same for the assailants. At this point, Lourdes observed that a shotgun owned by the Chua Family, and assigned as

⁶ *Rollo*, p. 5.

⁷ Also spelled as "Gayuso" in some parts of the records.

⁸ *Id.*

⁹ *CA rollo*, p. 78.

¹⁰ *Id.* at 78-79.

¹¹ *Id.* at 79. See also *rollo*, p. 6.

a service firearm to accused-appellant, was pointed at her.¹² While the assailants were ransacking the family vault, the other assailants hogtied Lourdes and the other members of the household and covered their mouths with duct tape. She observed that unlike the other members of the household, accused-appellant's hands were not tied at the back, but were tied at the front, and the rope on his feet were eventually removed.¹³

After the assailants finished ransacking the room, they fled using a Mazda Friendee and Ford Expedition owned by the Chuas. They took with them Macawili and Doniza, who were made to board at the back of the Mazda Friendee. After travelling for a few hours, the vehicle stopped. One of the assailants uttered, "*pano yan tumawag ang boss ko pinapatay na kayo. Ang swerte ninyo, regalo ko na lang sa inyo ang buhay ninyo. Magpapaputok ako ng baril dito, wag kayong dudungaw sa bintana, dahil baka makita kayo at balikan kayo nun.*" Thereafter, Macawili and Doniza were allowed to run and two gunshots were fired in a different direction.¹⁴ They stayed hidden for about two hours until they saw a guard from whom they asked for help.¹⁵

Version of the Defense

For his part, accused-appellant testified that he was the guard-on-duty at the house of the Chua family in the evening of June 24, 2013. Between 10:00 to 11:00 p.m., and while accused-appellant was washing dishes in the kitchen, Ricardo Garcia (Garcia), the nephew of Emil Chua, knocked and entered the gate of the house, and told accused-appellant to lend him the Mazda Friendee. Accused-appellant gave Garcia the keys to the vehicle and returned to the kitchen. After 30 minutes, accused-appellant heard someone knock on the gate. After inquiring who was at the gate, a person answered "*Pinto! Pinto!*" Accused-appellant assumed it was Garcia and opened the gate for him. Instead of Garcia, accused-appellant, saw two persons carrying high-powered firearms.¹⁶ The armed individuals pushed accused-appellant to the kitchen but decided not to tie his hands together, and opted to tie down the family dog instead.¹⁷ Thereafter, other members of the household went down from the servant's quarters. Accused-appellant saw that Macawili was being held by one of the assailants with a gun pointed to Macawili's head. Accused-appellant further recalled that the assailants stole several firearms owned by Emil and the contents of the family vault.¹⁸

Thereafter, the assailants escaped on board the Ford Expedition and the Mazda Friendee, which was returned by Garcia during the robbery incident.

¹² CA rollo, p. 78.

¹³ Id. at 80.

¹⁴ Id.

¹⁵ Rollo, p. 6.

¹⁶ CA rollo, p. 41.

¹⁷ Rollo, p. 7.

¹⁸ CA rollo, pp. 41-42.

Accused-appellant claimed that Garcia was unaware of what was happening inside the house at that time since the assailants were hiding behind the other vehicles owned by the Chuas.¹⁹

Meanwhile, Macawili, Doniza, and accused-appellant were blindfolded and were ordered to board the Mazda Friendee. After travelling for about two hours, the vehicle stopped and one of the assailants said “*ibaba na ninyo ‘yang matanda.*” Accused-appellant then heard two gunshots. Thereafter, he was hit on the face with a hard object causing him to lose consciousness. When he woke up, he crawled for his survival until he was found by a caretaker of a pineapple farm. Accused-appellant did not report the incident to police authorities out of fear that the assailants will harm his family.²⁰

Ruling of the Regional Trial Court

In a Joint Decision²¹ dated February 20, 2018, the RTC found accused-appellant guilty beyond reasonable doubt of the complex crime of robbery in an inhabited house by armed persons and robbery with violence against or intimidation of persons. It found that the facts and surrounding circumstances of the case led to the conclusion that accused-appellant was in conspiracy with the assailants. The RTC also found him guilty of carnapping pursuant to RA 6539. The dispositive portion of the Decision reads:

WHEREFORE, PREMISES CONSIDERED, accused **CARLITO SANTOS y SANCHEZ *alias Etot*** is found **GUILTY** beyond reasonable doubt for the above-captioned offenses, and is accordingly sentenced, as follows:

(a) *Criminal Case No. 13-2888-* for the complex crime of robbery in an inhabited house by armed men under *Article 299* of the *Revised Penal Code* and robbery with violence against and intimidation of persons under *Article 294* of the *Revised Penal Code*, for which he shall suffer the indeterminate sentence of 12 years of *prision mayor*, as minimum, to 17 years, four months and one day of *reclusion temporal*, as maximum, and (2) ordered to pay the actual damages of P1,681,232.00, subject to an interest of 6% *per annum* reckoned from the filing of the information until full payment; and

(b) *Criminal Case No. 13-2889 – for violation of Section 2 in relation to Section 14 of Republic Act No. 6539*, otherwise known as the *Anti-Carnapping Law of 1972* (the law that was applicable at the time of the commission of the offense), he is hereby sentenced to serve an indeterminate prison term of seventeen (17) years and four (4) months as minimum, to thirty (30) years as maximum, with *costs de officio*.

x x x x

¹⁹ Id.

²⁰ Id. at 42.

²¹ Id. at 57-69.

SO ORDERED.²²

Accused-appellant filed an appeal before the CA.

Ruling of the Court of Appeals

In its June 6, 2019 Decision,²³ the CA affirmed the RTC's Joint Decision with modifications on the penalties imposed. In agreeing with the findings of the RTC, the CA held that accused-appellant acted in conspiracy with the assailants in committing the crimes charged. The CA thus found accused-appellant guilty of committing the following: (1) complex crime of robbery in an inhabited house by armed persons and robbery with violence and/or intimidation of persons, and (2) carnapping in violation of RA 6539.

The CA modified the penalty to a prison term of 8 years and 1 day of *prision mayor*, as minimum, to 11 years, 4 months and 1 day of *prision mayor*, as maximum. On account of the prosecution's failure to substantiate the amount of personal properties taken, the CA pegged the actual damages at PHP 250.00 in line with Art. 299 of the RPC.²⁴ The dispositive portion of the CA's Decision reads as follows:

WHEREFORE, the appeal is **DENIED**. The 20 February 2018 **Joint Decision** rendered by the Regional Trial Court, National Capital Judicial Region, Branch 137, Makati City, is **AFFIRMED** with **MODIFICATION** that, insofar as Criminal Case No. 13-2888, appellant is hereby sentenced to suffer the indeterminate penalty of 8 years and 1 day of *prision mayor*, as minimum, to 11 years, 4 months and 1 day of *prision mayor*, as maximum. The amount of actual damages is reduced to 250 pesos.

SO ORDERED.²⁵

Hence, the present appeal.

Accused-appellant essentially argues that his actions at the time of the robbery incident do not amount to overt acts which prove that he was part of the conspiracy. He thus prays for his acquittal.

Our Ruling

After a review of the records, this Court resolves to dismiss the appeal for failure to sufficiently show that the CA committed any reversible error in its June 6, 2019 Decision as to warrant the exercise of this Court's appellate jurisdiction.

²² Id. at 68.

²³ *Rollo*, pp. 3-20.

²⁴ Id. at 17-18.

²⁵ Id. at 19.

In the main, accused-appellant wants this court to reevaluate and reexamine the testimonies of the prosecution and defense witnesses. Well-settled is the rule that the findings of the trial court, which are factual in nature, are accorded respect more so when no glaring errors, gross misapprehension of facts or speculative, arbitrary and unsupported conclusions can be gathered from such findings.²⁶ This is because the trial court is in a better position to decide the credibility of witnesses having heard their testimonies and observed their deportment and manner of testifying during the trial.²⁷ Accordingly, this Court finds no error committed by the RTC and the CA in the appreciation of the evidence and testimonies, as well as in the similar conclusions they reached. They have not overlooked or disregarded any significant facts and circumstances in the instant case.

We agree with the RTC and CA that conspiracy in this case was established. Under Art. 8, paragraph 2 of the RPC, the following are the elements of conspiracy: (1) two (2) or more persons came to an agreement; (2) the agreement concerned the commission of a felony; and (3) the execution of a felony was decided upon.²⁸ It is well settled that “proof of conspiracy need not be based on direct evidence. It may be inferred from the parties’ conduct indicating a common understanding among themselves with respect to the commission of a crime. It is likewise not necessary to show that two or more persons met together and entered into an explicit agreement setting out the details of an unlawful scheme or objective to be carried out. Conspiracy may be deduced from the mode or manner in which the crime was perpetrated. It may also be inferred from the acts of the accused evincing a joint or common purpose and design, concerted action, and community of interest.”²⁹

Here, the RTC and the CA correctly ruled that conspiracy exists between accused-appellant and the other assailants based on the following circumstances: *First*, accused-appellant’s testimony before the RTC clearly reveals that the assailants were able to gain entry inside the Chua’s family home because he readily opened the gate without first taking the necessary precaution in ascertaining the identity of the person outside of the house gate. *Second*, Macawili’s testimony positively identified accused-appellant as one of the assailants, particularly, that it was accused-appellant who pointed a gun at him during the robbery incident. *Third*, accused-appellant did not seek the help of Garcia when the latter returned the Mazda Friendee while the robbery incident was ongoing in the Chua residence. Notably, during this time, accused-appellant testified that that he was alone and that no one was pointing

²⁶ *Realiza v. People*, G.R. No. 228745, August 26, 2020.

²⁷ *People v. Macaspac*, G.R. No. 246165, November 28, 2019, citing *People v. Perondo*, 754 Phil. 205, 217 (2015).

²⁸ *People v. Casabuena*, G.R. No. 246580, June 23, 2020.

²⁹ *Id.*

a gun at him. *Fourth*, accused-appellant went into hiding after the robbery incident instead of disproving his involvement in the robbery.³⁰

In view of the foregoing, the prosecution discharged its burden to produce before the RTC sufficient evidence that accused-appellant acted in conspiracy with the assailants in the present case.

As to the crime committed, We also agree with the RTC and CA that accused-appellant committed the complex crime of Robbery in an inhabited house by armed persons under Art. 299 of the RPC and Robbery with violence against or intimidation of persons under Art. 294 of the RPC. The findings of the CA are instructive on this point:

The prosecution clearly established that the armed [individuals] were able to gain entry into the [Chua's] house when appellant readily opened the gate. Thereafter, they ransacked the place, took away personal properties, including the vault and its contents. In the course thereof, they committed acts of violence against and intimidation of persons when they threatened and hogtied the members of the household. Also, one of the culprits hit Macawili with a gun. Indubitably, they committed the complex crime of robbery in an inhabited house by armed persons and robbery with violence against or intimidation of persons.³¹

We note, however, that while the Information provides for an estimated total value of PHP 7,000,000.00 worth of stolen personal properties, the prosecution failed to prove or support the same with receipts or other competent evidence.

Under Art. 48 of the RPC, the penalty for the complex crime is that corresponding to the more serious felony to be applied in its maximum period, which, in this case, is Robbery in an inhabited house by armed men.³² Under Art. 299 of the RPC, when the offenders are armed, but the value of the property taken does not exceed 250 pesos,³³ the penalty next lower in degree to *reclusion temporal* shall be imposed, which is *prision mayor*. Applying the Indeterminate Sentence Law, there being no modifying circumstances, the maximum imposable penalty shall be taken from the medium period of *prision mayor* or from eight (8) years and one (1) day to ten (10) years. Meanwhile, the minimum period shall be taken from the penalty next lower to *prision mayor*, which is *prision correctional*, or from six (6) months and one (1) day to six (6) years.

³⁰ See *rollo*, pp. 10-15.

³¹ *Id.* at 17.

³² See *Fransdilla v. People*, 758 Phil. 402, 424 (2015).

³³ THE THRESHOLD AMOUNT OF ₱250 IN ARTICLE 299 OF THE RPC HAS BEEN AMENDED TO ₱50,000.00 BY REPUBLIC ACT (RA) NO. 10951, OR "AN ACT ADJUSTING THE AMOUNT OR THE VALUE OF PROPERTY AND DAMAGE ON WHICH A PENALTY IS BASED, AND THE FINES IMPOSED UNDER THE REVISED PENAL CODE, AMENDING FOR THE PURPOSE ACT NO. 3815, OTHERWISE KNOWN AS 'THE REVISED PENAL CODE,' AS AMENDED." APPROVED: AUGUST 29, 2017.

Thus, the proper indeterminate prison term that accused-appellant must suffer is six (6) months and one (1) day to six (6) years of *prision correctional*, as minimum, to eight (8) years and one (1) day to ten (10) years of *prision mayor* in its medium period, as maximum.

Since the prosecution failed to substantiate the amount of personal properties taken by accused-appellant and his co-assailants, actual damages is correctly valued at 250 pesos in accordance with Art. 299 of the RPC.³⁴

Anent accused-appellant's violation of RA 6539, We find no reason to deviate from the findings of the RTC and CA that accused-appellant and the assailants committed the crime of Carnapping. The testimonies of both the prosecution and defense clearly show that the assailants fled the scene of the crime on board the Ford Expedition and Mazda Friendee owned by the Chua family, and in the course thereof, forcibly took with them Macawili and Doniza who were tied up and blindfolded. As such, carnapping was committed with violence against or intimidation of persons.

In this regard, the Court affirms the penalty imposed, which is 17 years and 4 months as minimum, to 30 years as maximum, as the same is in line with provision of RA 6539.

ACCORDINGLY, the appeal is **DISMISSED**. The June 6, 2019 Decision of the Court of Appeals in CA-G.R. CR-HC No. 10783 is **AFFIRMED** with **MODIFICATION** that, insofar as Criminal Case No. 13-2888 is concerned, accused-appellant Carlito Santos y Sanchez is hereby sentenced to suffer the penalty of imprisonment enumerated as follows:

(a) In Criminal Case No. 13-2888, six (6) months and one (1) day to six (6) years of *prision correctional*, as minimum, to eight (8) years and one (1) day to ten (10) years of *prision mayor* in its medium period, as maximum.; and

(b) In Criminal Case No. 13-2889, 17 years and 4 months as minimum, to 30 years as maximum.

Accused-appellant Carlito Santos y Sanchez is further **ORDERED** to pay interest of 6% per *annum* on the amount of PHP 250.00 to be reckoned from the finality of this judgment until full payment thereof.

³⁴ Since the amount of ₱250 is more beneficial to accused-appellant, the amount of actual damages shall be valued at ₱250 pursuant to Article 299 of the RPC.

SO ORDERED.”

By authority of the Court:



LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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FEB 0 8 2023

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(CA-G.R. CR-HC No. 10783)

The Hon. Presiding Judge
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