



Republic of the Philippines
Supreme Court
Cagayan de Oro City

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 6, 2023** which reads as follows:*

“G.R. No. 261045 (*People of the Philippines v. Richard Pring y Duran @ “Target”, @ “Richard Tenorio y Duran”*). — This resolves the appeal¹ from the May 25, 2021 Decision² of the Court of Appeals (CA) in CA-G.R. CR-HC No. 12183, which affirmed the August 28, 2018 Decision³ of the Regional Trial Court (RTC) of Manila, Branch 43, in Criminal Case No. 15-319796, finding accused-appellant Richard Pring y Duran alias “Target” or alias “Richard Tenorio y Duran” guilty beyond reasonable doubt of Robbery with Homicide under Article 294 (1) of the Revised Penal Code (RPC).⁴

Antecedents

In an Information,⁵ accused-appellant was charged with Robbery with Homicide resulting to the death of the 17-year-old Renzo Rei Bodoy (Renzo), committed as follows:

That on or about **September 8, 2015**, in the City of Manila, Philippines, the said accused, did then and there willfully, unlawfully and feloniously, with intent to gain and by means of force, violence and intimidation upon person, to wit: by boarding a passenger jeepney traversing along Quezon Bridge, Ermita, this City, and pretending to be a passenger thereof, suddenly grabbing the bag containing Samsung Galaxy cellular phone valued at Php4,900.00 of one RENZO REI BODOY y HAMBLOSA, a minor, 17 years old, while holding a black knife, and that on occasion or by reason of said robbery, the said accused with intent to kill, with the qualifying circumstances of abuse of superior strength and treachery, stabbed the victim on the chest several times, thereby

¹ Rollo, pp. 3-5.

² Id. at 8-20. Penned by Associate Justice Tita Marilyn B. Payoyo-Villordon and concurred in by Associate Justices Eduardo B. Peralta, Jr. and Bonifacio S. Pascua.

³ Id. at 22-33. Penned by Presiding Judge Roy G. Gironella.

⁴ Entitled “AN ACT REVISING THE PENAL CODE AND OTHER PENAL LAWS.” Approved: December 8, 1930.

⁵ Records, pp. 1-2.

inflicting upon him stab wounds which was the direct and immediate cause of his death thereafter.

Contrary to law.⁶

Accused-appellant pleaded not guilty and pre-trial and trial ensued thereafter.⁷

Version of the Prosecution

The prosecution presented two witnesses during trial: the victim's mother, Rosevel H. Bodoy, and the victim's co-passenger and eyewitness to the crime, Jacklyn Coniconde (Jacklyn).⁸ The prosecution and the defense stipulated on the testimonies of Senior Police Officer 2 Jonathan Bautista (SPO2 Bautista), Police Officer Ronaldo Samson, Dr. Giselle Baluyot, and Dr. Ruperto Sombilon.⁹ Together, the evidence for the prosecution tended to establish the following:

At around 6:20 a.m. on September 8, 2015, Jacklyn boarded a passenger jeepney for work bound for Quirino. She sat next to the would-be victim Renzo, who was holding a bag. While traversing the Metropolitan Theater, accused-appellant boarded the jeepney and sat across Jacklyn and Renzo. Jacklyn felt a sense of foreboding and stared at accused-appellant.¹⁰

After a few moments, accused-appellant took out a black knife and suddenly grabbed the bag of Renzo. Fearing for her life, Jacklyn rushed to the exit and jumped. She fell on the ground and sustained wounds. She was about to run when she looked back at the jeepney and saw accused-appellant stab Renzo at least five times on the upper body.¹¹

Accused-appellant attempted to run away after the incident but he was bumped by a passing cab. He was nevertheless able to escape with Renzo's cellular phone.¹²

After witnessing the incident, Jacklyn ran back to Quezon Bridge and boarded another jeepney. She went to the University of Santo Tomas Hospital for treatment and went home thereafter.¹³

Later that day, Jacklyn was tracked by SPO2 Bautista and was convinced to cooperate despite her initial hesitation. Thus, she proceeded to the police

⁶ Id. at 1.

⁷ *Rollo*, p. 9.

⁸ Also spelled as Coneconde in the *rollo*.

⁹ *Rollo*, p. 23.

¹⁰ Id. at 9-10.

¹¹ Id. at 10.

¹² Id.

¹³ Id.

station to give her testimony. She was also able to identify accused-appellant, who already had a prior record with the police, from the mugshots shown to her.¹⁴

The police officers were able to arrest accused-appellant in his address in Caloocan City that same night. Among those recovered was a black knife.¹⁵

Renzo's cause of death was later identified as multiple stab wounds.¹⁶

Version of the Defense

Accused-appellant, the defense's sole witness, denied the allegations and claimed that on the day of the incident, he was in Caloocan City. He imputed ill motive on the part of the police officers whose asset he supposedly had a previous altercation with.¹⁷

Ruling of the Regional Trial Court

The trial court found accused-appellant guilty of Robbery with Homicide, viz.:

ACCORDINGLY, by proof beyond reasonable doubt, the court finds accused, **RICHARD PRING y DURAN, @“Target”, @“Richard Tenorio y Duran”** **GUILTY** for a case of Robbery with Homicide under Article 294 of the Revised Penal Code. He is therefore sentenced to suffer the penalty of Reclusion Perpetua without being eligible for parole.

Accused is ordered to pay the heirs of deceased Renzo Rei Bodoy y Hamblosa Php87,633.55 for actual damages, Php100,000.00 for the death of said deceased, Php100,000.00 for moral damages, and Php100,000.00 for exemplary damages.

¹⁴ Id. at 10-11.

¹⁵ Id. at 11.

¹⁶ Id. at 12. The wounds were as follows:

1. 2.0 cm elliptical, clean-cut edges, horizontally oriented, with medial extremity blunt and lateral extremity sharp, located on the chest, left side; m7.0 cm [sic] from the anterior median line, directed backwards, downwards and medially involving the skin and underlying soft tissues causing a clean cut [sic] fracture on the 3rd rib entering the pericardial sac and severing the left ventricle with a depth of 10.0 cm.

2. 2.0 cm elliptical, clean cut [sic] edges, horizontally oriented with medial extremity blunt and lateral extremity sharp, located on the chest, right side, 17.0 cm from the anterior median line involving the skin, and under lying [sic] soft tissue only. It is not-penetrating and has a depth of 2.0 cm[.]

3. 2.0 cm elliptical, clean cut [sic] edges, vertically oriented with superior extremity sharp and inferior extremity blunt located on the chest along the anterior median line involving the skin and the sternum only. It is non-penetrating and has a depth of 2.0 cm[.]

4. 2.0 cm elliptical, clean cut [sic] edges, diagonally oriented with superior extremity blunt and inferior extremity sharp, located on the left anterior thigh, 28.0 cm from the left knee involving the skin and underlying muscle tissues with a depth 2.0 cm.

¹⁷ Id. at 13.

Accused shall pay costs of suit.

SO ORDERED.¹⁸

The trial court held that the prosecution was able to show that the crime of Robbery with Homicide was committed; that it was accused-appellant who committed the same as established through the testimony of Jacklyn; that the element of unlawful taking was satisfied when it was proven that accused-appellant grabbed the victim's bag; that the element of intent to gain was presumed from the taking; that the number and nature of wounds sustained by the victim established accused-appellant's intent to kill; that the physical description given by Jacklyn fitted accused-appellant's features; that Jacklyn is a credible witness; and that accused-appellant is liable for damages.¹⁹

Ruling of the Court of Appeals

On appeal, the CA affirmed the conviction of accused-appellant but imposed interest on the monetary awards, *viz.*:

ACCORDINGLY, premises considered, the appeal is **DENIED**. The Decision dated 28 August 2018 of the Regional Trial Court, National Capital Judicial Region, Branch 43, Manila in Criminal Case No. 15-319796, finding accused-appellant **RICHARD PRING y DURAN, @“Target”, @“Richard Tenorio y Duran” GUILTY** beyond reasonable doubt of Robbery with Homicide under Article 294 of the Revised Penal Code, is **AFFIRMED with MODIFICATION** such that interest at the rate of six percent (6%) per annum is imposed on all damages awarded from the date of finality of this judgment until fully paid.

SO ORDERED.²⁰

The appellate court held that the elements of Robbery with Homicide are present; that Jacklyn is a credible witness; that denial and alibi are weak defenses; that the penalty imposed and damages awarded by the trial court are correct; and that the damages awarded should earn interest.²¹

Thus, this appeal.²²

Issue

Did the appellate court err in sustaining the conviction of accused-appellant?

¹⁸ Id. at 33.

¹⁹ Id. at 28-33.

²⁰ Id. at 19.

²¹ Id. at 16-18.

²² Id. at 3-5.

Our Ruling

The appeal lacks merit.

Robbery with Homicide is a special complex crime penalized under Art. 294 (1) of the RPC, *viz.*:

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 *reclusión perpetua* to death, when by reason or on occasion of the robbery, the crime of homicide shall have been committed.

To secure a conviction for Robbery with Homicide, the prosecution must prove the following elements: (1) that the taking of personal property was done with violence or intimidation against persons; (2) that the property taken belongs to another; (3) that the taking was done with *animo lucrandi* or intent to gain; and (4) that on the occasion of the robbery or by reason thereof, homicide was committed.²³

Here, the prosecution was able to establish all the elements of the crime. Through Jacklyn's testimony, it was established that accused-appellant, while holding a knife, forcibly grabbed Renzo's bag containing his cellphone. The bag does not belong to accused-appellant. From the unlawful taking, accused-appellant's intent to gain, which is an internal act, is presumed. Unfortunately, on the occasion of the unlawful taking, a young boy died.

The defense insists on accused-appellant's innocence by arguing that Jacklyn's identification is unreliable; that the cellphone was not presented in trial; that the knife presented in court had no bloodstain; and that accused-appellant was in Caloocan City when the crime happened.²⁴

The Court is not convinced.

First, it should be noted that the assessment of the credibility of witnesses is a function of the trial court, having the unique opportunity to observe the demeanor, attitude, and conduct of the witnesses while on the stand.²⁵ Unless it is shown that certain facts or circumstances that would substantially affect the result of the case have been overlooked or misinterpreted, the Court is bound to respect the trial court's assessment.²⁶

²³ *People v. Casabuena*, G.R. No. 246580, June 23, 2020, citing *People v. Buenamer*, 794 Phil. 214, 223 (2016).

²⁴ CA rollo, pp. 34-40.

²⁵ *People v. Sumayod*, G.R. No. 230626, March 9, 2020, citing *People v. Gahi*, 727 Phil. 642, 658 (2014).

²⁶ *Id.*

Here, the RTC found Jacklyn's testimony to be absolutely credible, noting "how Jacklyn appeared and talked on the witness stand completely erased any doubt as to the identity of the accused."²⁷ The observation of the trial court is worth noting:

The court recalls that Jacklyn was even accompanied by her grandfather when she testified. She was scared of the accused. She was evading to see his face. She exhibited reluctance to look face to face with the accused. She was very nervous and even cried that the court attempted to cut off and reset her testimony. But for one reason or another she braved the witness stand. It could be that she cannot carry in her conscience without giving justice to a young boy she had only seen once. **It is worth stressing that Jacklyn has the appearance of a witness who had no experience on the witness stand. She appeared naive when it comes to court environment or surroundings. Her demeanors and/or manners on the witness stand convincingly indicate that she is a credible witness. Her testimony is in details, contains particulars and consistent. She gave her answers in a categorical and straightforward manner. Her testimony is credible and is given weight to sustain a verdict of conviction.**²⁸ (Emphasis supplied)

As the defense was unable to adduce any cogent reason to reverse the assessment, the Court will not disturb the same especially since it was sustained by the appellate court.

Second, the fact that the cellphone was not presented in trial will not exonerate accused-appellant. As previously held by the Court, the presentation of the stolen property is not necessary to convict an accused when the fact of asportation or "carrying away" had been established beyond reasonable doubt.²⁹ The reason is that the property may already have been thrown away by the robber or even recovered by the owner, *viz.*:

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.³⁰

Here, the fact of grabbing or carrying away Renzo's belongings had already been established beyond reasonable doubt during trial. Hence, the presentation of the stolen property was no longer necessary.

²⁷ *Rollo*, p. 32.

²⁸ *Id.*

²⁹ *People v. Bacyaan*, G.R. No. 238457, September 18, 2019, citing *People v. Palema*, G.R. No. 228000, July 10, 2019.

³⁰ *Id.*

Third, the absence of bloodstains in the knife does not negate accused-appellant's guilt. Notably, the knife was recovered hours after the incident, giving accused-appellant sufficient time to clean it. In any case, even if the knife was not presented, the same is not fatal as presentation of the weapon used in the attack is not an element of the crime.

Fourth, accused-appellant's defenses of alibi and denial cannot be sustained. For one, the defense failed to show that it was physically impossible for accused-appellant to be at the crime scene during the incident.³¹ For another, an inherently weak defense like alibi cannot prevail over a positive and credible testimony of a witness³² like Jacklyn.

Penalty and damages

Art. 294 (1) of the RPC punishes Robbery with Homicide with *reclusion perpetua* to death.³³ In determining the imposable penalty, aggravating and mitigating circumstances must be considered.³⁴ Here, it appears that the trial court appreciated one aggravating circumstance since it qualified the imposed penalty of *reclusion perpetua* with the phrase "without being eligible for parole."³⁵ However, the trial court did not discuss which between the alleged circumstances of abuse of superior strength and treachery was present.

Upon review, the Court finds that treachery is attendant, considering that accused-appellant's attack was so sudden and unexpected that Renzo, who was simply riding his morning jeepney to school, had no opportunity to defend himself, and considering further that accused-appellant purposely brought a knife when he boarded the jeepney.³⁶ Abuse of superior strength cannot be appreciated since there was no showing of notorious inequality of

³¹ See *People v. Avila*, 787 Phil. 346, 359 (2016), citing *People v. Salcedo*, 667 Phil. 765, 775-776 (2011).

³² See *People v. Batalla*, 845 Phil. 424, 436-437 (2019), citing *People v. Cataytay*, 746 Phil. 185, 195 (2014).

³³ 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 *reclusión perpetua* to death, when by reason or on occasion of the robbery, the crime of homicide shall have been committed.

³⁴ REVISED PENAL CODE, Art. 62.

³⁵ *Rollo*, p. 33. See Administrative Matter No. 15-08-02-SC, or the "GUIDELINES FOR THE PROPER USE OF THE PHRASE 'WITHOUT ELIGIBILITY FOR PAROLE' IN INDIVISIBLE PENALTIES." Approved: August 4, 2015.

³⁶ See *People v. Espina*, G.R. No. 219614, July 10, 2019 (citations omitted), where the Court discussed the elements and the essence of treachery.

Although treachery was specified in the Information as a qualifying circumstance, it has been held that treachery is not considered a qualifying circumstance in the crime of Robbery with Homicide but a generic aggravating circumstance. *People v. Layug*, 818 Phil. 1021, 1032 (2017) (citations omitted). Here, treachery can still be appreciated as an aggravating circumstance since the specific acts constituting it had been sufficiently alleged in the Information, specifically that "by boarding a passenger jeepney x x x and pretending to be a passenger thereof, suddenly grabbing the bag x x x of one RENZO REI BODOY y HAMBLOSA, a minor, 17 years old, while holding a black knife, and that on occasion or by reason of said robbery, the said accused with intent to kill, with the qualifying circumstances of abuse of superior strength and treachery x x x."

forces between the victim and accused-appellant and of the latter's deliberate use thereof.³⁷

Since there is one aggravating circumstance, the appellate court correctly affirmed the penalty of *reclusion perpetua* without eligibility for parole. The qualification of "without eligibility for parole" is proper because the aggravating circumstance of treachery warrants the imposition of the death penalty under Art. 63 of the RPC,³⁸ which however cannot be imposed pursuant to Republic Act No. 9346,³⁹ and for which the qualification is supplied as directed by this Court's Administrative Matter No. 15-08-02-SC.⁴⁰

Finally, for the damages, the appellate court correctly awarded civil indemnity, moral damages, and exemplary damages amounting to ₱100,000.00 each pursuant to *People v. Jugueta*.⁴¹ However, the actual damages should be deleted since only the amount of ₱7,000.00 (for hospital expenses) was supported by a receipt.⁴² In lieu thereof, temperate damages of ₱50,000.00 should be awarded.⁴³ For the stolen cellphone, accused-appellant should return the same or pay its monetary value in the amount of ₱4,900.00 if restitution is no longer possible.⁴⁴ The monetary awards shall earn interest at the rate of 6% per *annum* from the finality of this Resolution until fully paid.⁴⁵

WHEREFORE, the appeal is **DISMISSED**. The May 25, 2021 Decision of the Court of Appeals in CA-G.R. CR-HC No. 12183 is **AFFIRMED** with **MODIFICATIONS**. For committing Robbery with Homicide under Article 294 (1) of the Revised Penal Code, accused-appellant **RICHARD PRING y DURAN** alias "**TARGET**" or "**RICHARD TENORIO y DURAN**" is **ORDERED** to suffer the penalty of *reclusion perpetua* without eligibility for parole and to pay the heirs of Renzo Rei Boday the following amounts:

- a) Civil indemnity of ₱100,000.00;
- b) Moral damages of ₱100,000.00;
- c) Exemplary damages of ₱100,000.00; and
- d) Temperate damages of ₱50,000.00.

³⁷ *Uddin v. People*, G.R. No. 249588, November 23, 2020, citing *People v. Mat-an*, 826 Phil. 512, 526 (2018).

³⁸ REVISED PENAL CODE, Art. 63.

³⁹ Entitled "AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES." Approved: June 24, 2006.

⁴⁰ Entitled "GUIDELINES FOR THE PROPER USE OF THE PHRASE 'WITHOUT ELIGIBILITY FOR PAROLE' IN INDIVISIBLE PENALTIES." Approved: August 4, 2015.

⁴¹ 783 Phil. 806, 850 (2016).

⁴² See *People v. Salibad*, 773 Phil. 631, 646-647 (2015). Citations omitted.

⁴³ *People v. Jugueta*, supra at 853.

⁴⁴ See *People v. Bacayan*, supra note 29.

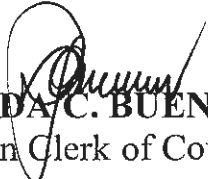
⁴⁵ *Nacar v. Gallery Frames*, 716 Phil. 267, 283 (2013).

Accused-appellant is also **ORDERED** to return the stolen cellphone or pay its monetary value in the amount of ₱4,900.00 if restitution is no longer possible.

The monetary awards shall earn interest at the legal rate of 6% per *annum* from the date of finality of this Resolution until fully paid.

SO ORDERED.” *Lopez, M. J., and Singh, J., designated additional Members per December 7, 2022 Raffle vice Zalameda, J., and Rosario, J., who recused due to prior action in the Court of Appeals.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court ~~191A~~

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

194-A

MAR 20 2023

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