



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **September 3, 2020** which reads as follows:*

“G.R. No. 228892 – People of the Philippines v. Andy Espijon y Noguera

Before us on appeal is the Decision¹ of the Court of Appeals in CA-G.R. CR-HC No. 06816 dated September 22, 2016 which affirmed with modification the Judgment² of the Regional Trial Court (RTC), National Capital Judicial Region, Branch 170, Malabon City in Criminal Case No. 29851-MN finding accused-appellant Andy Espijon y Noguera (Espijon) guilty beyond reasonable doubt of the crime of Robbery with Homicide.

The Amended Information dated October 6, 2003 charged accused-appellant with Robbery with Homicide, committed as follows:

That on or about the 22nd day of September 2003, in the City of Malabon, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused while armed with a gun, with intent to gain and by means of force, violence and intimidation did, then and there, willfully, unlawfully and feloniously take, rob and carry away one (1) bag containing more or less ₱70,000.00 and one (1) unit Nokia Cellphone 3210 worth ₱5,000.00 owned and belonging to LIBRADA DE SAGUN-TENORIO and BENJAMIN TENORIO y DE SAGUN, and in the course of the said robbery, accused, with intent to kill, shot said LIBRADA DE SEGUN-TENORIO and BENJAMIN TENORIO y DE SAGUN, who sustained fatal injuries which directly caused their death.³

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¹ Penned by Associate Justice Mario V. Lopez (now a Member of the Court), with Associate Justices Rosmari D. Carandang (also now a Member of the Court) and Myra V. Garcia-Fernandez, concurring; *rollo*, pp. 2-13.

² CA *rollo*, pp. 41-46.

³ Id.

When arraigned, accused-appellant pleaded not guilty. Thereafter, trial ensued.

The prosecution presented as its witnesses, Efren Umandap (Efren), the victims' driver and Dr. Antonio Vertido. Police Officer 3 Benedicto Zafra's (PO3 Zafra) testimony was dispensed with in view of the stipulation with the defense as to the fact of the arrest, the identity of the accused and the execution of the *Pinagsanib na Sinumpaang Salaysay* (Exhibit "F") by PO3 Zafra and PO1 Elany Vallangca of the Malabon Police Station.

The facts as synthesized by the Office of the Solicitor General was quoted from the Appellee's Brief,⁴ as follows:

On September 22, 2003, at around 1:45 in the morning, Efren Umandap (Efren) was at Gen. Luna Ave., San Agustin, Malabon sleeping inside the truck he was driving when he was woken up by gunshots. Efren sat up, looked thru the windshield of the truck and saw three (3) persons running and carrying a black bag.

Thereafter, Efren alighted from the truck and saw Librada Tenorio (Librada), the owner of the truck he was driving, asking for help for her son, Benjamin, who was already sprawled on the ground. Efren called for a passenger jeepney and he and Librada brought Benjamin to the Tondo Medical Hospital.

When they reached the hospital, Benjamin was dead upon arrival while Librada was brought to the operating table as she realized that she was also hit.

Upon realizing that she was hit, Librada informed Efren that they were held up and told him that she would be able to identify their assailant if they will be presented to her. Librada also told Efren that the robber took three (3) cellphones and money amounting to Php70,000.00. Librada was later transferred to a hospital in Lipa City where she expired the following day, September 23.

An autopsy of the body of Librada reveals a contusion on the left chest possibly caused by a piece of stone or wood, abrasion on the left elbow and single gunshot wound on the left side of the body inflicted by an assailant facing her. No slug was found inside her body as the same was probably taken during surgery. However, a soft tissue was found marked by an embedded slug. The gunshot wound penetrated the intestine, which was surgically repaired, and the spleen caused the material death. Librada could

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⁴ CA rollo, pp. 69-81.

have survived had it not been for peritonitis. The cause of death was peritonitis secondary to gunshot wound in the abdomen.

Subsequently, PO2 Benedicto Zafra and PO1 Elany Vallangca were following-up on the shooting incident that occurred when they found out from a certain person, identified as Nelson Jacinto, that Espijon complained to him about the share he received from the robbery.

Thereafter, Nelson accompanied the police officers to the place where Espijon frequented and found him thereat. Subsequently, Espijon was invited to the police station for further investigation. At the Police Station, Efren arrived and positively identified Espijon as one of the individuals he saw running after the shooting incident and who also uttered the words, "*Tara na, ayos na.*"

On the other hand, the defense presented Espijon, the accused-appellant himself whose defense consists mainly of denial. At first he admitted that he was at his work place with his employer and his co-employees at the Malabon Fish Port which is about ten arms-length away from the place of incident, but, later on, he changed his testimony and declared that he could not estimate the distance because it was supposedly far. He added that he was not familiar with the place of the incident.

On June 3, 2013, the RTC rendered a Decision finding Espijon guilty of the crime charged based on circumstantial evidence. The dispositive portion of the Decision reads:

WHEREFORE premises considered accused Andy Espijon y Noguera is found by this Court guilty beyond reasonable doubt of the crime of robbery with homicide and thereby sentenced to suffer the penalty of *reclusion perpetua*. He is also ordered to pay damages for each victim the amount of ₱75,000.00 for civil indemnity, ₱50,000.00 for moral damages, ₱25,000.00 for temperate damages and ₱75,000.00 for the money taken including the amount of the cellphone.

SO ORDERED.⁵

Aggrieved by the judgment, Espijon appealed to the CA, attributing to the lower court the following errors: (1) there was a grave error in convicting him of the crime charged by merely relying on the circumstantial evidence presented by the prosecution; and (2) there was a grave error in disregarding his defenses of denial, alibi, illegal arrest and non-flight.

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⁵ Id. at 46.

In its Decision dated September 22, 2016, the CA denied the appeal and affirmed the decision of the trial court, but with modification as to the penalty to be imposed upon accused-appellant. The CA ruled that the prosecution was able to prove the presence of all the elements constituting the crime charged and it presented credible and sufficient pieces of circumstantial evidence that led to the inescapable and reasonable conclusion that Espijon committed the said offense. It ruled:

FOR THE STATED REASONS, the appeal is **DENIED**. The June 3, 2013 RTC Decision is **AFFIRMED with MODIFICATION**. Accused-appellant Andy Espijon y Noguera is found guilty beyond reasonable doubt of the crime of Robbery with Homicide, the penalty of which is *reclusion perpetua*. Accused-appellant is also liable to pay civil indemnity for each victim in the amount of Php75,000.00, Php75,000.00 as moral damages, Php75,000.00 as exemplary damages, and Php50,000.00 as temperate damages; all with the 6% annual legal interest computed from the date of finality of this judgment until fully paid.

SO ORDERED.⁶

Accused-appellant appealed the Decision of the CA. The Notice of Appeal was given due course and the records were ordered elevated to this Court for review. In a Resolution dated February 20, 2017, this Court required the parties to submit their respective supplemental briefs.⁷ Both parties manifested that they are no longer filing their supplemental briefs, as they are adopting all the arguments contained in their respective briefs.⁸

In his brief filed before the Court of Appeals, accused-appellant insists that the circumstantial evidence has not been adequately established, much less corroborated, thus, it cannot be the basis of his conviction. He assails prosecution witness Efren's testimony for being incredible, full of inconsistencies and contrary to human experience since the latter's testimony differs from his statements in his affidavit. Likewise, he maintains that Efren failed to positively identify him as the perpetrator of the crime.

The appeal must fail.

After a careful review of the records of the case, we see no reason to reverse or modify the findings of the RTC on the

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⁶ Id. at 12-13.

⁷ *Rollo*, pp. 19-20.

⁸ Id. at 21-25, 26-29.

circumstantial evidence establishing the guilt of Espijon, more so in this case where its findings were affirmed by the CA.

To start with, the Court generally defers to the factual findings of the trial court by virtue of the latter's better position to observe and determine matters of credibility of the witnesses, having heard the witnesses and observed their deportment during trial. This deference becomes firmer when the factual findings of the trial court were affirmed by the intermediate reviewing court. The Court does not disturb such factual findings unless the consideration of certain facts of substance and value that were plainly overlooked or misappreciated by the lower courts could affect the outcome of the case.⁹

In this case, nobody witnessed the actual robbery and killing of Librada and Benjamin. However, the culprit may still be proven despite the absence of eyewitnesses. It is settled that direct evidence of the commission of a crime is not the only basis on which a court draws its finding of guilt. The commission of a crime, the identity of the perpetrator, and the finding of guilt may all be established by circumstantial evidence.¹⁰

Circumstantial evidence is defined as that which “goes to prove a fact or series of facts other than the facts in issue, which, if proved, may tend by inference to establish a fact in issue.” Rule 133, Section 4 of the Revised Rules of Court provides for the requirements in order for circumstantial evidence to sustain conviction: (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.¹¹ Thus, to justify a conviction based on circumstantial evidence, the combination of circumstances must be interwoven in a way that would leave no reasonable doubt as to the guilt of the accused.¹²

Guided by these principles, We are convinced that accused-appellant's guilt was established by the following pieces of circumstantial evidence considered by the RTC and CA: (1) Efren was awoken by gunshots; (2) after hearing the gunshots, Efren saw three persons running with a black bag, one of them – Espijon – said “*tara na, ayos na*”; (3) right after the three persons passed, Librada asked for help for his son, Benjamin, who was sprawled on the ground due to a gunshot wound; (4) Librada also sustained a gunshot wound; (5)

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⁹ *People v. Magbitang*, G.R. No. 175592, June 14, 2016, 787 SCRA 130, 135.

¹⁰ *People v. Sanota*, G.R. No. 233659, December 10, 2019.

¹¹ *People v. Cruz*, G.R. No. 200081, June 8, 2016, 786 SCRA 607, 619.

¹² *People v. Abayon*, G.R. No. 204891 (Resolution) September 14, 2016.

Benjamin and Librada died; (6) before succumbing to death, Librada narrated that she and her son were robbed – three cellphones and Php70,000.00 cash, contained in her black bag, were taken; and (7) two days after the incident, Espijon declared to Nelson Jacinto, a fish porter at the Malabon Fish Port, that he only received Php25,000.00 share from the heist. These pieces of evidence, taken together, pointed to the indubitable conclusion that accused-appellant Espijon killed the victim.

Likewise, the RTC as affirmed by the CA correctly rejected the defense of denial of Espijon for the reason that he was positively identified by Efren as one of the three individuals fleeing from the scene of the crime. He was recognized by Efren from a line-up of five male persons as the one who uttered “*tara na, ayos na*” on the night of the incident. During trial, he was again pinpointed by Efren as one of the culprits. The Court had no reason to discredit the testimonies of Efren as the records are bereft of any indication that he was actuated by improper motive and absent any compelling reason to conclude otherwise, his testimony will be given full faith and credence.

The testimony of prosecution witness Efren thus established beyond reasonable doubt the elements of robbery with homicide, namely: (1) the taking of personal property with the use of violence or intimidation against the person; (2) the property taken belongs to another; (3) the taking is characterized by intent to gain or *animus lucrandi*; and, (4) on the occasion of the robbery or by reason thereof the crime of homicide was committed.¹³

Considering all the circumstances mentioned and in light of previous rulings, we are satisfied that the evidence adduced against Espijon constitutes an unbroken chain leading to the one fair and reasonable conclusion that he committed robbery with homicide which is punishable by *reclusion perpetua* as properly determined by the RTC and the CA.

WHEREFORE, the Court **ADOPTS** the factual findings of the trial court as affirmed by the Court of Appeals. The appeal is hereby **DISMISSED**. Accordingly, the Decision dated September 22, 2016 of the Court of Appeals in CA-G.R. CR-HC No. 06816 finding accused-appellant Andy Espijon y Noguera, **GUILTY** beyond reasonable doubt of Robbery with Homicide under Article 294 of the Revised Penal Code is **AFFIRMED in toto**.

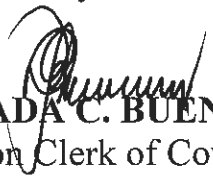
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¹³ *People v. Madrelejos*, G.R. No. 225328, (March 21, 2018).

**SO ORDERED.” Gaerlan, J., designated Additional Member,
per Raffle dated August 19, 2020 in lieu of Lopez, J.**

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court ¹²¹¹

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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The Hon. Presiding Judge
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