



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

RON DE GUZMAN DIMAAPI,  
Petitioner,

G.R. No. 241649

Present:

- versus -

PEOPLE OF THE  
PHILIPPINES, Respondent.

LEONEN, S.A.J., Chairperson,  
LAZARO-JAVIER,  
LOPEZ, M.  
LOPEZ, J., and  
KHO, JR., JJ.

Promulgated:

MAY 22 2024

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DECISION

**KHO, JR., J.:**

Assailed in this Petition for Review on *Certiorari*<sup>1</sup> under Rule 45 of the Rules of Court are the Decision<sup>2</sup> dated February 27, 2018 and the Resolution<sup>3</sup> dated August 17, 2018 of the Court of Appeals (CA) in CA-G.R. CR No.

<sup>1</sup> *Rollo*, pp. 13–32.

<sup>2</sup> *Id.* at 34–51. Penned by Associate Justice Magdangal M. De Leon and concurred in by Associate Justices Rodil V. Zalameda (now a Member of the Court) and Renato C. Francisco of the Sixth Division, Court of Appeals, Manila.

<sup>3</sup> *Id.* at 55–57. Penned by Associate Justice Magdangal M. De Leon and concurred in by Associate Justices Rodil V. Zalameda (now a Member of the Court) and Renato C. Francisco of the Former Sixth Division, Court of Appeals, Manila.

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39790 which partially affirmed the Decision<sup>4</sup> dated February 3, 2017 of Branch 65, Regional Trial Court (RTC) of Infanta, Quezon. The CA resolution, in effect, upheld the conviction of petitioner Ron De Guzman Dimaapi (Dimaapi) for the crime of robbery in an inhabited house, as defined and penalized under Article 299 of the Revised Penal Code (RPC).

### The Facts

This case stemmed from an Information<sup>5</sup> filed before the RTC charging Dimaapi, Jerry Supranes (Supranes), and a John Doe of the crime of robbery, the accusatory portion of which reads:

That on or about 19<sup>th</sup> of September 2010, in Barangay Dinahican, Municipality of Infanta, Province of Quezon, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to gain, armed with hammer, scissors[,] and other instruments used to open wall[s] and door[s], conspiring, confederating[,] and mutually helping each other, did then and there, willfully, feloniously[,] and unlawfully, destroyed the wall of the house with store owned by ZENAIDA ANGARA, and once inside[,] take, steal[,] and cart away the following: a) cash amounting to more or less PHP 20,000.00 and packs of Marlboro and Philip Cigarettes amounting to more or less PHP 35,000.00, with the total amount of PHP 55,000.00, without the complainant's consent and against her will[,] and to the damage and prejudice of the complainant in the aforementioned amount, afterwards the accused forcibly pushed the door of the room wherein the complainant and her children were located, which the complainant pushed back the said door of the room wherein the accused tried to enter.<sup>6</sup>

Dimaapi was arraigned and pleaded not guilty on March 8, 2011. Almost two years later, Supranes was apprehended and also pleaded not guilty. The John Doe remained at large, thereby leaving Dimaapi and Supranes to stand trial.<sup>7</sup>

The prosecution alleged that private complainant Zenaida Angara (Angara) owns a grocery store, portions of which she and her family use as their house/living quarters. At around 3:00 a.m. of September 19, 2010, Angara and her kids were sleeping in a room inside said store when her stay-in store saleslady, Lorena Atendido (Atendido), knocked at Angara's room to inform the latter that she saw a person inside the store with a flashlight. Angara let Atendido inside the room, and thereafter, called her brother-in-law, Jerribel Madriaga (Madriaga) via mobile phone, asking him to help. While waiting for Madriaga, Angara slightly opened the door to peek, and saw a man—later identified as Dimaapi—who, upon seeing Angara peeking,

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<sup>4</sup> *Id.* at 88–104. Penned by Presiding Judge Arnelo C. Mesa.

<sup>5</sup> Not attached to the *rollo*.

<sup>6</sup> *See rollo.* at 35–36.

<sup>7</sup> *Id.* at 36.

turned off his flashlight and rushed towards the room. Fortunately for Angara, she was able to immediately close the door and block it.<sup>8</sup>

Shortly thereafter, Madriaga, together with the barangay tanods (Madriaga, et al.) arrived and climbed the roof of Angara's store to retrieve the keys to the store through a hole in the ceiling so that they could enter through the store's front door. While they were on the roof, Madriaga, et al. saw two men fleeing but they failed to recognize them as they were wearing bonnets. Upon getting the keys, Madriaga, et al. went and opened the store's front door. They immediately searched the entire store and eventually found Dimaapi underneath an empty box of soy sauce and in between sacks of rice and cases of beer at the *bodega*. Madriaga, et al. then apprehended Dimaapi and found out that the latter was equipped with a hammer, a pair of scissors, a pair of pliers, a pair of longnose pliers, a screwdriver, a cutter, a double-bladed knife, a bonnet, and a set of keys. Madriaga, et al. then questioned Dimaapi about his companions and the latter replied that he was with Supranes and another man whose name he does not know.<sup>9</sup>

After Dimaapi was detained, Madriaga, et al., together with Angara who had come out from her room, checked the grocery store and discovered that PHP 20,000.00 worth of coins and PHP 35,000.00 worth of cigarettes were already missing. Furthermore, they saw that a wall of the grocery store which was made of galvanized iron was destroyed, thereby surmising that Dimaapi and his cohorts were the ones who destroyed it to gain entry into the store. Thereafter, they brought Dimaapi to the barangay hall and turned him over to the responding police officers.<sup>10</sup>

In defense, Dimaapi denied the allegations against him. He averred that on the date and time of the incident, he was buying bread and cigarettes from a nearby bakery when Angara invited him to go to her store. According to Dimaapi, when he arrived at Angara's store, she told him to enter the store, which he did. Dimaapi then claimed that a few moments later, barangay tanods arrived, arrested him, and detained him at the barangay hall. Finally, Dimaapi said that he was taken to the police station and it was only then that he found out that he was being charged with robbery.<sup>11</sup>

For his part, Supranes interposed the defenses of denial and alibi. He maintained that from around 7:00 p.m. of September 18, 2010, until around 7:00 a.m. of September 19, 2010, he was sleeping at his house located in Purok Kamias, Brgy. Ungos, Real, Quezon, with his mother and sister. After waking up, he ate breakfast and left his house at around 8:30 a.m. to report to his work as a *kargador* in the same area.<sup>12</sup>

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<sup>8</sup> *Id.* at 36–37.

<sup>9</sup> *Id.* at 37–38.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 42–43.

<sup>12</sup> *Id.* at 43.

### The RTC Ruling

In a Decision<sup>13</sup> dated February 3, 2017, the RTC found both Dimaapi and Supranes guilty beyond reasonable doubt of the crime charged, and sentenced them to suffer the penalty of imprisonment for an indeterminate period of eight years and one day of *prision mayor*, as minimum, to 14 years, eight months, and one day of *reclusion temporal*, as maximum; and ordered them to pay Angara the amount of PHP 55,000.00 representing the value that was stolen from Angara's grocery store.<sup>14</sup>

In so ruling, the RTC found that the prosecution had established by the required quantum of evidence that Dimaapi and Supranes gained entrance to Angara's grocery store by destroying the wall made of galvanized iron, and once inside, carted away cash and cigarettes with an aggregate value of PHP 55,000.00. On the other hand, the RTC found untenable their defenses, opining that: (a) as regards Dimaapi, his version of what transpired is highly incredible, illogical, inconsistent, and totally against common sense; and (b) with respect to Supranes, his defenses of denial and alibi are self-serving and are not corroborated by any other evidence.<sup>15</sup>

Aggrieved, both Dimaapi and Supranes appealed to the CA.

### The CA Ruling

In a Decision<sup>16</sup> dated February 27, 2018, the CA upheld Dimaapi's conviction *in toto* but acquitted Supranes on the ground of reasonable doubt.<sup>17</sup>

In upholding Dimaapi's conviction, the CA held that there is sufficient circumstantial evidence showing that Dimaapi and his cohorts indeed destroyed a wall of the grocery store in order to gain entry therein, and once inside, carted away cash and goods in the total amount of PHP 55,000.00. In this regard, the CA noted that the fact that Dimaapi was not found with said cash and goods are immaterial, considering that he had two other men with him who unfortunately were able to flee. Hence, the CA concluded that it is reasonable to conclude that Dimaapi's cohorts were able to escape with such cash and goods.<sup>18</sup>

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<sup>13</sup> *Id.* at 88–104. Penned by Presiding Judge Arnelo C. Mesa.

<sup>14</sup> *Id.* at 104.

<sup>15</sup> *Id.* at 95–104.

<sup>16</sup> *Id.* at 34–51. Penned by Associate Justice Magdangal M. De Leon and concurred in by Associate Justices Rodil V. Zalameda (now a Member of the Court) and Renato C. Francisco of the Sixth Division, Court of Appeals, Manila.

<sup>17</sup> *Id.* at 50.

<sup>18</sup> *Id.* at 48–49.

However, as regards Supranes, the CA ruled that aside from Dimaapi's utterance pointing to Supranes as one of his cohorts, there is no other evidence presented to prove his complicity in the robbery committed at Angara's grocery store. According to the CA, this is sufficient to produce reasonable doubt as to Supranes's guilt. Hence, he should be acquitted.<sup>19</sup>

Undaunted, Dimaapi moved for reconsideration but the same was denied in a Resolution<sup>20</sup> dated August 17, 2018. Hence, this Petition.

### The Issue Before the Court

The issue for the Court's resolution is whether the CA correctly upheld Dimaapi's conviction for robbery.

### The Court's Ruling

The Petition is without merit.

In criminal cases, an appeal throws the entire case wide open for review and the reviewing tribunal can correct errors, though unassigned in the appealed judgment, or even reverse the trial court's decision based on grounds other than those that the parties raised as errors. The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.<sup>21</sup>

Given this consideration, the Court upholds Dimaapi's conviction with modification as to his civil liability *ex delicto*, as will be explained hereunder.

Pertinent portions of Article 299 of the RPC, as amended, read:

Article 299. *Robbery in an inhabited house or public building or edifice devoted to worship.* — Any armed person who shall commit robbery in an inhabited house or public building or edifice devoted to religious worship, shall be punished by *reclusion temporal*, if the value of the property taken shall exceed PHP 50,000, and if ---

(a) The malefactors shall enter the house or building in which the robbery was committed, by any of the following means:

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<sup>19</sup> *Id.* at 49–50.

<sup>20</sup> *Id.* at 55–57. Penned by Associate Justice Magdanga M. De Leon and concurred in by Associate Justices Rodil V. Zalameda (now a Member of the Court) and Renato C. Francisco of the Former Sixth Division, Court of Appeals, Manila.

<sup>21</sup> *People v. Bernardo*, 890 Phil. 97, 110 (2020) [Per J. Perlas-Bernabe, Second Division], citing *Arambulo v. People*, 357 Phil. 828, 836 (2019) [Per J. Perlas-Bernabe, Second Division].

x x x x

2. By breaking any wall, roof, or floor or breaking any door or window.

x x x x

When the offenders do not carry arms, and the value of the property taken exceeds PHP 50,000, the penalty next lower in degree shall be imposed.

The same rule shall be applied when the offenders are armed, but the value of the property taken does not exceed PHP 50,000.

When said offenders do not carry arms and the value of the property taken does not exceed PHP 50,000, they shall suffer the penalty prescribed in the two next preceding paragraphs, in its minimum period.

If the robbery be committed in one of the dependencies of an inhabited house, public building, or building dedicated to religious worship, the penalties next lower in degree than those prescribed in this article shall be imposed.

In *Tumog v. People*,<sup>22</sup> the Court reiterated that “[t]o be convicted of this form of robbery, it is necessary that the following elements are proved: (1) unlawful taking; (2) of personal property belonging to another; (3) with intent to gain; and (4) with force upon things, i.e., by breaking any wall, roof, or floor or breaking any door or window to enter the building where the robbery is committed. Additionally, the penalty to be imposed is dependent on the value of the things taken and whether or not the offender carries arms.”<sup>23</sup>

Here, it is well to recapitulate that while the CA noted that Dimaapi was not found to be in possession of the cash and goods stolen from Angara’s grocery store, his complicity in the robbery committed thereat was nevertheless proven beyond reasonable doubt through circumstantial evidence.

The Court agrees.

In *People v. Lignes*,<sup>24</sup> the Court reiterated the rule that a criminal conviction may be secured through circumstantial evidence, to wit:

Admittedly, there was no direct evidence to establish appellant’s commission of the crime charged. However, direct evidence is not the only matrix wherefrom a trial court may draw its conclusion and finding of

<sup>22</sup> G.R. No. 259511, October 11, 2023 [Per J. Dimaampao, Third Division].

<sup>23</sup> *Id.*

<sup>24</sup> 874 Phil. 530, 539–540 (2020) [Per C.J. Feralta, First Division].

guilt. *It is a settled rule that circumstantial evidence is sufficient to support a conviction, and that direct evidence is not always necessary.* This Court has recognized the reality that in certain cases, due to the inherent attempt to conceal a crime, it is not always possible to obtain direct evidence.

The lack or absence of direct evidence does not necessarily mean that the guilt of the accused cannot be proved by evidence other than direct evidence. Direct evidence is not the sole means of establishing guilt beyond reasonable doubt, because circumstantial evidence, if sufficient, can supplant the absence of direct evidence. The crime charged may also be proved by circumstantial evidence, sometimes referred to as indirect or presumptive evidence. *Circumstantial evidence has been 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."*

The Rules of Court itself recognizes that circumstantial evidence is sufficient for conviction, under certain circumstances. Section 4, Rule 133 of the Rules of Court provides:

Sec. 4. *Circumstantial evidence, when sufficient.* — Circumstantial evidence is sufficient for conviction if:

- (1) *There is more than one circumstance;*
- (2) *The facts from which the inferences are derived are proven; and*
- (3) *The combination of all the circumstances is such as to produce a conviction beyond a reasonable doubt.*

Circumstantial evidence may be resorted to when to insist on direct testimony would ultimately lead to setting felons free. The standard that should be observed by the courts in appreciating circumstantial evidence was extensively discussed in the case of *People v. Modesto*.

. . . No general rule can be laid down as to the quantity of circumstantial evidence which in any case will suffice. *All the circumstances proved must be consistent with each other, consistent with the hypothesis that the accused is guilty, and at the same time inconsistent with the hypothesis that he is innocent, and with every other rational hypothesis except that of guilt.*

*It has been said, and we believe correctly, that the circumstances proved should constitute an unbroken chain which leads to one fair and reasonable conclusion which points to the accused, to the exclusion of all others, as the guilty person. From all the circumstances, there should be a combination of evidence which in the ordinary and natural course of things, leaves no room for reasonable doubt as to his guilt.* Stated in another way, where the inculpatory facts and circumstances are capable of two or more explanations, one of which is consistent with innocence and the other with guilt, the evidence does not fulfill the test of moral certainty and is not sufficient to convict the accused. (Emphasis supplied)

Here, the Court finds that the following circumstances constitute an unbroken chain leading to the reasonable conclusion that Dimaapi is one of the perpetrators who robbed Angara's grocery store: *first*, when Madriaga, et al. went up the store's roof to retrieve the keys from Angara, they saw two unidentified men wearing bonnets fleeing from the store; *second*, after entering the store, Madriaga, et al. performed a search thereat and found Dimaapi hiding inside the *bodega* of the grocery store, armed with a double-bladed knife and various tools (i.e., hammer, cutter, pliers, longnose pliers, screwdriver, and scissors); *third*, after Dimaapi was discovered and apprehended, Madriaga, et al. and Angara discovered that the wall made of galvanized iron was destroyed, and it was reasonable for them to surmise that Dimaapi and his cohorts used the aforesaid tools to destroy such wall in order to gain entry therein; and *fourth*, it was further discovered that cash amounting to PHP 20,000.00 and cigarettes valued at PHP 35,000.00 were missing from the grocery store.

Furthermore, it is well to point out that Article 301 of the RPC defines "inhabited house" as "any shelter, ship, or vessel constituting the dwelling of one or more persons, even though the inhabitants thereof shall temporarily be absent therefrom." In this regard, the Court is aware its pre-war ruling in *People v. Tubog*,<sup>25</sup> where it downgraded therein accused's conviction from "Robbery in an Inhabited Place" to "Robbery in an Uninhabited Place" due to the fact that the Information therein did not specifically allege that the store of therein private complainant was also being used as a dwelling place. In essence, *Tubog* instructs that a robbery committed in a store which also serves as a dwelling place cannot be considered as "Robbery in an Inhabited House" if the Information against the accused fails to allege that such store was also used and occupied as a dwelling.

However, *Tubog* is inapplicable in this case, considering that a plain reading of the Information against Dimaapi would show that it was expressly stated therein that the structure he and his cohorts entered is "***the house and store*** owned by [Angara]." In fact, it was also alleged in the Information that at the time Dimaapi entered Angara's grocery store, the latter and her children were staying thereat, as evinced by the allegation stating that "accused forcibly pushed the door of the room wherein the complainant and her children were located, which the complainant pushed back the said door of the room wherein the accused tried to enter."<sup>26</sup> Furthermore, it was duly proven that Angara's grocery store also serves as her dwelling place, as evinced by the fact that she, her kids, and even her store saleslady were all sleeping there when Dimaapi and his cohorts barged into it.

Given these circumstances, the Court agrees with the uniform dispositions of the lower courts that all the aforementioned elements for

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<sup>25</sup> 49 Phil. 620 (1926) [Per J. Johns, *En Banc*].

<sup>26</sup> *Id.*



“Robbery in an Inhabited House” are present in this case, considering that: (a) Dimaapi and his cohorts destroyed the galvanized iron wall of Angara’s grocery store (which she also uses as her house) in order to gain entry therein (existence of the fourth element); and (b) once inside, unlawfully took cash and cigarettes with the total aggregate value of PHP 55,000.00 therefrom, and such taking is presumed to be with intent to gain (existence of the first three elements).

In sum, the Court finds no reason to deviate from the findings of the RTC, as affirmed by the CA, as there is no indication that it overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case. In fact, the RTC was in the best position to assess and determine the credibility of the witnesses presented by both parties, and hence, due deference should be accorded to the same.<sup>27</sup> Hence, Dimaapi’s criminal liability for robbery in an inhabited house must be sustained.

Dimaapi’s criminal liability for the aforesaid crime having been established, the Court now proceeds to determine his imposable penalty and civil liability *ex delicto*.

As may be gleaned above, the prescribed penalty for robbery in an inhabited house is *reclusion temporal*. While Article 299 of the RPC provides for circumstances which would warrant a lesser prescribed penalty, such circumstances are not applicable in this case, considering that Dimaapi was armed with a double-bladed knife, and that the total value of the cash and goods stolen from the grocery store exceeds PHP 50,000.00. Thus, applying the Indeterminate Sentence Law, and in the absence of any modifying circumstances in this case, the lower courts correctly sentenced Dimaapi to suffer the penalty of imprisonment for an indeterminate period of eight years and one day of *prision mayor*, as minimum, to 14 years, eight months, and one day of *reclusion temporal*, as maximum.

Anent Dimaapi’s civil liability *ex delicto*, suffice it to say that the lower courts correctly ordered him to pay Angara the amount of PHP 55,000.00 as actual damages representing the total value of the cash and goods stolen from the grocery store. However, the Court deems it appropriate to impose on the same legal interest at the rate of 6% per annum from finality of this ruling until full payment, pursuant to prevailing jurisprudence.<sup>28</sup>

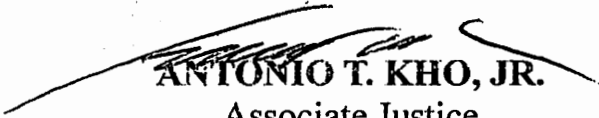
**ACCORDINGLY**, the instant Petition is **DENIED**. The Decision dated February 27, 2018 and the Resolution dated August 17, 2018 of the Court of Appeals in CA-G.R. CR No. 39790 are **AFFIRMED with MODIFICATION**. Petitioner Ron De Guzman Dimaapi is found **GUILTY**

<sup>27</sup> See *Peralta v. People*, 817 Phil. 554, 563 (2017) [Per J. Perlas-Bernabe, Second Division].


<sup>28</sup> See *People v. Jugueta*, 783 Phil. 806 (2016) [Per J. Peralta, *En Banc*].

beyond reasonable doubt of the crime of robbery in an inhabited house, as defined and penalized under Article 299 (a)(2) of the Revised Penal Code, as amended. He is sentenced to suffer the penalty of imprisonment for an indeterminate period of eight years and one day of *prision mayor*, as minimum, to 14 years, eight months, and one day of *reclusion temporal*, as maximum; and is ordered to pay Zenaida Angara the amount of PHP 55,000.00 as actual damages, with legal interest at the rate of 6% per annum from finality of this Decision until full payment.

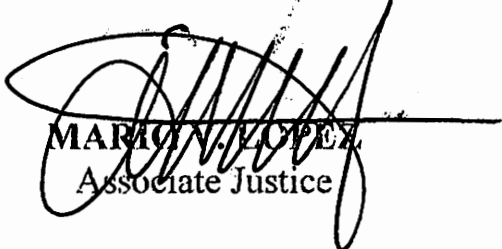
**SO ORDERED.**


  
**ANTONIO T. KHO, JR.**  
Associate Justice

**WE CONCUR:**

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

  
**AMY C. LAZARO-JAVIER**  
Associate Justice

  
**MARION LOPEZ**  
Associate Justice

  
**JHOSEP LOPEZ**  
Associate Justice

**ATTESTATION**

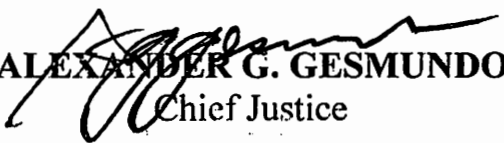
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**MARVIC M.V.F. LEONEN**  
Associate Justice  
Chairperson, Second Division

**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.



**ALEXANDER G. GESMUNDO**  
Chief Justice

*AG*