



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 27, 2023** which reads as follows:*

“G.R. No. 242346 (*Luis Bediones y Marpil vs. People of the Philippines*). – Before the Court is a Petition for Review on *Certiorari*¹ under Rule 45, Rules of Court, seeking the nullification of the Court of Appeals’ (CA) Decision² dated 16 April 2018 and Resolution³ dated 25 September 2018 in CA-G.R. CR No. 39310, which affirmed with modification the Judgment⁴ dated 23 August 2016 of the Regional Trial Court (RTC), Branch 91, Santa Cruz, Laguna, which found petitioner Luis Bediones y Marpil guilty beyond reasonable doubt of the crime of Robbery under Article 294, Revised Penal Code.⁵

According to the prosecution, at about 8:00 p.m. on 13 June 2000, Evelyn Ocampo was inside her house at Sitio Maligaya, Maytalang I, Lumban, Laguna, watching television with her children, siblings, and aunt. Petitioner and his co-accused Herman Santoc, both wearing masks with holes for the eyes and mouth, suddenly entered the house and pointed a gun at Evelyn and her family, saying “*hold-up ito.*”⁶ Petitioner and Santoc instructed Evelyn and her family to enter the comfort room. Petitioner then pulled Evelyn aside and told her to get money and jewelry while her brother and son were tied with straw and ordered to lie face down. Petitioner and Santoc took the money and jewelry from Evelyn and left.⁷

With petitioner and Santoc gone, Evelyn and her relatives hurried to the barangay captain to report the incident and implicated petitioner as the

¹ *Rollo*, pp. 12-32.

² *Id.* at 37–59. Penned by Associate Justice Marie Christine Azcarraga-Jacob and concurred in by Associate Justices Samuel H. Gaerlan and Ramon Paul L. Hernando (now Members of this Court).

³ *Id.* at 75–76. Penned by Associate Justice Marie Christine Azcarraga-Jacob and concurred in by Associate Justices Samuel H. Gaerlan and Ramon Paul L. Hernando (now Members of this Court).

⁴ *Id.* at 95–99. Penned by Presiding Judge Divinagracia G. Bustos-Ongkeko.

⁵ *Id.* at 99.

⁶ *Id.* at 39.

⁷ *Id.*

perpetrator.⁸ Acting on this report, the *Barangay* Captain went to petitioner’s house at *Barangay* Lakao Concepcion, Lumban, and brought him to the police station. Evelyn and her relatives then confirmed that petitioner was still wearing the same clothes and slippers he wore when he and Santoc barged into Evelyn’s house and robbed them of money and jewelry.⁹

On the other hand, petitioner claimed that he was at home in the evening of 13 June 2000 until the *Barangay* Captain intimidated him into coming to the police station for an investigation.¹⁰ Petitioner also argued that Evelyn and her family had ill motive to testify against him, as Evelyn’s uncle killed petitioner’s uncle and petitioner prevented the case from being dismissed.¹¹

An Information¹² dated 5 March 2021 was filed charging petitioner and his co-accused Santoc with Robbery. The accusatory portion of the Information reads:

That on or about June 13, 2000 at around 8:00 o’clock in the evening, at Sitio Maligaya[,] *Barangay* Matalang Uno, Municipality of Lumban, Province of Laguna and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually helping one another, with intent to gain, and while conveniently armed with a revolver of unknown caliber, and by means of force upon persons, did then and there willfully, unlawfully and feloniously enter the house of one EVELYN R. OCAMPO and once inside and at gun point, take, steal and carry away the following, to wit:

One (1) gold necklace with pendant	Php 27,100.00
One (1) gold bracelet	41,800.00
One (1) diamond ring	40,000.00
One (1) gold ring	7,800.00
One (1) gold wrist watch	5,000.00
One (1) cellular phone	5,500.00
Cash Money amounting to	14,000.00

with a total value of ONE HUNDRED FORTY ONE THOUSAND TWO HUNDRED PESOS (Php 141,200.00) for their own use and benefit, to the damage and prejudice of the said offended party, in the aforementioned sum,

CONTRARY TO LAW.¹³

⁸ Id. at 39-40.
⁹ Id. at 40.
¹⁰ Id.
¹¹ Id.
¹² Id. at 95.
¹³ Id.

Upon arraignment, petitioner and Santoc pleaded not guilty.¹⁴ However, Santoc later changed his plea to guilty and was sentenced accordingly.¹⁵

After trial, the RTC rendered its Judgment¹⁶ dated 23 August 2016 finding petitioner guilty of the crime of Robbery and imposing an indeterminate penalty of four (4) years of *prision correccional* to eight (8) years and twenty-one (21) days of *prision mayor* and ordering him to pay damages in the amount of PhP 200,000.00.¹⁷ The dispositive portion¹⁸ of the RTC's Judgment reads:

WHEREFORE, judgment is hereby rendered finding the accused **LUIS BEDIONES y MARPHIL** [sic], **GUILTY** beyond reasonable doubt of the crime of **ROBBERY** and is hereby sentenced to an indeterminate sentence of **FOUR (4) YEARS OF PRISION CORRECCIONAL, AS MINIMUM, TO EIGHT (8) YEARS AND TWENTY-ONE (21) DAYS OF PRISION MAYOR, AS MAXIMUM**; and to pay the offended party the sum of **TWO HUNDRED THOUSAND (Php 200,000.00)** as damages.

No Costs.

SO ORDERED.¹⁹

On appeal, the CA rendered its Decision²⁰ dated 16 April 2018 affirming the RTC Judgment, with a modification as to the application of the Indeterminate Sentence Law.²¹ The dispositive portion of the CA Decision reads:

WHEREFORE, premises considered, the *Judgment dated 23 August 2016* of the Regional Trial Court, Branch 91, Santa Cruz, Laguna, in Criminal Case No. SC-8750, is hereby **AFFIRMED** with the **MODIFICATION** that appellant Luis Bediones y Marpil is sentenced to an indeterminate penalty of imprisonment of **four (4) years and two (2) months of *prision correccional*, as minimum, to eight (8) years and twenty (20) days of *prision mayor*, as maximum.**

SO ORDERED.²²

The CA gave credence to the eyewitness testimony presented by the prosecution and dismissed petitioner's defense of alibi:

The categorical, unequivocal and straightforward testimonies of these prosecution witnesses proved in no uncertain terms that it was

¹⁴ Id. at 39.

¹⁵ Id.

¹⁶ Id. at 95-99.

¹⁷ Id.

¹⁸ Id. at 99.

¹⁹ Id.

²⁰ Id. at 37-59.

²¹ Id.

²² Id. at 57-58.

appellant, along with his co-accused Santoc, who cooperatively carried out the robbery that took place on 13 June 2000 inside the house of private complainant. Private complainant positively identified appellant despite the fact that he wore [a] mask, because of her **utmost familiarity with his stature, bodily actions and voice**. Private complainant personally knew appellant too well because they were *kababata*, being residents of the same municipality, coupled with the fact that appellant is the spouse of one of her relatives. x x x

x x x x

It has been the settled rule that a person may be identified by his physical build, voice, and even his peculiar smell. In fact, in rural areas such as where the case at bar happened, people tend to be more familiar with their neighbors, which seeming familiarity may extend to body movements. Thus, once a person has gained familiarity with another, identification becomes quite easy even from a considerable distance. Here, **Evelyn Ocampo, Maritess Ocampo and Benjamin Reyes categorically vouched for their familiarity with appellant's stature, physical build, bodily actions and voice, attributing such familiarity to their having personally known appellant for quite a long time.**

x x x x

Time and again, the Supreme Court has been emphatic in ruling that **the categorical identification of the accused by the prosecution witnesses has greater weight than the accused's plain denial of participation in the commission of the crime**. In weighing contrary declarations and statements, greater weight is given to the positive testimony of the prosecution witnesses to the denials and alibis of the accused. Elsewise stated, **the accused's defenses of denial and alibi cannot prevail when juxtaposed with the positive, straightforward, and clear identification and declaration of prosecution witnesses**. Denial and alibi, being evidence which are self-serving and negative in nature, cannot attain more credibility than the testimonies of prosecution witnesses who definitively testify on clear and positive evidence.²³ (Citations omitted; emphasis supplied)

The CA also dismissed petitioner's argument that no robbery was committed because none of the stolen items were recovered from him, and quoted with approval the argument of the Office of the Solicitor (OSG) in its Brief for the Appellee:²⁴

There is no law nor jurisprudence which requires the recovery of the stolen items nor its presentation to prove that it had been taken away. It has never been the rule in this jurisdiction, however, that such a fact can diminish the guilt of a robber whose complicity in the crime has been established by proof beyond reasonable doubt. The presumption that a person in whose custody are found stolen items, is *prima facie* the robber or the thief, does not translate into a converse presumption that a person indicted for robbery or theft should be acquitted when the authorities do not

²³ Id. at 42-43 and 54-55.

²⁴ Id. at 100-113.

recover the stolen items from him. **The production in court of the stolen property is not an indispensable requisite to sustain conviction as long as there is clear proof of the commission of the crime charged.**²⁵
(Citations omitted; emphasis supplied)

Petitioner filed a Motion for Reconsideration²⁶ on 10 May 2018, while the OSG filed a Manifestation in Lieu of Comment²⁷ on 14 June 2018. In its Resolution²⁸ dated 25 September 2018, the CA denied petitioner's Motion for Reconsideration.²⁹ Hence, this Petition.³⁰

Petitioner argues that the CA erred in ruling that the prosecution witnesses were able to identify him as the perpetrator beyond reasonable doubt, and "the first duty of the prosecution is to prove the identity of the criminal which should preclude a reasonable possibility of mistake. Without such identification, the presumption of innocence of the accused remains not overturned."³¹ Since the assailants were wearing masks, "their identification should be based on significant facts and on circumstantial evidence other than the prosecution witnesses' self-serving declarations or statements," and no such significant facts and circumstantial evidence were presented in this case.³²

On the matter of identification, petitioner counters that Evelyn, who testified that she knew him as they were bingo playmates as children, last played bingo with him around 20 years ago and had been in Japan for the last 10 years prior to 13 June 2000.³³ In addition, Evelyn was able to recognize petitioner only because Maritess Ocampo, Evelyn's sister, who was also present on 13 June 2000, told Evelyn that it was petitioner who committed the robbery.³⁴ Maritess, in turn, claimed that she knew petitioner since childhood because petitioner's daughter is her relative and friend. However, no competent evidence was presented to substantiate this claim, and Maritess "could have merely relied on vague childhood memories of the petitioner's voice and demeanor in identifying him as one of the perpetrators."³⁵

In addition, Evelyn and Maritess claimed to recognize petitioner as he was wearing the same "dragon slippers" of one of the assailants. However, "[i]dentifying the [petitioner] through the same dragon slippers is not enough basis to conclude that he is one of the masked robbers,"³⁶ and in fact "such

²⁵ Id. at 110.

²⁶ Id. at 60–71.

²⁷ Id. at 72–73.

²⁸ Id. at 75–76.

²⁹ Id. at 76.

³⁰ Id. at 12–32.

³¹ Id. at 19.

³² Id. at 23.

³³ Id. at 20.

³⁴ Id. at 21.

³⁵ Id.

³⁶ Id. at 22.

slippers is [sic] common.”³⁷ Moreover, petitioner was not effectively identified as one of the assailants by his clothes.³⁸

Finally, Evelyn’s son, who also identified petitioner, admitted in his testimony that “he has never seen the petitioner in their house, and that he could no longer remember when he last saw him.”³⁹

Petitioner also cites the “Misinformation Effect,” claiming that “the discussion that the witnesses made right after the incident may have allowed one (1) witness, who had questionable recollection of what occurred, to contaminate the memory of the other witnesses with false information. In turn, the other witnesses incorporate this wrong information in their recollection of the incident, making it appear that such false information is true.”⁴⁰ In this case, there was “evident uncertainty in Maritess’ initial identification of the petitioner as the perpetrator” that “clouds her subsequent in-court identification with doubt.”⁴¹ Petitioner also emphasizes Maritess’ use of the word “*parang*” in her initial identification of petitioner.⁴²

On the other hand, public respondent argues that the Petition raises no substantial question of law, and “[t]he jurisdiction of this Court in a petition for review on *certiorari* under Rule 45 is limited to reviewing only errors of law, not of fact, unless the factual findings being assailed are not supported by evidence on record or the impugned judgment is based on a misapprehension of facts.”⁴³ Moreover, “findings of fact made by a trial court are accorded the highest degree of respect by an appellate tribunal and, absent a clear disregard of the evidence before it that can otherwise affect the results of the case, those findings should not be ignored.”⁴⁴ In any event, “[t]he evidence on record amply supports the findings and conclusions of the [CA]” and petitioner has not shown any case for the Court to apply any of the exceptions to the foregoing rule.⁴⁵ Finally, the Petition is *pro forma*, as it merely reiterates and amplifies the arguments petitioner raised before the CA, which were already refuted by respondent and ruled upon by the CA.⁴⁶

The Petition lacks merit.

At the outset, the trial court’s findings of fact are generally accorded great weight, and such findings of fact, when affirmed by the CA, are binding on the Court. In particular, “[i]t is a well-settled rule that **factual findings of**

³⁷ Id. at 151.

³⁸ Id. at 152.

³⁹ Id. at 22–23.

⁴⁰ Id. at 24–25.

⁴¹ Id. at 26–28.

⁴² Id. at 152.

⁴³ Id. at 126.

⁴⁴ Id.

⁴⁵ Id. at 127.

⁴⁶ Id.

the trial court involving the credibility of witnesses are accorded utmost respect since trial courts have first-hand account on the witnesses' manner of testifying in court and their demeanor during trial. The Court shall not supplant its own interpretation of the testimonies for that of the trial judge since he is in the best position to determine the issue of credibility."⁴⁷

While the Court has reversed convictions in cases where positive eyewitness identification was later found to be false or unreliable, none of the circumstances in those cases appear to be present here.

In *People v. Nuñez*,⁴⁸ a case heavily relied upon by petitioner, the Court considered delay in identifying the accused, and inconsistency with previous statements, in weighing the reliability of the eyewitness testimony:

There are two (2) principal witnesses who allegedly identified accused-appellant as the same Pobre who participated in the robbery hold-up. **When Cruz, the first witness, was initially put on the witness stand, she asserted that she could not recall any of the features of Pobre. After many years, with the police presenting her with accused-appellant, she positively identified him as the missing perpetrator. The second principal witness' testimony on the alleged participation of accused-appellant is so fundamentally at variance with that of the other principal witness.** The prosecution did not account for the details of the presentation of accused-appellant to the two (2) witnesses after he was arrested. Finally, **these witnesses' alleged positive identification occurred almost eight (8) years, for the first witness, and almost nine (9) years, for the second witness, from the time of the commission of the offense.**⁴⁹
(Emphasis supplied)

The factual circumstances of the present case are markedly different from *Nuñez*. Here, there was no delay in the identification of petitioner, nor was any eyewitness testimony "fundamentally at variance" with the other testimonies.

Nuñez also cited *People v. Pineda*,⁵⁰ where the Court discussed the "totality of circumstances" test to resolve the admissibility of out-of-court identification:

In resolving the admissibility of out-of-court identification of suspects, courts have adopted the **totality of circumstances test** where they consider the following factors: **(1) the witness' opportunity to view the perpetrator of the crime; (2) the witness' degree of attention at the time; (3) the accuracy of any prior description given by the witness; (4) the level of certainty shown by the witness of his identification; (5) the length of time between the crime and the identification; and, (6) the**

⁴⁷ *People v. Lumikid*, G.R. No. 242695, 23 June 2020; emphasis supplied.

⁴⁸ 819 Phil. 406 (2017).

⁴⁹ *Id.* at 415.

⁵⁰ 473 Phil. 517 (2004).

suggestiveness of the identification procedure.⁵¹ (Citations omitted; emphasis supplied)

In *Pineda*, the out-of-court identification process involved the presentation by the police of the photographs of the accused to the eyewitnesses, which the Court considered to have influenced the testimonies of the eyewitnesses and biased them against the accused.⁵² In contrast, this case involves the voluntary and immediate identification by the eyewitnesses of petitioner to the *Barangay* Captain.

In any event, none of the “danger signals” indicating erroneous identification discussed in *Pineda* and cited in *Nuñez* are present in this case. These danger signals are:

- (1) the witness originally stated that he could not identify anyone;
- (2) the identifying witness knew the accused before the crime, but made no accusation against him when questioned by the police;
- (3) a serious discrepancy exists between the identifying witness' original description and the actual description of the accused;
- (4) before identifying the accused at the trial, the witness erroneously identified some other person;
- (5) other witnesses to the crime fail to identify the accused;
- (6) before trial, the witness sees the accused but fails to identify him;
- (7) before the commission of the crime, the witness had limited opportunity to see the accused;
- (8) the witness and the person identified are of different racial groups;
- (9) during his original observation of the perpetrator of the crime, the witness was unaware that a crime was involved;
- (10) a considerable time elapsed between the witness' view of the criminal and his identification of the accused;
- (11) several persons committed the crime; and
- (12) the witness fails to make a positive trial identification.⁵³

In fact, in cases involving “peculiar circumstances that served as reliable bases for pointing to the accused as the culprits,”⁵⁴ the Court has accepted eyewitness testimony as sufficient to identify masked perpetrators:

In *People v. Mante*, the accused was convicted because the yellow sando (undershirt), which he had used to mask his face, was the **same apparel he was wearing when he was seen by witnesses in the vicinity of the crime scene prior to the killing**. In *People v. Nang*, appellants were deemed to have been positively identified, because **the mask worn by one of them accidentally dropped from his face in the course of a struggle with the victim**. In the same vein, we ruled in *People v. Sotto* that **the prosecution witness had positively identified the masked assailant, because the two of them were previously known to each other. The witness was therefore familiar with the body contour and movements of**

⁵¹ Id. at 539–540.

⁵² Id. at 538–540.

⁵³ *People v. Nuñez*, supra note 49, at 432, citing *People v. Pineda*, supra note 51, at 547–548.

⁵⁴ *People v. Maguing*, 452 Phil. 1026, 1035 (2003).

the accused. Moreover, the gun used in the shooting belonged to the latter. He also tested positive for powder burns after undergoing a paraffin test.

Indubitably, the identification of the accused in the aforecited cases was based on significant facts and on circumstantial evidence other than the prosecution witnesses' self-serving declarations or statements.⁵⁵ (Citations omitted; emphasis supplied)

Similar to *People v. Mante*,⁵⁶ *People v. Nang*,⁵⁷ and *People v. Sotto*,⁵⁸ the eyewitnesses in this case did in fact testify on their familiarity with petitioner, and that petitioner removed his mask and gave Evelyn an opportunity to see his face.⁵⁹ As in the mentioned cases, the identification of petitioner was based on significant facts and on circumstantial evidence other than the prosecution witnesses' self-serving declarations or statements.


All told, petitioner failed to show any reversible error in the assailed CA Decision, which thoroughly discussed his culpability beyond reasonable doubt for the crime of Robbery.

WHEREFORE, the instant Petition is **DENIED**. The Court of Appeals' Decision dated 16 April 2018 and Resolution dated 25 September 2018 in CA-G.R. CR. No. 39310 are **AFFIRMED**.

In line with current jurisprudence, interest at the rate of six percent (6%) *per annum* should be imposed on the damages awarded to the offended party from the date of the finality of this Resolution until fully paid.⁶⁰

SO ORDERED. *J. Hernando took no part; J. J. Y. Lopez designated additional Member per Raffle dated August 2, 2022.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *mml/4*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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⁵⁵ Id. at 1035-1036.

⁵⁶ 371 Phil. 595 (1999).

⁵⁷ 351 Phil. 944 (1998).

⁵⁸ 341 Phil. 184 (1997).

⁵⁹ *Rollo*, pp. 43-54.

⁶⁰ *Nacar v. Gallery Frames*, 716 Phil. 267 (2013).

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