



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **August 17, 2022**, which reads as follows:*

“G.R. No. 260587 (Jose Carlos y Aguilar, petitioner vs. People of the Philippines, respondent). – The Court resolves the Petition for Review on *Certiorari*¹ assailing the Decision² dated July 16, 2021 and the Resolution³ dated April 19, 2022 of the Court of Appeals (CA) in CA-G.R. CR No. 43680. The CA affirmed the Decision⁴ dated December 21, 2018 of Branch 51, Regional Trial Court (RTC), Guagua, Pampanga that found Jose Carlos y Aguilar (petitioner) guilty beyond reasonable doubt of the crime of Robbery with Violence Against or Intimidation of Persons under Article 294(5) of the Revised Penal Code (RPC).⁵

The Antecedents

Petitioner was charged with the crime of Robbery with Violence Against or Intimidation of Persons under Article 294(5) of the RPC under the following Information:⁶

That on or about the 10th day of April 2016, in the Municipality of Guagua, Province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a stone which he used to threaten the private offended party[,] Marlyn Alfonso y Suarez, with intent to gain, did then and there, by means of force and intimidation, willfully, unlawfully, and feloniously take, steal and carry away with him the necklace worth Twenty Five Thousand Pesos (P25,000.00) belonging to and owned by said Marlyn Alfonso y Suarez to the damage and prejudice of the latter in the aforesaid amount.

Contrary to law.⁷

¹ *Rollo*, pp. 11-31.

² *Id.* at 33-48; penned by Associate Justice Ramon A. Cruz and concurred in by Associate Justices Ruben Reynaldo G. Roxas and Bonifacio S. Pascua.

³ *Id.* at 50-51.

⁴ *Id.* at 75-82; penned by Presiding Judge Merideth D. Delos Santos-Malig.

⁵ *Id.* at 81-82.

⁶ As culled from the CA Decision, *id.* at 34.

⁷ As culled from the RTC Decision, *id.*

Upon arraignment, petitioner pleaded not guilty to the charge against him.⁸

Trial ensued.⁹

Version of the Prosecution

Private complainant Marlyn Alfonso (Marlyn) testified that on April 10, 2016, at around 5:45 a.m., she was watering plants at the backyard of her house. Suddenly, a man strangled her from behind using his left arm and his right hand holding a rock. During the struggle that lasted for about 10 minutes, she pointed the watering hose at the man who then pushed her and simultaneously pulled the necklace that she was wearing. She briefly saw the man's face when the latter removed the wet green cloth covering his face, threw the rock away, and ran away with her necklace. She also noticed the tattoos on the man's arms and neck.¹⁰

At around 11:00 a.m., Marlyn reported the incident to the *barangay* officials and the police authorities of Guagua, Pampanga. Although she could not fully describe all the tattoos of her assailant to them, she could remember well the one on the assailant's neck that looked like an insect. She was positive that herein petitioner was her assailant because she recognized him as a resident of a nearby village in the same *barangay* and that he was known in their subdivision.¹¹

Thereafter, Marlyn went to the hospital to seek medical attention for a wound on her nape upon the advice of the police.¹²

Version of the Defense

For his part, petitioner denied the accusation against him and offered the defense of alibi. He alleged that he was at home on the alleged incident with his mother and a sibling.¹³

To corroborate petitioner's alibi, the defense presented petitioner's mother, Dominga Carlos. She testified that petitioner was sleeping at their home on April 10, 2016, at 6:00 a.m.¹⁴

The Ruling of the RTC

In the Decision¹⁵ dated December 21, 2018, the RTC convicted petitioner of the charge against him, *viz.*:

⁸ Id.

⁹ Id.

¹⁰ Id. at 34.

¹¹ Id. at 35.

¹² Id.

¹³ Id. at 36

¹⁴ Id.

¹⁵ Id. at 75-82.

IN VIEW OF THE FOREGOING, accused Jose Carlos y Aguilar is hereby found GUILTY beyond reasonable doubt of the crime of robbery with violence against or intimidation of persons, per Article 294(5) of the Revised Penal Code. He is sentenced to suffer the penalty of imprisonment, from six months and one day of *prision correccional* minimum, as minimum, to six years and one day of *prision mayor* minimum, as maximum. He is further directed to indemnify private complainant Marlyn Alfonso in the amount of five thousand pesos (PhP5,000.00).

Costs against accused.

SO ORDERED.¹⁶

The Ruling of the CA

On appeal, the CA affirmed the RTC Decision¹⁷ *in toto*.¹⁸

The CA found that the prosecution had established petitioner's guilt beyond reasonable doubt of the crime of Robbery. It found that petitioner, after strangling Marlyn with his left arm and holding a rock with his right hand, forcibly took Marlyn's necklace.¹⁹ It gave credence to Marlyn's positive identification of petitioner as her assailant during the trial based on her credible and forthright narration of the incident.²⁰

In addition, the CA rejected petitioner's alibi given that it was not physically impossible for him to be at the scene of the crime as it would have taken him only 10 minutes to walk to Marlyn's house.²¹

Petitioner moved for reconsideration, but the CA denied the motion in the assailed Resolution²² for lack of merit.²³

Hence, the present Petition.²⁴

Primarily, petitioner argues that the prosecution had failed to prove his guilt beyond reasonable doubt in view of the "questionable and highly dubious positive identification" of him as Marlyn's assailant.²⁵ He insists that Marlyn had misidentified him as her assailant as evinced by her failure to provide details as to the body type and facial characteristics of the perpetrator of the crime at hand.²⁶ He asserts that the traumatizing incident could have easily affected her recall of who her assailant truly

¹⁶ Id. at 81-82.

¹⁷ Id. at 75-82.

¹⁸ Id. at 46.

¹⁹ Id. at 45.

²⁰ Id. at 44-45.

²¹ Id. at 45.

²² Id. at 50-51.

²³ Id. at 51.

²⁴ Id. at 11-31.

²⁵ Id. at 17.

²⁶ Id. at 19-20.

was.²⁷

The Issue

The issue to be resolved is whether petitioner's guilt for the crime of Robbery with Violence Against or Intimidation of Persons under Article 294(5) of the RPC was proven beyond reasonable doubt.

The Court's Ruling

The Petition is without merit.

At the outset, it bears stressing that the lower courts' findings as to petitioner's guilt beyond reasonable doubt of the crime charged is clearly factual in nature. Consequently, this issue cannot be entertained in an appeal under Rule 45 of the Rules of Court where the Court's jurisdiction is limited to the review of *errors of law* that might have been committed by the lower courts.²⁸ On this ground alone, the Petition should be denied in the absence of any exceptional circumstance²⁹ as to warrant the Court's review of factual questions that have already been settled by the lower courts.

At any rate, after a careful study of the case, the Court finds no cogent reason to overturn the findings of the RTC, as upheld by the CA, because petitioner failed to show that the lower courts had overlooked, misunderstood, or misappreciated facts or circumstances of weight that could have altered the result of the case.³⁰

The elements of Simple Robbery under Article 293 of the RPC are as follows: *first*, there is an unlawful taking of personal property that belongs to another; *second*, the taking is with *animus lucrandi* or the intent to gain; and *third*, the taking is with violence against or intimidation of persons or with force upon things.³¹

Here, the prosecution sufficiently established that petitioner, after strangling Marlyn from behind and threatening her while holding a rock as a weapon, eventually took her necklace and ran away. Marlyn, who was able to see her assailant's face briefly when he removed the wet cloth covering his face right before he made his escape, positively identified petitioner as the person who robbed her. Her description as to the placement of tattoos on her assailant's body, including one on the neck that looked like an insect, matched petitioner's tattoos. In fact, the RTC even noted the accuracy of Marlyn's account as petitioner's neck

²⁷ Id. at 21-22.

²⁸ See *Far Eastern Surety and Insurance Co., Inc. v. People*, 721 Phil. 760, 770 (2013). Citation omitted.

²⁹ See *New City Builders, Inc. v. NLRC*, 499 Phil. 207, 212-213 (2005). Citation omitted.

³⁰ *People v. Espino, Jr.*, 577 Phil. 546, 562 (2008).

³¹ *Geroy, Jr. v. People*, G.R. No. 256578 (Notice), December 7, 2021.

indeed had a tattoo which resembled an insect.³²

The Court finds no merit in petitioner's contentions against the credibility of Marlyn's positive identification of him as the perpetrator of the crime. There is simply no reason to doubt Marlyn's eyewitness account of the incident considering: *first*, that she had a good opportunity to see her assailant; *second*, her precise description of his tattoos; *third*, the mere gap of 6 hours from the time of the incident to Marlyn's positive identification of petitioner at the police station; and *fourth*, the fact that Marlyn and petitioner knew each other as they were neighbors.³³

In other words, the totality of circumstances in the case per Marlyn's firm, candid, and straightforward testimony sufficiently dispels any doubt as to the reliability of petitioner's positive identification as her assailant.

The Court, too, rejects petitioner's defense of alibi in view of Marlyn's positive identification of him as the perpetrator of the crime as well as his failure to prove that it was physically impossible for him to be at the scene of the crime. As the CA aptly pointed out, it was not impossible for petitioner to have committed the crime as it would have taken him only 10 minutes to walk to Marlyn's house from his own home where he was supposedly asleep at the time of the incident.

Under Article 294(5) of the RPC, the crime of Simple Robbery is punishable by *prision correccional* in its maximum period, as minimum, to *prision mayor* in its medium period, as maximum. There being no aggravating or mitigating circumstance present in the case, the penalty should be imposed in the *medium* period. Applying the Indeterminate Sentence Law, the minimum penalty shall be within the range of *arresto mayor* in its maximum period to *prision correccional* in its medium period (four (4) months and one (1) day to four (4) years and two (2) months) while the maximum penalty shall be within the range of *prision mayor* in its minimum period (six (6) years and one (1) day to eight (8) years).³⁴

Thus, the lower courts correctly imposed against petitioner the indeterminate penalty of imprisonment for a period of six (6) months and one (1) day of *prision correccional*, as minimum, to six (6) years and one (1) day of *prision mayor*, as maximum; and the order to indemnify the private complainant the amount of ₱5,000.00 for the stolen necklace.

WHEREFORE, the Petition is **DENIED**. The Court **ADOPTS** and **AFFIRMS** the findings and conclusions of law of the Court of

³² *Rollo*, p. 80.

³³ See *People v. Nuñez*, 819 Phil. 406 (2017).

³⁴ See *Coscolla v. People*, 603 Phil. 504 (2009).

Appeals in the Decision dated July 16, 2021 and the Resolution dated April 19, 2022 in CA-G.R. CR No. 43680 finding petitioner Jose Carlos y Aguilar guilty beyond reasonable doubt of the crime of Robbery with Violence Against or Intimidation of Persons under Article 294(5) of the Revised Penal Code. Petitioner is hereby sentenced to suffer the indeterminate penalty of imprisonment for a period of six (6) months and one (1) day of *prision correccional*, as minimum, to six (6) years and one (1) day of *prision mayor*, as maximum, and ordered to pay private complainant Marlyn Alfonso the amount of ₱5,000.00 by way of restitution.

SO ORDERED.”

By authority of the Court:

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MISAEAL DOMINGO C. BATTUNG III
Division Clerk of Court *pl. O.N.B.*

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The Presiding Judge
REGIONAL TRIAL COURT
Branch 51, Guagua
Pampanga
(Crim. Case No. G-16-11379)

Jail Warden
BUREAU OF JAIL MANAGEMENT AND PENOLOGY
Guaua, Pampanga District Jail

Mr. Jose A. Carlos
c/o Jail Warden
BUREAU OF JAIL MANAGEMENT AND PENOLOGY
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