

****Title:**** *People of the Philippines vs. Ardo Bacero y Casabon*

****Facts:**** On March 27, 2003, Ardo Bacero y Casabon and several unidentified men were charged with the special complex crime of Robbery with Homicide in Taytay, Rizal, Philippines. On March 24, 2003, Juliet Dumdum Bunot and Virgilio “Jun” San Juan were assaulted by six men during a picnic, where Jun was fatally stabbed and their belongings were robbed. Juliet identified Bacero two days after the incident as one of the assailants. Following an investigation, Bacero admitted to the crime and identified his accomplices. Despite a defense of mistaken identity and alibi, the trial court convicted Bacero, emphasizing Juliet’s positive identification. The Court of Appeals upheld this decision, finding no merit in Bacero’s appeal. The Supreme Court reviewed the case confirming the decisions below.

****Procedural Posture:**** Bacero was initially tried and convicted by the Regional Trial Court (RTC) of Antipolo City. On appeal, the Court of Appeals affirmed the RTC’s decision. Bacero’s further appeal to the Supreme Court also resulted in affirmation of his conviction of Robbery with Homicide, basing on irrefutable evidence and eyewitness testimony.

****Issues:****

1. Whether Bacero’s extrajudicial confession was admissible.
2. Validity of the witness’ out-of-court identification of Bacero as one of the assailants.
3. Efficacy of Bacero’s defense of mistaken identity, denial, and alibi.
4. Determination if the crime committed was Robbery with Homicide and if the aggravating circumstance of abuse of superior strength was present.
5. Correctness of the damages awarded to the victim’s heirs.

****Court’s Decision:****

1. Bacero’s extrajudicial confession was deemed inadmissible because it did not comply with procedural requirements under R.A. No. 7438.
2. The Court held that the out-of-court identification satisfied the totality of circumstances test, rendering Juliet’s eyewitness account both credible and reliable.
3. The defense of mistaken identity, denial, and alibi was dismissed in light of the positive identification of Bacero by an eyewitness. The Court noted denial and alibi as weak defenses against direct evidence of guilt.
4. The Court affirmed that the crime committed was indeed Robbery with Homicide, with the aggravating circumstance of abuse of superior strength being correctly appreciated.
5. The Court modified the damages awarded by the lower courts, ordering Bacero to pay the

heirs of the victim specific amounts as civil indemnity, moral damages, exemplary damages, actual damages, and loss of earning capacity, with interest.

****Doctrine:**** The ruling reiterated the doctrine that positive identification of the accused, where categorical and consistent, outweighs the defense of denial and alibi in criminal cases. It also underscored the totality of circumstances test in evaluating the reliability of out-of-court identifications.

****Class Notes:****

- Positive Identification vs. Denial and Alibi: Positive identification where the witness could clearly observe the perpetrator can override a defense of denial and alibi.
- Extrajudicial Confessions: Must comply with R.A. No. 7438 standards to be admissible.
- Out-of-Court Identification: Evaluated based on the totality of circumstances test to ensure reliability.
- Robbery with Homicide: Requires proof of taking personal property with violence or intimidation, resulting in homicide.
- Aggravating Circumstances: Abuse of superior strength can be considered an aggravating circumstance when the assailant(s) purposely use excessive force out of proportion to the means of defense available to the victim.
- Damages: Specifications for awards for civil indemnity, moral damages, exemplary damages, actual damages, and loss of earning capacity, including the requirement for concrete proof for actual damages.

****Historical Background:**** This case highlights the challenges in criminal justice processes involving identification procedures and the reliance on eyewitness testimony. It also illustrates the Philippine legal system's approach to handling allegations of coercion in obtaining confessions and the importance of compliance with legal standards for such confessions to be considered admissible in court.