

****Title:**** Ambulo v. People of the Philippines

****Facts:****

Journey Kenneth Asa y Ambulo (petitioner) was charged with Robbery under Article 293 of the Revised Penal Code (RPC) in an Information dated January 25, 2010.

- ****December 23, 2010:**** Petitioner, using the Facebook account name “Indho Than,” messaged Alyanna Cassandra threatening to post provocative photos of Alyanna’s friend, private complainant Joyce Erica Delacruz Varias. Alyanna informed the complainant about the threat.

- ****Private Complainant’s Plea:**** Using Alyanna’s account, the private complainant pleaded with the petitioner to delete her photos. Petitioner instead threatened to post her intimate photos publicly unless she had sex with him. Ultimately, private complainant offered P5,000 instead.

- ****December 28, 2010:**** Private complainant and her mother sought help from the Dasmariñas City Police, resulting in an entrapment plan decided by the local police team.

- ****December 30, 2010:**** An arranged meeting at McDonald’s in Walter Mart, Dasmariñas City transpired. Private complainant handed the petitioner P5,000 marked money, and petitioner handed over the memory card. After removing her glasses to signal the entrapment team, the police arrested the petitioner.

****Procedural Posture:****

- ****RTC Imus Cavite:**** Petitioner was convicted of Robbery with Intimidation of Persons on November 12, 2015. Petitioner appealed the decision.

- ****Court of Appeals:**** On August 30, 2017, the CA affirmed the RTC decision but deleted the award of exemplary damages. Petitioner’s motion for reconsideration was denied on December 13, 2017.

- ****Supreme Court:**** Petitioner sought a petition for review under Rule 45.

****Issues:****

1. ****Credibility of Prosecution’s Key Witness:**** Whether private complainant’s testimony was credible despite alleged inconsistencies.

2. **Existence of Intimidation:** Whether the petitioner intimidated the private complainant enough to fulfill the requirements for Robbery with Intimidation of Persons under Article 293 of the RPC.

3. **Nature of Unlawful Taking:** Whether the element of unlawful taking was satisfied given the petitioner allegedly accepted money offered by the complainant.

Court's Decision:

1. **Credibility of Witness:** The Supreme Court emphasized that the factual findings of appellate courts normally remain final unless grave error or abuse of discretion is evident in the findings, which was not demonstrated. The slight inconsistencies noted by petitioner (whether the money was demanded or offered) were irrelevant to the credibility concerning the principal aspects of the crime.

2. **Intimidation Sufficient to Convict:** The Court upheld the lower courts' determination that petitioner's threats to post intimate photos were sufficiently intimidating. Intimidation was established as these threats forced the private complainant to comply.

3. **Unlawful Taking Element Present:** The petitioner's intimidation, followed by taking the money (even if it was offered by the complainant), suffices to fulfill the unlawful taking element for robbery. The court highlighted that the essence of the crime is that the taking was without genuine consent, driven by intimidation.

Doctrine:

The case reaffirmed the principle that minor inconsistencies in witness testimony on immaterial details do not impair their credibility. Moreover, it clarified that unlawful taking in robbery - with or without a demand - satisfies the constitutive elements if intimidation is instrumental to the act.

Class Notes:

Key Elements of Robbery (with Intimidation of Persons) under RPC:

1. Intent to gain
2. Unlawful taking of personal property
3. Using violence or intimidation
4. Taking against the person's will

Penal Code Reference:

- Article 293 of the Revised Penal Code, comprising the above elements, used to establish the crime.

Robbery (Intimidation of Persons):

- **Application in the Case:**
- Intimidation: Threat to post compromising photos.
- Unlawful Taking: Compelled handing over of money due to fear.

Historical Background:

At the time, increasing misuse of electronic means like social media for blackmail highlighted a new modus operandi for committing traditional crimes (such as robbery). This case exemplifies the judiciary's adaptation to address crimes exploiting digital threats and intimidation, reflecting contemporary issues in criminal jurisprudence.

Source: Supreme Court E-Library | Date created: March 29, 2023