

# **Jomar Ablaza y Caparas vs. People of the Philippines**

### **Citation:** 840 Phil. 627 (2018); G.R. No. 218073

—

### **Facts:**

1. **Incident Occurrence:**

- On July 29, 2010, around 8:30 a.m., Rosario S. Snyder was walking along Jolo Street, Barangay Barretto, Olongapo City while using her cellphone.
- A motorcycle with two male persons aboard approached her. The back rider grabbed her three necklaces, and the perpetrators fled after ensuring they had taken all the necklaces.
- The necklaces were valued at a total of ₱70,100.00.

2. **Identification and Police Reporting:**

- Snyder reported the incident to the police and identified petitioner Jomar Ablaza y Caparas from pictures shown to her.

3. **Arrest and Denial:**

- On the same day, Snyder and a policeman went to petitioner's house where he denied the involvement, claiming he was asleep during the incident.
- Co-accused Jay Lauzon y Farrales was found hiding in petitioner's house but also denied involvement.

4. **Court Proceedings:**

- **Regional Trial Court (RTC):**
  - Convicted both defendants of Robbery with Violence Against or Intimidation of Persons under Article 294(5) of the Revised Penal Code.
  - Sentenced them to imprisonment from four years and two months to eight years and twenty days.
- **Court of Appeals (CA):**
  - Affirmed the RTC ruling but adjusted the sentence of Jomar Ablaza.

5. **Appeal to Supreme Court:**

- Petitioner asserting errors in identification and conviction for robbery instead of theft, contending the factual findings of violence were insufficient.

### **\*\*Issues:\*\***

1. **\*\*Whether the petitioner was proven guilty beyond a reasonable doubt.\*\***
2. **\*\*Whether the proper conviction should be for Robbery or Theft.\*\***

### **\*\*Court's Decision:\*\***

1. **\*\*Credibility of Snyder's Testimony:\*\***

- The Supreme Court upheld the trial court's and the CA's assessment of witness credibility, noting the consistency and coherence in Snyder's testimony.

2. **\*\*Identification of Petitioner:\*\***

- The Court accepted the positive identification of the petitioner by Snyder despite her emotional state during the incident.

3. **\*\*Robbery vs. Theft:\*\***

- The Court found that the prosecution failed to establish the element of violence necessary for a robbery conviction under Article 294(5). Snyder's testimony did not show physical violence or intimidation.

4. **\*\*Application of Precedent and Definitions:\*\***

- Following **\*\*People v. Concepcion\*\***, the Court clarified that merely grabbing the necklaces does not constitute the use of violence or intimidation.  
- Therefore, the crime committed was simple **\*\*Theft\*\*** under Article 308 of the RPC.

### **\*\*Doctrine:\*\***

- **\*\*Distinction between Robbery and Theft:\*\***

- **\*\*Theft\*\*** involves taking personal property without violence or intimidation of persons.

- **\*\*Robbery\*\*** involves taking personal property with the use of violence, intimidation, or force against persons or things.

- Simple grabbing of items from a person does not inherently imply the use of violence or intimidation necessary for a robbery conviction.

### **\*\*Class Notes:\*\***

- **\*\*Robbery (Article 293, Revised Penal Code):\*\***

1. Taking of personal property.
2. With intent to gain.

3. By means of:

- Violence or intimidation against persons.
- Force upon things.
  
- **Theft (Article 308, Revised Penal Code):**
- Taking of personal property.
- With intent to gain.
- Without consent of the owner or through absence of the element of violence, intimidation, or force.
  
- **Revised Penal Code, Article 293 & 294:**
- Defines robbery and enumerates penalties based on the presence of violence or intimidation.
  
- **Revised Penal Code, Article 308:**
- Defines theft and distinguishes it based on the value of the property stolen.

**Historical Background:**

The case demonstrates the meticulous differentiation between robbery and theft in Philippine law, emphasizing the critical need for establishing elements beyond reasonable doubt. It highlights the court's role in scrutinizing factual findings to prevent miscarriages of justice, factoring precedence, statutory construction, and intent behind legislative provisions. This scrutiny ensures alignment with justice principles, ensuring fair adjudication based on explicit factual needs.