

Title: People vs. Moreno, G.R. No. 138928

Facts:

On the early morning of January 8, 1999, Marites Felix, an employee of Burger Machine, was attacked by Rogelio Moreno while she was walking past an ABC Commercial Complex in Makati City at around 12:45 A.M. Moreno, whom Felix recognized from his frequent presence at her Burger Machine outlet, placed a knife at her throat, dragged her to a secluded spot, and undressed her despite her pleas for mercy. After raping her, Moreno took her shoulder bag containing an ATM card, P200 in cash, and other personal items.

Post-attack, Felix immediately sought help from nearby vendors and reported the incident to the police. During a search in the vicinity, the police and Felix encountered men fleeing at the sight of them. Moreno was apprehended within a house where he had tried to hide, wearing a hat and a blue jacket. Upon seeing him, Felix identified Moreno as her rapist, particularly noting her Burger Machine T-shirt he was wearing. Moreno was subsequently arrested without a lawyer's presence.

Procedural Posture:

Moreno was charged with robbery accompanied by rape. He pleaded not guilty, asserting an alibi supported by witness testimonies that he was asleep at the time of the incident. The trial court convicted Moreno, heavily weighing Felix's positive identification and testimony, and sentenced him to death under Articles 293 and 294 of the Revised Penal Code. Moreno appealed to the Supreme Court, contending, among other points, insufficient evidence, violation of his constitutional rights during his arrest and investigation, and incorrect application of aggravating circumstances.

Issues:

1. Whether the guilt of the accused for robbery with rape was proven beyond reasonable doubt.
2. Whether the constitutional rights of the accused were violated during his arrest and detention.
3. Whether the aggravating circumstance of nocturnity was correctly applied.

Court's Decision:

1. Guilt Beyond Reasonable Doubt:

The Supreme Court found sufficient evidence to convict Moreno of both crimes but modified the charge to two separate offenses—rape and theft—rather than the special complex crime

of robbery with rape. The rape charge stood due to the overwhelming evidence, including Felix's credible and unwavering testimony. However, the robbery charge was revised to theft as it was an afterthought following the rape, and not accompanied by the requisite violence or intimidation for robbery.

2. Violation of Constitutional Rights:

Moreno's claim of constitutional rights violation lacked evidence since no extrajudicial confession was used to convict him. The court ruled that the violation, if any, was inconsequential to the conviction, which rested on solid testimonial evidence.

3. Aggravating Circumstance of Nocturnity:

The court ruled that nocturnity was not properly alleged nor proven to have facilitated the crime, thus it should not aggravate the penalty. The trial court's application of nighttime as an aggravating factor was erroneous as it was not deliberately sought by Moreno.

Doctrine:

1. For the special complex crime of robbery with rape under Articles 293 and paragraph 2 of Article 294 of the Revised Penal Code to stand, the intent to commit robbery must precede the rape.
2. Nocturnity or nighttime as an aggravating circumstance requires that the offender purposely sought to use the cover of darkness to facilitate the commission of the crime.
3. General denial and alibi defenses cannot override positive and credible identifications made by witnesses.

Class Notes:

1. Elements of Rape (Article 266-A, Revised Penal Code):
 - Carnal knowledge of a woman.
 - Committed through force, threat or intimidation.
2. Elements of Theft (Article 308, Revised Penal Code):
 - Taking of personal property.
 - Intent to gain without the owner's consent.
3. Aggravating Circumstance of Nocturnity (Article 14(6), Revised Penal Code):
 - Must show deliberate use of nighttime.
 - Requires proper allegation in the information.

Historical Background:

In the 1990s, rape and crimes involving sexual violence drew significant legislative attention in the Philippines, leading to amendments in substantive and procedural laws to enhance prosecution and penalties for such offenses. This case reflects the Supreme Court's diligent effort to ensure the correct application of laws concerning heinous crimes like rape, balancing punitive measures with evidentiary rigor.