

**Title:** *People of the Philippines vs. Lito Hernandez*, 476 Phil. 66 (2004)\*

### ### Facts

- Incident Date and Crime:** On December 19, 1994, around 12:00 noon, in Barangay Mahabang Parang, San Luis, Batangas, Lito Hernandez, armed with a bolo and a knife, allegedly with one Nestor Catapang, forcibly robbed Natividad Yuzon Mendoza of jewelry and cash worth PHP 30,000. They then strangled her to death.
- Witness Account:** Cesar Yuzon, a relative, witnessed the crime from a distance. He saw the suspects dragging Natividad into a wooded area, robbing her, and finally killing her with a rope. Cesar refrained from reporting the incident immediately due to threats against his life and his family's safety.
- Discovery of the Body:** Natividad's body was found that evening by her son, Nemensio Mendoza, and others. An autopsy showed she died of asphyxia due to ligature strangulation, evidenced by injuries and ligature marks on her body.
- Investigation:** Cesar, motivated by ongoing threats and eventually overcoming his fears, gave his statement to the police on February 7, 1995, identifying Hernandez and Catapang as the culprits.
- Defense:** Hernandez denied involvement, claiming he was in Parañaque having lunch on his birthday on December 19, 1994, which he stated was a Sunday, although the court noted it was actually a Monday.
- Procedural History:**
  - Trial ensued after arraignment, with Hernandez pleading not guilty.
  - Co-accused Catapang was shot dead during an escape attempt.
  - Trial concluded with a guilty verdict and a sentence of reclusion perpetua to death.

### ### Issues

- Credibility of Essential Witness:** Was Cesar Yuzon's testimony credible despite alleged inconsistencies and delayed reporting?
- Sufficiency of Evidence for Robbery:** Did the prosecution fail to prove the actual carrying away of stolen goods post-murder to establish robbery?
- Appreciation of Aggravating Circumstances:** Did the trial court err by considering aggravating circumstances like abuse of superior strength and disregard of age and sex?
- Voluntary Surrender:** Should the mitigating circumstance of voluntary surrender

apply to Hernandez?

### ### Court's Decision

1. **Credibility of Witness**: The Supreme Court upheld the credibility of Cesar's testimony despite the delay in reporting due to threats. His account was consistent with forensic evidence, and his fears were considered reasonable.
2. **Sufficiency of Evidence**: The Court ruled against Hernandez's argument about the lack of evidence of carrying stolen items away. Taking was completed once the appellant gained possession of the items.
3. **Aggravating Circumstances**: The Supreme Court did not uphold the aggravating circumstances due to lack of evidence and procedural requirements for qualifying and aggravating circumstances under the revised rules of criminal procedure.
4. **Voluntary Surrender**: The Court ruled that Hernandez did not voluntarily surrender as he was arrested upon the issuance of a warrant, rejecting this mitigating circumstance.

### ### Doctrine

- **Standard of Credibility**: Witness testimony maintains probative value despite delayed reporting when explained by credible fear of reprisal.
- **Determining Robbery**: In robbery, possession by force completes the crime; physical conveyance or successful escape with stolen items isn't required.
- **Requiring Circumstantial Evidence**: Aggravating circumstances must be specifically alleged in the information and proven with clear evidence to be considered.
- **Voluntary Surrender**: This mitigating circumstance must be demonstrated by unprompted surrender showing an intent to accept responsibility.

### ### Class Notes

- **Robbery with Homicide**: The crime involves originally intending robbery, with a homicide occurring as a direct consequence.
- **Witness Intimidation**: Refers to the principle where fear of reprisal can justifiably delay witness reporting.
- **Assessment of Testimony**: In cases involving kin, the credibility of the testimony must be weighed against behavioral tendencies like fear and community pressures.
- **Aggravating and Mitigating**: Current legal procedure requires specific allegations of any factors that might increase sentence severity; voluntary surrender must be without conditions.

- **Jurisprudence**: This case reinforces doctrines on the sufficiency of evidence and credibility standards, crucial in criminal litigation.

### ### Historical Background

- **Context**: This case was part of the broader effort to consistently apply laws on complex crimes like robbery with homicide amidst judicial reforms during the 1990s and early 2000s. The procedural emphasis on specific allegations reflected evolving judicial standards towards ensuring fair trials and due process, particularly in capital case hearings. The application also emphasized judicial prudence in evaluating witness credibility and the substantive nature of their testimony amidst threats or fear, aligning with human behavioral patterns recognized in previous case law.