

### Title:

People of the Philippines vs. Jose Villacastin, Jr.

### Facts:

1. **Initial Incident**: On July 29, 1987, around 2:00 AM, Dionesio Himaya observed Jose Villacastin, Jr., and others cut the cyclone wire enclosing two carabaos at Hacienda Ricky, belonging to Joel Barrieses.
2. **Immediate Reaction**: Himaya awakened Rosalina Plaza, caretaker of the carabaos, who then informed Joel Barrieses about the theft. Plaza confirmed the carabaos were missing.
3. **Official Report**: Plaza reported the incident to the 334th PC Company.
4. **Arrest**: Provincial Fiscal Othello Villanueva charged Jose Villacastin, Jr., Joselito Escarda, Hernani Alegre, and Rodolfo Cañedo with violating P.D. 533 (Anti-Cattle Rustling Law). Alegre and Cañedo were at-large.
5. **Denial**: Villacastin and Escarda pleaded not guilty, claiming they were elsewhere during the theft.
6. **Prosecution Evidence**: Key witness Himaya identified Villacastin cutting the cyclone wire and taking the carabaos.
7. **Defense and Conviction**: Villacastin's and Escarda's alibis were unconvincing, leading the Regional Trial Court of Cadiz City, Branch 60, to convict them.
8. **Sentencing**: They were sentenced to 18 years, 8 months, and 1 day to reclusion perpetua. Villacastin appealed on grounds including insufficient evidence of ownership and his identity.
9. **Withdrawal and Focus on Appeal**: Escarda withdrew his appeal, leaving Villacastin as the sole appellant.

### Issues:

1. **Was the element of "taking away of carabaos" without the owner's consent proven?**
2. **Was Villacastin's identity as the perpetrator established beyond reasonable doubt?**
3. **Was the certificate of ownership of the stolen carabaos necessary for a conviction under the Anti-Cattle Rustling Law?**
4. **Was the trial court correct in considering aggravating circumstances (nighttime, unlawful entry, recidivism) in sentencing?**

### Court's Decision:

1. **Taking Away of Carabaos**:

- The Supreme Court upheld that the prosecution sufficiently demonstrated the “taking away” of carabaos without the owner’s consent. Himaya’s testimony about seeing Villacastin cutting the wire and taking the carabaos was credible.

2. **Identity of Perpetrator**:

- The Court found the moonlight sufficient for Himaya to clearly see and recognize Villacastin, who was known to Himaya as his wife’s nephew. Positive identification by Himaya negated Villacastin’s claim of mistaken identity.

3. **Certificate of Ownership**:

- The Court ruled that the absence of a certificate of ownership did not affect the validity of the prosecution’s case. Plaza’s role as the caretaker and immediate reporting of the theft confirmed unauthorized taking. The issue of ownership was not contested during the trial.

4. **Aggravating Circumstances**:

- The trial court erred in appreciating recidivism without proving finality of previous conviction. As a result, reclusion perpetua was not warranted.

- Aggravating factors of nighttime and unlawful entry were relevant but the lack of mitigating circumstance meant the sentencing had a maximum indeterminate term, complying with P.D. 533.

**Doctrines:**

- **Proving Ownership in Special Laws**: In crimes under the Anti-Cattle Rustling Law, proving immediate unauthorized taking over a certificate of ownership can suffice.

- **Recidivism**: There must be clear evidence of a previous final conviction to appreciate recidivism.

- **Positive Identification in Eyewitness Testimony**: Clear, consistent, and credible identification by a witness, aware of the accused’s identity, can overcome alibi defenses.

**Class Notes:**

- **Elements of Cattle Rustling under P.D. 533**:

- Taking away of large cattle.

- Without owner/caretaker’s consent.

- Method could involve violence, intimidation, or force upon things.

- **Relevant Statutes and Provisions**:
- **P.D. No. 533, Section 8**: Penalty depends on whether there was force or violence.
- With force: Prision mayor in its maximum to reclusion temporal in its medium.
- Without: Reclusion temporal in its maximum to perpetua.
- **Alibi in Defense**: Must prove it was physically impossible to be at crime scene.

### Historical Background:

- **Anti-Cattle Rustling Law (P.D. 533)**: Enacted in 1974, this Presidential Decree was aimed at stemming widespread cattle theft in rural Philippines, providing stringent penalties for cattle rustling aligned with agricultural economy protection.