

Title:

Edwin del Rosario v. People of the Philippines

Facts:

On January 30, 2012, Charlotte Casiano and her brother, Kim Casiano, flagged down a jeepney in Davao City. Shortly after boarding the jeepney, two men identified later as Roxan Cansiancio and Edwin del Rosario boarded the same vehicle. During the ride, Kim overheard Edwin signaling to Roxan, saying “tirahi na nang babaye bai” (Hit that lady, bai). Subsequently, Roxan snatched Charlotte’s Italian gold necklace worth Php 18,000 and both men disembarked and fled. Charlotte and Kim pursued them but couldn’t catch up. Roxan was later apprehended and, during a follow-up operation, identified Edwin as his companion, who was then arrested.

Upon arraignment, both Edwin and Roxan pleaded not guilty. However, Roxan withdrew his plea, plea-bargained to attempted robbery, and received a six-month sentence of *arresto mayor*. The trial ensued only against Edwin.

In the RTC, Charlotte and Kim positively identified Edwin as the man who signaled Roxan to snatch her necklace. Edwin presented an alibi, supported by testimonies saying he was elsewhere at the time of the crime. The RTC convicted Edwin of robbery, resulting in a sentence of imprisonment ranging from six months and one day to six years and one day.

Edwin appealed to the CA, which affirmed the RTC’s decision but modified the penalty to six months *arresto mayor* to six years *prision correccional*. Edwin then petitioned for review with the Supreme Court.

Issues:

1. Whether the RTC and CA erred in convicting Edwin of robbery.
2. Whether the actuated violence or intimidation sufficient to classify the incident as robbery rather than theft.
3. Proper identification of Edwin as the perpetrator.

Court’s Decision:

1. Conviction for Robbery:

- The Supreme Court upheld that Edwin’s guilt was proven beyond reasonable doubt, confirming that he and Roxan had conspired to steal Charlotte’s necklace.
- However, the Court ruled that the incident was misclassified. The testimonies indicated that the necklace was snatched without any violence or intimidation, which would constitute

theft rather than robbery.

****2. Classification of Crime:****

- The Court emphasized that for the crime to be categorized as robbery, there must be violence or intimidation used in the taking of property. The testimonies from Charlotte and Kim only indicate a quick snatching without force or harm, thus it falls under theft.

****3. Identification of Edwin:****

- The Court found no reason to discredit the eyewitness accounts of Charlotte and Kim, which consistently identified Edwin as the perpetrator who signaled the robbery. The identification was described as positive and reliable.

Doctrine:

The distinguishing element between robbery and theft is the use of violence or intimidation. Robbery involves taking property with violence or intimidation against persons or with force upon things, whereas theft involves taking property without these elements.

Class Notes:

- ****Elements of Theft**** (Art. 308, RPC)

1. Taking of personal property.
2. Personal property belongs to another.
3. Taking is done with intent to gain.
4. Taking without the owner's consent.
5. No use of violence, intimidation, or force.

****Elements of Robbery**** (Art. 293, RPC)

1. Taking of personal property.
2. Personal property belongs to another.
3. Taking is done with intent to gain.
4. Taking with violence or intimidation against persons or with force upon things.

- ****Statutory Provision:****

- Revised Penal Code, Article 309(4) for penalties in theft cases where the value of stolen property is between Php 5,000 and Php 20,000.

Historical Background:

This case reflects the Philippine judicial system's nuanced differentiation between theft and robbery, emphasizing the necessity of violence or intimidation for a charge of robbery. The

review shows the system's diligence in ensuring the correct classification of crimes, thus guaranteeing appropriate penalties and upholding the principle of fairness and justice in criminal law.