

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BELMAN SAN JUAN Y CALINOG, ACCUSED-APPELLANT.

Ponente: DIMAAMPAO, J.

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DIMAAMPAO, J.:

Accused-appellant Belman San Juan (SAN JUAN) rails against the Decision[1] dated 20 January 2014 of the Regional Trial Court, Parañaque City, Branch 196, finding him guilty beyond reasonable doubt of the crime of robbery, in Crim. Case No. 11-0696.

The inculpatory averments of the Information[2] dated 4 July 2011 read:

“That on or about the 1st day of July 2011, in the City of Parañaque, Philippines, and within the jurisdiction of this Honorable Court, accused, armed with a knife, with intent to gain and by means of force, violence and intimidation employed upon complainant ARMIE STA. ANA y BANTILLO, did then and there willfully, unlawfully and feloniously take, rob and divest her bag containing cash money worth P1,000.00, Nokia Cellphone worth P5,000, one (1) Gold ring, one (1) Gold necklace worth P4,000.00, accessories, ID's and Guard license, belonging to the said complainant, to the damage and prejudice of the complainant herein, in the total amount of P10,000.00, more or less.

CONTRARY TO LAW.”

SAN JUAN entered a plea of not guilty when arraigned.[3] Trial on the merits ensued.

The prosecution sought to establish that on or about 2:50 o'clock in the early morning of 1 July 2011, the victim Armie Sta. Ana (Armie) was waiting for a passenger jeepney along MIA Road, Quirino Avenue, Parañaque City, so she could go to the Philippine airport where she worked as a security guard. She noticed an unidentified female who stood beside her and started waving her arms and shouted, “Sucat Sucat”[4] as if a jeepney was coming, when there was actually none. Just then, a tall man came from behind her, put an arm around her neck and poked a pointed weapon at the left side of her body. The man whispered: “Akin na ang bag mo, kung hindi sasaksakin kita.”[5] Armie put up a fight but the man eventually overpowered her until she fell to the pavement. It was then that the man was able to snatch her bag and nonchalantly walked away. The bag contained Armie's necklace, ring, cellphone, cash worth P1,000.00, and other personal items. She clearly saw SAN JUAN's face as the place was well-lighted by the electric post.[6]

A couple and a tricycle driver helped Armie who forthwith proceeded to the barangay hall to report the incident.

Meanwhile, around 4:30 o'clock in the morning of 2 July 2011, barangay authorities responded to a report that there was a man who was throwing stones at passing vehicles. When this man saw the barangay tanods, he instantly ran to his home and took out a kitchen knife. The barangay tanods asked the man to go with them, but the latter put up a fight until he was apprehended and brought to the police station. This man turned out to be SAN JUAN.[7]

The barangay authorities observed that the description provided by Armie as to who robbed her matched SAN

JUAN's real identity. Armie was thereby brought to the police station. She then saw SAN JUAN who was still wearing the same shorts and a black jacket that he wore during the robbery. Armie also noticed a kid who later on was identified as the child of SAN JUAN, wearing her necklace. Armie told the police that the necklace was hers. When confronted, a relative of SAN JUAN insisted that the necklace was bought in Baclaran and that Armie could not possibly verify if it truly belonged to her. However, Armie related to the police that she could easily identify her necklace on account of the letters "BN" and "AB" engraved thereon.[8] True to Armie's words, the police found these marks on the necklace.

For his defense, SAN JUAN offered denial and alibi to exculpate himself from liability. He claimed that he was having a drinking spree with one Michael Tayag, his brother-in-law, on 30 June 2011 beginning 11:00 o'clock in the evening until the early hours of dawn. He went home around 7:00 o'clock in the morning of the following day. He had an altercation with his wife and in his frustration, he broke a couple of bottles. A neighbor reported this incident so that he was brought to the barangay hall. SAN JUAN, however, was released in the afternoon of that same day. Once again, he was apprehended on 2 July 2011 because "nagbasag daw po ako ng bote sa kalsada." [9] Upon his arrival at the police station, he was surprised when he was informed of the charge of robbery against him.[10] The version of SAN JUAN was corroborated by his own witnesses.

The defense likewise adduced in evidence the formal blotter made by Armie who described her assailant as "medyo maliit, maitim at nakajacket." [11] SAN JUAN averred that he was not positively identified by Armie as his physical features were diametrically opposed to the description in the blotter.[12]

Weighing the contrasting evidence of the parties, the court a quo rendered the assailed Decision of conviction, thusly—

"WHEREFORE, premises considered:

- (A)ccused BELMAN C. SAN JUAN is hereto found GUILTY beyond reasonable doubt for (sic) the crime of ROBBERY as penalized under Article 294 of the Revised Penal Code and is sentence(d) to serve, without any mitigating or aggravating circumstance, the penalty of two years and four months of prision correccional as minimum to eight years of prision mayor as maximum, with all the accessory penalties imposed to the service of his sentence;

- (A)ccused BELMAN C. SAN JUAN is ordered to indemnify jointly and severally private complainant Armie B. Sta. Ana the amount of ten thousand pesos (P10,000.00) pesos for proper civil indemnity ex delicto as a consequence of the felony of robbery, with cause of subsidiary imprisonment in failing to pay for the same.

- (W)ithout pronouncement as to costs.

SO ORDERED." [13]

Propounding a theory of innocence, SAN JUAN (now, appellant) seeks relief before Us ascribing the following assignment of errors upon the court a quo:

I

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF ROBBERY DESPITE THE ILLEGALITY OF HIS ARREST AND LACK OF POSITIVE IDENTIFICATION BY THE PRIVATE COMPLAINANT.

II

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

The Appeal fails to convince.

Appellant bewails that he was not positively identified by Armie as the profile she provided to the authorities was too general. The police merely surmised, suspected and concluded without any justifiable basis that Armie's description of the robber fits to a tee appellant's facial characteristics.

Appellant's nitpicking does not sit well with Us.

The prosecution established that the place of the incident was well-lighted by electric light posts enabling Armie to clearly see the features of her assailant and positively identify appellant as the robber. Armie was in close contact with appellant as she struggled and put up a fight before the latter succeeded in snatching the bag from her. Her proximity to appellant afforded her a good view of his profile.

Likewise, the identity of appellant was positively established when Armie identified her necklace, which bore the engravings "BN" and "AB", being worn by no less than appellant's child. This whittled down appellant's barren insistence on his innocence of the crime charged.

Upon another point, appellant pokes holes in the alleged illegality of his arrest. He asserts that he was accosted, not for robbery, but for throwing bottles on passing vehicles.

The assertion cuts no ice. Any objection, defect or irregularity attending an arrest must be made before the accused enters his plea on arraignment. Having failed to move for the quashing of the information against him before arraignment, appellant is now estopped from questioning the legality of his arrest. Any irregularity was cured upon his voluntary submission to the trial court's jurisdiction.[14] Quite palpably, appellant cannot seek exculpation by raising belatedly alleged invalidity of his arrest.

In light of the foregoing discourse, We perceive no cogent reason to deviate from the disposition of the court a quo that appellant is guilty of the crime charged. The records unveil the categorical and straightforward testimony of Armie as to how appellant forcibly took her bag. The court a quo had the unique opportunity to observe Armie and to note her demeanor, conduct, and attitude under gruelling examination. Her testimony bears the earmarks of truth.

The age-old rule is that the task of assigning values to the testimonies of witnesses on the witness stand and weighing their credibility is best left to the trial court which forms its first-hand impressions as a witness testifies before it. It is, thus, no surprise that findings and conclusions of trial courts on the credibility of witnesses enjoy, as a rule, a badge of respect, for trial courts have the advantage of observing the demeanor of witnesses as they testify.[15] To Our mind, Armie is a credible witness and her testimony should be afforded weight and veracity. She would not implicate appellant in a serious charge such as robbery, if it were not the truth.

Ineludibly, We find and so rule that appellant is guilty of the crime of robbery defined and penalized under Articles 293 and 294(5) of the Revised Penal Code, otherwise known as simple robbery. Simple robbery is committed by means of violence against or intimidation of persons. The elements of robbery as defined in Article 293 of the RPC are the following: a) that there is personal property belonging to another; b) that there is unlawful taking of that property; c) that the taking is with intent to gain; and d) that there is violence against or intimidation of persons or force upon things.[16]

Armie narrated in detail how appellant came from behind her, put an arm around her neck and poked a pointed weapon at the left side of her body. Appellant succeeded in taking Armie's bag and walked away from the scene. We reverberate the eloquent adjudication of the court a quo—

“Indeed, the crime of robbery stands consummated given the unnecessary force made by accused to effect the

taking of personal property of complainant as the latter was strangled by her neck and made to lie down the pavement, while the taking of personal property was made obvious as missing personal items were contained in a bag which was positively acclaimed to be taken against the will of the owner.”[17]

There is no gainsaying that the elements of robbery are present in the case at bar. In all, there is not a morsel of doubt that the judgment of conviction is in order.

A final word. The penalty imposed by the court a quo is in accord with law and jurisprudence. However, in conformity with recent jurisprudence, the interest at the rate of 6% per annum shall be imposed on all damages awarded from the date of the finality of this judgment until fully paid.[18]

WHEREFORE, the Decision of conviction dated 20 January 2014 of the Regional Trial Court, Parañaque City, Branch 196, in Crim. Case No. 11-0696, is **AFFIRMED** with **MODIFICATION** in that accused-appellant Belman San Juan is ordered to pay Armie Sta. Ana the interest on damages at the legal rate of 6% per annum from the date of finality of this judgment until full payment thereof.

SO ORDERED.

Diamante, and Salandanan-Manahan, JJ., concur.

[1] Original Records, pp. 161-169.

[2] Id., p. 2.

[3] Original Records, p. 19.

[4] Referring to Sucat, Parañaque.

[5] TSN, 28 November 2011, p. 9.

[6] Id., p. 13.

[7] Original Records, p. 10.

[8] TSN, 28 November 2011, p. 25; Original Records, p. 115-B.

[9] Id., 10 September 2012, p. 11.

[10] Id., pp. 24-30.

[11] Original Records, p. 156.

[12] Id., p. 157.

[13] Original Records, p. 178.

[14] See *People v. Vasquez*, 714 SCRA 78, 97 (15 January 2014).

[15] *People v. Las Piñas*, 730 SCRA 571, 588 (23 July 2014).

[16] *Sazon v. Sandiganbayan* (Fourth Division), 578 SCRA 211, 220 (10 February 2009).

[17] Original Records, p. 176.

[18] *People v. Tabayan*, GR No. 190620 (18 June 2014).

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