

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. REYNALDO ORTIZ Y ROSAL, RANDY SORILLA Y SOPILANO, ACCUSED-APPELLANTS.

Ponente: BARRIOS, M. M., J.

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BARRIOS, M. M., J.:

On appeal is the Decision[1] dated 11 September 2012 of the Regional Trial Court, Branch 128, Caloocan City convicting both accused-appellants[2] of Robbery and Violation of Republic Act No. 6539 (Anti-Carnapping Act of 1972). The decretal part reads:

X X X

“WHEREFORE, finding the two accused, Reynaldo Ortiz and Randy Sorilla guilty of Robbery and Carnapping and there being no aggravating and mitigating circumstances established, the court hereby sentences the accused as follows:

In Criminal Case No. C-78672 Reynaldo Ortiz and Randy Sorilla are sentenced to an imprisonment of Six (6) months and One (1) day of prision correccional, as minimum to Eight (8) years and One (1) day of prision mayor, as maximum.

They are likewise directed to return to the private complainant Dante Madrona the amount of Three Thousand Pesos (P3,000.00), the cash money taken and the Two Thousand Pesos (P2,000.00), the value of the cellphone, in the total amount of Five Thousand Pesos (P5,000.00).

In Criminal Case No. C-78671, they are sentenced to an imprisonment of Fourteen (14) years, Four (4) months, as minimum to Fifteen (15) years, as maximum.

SO ORDERED.”

X X X

THE FACTS OF THE CASE

Two (2) Informations[3] dated 10 December 2007 were filed against accused-appellants which read as follows:

Criminal Case No. C-78671

“That on or about the 10[th] day of December, 2007, in Caloocan City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together and mutually helping one another, without the knowledge and consent of the owner CHE-CHE TAXI represented by DANTE MADRONA y ODSINADA, did then and there willfully, unlawfully and feloniously, take, steal and carry away, one (1) unit Toyota Corolla with body markings Che-Che Taxi, with Plate Number PWU-765 belonging to said Che-Che Taxi represented by Dante Madrona y Odsinada to the damage and prejudice of the latter with undetermined amount.

CONTRARY TO LAW.”

Criminal Case No. C-78672

“That on or about the 10[th] day of December, 2007 in Caloocan City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together and mutually helping one another, armed with a bladed weapon, with intent to gain, by means of force, threats, violence and intimidation employed upon the person of one DANTE MADRONA y ODSINADA, did then and there willfully, unlawfully and feloniously, take, rob and carry away, one (1) wallet containing cash money amount to PhP3,000.00, professional driver's license, SSS ID, Cycle metal ID, one (1) unit of Nokia cellphone 1110I worth PhP2,500.00 and cash money amounting to 500.00, belonging to said Dante Madrona y Odsinada, to the damage and prejudice of the latter in the total amount of PhP6,000.00.

CONTRARY TO LAW.”

When arraigned, both accused-appellants pleaded “not guilty”. A joint pre-trial and trial were conducted.

The prosecution's witnesses were private complainant David Madrona, PO2 Jacinto Suminig, Jr. and PO2 Nonard Gonzales.[4] On the other hand, accused-appellants testified in their behalf.

At around 11:30 P.M. of 09 December 2007, private complainant Dante Madrona was driving his taxi with body name CHE CHE and plate number PWU-765 along EDSA, Monumento, Caloocan City headed towards McArthur Highway. He was flagged down by two male passengers - later identified as herein appellants Reynaldo Ortiz (Ortiz) and Randy Sorilla (Sorilla) - who instructed him to bring them to Meycauayan, Bulacan via North Luzon Expressway and, upon reaching the Meycauayan Toll Gate, directed him to proceed to Sto. Nino Subdivision. However, while they were in the vicinity of Sampaguita Subdivision at Camarin, Caloocan City, complainant Madrona felt appellant Sorilla poke a knife behind his right ear and told to give his money, uttering “Pera pera lang”. Appellant Ortiz, who was then seated beside him, took his Nokia 1110i cellphone worth P2,000.00[5] and his wallet containing P3,000.00, and then kicked him out of the taxi. The duo then sped away with the taxi.[6]

Complainant Madrona initially reported the crime to the nearest police outpost - Police Community Precinct (PCP) 14 at Bikas[7], Caloocan City - but was referred to the Police Substation 4 where the robbery and carnapping incident was blotted. When he returned to the PCP-14 at around 3:45 A.M., complainant Madrona saw the two (2) accused-appellants thereat. It appeared that they were apprehended for robbing another taxi driver. Complainant Madrona immediately alerted the police and positively identified the duo as the perpetrators who robbed him and took his taxi.

PO2 Jacinto Suminig, Jr. and PO2 Nonard Gonzales of PCP-14 testified that the two (2) accused-appellants were brought by a certain Ronilo Maquipoten, assisted by several men, after being arrested for similarly robbing Maquipoten who is also a taxi driver. Appellant Sorilla was arrested in flagrante while appellant Ortiz – who managed to escape – was arrested in a follow-up operation on board a jeepney and identified as the other robber. A knife was seized from Sorilla while a driver's license of a certain Romeo Gabriel was recovered from Ortiz. It was during the on-going investigation that complainant Madrona arrived and complained the two (2) appellants have also robbed him of his money and carnapped his taxicab. Later, both appellants pointed to the location where they abandoned the carnapped taxicabs.

Acting on the information, complainant Madrona - accompanied by PO2 Suminig, PO2 Gonzales as well as the appellants – went to Baesa, Quezon City where the taxi of complainant Madrona with body name CHE CHE and plate number PWU-765 was recovered.

In his defense, appellant Sorilla argued that at around 3:20 A.M. of 10 December 2007, he was on his way to work and was about to board a passenger jeepney in front of the Urduja police precinct when he was apprehended

by policemen and brought inside the station. However, after a confrontation, driver Ronilo Maquipoten recognized appellant Sorilla as a former fellow taxi driver, and thereafter withdrew from the complaint.

Appellant Ortiz, on the other hand, testified that at around 3:30 A.M. of 10 December 2007, he was on board a passenger jeepney along Urduja, Caloocan City on his way home when arrested by policemen accompanied by an unknown man who charged him of robbing him and taking his taxi. He later met complainant Madrona for the first time at the Urduja police precinct. While he and his co-accused were at the police station, a phone call was received about the presence of the abandoned taxicab. Both appellants insist that they met each other for the first time at the police precinct after Maquipoten had accused them.

As heretofore stated, the trial court rendered a judgment of conviction.

Aggrieved, accused-appellants raised the lone assignment of error in their brief:

“THE TRIAL COURT GRAVELY ERRED IN FINDING THAT THE ACCUSED-APPELLANTS' GUILT HAS BEEN PROVEN BEYOND REASONABLE DOUBT. ”

Our Ruling

The appeal has no merit.

Accused-appellants mainly argue that it was improbable for complainant Madrona to have identified them as the persons who held him up and carnapped his taxi since he could not have fully seen and recognized the passengers' faces while at the same time driving the taxicab, not to mention that he may have become prejudiced after seeing them already apprehended at the police precinct while being investigated for the robbery of another person. [8]

This argument fails to persuade. Admittedly, there were instances during the occurrence of the robbery when complainant Madrona could have fully identified his perpetrators. For one thing, the duo hailed his taxicab at the well-lit portion of EDSA in Caloocan City. Accused Ortiz took the passenger seat at his side, while accused Sorilla seated himself at the back. Surely, the faces of the appellants were not masked and certainly, complainant Madrona – at one point - could have taken a good look at their faces.

It is jurisprudentially settled that positive identification prevails over alibi since the latter can easily be fabricated and is inherently unreliable. Where there is nothing to indicate that a witness for the prosecution was actuated by improper motive, the presumption is that he was not so actuated and his testimony is entitled to full faith and credit. For the defense of alibi to prosper, the accused must prove not only that he was at some other place at the time of the commission of the crime, but also that it was physically impossible for him to be at the locus delicti or within its immediate vicinity.[9]

The trial court did not err in giving credence to the prosecution's evidence. Complainant Madrona testified in a straightforward, detailed and consistent manner that his taxi was flagged along a well-lit portion of EDSA and positively identified appellants Ortiz and Sorilla to be the robbers. Further, it appears that the taxi was only recovered after appellants disclosed its location which fact was confirmed by the investigating police officers PO2 Suminig and PO2 Gonzales. Such information corroborates Madrona's testimony that the two (2) appellants were the carnappers of the taxi.

WHEREFORE, premises considered, the appeal is DENIED. The assailed Decision dated 11 September 2012 of the Regional Trial Court, Branch 128 of Caloocan City is AFFIRMED in all aspects.

SO ORDERED.

Pizarro, N.B., (Chairperson) and Bueser, D.Q.,[*] JJ., concur.

[*] Per Office Order No. 472-14-ABR dated 14 November 2014.

[1] Rollo, pp. 52-57. Criminal Case Nos. C-78671-72

[2] Records, pp. 17 and 138. Per RTC Order dated 02 January 2008, they were ordered for detention at the Caloocan City Jail. Per RTC Order dated 26 September 2012, accused-appellants were ordered to be committed to the New Bilibid Prisons, Bureau of Corrections, Muntinlupa City.

[3] Records, pp. 2 and 10.

[4] Records, pp. 80-81.

[5] The Information in Criminal Case No. C-78672 stated that his cellular phone was valued as P2,500.00.

[6] Records, p. 5 Exhibit “B” Sworn Statement of Dante Madrona, TSN 08 December 2008, p. 3; TSN 09 June 2009, pp. 3-7.

[7] Also spelled as “Vicas” in the case records.

[8] Brief for the Accused-Appellants filed by the Public Attorney's Office, pp. 6-11; Rollo, pp. 44-49

[9] People vs. Joel Aquino y Cendana @ Akong, G.R. No. 201092, 15 January 2014

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