

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NOVIE PATINO Y BULALAKAW, A.K.A. JASPER OCAMPO, ACCUSED-APPELLANT, MARY ANN P. BENIGNO, RESPONDENT-APPELLANT.

Ponente: BARRIOS, M. M., J.

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BARRIOS, M. M., J.:

Before Us are separate appeals from the Decision[1] and Resolution[2], both dated 06 March 2012, of the Regional Trial Court (RTC), Branch 272, Marikina City in Criminal Case No. 05-7183-MK, which convicted accused-appellant Novie Patiño of Robbery and respondent-appellant Mary Ann P. Benigno of Indirect Contempt.

THE FACTS

In an Information dated 28 January 2005, the Marikina City Prosecutor's Office charged[3] accused-appellant Novie B. Patino, alyas Jasper Ocampo, and Mark Anthony Ganadin of the crime of Robbery under Article 294, paragraph 5, of the Revised Penal Code, in relation to Section 5(a) of Republic Act 8369 (Family Courts Act of 1997), before the RTC of Marikina City. The accusatory portion reads:

“x x x

That on or about the 26[th] day of January 2005, in the City of Marikina, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together with two (2) unidentified male persons whose true names, identities, and present whereabouts are still unknown, and they mutually helping and aiding with one another, with intent to gain and by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously rob and divest one (1) silver necklace worth Php2,800.00 and one (1) silver bracelet worth Php1,200.00, all in the total amount of Php4,000.00, belonging to one DARYLL DELFIN y ISAIS, a thirteen (13) year-old minor, to the damage and prejudice of the owner thereof in the aforesaid amount of Php4,000.00.

CONTRARY TO LAW.

x x x.”

When arraigned, both accused pleaded not guilty. Meanwhile, upon separate motions[4], the trial court ordered[5] the release of the two (2) accused on recognizance by reason of their minority at the time of the commission of the offense. Accused-appellant Patiño was then released to the custody of his aunt, herein respondent-appellant Mary Ann P. Benigno.

From the prosecution's evidence, it is gathered that on 26 January 2005, at about 2:00 P.M., private complainant Daryll I. Delfin, a thirteen-year (13) old minor, and four (4) of his classmates were walking along E. Santos St., Concepcion I, Marikina City when suddenly, four (4) malefactors – one of whom was accused-appellant Patiño – accosted Daryll. Accused-appellant Patiño placed his arm around Daryll's shoulder and said: “Boy, akina ang

kwintas mo, sasaksakin kita” (Give me your necklace, otherwise, I will stab you). As Daryll stared at accused-appellant, three (3) of the former's companions ran away in fear. His (fourth) other classmate tried to help him, but accused-appellant snatched complainant's silver necklace and punched his head twice. Complainant momentarily lost consciousness. Upon regaining his senses, he noticed that his silver bracelet was gone. Daryll and his classmate immediately reported the incident to the barangay authorities of Barangay Concepcion I, Marikina City.

The next day, Daryll and his mother – accompanied by barangay tanods – went back to the crime scene. Daryll spotted accused-appellant in the crowd, and pointed him out. As the tanods approached, accused-appellant tried to escape, but he was cornered in his house. At first, accused-appellant denied any wrongdoing, but as he was being escorted out, he eventually surrendered Daryll's necklace, but not the bracelet.

From the barangay hall, the group proceeded to Police Community Precinct No. 6 of Marikina City where Daryll executed a sworn statement[6], detailing the time and manner of the commission of the crime. An inquest proceeding was conducted, and thereafter, an Information for Robbery was filed against accused-appellant and accused Ganadin who had surrendered to the authorities that same day.

In their defense, both accused denied the charges against them. Accused-appellant Patiño averred that on 26 January 2005, at around 1:00 PM., he was at Marikina High School in Concepcion I waiting for his girlfriend who was to come from class. While standing near the exit gate, there was a rumble that transpired. Soon thereafter, he saw complainant Daryll sprawled on the ground. He and a certain Elmer tried to help Daryll up, but the latter's peers prevented them. He then went home after learning that his girlfriend had already left. The next day, he was apprehended by barangay tanods because he was identified by Daryll's friends as being at the scene when the melee happened. He was surprised when Daryll appeared at the barangay hall and accused him of robbery/snatching. He denies the fact that complainant's necklace was recovered from him.

On the part of accused Mark Ganadin, he averred that he was in the area to meet a friend when the commotion took place. He seconded accused-appellant's narration of the melee involving complainant Daryll, but he had no part therein. He surrendered to the police the next day after learning that Daryll had charged him with Robbery along with accused-appellant who is his childhood friend and neighbor. He also proffered innocence.

After trial, the prosecution filed an Omnibus Motion[7] to determine the real name of the accused-appellant as well as to suspend the promulgation of judgment. The motion was prompted by the Sworn Affidavit[8] of Social Worker Caroline S. Sta. Maria-Balsamo who declared that the Birth Certificate[9] of accused-appellant shows that his registered name is Novie Patino, and not Jasper Ocampo as stated in the Information; and that his true date of birth is 03 November 1986. It was revealed that accused-appellant had used a late-registered Birth Certificate[10] that falsely stated his name as Jasper Ocampo and his birth date on 03 November 1987 in order to justify his release on recognizance on the false assertion that he was a minor at the time of the commission of the crime.

During the hearing of the omnibus motion, accused-appellant admitted the authenticity of his birth record under the name “Novie Patino” with birthdate 03 November 1986. Accordingly, the trial court granted[11] the motion and ordered the arrest of accused-appellant and directed the public prosecutor to conduct an investigation and to file the appropriate charges. The Information was amended and another arraignment was held to which he pleaded not guilty. The prosecution and the defense stipulated to admit and adopt all the matters and proceedings taken up during the entire pre-trial and trial proceedings.

Now then, in the Order dated 02 January 2012, the trial court required respondent-appellant Mary Ann Benigno to explain within five (5) days from notice why she should not be held for contempt for conniving with accused-appellant in giving to the court his false identity and age to said court. It is imputed that

respondent-appellant was responsible for the fraudulent misrepresentation of the age of accused-appellant since it was she who prepared and filed the second Birth Certificate of the accused-appellant that contained the false information.

In her defense, respondent-appellant asserted that she had no information that accused-appellant had another name because she knew him to be Jasper Ocampo, and that she only wanted to assist him secure his release on recognizance by filing his Birth Certificate.

In due time, the trial court issued two (2) separate rulings on the matter. On the main Robbery case, the trial court rendered the now appealed Decision dated 06 March 2012 convicting accused-appellant of Robbery, but, however, acquitting accused Ganadin. The dispositive portion of which reads:

“x x x

WHEREFORE, in view of all the foregoing, accused NOVIE PATINO y BULALAKAW a.k.a. “Jasper Ocampo” is found GUILTY beyond reasonable doubt of the crime of ROBBERY under Article 294, paragraph 5 of the Revised Penal Code and there being no mitigating and aggravating circumstance, hereby sentences him to suffer an indeterminate penalty of imprisonment ranging from FOUR (4) YEARS and TWO (2) MONTHS of prision correccional, as minimum, to EIGHT (8) YEARS and TWO (2) MONTHS prision mayor, as maximum.

The said accused is hereby ordered to return the silver bracelet subject of the robbery to complainant, DARYLL DELFIN y ISAIS and in case of inability to return the same, said accused is hereby ordered to pay the value of the said valuable in the amount of P1,200.00, representing actual damages.

The period during which the said accused was in detention during the pendency of this case shall be credited to him in full provided that he agree to abide by and comply with the rules and regulations of the City Jail of Marikina.

With respect to accused MARK ANTHONY GANADIN y COROLLO, on ground of insufficiency of evidence, judgment is hereby rendered ACQUITTING him of the crime charged.

The mother of the said accused, LINDA C. GANADIN, to whom the accused was released on recognizance, is hereby relieved of her responsibility.

x x x”

With respect to contempt charge, the trial court issued herein assailed Resolution also dated 06 March 2012 holding respondent-appellant guilty of Indirect Contempt on account of her deliberate misrepresentation and concealment of facts that led to the temporary release on recognizance of accused-appellant, which acts showed disrespect to the court as well as affront to the administration of justice. The decretal part reads:

“x x x

WHEREFORE, premises considered, respondent MARY ANN P. BENIGNO is hereby found GUILTY of indirect contempt as provided under Section 3(d), Rule 71 of the Rules of Court and hereby sentences her to suffer a penalty of imprisonment of TWENTY (20) DAYS and a FINE of FIVE THOUSAND (P5,000.00) PESOS, pursuant to Section 7 of said rule.

x x x”

Accused-appellant filed an appeal from the judgment of conviction for Robbery assigning the following:

I.

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

II.

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT NOTWITHSTANDING THE APPARENT LACK OF POSITIVE IDENTIFICATION; AND

III.

THE TRIAL COURT GRAVELY ERRED IN NOT FINDING THE ACCUSED-APPELLANT'S WARRANTLESS ARREST AS ILLEGAL.

With respect to respondent-appellant, she also appealed her conviction for Indirect Contempt, raising these assignment of errors, viz:

I.

THE COURT A QUO WAS BIASED.

II.

THE COURT A QUO COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT ADMITTED THE SWORN STATEMENT OF CAROLYN STA. MARIA-BALSAMO; AND

III.

THE COURT A QUO COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION BY PREEMPTING THE OUTCOME OF THE SEPARATE CASE PENDING BEFORE METC BRANCH 75.

OUR RULING

After a careful consideration of the records, We deny both appeals for lack of merit.

I.

As for the Robbery case, Article 293 of the Revised Penal Code defines the crime of Robbery as follows:

“x x x

ART. 293. Who are guilty of robbery. - Any person who, with intent to gain, shall take any personal property belonging to another, by means of violence against or intimidation of any person, or using force upon anything, shall be guilty of robbery.

x x x.”

To sustain a conviction for Robbery, the prosecution is duty-bound to establish the following elements, to wit: a) that there must be personal property belonging to another; b) that there is unlawful taking of that property; c) that the taking is done with animo lucrandi or intent to gain; and d) the taking of that property be committed with violence or intimidation of any person, or force upon anything[12].

In the case at bar, the prosecution's evidence have indubitably established the guilt of accused-appellant Novie Patino (also known as Jasper Ocampo) for the crime of robbery. Complainant Daryll Delfin himself identified accused as the culprit in open court. He had categorically, candidly and convincingly narrated that there was forceful taking of his necklace and bracelet. Accused-appellant, accompanied by three (3) companions to ensure impunity, placed his hand around the victim's shoulders to restrain the latter and demanded for his silver necklace under threat of being stabbed. Daryll also stated that after his necklace was snatched, accused-appellant punched him twice in the head that caused him to lose consciousness, and, thereafter, appellant took away his bracelet.

Daryll's testimony was corroborated on material parts by Barangay Tanod Jayson de Guzman who responded to the incident report and assisted the complainant and his mother in finding accused-appellant. De Guzman declared that a day after the incident, he and some tanods apprehended accused-appellant in his house after he was positively identified by Daryll as the perpetrator of the robbery. It was during that time when accused-appellant surrendered Daryll's necklace to the barangay authorities. It is well-entrenched evidentiary rule that one found in possession of a recently stolen item is legally presumed to be the perpetrator of the crime.

The determination of the competence and credibility of a child witness to testify rests primarily with trial judge who has the chance to observe the degree of child's intelligence, his/her manner of testifying and his/her understanding of the obligation of an oath[13]. Finding no indication of bias or irregularity in the appreciation of the evidence, We uphold the trial court's finding that the narration of complainant of the incident is believable, credible and trustworthy, especially since no ill-motive or bad faith was shown on the part of the prosecution witnesses to testify falsely against him. Where no evidence showing devious reasons or improper motives why a prosecution witness would falsely testify against or implicate accused in a heinous crime, the former's testimony is worthy of full faith and credit[14].

To exculpate from liability, accused-appellant denies his participation in the offense and portrays a different version of the incident. He also asseverates that his warrantless arrest by the barangay authorities is illegal.

We are not convinced. Let it be emphasized that denial cannot prevail over the positive testimony of the prosecution witnesses who are not shown to have any ill-motive to testify against accused-appellant[15]. By complainant Daryll's credible narration of the incident and his positive identification of the accused-appellant, the latter's defense of denial is destroyed and his bare, unsubstantiated and self-serving version of the incident cannot prevail. As between the categorical statement of a prosecution witness and the bare denial of the accused, the former must perforce prevail[16].

Anent the claim of unlawful arrest, suffice it to say that the warrantless arrest of accused-appellant is valid. Section 5, Rule 113 of Rules of Court provides that a peace officer or private person may arrest a person without a warrant when an offense has just been committed, and that such officer or private person has probable cause to believe based on personal knowledge of facts or circumstances that the person to be arrested has committed it. In the case at bench, at the time he was arrested, accused-appellant had just committed robbery the day before and the arresting tanods had personal knowledge of that fact since right before they arrested him, complainant Daryll positively identified him to them to be the perpetrator. In any event, accused-appellant had already waived his right to question the legality of his arrest since he failed to raise such issue before the court a quo. It is settled that accused, having voluntarily submitted to the jurisdiction of trial court, is deemed to have waived the right to assail the validity of his or her arrest, thus, curing whatever defect that may have attended such arrest[17]. In fine, the court a quo did not err in convicting accused-appellant of Robbery.

II.

Going now to the contempt incident, contempt of court is understood to be the defiance to the authority, justice or dignity of the court; such conduct that tends to bring the authority and administration of the law into disrespect or to interfere with or prejudice the party-litigants or their witnesses during litigation[18]. Indirect Contempt, on the other hand, is that which is committed out of the presence of the court[19]. Pursuant to Section 3, Rule 71 of Rules of Court, any improper conduct tending, directly or indirectly, to impede, obstruct or degrade the administration of justice is Indirect Contempt.

In this case, We agree with the trial court that respondent-appellant is guilty of Indirect Contempt. It is very obvious that respondent-appellant connived with accused-appellant to mislead the trial court to grant the request for release on recognizance during the pendency of the criminal case on the basis of fraudulent and deceitful documents.

There is no dispute that respondent-appellant prepared, filed and secured the second Birth Certificate of the accused-appellant, falsely stating that the latter's name is Jasper B. Ocampo and his birth date is 03 November 1987. However, the ruse was discovered by the social welfare officers that accused-appellant had a valid and subsisting Birth Certificate showing that his real name is Novie Patino and his birth date is on 03 November 1986. Thus, by the expedience of unduly procuring a false Birth Certificate, respondent-appellant was able to deceive the trial court into releasing the accused-appellant.

In Our view, respondent-appellant had committed Indirect Contempt for her blatant disregard and disrespect to the law on recognizance. It must be emphasized that the respondent-appellant is not being penalized for her mere act of filing the accused-appellant's subsequent Birth Certificate, nor due to the vindictiveness of the judge of the court against her. Rather, respondent-appellant is being made liable for unduly registering the said Birth Certificate, despite knowledge that its contents are not true and accurate, and thereafter, using the same to obtain unwarranted benefit from the trial court, in utter disrespect to authority of the court and to the orderly administration of justice. The power to punish for contempt is inherent in every court and essentially exists for the preservation of order in judicial proceedings as well as for the enforcement of judgments, orders and mandate of the courts, and, consequently, for due administration of justice[20].

WHEREFORE, premises considered, the two (2) appeals are DENIED. The Decision and the Resolution, both dated 06 March 2012, of Regional Trial Court, Branch 272, Marikina City are SUSTAINED.

SO ORDERED.

Reyes, Jr., (Chairperson) and Pizarro, JJ., concur.

[1] Rollo, pp. 34 – 46.

[2] Id., pp. 86 – 95.

[3] Information, Records, pp. 1 – 2.

[4] Motion for Release on Recognizance of Youthful Offender by accused Ganadin, Id., pp. 17 – 18 and Motion to Release Youthful Offender of accused Ocampo, Id., p. 52.

[5] Order dated 11 March 2005, Id., pp. 38 – 39, Order dated 21 March 2006, Id. p. 62.

[6] Sinumpaang Salaysay ni Daryll Delfin, Records, pp. 6 – 9.

[7] Records, pp. 111 – 112.

[8] Id., pp. 113 – 114.

[9] Certificate of Live Birth, Id., p. 116.

[10] Records, p. 115.

[11] RTC Order dated 29 June 2011, Id., pp. 118 – 119.

[12] The Revised Penal Code – Criminal Law by Luis B. Reyes, Book Two, Fifteenth Edition, Revised 2001, p. 611, Briones vs. People of the Philippines, G.R. No. 156009, June 5, 2009.

[13] People of the Philippines vs. Salvador, G.R. No. 132481, August 14, 2002.

[14] People of the Philippines vs. Sameniano, G.R. No. 183703, January 20, 2009.

[15] People of the Philippines vs. Anticamara, G.R. No. 178771, June 8, 2011.

[16] People of the Philippines vs. Anticamara, supra.

[17] People of the Philippines vs. Racho, G.R. No. 186529, August 3, 2010.

[18] Regalado vs. Go, G.R. No. 167988, February 6, 2007.

[19] Barredo-Fuentes vs. Albarracin, A.M. No. MTJ-05-1587, April 15, 2005.

[20] Lorenzo Shipping Corporation vs. Distribution Management Association of the Philippines. G.R. No. 155849, August 31, 2011.

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