

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RENATO ALHAMBRA Y MASIGLAT, VIRGILIO DELA CORTA, AND RODOLFO AGUIPO Y DE LORIA, ACCUSED. RENATO ALHAMBRA Y MASIGLAT, AND VIRGI...

G.R. No. 103272. July 04, 1994

Ponente: REGALADO, J.

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REGALADO, J.:

Accused-appellants Renato Alhambra and Virgilio dela Corta seek the appellate review and reversal of their conviction by the Regional Trial Court of Manila, Branch V, of the crime of carnapping, as defined and penalized under Section 2 in relation to Section 14 of Republic Act No. 6539, also known as the Anti-Carnapping Act of 1972.

More specifically, appellants and their co-accused Rodolfo Aguipe were charged in Criminal Case No. 88-68391 of said trial court in an information with the following accusatory allegations:

"That on or about November 17, 1988, in the City of Manila, Philippines, the said accused conspiring and confederating together with others whose true names, real identities and present whereabouts are still unknown and helping one another, did then and there wilfully, unlawfully and feloniously, with intent to gain and without the knowledge and consent of the owner thereof, take, steal and carry away the following motor vehicle, to wit: one (1) Toyota Corona, model 1976 colored red, Motor No. 12RM-015221, Chassis No. RT102-704465 and with Plate No. PJA-641, valued at P70,000.00, belonging to Cesar Pablo y Legaspi, to the damage and prejudice of the said owner, in the aforesaid amount of P70,000.00, Philippine currency." [1]

On a plea of not guilty duly entered at their arraignment on February 23, 1989, [2] and after trial, on January 5, 1990 the lower court promulgated its judgment of conviction against herein appellants, to wit:

"WHEREFORE, the prosecution, having proven beyond reasonable doubt the guilt of accused Virgilio dela Corta and Renato Alhambra, sentences them to suffer the penalty of LIFE IMPRISONMENT and pay jointly and severally Cesar Pablo the price of the car in the amount of SEVENTY THOUSAND (P70,000.00) PESOS, and to pay the cost(s). With respect to accused Rodolfo Aguipe, the prosecution having failed to prove his guilt beyond reasonable doubt, finds accused Rodolfo Aguipe not guilty of the charge." [3]

We find to be duly substantiated the following material facts correctly culled from the prosecution's evidence and summarized by the trial court in this wise:

"Cesar Pablo resides at 1521 Sulu Street, Sta. Cruz, Manila. He works as a Supervisor of a Corporation dealing (i)n janitorial services and owns a Toyota Corona car, Model 1976. The car is registered in his name as evidenced by Exhibit 'B' - Certificate of Registration and Exhibit 'B-1' - receipt of payment of registration. On November 17, 1988 at about 9:00 o'clock in the evening, coming from work, as (was) his custom he parked the said car in front of his house. Before leaving the car for the night, he closed and locked its doors and windows. Feeling secured, he left his car, went up his house and after some rest, slept for the night. The following day

when he woke up he found his car gone and no longer in the place where he parked it. With the loss of his car, he immediately reported the matter to the Anti-Carnapping Section of the WPD. After being assured that the authorities will issue an alarm and take care of the matter, he left for home. Cpl. Romeo Genova, the officer to whom the loss of the car was reported, immediately issued an alarm report, Exhibit 'C'. Later, on the same night, Sgt. Romeo Martin of the Valenzuela Police received a report of the presence of a suspicious car at Barrio Tiburcio de Leon about three to four kilometers away from the Poblacion. Upon receipt of the information, a team was formed composed of Pat. Galos, Pat Bernardo, and Sgt. Martin. The team boarded their patrol car and proceeded to Barrio Tiburcio de Leon, and saw a Toyota car with three passengers including the driver headed towards the National Highway. They stopped the car and made the occupants go down from the car. They found accused Alhambra, the driver and accused Villacorta and Aguipo as passengers. (T)hey found no firearms, but the occupants could not produce documents for the car. The car including the three accused were brought to the Valenzuela Municipal Building and (they) reported the incident. The car was confiscated and the three accused were detained.

"The following day while Pablo was watching television, he saw in the TV Patrol program a car recovered by the Valenzuela Police. Pablo immediately went to the ANCAR and verified the matter. Immediately thereafter, in the company of Capt. Aldana and Mr. Nova, they proceeded to Valenzuela and found his car impounded in front of the Municipal Building. Inspecting the car, he found the stereo, antenna, and the dancing light missing. According to him, the value of the missing accessories is Four Thousand (4,000.00) pesos; (t)hat the value of the whole car is Seventy Thousand (P70,000.00) pesos. After showing the necessary documents to the Valenzuela Police the possession of the car was given to the WPD Policemen. Likewise, the custody of the three accused were given to the Anti-Carnapping Unit of the WPD. The three accused, including the car, were brought to the WPD Headquarters, Manila and later, after investigation, a case of (c)arnapping was filed before the Fiscal's Office against the three accused." [4]

Appellant Virgilio dela Corta denied participation in the commission of the crime and claimed that in the evening of November 17, 1988, his wife complained of a terrible headache. At about 10:00 to 11:00 P.M., he and his wife went to a drugstore to buy Biogesic tablets. He claimed that his wife refused to be left alone in the house since their children were not living with them at that time. On their way to the drugstore, he was allegedly arrested by Valenzuela policemen and brought to the police station for investigation. After two days, he was brought to the Anti--Carnapping Unit of the Western Police District.[5]

Although acquitted of the charge, but having been arrested and charged with appellants, it is worth advertent to the testimony of Rodolfo Aguipo which was relevantly as follows: On November 16, 1988, he was in his house at 362 Daang Bakal, Mandaluyong, Metro Manila watching television with his brothers, Gerry and Mario, and sister, Maverick. After lunch the following day, he visited his girl friend, Hailyn, in Valenzuela where he spent the time conversing with her and her father. When he left to go home, his girl friend insisted on accompanying him while he waited for transportation. Since there was a jeepney strike, they waited a long time until a red car passed by, driven by appellant Alhambra who was a friend of Hailyn and who asked what they were doing there. Aguipo was introduced by Hailyn to Alhambra and the latter invited her friend to ride with him since both of the them were going in the same direction. While traveling along Gen. T. de Leon Street, they were stopped by policemen. Since they failed to present the necessary documents pertaining to the car, they were arrested and brought to the police station and later to the Anti-Carnapping Unit of the Western Police District.[6] Hailyn Caballes corroborated the story of Aguipo in her testimony at the trial.

For his part, appellant Renato Alhambra did not testify during the trial nor did he present any witnesses or evidence in his defense.

The trial court rejected the version of appellant Dela Corta with the cryptic observation that "if it were true that he was with his wife at the time of the arrest, why was his wife Evangeline, if she existed at all, not presented as

witness?" Furthermore, the fact that the address given by appellant Dela Corta is the address of Hailyn Caballes indicates that he actually did not reside in the place and bolsters the theory that his supposed wife, Evangeline, does not really exist. There was no evidence or any indication that a certain Evangeline ever visited him while he was detained in jail or even attended the trial if only to give him encouragement. Another curious circumstance is the fact that appellant Dela Corta is from Cebu, while the Caballes family who owns and resides at 3322 Gen. T. de Leon, Karuhatan, Valenzuela are to all appearances natives of Valenzuela, Metro Manila. Furthermore, when Hailyn Caballes testified in court, nothing was ever mentioned by her or any of the parties or their counsel about Dela Corta.[7]

In finding appellant Alhambra guilty of the crime charged, the court below held that "the unexplained possession of the car in question by Alhambra, coupled by his being (at) the wheel at the time of his apprehension, is strong evidence enough to thwart his presumption of innocence and find him guilty." [8]

This case hinges on the credibility of witnesses and, as we have invariably held, the trial court's opinion as to which of them should be believed is entitled to great respect, this on the oft-repeated rationale born of judicial experience that the trial judge who heard the witnesses testify and had the occasion to observe their demeanor on the stand was in a vantage position to determine who of the witnesses deserve credence.[9] We have examined the records with great care and we find nothing which might justify our taking a different view.

Appellants further argue that the trial court erred in giving credence to the testimonies of the arresting police officers and in convicting them on the basis thereof, despite the lack of logical connection of their testimonies with that of the complainant.[10]

After a thorough examination of the records of the case, we do not find any irregularity in the conduct of the arrest and investigation of appellants. On the other hand, said records reflect that the police officers testified in a clear, straightforward and unequivocal manner. Additionally, no evidence whatsoever has been adduced to show that the prosecution witnesses had any ulterior motives to testify falsely against appellants or to mendaciously implicate them if they were not involved in the crime.

As has been repeatedly held,[11] credence shall be given to the narration of the incident by the prosecution witnesses especially when they are police officers who are presumed to have performed their duties in a regular manner, there being no evidence to the contrary. Moreover, in the absence of proof of motive to falsely impute such a serious crime against appellants, the presumption of regularity in the performance of official duty, as well as the findings of the trial court on the credibility of witnesses, shall prevail over appellants' self-serving and uncorroborated claim of having been framed.[12]

In an effort to exculpate appellants from culpability, the defense argues thus: "x x x how could the alleged theft, in Manila, which could have been done only from 9:00 o'clock in the evening up, since the owner allegedly parked his car at about 9:00 o'clock, be logically linked/connected to the alleged recovery of the vehicle and the consequent arrest of the three accused in Valenzuela, Bulacan or north of Manila at about 7:00 or 7:30 o'clock in the evening of that same date?" [13]

What obviously prompted appellants to make this argument was the inaccurate testimony of Sgt. Renato S. Andres of the Investigation Section of the Valenzuela Police Station that appellants were arrested between 7:00 to 7:30 in the evening of November 17, 1988.[14] However, as pointed out by the Solicitor General, Sgt. Andres was assigned to and was in the investigation section at the time of the arrest. He was not the arresting officer, hence he could not correctly testify on the circumstances surrounding the arrest of appellants.

The arresting officer was Sgt. Romeo A. Martin and this is what he declared, without equivocation or

contradiction, when he testified in court:

"Q Would you tell the Honorable Court on November 17, 1988 if you recall whether you have apprehended certain persons by the name of Renato Alhambra, Aguipo, and dela Corta?

A On November 17, 1988 there was a telephone call at our headquarters, sir.

x x x

Q What was the telephone call about?

A That there was a suspicious car in our barrio.

Q What barrio is that?

A Tiburcio de Leon, Sir.

Q How far is that from your headquarters?

A Maybe three or four kilometers, sir.

Q Upon receipt of the information, what did you do?

A I called the men and we proceeded to the place.

x x x

Q After you met the car, what did you do?

A We tried to stop them, sir

x x x

Q Did the car stop?

A We tried to stop them, sir.

x x x

Q Did the car stop?

A Yes, sir.

x x x

Q Who were the occupants?

A Renato Alhambra, Alberto Aguipo and Rodolfo dela Corta, sir.

x x x

"Q You said that there was a caller at your office regarding the vehicle, who received the call?

A It was the Desk Officer, sir.

Q And what did is (sic) the Desk Officer tell you?

A That there is a suspicious vehicle in that barrio.

x x x

Q And you proceeded immediately to Tiburcio de Leon?

A Yes, sir.

x x x

Q When you met this vehicle, you said you stop-(ped) it and then you alighted (from) your car?

A When we stop(ped) the car we told the driver and the passengers to go out (of) the car.

x x x

Q My question is, immediately you stop(ped) them not because of looking (sic) for a firearm?

A No, sir. We stop(ped) them because of the stolen vehicle described as (a) red (T)oyota car.

Q What time was this?

A Around 11:00 o'clock in the evening, sir.

x x x

Q Now, you know beforehand who was driving the car?

A I saw the person who was driving there.

Q While they were riding and the car was moving?

A No, we stop(ped) the car already, they did not alight (from) the car until we told (them) to go down (from) the car at 11:00 in the evening." (Emphases and words in parentheses supplied.)[15]

As correctly submitted by the prosecution, credence should be accorded to the testimony of the arresting officer for he is a law enforcer and it is presumed that he has regularly performed his duty in the absence of convincing proof to the contrary,[16] which countervailing proof does not obtain in the case on this particular regard.

Finally, appellants argue that the prosecution's evidence is insufficient to convict them of the crime charged because there was no proof that he actually took the car of Cesar Pablo. However, proof that the accused is in possession of a recently stolen property gives rise to a valid presumption that he stole the property. The presumption may be overcome by explanation of the possession on some basis other than theft, or by any evidence indicating that the property was obtained honestly.[17]

The use of this sort of evidence goes back as far as any in our law. In modern times, the fact of recent possession is also given a procedural effect in that it casts upon the accused the duty of producing an explanation, in default of which the case may be closed adversely to him.[18] On the charge of taking goods, the fact that a person was found, subsequent to the taking, in possession of the goods taken is relevant to show that he was the taker. The law is that if recently after the commission of the crime, a person is found in possession of the stolen goods, that person is called upon to account for the possession, that is, to give an explanation of it which is not unreasonable or improbable.[19]

In the case at bar, the stolen car was recovered from appellants just a few hours after complainant left it parked in front of his house. Neither Alhambra nor Dela Corta could explain their possession of the complainant's car, or produce any document justifying such possession. In fact, Alhambra did not even present any evidence during the trial to substantiate his denial. Both of them merely denied the allegations without bothering to prove their claims. We have held that ?

"When it is proven that the property stolen is found in the possession of a person, who is unable to give a satisfactory explanation as to his possession of such property, a prima facie case is made against such person

sufficient to justify his conviction of the crime of larceny of said property. Men who come honestly into the possession of the property have no difficulty in explaining the method by which they came into such possession." [20]

As regards the penalty imposed by the lower court, we agree with the recommendation of the Solicitor General that while the trial court correctly found appellants guilty of the offense charged, the penalty it imposed upon appellants should, however, be modified in accordance with Section 14 of Republic Act No. 6539 which provides:

"SEC. 14. Penalty for Carnapping. - Any person who is found guilty of carnapping, as this term is defined in Section two of this Act, shall irrespective of the value of motor vehicle taken, be punished by imprisonment for not less than fourteen years and eight months and not more than seventeen years and four months, when the carnapping is committed without violence or intimidation of persons, or force upon things; and by imprisonment for not less than seventeen years and four months and not more than thirty years, when the carnapping is committed by means of violence against or intimidation of any person or force upon things; and the penalty of life imprisonment to death shall be imposed when the owner, driver or occupant of the carnapped motor vehicle is killed in the commission of the carnapping."

Since the prosecution evidently failed to prove that the offense was committed with any of the qualifying circumstances, the penalty imposed on appellants should be reduced in accordance with the provision of the law on the first mode of commission.

WHEREFORE, the judgment of the court a quo is MODIFIED and accused-appellants Renato Alhambra y Masiglat and Virgilio dela Corta are hereby sentenced to serve an indeterminate penalty of fourteen (14) years and eight (8) months, as minimum, to seventeen (17) years and four (4) months, as maximum. Subject to such modification, the judgment of the trial court is hereby AFFIRMED in all other respects.

SO ORDERED.

Narvasa, C.J., (Chairman), Padilla, Puno, and Mendoza, JJ., concur.

[1] Original Record. 1.

[2] Ibid., 44, 48.

[3] Ibid., 205; per Judge Felix B. Mintu.

[4] Ibid., 202-203.

[5] TSN, October 4, 1989, 84-87.

[6] Ibid., October 5, 1989, 99-101, 103-109.

[7] Ibid., 204-205.

[8] Ibid., 205.

[9] People vs. De Jesus, G.R. No. 93852, January 24, 1992, 205 SCRA 383.

[10] Brief for Accused-Appellant, 9; Rollo, 35.

[11] People vs. Marcos, G.R. No. 83325, May 8, 1990, 185 SCRA 154; People vs. Vocente, et al., G.R. No. 80533, July 30, 1990, 188 SCRA 100; People vs. Enrique, Jr., G.R. No. 90738, December 9, 1991, 204 SCRA 674; People vs. Castillo, G.R. No. 93408, April 10, 1992, 208 SCRA 62.

[12] People vs. Labra, G.R. No. 98427, November 20, 1992, 215 SCRA 822.

[13] Brief for Accused-Apellant, 6; Rollo, 35.

[14] TSN, July 17, 1989, 19-20.

[15] TSN, September 13, 1989, 3-6.

[16] People vs. Doctolero, et al., L-34386, 193 SCRA 632 (1991).

[17] I Jones on Evidence, Fifth ed., Presumptions, Section 112, 195.

[18] I Wigmore on Evidence, Third ed., Possession of Stolen Chattels, Section 152, 598-599.

[19] 1866, Pollock, C.B., in R. vs. Exall, 4 F & F 922.

[20] People vs. Mendoza, G.R. No. 97430, June 26, 1992, 210 SCRA 517. See also People vs. Newman, et al., L-45354, July 26, 1988, 163 SCRA 496; Sec. 3(j), Rule 131, Rules of Court.

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