EDUARDO CELEDONIO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 209137. July 01, 2015

Ponente: MENDOZA, J.

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MENDOZA, J.:

This petition for review on certiorari under Rule 45 of the Rules of Court filed by Eduardo Celedonio (Celedonio) assails the April 8, 2013 Decision[1] and the September 17, 2013 Resolution[2] of the Court of Appeals (CA), in CA-G.R. CR No. 34472, affirming the August 18, 2011 Decision[3] of the Regional Trial Court, Branch 73, Malabon City (RTC), in Criminal Case No. 35668-MN.

The Information,[4] dated April 25, 2007, charged Celedonio with the crime of Robbery with Force Upon Things, the accusatory portion of which reads:

> That on or about the 22[nd] day of April 2007, in the Municipality of Navotas, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to gain and by means of force upon things, and without the consent of the owner, did then and there, wilfully, unlawfully and feloniously enter the house of the herein complainant by destroying the backdoor of said house, and once inside, take, rob and carry away the following:
> (1) one gold bracelet 24K Php8,000.00
>
> (3) necklace (1) one 24K and (2) two 18K Php42,000.00
>
> (2) two digicam Sony player Php22,000.00
>
> (1) one DVD portable Php5,000.00
>
> (1) one wrist watch Tagheur Php30,000.00
>
> (1) one sun glass Guess P Php5,000.00
>
> (1) one camera Canon Php2,500.00
>
> (1) one Gameboy advance Php5,000.00
>
> (1) one calculator Php1,500.00
>
> (1) one discman Sony Php3,000.00
>
> (2) two pcs. 100.00 US dollar bills
>
> (22) twenty two pcs. Php500.00 bills
>
> (2) two necklace 18K worth Php30,000.00
>
> (2) two bracelet worth Php11,500.00

(2) two gold ring worth Php8,000.00

(1) one wedding ring worth 14K worth Php1,500.00

(1) one wrist watch swiss military worth Php10,000.00

(1) one cellphone NOKIA 8250 worth Php3,000.00

(3) three pairs of earrings worth Php15,000.00

(3) three pcs. of 100.00 US dollars worth Php15,000.00

(60) sixty pcs. of Php50.00 bills worth Php3,000.00

(100) one hundred pcs. of Php20.00 bills worth Php2,000.00

(15) fifteen pcs. of Php100.00 bills worth Php1,500.00

owned and belonging to CARMENCITA DE GUZMAN y SERRANO, to the damage and prejudice of the herein complainant, in the aforementioned amount of Php223,000.00.

Contrary to law.[5]

Version of the Prosecution

The evidence for the prosecution shows that on the evening of April 21, 2007, a certain Adriano Marquez (Marquez) witnessed the robbery perpetrated in the house of Carmencita De Guzman (De Guzman) while she was away to attend to the wake of her deceased husband. No one was left in the house. Marquez, whose house was opposite the house of De Guzman and Celedonio, which were adjacent to each other, identified Celedonio as the culprit. Upon learning of the incident, De Guzman reported it to the police and requested that Celedonio be investigated for possibly having committed the crime, based on the account of Marquez.

Later, a follow-up operation was conducted by PO1 Rommel Roque (PO1 Roque) and SPO2 Adrian Sugui (SPO2 Sugui), accompanied by Marquez. They proceeded to Raja Humabon St., Navotas, to survey the area for the possible identification and apprehension of the suspect. On their way, Marquez pointed to a man on a motorcycle and said, "Sir, siya po si Eduardo Celedonio." The police immediately flagged down Celedonio. PO1 Roque asked him if he was Eduardo Celedonio, but he did not reply and just bowed his head.

SPO2 Sugui informed Celedonio of a complaint for robbery against him. Celedonio still remained silent and just bowed his head. SPO2 Sugui asked him, "Where are the stolen items?" Celedonio then alighted from his motorcycle and opened its compartment where PO1 Roque saw some of the stolen items, as per report of the incident, such as the portable DVD player and a wristwatch, among others.[6]

PO1 Roque asked Celedonio if the same were stolen, to which the latter answered, "Iyan po."[7] Thus, Celedonio was arrested and was informed of his constitutional rights. More items were seized from Celedonio at the police station.

Version of the Accused

After the prosecution rested its case, Celedonio filed his Demurrer to Evidence (with leave of court) citing as his ground the alleged illegality of his arrest and the illegal search on his motorcycle. The RTC denied the demurrer, stating that the question of the legality of Celedonio's arrest had been mooted by his arraignment and his active participation in the trial of the case. It considered the seizure of the stolen items as legal not only because of Celedonio's apparent consent to it, but also because the subject items were in a moving vehicle.[8]

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In his defense, Celedonio claimed that he was at home with his wife, sleeping, at the time of the incident. His wife corroborated his statement.

In its Decision, dated August 18, 2011, the RTC found Celedonio guilty beyond reasonable doubt of the crime of Robbery with Force Upon Things. The dispositive portion of the RTC decision[9] reads:

> WHEREFORE, finding the accused EDUARDO CELEDONIO y MONIS GUILTY beyond reasonable doubt for the offense of Robbery with Force Upon Things as defined and penalized under Article 299 (a)2 of the Revised Penal Code, he is therefore sentenced to an indeterminate penalty of 4 years and 2 months of prision correccional as minimum to 8 years and 1 day of prision mayor as maximum. He is also ordered to pay private complainant the amount of Php108,000.00 which is the worth of what has not been recovered from the loss she suffered by reason of the robbery.
>
> SO ORDERED.[10]

The trial court was convinced that the prosecution clearly established that: 1) a robbery had been committed; 2) it was committed recently; 3) several of the stolen items including cash were found in Celedonio's possession; and 4) Celedonio had no valid explanation for his possession of the stolen goods.[11]

Insisting on his innocence, Celedonio appealed to the Court of Appeals (CA), arguing that the RTC erred: 1) in convicting him of the crime despite the insufficiency of the circumstantial evidence; 2) in not finding that the search was illegal, rendering the articles recovered inadmissible; and 3) in not finding that the prosecution witness Marquez was ill-motivated in testifying against him.[12]

The CA, however, affirmed the RTC in toto. It found that the totality of circumstances warranted the finding that Celedonio was solely and directly responsible for the crime.[13]

In addition, the CA brushed aside Celedonio's argument that he was illegally arrested and that the items seized should be excluded as evidence. It stressed that Celedonio was not arrested when he voluntarily opened the compartment of his motorcycle. He was only brought to the police for investigation after some of the stolen items were found in his motorcycle compartment.[14] Further, Celedonio's failure to raise the issue before his arraignment constituted a waiver on his part to question the legality of his arrest.[15]

Celedonio moved for reconsideration, but his motion was denied.

Hence, the present petition.

> ISSUES
>
> I
> WHETHER THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN AFFIRMING THE TRIAL COURT'S RULING THAT THE PETITIONER'S GUILT WAS PROVEN BASED ON CIRCUMSTANTIAL EVIDENCE.
>
> II
> WHETHER THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN NOT FINDING THAT THE SEARCH CONDUCTED ON THE PETITIONER WAS ILLEGAL, RENDERING THE ARTICLES RECOVERED INADMISSIBLE.
>
> III
> WHETHER THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN NOT FINDING THAT THE PROSECUTION WITNESS ADRIANO MARQUEZ WAS ILL-MOTIVATED IN TESTIFYING AGAINST THE PETITIONER.

The petition lacks merit.

Jurisprudence tells us that direct evidence of the crime is not the only matrix from which a trial court may draw its conclusion and finding of guilt. The rules on evidence allow a trial court to rely on circumstantial evidence to support its conclusion of guilt. The lack of direct evidence does not ipso facto bar the finding of guilt against the appellant. As long as the prosecution establishes the accused-appellant's participation in the crime through credible and sufficient circumstantial evidence that leads to the inescapable conclusion that he committed the imputed crime, the latter should be convicted.[16]

Circumstantial evidence is sufficient for conviction if: 1) there is more than one circumstance; 2) the facts from which the inferences are derived are proven; and 3) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.[17]

In this case, the prosecution sufficiently laid down the circumstances that, when taken together, constituted an unbroken chain that led to a reasonable conclusion that Celedonio was the perpetrator. The CA opined that:

> xxx As correctly pointed out by the trial court, these circumstances are: accused was a next door neighbor of private complainant; he was seen by another neighbor going over the concrete fence separating their houses and ransacking a room in complainant's house; during the time, no one was inside complainant's house as all of them were at the wake of private complainant's recently demised husband; two (2) days after, most of the items discovered to have been stolen that night were found in the compartment of the accused's motorcycle which he was riding on when accosted by the police; the items recovered from him were identified by the complainant as her stolen property; during the trial accused denied that the stolen items were found in his possession and claimed that they were "planted" by the police investigators to frame him up of the robbery. In short, the accused could not explain his possession of the recently stolen items found in his sole possession.
>
> x x x x x x x x x
> We find the conviction of accused-appellant based on circumstantial evidence factually and legally tenable, as the facts from which the aforementioned circumstances arose have been proved through the positive testimony of Adriano Marquez, PO1 Rommel Roque and Carmencita de Guzman.[18]

The defense does not refute the existence of the commission of robbery. In fact, Celedonio himself acknowledged that the prosecution's circumstantial evidence, although weak, ambiguous and inconclusive, established that 1) a robbery had been committed; 2) it was committed recently; 3) several of the stolen items including cash were found in his possession; and 4) he had no valid explanation for his possession of the stolen goods.[19] Celedonio, however, still insisted that he cannot be convicted of the crime of robbery because 1) he was not caught in exclusive possession of the stolen items; 2) the search conducted on him was illegal thereby rendering the seized articles inadmissible; and 3) the witness Marquez was ill-motivated in testifying against him.

These arguments, however, do not hold water.

First, Celedonio was, in fact, caught in exclusive possession of some of the stolen items when the police officers flagged down his motorcycle during their follow-up operation. He failed to give a reasonable explanation as to his possession of the said items. Section 3(j), Rule 131 of the Revised Rules of Court provides that a person found in possession of a thing taken in the doing of a recent wrongful act is the taker and the doer of the whole act; otherwise, that thing which a person possesses, or exercises acts of ownership over, is owned by him.

Celedonio never claimed ownership of the subject items. When the alleged stolen items were found in his motorcycle compartment which he had control over, the disputable presumption of being the taker of the stolen items arose. He could have overcome the presumption, but he failed to give a justifiable and logical explanation. Thus, the only plausible scenario that could be inferred therefrom was that he took the items.

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Second, no illegal search was made upon Celedonio. When the police officers asked where the stolen items were, they merely made a general inquiry, and not a search, as part of their follow-up operation. Records did not show that the police officers even had the slightest hint that the stolen items were in Celedonio's motorcycle compartment. Neither was there any showing that the police officers frisked Celedonio or rummaged over his motorcycle. There was no showing either of any force or intimidation on the part of the police officers when they made the inquiry. Celedonio himself voluntarily opened his motorcycle compartment. Worse, when he was asked if the items were the stolen ones, he actually confirmed it.[20] The police officers, therefore, were left without any recourse but to take him into custody for further investigation. At that instance, the police officers had probable cause that he could be the culprit of the robbery. He did not have any explanation as to how he got hold of the items. Moreover, taking into consideration that the stolen items were in a moving vehicle, the police had to immediately act on it.

Third, contrary to Celedonio's argument, Marquez was a credible witness. Jurisprudence also tells us that where there is no evidence that the witnesses of the prosecution were actuated by ill motive, it is presumed that they were not so actuated and their testimony is entitled to full faith and credit.[21]

In this case, if only to discredit Marquez, Celedonio claimed that they once had a fight over a water meter. As correctly observed by the CA, however, such allegation was too insignificant that it could not destroy whatever credibility Marquez possessed as a witness. The CA, thus, posited:

> xxx It is true that under the Rules of Court, a witness may be impeached by evidence that his general reputation for truth, honesty or integrity is bad. However, a witness cannot be impeached by evidence of particular wrongful acts, unless there is a showing of previous conviction by final judgment such that not even the existence of pending information maybe shown to impeach him.
>
> More so, in this case, wherein no information was filed against the witness, but only the mere say so of the accused on Marquez' alleged involvement in a quarrel with him over a water meter. Furthermore, no testimony was presented to show that the reputation of Marquez for truth, honesty or integrity is bad; no evil motive has been established against prosecution witness Marquez that might prompt him to testify falsely against accused-appellant Celedonio.[22]

Alibi and denial were the only defenses of Celedonio. Unless he can strongly support his claims that the items were "planted" and that it was physically impossible for him to be in De Guzman's house other than the mere averment that he was asleep at the time, his defenses cannot prevail over the strong circumstantial evidence.[23]

Having established the sufficiency of the prosecution's evidence, the CA did not commit any reversible error in upholding the RTC. In the absence of any indication that the RTC and the CA overlooked facts or circumstances that would result in a different ruling in this case, the Court will not disturb their factual findings.[24]

WHEREFORE, the petition is DENIED.

SO ORDERED.

Carpio, (Chairperson), Bersamin, Del Castillo, and Leonen,[*] JJ., concur.

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[*] Designated Acting Member in lieu of Associate Justice Arturo D. Brion, per Special Order No. 2079, dated June 29, 2015.

[1] Penned by Associate Justice Leoncia Real-Dimagiba, with Associate Justices Rosmari D. Carandang and Ricardo R. Rosario, concurring. Rollo, pp. 36-53.

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[2] Id. at 55-56.

[3] Id. at 74-79. Penned by Judge Carlos M. Flores.

[4] Records, pp. 1-2.

[5] Id. at 37-38.

[6] Id. at 41-42.

[7] Id. at 42.

[8] RTC Decision, id. at 76-77.

[9] Id. at 74-79.

[10] Id. at 79.

[11] Id.

[12] CA Decision, id. at 39.

[13] Id. at 45.

[14] Id. at 50.

[15] Id.

[16] People v. Consorte, G.R. No. 194068, July 9, 2014.

[17] Section 4, Rule 133, Rules of Court.

[18] Id. at 45-46.

[19] Id. at 20.

[20] Id. at 42.

[21] People v. Dadao, G.R. No. 201860, January 22, 2014, 714 SCRA 524, 535.

[22] Rollo, pp. 49-50.

[23] People v. Piosang, G.R. No. 200329, June 5, 2013, 697 SCRA 587, 596.

[24] Sabay v. People, G.R. No. 192150, October 1, 2014.

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