

NELSON TEÑIDO Y SILVESTRE, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 211642. March 09, 2016

Ponente: REYES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-211642/>

REYES, J.:

This resolves the Petition for Review on Certiorari[1] under Rule 45 of the Rules of Court, from the Decision[2] dated September 20, 2013 of the Court of Appeals (CA) in CA-G.R. CR No. 34325 which affirmed with modification the Decision[3] dated May 23, 2011 of the Regional Trial Court (RTC) of Manila, Branch 25, in Criminal Case No. 88-67398 finding Nelson Teñido y Silvestre (Teñido) guilty beyond reasonable doubt of the crime of Robbery in the manner, date and circumstances stated in the criminal information accusing him and his co-accused, Rizaldo Alvarade y Valencia (Alvarade), as follows:

That on or about June 22, 1988, in the City of Manila, Philippines, the said accused, conspiring and confederating together and helping each other, did then and there wilfully, unlawfully and feloniously, with intent of gain and without the knowledge and consent of the owner thereof, by means of force upon things, break into and enter house no. 1250, Kahilom I, Pandacan, Manila, inhabited by Lolita Sus de Enriquez, by the[n] and there destroying the chicken wire of their door at the store and removing a small piece of lawanit nailed to it, and passing through the same, an opening not intended for entrance or egress, and once inside, took, stole and carried away therefrom cash money amounting to P600.00, one (1) male wristwatch (Rolex) worth P2,000.00, one (1) Citizen wristwatch worth P995, one (1) gold ring with stone (brillante) worth P1,500.00, one (1) wallet containing cash money of P1,200.00, and one (1) gold[-]plated Seiko 5 watch worth P1,200.00 with a total value of P7,495.00, belonging to Lolita Sus de Enriquez, to the damage and prejudice of the said owner in the aforesaid amount of P7,495.00, Philippine currency.

Contrary to law.[4]

The prosecution substantiated the foregoing criminal charge through the testimony of Aurora Guinto (Guinto), a neighbor of the private complainant, Lolita Enriquez (Enriquez). Guinto's house was directly across and five meters away from the house of Enriquez where the robbery took place. Guinto narrated that at around 3:30 a.m. of June 22, 1988, she woke up to prepare breakfast for her family. She was opening the windows of the room in the second floor of her house when she saw two men trying to enter the house of one Mary Amor Galvez. Failing to open the said house, the two transferred to the house of Enriquez. They went to the side of the house where the store was located and entered by destroying the screen door. The two thereafter came out carrying a square-shaped box and went into an alley. Since the premises of Enriquez's house were well-lighted, she recognized the two men to be Teñido alias Dolphy or Pidol and Alvarade alias Bukol. She had known Teñido since 1976 and she had seen him frequently loitering around the neighborhood. Guinto explained that she failed to immediately report the incident to Enriquez because she was frightened.[5]

Likewise submitted in evidence was the testimony of Enriquez, who declared that at about the same time, she was awakened by a noise coming from the door of the store adjacent to her house. She woke her husband up and they

checked their property. They discovered that the door of the store was opened and the lawanit (chicken wire) covering the wall of the store was detached. Upon further probing, she found out that the following items were missing: one (1) gold ring with diamond worth P1,500.00; one (1) Rolex wrist watch valued at P2,000.00; one (1) Seiko 5 with gold bracelet worth P1,200.00; one (1) citizen lady's wrist watch worth P995.00; her husband's wallet containing P1,200.00 in cash; and a box which contained the daily sales amounting to P600.00.[6]

Meanwhile, Teñido interposed denial and alibi. He denied any involvement in the robbery and claimed that at around 3:30 a.m. of June 22, 1988, he was in his house together with his parents. He recalled that he was arrested by a certain Mar Brun who brought him to Precinct 10 and was subjected to inquest one week thereafter. Enriquez had been his neighbor for about 10 years prior to the incident.[7]

Ruling of the RTC

In its Decision[8] dated May 23, 2011, the RTC accorded more weight and credibility to the prosecution's evidence vis-a-vis the lone testimony of Teñido. According to the RTC, all the elements of robbery as defined in Article 299 of the Revised Penal Code (RPC) were present and the identity of Teñido as one of the perpetrators was positively and convincingly established by the testimony of eyewitness Guinto. The RTC ruled thus:

WHEREFORE, the Court finds the accused [Teñido] GUILTY beyond reasonable doubt of the crime of Robbery, defined and penalized under Article 299 of the [RPC] and hereby sentences him to suffer the penalty of six years and one day of prision mayor as minimum imprisonment to eight years of prision mayor as maximum imprisonment. The accused is likewise ordered to reimburse [Enriquez] the amount of Php 7,495.00 representing the value of her personal belongings and to pay the costs of suit.

Meanwhile, considering that [Alvarade] remains at large, let the records of this case be placed in the archives subject to revival, at the behest of the prosecution, if circumstances warrant.

SO ORDERED.[9]

Ruling of the CA

Teñido sought recourse before the CA questioning the credibility accorded by the RTC to Guinto's testimony despite her failure to categorically testify on these matters: the identity of Teñido as one of the culprits; what were the culprits wearing; which culprit entered or exited first; who was holding the box allegedly carried out of the Enriquez residence. Teñido further alleged that Guinto's failure to report the incident immediately instead of two months later casts doubt on the veracity of her declarations.[10]

In a Decision[11] dated September 20, 2013, the CA affirmed the RTC's findings. The CA noted that it found no circumstances tending to show that the RTC arbitrarily evaluated Guinto's testimony or that it overlooked, misunderstood or misapplied substantial facts. The CA observed that Guinto's positive identification of Teñido as one of the perpetrators of the robbery was firm and candid. She had known him for a long time and her house was directly opposite the crime scene, the premises of which was sufficiently illuminated. The alleged loopholes in her testimony pertained to facts that are immaterial to the prosecution of the case. More so, the fact that it took her two months to report what she witnessed did not make her testimony any less credible. She explained that she got nervous and frightened. No clear-cut standard form of behavior can be drawn from an unusual experience such as witnessing a crime. Accordingly, the CA affirmed the conviction of Teñido. The CA, however, modified the penalty based on these factors: (a) Teñido was not armed; (b) the value of the stolen items exceeded P250.00; and (c) there are no attendant aggravating or mitigating circumstances. The CA decision disposed thus:

WHEREFORE, the assailed Decision dated 23 May 2011 finding [Teñido] GUILTY beyond reasonable doubt of the crime of Robbery, as defined and penalized under Art. 299 of the [RPC], is hereby AFFIRMED with

MODIFICATION on the penalty imposed. As modified, [Teñido] is hereby sentenced to suffer the Indeterminate Penalty of six (6) years of prision correccional, as minimum penalty to eight (8) years of prision mayor medium, as maximum penalty. The trial court is further AFFIRMED as to the amount, of indemnity and costs of suit.

SO ORDERED.[12]

Teñido moved for reconsideration,[13] but it was denied in the CA Resolution[14] dated February 20, 2014. Hence the present petition, reiterating the same arguments broached before the CA.

Ruling of the Court

The Court denies the petition.

It is immediately observable that the arguments reiterated in the petition essentially involve the RTC's assessment of the credibility of the testimony of the prosecution's principal witness, Guinto, and its ruling that the same satisfactorily repudiates his denial and alibi.

Questions pertaining to the credibility of a witness are factual in nature and are, generally, outside the ambit of the Court's appellate jurisdiction. It is a settled rule that a petition for review on certiorari under Rule 45 of the Rules of Court shall raise only questions of law. "A question that invites a review of the factual findings of the lower tribunals or bodies is beyond the scope of this Court's power of review and generally justifies the dismissal of the petition." [15]

Moreover, it is axiomatic that absent any showing that the trial court overlooked substantial facts and circumstances that would affect the final disposition of the case, appellate courts are bound to give due deference and respect to its evaluation of the credibility of an eyewitness and his testimony as well as its probative value as it was certainly in a better position to rate the credibility of the witnesses after hearing them and observing their deportment and manner of testifying during the trial.[16]

The Court finds no cogent reason to depart from the foregoing tenets especially in view of the absence of any exceptional circumstances[17] that will justify a re-evaluation of the RTC's factual findings.

The CA, in affirming the RTC ruling, did not misapprehend or overlook relevant facts that will substantiate a different conclusion.

Teñido berates the trustworthiness of Guinto's testimony based on her declaration during cross-examination that she was not able to recognize the man who first entered the store because she only saw the back profile of the robbers. An examination however of her entire testimony clearly shows that even before the robbers have entered the store and while they were just on their way thereto coming from a nearby house and as they were destroying the store's lawanit wall, she has already identified them to be Teñido and Alvarade.[18] Thus, the detail as to who between them first entered the store is inconsequential.

Teñido further discredits the reliability of Guinto's testimony because she failed to shout for help as she was allegedly witnessing the robbery; it also took her two months to report what she supposedly witnessed to Enriquez and to the authorities.

The fact of delay attributed to a prosecution witness cannot be taken against her. What is important is that her testimony regarding the incident bears the earmarks of truth and dependability.[19] Time and again, the Court has stressed:

Delay in revealing the identity of the perpetrators of a crime does not necessarily impair the credibility of a witness, especially where sufficient explanation is given. No standard form of behavior can be expected from

people who had witnessed a strange or frightful experience. Jurisprudence recognizes that witnesses are naturally reluctant to volunteer information about a criminal case or are unwilling to be involved in criminal investigations because of varied reasons. Some fear for their lives and that of their family; while others shy away when those involved in the crime are their relatives or townmates. And where there is delay, it is more important to consider the reason for the delay, which must be sufficient or well-grounded, and not the length of delay.[20] (Citations omitted)

Guinto sufficiently explained that she got nervous and frightened.[21] Further, there is no showing that Guinto was impelled by any ill motive to fabricate facts and attribute a serious offense against Teñido. Where there is no evidence to indicate that the prosecution witness was actuated by improper motive, the presumption is that she was not so actuated and that her testimony is entitled to full faith and credit.[22]

Guinto testified in a categorical, straightforward, consistent and spontaneous manner. Her positive identification of Teñido as one of the perpetrators of the robbery thus prevails over the latter's self-serving denial and weak alibi. For alibi to prosper, the accused must demonstrate that it was physically impossible for him to be at the crime scene at the time it was committed.[23] Here, Teñido failed to prove such physical impossibility as he even admitted that on the night of the incident he was at his house which was just across the street from the Enriquez residence.

The penalty for robbery in one of the dependencies of an inhabited house committed by breaking a wall, where the value taken exceeds P250.00 and the offender does not carry arms under Article 299, subdivision (a), number (2), paragraph 4 of the RPC, is prision mayor. In view of the absence of any aggravating or mitigating circumstance, the penalty becomes prision mayor in its medium period in accordance with Article 64, paragraph 1 of the RPC. Applying the Indeterminate Sentence Law, the range of the penalty now is prision correccional in any of its periods as minimum to prision mayor medium as its maximum.[24] The penalty imposable upon Teñido should thus be anywhere between six (6) months and one (1) day to six (6) years, as minimum, and eight (8) years and one (1) day to ten (10) years, as maximum.[25]

Applying the foregoing, the maximum penalty imposed by the CA should be modified to eight (8) years and one (1) day of prision mayor in its medium period. Although the minimum penalty imposed by the CA is within the aforesaid range of penalty, the Court deems it proper to modify the same in consonance with a jurisprudence involving a robbery case with identical circumstances wherein the minimum prison term imposed was four (4) years, two (2) months, and one day (1) of prision correccional.[26]

WHEREFORE, premises considered, the petition is DENIED. The Decision dated September 20, 2013 of the Court of Appeals in CA-G.R. CR No. 34325 is hereby AFFIRMED with MODIFICATION on the penalty imposed. Nelson Teñido y Silvestre is hereby sentenced to suffer the Indeterminate Penalty of four (4) years, two (2) months, and one (1) day of prision correccional as minimum penalty to eight (8) years and one (1) day of prision mayor medium, as maximum penalty.

SO ORDERED.

Velasco, Jr., (Chairperson), Peralta, Bersamin,[*] and Perez, JJ., concur.

April 11, 2016

NOTICE OF JUDGMENT

Sirs/Mesdames:

Please take notice that on ____March 9, 2016____ a Decision, copy attached hereto, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on April 11, 2016 at 2:25 p.m.

Very truly yours,

(SGD)

WILFREDO V. LAPITAN

Division Clerk of Court

[*] Additional Member per Raffle dated October 8, 2014 vice Associate Justice Francis H. Jardeleza.

[1] Rollo, pp. 11-26.

[2] Penned by Associate Justice Romeo F. Barza, with Associate Justices Noel G. Tijam and Ramon A. Cruz concurring; id. at 30-40.

[3] Issued by Presiding Judge Aida Rangel-Roque; id. at 58-66.

[4] Id. at 58.

[5] Id. at 31-32, 59-60.

[6] Id. at 32, 58.

[7] Id. at 33, 64.

[8] Id. at 58-66.

[9] Id. at 66.

[10] Id. at 34.

[11] Id. at 30-40.

[12] Id. at 39.

[13] Id. at 85-90.

[14] Id. at 42-43.

[15] Court First Division Resolution dated August 20, 2014 in G.R. No. 202630 entitled Joseph Bitome v. People of the Philippines, citing *Natividad v. Mariano*, et al., 710 Phil. 57, 68 (2013).

[16] *People v. Gamez*, G.R. No. 202847, October 23, 2013, 708 SCRA 625, 634.

[17] (1) When the factual findings of the [CA] and the trial court are contradictory;

(2) When the conclusion is a finding grounded entirely on speculation, surmises or conjectures;

(3) When the inference made by the [CA] from its findings of fact is manifestly mistaken, absurd or impossible;

(4) When there is grave abuse of discretion in the appreciation of facts;

(5) When the appellate court, in making its findings, went beyond the issues of the case, and such findings are

contrary to the admissions of both appellant and appellee;

(6) When the judgment of the [CA] is premised on misapprehension of facts;

(7) When the [CA] failed to notice certain relevant facts which, if properly considered, would justify a different conclusion;

(8) When the findings of fact are themselves conflicting;

(9) When the findings of fact are conclusions without citation of the specific evidence on which they are based; and

(10) When the findings of fact of the [CA] are premised on the absence of evidence but such findings are contradicted by the evidence on record. See *Salcedo v. People*, 400 Phil. 1302, 1308-1309 (2000), citing *Fuentes v. CA*, 335 Phil. 1163, 1168-1169 (1997).

[18] Rollo, p. 35.

[19] *Vidar, et al. v. People*, 625 Phil. 57, 68 (2010).

[20] *People v. Berondo, Jr.*, 601 Phil. 538, 544-545 (2009).

[21] Rollo, p. 36.

[22] *Vidar, et al. v. People*, supra note 19.

[23] *People v. Castro, et al*, 684 Phil. 319, 328-329 (2012).

[24] *Estioca v. People*, 578 Phil. 853, 873 (2008).

[25] REVISED PENAL CODE, Article 76.

[26] *Estioca v. People*, supra note 24.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.