

## THIRD DIVISION

[ G.R. No. 135230, August 08, 2000 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
RONNIE NAVALES Y VILLAFLO, ACCUSED-APPELLANT.**

### D E C I S I O N

**PANGANIBAN, J.:**

Alibi cannot prevail over the positive identification of the accused by a credible witness. Moreover, the assessment of the credibility of witnesses and their testimonies is best undertaken by the trial judge, who had the unique opportunity to observe their conduct and demeanor on the stand.

#### The Case

Ronnie Navales y Villaflor appeals the July 6, 1998 Decision of the Regional Trial Court (RTC) of San Pedro, Laguna (Branch 31)<sup>[1]</sup> in Criminal Case No. 0681-SPL, in which he was found guilty of robbery with rape.

In an Information dated February 16, 1998, Fourth Assistant Provincial Prosecutor Melchorito M.E. Lomarda charged appellant as follows:<sup>[2]</sup>

“That on or about September 2, 1997, in the Municipality of San Pedro, Province of Laguna, Philippines and within the jurisdiction of this Honorable Court, said accused with intent to gain did then and there willfully, unlawfully and feloniously with violence against and intimidation of persons at knifepoint divest, take, steal and carry away the sum of FIFTY PESOS (P50.00) Philippines Currency, from Maria Neilla T. Llagas; that on the occasion of or by reason of said robbery the said accused did then and there willfully, unlawfully and feloniously, by means of force, violence, intimidation and threats have carnal knowledge of said Neilla T. Llagas against her will, to her damage and prejudice.”

With the assistance of Counsel *de Oficio* Manuel Ramirez, appellant entered a plea of not guilty when arraigned on March 16, 1998.<sup>[3]</sup> Trial proceeded in due course. Thereafter, the trial court promulgated its Decision, the decretal portion of which reads:<sup>[4]</sup>

“IN VIEW THEREOF, the Court finds that the prosecution represented by Assistant Provincial Prosecutor Melchorito Lomarda has duly established the guilt of the accused beyond reasonable doubt for the special complex crime of robbery with rape penalized under Article 294 of the Revised Penal Code, as amended. The Court finds too that the robbery was accompanied with rape and was committed with the use of a deadly weapon.

"WHEREFORE, the court hereby sentences accused Ronnie Navales y Villaflor to suffer the penalty of reclusion perpetua; to pay the private complainant the sums of P100,000.00 as civil indemnity, P100,000.00 as moral damages and P50.00 representing the money forcibly taken by accused from her. Costs against the accused."

In view of the penalty imposed, the appeal was filed directly with this Court.<sup>[5]</sup>

**The Facts**  
**Version of the Prosecution**

In its Brief,<sup>[6]</sup> the Office of the Solicitor General narrated the facts in this wise:<sup>[7]</sup>

"On September 1, 1997, MA Neilla T. Llagas, 27 years old, married with two (2) children (p. 6, TSN, May 21, 1998) and employee of Pocketbell in Ortigas, Pasig City, left their residence in San Pedro, Laguna at around 1:00 p.m. to report for work. Being a telecommunicator, she works on specific work shifts. On that day, she was assigned to the 4:00 p.m. to 12:00 midnight shift. She left the office at around 12:15 a.m. x x x. It was almost 1:00 a.m. when she got off at the highway in Barangay Landayan. (pp. 3-5, TSN, April 23, 1998).

"Neilla was alone as she walked towards the direction of their house. Her pace was somewhat slow because there were blisters on her feet. The area was sufficiently illuminated by the presence of lighted lampposts on the highway. On her way, she noticed a male stranger to her left who sat on a gutter right next to a lamppost. She did not mind the stranger and continued walking until she passed by him. When she was about ten (10) meters away from where the stranger was sitting, Neilla looked back and saw the man already in a standing position and [apparently] urinating. She continued to walk but she was again tempted to look back. She noted the distance between her and the stranger to have doubled to twenty (20) meters. Considering the distance that she had obtained, Neilla's apprehension somewhat subsided. When she turned her head to look at the stranger once more, she was shocked to find that he was already on her left side. Although the stranger's nearness completely frightened her, she was able to take note of his appearance: barefooted, wearing maong short pants and checkered shirt with a collar, and had almost the same height as hers (p. 6, id., May 25, 1998). As she turned left, the stranger suddenly shifted to her right side and announced a hold-up while he poked a balisong at her. (pp. 6-11, TSN, April 23, 1998).

"Neilla chose not to panic and calmly told the criminal to just get her bag and spare her from any harm. However, he insisted that Neilla should go with him to some other place. Her refusal to give in to his demand prompted him to forcibly drag her to a grassy portion surrounding the basketball court in the village. She tried to shout but no voice came out from her mouth. (pp. 13-14, TSN, April 23, 1998)

"The grasses in the area were as high as three (3) feet that made it very difficult for somebody so situated as Neilla to receive help. Despite the kind of situation she was in, Neilla tried to fight her assailant. During the

struggle, she was able to get hold of the bladed portion of the knife that her assailant was holding. She was told to let go of the knife but she refused prompting her assailant to box her jaw. The first blow caused Neilla to fall down. While she was lying on her back, her assailant, who talked with Visayan accent, knelt down between her thighs as he searched her bag and took the P50.00 that he found inside. When she tried to sit down, he hit her right jaw again causing her to fall to her original position. Then, he told her that since she did not have enough money, he would just rape her instead. (pp. 14-18, TSN, April 23, 1998)

"Fearing for her life, Neilla remained where she was as her assailant unbuttoned her blouse and raised her bra. The man then mashed her breast with one hand. Thereafter, he unzipped Neilla's pants (made of soft material) and pulled it, together with her underwear, down to her ankle while her bleeding hands were across her chest to cover her bare breasts. Then, he inserted his organ into hers and made pumping motions for around three (3) minutes while pointing his balisong at the right side of her neck. (p. 19, TSN, April 23, 1998 and pp. 2-5, TSN, May 18, 1998)

"After the consummation of the odious act, the offender tied Neilla's feet with her own pants and her hands with a cord and placed a handkerchief into her mouth. He left immediately thereafter. (p. 6, TSN, May 18, 1998)

"When she partly regained her composure, Neilla untied herself and wore her underwear. She opted to just carry her pants with her. Soon, she was running towards the direction of their house. She met her husband and some relatives at the corner near the entrance to their village. Upon learning of her ordeal, her husband and relatives accompanied her to the San Pedro Police Station to report the incident. Neilla returned to the place of the incident to point to the policemen the exact spot where she was robbed and raped. (pp. 9-10, TSN, May 18, 1998)

"On the basis of the description given by Neilla of her assailant, the authorities surmised that the culprit could be a worker at the GLV Factory located inside the village (p. 11, id.). Thus, at around 8:00 Am. on same day, Neilla, her husband and relatives, two (2) policemen and a barangay tanod proceeded to GLV Factory, a company engaged in the manufacture of plastic hangers. Boy Vasquez, GLV's owner, gathered all his male workers (about 40 in number) at the garage where they were made to form a line and walk in a circular motion. Neilla stood near the screen door where she could not be seen but could clearly see the workers who pass[ed] the door. However, she failed to identify her assailant. (pp. 12-14, TSN, May 18, 1998).

"[O]n the early afternoon of same date, Neilla returned to the factory to identify appellant who was pointed to by Rolly Mata as the person who[m] he claimed to have seen sitting on the gutter immediately prior to the commission of the crime. During her face to face confrontation with appellant, Neilla recognized him and positively identified him as her assailant. (pp. 15-16, TSN, May 18, 1998)"

### **Version of the Defense**

Denying the charge against him, appellant narrated the facts in this manner:<sup>[8]</sup>

"Ronnie Navales testified that he was from La Carlota City, Bacolod. He came here with his neighbor to find work. He had been working at the factory for only one month. He slept at the factory. On September 2, 1997 at around 1:00 Am. he was sleeping at the factory. He went to sleep at 10:00 p.m. and woke up at 6:00 Am.

"He denied that he was sitting near the gutter at 1:15 Am. The truth is he was sleeping. He does not know Rolly MatA

"He just saw [the victim] when she arrived at his work place on September 2, 1997. They were asked by the manager to line up by the door of the factory. They did not yet know the reason why they were told to line up. Then they were told to turn around or move in a circular motion and then were asked to move out. Then they went back to their work.

"He denied having raped her.

"Then he returned to work and faced complainant together with other workers. They were about 50. The manager told them to step out as Neilla was looking for the man who raped [her]. Neilla did not point to anyone as the perpetrator.

"They were undressed. There were no scratches on his back or on the others.

"At 1:00 p.m. he was asked to go to the office of the manager. Her husband elbowed Neilla, and the latter cried and pointed to him as the one who raped her. (TSN, June 15, 1998, pp. 1-19)."

### **Ruling of the RTC**

Debunking the defense of denial and alibi, the trial court held that the victim positively identified appellant as the one who had forcibly taken her money and sexually abused her. It ruled:<sup>[9]</sup>

"Examining the evidence on hand, the Court finds that the prosecution, in support of its charge [of] robbery with rape against the herein accused, relied heavily on the testimony of the private complainant positively identifying the herein accused as the malefactor. As the Court sees it, there is no basis to doubt the positive identification of accused by the private complainant who claimed that accused was the man who was sitting [o]n the gutter near the factory [o]n the early morning of September 2, 1997, who held her up and who raped her. Prosecution witness Rolly Mata identified and pointed to herein accused as the one whom he saw sitting on the gutter near the factory where he was working [o]n the early morning of September 2, 1997 when x x x private complainant passed by.

"As regards the positive identification made by the private complainant and her witness Rolly Mata, it is a settled rule that absent any credible evidence to prove the charge of bias and prejudice, it is presumed that

the prosecution would not have imputed to the accused the crime with which he was charged unless he was guilty thereof. As held in a number of cases, the absence of any evidence as to the existence of an improper motive sustains the conclusion that no such improper motive exists and that the testimony of the witnesses, therefore, should be given full faith and credit.

x x x.

"On the other hand, the defense denial of the accusation leveled against accused is backed up by an alibi. Again, the Supreme Court has ruled that the defense of alibi is unavailing against the positive identification of the accused by the witnesses x x x. In sum, the defense of alibi cannot prevail over the positive identification of the accused by the private complainant and witness Rolly Mata who have no untoward motive to falsely testify."

### **Assignment of Errors**

Appellant contends that the trial court erred in the following:[10]

"I

x x x [F]inding that the complainant had positively identified her assailant.

"II

x x x [F]inding the accused guilty beyond reasonable doubt of the crime of robbery with rape."

In the main, the defense raises doubts on the identification of the appellant.

### **The Court's Ruling**

The appeal has no merit.

#### **Main Issue:**

#### **Identification of the Perpetrator**

Complainant testified that she was able to identify appellant as her assailant, when she and her husband went to the GLV factory several hours after the incident.

On the other hand, appellant contends that the "impartiality of the identification process" was "violated" because no other suspect was present at the time. He bewails the absence of an "impartial screening process like a police line-up." Furthermore, he avers that complainant had not been able to identify him earlier that morning when he was inside the factory with 50 other workers.[11]

Appellant's argument is not convincing. True, the "corruption of *out-of-court* identification contaminates the integrity of in-court identification during the trial." [12] In this case, however, we find no flaw in the complainant's out-of-court identification of appellant.

It has been held that "in resolving the admissibility of and relying on out-of-court identification of suspects, courts have adopted the totality of circumstances test