

## FIRST DIVISION

[ G.R. No. 181355, March 30, 2011 ]

**BENJAMIN BELTRAN, JR. AND VIRGILIO BELTRAN,  
PETITIONERS, VS. THE HONORABLE COURT OF APPEALS AND  
THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.**

### DECISION

Assailed in this Petition for Review on *Certiorari* under Rule 45 of the 1997 Revised Rules of Civil Procedure is the Decision<sup>[1]</sup> dated 23 March 2007 of the Court of Appeals In CA-G.R. CR No. 24212, affirming with modification the Decision<sup>[2]</sup> dated 23 February 2000 of the Regional Trial Court (RTC) of Camarines Sur, 5<sup>th</sup> Judicial Region, Branch 31, in Criminal Case No. P-2681, rinding herein petitioners Benjamin Beltran, Jr. and Virgilio Beltran, guilty beyond reasonable doubt of the crime of theft. Petitioners likewise questioned the Court of Appeals Resolution<sup>[3]</sup> dated 16 January 2008 denying for lack of merit their Motion for Reconsideration of the assailed Decision.

Petitioners Benjamin Beltran, Jr. and Virgilio Beltran, together with a certain Francisco Bravo, were charged with the crime of theft in an Information<sup>[4]</sup> that reads:

That on or about the 20<sup>th</sup> day of January 1998 at Barangay Sta. Elena, Municipality of Bula, Province of Camarines Sur, Philippines and within the jurisdiction of this Honorable Court, therein petitioners and a certain Francisco Bravo], **with intent to gain, but without violence against or intimidation of persons nor force upon things**, did, then and there willfully, unlawfully and feloniously **take, steal and carry away the hand tractor belonging to one Vicente Ollanes, valued at P29,000.00** Pesos, Philippine Currency, to the damage and prejudice of the said owner in the aforesaid amount;"<sup>[5]</sup> [Emphasis supplied].

Petitioners were arrested but their co-accused Francisco Bravo remains at large. Upon arraignment, petitioners, assisted by counsel *de officio*, pleaded NOT GUILTY<sup>[6]</sup> to the charge.

During pre-trial, the following stipulation of facts were offered and admitted by the parties: (1) the identity of the private complainant, Vicente Ollanes, and the petitioners; and (2) that on 11 February 1998 a one unit hand tractor was found by *Barangay* Captain Leon Alcala, Jr.<sup>[7]</sup>

Thereafter, trial on the merits ensued.

The prosecution presented the following witnesses: Vicente Ollanes (Vicente), private complainant; Rafael Ramos y Cabilen (Rafael), farm helper of Vicente; and Remberto Naido (Remberto), one of the *barangay tanods* in Sta. Elena, Bula,

Camarines Sur at the time the incident happened.

Vicente narrated that he has a farm in Sta. Elena, Bula, Camarines Sur. He knew petitioners for about three years already as the farm that they were plowing is merely adjacent to his farm. Vicente has two farmhouses on his farm, one of which is just near the farm of petitioners' father, Benjamin Beltran, Sr., while the other is located at the upper portion of his farm. In 1996, Vicente purchased a five horsepower Yanmar engine from Yanmar Marketing in Pili, Camarines Sur.<sup>[8]</sup> The said engine was later on installed on his F-5 hand tractor that he acquired on 24 October 1997 from Reforsado Metal Works in Bagumbayan, Bula, Camarines Sur,<sup>8</sup> for P17,000.00.<sup>[9]</sup> The F-5 hand tractor powered by five horsepower Yanmar engine (hand tractor) valued at P29,000.00 is being used in Vicente's farm in Sta. Elena, Bula, Camarines Sur. The same was stored outside Vicente's farmhouse near petitioners' father's farm.<sup>[10]</sup>

On 20 January 1998 at about 6:30 p.m., more or less, Vicente arrived in Sta. Elena, Bula, Camarines Sur, from his house in La Paz, Pili, Camarines Sur. Upon seeing him, his cousin, Lorencita Nacario, immediately informed him that his hand tractor was stolen by three persons, namely: petitioners Benjamin Beltran, Jr. and Virgilio Beltran, together with a certain Francisco Bravo. The said incident happened at around 6:00 p.m. while Vicente was still in his house in La Paz, Pili, Camarines Sur. To verify such information, Vicente directly went to his farmhouse, together with a certain *Kagawad* Gomer Sierte, his farm helper Rafael and a certain Policarpio Tagle, Jr. Upon reaching his farmhouse, Vicente confirmed that his hand tractor was, indeed, missing. As a result, Vicente reported the same to the *barangay* and police authorities of Sta. Elena, Bula, Camarines Sur.<sup>[11]</sup>

Rafael, Vicente's farm helper who operates the aforesaid hand tractor, verified that on 20 January 1998 at around 6:00 p.m., while he was inside the farm hut" of Vicente in Sta. Elena, Bula, Camarines Sur, he suddenly saw that Vicente's hand tractor stored outside the latter's farm hut were being pulled by petitioners and another person, whose name he heard to be "Paquito." Petitioners and "Paquito" successfully brought the same to the farm hut of petitioners' father that is 50 meters away from the farm hut of Vicente. Rafael failed to approach and prevent them from doing so because petitioners were armed with *bolos*. Rafael, thereafter, proceeded to inform Vicente that his hand tractor was no longer in his farm hut. He then accompanied Vicente in going to the farm hut where the hand tractor was lost.

Rafael further stated that the five horsepower, Yanmar engine installed on Vicente's F-5 hand tractor has a value of P12,000.00.<sup>[14]</sup>

Remberto corroborated Rafael's testimony and revealed that at about the same date and time, he, together with his brothers, was at the nearby *nipa* house of a certain Silvestre Bigay, Jr. (Silvestre) in Sta. Elena, Bula, Camarines Sur, which is about 30 meters away from the farmhouse of Vicente and 60 meters away from the farmhouse of petitioners' father, for the repair of Silvestre's irrigation pump. After the repair thereof, Remberto's brothers went home but Remberto stayed to test and observe the irrigation pump. At this juncture, Remberto saw petitioners and "Paquito," whose full name was later known to be Francisco Bravo (Francisco), in the *nipa* house of Vicente pulling the latter's hand tractor towards the *nipa* hut of petitioners' father. Thereafter, petitioners and Francisco removed the hand tractor's

engine and left the body outside the *nipa* hut of their father. Remberto was certain that the hand tractor taken by petitioners and Francisco belongs to Vicente as he used the same when he installed the former's irrigation pump.<sup>[15]</sup>

The defense, on the other hand, presented the following witnesses: petitioners Benjamin Beltran, Jr. (Benjamin, Jr.) and Virgilio Beltran (Virgilio); Lolita Morada Beltran (Lolita), mother of petitioners; and *Barangay* Captain Leon Alcala, Jr. (*Barangay* Captain Alcala) of Sta. Elena, Bula, Camarines Sur.

Petitioner Benjamin, Jr. denied the accusation against him. He also denied having known a certain Francisco Bravo, their co-accused in this case. He claimed that on 20 January 1998, he was in Angustia, Nabua, Camarines Sur, working as a construction worker at the house of Ignacio Baldago from 7:00 a.m. until 4:00 p.m. or 5:00 p.m. in the afternoon. Moreover, on the said date, he never went to Sta. Elena, Bula, Camarines Sur, where his parents have farm lots and a *nipa* hut constructed by his brother-in-law. He also stated that the distance between Angustia, Nabua, Camarines Sur and Sta. Elena, Bula, Camarines Sur, is quite far and he needs to take three rides from Angustia to Sta. Elena.<sup>[16]</sup>

Petitioner Benjamin, Jr. admitted, however, that he personally knew Vicente since 1990 because the latter previously requested his parents to allow him to cultivate his parents' farm lot in Sta. Elena, Bula, Camarines Sur, but his parents denied such request. He also affirmed that he and Vicente had no misunderstanding whatsoever but his parents and Vicente had.<sup>[17]</sup>

Like his brother, petitioner Virgilio denied the accusation against him and claimed that on 20 January 1998, he was at Garchitorena, Camarines Sur, as he was one of the laborers hired by a certain *Manoy* Rudy Bona to cement the floor of the basketball court near the municipal building of Garchitorena, Camarines Sur. He maintained that he went there in November 1997 and returned home only in February 1998. It took him half a day to go back to Sta. Elena, Bula, Camarines Sur, from Garchitorena, Camarines Sur. Petitioner Virgilio also admitted that he knew Vicente way back in 1997. He also stated that the possible reason why he was implicated in the crime of theft was the misunderstanding that happened between his father and Vicente regarding the land in Sta. Elena, Bula, Camarines Sur, wherein his father stopped Vicente from working thereat.<sup>[18]</sup>

In support of petitioners, their mother, Lolita, testified that on 20 January 1998, she was in their farm hut in Sta. Elena, Bula, Camarines Sur. She maintained that on the said date, her two sons, petitioners Benjamin, Jr. and Virgilio, never went to their farm hut because they have their own work. Petitioner Benjamin, Jr. was working in Angustia, Nabua, Camarines Sur, while Petitioner Virgilio was working in Pili, Camarines Sur. She, thus, vehemently denied the allegations against her sons.<sup>[19]</sup>

Lolita further declared that she came to know Vicente in 1990 when the latter came over to their hut to ask permission that he be allowed to work in their farm which her husband refused. On 29 December 1997, however, when she and her husband arrived in their farm in Sta. Elena, Bula, Camarines Sur, they found somebody, together with Vicente, plowing their farm. Her husband, thus, stopped them from doing so to which they acceded. Allegedly, in retaliation thereof, Vicente reported to the police authorities in Bula, Camarines Sur, that she and her family are members

of the New People's Army and that they were armed. Accordingly, the Philippine National Police (PNP) of Baao, Camarines Sur, conducted a raid against them while they were at the house of a certain Kagawad Julian Botor of Sta. Elena, Bula, Camarines Sur. Lolita and her husband caused the said incident to be blotted at PNP Bula, Camarines Sur.<sup>[20]</sup>

Lolita further claimed that she has no idea that the hand tractor of Vicente was missing until his two sons were arrested linking them to the lost thereof. She also confirmed that there was no property dispute between them and Vicente even prior to or after 20 January 1998.<sup>[21]</sup>

*Barangay* Captain Alcalá testified that he, indeed, issued a Certification<sup>[22]</sup> to Lolita dated 11 February 1998 and he stated therein that Lolita and company left their *camalig* on 4 February 1998 and brought with them personal belongings. He testified further that on 4 February 1998, Lolita personally requested him to look after their belongings left in Sta. Elena, Bula, Camarines Sur, as they were about to go home in Angustia, Nabua, Camarines Sur. Thereafter, *Barangay* Captain Alcalá and a certain *Barangay Tanod* Tranquelo instantly proceeded to the *nipa* house of Lolita and his family. They found thereat a landmaster hand tractor without engine, which according to Lolita, is owned by Vicente. Allegedly, *Barangay* Captain Alcalá was requested by Lolita to inform Vicente to just get the said hand tractor in their *nipa* house. *Barangay* Captain Alcalá likewise found in the nearby *nipa* hut of Vicente a Yanmar engine installed on the latter's irrigation pump.<sup>[23]</sup>

Once again, on 11 February 1998, *Barangay* Captain Alcalá, together with Lolita, visited the area and purportedly found out that the Yanmar engine of Vicente was already missing.<sup>[24]</sup>

On rebuttal, the prosecution presented Ernesto Barcinas (Ernesto), relative of the petitioners. Vicente, the private complainant, was also presented as rebuttal witness.

Ernesto testified that on the whole day of 20 January 1998, he was by the side of Lake Bula, Camarines Sur, farming his land when he saw the petitioners at the farm of Vicente planting watermelon. At that time, he was just 10 meters away from the petitioners that is why he identified them clearly. Moreover, the petitioners are first cousins of his wife, Lydia Beltran. Ernesto maintained that on the same date, petitioners slept at their father's *nipa* hut in Sta. Elena, Bula, Camarines Sur.<sup>[25]</sup>

Vicente, on rebuttal, admitted that he knew *Barangay* Captain Alcalá. **He also emphasized that he has three Yanmar engines and the engine that was stolen, together with his hand tractor, was his five horsepower Yanmar engine mounted thereon.** It was different from the Yanmar engine fixed on his irrigation pump found by *Barangay* Captain Alcalá. And, contrary to *Barangay* Captain Alcalá's testimony, such Yanmar engine installed on his irrigation pump is not missing. Vicente also confirmed that he and the Beltran's have no misunderstanding. There was also no truth to the allegation of Lolita that he requested them to allow him to till a portion of their farm, for in reality, he has a bigger land to cultivate than them. Vicente similarly claimed that there was an error in the entry in the *barangay* blotter as the engine stated therein that was lost was his NT-65 Yanmar engine but what was actually lost was his F-5 hand tractor with

five horsepower Yanmar engine installed thereon.<sup>[26]</sup>

On sur-rebuttal, the defense presented Benjamin Bettran, Sr. (Benjamin, Sr.), father of petitioners, who testified that his family had a conflict with the family of Ernesto as the latter, together with Vicente, had caused them to be raided by the police authorities while they were at the house of a certain *Kagawad* Julian Botor in Sta. Elena, Bula, Camarines Sur. He also disclosed that he has a land dispute with Vicente and it started when he caught the former clearing his farm in Sta. Elena, Bula, Camarines Sur. But he admitted that no case was filed in relation thereto. He also denied the accusation against his sons.<sup>[27]</sup>

Finding petitioners' defense of denial and *alibi* unmeritorious vis-a-vis the testimonies of witnesses for the prosecution, particularly their positive identification of the petitioners as the perpetrators of the crime, the court *a quo* rendered a Decision dated 23 February 2000, disposing as follows:

WHEREFORE, in view of all the forgoing, judgment is hereby rendered **finding the herein [petitioners] BENJAMIN BELTRAN, JR. and VIRGIUO BELTRAN, guilty beyond reasonable doubt of the offense of THEFT** and imposing upon them an indeterminate penalty of imprisonment of *arresto mayor* in its maximum period or four months and one day as the minimum penalty to *prision correctional* in its minimum period as the maximum penalty or two years and four months and to pay the costs hereof.

As civil liability, said [petitioners] are ordered to pay the private complainant jointly and severally, the sum of TWELVE THOUSAND (P12,000.00) PESOS, the value of the engine lost, without however subsidiary imprisonment in case of insolvency.

Finally, let the records hereof be consigned to the archives until the third accused Francisco Bravo is arrested. Let *alias* warrant of arrest be issued for his arrest.<sup>[28]</sup> [Emphasis supplied].

Disgruntled, petitioners appealed the aforesaid trial court's Decision to the Court of Appeals *via* Notice of Appeal.<sup>[29]</sup>

Petitioners argued before the appellate court that the trial court erred in: (1) convicting them of the crime charged; (2) finding that the prosecution was able to establish their guilt beyond reasonable doubt; and (3) finding them civilly liable.

On 23 March 2007, the Court of Appeals rendered a Decision affirming petitioners' conviction but modifying the penalty imposed by the trial court, the decretal portion of which states:

**WHEREFORE**, the appealed [Decision of the Regional Trial Court of Camarines Sur (Branch 51) is **AFFIRMED** with **MODIFICATION** on the penalty imposed on [petitioners] in that they are sentenced to suffer the **indeterminate penalty of three (3) years of *prision correctional*, as minimum, to eleven (11) yearfs] of *prision mayor*, as maximum.**<sup>[30]</sup> [Emphasis supplied].