

THIRD DIVISION

[G.R. No. 172193, September 13, 2017]

**CELERINO CHUA ALIAS SUNTAY, PETITIONER, VS. PEOPLE OF
THE PHILIPPINES, RESPONDENT.**

DECISION

BERSAMIN, J.:

The violence against or intimidation of persons perpetrated by the accused to commit a robbery under Article 294 of the *Revised Penal Code* renders the accused also liable for carnapping committed by means of violence against or intimidation of persons as defined and punished by Section 14 of Republic Act 6539 involving the taking of a vehicle to transport the stolen goods.

The Case

Celerino Chua *alias* Suntay (Chua) seeks to reverse the decision promulgated on October 20, 2005,^[1] whereby the Court of Appeals (CA) affirmed his convictions for carnapping in violation of Republic Act 6539 (*Anti-Carnapping Act of 1972*) and for robbery as defined and punished by Article 294(5) of the *Revised Penal Code* handed down by the Regional Trial Court, Branch 81, in Malolos, Bulacan (RTC) through its decision of September 25, 2002.^[2]

Antecedents

On January 25, 1994, Chua, along with Leonardo Reyes *alias* Leo and Arnold Lato y Baniel *alias* Arnold or Rodel, was charged in Criminal Case No. 397-M-94 of the RTC with the crime of carnapping under the information alleging as follows:

That on or about the 24th day of October, 1993, in the municipality of Bocaue, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating together and helping one another, did then and there willfully, unlawfully and feloniously, with intent to gain and without the consent of the owner thereof, take, steal and carry away with them one owner type jeep (stainless) bearing Plate No. CFC-327, belonging to Sps. Reynaldo Ravago and Teresa Ravago, to the damage and prejudice of the said owners in the amount of P170,000.00.

CONTRARY TO LAW.^[3]

On January 27, 1994, the same accused were charged with robbery under the information filed in Criminal Case No. 428-M-94, to wit:

That on or about the 24th day of October, 1993 in the municipality of Bocaue, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating together and helping one another did then and there willfully, unlawfully and feloniously, with intent to gain and by means of force and intimidation, take, rob and carry away with them the following, to wit:

one (1) colored TV set (Sony)--	P 15,000.00

one (1) TV set B & W (Hitachi/Union)-	P 5,000.00
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two (2) Betamax (Sony)-----	P 18,000.00

one (1) VHS record (Toshiba)-----	P 12,000.00

one (1) Sansui compact disc---	P 25,000.00

assorted jewelries (sic)--	P 30,000.00

six (6) pcs. of assorted wristwatches---	P 10,000.00
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cash-----	
-----	P 7,000.00

TOTAL	P122,000.00

belonging to Sps. Reynaldo Ravago and Theresa Ravago, to the damage and prejudice of the said spouses in the total amount of P122,000.00; and by reason of and on the occasion of the commission of the said robbery, the above-named accused conspiring, confederating together and helping one another, did then and there wilfully, unlawfully and feloniously attack, assault and stab with bladed instrument, said Reynaldo E. Ravago thereby inflicting upon him serious physical injuries which required medical attendance and incapacitated him from his customary labor for a period of not more than thirty (30) days.^[4]

Reyes and Lato remained at large; hence, only Chua was arraigned and tried for the crimes.

The CA synthesized the procedural and factual antecedents adduced by the Prosecution and the Defense as follows:

The prosecution presented eight (8) witnesses, namely: Teresa Legaspi-Ravago, Reynaldo Ravago, Valentina Legaspi, Juanito Olivario, Gerry Ormesa, Moises Legaspi, Jessie Tugas and John Laguidao.

The facts established by prosecution witness Teresa Ravago as follows:

On October 24, 1993 at around 2:50 o'clock in the morning, Teresa Legaspi-Ravago, accompanied by a helper, was about to leave for work at the Maymart Market in Meycauayan, Bulacan. Upon opening the door, she was immediately pushed inside the house by accused Arnold Lato. Lato was followed by accused Leonardo Reyes. Arnold tied the hands of Teresa and the helper with straw. Leonardo on the other hand went to the master's bedroom where Reynaldo was sleeping. Reynaldo was stabbed four times but was able to run to the bathroom and lock himself in.

The accused demanded jewelry and cash that the Ravagos earned as broker's commission from the sale of a fishpond. The two robbers wore stockings on the head to conceal their identities. Teresa was able to recognize the face of Arnold when the latter removed the stocking off his face as he searched for jewelry.

Said two (2) accused carted off their television sets, Sony Betamax sets, Karaoke, compact disc, assorted pieces of jewelry, VHS player and cash. The said stolen items were loaded in a stainless owner type jeep registered in the name of Teresa's mother, Valentina Legaspi, but given to the private complainants in 1990.

The robbery was immediately reported to the Bocaue Police Station. In the course of the investigation, Teresa was able to identify Arnold through photographs shown to her.

The robbers were later on identified as Arnold Lato and Leonardo Reyes. Arnold Lato was about her height, 5'2", dark and had earring on his right ear. The other, Leonardo Reyes, was 5'7" or 5'8", fair complexioned, thin and lanky. Both accused who were still at large were workers of Gerry Ormesa. Appellant Chua referred both accused to Gerry Ormesa. The straw ropes that were used to tie Teresa and her helper were being used by Arnold and Leo in their work. The built and height of the accused as described by Teresa fit the description of aforementioned workers of Gerry Ormesa. The clothes the robbers wore as described by Teresa were recognized by their employer Gerry as among those few clothings his two workers owned. Arnold and Leonardo stopped working after the October 24 incident. They left without waiting to receive the salaries due them.

Prior to the incident appellant Celerino Chua, together with his legitimate family resided about twenty (20) meters away from complainants' house. After the incident, they left. Before Chua went into hiding he wrote the Ravagos to keep quiet about the incident, otherwise, harm would befall their family.

A couple from the place where the appellant resided gave information that the jeep was brought by the appellant Chua to Bani, Pangasinan.

The jeep was recovered at Jessie Tugas' motor shop in Pangasinan. Appellant Chua and his live-in partner then resided in a nipa hut near the motor shop from November to December 1993. One Betamax unit was recovered in the nipa hut where appellant Chua and his girlfriend stayed.

Appellant Chua told Tugas that he is the owner of the jeep. Chua approached John Alden Laguidao, a friend of Tugas, who agreed to purchase the vehicle for Forty Thousand Pesos (P40,000.00). Laguidao made a partial payment of Twenty Thousand Pesos (P20,000.00) on the condition that the balance shall be paid upon the presentation of the certificate of registration.

Teresa was shocked by the incident. She was unable to return to work for sometime because of fear to step outside in the morning. She even received threats. She left the amount of damages to the discretion of the court.

Reynaldo Ravago corroborated Teresa's testimony. He added that he was stabbed four (4) times by the taller malefactor. He (Reynaldo) ran to the bathroom and locked himself in to avoid further harm. He heard the two robbers asking for their jewelry and cash which they earned as commission from the sale of a fishpond which they brokered. Appellant Celerino Chua knew of said transaction. Reynaldo stayed inside the bathroom for as long as the two (2) robbers had not yet left. After Reynaldo's wife opened the bathroom door, he was brought for treatment to Yanga Clinic. He was confined for five (5) days. He incurred expenses of about P17,000.00.

They were able to recover the vehicle in Jessie Tugas' shop in Bani, Pangasinan. It had already been sold to one John Aldrin Laguidao for P40,000.00. He saw the terms of the sale on a yellow pad which showed the seller to be Celerino Chua and one Meann (Chua's live-in partner). Pictures of the vehicle already dismantled (Exhibits "J", "J-1" to "J-19") and taken in Jessie's shop were presented. An inventory of the jeep's parts (Exhibits "M", and "M-1") were offered. Picture (Exhibit "J-13") of the nipa hut where Chua and MeAnn stayed was taken. The Betamax, among those stolen from the Ravagos, was recovered from the same nipa hut where Chua and his companion stayed.

Valentina Legaspi, Teresa's mother, confirmed that the jeep, although registered in her name, was given to the spouses Ravago in 1991.

Juanita Olivario, the husband of Reynaldo Ravago's sister, accompanied Reynaldo to Bani, Pangasinan. They went first to the police station and requested for an escort to the shop of Jessie Tugas. Laguidao, the buyer of the jeep, was no longer in Bani. Reynaldo requested for a copy of the deed of sale between Chua and Laguidao. They were told it was missing.

Gerry Ormesa identified Celerino Chua in court. Chua is his sister's compadre. He identified the straw ropes to belong to him but used by the two accused, Arnold and Leo, in their work. He also admitted that the clothes shown him belonged to the two (2) accused.

Moises Legaspi, Teresa's father, identified the pictures of the subject vehicle (Exhibit "J", "J-1" to "J-16").

Jessie Tugas, a resident of Bani, Pangasinan, identified Chua in court. He came to know him when introduced by a nephew. He had an auto repair shop then. Chua was with MeAnn and two (2) men. He admitted that the jeep in question was repaired in his shop. Chua represented that he owned the jeep. He was offering it for sale. A "For Sale" sign was even posted at the back of the jeep. Tugas identified the pictures of the jeep (Exhibits "J", "J-1" to "J-16"). He also admitted that the picture (Exhibit "J-13") showed the nipa hut where Chua, MeAnn and his nephew stayed. Laguidao, his brother-in-law, bought the jeep. Laguidao gave a down payment of P20,000.00. Before the balance was paid, Reynaldo Ravago came to recover the vehicle.

John Laguidao identified Celerino Chua in court. He identified the pictures of the jeep. It was sold to him. Before he could pay the balance in full, the real owner came and showed him the certificate of registration. Upon verification of the chassis and engine numbers, the owner took the vehicle. Laguidao's receipt for the transaction could not be located anymore.

The accused thereafter presented defense evidence.

Accused Celerino Chua testified that he has no knowledge about the charges against him. He did not know personally the other accused, Leonardo and Arnold. He drove part time for Reynaldo. In the early morning of October 24, 1993, he agreed to drive for Reynaldo but the vehicle he was supposed to drive was under repair. He went home and drove a passenger jeep instead. He started at 9:00 o'clock in the morning and went home at 6:00 o'clock in the evening. He proceeded to Sapang Palay, San Jose del Monte where he had a live-in partner, Mary-Ann Rodrigues. He learned that the house of Reynaldo Ravago was robbed when the policemen came to Sapang Palay to ask him questions. He hid in Malolos because he was afraid that he might be killed. He also denied knowing John Laguidao and Jessie Tugas. He hid in his father's house in Malolos, Bulacan for three (3) years. He had not been to Bani, Pangasinan.

A barriomate and childhood playmate, Manuel Calumpang, testified in behalf of appellant Chua. Sometime in 1994, upon a chance meeting with the appellant, he heard two (2) persons talking to the former threatening him not to point to them otherwise he and his family would be killed. He was also told by the appellant that he had a case. Of the two who made the threats, one was short and the other was tall.^[5]

Ruling of the RTC

As stated, the RTC convicted Chua for the crimes charged, decreeing: