

THIRD DIVISION

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

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

R E S O L U T I O N

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