

THIRD DIVISION

[G.R. No. 210760, January 26, 2015]

**KYLE ANTHONY ZABALA, PETITIONER, VS. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

DECISION

VELASCO JR., J.:

The Case

Before this Court is a Petition for Review on Certiorari under Rule 45 of the Rules of Court, seeking the reversal of the July 15, 2013 Decision of the Court of Appeals (CA) and its January 8, 2014 Resolution in CA-G.R. CR No. 34428, entitled *People of the Philippines v. Kyle Anthony Zabala*. The assailed CA Decision affirmed the July 7, 2011 Judgment in Crim. Case No. 1676-M-2008 of the Regional Trial Court (RTC), Branch 22, Malolos City, finding petitioner guilty beyond reasonable doubt of the crime of theft, punishable under Articles 308 and 309 of the Revised Penal Code. The assailed Resolution, meanwhile, denied petitioner's Motion for Reconsideration.

The Facts

An Information was filed against petitioner Kyle Anthony Zabala (Zabala) before the RTC, Branch 22, Malolos City, charging him with theft, the pertinent text of which states:

That on or about the 18th day of June 2007 in San Jose del Monte City, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to gain and without the knowledge and consent of the owner thereof, did then and there willfully, unlawfully and feloniously take, steal and carry away with him, one envelope containing cash amounting to SIXTY EIGHT THOUSAND PESOS (PhP68,000.00) belonging to Randolph V. Alas, to the damage and prejudice of the said owner in the amount of PhP68,000.00.

Contrary to law.^[1]

When arraigned, petitioner pleaded "not guilty." Trial on the merits ensued. During the trial, the prosecution presented the testimonies of the complaining witness, Randolph Alas (Alas), and petitioner's alleged former girlfriend, Marlyn Piñon (Piñon). On the other hand, the defense presented the testimonies of petitioner and of one Muriel John Ganas (Ganas), his alleged companion on the day that the incident took place.^[2]

Version of the Prosecution

The evidence for the prosecution tends to establish that Zabala is a jeepney driver who earns Two Hundred Pesos (P200) to Four Hundred Pesos (P400) per day on an alternate day basis. Complainant Alas, meanwhile, works at the Manila City Hall. It is through this job that he was able to save the Sixty-Eight Thousand Pesos (P68,000) stolen by Zabala.^[3] Piñon, on the other hand, had been the girlfriend of Zabala for about five months when the incident pertinent to this case occurred.

Alas testified that he and Zabala were neighbors in San Jose Del Monte City, Bulacan. As neighbors, he had treated Zabala as his kumpare and would often invite the latter to drinking sessions inside his house. At times, he would also call Zabala to repair his vehicle, because Zabala is also a mechanic. He would allow Zabala to follow him to his bedroom to get cash whenever spare parts are to be bought for the repair of his vehicle.^[4]

Alas further testified that on June 18, 2007, at about 4:00 in the morning, he left his house to go to work. When he returned from work, at around 11:00 in the evening, he discovered that his money amounting to Sixty Eight Thousand Pesos (P68,000), which he kept in an envelope inside his closet, was missing.^[5] During that time, there were only five (5) persons living in their house: Alas, his parents, his nine (9) year-old son, and his aunt. He asked his parents and aunt if they knew where he kept his money, but they did not know.^[6]

Witness Piñon, on the other hand, testified that in the early morning of June 18, 2007, she and Zabala, her boyfriend at the time, were together at a store owned by the latter, which was six to seven steps away from the complainant's house. She then saw Zabala climb the fence and scale the tree in front of the complainant's house, and enter the house. When he returned, she noticed that he had a bulge in his pocket, which she later found to be a plentiful sum of money. Zabala then brought her home, and agreed to meet her again at about 10:00 in the morning. They then went to Greenhills, where Zabala bought two Nokia mobile phones, which cost about Eight Thousand Five Hundred Pesos (P8,500).^[7]

Version of the Defense

For his defense, Zabala testified that in the early morning of June 17, 2007, he was driving his passenger jeepney, together with his friend, witness Ganas. They parted ways at around 6:00 in the morning of the following day. During the whole time they were together, they did not drop by the house of the private complainant. Neither did he have the time to meet Marilyn Piñon, of whom he regarded only as an acquaintance and not his girlfriend.^[8]

Witness Ganas corroborated the declaration of Zabala. He testified that he was with petitioner, acting as the conductor, while petitioner was plying the route of his driven jeepney. He had known petitioner since his childhood, and was his good friend.^[9]

Ruling of the RTC

On July 7, 2011, the RTC rendered its Judgment convicting petitioner of the offense

charged. The dispositive portion of the RTC Decision reads:

WHEREFORE, finding guilt of the accused beyond reasonable doubt, judgment is hereby rendered in Criminal Case No. 1676-M-2008 CONVICTING accused KYLE ANTHONY ZABALA with the crime of theft defined and penalized under the provisions of Article 308 and 309 of the Revised Penal Code and is hereby [sentenced] to suffer imprisonment of, applying the Indeterminate Sentence Law, the MINIMUM penalty of *prision correccional* which is 6 years, to a MAXIMUM penalty of *prision mayor* in its maximum period [of] 8 years.

Accused Zabala is likewise ordered to indemnify and pay the amount of sixty eight thousand pesos (Php68,000.00) to complaining witness Randolph V. Alas by way of reparation of the damage caused on him.

Furnish both the public prosecutor and defense counsel of this judgment including the accused.^[10]

Aggrieved by the Judgment, petitioner appealed to the CA, attributing to the lower court the following errors: (1) there was a grave error in not giving credence to petitioner's version; (2) petitioner was convicted of the crime charged despite the failure of the prosecution to prove his guilt beyond reasonable doubt; and (3) petitioner cannot be convicted based on circumstantial evidence.

Ruling of the CA

In its presently assailed Decision promulgated on July 15, 2013, the CA denied the appeal and affirmed the decision of the trial court, but with modification as to the penalty to be imposed upon petitioner. The CA ruled that the prosecution was able to prove beyond reasonable doubt the guilt of the appellant through circumstantial evidence.

Citing *People v. Modesto*,^[11] the CA said:

x x x [T]he doctrine on circumstantial evidence has been recognized as part of the legal tradition when it was declared that "a rule of ancient respectability so molded into tradition is that circumstantial evidence suffices to convict only if the following requisites concur: first, there is more than one circumstance; second, the facts from which the inferences are derived are proven; and finally, the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt."^[12]

The CA then found that the series of circumstances present in this case supports a conviction, and constitutes the basis for a reasonable inference of the existence of the facts thereby sought to be proved.^[13]

Rejecting the defense of petitioner, the CA ruled that he offered no evidence other

than an alibi to exculpate him from the crime charged. It then cited the rule that alibi is a weak defense, and cannot prevail over the positive testimony of a truthful witness.^[14]

The CA disposed of petitioner's appeal as follows:

WHEREFORE, premises considered, the appeal is DENIED. The assailed decision is AFFIRMED with MODIFICATION. As modified, accused-appellant is sentenced to six (6) years of prision correccional as minimum to twelve (12) years, eight (8) months and eight (8) days of reclusion temporal as maximum.

Accused Zabala is likewise [ordered to] indemnify and pay the amount of Sixty Eight Thousand Pesos (Php68,000.00) to complaining witness Randolph V. Alas by way of reparation of the damage caused on him.^[15]

Petitioner moved for reconsideration, but in its assailed Resolution dated January 8, 2014, the CA denied it.

Thus, the present recourse before this Court. Petitioner now argues that there is no sufficient evidence on record to support his conviction for the charge of theft.

In its Comment, respondent People insists that the prosecution was able to establish petitioner's guilt beyond a reasonable doubt. It argues that the CA correctly ruled that the series of circumstances presented before the trial court is sufficient to support a conviction.^[16]

The Issues

I.

WHETHER THE HONORABLE COURT OF APPEALS ERRED IN AFFIRMING THE PETITIONER'S CONVICTION BY GIVING FULL WEIGHT AND CREDENCE TO THE PROSECUTION WITNESSES' TESTIMONIES.

II.

WHETHER THE HONORABLE COURT OF APPEALS ERRED IN AFFIRMING THE DECISION OF THE REGIONAL TRIAL COURT DESPITE THE FACT THAT THE EVIDENCE ON RECORD FAILED TO SUPPORT A CONVICTION.
^[17]

In fine, petitioner alleges that the evidence presented before the trial court is insufficient to convict him of the offense charged.

The Court's Ruling

We reverse the findings of the RTC and the CA. We agree with petitioner, and find