

FIRST DIVISION

[G.R. No. 101442, March 28, 2001]

**JOSE ANGELES, JR., PETITIONER, VS. COURT OF APPEALS AND
PEOPLE OF THE PHILIPPINES, RESPONDENTS.**

D E C I S I O N

YNARES-SANTIAGO, J.:

Petitioner Jose Angeles, Jr. has filed before us a petition for review, assailing the Decision of the Court of Appeals in CA-G.R. CR No. 07597 dated July 10, 1991,^[1] which affirmed with modification the Decision^[2] of the Regional Trial Court of Davao City, Branch 5, dated June 13, 1989, as well as the Resolution of the Court of Appeals^[3] dated August 20, 1991, which denied petitioner's Motion for Reconsideration.

Petitioner, together with Teresita Uy-Abubakar, Florante Sapitula alias "Bong", Dedardo Deles alias "Boy", Antonio Suganob alias "Tony", Andres Tello alias "Boy Tello", and Boy Apostol, were charged with Robbery in an Information which alleged:

That on or about December 17, 1984, in the City of Davao, Philippines and within the jurisdiction of this Honorable Court, the above-mentioned accused, armed with a HM revolver cal. 38 and a handgrenade and with intent to gain and by means of force and intimidation, conspiring, confederating together and helping one another wilfully, unlawfully and feloniously took and carried away nine hundred seventy three (973) cartons of assorted products of the Philippine Refining Company worth P384,384.81 belonging to the said Philippine Refining Company, to the damage and prejudice of the said complainant in the amount of P384,384.81.

Contrary to law.^[4]

Dedardo Deles and Boy Apostol were not arrested and remained at large. The rest of the aforementioned accused were arraigned and, with the exception of Andres Tello, all entered a plea of not guilty. The case then proceeded to trial.

As summed up by respondent Court of Appeals, the facts are as follows:

It appears from the evidence presented in this case that on December 17, 1984 a Red Ball Express truck of Ansuico, Inc., driven by Gaudencio Juyo was travelling from Davao City on its way to Cotabato. With Juyo in the truck was his helper Antonio Oribado. The truck was loaded with various merchandise consisting of Philippine Refining Company products such as Ovaltine, Sunsilk, Breeze and others, all of which were worth a total of P384,180.46 owned by the said PRC. Somewhere at Sitio Ulas in

the district of Talomo, Davao City at about 5:00 A.M. the truck was flagged down by Andres Tello, another driver of the Ansuico, Inc. Because Tello was a co-employee, Juyo stopped the truck. Tello requested that his two (2) alleged cousins who were with him be allowed to hitch a ride to Digos, Davao del Sur. Although it was against company rules, Juyo consented and the two (2) men, who turned out to be Dedardo Deles and Florante Sapitula, rode inside the driver's compartment with him.

While the truck was somewhere in Sta. Cruz, Davao del Sur the two (2) men asked the driver to stop the truck because they would urinate. When the truck stopped the men brandished a caliber thirty-eight pistol and a grenade and told the driver Juyo and his helper Oribado that it was a hold up. They said that they were NPAs and that they needed the goods in the mountains. One of the hold-uppers, Deles, drove the truck and they returned to Davao City. However, Juyo took over the driving because Deles was driving dangerously. He and Oribado were warned not to make any false move. Upon arrival in Davao City the truck was parked in front of a house owned by one Cesar Maglalang at Lanzona Subdivision. Two (2) men arrived there, one of whom was Antonio Suganob. The goods were unloaded in the said house at about 10:00 P.M. with the help of Antonio Suganob.

The following morning, at around 3:00 A.M. of December 18, 1984, driver Juyo with helper Oribado and Dedardo Deles drove the truck back to Davao del Sur. At Padada, Deles alighted and told Juyo and Oribado to report the hold-up to the police.

Juyo and Oribado reported the robbery to the Padada Police Station. They were referred to the Digos Police Station which in turn indorsed them to the Philippine Constabulary Barracks at Digos. Since it was already late afternoon, they were told by the PC to return the next day.

Juyo and Oribado were interrogated by PC M/Sgt. Rodolfo Molinos and S/Sgt. Wedemyr Amantillo at Camp Catitipan, Davao City.

After interviewing the two (2) Ansuico employees, the investigators went to the house of Cesar Maglalang where the goods were taken, but the items were no longer in the warehouse.

The PC investigators questioned Andres Tello, who first implicated Florante Sapitula and Antonio Suganob, and later, also Dedardo Deles, Jose Angeles, Jr. and Teresita Abubakar.

M/Sgt. Molinos took the statement of Angeles on January 4, 1985 and of a certain Federito Alvarado on January 14, 1985. The statement of Sapitula was taken by Lt. Claro B. Alaan on January 3, 1985. He also took the statements of Andres Tello and Dedardo Deles on December 30, 1984 and the supplemental statement of Jose Angeles on January 6, 1985. S/Sgt. Jesus Malabasbas took the statements of Gaudencio Juyo and Antonio Oribado and of Antonio Suganob.

S/Sgt. Rodolfo Ramones, together with five (5) other companions, were

sent to the house of Florante Sapitula at Buhangin, Davao City to confiscate the gun allegedly used in the robbery. A gun was surrendered by the wife of Sapitula, while the latter was outside the house. This gun was later identified by Gaudencio Juyo as the one used in the robbery.

Upon request of the prosecution, Andres Tello had been discharged from the Information and was utilized as a state witness. His testimony, added to that of Juyo and Oribado, clinched the case for the prosecution.

From the written statement given by Tello to the PC which he affirmed and his oral testimony before the lower court he pointed to Jose Angeles, Jr. as the brains of the robbery. He stated that he had been a driver of the Red Ball Express since 1982; that Dedardo Deles asked him to come to the house of Jose Angeles, Jr. on December 5, 1984 but he did not go on said date; that at about 1:00 P.M. on December 15, 1984 he was fetched by Deles and they went to the house of Antonio Sukanob. From there they proceeded to the house of Angeles at Ecoland Subdivision, Davao City at about 5:00 P.M.; that present at said residence were Sukanob, Deles, Angeles, Boy Apostol, a certain Eddie, and Teresita Abubakar; that he was introduced by Deles and Sukanob to Jose Angeles, Jr. as the driver of the Ansuico, Inc.; that Angeles told him that he had been planning to stage a hijacking of a Red Ball Express delivery van a long time ago but had difficulty getting in so he had called him (Tello); that he was speechless but Angeles told him that he would not hesitate to order the killing of any one who would back out from the project and said that even his family may be endangered; that with that he nodded in agreement; that Angeles told him to flag down the truck so that his men can ride thereon; and that he would be fetched from his house in the early morning of December 17, 1984 for the purpose.

Tello further stated that they stayed at the house of Angeles until 10:00 P.M. then went to see the house of Maglalang which Angeles was renting and where the loot would be kept; that thereafter they went to a disco house and had a drinking spree but their main topic was still the hijacking ; that Angeles gave him P500.00 for goodtime purposes; that he was promised an equal share in the loot; and that said loot was taken to JAG Marketing at Uyanguran St., Davao City owned by Angeles.

Some of the goods, valued at P65,551.03, appear to have been recovered as shown in Exhibit "N". The loss suffered by Philippine Refining Company was therefore only P319,629.43 but this was paid to it in full by the trucker Ansuico, Inc.^[5]

As stated above, the trial court rendered judgment on June 13, 1989 as follows:

WHEREFORE, the guilt of the accused as principals having been proven beyond reasonable doubt, accused Teresita Uy Abubakar, Jose Angeles, Jr., Florante Sapitula and Antonio Sukanob are hereby sentenced to be imprisoned for a minimum period of six years, one day to seven years and four months and a maximum period of eight years, eight months and one day to ten years and to pay in solidum ANSUICO INCORPORATED the sum of three hundred eighty four thousand three hundred four pesos and

eighty one centavos with legal interest to be computed from December 17, 1984 until fully paid.

SO ORDERED.^[6]

On July 10, 1991, the Court of Appeals rendered the assailed Decision, the dispositive portion of which reads:

WHEREFORE, the Decision of the trial court is AFFIRMED insofar as it finds the accused Jose Angeles, Jr., Florante Sapitula and Antonio Suganob guilty beyond reasonable doubt of the crime charged but the penalty imposed upon them is MODIFIED by sentencing each of them to imprisonment for a minimum of four (4) years of *prision correccional* to a maximum of eight (8) years of *prision mayor* and to indemnify the offended party Ansuico, Inc. in the lesser sum of P319,629.43. The Decision is SET ASIDE insofar as it finds the accused-appellant Teresita C. Uy Abubakar guilty as she is hereby acquitted for insufficiency of evidence.

Costs against appellants.

SO ORDERED.^[7]

Petitioner Angeles filed a motion for reconsideration, which the Court of Appeals denied on August 20, 1991.^[8] Hence, the instant petition for review raising the following issues:

Whether or not petitioner Jose Angeles, Jr. may be convicted on the basis solely of the uncorroborated and unsubstantial testimony of the discharged witness Andres Tello.

Whether or not the role of Jose Angeles, Jr. as principal in the alleged conspiracy has been established.

Whether or not the Court of Appeals scrutinized the records of the case and whether or not the guilt of petitioner was proved beyond reasonable doubt.^[9]

Petitioner first argues that the testimony of state witness Andres Tello, which is uncorroborated and unsubstantiated, is not sufficient to sustain his conviction. We are not impressed. We have consistently ruled that the testimony of a single witness, free from any sign of impropriety or falsehood, is sufficient for conviction, even if uncorroborated. Indeed, the testimony of a single witness is sufficient and needs no corroboration, save only in offenses where the law expressly prescribes a minimum number of witnesses.^[10] Otherwise, corroborative evidence is deemed necessary only when there are reasons to warrant the suspicion that the witness falsified the truth or that his observation had been inaccurate.^[11] In the case at bar, there is nothing in the records which would indicate that Tello falsified the truth or that his observation was inaccurate.

First, there appears no viable reason why Tello would implicate petitioner as the brains behind the robbery if this were not true. Petitioner has failed to establish that