

## SEVENTEENTH DIVISION

[ CA-G.R. CR NO. 35323, November 25, 2014 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
REYNALDO ORTIZ Y ROSAL, RANDY SORILLA Y SOPILANO,  
ACCUSED-APPELLANTS.**

### DECISION

**BARRIOS, M. M., J.:**

On appeal is the Decision<sup>[1]</sup> dated 11 September 2012 of the Regional Trial Court, Branch 128, Caloocan City convicting both accused-appellants<sup>[2]</sup> of Robbery and Violation of Republic Act No. 6539 (Anti-Carnapping Act of 1972). The decretal part reads:

x x x

*"WHEREFORE, finding the two accused, Reynaldo Ortiz and Randy Sorilla guilty of Robbery and Carnapping and there being no aggravating and mitigating circumstances established, the court hereby sentences the accused as follows:*

*In Criminal Case No. C-78672 Reynaldo Ortiz and Randy Sorilla are sentenced to an imprisonment of Six (6) months and One (1) day of prision correccional, as minimum to Eight (8) years and One (1) day of prision mayor, as maximum.*

*They are likewise directed to return to the private complainant Dante Madrona the amount of Three Thousand Pesos (P3,000.00), the cash money taken and the Two Thousand Pesos (P2,000.00), the value of the cellphone, in the total amount of Five Thousand Pesos (P5,000.00).*

*In Criminal Case No. C-78671, they are sentenced to an imprisonment of Fourteen (14) years, Four (4) months, as minimum to Fifteen (15) years, as maximum.*

*SO ORDERED."*

x x x

**THE FACTS OF THE CASE**

Two (2) Informations<sup>[3]</sup> dated 10 December 2007 were filed against accused-appellants which read as follows:

Criminal Case No. C-78671

*"That on or about the 10<sup>th</sup> day of December, 2007, in Caloocan City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together and mutually helping one another, without the knowledge and consent of the owner CHE-CHE TAXI represented by DANTE MADRONA y ODSINADA, did then and there willfully, unlawfully and feloniously, take, steal and carry away, one (1) unit Toyota Corolla with body markings Che-Che Taxi, with Plate Number PWU-765 belonging to said Che-Che Taxi represented by Dante Madrona y Odsinada to the damage and prejudice of the latter with undetermined amount.*

CONTRARY TO LAW."

Criminal Case No. C-78672

*"That on or about the 10<sup>th</sup> day of December, 2007 in Caloocan City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together and mutually helping one another, armed with a bladed weapon, with intent to gain, by means of force, threats, violence and intimidation employed upon the person of one DANTE MADRONA y ODSINADA, did then and there willfully, unlawfully and feloniously, take, rob and carry away, one (1) wallet containing cash money amount to PhP3,000.00, professional driver's license, SSS ID, Cycle metal ID, one (1) unit of Nokia cellphone 1110I worth PhP2,500.00 and cash money amounting to 500.00, belonging to said Dante Madrona y Odsinada, to the damage and prejudice of the latter in the total amount of PhP6,000.00.*

CONTRARY TO LAW."

When arraigned, both accused-appellants pleaded "not guilty". A joint pre-trial and trial were conducted.

The prosecution's witnesses were private complainant David Madrona, PO2 Jacinto Suminig, Jr. and PO2 Nonard Gonzales.<sup>[4]</sup> On the other hand, accused-appellants testified in their behalf.

At around 11:30 P.M. of 09 December 2007, private complainant Dante Madrona was driving his taxi with body name CHE CHE and plate number PWU-765 along EDSA, Monumento, Caloocan City headed towards McArthur Highway. He was flagged down by two male passengers - later identified as herein appellants Reynaldo Ortiz (Ortiz) and Randy Sorilla (Sorilla) - who instructed him to bring them to Meycauayan, Bulacan via North Luzon Expressway and, upon reaching the Meycauayan Toll Gate, directed him to proceed to Sto. Nino Subdivision. However,