

[CR No. 31390, May 20, 2010]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CHRISTOPHER BARTOLATA Y TRESBALLES, ACCUSED-
APPELLANT.**

This is an appeal^[1] from the Decision^[2] of the Regional Trial Court (RTC) of Parañaque City, Br. 258, finding the Accused-Appellant guilty of "Robbery Snatching" in Crim. Case No. 06-1176 and sentencing him to suffer an indeterminate imprisonment of one (1) year, seven (7) months, and ten (10) days of *prision correctional*, as minimum, to six (6) years, one (1) month, and eleven (11) days of *prision mayor*, as maximum.

The Facts:^[3]

On October 6, 2006, Christopher Bartolata y Tresballes (Accused-Appellant) was charged before the RTC in an *Information*^[4] which reads in part:

That on or about the 30th day of September 2006, in the City of Paranaque, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with THREE (3) John Does, whose true names and present whereabouts are still unknown and all of them mutually helping and aiding one another, with intent to gain and against the will of the complainant PO3 JOHN SIQUIG Y ADVIENTO by means of force, violence and intimidation employed upon the person of said complainant, did then and there willfully, unlawfully and feloniously take, rob and snatch his bag containing cash money, books and school identification cards worth P3,000.00, belonging to said PO3 JOHN SIQUIC Y ADVIENTO, to the damage and prejudice of the latter in the aforesaid amount of P3,000.00.

CONTRARY TO LAW.

When arraigned, the Accused-Appellant, assisted by a counsel de parte, pleaded not guilty.^[5]

After pre-trial, trial on the merits ensued,^[6]

The Version of the Prosecution:

The prosecution presented PO3 John A. Siquig^[7] (PO3 Siquig), the victim, as its lone witness.

On September 30, 2006, at about 2:00 o'clock in the morning, PO3 Siquig and his sixteen (16)-year-old son, Allan Siquig, were on board a passenger jeepney on their way home to Alabang, Muntinlupa City. PO3 Siquig was sitting at the farthest end from the driver of the jeepney. While they were at Food Terminal, Inc., four (4) men boarded the jeepney. Three (3) of them went inside the jeepney while the fourth

(4th) man (later identified as the Accused-Appellant Christopher Tresballes Bartolata) stood on the running board near PO3 Siquig's seat. The latter wondered as to why the fourth (4th) man would rather stand at the end despite the availability of seats inside the jeepney. Hence, he familiarized himself with the face of the person standing at the end. Thereafter, the jeepney reached Malugay Street in East Service Road within the boundary of Taguig City and Paranaque City. As the three (3) men alighted, the fourth (4th) man swiftly snatched PO3 Siquig's bag containing Three Thousand Pesos (PhP3,000.00) cash and his son's books and identification card. Consequently, PO3 Siquig alighted and drew his service firearm but, due to his unfamiliarity with the area and the tall buildings, he decided not to fire a warning shot as he might hit someone. He subsequently ran after them but failed to pursue them because they entered a dark alley.^[8]

PO3 Siquig then went to the Police Community Precinct (PCP) 3 in Parañaque City to report the incident and gave the police a description of the snatcher, who has an elongated face and a high-bridged nose. After two (2) days, a member of the PCP 3, PO3 Richard Sempron (PO3 Sempron), called up PO3 Siquig to inform the latter of the arrest of a person with the same description. Upon his arrival at PCP 3, PO3 Siquig immediately recognized the person who took his bag.^[9]

The Version of the Defense:

Lone witness Accused-Appellant^[10] testified that he is employed as a machine operator at Lara's Gifts and Decors, Inc. Located at J.Y. Son Veterans, Taguig, Metro Manila. At about 2:00 o'clock in the morning of September 30, 2006, there was a typhoon, Milenyo, and a total blackout in Parañaque City. Thus, he stayed home and did not report for work. On October 2, 2006, at around 11:20 o'clock in the evening, while accompanying Mark, his visitor whose last name he cannot remember, to the outpost at the corner of Malugay Street, Parañaque City, he was arrested by a police officer in plain clothes and by Barangay Tanod(s) Crisanto Morta and Ruben Salito. His visitor, who was with him at that time, was not arrested. Subsequently, he was brought to the hospital to treat his wound as the side of his head was bleeding after being hit by the police officer with a gun. He was then brought to the PCP 3 where he was detained. He was never informed of the reason for his detention until the next day when PO3 Sempron called PO3 Siquig. The latter was able to identify him by pointing as the culprit while he was inside his cell together with five (5) or six other persons. He added that he did not file any administrative charge against the police officers despite his claim of innocence and the bodily injury he received.^[11]

On January 22, 2008, the RTC rendered a decision finding the Accused-Appellant guilty beyond reasonable doubt of "Robbery Snatching". The decretal portion of its decision reads:

WHEREFORE, the prosecution having been able to prove the guilt of the accused beyond reasonable doubt, the Court finds accused, Christopher bartolata y tresballes, guilty of the crime of ROBBERY SNATCHING as charged against him [in] the information and accused, Christopher bartolata y tresballes is hereby sentenced to suffer the indeterminate penalty of one (1) year, seven (7) months and ten (10) days of Prision correccional minimum as minimum to six (6) years, one (1) month and

eleven (11) days of prison mayor medium as maximum.

No civil liability arises from the offense charged against the accused.

SO ORDERED.^[12]

THE Issue:

In imputing error on the part of the RTC, the Accused-Appellant raises the lone issue, viz:

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE PROSECUTION'S FAILURE TO PROVE ALL THE ELEMENTS OF THE CRIME CHARGED.^[13]

This Court's Ruling:

The Accused-Appellant claims that the decision of the RTC is utterly erroneous because the records do not show how violence or intimidation was employed upon the person of the victim. He adds that there is also no proof that the alleged taking of the bag was with intent to gain since the same was not found in his possession.^[14]

For its part, the Office of the Solicitor General (OSG) contends that the abrupt and forceful manner of the snatching of the bag amounts to force and violence; the intent to gain is presumed and the burden to overcome the same lies with the defense; that the non-possession or non-production of the bag does not negate the fact that the taking was with intent to gain, provided the same is established beyond reasonable doubt; that the categorical and positive identification by the victim, PO3 Siquig prevails over the latter's alibi and denial, absent any showing of any ill motive to testify falsely against the Accused-Appellant; and, that it was not physically impossible for the Accused-Appellant to be at the crime scene since his house was only a few minutes away therefrom.^[15]

We find partial merit in the appeal.

It is well-entrenched rule that the factual findings of the trial court on the credibility of witnesses and their testimonies are entitled the highest respect and will not be disturbed on appeal in the absence of any clear showing that it overlooked, misunderstood or misapplied some facts or circumstances of weight and substance that would have affected the result of the case. Having seen and heard the witnesses themselves and observed their behavior and manner of testifying, the trial judge was in a better position to determine their credibility.^[16]

At bench, We note that the Accused-Appellant is not contesting his identification as the perpetrator of the crime. Nonetheless, even if he were to question the same, it would merely be an exercise in futility as the records clearly show that PO3 Siquig positively and categorically identified the Accused-Appellant as the person who grabbed his bag and, thereafter, ran away. He remembered the face of the Accused-Appellant as the former was sitting at the end of the jeepney where the latter was hanging on when he boarded the same. Further, there was no proof of animosity or ill motive on PO3 Siquig's part which could have motivated him to