

## SECOND DIVISION

[ G.R. No. 209137, July 01, 2015 ]

**EDUARDO CELEDONIO, PETITIONER, VS. PEOPLE OF THE  
PHILIPPINES, RESPONDENT.**

### DECISION

**MENDOZA, J.:**

This petition for review on *certiorari* under Rule 45 of the Rules of Court filed by Eduardo Celedonio (*Celedonio*) assails the April 8, 2013 Decision<sup>[1]</sup> and the September 17, 2013 Resolution<sup>[2]</sup> of the Court of Appeals (CA), in CA-G.R. CR No. 34472, affirming the August 18, 2011 Decision<sup>[3]</sup> of the Regional Trial Court, Branch 73, Malabon City (*RTC*), in Criminal Case No. 35668-MN.

The Information,<sup>[4]</sup> dated April 25, 2007, charged Celedonio with the crime of Robbery with Force Upon Things, the accusatory portion of which reads:

That on or about the 22<sup>nd</sup> day of April 2007, in the Municipality of Navotas, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to gain and by means of force upon things, and without the consent of the owner, did then and there, wilfully, unlawfully and feloniously enter the house of the herein complainant by destroying the backdoor of said house, and once inside, take, rob and carry away the following:

- (1) one gold bracelet 24K Php8,000.00
- (3) necklace (1) one 24K and (2) two 18K Php42,000.00
- (2) two digicam Sony player Php22,000.00
- (1) one DVD portable Php5,000.00
- (1) one wrist watch Tagheur Php30,000.00
- (1) one sun glass Guess P Php5,000.00
- (1) one camera Canon Php2,500.00
- (1) one Gameboy advance Php5,000.00
- (1) one calculator Php1,500.00
- (1) one discman Sony Php3,000.00

- (2) two pcs. 100.00 US dollar bills
- (22) twenty two pcs. Php500.00 bills
- (2) two necklace 18K worth Php30,000.00
- (2) two bracelet worth Php11,500.00
- (2) two gold ring worth Php8,000.00
- (1) one wedding ring worth 14K worth Php1,500.00
- (1) one wrist watch swiss military worth Php10,000.00
- (1) one cellphone NOKIA 8250 worth Php3,000.00
- (3) three pairs of earrings worth Php15,000.00
- (3) three pcs. of 100.00 US dollars worth Php15,000.00
- (60) sixty pcs. of Php50.00 bills worth Php3,000.00
- (100) one hundred pcs. of Php20.00 bills worth Php2,000.00
- (15) fifteen pcs. of Php100.00 bills worth Php1,500.00

owned and belonging to CARMENCITA DE GUZMAN y SERRANO, to the damage and prejudice of the herein complainant, in the aforementioned amount of Php223,000.00.

Contrary to law.<sup>[5]</sup>

#### *Version of the Prosecution*

The evidence for the prosecution shows that on the evening of April 21, 2007, a certain Adriano Marquez (*Marquez*) witnessed the robbery perpetrated in the house of Carmencita De Guzman (*De Guzman*) while she was away to attend to the wake of her deceased husband. No one was left in the house. Marquez, whose house was opposite the house of De Guzman and Celedonio, which were adjacent to each other, identified Celedonio as the culprit. Upon learning of the incident, De Guzman reported it to the police and requested that Celedonio be investigated for possibly having committed the crime, based on the account of Marquez.

Later, a follow-up operation was conducted by PO1 Rommel Roque (*PO1 Roque*) and SPO2 Adrian Sugui (*SPO2 Sugui*), accompanied by Marquez. They proceeded to Raja Humabon St., Navotas, to survey the area for the possible identification and apprehension of the suspect. On their way, Marquez pointed to a man on a motorcycle and said, "*Sir, siya po si Eduardo Celedonio.*" The police immediately flagged down Celedonio. PO1 Roque asked him if he was Eduardo Celedonio, but he did not reply and just bowed his head.

SPO2 Sugui informed Celedonio of a complaint for robbery against him. Celedonio

still remained silent and just bowed his head. SPO2 Sugui asked him, "Where are the stolen items?" Celedonio then alighted from his motorcycle and opened its compartment where PO1 Roque saw some of the stolen items, as per report of the incident, such as the portable DVD player and a wristwatch, among others.<sup>[6]</sup>

PO1 Roque asked Celedonio if the same were stolen, to which the latter answered, "Iyan po."<sup>[7]</sup> Thus, Celedonio was arrested and was informed of his constitutional rights. More items were seized from Celedonio at the police station.

### *Version of the Accused*

After the prosecution rested its case, Celedonio filed his Demurrer to Evidence (with leave of court) citing as his ground the alleged illegality of his arrest and the illegal search on his motorcycle. The RTC denied the demurrer, stating that the question of the legality of Celedonio's arrest had been mooted by his arraignment and his active participation in the trial of the case. It considered the seizure of the stolen items as legal not only because of Celedonio's apparent consent to it, but also because the subject items were in a moving vehicle.<sup>[8]</sup>

In his defense, Celedonio claimed that he was at home with his wife, sleeping, at the time of the incident. His wife corroborated his statement.

In its Decision, dated August 18, 2011, the RTC found Celedonio guilty beyond reasonable doubt of the crime of Robbery with Force Upon Things. The dispositive portion of the RTC decision<sup>[9]</sup> reads:

**WHEREFORE,** finding the accused **EDUARDO CELEDONIO y MONIS GUILTY** beyond reasonable doubt for the offense of Robbery with Force Upon Things as defined and penalized under Article 299 (a)2 of the Revised Penal Code, he is therefore sentenced to an indeterminate penalty of 4 years and 2 months of prision correccional as minimum to 8 years and 1 day of prision mayor as maximum. He is also ordered to pay private complainant the amount of Php108,000.00 which is the worth of what has not been recovered from the loss she suffered by reason of the robbery.

**SO ORDERED.**<sup>[10]</sup>

The trial court was convinced that the prosecution clearly established that: 1) a robbery had been committed; 2) it was committed recently; 3) several of the stolen items including cash were found in Celedonio's possession; and 4) Celedonio had no valid explanation for his possession of the stolen goods.<sup>[11]</sup>

Insisting on his innocence, Celedonio appealed to the Court of Appeals (CA), arguing that the RTC erred: 1) in convicting him of the crime despite the insufficiency of the circumstantial evidence; 2) in not finding that the search was illegal, rendering the articles recovered inadmissible; and 3) in not finding that the prosecution witness Marquez was ill-motivated in testifying against him.<sup>[12]</sup>

The CA, however, affirmed the RTC *in toto*. It found that the totality of circumstances warranted the finding that Celedonio was solely and directly

responsible for the crime.<sup>[13]</sup>

In addition, the CA brushed aside Celedonio's argument that he was illegally arrested and that the items seized should be excluded as evidence. It stressed that Celedonio was not arrested when he voluntarily opened the compartment of his motorcycle. He was only brought to the police for investigation after some of the stolen items were found in his motorcycle compartment.<sup>[14]</sup> Further, Celedonio's failure to raise the issue before his arraignment constituted a waiver on his part to question the legality of his arrest.<sup>[15]</sup>

Celedonio moved for reconsideration, but his motion was denied.

Hence, the present petition.

## **ISSUES**

### **I**

**WHETHER THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN AFFIRMING THE TRIAL COURT'S RULING THAT THE PETITIONER'S GUILT WAS PROVEN BASED ON CIRCUMSTANTIAL EVIDENCE.**

### **II**

**WHETHER THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN NOT FINDING THAT THE SEARCH CONDUCTED ON THE PETITIONER WAS ILLEGAL, RENDERING THE ARTICLES RECOVERED INADMISSIBLE.**

### **III**

**WHETHER THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN NOT FINDING THAT THE PROSECUTION WITNESS ADRIANO MARQUEZ WAS ILL-MOTIVATED IN TESTIFYING AGAINST THE PETITIONER.**

The petition lacks merit.

Jurisprudence tells us that direct evidence of the crime is not the only matrix from which a trial court may draw its conclusion and finding of guilt. The rules on evidence allow a trial court to rely on circumstantial evidence to support its conclusion of guilt. The lack of direct evidence does not *ipso facto* bar the finding of guilt against the appellant. As long as the prosecution establishes the accused-appellant's participation in the crime through credible and sufficient circumstantial evidence that leads to the inescapable conclusion that he committed the imputed crime, the latter should be convicted.<sup>[16]</sup>

Circumstantial evidence is sufficient for conviction if: 1) there is more than one circumstance; 2) the facts from which the inferences are derived are proven; and 3) the combination of all the circumstances is such as to produce a conviction beyond