

## SECOND DIVISION

[ G.R. No. 166502, October 17, 2008 ]

**FRANCISCO DE GUZMAN, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.**

### D E C I S I O N

**VELASCO JR., J.:**

#### **The Case**

This is a Petition for Review on Certiorari under Rule 45 of the August 27, 2004 Decision<sup>[1]</sup> and November 30, 2004<sup>[2]</sup> Resolution of the Court of Appeals (CA) in CA-G.R. CR No. 25253 entitled *People of the Philippines v. Ramon Valdez, et al.* The assailed decision affirmed the September 15, 2000 Decision of the Regional Trial Court (RTC), Branch 67 in Bauang, La Union in Criminal Case No. 1214-BG, which found petitioner Francisco de Guzman guilty of the crime of robbery with force upon things, while the assailed resolution denied petitioner's Motion for Reconsideration.

#### **The Facts**

Private complainant Lucia Valdez married Agustin Valdez sometime in 1973, following the death of Agustin's first wife, Presentacion. The relationship of Lucia and Agustin, however, thereafter turned sour and the two separated. Agustin went to the United States of America and Lucia remained in the couple's house in Sobredillo, Caba, La Union.<sup>[3]</sup> But after the July 16, 1990 earthquake, Lucia and her children temporarily moved out of their residence and stayed in an apartment in Paringao, Bauang, La Union.<sup>[4]</sup>

During this time, Agustin learned that Lucia had been selling their personal properties. Alarmed, he asked Ramon Valdez, his son with Presentacion, to retrieve whatever was left in their house as those properties belonged to Ramon's mother. Ramon, who was also residing within Sobredillo, Caba, La Union, readily obeyed his father. Thus, sometime during the first week of September 1990, Ramon went to Lucia's house which was then closed and uninhabited. Consequently, Ramon demolished the north eastern portion of Lucia's kitchen to gain entry. He then solicited his neighbors' help in bringing out the properties from Lucia's house. Among those who assisted Ramon were Marlon Gatchalian, Elpidio Picazo, and petitioner Francisco de Guzman.

Agustin Mendegoria, the common-law husband of one of Lucia's daughters, witnessed the retrieval incident. He saw Ramon and petitioner bring out chairs, *aparadors*, mortars, a big frying pan, a wooden bench, and a bed from Lucia's house. Mendegoria immediately reported the matter to Lucia, who then went to the respective houses of Ramon and petitioner. She discovered that her properties were brought to Ramon's house, save for the wooden bench which was left just outside

petitioner's house. Lucia took pictures of her personal belongings and then reported the matter to the police.<sup>[5]</sup>

Thereafter, Ramon and petitioner were charged with the crime of robbery with force upon things in the following Information:

That on or about the first week of September, 1990, in the Municipality of Caba, Province of La Union, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually helping one another, and with intent of gain, did then and there willfully, unlawfully and feloniously enter the residential house of the private complainant, LUCIA VALDEZ, by hammering down the hollow-blocks of the house not intended for entrance or egress, at the northeastern portion of said house, did, then and there willfully, unlawfully and feloniously take, rob and carry away without the consent of the owner, personal properties worth P20,000.00 to the damage and prejudice of the complainant.<sup>[6]</sup>

Both petitioner and Ramon pleaded not guilty to the charge. In his defense, Ramon admitted taking the properties but without intending to gain from his act. After the earthquake in 1990, according to Ramon, he received instruction from his father to take the personal properties belonging to his mother. He maintained that the properties taken were owned by his father and mother, and not by Lucia.

On the other hand, petitioner denied taking the properties for gain. He claimed that he merely helped Ramon bring out the properties belonging to the latter's father from Lucia's house. He explained that since his house was relatively nearer to Lucia's house, he acceded to Ramon's request that the wooden bench be temporarily placed in his house. But before Ramon could transfer the bench to his own house, Lucia arrived and reported them to the police.

On September 15, 2000, the RTC rendered a Decision, the dispositive part of which reads:

In view thereof, the Court renders judgment:

1) [A]ccused Ramon Valdez is hereby acquitted of the crime charge[d] and is hereby directed to repair the wall destroyed thereat or to pay the amount of [PhP] 10,000.00;

2) [A]ccused Francisco de Guzman is hereby convicted of the crime charged and is hereby sentenced to suffer imprisonment of the indeterminate penalty of prision correccional in its medium period to prision mayor in its minimum period of two (2) years, four (4) months and one (1) day to eight (8) years and to pay the amount of [PhP] 3,700.00.

SO ORDERED.<sup>[7]</sup>

Petitioner appealed the case to the CA.

### **The Ruling of the CA**