



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

RUEL POQUIZ* y ORCINE and
REY VALENCIA y GALUTAN,
Petitioners,

G.R. No. 238715

Present:

- versus -

LEONEN, J.,
Chairperson,
HERNANDO,
INTING,
DELOS SANTOS, and
ROSARIO, JJ.

PEOPLE OF THE
PHILIPPINES,
Respondent.

Promulgated:

January 11, 2021

Mi-ADC Batt

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DECISION

DELOS SANTOS, J.:

The Case

Before the Court is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court assailing the Decision² dated November 27, 2017 and the Resolution³ dated April 12, 2018 of the Court of Appeals (CA) in CA-G.R. CR No. 38798 which held petitioners Ruel Poquiz y Orcine (Poquiz) and Rey Valencia y Galutan (Valencia) guilty beyond reasonable doubt of the crime of Robbery under Article 293 and penalized under Article 294(5) of the Revised Penal Code (RPC).

* Also referred to as "Rowell Russkies O. Poquiz" and "Ruel Puquiz" in some parts of the *rollo*.

¹ *Rollo*, pp. 12-33.

² Penned by Associate Justice Renato C. Francisco, with Associate Justices Sesinando E. Villon and Manuel M. Barrios, concurring; *id.* at 35-48.

³ *Id.* at 50-51.

The Facts

In the Information dated September 2, 2015, Poquiz, Valencia, and Kim Olorfenes (Olorfenes; still at-large) were charged with Robbery under Article 293 of the RPC before the Regional Trial Court (RTC) of Muntinlupa City. The Information reads:

That on or about the 2nd day of September 2015 in the City of Muntinlupa, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with accused Ruel Poquiz y Orcine armed with a knife, with intent to gain, conspiring and confederating together and mutually helping and aiding one another, and by means of violence against or intimidation upon the person of private complainant P/INSP BOB BELVER Y TABLIGA, who has alighted from a [b]us, that is, by trying to stab him and punching and kicking him on the different parts of his body, and thereafter, accused, did then and there, willfully, unlawfully and feloniously rob, take and divest said private complainant of his belongings to wit: a hanger bag and back pack, containing one (1) Apple [I]phone worth Six Thousand Pesos (Php 6,000.00), one (1) Cherry Mobile phone worth One Thousand Pesos (Php 1,000.00), one (1) police flashlight, two (2) pieces of magazine of pistol Taurus Caliber .9mm and assorted clothing worth Five Thousand Pesos (Php 5,000.00), all in total amount of Twelve Thousand Pesos (Php 12,000.00), to the damage and prejudice of said private complainant in the said total amount of Php 12,000.00

Contrary to law.⁴

During arraignment on September 18, 2015, Poquiz and Valencia entered a plea of *not guilty*. On September 21, 2015, pre-trial was conducted. Trial on the merits then ensued.⁵

The Version of the Prosecution

On September 2, 2015, at around 1:00 a.m., private complainant Police Inspector Bob Belver y Tabliga (Belver) was alighting from a bus in front of Bicol Express Eatery in Alabang Viaduct, Muntinlupa City when he was approached by three men, later identified as Poquiz, Valencia, and Olorfenes. The three men then declared a robbery and Valencia then snatched Belver's backpack while the other accused attempted to take his hanger bag, but the latter failed to do so. During the hold-up, Belver informed Poquiz, Valencia, and Olorfenes that he was a police officer, however, none of them stopped and instead replied "*walang pulis-pulis sa amin.*" Poquiz then attempted to thrust a knife towards Belver, but Belver was able to evade such thrust. Olorfenes and Valencia then started punching and kicking Belver. Acting in self-defense, Belver then took his service

⁴ Id. at 36.

⁵ Id.

pistol and fired at the feet of Valencia and Poquiz. The three men then quickly fled and left behind their knives and Belver's bag.⁶

Upon hearing the gunshots, Police Officer 3 Elvi Ferranculo (PO3 Ferranculo) and Police Officer 1 John Paul Muego (PO1 Muego) arrived at the scene of the crime. Upon learning of the robbery and mauling incident, the two police officers brought Belver to the police station to have a blotter report recorded. Belver was then examined by Medico-Legal Officer Police Senior Inspector Dr. Rhea Manaba Cornelio for his physical injuries.⁷ Upon information from Belver's statement, PO3 Ferranculo and PO1 Muego proceeded to Ospital ng Muntinlupa to check any person admitted for gunshot wounds. The two police officers then found Poquiz and Valencia who were both being treated for gunshot wounds in their right foot and left leg, respectively.⁸

During his testimony, Belver positively identified Poquiz, Valencia and Olorfenes as his assailants. Belver also identified the knives used by the three men during the incident. Belver confirmed that he did not lose his items as he was duly able to recover his bag when Poquiz, Valencia and Olorfenes dropped the said items when the men fled after drawing his service firearm.⁹ PO3 Ferranculo testified and confirmed that he and PO1 Muego responded to the crime scene upon hearing the sound of gunshots. PO3 Ferranculo asserted that after accompanying Belver to the precinct to blotter the incident, he and PO1 Muego went to the Ospital ng Muntinlupa to look for possible victims of gunshot wounds and found Poquiz and Valencia therein.¹⁰

The prosecution also offered the following as documentary evidence: (1) *Salaysay* of Belver; (2) *Malayang Sinumpaang Salaysay ng Pag-aresto* by PO3 Ferranculo and PO1 Muego; (3) Request for Medico-Legal Examination; (4) Medico-Legal Report dated September 2, 2015; (5) photograph of the items forcibly taken from Belver during the robbery; (6) photographs of the knives used; and (7) certified true copy of the Police Blotter. The knives used by Poquiz, Valencia, and Olorfenes were likewise offered as exhibits. One knife was marked with "JVM-1" while the other knife was marked with "JVM-2."¹¹

The Version of the Defense

The defense presented the following witnesses: (1) Poquiz; (2) Olorfenes; (3) Joel De Asis (De Asis); and (4) Joyce Clinton Ditapat

⁶ Id. at 37.

⁷ Id.

⁸ Id. at 37-38.

⁹ Id. at 38.

¹⁰ Id.

¹¹ Id. at 38-39.

(Ditapat). Poquiz denied the charge of Robbery against him but instead, admitted that he punched Belver in the morning of September 2, 2015. Poquiz claimed that he was drunk at the time he punched Belver. Poquiz admitted that he had a quarrel with fellow tricycle driver named Omeng and that he punched Belver after mistakenly identifying him as companion of Omeng. Poquiz claimed that after punching Belver, Valencia tried to pacify him and he left the area and entered an alley. Upon entering the alley, he heard a gunshot. Poquiz claimed that he then saw Valencia was shot. To retaliate, Poquiz then picked up a bottle and threw it towards Belver, but missed. Belver then shot him on his left knee. After the incident, Olorfenes then brought him and Valencia to the hospital where they were apprehended by the two police officers. Olorfenes corroborated Poquiz's version of the incident.¹²

De Asis testified that he was sitting on the pavement under the Alabang Viaduct when he saw Poquiz, Valencia, and Olorfenes intoxicated. De Asis narrated that Poquiz caused a commotion after he was refused from borrowing the tricycle of his friend. Poquiz then punched two men: a jeepney driver and then Belver who had just alighted from a bus. De Asis claimed that Belver was being beaten up and as a defense, he drew a gun and fired at Poquiz, Valencia, and Olorfenes, but Valencia blocked Poquiz and Valencia was hit on the foot.¹³

Ditapat testified that he was biking around the area when he witnessed what transpired. Ditapat claimed that he saw Poquiz causing a commotion and was quarreling with someone then he saw Poquiz hit Belver. Belver then drew his gun and shot at the person in front of him. Ditapat claimed that he quickly fled home because he was afraid.¹⁴

The Ruling of the RTC

In a Decision¹⁵ dated May 18, 2016, the RTC, Branch 276, Muntinlupa City convicted Poquiz, Valencia, and Olorfenes of Robbery under Article 293 and penalized under Article 294(5) of the RPC. The RTC ruled that the straightforward and categorical testimony of Belver is relatively free from any serious flaw. Neither was Belver impelled by any ill motive to impute the commission of the crime to Poquiz, Valencia, and Olorfenes. The RTC found the versions of the defense to be unbelievable, improbable and unconvincing as the testimonies of the defense witnesses were fraught with contradictions and inconsistencies which render their testimonies questionable.

¹² Id. at 39.

¹³ Id. at 39-40.

¹⁴ Id. at 40.

¹⁵ Penned by Presiding Judge Antonietta Pablo-Medina; id. at 67-81.

The RTC ruled that the testimony of defense witness Ditapat supported and even corroborated the evidence of the prosecution. Ditapat bolstered the testimony of Belver that the latter was attacked and repeatedly mauled while on the ground and that he fired at the attackers after being mauled. The RTC held that the prosecution's evidence supports a conviction for robbery with slight physical injuries. The violence committed and physical injuries sustained by Belver was unquestionably present. The crime of Robbery occurred because there was a severance of the goods from the possession of the owner even for an instant.

The dispositive portion of the RTC Decision provides:

WHEREFORE, in view of the foregoing, this Court finds accused RUEL POQUIZ y Orcine, REY VALENCIA y Galutan and KIM OLORFENES y Nudalo GUILTY of the crime of Robbery under Article 293 and penalized under Article 294 (5) of the Revised Penal Code (RPC) and hereby sentences them to suffer the indeterminate penalty of two (2) years and four (4) months of *prision correccional* minimum, as minimum, to six (6) years and 1 day of *prision mayor* minimum, as maximum.

No civil liability is imposed as the items subject of the crime were recovered.

SO ORDERED.¹⁶

The Ruling of the CA

In a Decision¹⁷ dated November 27, 2017, the CA affirmed the Decision of the RTC in convicting Poquiz, Valencia, and Olorfenes of Robbery under Article 293 of the RPC. The CA ruled that Poquiz and Valencia, with intent to gain unlawfully, took Belver's bag when he alighted from the bus. To perpetrate the robbery, Poquiz, Valencia, and Olorfenes used violence, particularly they threw punches and lunged a knife on Belver. The CA held that, in cases of robbery, taking is considered complete from the moment the offender gains possession of the thing, even if he has no opportunity to dispose of the same. Consequently, actual gain is irrelevant as the important consideration is the intent to gain.

The CA sustained the finding of the RTC that there were no inconsistencies in Belver's testimony. The CA ruled that the RTC has the best opportunity to observe the demeanor of the witness and that in the absence of any showing that the RTC plainly overlooked certain facts of substance, there is no reason to disturb the findings of the RTC.

¹⁶ Id. at 81.

¹⁷ Supra note 2.

The dispositive portion of the CA Decision provides:

WHEREFORE, premises considered, the appeal is DENIED. The Decision dated 18 May 2016 of the RTC is AFFIRMED with MODIFICATIONS:

Accused-appellants RUEL POQUIZ y ORCINE and REY VALENCIA y Galutan are hereby declared GUILTY beyond reasonable doubt of the crime of Robbery under Article 293 and penalized under Article 294 (5) of the Revised Penal Code (RPC) and are hereby sentenced to suffer the prison term ranging from 4 YEARS AND 2 MONTHS of *prision correccional* medium, as minimum, to 10 YEARS *prision mayor* medium, as maximum.

SO ORDERED.¹⁸

In a Resolution¹⁹ dated April 12, 2018, the CA denied Poquiz and Valencia's Motion for Reconsideration. Poquiz and Valencia filed a Petition for Review on *Certiorari* before the Court.

The Issue

The issue for resolution is whether Poquiz and Valencia are guilty of the crime charged.

The Ruling of the Court

Article 293 of the RPC states:

ART. 293. *Who are Guilty of Robbery.* – Any person who, with intent to gain, shall take any personal property belonging to another, by means of violence or intimidation of any person, or using force upon anything, shall be guilty of robbery.

To warrant a conviction of the crime of Robbery, the following elements must concur: 1) there is a taking of personal property; 2) the personal property belongs to another; 3) the taking is with *animus lucrandi* or intent to gain; and 4) the taking is with violence against or intimidation of persons or with force upon things.²⁰ In their Petition, Poquiz and Valencia argue that the third element of *animus lucrandi* is absent because there was no actual taking since Belver was never totally dispossessed of his possessions. Poquiz and Valencia contend that without unlawful taking, their *animus lucrandi* or intent to gain cannot be concluded.

¹⁸ *Rollo*, pp. 47-48.

¹⁹ *Supra* note 3.

²⁰ *Consulta v. People*, 598 Phil. 464, 471 (2009).

We disagree.

In *Consulta v. People*,²¹ the Court held that *animus lucrandi* or intent to gain is an internal act which can be established through the overt acts of the offender. The offender's intent to gain may be presumed from the forcible taking of useful property pertaining to another, unless special circumstances reveal a different intent on the part of the perpetrator.²² In *People v. Hernandez*,²³ the Court held that, in cases of Robbery, the crime is considered complete from the moment the offender gains possession of the thing even if he has no opportunity to dispose of the same, to wit:

In robbery, there must be an unlawful taking or *apoderamiento* which is defined as the taking of items without the consent of the owner, or by means of violence against or intimidation of persons, or by using force upon things. **Taking is considered complete from the moment the offender gains possession of the thing, even if he has no opportunity to dispose of the same.** There is, likewise, no need to prove the exact amount of money taken, as long as there is proof of the unlawful taking. Intent to gain, or *animus lucrandi*, as an element of the crime of robbery, is an internal act; hence, presumed from the unlawful taking of things.²⁴ (Emphasis supplied)

A careful review of the records and the testimony of Belver shows that Belver's bag was already forcibly taken and Belver was dispossessed of the same when Poquiz and Valencia left the scene of the crime. Poquiz and Valencia fled in fear and dropped the bag after Belver fired his gun. When Poquiz and Valencia unlawfully took Belver's bag, the crime of Robbery had been fully consummated. It is of no moment that Belver was able to subsequently recover the items forcibly taken from him. Such instance does not preclude the presence of intent to gain on the part of Poquiz and Valencia.

Hence, all the aforementioned elements of Robbery under Article 293 of the RPC are present: (1) the subject property involved is one of the bags which Belver had with him when he alighted from the bus; (2) Poquiz and Valencia unlawfully took the bag from Belver; (3) there was *animus lucrandi* or intent to gain on the part of Poquiz and Valencia in taking Belver's bag; and (4) Poquiz and Valencia used violence by throwing punches and lunging a knife on Belver to perpetrate the crime. Accordingly, the crime of Robbery was committed by Poquiz and Valencia.

²¹ Id.

²² Id.

²³ 476 Phil. 66 (2004).

²⁴ Id. at 85.

The Court sustains the finding of the CA that Belver's testimony was positive and credible. There are no inconsistencies in the testimony of Belver. The Court also upholds the finding of the RTC that Belver's testimony was delivered in a straightforward and categorical manner, free from any serious flaw. In *People v. Eling*,²⁵ the Court held that the finding of the trial court on the matter of credibility of witnesses are entitled to the highest degree of respect and are entitled to great weight, to wit:

The trial court has the best opportunity to observe the demeanor of witnesses while on the stand, it can discern whether or not they are telling the truth. The unbending jurisprudence is that its findings on the matter of credibility of witnesses are entitled to the highest degree of respect and will not be disturbed on appeal. It is well to remind appellant that when the trial court's findings have been affirmed by the Court of Appeals, as in the case at bar, these are generally binding and conclusive upon this Court. The jurisprudential doctrine that great weight is accorded to the factual findings of the trial court particularly on the ascertainment of the credibility of witnesses can only be discarded or disturbed when it appears in the record that the trial court overlooked, ignored or disregarded some fact or circumstance of weight or significance which if considered would have altered the result.²⁶

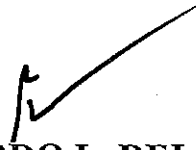
The Court finds no cogent reason to disturb the findings of both the CA and the trial court. There is no showing that the CA and the RTC plainly overlooked certain facts of substance and value that, if considered, might affect the result of the case. Neither is there showing that the assessment of the RTC of Belver's testimony and the prosecution's evidence was arbitrary. Hence, Poquiz and Valencia's conviction for the crime of Robbery under Article 293 of the RPC must necessarily stand.

WHEREFORE, premises considered, the Petition for Review on *Certiorari* is **DENIED**. The Decision dated November 27, 2017 and the Resolution dated April 12, 2018 of the Court of Appeals in CA-G.R. CR No. 38798 are **AFFIRMED**. Petitioners Ruel Poquiz y Orcine and Rey Valencia y Galutan are hereby declared **GUILTY** beyond reasonable doubt of the crime of Robbery under Article 293 and penalized under Article 294(5) of the Revised Penal Code and are hereby sentenced to suffer the prison term ranging from four (4) years and two (2) months of *prision correccional* medium, as minimum, to ten (10) years of *prision mayor* medium, as maximum.

²⁵ 576 Phil. 665 (2008).


²⁶ *Id.* at 675.

SO ORDERED.

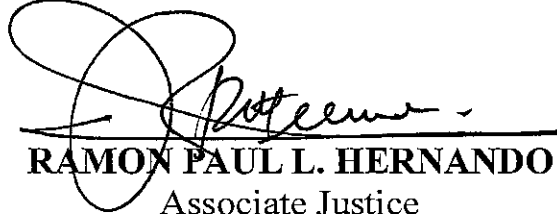


EDGARDO L. DELOS SANTOS
Associate Justice

WE CONCUR:



MARVIC MARIO VICTOR F. LEONEN
Associate Justice
Chairperson



RAMON PAUL L. HERNANDO
Associate Justice




HENRI JEAN PAUL B. INTING
Associate Justice



RICARDO R. ROSARIO
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC MARIO VICTOR F. LEONEN
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

A handwritten signature in black ink, appearing to read 'Diosdado M. Peralta', written in a cursive style.

DIOSDADO M. PERALTA
Chief Justice