



Republic of the Philippines  
**Supreme Court**  
 Manila

**FIRST DIVISION**

**NOTICE**

SUPREME COURT OF THE PHILIPPINES  
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Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated February 5, 2020 which reads as follows:*

**“G.R. No. 243064 — WILSON DELA CRUZ y JOSE, petitioner, versus PEOPLE OF THE PHILIPPINES, respondent.**

After review of the records, the Court resolves to **DENY** the Petition for Review on *Certiorari* (Petition) for failure to sufficiently show that the Court of Appeals committed any reversible error in its assailed Decision<sup>1</sup> dated November 6, 2018 in CA-G.R. CR No. 36473, which affirmed petitioner’s conviction of the crime of Robbery Committed by a Band under Article 294(5), in relation to Articles 295 and 296<sup>2</sup> of the Revised Penal Code, and Carnapping under Republic Act No. (RA) 6539 or the Anti-Carnapping Act of 1972.

Without doubt, well-entrenched is the rule that the conviction of the accused must rest, not on the weakness of the defense, but on  
 - over – three (3) pages ...

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<sup>1</sup> *Rollo*, pp. 60-71; penned by Associate Justice Victoria Isabel A. Paredes, with Associate Justices Priscilla J. Baltazar-Padilla and Ronaldo Roberto B. Martin, concurring.

<sup>2</sup> Art. 294. *Robbery with Violence Against or Intimidation of Persons; Penalties.* – Any person guilty of robbery with the use of violence against or intimidation of any person shall suffer:

x x x x

5. The penalty of *prisión correccional* to *prisión mayor* in its medium period in other cases.

Art. 295. *Robbery with Physical Injuries, Committed in an Uninhabited Place and by a Band.* – If the offenses mentioned in subdivisions 3, 4, and 5 of the next preceding article shall have been committed in an uninhabited place and by a band, or by attacking a moving train, street car, motor vehicle or airship, or by entering the passenger’s compartments in a train or, in any manner, taking the passengers thereof by surprise in the respective conveyances, the offender shall be punished by the maximum period of the proper penalties.

In the same cases, the penalty next higher in degree shall be imposed upon the leader of the band.

Art. 296. *Definition of a Band and Penalty Incurred by the Members Thereof.* – When more than three armed malefactors take part in the commission of a robbery, it shall be deemed to have been committed by a band (*cuadrilla*).

Any member of a band who is present at the commission of a robbery in an uninhabited place and by a band, shall be punished as principal of any of the assaults committed by the band, unless it be shown that he attempted to prevent the same.

the strength of the prosecution, with the burden on the latter to prove guilt beyond reasonable doubt, not on the former to prove his innocence. Petitioner here however, errs in arguing that his conviction was reliant on the weakness of the defense and not on the totality of evidence submitted by the prosecution. The decisions of the lower courts show that apart from granting little credence to his denial and alibi, his conviction rested mainly on the positive and unwavering identification by the complainants of the accused, which included petitioner, as the ones who perpetrated the charged offenses, as corroborated by the pieces of object and documentary evidence recovered from them which linked them to the scene of the Robbery and Carnapping.

It has also long been established in criminal law jurisprudence that alibi and denial cannot prevail over the positive and categorical testimony and identification of the complainant or a disinterested eyewitness. On the one hand, bare denial is intrinsically dubious, and must be buttressed with strong evidence of innocence to merit credibility.<sup>3</sup> On the other hand, affirmative identification, if consistent and categorical, and absent showing of any ill motive on the part of the eyewitness, prevails over a denial which, if not substantiated by clear and convincing evidence, is negative, self-serving, and undeserving of weight in law.

It must further be stressed that factual findings of the trial court, its assessment of the credibility of witnesses and the probative weight of their testimonies, and the conclusions based on these factual findings are to be given the highest respect.<sup>4</sup> Here, petitioner's conviction did stand on the strength of the prosecution's case, which this Court likewise deems to have sufficiently established petitioner's guilt beyond reasonable doubt.

Moreover, when petitioner here, through counsel, argued that the lower courts erroneously assessed alibi as a weak defense, he is misled. Contrary to petitioner's argument, there is no automaticity to the court's dismissal of alibi. For the defense of alibi to prosper, however, the accused must be able to show not only that he was elsewhere at the time of the commission of the crime, but also that it was physically impossible for him to be there or in its immediate area.<sup>5</sup> With an airtight probative support, alibi is as good a defense as any.

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<sup>3</sup> See *People v. Amistoso*, 701 Phil. 345 (2013).

<sup>4</sup> *People v. Mamaruncas, et al.*, 680 Phil. 192, 211 (2012).

<sup>5</sup> *People v. Ambatang*, 808 Phil. 236, 243 (2017).

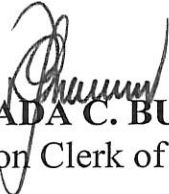
However, when unsubstantiated, alibi becomes mere rhetoric, and is necessarily viewed by the court with skepticism, considering the ease with which it may be fabricated apart from the truth. In the case at bar, petitioner raised the defenses of alibi and denial, but failed to secure evidence to support them. The lower courts, therefore, may not be faulted for dismissing the same.

The Court finds no reason to disturb the findings of the trial court that petitioner is guilty of Robbery Committed by a Band under Article 294(5), in relation to Articles 295 and 296 of the Revised Penal Code, and Carnapping under RA 6539. The Court also finds that the penalty imposed herein was proper.

**WHEREFORE**, the Petition is **DENIED** and the assailed Decision dated November 6, 2018 of the Court of Appeals in CA-G.R. CR No. 36473 is hereby **AFFIRMED**.

**SO ORDERED.”**

Very truly yours,

  
**LIBRADA C. BUENA**  
Division Clerk of Court *sk 6/14*  
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A. G. TELERON LAW OFFICE  
Counsel for Petitioner  
Unit E, 974 Aurora Boulevard  
Barangay Bagumbuhay, Project 4  
1109 Quezon City

Court of Appeals (x)  
Manila  
(CA-G.R. CR No. 36473)

The Solicitor General  
134 Amorsolo Street, Legaspi Village  
1229 Makati City

The Hon. Presiding Judge  
Regional Trial Court, Branch 219  
1100 Quezon City  
(Crim. Case Nos. Q-99-80781 to 82)

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