

P10



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

NOTICE

SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE  
**RECEIVED**  
SEP 11 2014  
BY: Jone  
TIME: 9:45

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **13 August 2014** which reads as follows:*

G.R. No. 192252 (People of the Philippines, *plaintiff-appellee* v. Ryan Corcuera y Cabaron, a.k.a. "Mental" *accused-appellant*)

X-----X

For review is the conviction of accused-appellant Ryan Corcuera y Cabaron (accused-appellant), a.k.a. "Mental" for the crime of robbery with homicide of the Court of Appeals (CA),<sup>1</sup> which affirmed the Decision of the Regional Trial Court (RTC),<sup>2</sup> Branch 268, Pasig City docketed as Criminal Case No. 132947-H.

**The Information**

The Information, charging accused-appellant with the crime of robbery with homicide<sup>3</sup> alleged the following:

On or about April 2, 2006, in Pasig City and within the jurisdiction of this Honorable Court, the accused, armed with guns, deadly weapons, and attendant aggravating circumstance of nighttime conspiring and confederating together with one John Doe, whose true identity and present whereabouts are still unknown, and all of them mutually helping and aiding one another, with intent to gain, and with the use of said deadly weapons, did then and there willfully, unlawfully and feloniously take, rob and divest Charlene Santos y Bruno of one (1) unit of Nokia 6260 cell phone worth ₱25,000.00 and cash money of ₱500.00 in the total amount of ₱25,500.00; that by reason of or on the occasion of the crime of robbery, accused Ryan Corcuera y Cabaron, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and shoot said Charlene Santos y Bruno with the said gun, hitting her on the head, thereby inflicting her mortal gunshot wound, which directly caused her death.<sup>4</sup>

<sup>1</sup> Rollo, pp. 2-15; Penned by Associate Justice Bienvenido L. Reyes (now a member of this Court) with Associate Justices Isaias P. Dican and Marlene Gonzales-Sison concurring.

<sup>2</sup> CA rollo, pp. 28-51; Penned by Judge Amelia C. Manalastas.

<sup>3</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:

1. The penalty of reclusion perpetua to death, when by reason or on occasion of the robbery, the crime of homicide shall have been committed. x x x

<sup>4</sup> Rollo, pp. 13-14.

When arraigned, the accused-appellant pleaded not guilty to the crime charged. Thereafter, trial on the merits ensued.

The prosecution presented (1) Jose Arroyo, the driver of the held-up van, who identified accused-appellant as the one who shot Charlene Santos (Santos); (2) Dominic Scarella, the passenger who was seated beside the driver, who identified Rodeo Bartolome y Quijano (Bartolome) as the one who took the things from the passengers and placed the same inside his bag and saw accused-appellant, after Santos pleaded that her company I.D. be spared, put a gun inside Santos' mouth and shot her; (3) PO3 Rogelio Baltazar, the police officer who conducted the investigation; (4) PO1 Larry Arevalo, who arrested accused-appellant; (5) PO3 Jose Drexell Molina, who arrested Bartolome pursuant to a warrant of arrest; (6) Loreto Antonio Santos, father of Santos, who testified on the monthly compensation of Santos and other expenses; and (7) Dr. Mamerto Bernabe, who conducted the autopsy on the cadaver of Santos, found two (2) gunshot wounds on the victim.

For the defense, (1) accused-appellant testified that at the night of the incident, he was in his house in Rosario, Pasig City with his wife, child and mother-in-law; (2) Aldrin Dangla Cruz (Aldrin), testified that at the night of the incident, Bartolome assisted in the chores during the wake of his grandfather; (3) Teresita Flores, corroborated the testimony of Aldrin that Bartolome was always in the wake of Aldrin's grandfather; (4) Rodolfo Quijano, uncle of Bartolome, who testified that upon learning from PO3 Drexell Molina, that there was a shoot-to-kill order for Bartolome, convinced Bartolome to voluntarily surrender; and (5) Luzviminda Bartolome, mother of Bartolome, who testified that contrary to the prosecution's allegation that the latter was arrested, Bartolome voluntarily surrendered.

### **The Ruling of the Regional Trial Court**

The RTC found accused-appellant guilty beyond reasonable doubt of robbery with homicide. As found by the RTC, "[f]rom the evidence adduced by the prosecution, it was sufficiently established by testimonial, documentary and object evidence that the accused committed the crime of robbery with homicide and the existence of conspiracy x x x. The prosecution's eye witnesses clearly narrated that before accused-appellant

shot the victim, Bartolome even provoked the former by saying "*Sige pare paputukan mo na.*"<sup>5</sup> The dispositive portion of the RTC Decision reads:

WHEREFORE, foregoing premises considered, accused Ryan Corcuera y Cabaron and Rodeo Bartolome y Quijano are hereby found guilty of Robbery with Homicide and sentenced to suffer the penalty of Reclusion Perpetua.

They are likewise ordered to pay in solidum the heirs of Charlene Santos y Bruno the following sums:

1. PhP 110,500.00 as and by way of reparation pay;
2. PhP 50,000.00 as and by way of civil indemnity for the death of Charlene Santos; and
3. PhP 500,000.00 as and by way of moral damages.<sup>6</sup>

### **The Ruling of the Court of Appeals**

The CA rejected the accused-appellant's attempt to cast doubt on the testimonies of the prosecution's witnesses on the allegation that because it was dark, it was practically impossible for the witnesses to identify the culprits. Although it was dark, it does not necessarily weaken the witnesses' positive identification of the accused. As proven, lights coming from the oncoming vehicles on the opposite side of the road was enough to enable the witnesses to catch sight of the accused-appellant's face.

While the accused-appellant bank on his alibi, the CA noted the impossibility of his presence in the crime scene was not satisfactorily established as he was in Pasig at the time of the commission of the crime. As stated by the CA, "they were not geographically removed from the *locus criminis* since the crime also took place in Pasig."

### **Our Ruling**

The Court affirms the rulings of the RTC and CA. During acts of criminal violence, victims unusually remember with a high degree of reliability,<sup>7</sup> the faces, including the manner of their malefactors.<sup>8</sup> Notwithstanding that the van was unlighted inside, the light from the outside was sufficient illumination for the positive identification of the accused-

<sup>5</sup> Id. at 43.

<sup>6</sup> Id. at 51.

<sup>7</sup> *Vidar v. People*, G.R. No. 177361, 1 February 2010, 611 SCRA 216, 228.

<sup>8</sup> *People v. Candelario*, 370 Phil. 506, 523 (1999).

*mgp*

appellant. We have held that “wiclamps, flashlights, even moonlight or starlight may, in proper situations be considered sufficient illumination, making the attack on the credibility of witnesses solely on that ground unmeritorious.”<sup>9</sup>

The accused-appellant’s defense of alibi must fail as it cannot prevail over the positive identification of the accused-appellant by the prosecution witnesses. Alibi as defense is inherently weak because it can easily be fabricated;<sup>10</sup> unsubstantiated by clear and convincing evidence, alibis are negative and self-serving. As correctly held by the CA, the defense failed to establish the impossibility of his presence at the crime scene or to prove that the accused-appellant was geographically removed from the *locus criminis*. As we already held in a catena of cases, alibis cannot be given greater evidentiary weight than the positive identification of the accused by credible witnesses.<sup>11</sup>

**WHEREFORE**, we **AFFIRM** the Decision of the Court of Appeals, which upheld the Decision of the Regional Trial Court Branch 268, Pasig City, docketed as Criminal Case No. 132947-H, finding accused Ryan Corcuera y Cabaron guilty beyond reasonable doubt of the crime of robbery with homicide.

**SO ORDERED.**

Very truly yours,

*MA. LOURDES C. PERFECTO*  
 MA. LOURDES C. PERFECTO  
 Division Clerk of Court *11/9/24*

<sup>9</sup> *People v. Adoviso*, 368 Phil. 297, 523 (1999) citing *People v. Villaruel*, 330 Phil. 79, 89 (1996).  
<sup>10</sup> *People v. Marquez*, 430 Phil. 382, 403 (2002).  
<sup>11</sup> *Id.*

OFFICE OF THE SOLICITOR GENERAL (reg)  
134 Amorsolo Street  
1229 Legaspi Village  
Makati City

PUBLIC ATTORNEY'S OFFICE (reg)  
(ATTY. MARIANE L. MAGBOO)  
DOJ Agencies Building  
NIA Road cor. East Avenue  
1104 Diliman, Quezon City

THE DIRECTOR (reg)  
Bureau of Corrections  
1770 Muntinlupa City

RYAN CORCUERA y CABARON (reg)  
Accused-Appellant  
c/o The Director  
Bureau of Corrections  
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 268  
Pasig City  
Crim. Case No. 132947-H

COURT OF APPEALS (x)  
Ma. Orosa Street  
Ermita, 1000 Manila  
CA-G.R. CR H.C. No. 02965

JUDGMENT DIVISION (x)  
JUDICIAL RECORDS OFFICE (x)  
Supreme Court, Manila

OFFICE OF THE CHIEF ATTORNEY (x)  
OFFICE OF THE REPORTER (x)  
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)  
LIBRARY SERVICES (x)  
Supreme Court, Manila  
[for uploading pursuant to A.M. No. 12-7-1-SC]

*Please notify the Court of any change in your address.*  
GR192252. 08/13/14 (79)SR *MB*