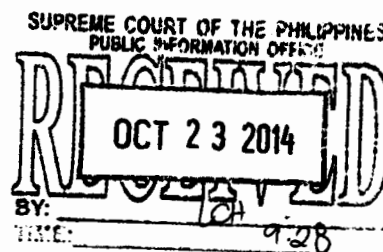




REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **17 September 2014** which reads as follows:

**G.R. No. 195895 (BERNARD CHAVEZ v. PEOPLE OF THE PHILIPPINES).** - Before us is Bernard Chavez's (*Chavez*) petition for review on *certiorari*,<sup>1</sup> challenging the legal correctness of the October 22, 2009 decision<sup>2</sup> of the Court of Appeals (*CA*) in CA-G.R. CR No. 00232-MIN.

In a decision<sup>3</sup> dated February 24, 2005, the Regional Trial Court (*RTC*), Branch 37, General Santos City, convicted Chavez and his other co-accused with two (2) counts of robbery. Only Chavez appealed the *RTC* decision since Chavez's one other co-accused pleaded guilty to the crime charged while others remained at large.

The *RTC* ruled that the victims of the robbery clearly and categorically identified Chavez; that their testimonies regarding the incident were positive, straightforward, and detailed. The *RTC* also rejected the defense of alibi because the record does not show the physical impossibility of Chavez's presence at the scene of the crime.

On intermediate appellate review, the *CA* affirmed the *RTC*'s judgment of conviction.

**Our Ruling**

**We dismiss the present petition for lack of merit.**

The *RTC*'s findings have been arrived at after all testimonial and documentary pieces of evidence have been properly heard, weighed, and considered. The *CA* affirmed the *RTC*'s judgment of conviction. Hence, the appeal before us addresses a case of convictions at two judicial levels.

Under Article 293 of the Revised Penal Code, robbery has the following elements: a) intent to gain (*animus lucrandi*); b) unlawful taking (*asportation*); c) personal violence; and d) violence against or intimidation of persons or force upon things.

Through the testimonies of the prosecution witnesses, we find that the elements necessary for the prosecution of robbery have properly been established. These witnesses personally know Chavez and his other co-accused as they used to reside in the same *barrio*.

<sup>1</sup> Under Rule 45 of the Rules of Court; *rollo*, pp. 10-24.

<sup>2</sup> Penned by Associate Justice Ruben C. Ayson and concurred in by Associate Justices Rodrigo Lim, Jr. and Leoncia Real-Dimagiba; *rollo*, pp. 64-76.

<sup>3</sup> Docketed as Criminal Case Nos. 11468 & 11469, *id.* at 26-32.

Chavez's argument that his guilt could not have been proven beyond reasonable doubt due to the victims' varying accounts (touching on the clothes he was wearing at the time of the incident) deserves scant consideration. What is material to consider on this point is that the victims identified him and that they personally know him. The rule, too, is that minor and insignificant details do not destroy the witnesses' credibility as long as the testimonies agree on the essential facts and substantially corroborate a consistent and coherent whole.<sup>4</sup> These inconsistencies even strengthen the testimonies' integrity as they are badges of truth rather than indicia of falsehood.<sup>5</sup>


In considering the conflicting testimonies between prosecution and defense witnesses, we usually defer to the trial courts because they have had the opportunity, not available to the appellate court, to see the witnesses on the stand and determine by their demeanor whether the witnesses were truthful or lying. The trial court's evaluation of the credibility of witnesses is conclusive on this Court, barring arbitrariness in arriving at their conclusions.<sup>6</sup>

We also find no merit in the presented defense of alibi. We reiterate the oft-repeated rule that the defense of alibi is worthless in the face of positive identification.<sup>7</sup> For alibi to prosper, the defense must establish clearly and convincingly, not only that the accused is elsewhere at the time of the commission of the crime, but that it would have been physically impossible for him to be at the vicinity of the crime scene.<sup>8</sup> Aside from the fact that Chavez had properly been identified, he failed to show that he could not be at the scene of the crime at the time of the incident.

**WHEREFORE**, the decision dated October 22, 2009 of the Court of Appeals in CA-G.R. CR No. 00232-MIN is hereby **AFFIRMED**.

**SO ORDERED.**

Very truly yours,

  
MA. LOURDES C. PERFECTO  
Division Clerk of Court *MS/17*

<sup>4</sup> *People v. Invencion*, 466 Phil. 775, 788 (2004).

<sup>5</sup> *People v. Mirante*, 443 Phil. 287, 293 (2003).

<sup>6</sup> *People v. Larrañaga, et al.*, 466 Phil. 324, 378 (2004).

<sup>7</sup> *People v. Rivera, et al.*, G.R. Nos. 88298-99, March 1, 1995, 242 SCRA 26, 37, citing *People v. Dominguez, et al.*, G.R. No. 100199, January 18, 1993, 217 SCRA 170.

<sup>8</sup> *People v. Marinas, et a.*, G.R. No. 97953-56, September 14, 1995, 248 SCRA 165, 174-175, citing *People v. Madriaga IV*, 253 Phil. 91, 111 (1989).

\* Mendoza, J., on leave; Villarama, Jr., J., designated as acting member per S.O. No. 1767 dated August 27, 2014.

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HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 37  
9500 Gen. Santos City  
(Crim. Case Nos. 11468-69)

COURT OF APPEALS(reg)  
Cagayan de Oro City  
CA-G.R. No. 00232-MIN

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