



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-appellee,

G.R. No. 205855

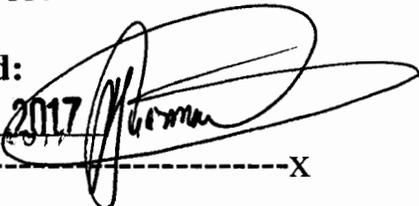
Present:

-versus-

CARPIO, J., *Chairperson*,
MENDOZA,*
REYES,**
LEONEN, and
MARTIRES, JJ.

KING REX A. AMBATANG,
Accused-appellant.

Promulgated:

29 MAR 2017 

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DECISION

LEONEN, J.:

In an Information dated November 28, 2002, accused-appellant King Rex Ambatang (Ambatang) was charged with the murder¹ of 60-year-old Ely Vidal (Vidal), as follows:

* On official leave.

** Designated additional member per Raffle dated March 29, 2017.

¹ REV. PEN. CODE, art. 248 provides:

Murder. - Any person who, not falling within the provisions of article 246 shall kill another, shall be guilty of murder and shall be punished by *reclusión temporal* in its maximum period to death, if committed with any of the following attendant circumstances:

1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity.
2. In consideration of a price, reward, or promise.
3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a street car or locomotive, fall of an airship, by means of motor vehicles, or with the use of any other means involving great waste and ruin.
4. On occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic, or other public calamity.
5. With evident premeditation.
6. With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse.



That, on or about the 17th day of October, 2002, in the Municipality of Taguig City, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused with intent to kill and with the use of a knife, a deadly weapon, did, then and there wilfully, unlawfully and feloniously assault and stab ELY VIDAL y PELEJO, hitting the latter in different parts of his body, thereby inflicting upon him fatal injuries which caused his instantaneous death, the said killing having been attended by the qualifying circumstances of treachery, evident premeditation and abuse of superior strength which qualify such killing to murder, aggravated by the circumstances of insult and disregard of the respect due the offended party due to his age and nighttime.

CONTRARY TO LAW.²

According to the prosecution, on October 17, 2002, at around 10:30 p.m., Jennifer Vidal Mateo³ (Jennifer) was at the kitchen of their house in Taguig with her cousins when she heard a barrage of stones hurled at their house.⁴ She peeked out of the window and saw Ambatang standing outside with a certain "Loui."⁵ Melody Vidal Navarro (Melody) immediately called barangay tanods, who then immediately went to Ambatang's house, just across the Vidals' house.⁶ While Ambatang's mother, Nicepura Ambatang, was speaking to a tanod, another tanod, Romeo Acaba (Acaba), saw Ambatang sharpening a knife in their kitchen.⁷ Suddenly, Ambatang was nowhere to be found and appeared to have sneaked past the tanods before running towards the Vidals' house.⁸ Later, Ambatang was on top of Vidal and was stabbing him repeatedly with a kitchen knife. Ambatang ran away but was apprehended by the tanods.⁹ The victim was pronounced dead on arrival at Pasig Provincial Hospital.¹⁰ Post-mortem findings issued by Dr. Rolando C. Victoria stated that the cause of death was stab wounds to the chest.¹¹

Jennifer and Acaba testified that they personally saw the killing.¹² Vidal's wife, Carmelita Vidal (Carmelita), testified that after her husband was stabbed, the victim was able to get near her, embrace her, and tell her, "*Si King Rex sinaksak ako ng sinaksak.*"¹³

In his defense, Ambatang claimed that he was at AMA Computer Learning Center on October 17, 2002 from 3:00 p.m. to 8:00 p.m., and did

² *Rollo*, pp. 2-3

³ Erroneously referred to as "Jennifer Mendoza" in the CA decision.

⁴ *Id.* at 3.

⁵ *Id.*

⁶ *Id.* at 3-4.

⁷ *Id.* at 4.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² CA *rollo*, p. 39.

¹³ *Id.*

not get home until 9:30 p.m.¹⁴ He stated that while he was doing the laundry, barangay tanods went to their house looking for a person named Louie.¹⁵ He then heard a noise from a commotion outside his house.¹⁶ His mother and sister went out and instructed him to stay in the *sala* with his girlfriend, Gina Canapi.¹⁷ Minutes later, he went out to see his friend Rey Lobo (Lobo), who lived roughly eight to ten meters from their house.¹⁸ Lobo was not there, but he was able to speak to a certain Rael for a few seconds.¹⁹ He then left Lobo's house and was arrested by the barangay tanods on his way home.²⁰

In support of Ambatang's testimony, his mother and his girlfriend both testified that Ambatang was inside the house when the stabbing occurred.²¹

In the Decision²² dated April 5, 2010, the Regional Trial Court, Branch 163, Pasig City found Ambatang guilty of murder and sentenced him to suffer the penalty of *reclusion perpetua*. It also ordered the payment of ₱50,000.00 as civil indemnity, ₱29,000.00 as actual damages, ₱50,000.00 as moral damages, and ₱30,000.00 as temperate or moderate damages, as well as costs and legal interest from the time the Information was filed until fully paid. The dispositive portion of the Decision reads:

WHEREFORE, accused King Rex A. Ambatang is hereby found GUILTY beyond reasonable doubt of the crime of Murder, defined and penalized under Article 248 of the Revised Penal Code and, there being no mitigating or aggravating circumstance, is sentenced to suffer the penalty of *reclusion perpetua* and all the effects thereof as provided by law. He is further ordered to pay the victim's heirs Php50,000.00 as civil indemnity; Php29,000.00 as actual damages; Php50,000.00 by way of moral damages; Php30,000.00 as temperate or moderate damages and to pay the costs, at the legal rate of interest from the time of the filing of the Information until fully paid.

SO ORDERED.²³

On appeal, the Court of Appeals, in its assailed July 31, 2012 Decision,²⁴ upheld Ambatang's conviction. However, it modified the

¹⁴ Id. at 4.

¹⁵ Id. at 4-5.

¹⁶ Id. at 5.

¹⁷ Id.

¹⁸ Id.

¹⁹ Id.

²⁰ Id.

²¹ Id. at 5.

²² *CA rollo*, pp. 36-41. The decision was penned by Judge Leili Cruz Suarez of Branch 163, Regional Trial Court of Pasig City.

²³ Id. at 41.

²⁴ *Rollo*, pp. 2-14. The decision was penned by Associate Justice Angelita A. Gacutan and concurred in by Associate Justices Fernanda Lampas Peralta and Francisco P. Acosta of the Tenth Division, Court of Appeals Manila.

Regional Trial Court Decision to include an award of ₱30,000.00 as exemplary damages and deleted the award of ₱30,000.00 as temperate damages, there having already been an award of actual damages. The dispositive portion of the Decision reads:

WHEREFORE, the appeal is **DISMISSED**. The assailed Decision of the Regional Trial Court of Pasig City, Branch 163, Taguig City Station in Criminal Case No. 124748-H, is **AFFIRMED** with **MODIFICATIONS**. Accused-appellant King Rex Ambatang is found guilty beyond reasonable doubt of **MURDER** and is hereby sentenced to suffer the penalty of *reclusion perpetua*. Accused-appellant is further **ORDERED** to pay the heirs of Ely Vidal ₱50,000.00, as civil indemnity, ₱50,000.00, as moral damages, ₱29,000.00, as actual damages, and ₱30,000.00, as exemplary damages. The award of ₱30,000.00 as temperate damages is **DELETED**.

SO ORDERED.²⁵

Ambatang then filed his Notice of Appeal.²⁶

The Court of Appeals elevated the records of the case to this Court on March 8, 2013, pursuant to its Resolution dated September 24, 2012.²⁷ The Resolution gave due course to the Notice of Appeal filed by Ambatang.²⁸

In the Resolution²⁹ dated April 10, 2013, this Court noted the records forwarded by the Court of Appeals and informed the parties that they could file their supplemental briefs.

On June 3, 2013, the Office of the Solicitor General filed a Manifestation,³⁰ on behalf of the People of the Philippines, stating that it would no longer file a supplemental brief.

On August 5, 2013, accused-appellant filed his Supplemental Brief.³¹

For resolution is the sole issue of whether accused-appellant Ambatang is guilty beyond reasonable doubt of murder.

It is settled that “factual findings of the trial court and its evaluation of the credibility of witnesses and their testimonies are entitled to great respect and will not be disturbed on appeal, unless the trial court is shown to have

²⁵ Id. at 13.

²⁶ Id. at 15.

²⁷ Id. at 1.

²⁸ Id.

²⁹ Id. at 18.

³⁰ Id. at 19.

³¹ Id. at 34–40.

overlooked, misapprehended, or misapplied any fact or circumstance of weight and substance.”³² An examination of the records shows there is nothing that would warrant the reversal of the Decisions of the Regional Trial Court and of the Court of Appeals.

The testimonies of the prosecution witnesses are sufficient to convict accused-appellant. The Regional Trial Court and the Court of Appeals made definitive findings that Jennifer and Acaba made positive, unequivocal, and categorical identifications of accused-appellant as the person who stabbed the deceased Vidal.

As against these, accused-appellant offered denial and alibi as defenses, which jurisprudence has long considered weak and unreliable. As noted by the Court of Appeals:

Accused-appellant also offered alibi as a defense. He asserts that he was at home when the stabbing incident happened. We reiterate once more the oft-repeated rule that the defense of alibi is worthless in the face of positive identification. Thus:

It is well settled that positive identification by the prosecution witnesses of the accused as perpetrators of the crime is entitled to greater weight than their denials and alibis.

True, accused-appellant's alibi was corroborated by Gina Canapi and Nicepura Ambatang. However, an alibi, especially when corroborated mainly by relatives and friends of the accused, is held by this Court with extreme suspicion for it is easy to fabricate and concoct. Thus, in *People v. Albalate*, the Supreme Court in rejecting accused's alibi explained:

The alibi proffered by the appellant must be rejected. Both the trial court and the Court of Appeals correctly noted that appellant failed to make any mention about this alleged alibi when he was placed on the witness stand. It was only when defense witness Florentina Escleto (Escleto) testified that this alibi cropped up. At any rate, the same deserves no consideration at all. Escleto claimed to be a friend of the appellant. It is settled jurisprudence that an alibi "becomes less plausible when it is corroborated by relatives and friends who may not be impartial witnesses".

Furthermore, for the defense of alibi to prosper, the accused must prove not only that he was at some other place at the time of the commission of the crime but also that it was physically impossible for him to be at the *locus delicti* or within its immediate vicinity. The excuse must be so airtight that it would admit of no exception. Where there is the least

³² *People v. De Jesus*, 695 Phil. 114, 122 (2012) [Per J. Brion, Second Division] citing *People v. Jubail*, 472 Phil. 527, 546 (2004) [Per J. Carpio, First Division].

possibility of accused-appellant's presence at the crime scene, as in this case, the alibi will not hold water.

In fine, the age-old rule is that the task of assigning values to the testimonies of witnesses and weighing their credibility is best left to the trial court which forms first-hand impressions as witnesses testify before it. It is thus no surprise that findings and conclusions of trial courts on the credibility of witnesses enjoy, as a rule, a badge of respect, for trial courts have the advantage of observing the demeanor of witnesses as they testify. We thoroughly review the records of the case, including the transcript of stenographic notes and we find no cogent reason to overturn the probative value given by the trial court on the testimonies of the prosecution witnesses. Hence, we sustain the guilty verdict against herein accused-appellant.³³

In addition, accused-appellant attributed ill motive on the part of prosecution witness Carmelita. However, as the Court of Appeals explained, accused-appellant's conviction was not based on the testimony of Carmelita, but on the testimonies of eyewitnesses Jennifer and Acaba, "whose credibility was never assailed by accused-appellant."³⁴

Accused-appellant assails the supposed inconsistencies in the statements of Jennifer and Acaba, that is, their statements on how accused-appellant left his residence and stabbed Vidal, and on the specific number of times that they saw Vidal get stabbed by accused-appellant.³⁵ These inconsistencies, however, are too minor. They are ultimately ineffectual in absolving accused-appellant of liability.

In *People v. Bagaua*:³⁶

[W]e have time and again said that a few discrepancies and inconsistencies in the testimonies of witnesses referring to minor details and not actually touching upon the central fact of the crime do not impair the credibility of the witnesses. Instead of weakening their testimonies, such inconsistencies tend to strengthen their credibility because they discount the possibility of their being rehearsed.³⁷

Regardless of Jennifer and Acaba's supposed discrepancies on how accused-appellant left his residence to stab Vidal and the exact number of times they saw him stab Vidal, what ultimately matters is that they witnessed how accused-appellant stabbed Vidal.

³³ *Rollo*, pp. 8–10, citing *People v. Bracamonte*, 327 Phil. 160 (1996) [Per J. Hermosisima, Jr., First Division]; *People v. Tomas*, 658 Phil. 653 (2011) [Per J. Velasco, Jr., First Division]; *People v. Malones*, 469 Phil. 301 (2004) [Per J. Callejo, Sr., Second Division]; *People v. Albalate*, 623 Phil. 437 (2009) [Per J. Del Castillo, Second Division]; *People v. Delim*, 559 Phil. 771 (2007) [Per J. Garcia, First Division]; See *People v. Bracamonte*, 327 Phil. 160 (1996) [Per J. Hermosisima, Jr., First Division]; and *People v. Del Rosario*, 657 Phil. 637 (2011) [Per J. Nachura, Second Division].

³⁴ *Id.* at 7.

³⁵ *Id.* at 36–37.

³⁶ 442 Phil. 245 (2002) [Per J. Ynares-Santiago, First Division].

³⁷ *Id.* at 255, citing *People v. Givera*, 402 Phil. 547, 566 (2001) [Per J. Mendoza, Second Division].

Accused-appellant also makes a brief reference (devoting a singular paragraph in his Supplemental Brief) to the circumstances of his apprehension and how the knife used in the stabbing was never recovered.³⁸ Again, these are too minor and do not suffice to absolve accused-appellant of liability. Finding an accused in possession of the weapon used to kill and apprehending him or her in such a manner that his or her participation in a murder is conspicuous, is not among the requisites to be convicted of murder.

Treachery is present to qualify Vidal's killing to murder. As pointed out by the Regional Trial Court:

Accused employed treachery when he attacked the victim. This is shown by the suddenness of the attack against the unarmed victim, without the slightest provocation on the latter's part and opportunity to defend himself. Accused was a tall, young man with a sturdy physique. Armed with a sharp bladed weapon, he attacked and repeatedly stabbed the victim who was at that time sixty years old and inferior in size and built compared to him.³⁹

Thus, this Court resolves to dismiss accused-appellant's appeal for failure to sufficiently show reversible error in the challenged Decision to warrant the exercise of this Court's appellate jurisdiction.

Due to the heinousness of the crime, and in view of *People v. Jugueta*,⁴⁰ where this Court increased the award of civil indemnity, moral damages, and exemplary damages, we exercise our judicial prerogative and increase the damages to ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages, for each of the offenses for which accused-appellant is convicted.

WHEREFORE, the Decision of the Court of Appeals in CA-G.R. CR-HC No. 04485 is **AFFIRMED** with **MODIFICATION**. We find accused-appellant King Rex A. Ambatang **GUILTY** beyond reasonable doubt of the crime of murder, defined and penalized under Article 248 of the Revised Penal Code, as amended. He is **SENTENCED** to suffer the penalty of *reclusion perpetua* without eligibility for parole, with all the accessory penalties provided by law, and to pay the heirs of Ely Vidal the amounts of ₱100,000.00 as indemnity for his death, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages.

³⁸ *Rollo*, p. 37.

³⁹ *CA rollo*, pp. 40-41.

⁴⁰ G.R. No. 202124, April 5, 2016, <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/april2016/202124.pdf>> [Per J. Peralta, En Banc].

All monetary awards for damages shall earn interest at the legal rate of six percent (6%) per annum from the date of the finality of this judgment until fully paid.

SO ORDERED.



MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:



ANTONIO T. CARPIO
Associate Justice
Chairperson

On official leave
JOSE CATRAL MENDOZA
Associate Justice



BIENVENIDO L. REYES
Associate Justice



SAMUEL R. MARTIRES
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.



ANTONIO T. CARPIO
Associate Justice
Chairperson, Second 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.



MARIA LOURDES P. A. SERENO
Chief Justice