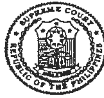

Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES, *Plaintiff-Appellee,*	**G.R. No. 254747**
	Present:
- *versus* -	CAGUIOA, *Chairperson,* INTING, GAERLAN, DIMAAMPAO, and SINGH, *JJ.*
ROD ANGELES *y* MANLAPAZ @ "URO," *Accused-Appellant.*	Promulgated: July 13, 2022

x- -x

DECISION

INTING, *J.*:

This is an appeal[1] assailing the Decision[2] dated February 10, 2020 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 10073. The CA affirmed the Decision[3] dated September 15, 2017 of Branch 215, Regional Trial Court (RTC), Quezon City in Criminal Case No. Q-10-162801 which found Rod Angeles *y* Manlapaz @ "Uro" (accused-appellant) guilty beyond reasonable doubt of Murder under Article 248[4] of the Revised Penal Code (RPC).

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[1] *Rollo*, pp. 27-28.

[2] Id. at 4-26. Penned by Associate Justice Elihu A. Ybañez and concurred in by Associate Justices Rafael Antonio M. Santos and Tita Marilyn B. Payoyo-Villordon.

[3] CA *rollo*, pp. 57-73. Penned by Presiding Judge Rafael G. Hipolito.

[4] ARTICLE 248. *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.

x x x x

The Antecedents

The case stemmed from an Information[5] charging accused-appellant and his co-accused Ronnel Dela Vega (Ronnel), Marjune Lalikan[6] (Marjune), Reymark Angeles (Reymark), and Jomar Mediola (Jomar), with Murder under Article 248 of the RPC in connection with the death of Joey Puro Toong (victim). The accusatory portion of the Information reads:

> That on or about the 15th day of July 2009, in Quezon City Philippines, the said accused conspiring together, confederating with and mutually helping one another with intent to kill, qualified by superior strength, did then and there willfully, unlawfully and feloniously attack, assault and employ personal violence upon the person of JOEY PURO TOONG, by then and there mauling and stabbing him[,] hitting him on the different parts of his body, thereby inflicting upon him serious and mortal wounds which were the direct and immediate cause of his untimely death, to the damage and prejudice of the heirs of said JOEY PURO TOONG.
>
> The above qualifying aggravating circumstances were present because the accused planned [the] commission of the crime prior to the execution, consciously adopting the means and methods of execution, done suddenly and unexpectedly to ensure [the] commission and taking advantage of their superior strength of the crime without risk to themselves.
>
> CONTRARY TO LAW.[7]

Upon arraignment, accused-appellant and his co-accused Ronnel pleaded not guilty to the charge.[8] The other accused, namely, Marjune, Reymark, and Jomar, remain at large.

Trial on the merits ensued.

Version of the Prosecution

The prosecution presented the following witnesses: the victim's mother, Anacleta Toong (Anacleta); the victim's friend, Philip Baltes (Baltes); and Police Officer 3 Modestino G. Juanson.

[5] CA *rollo*, p. 57.
[6] Referred to as "Marjun Lalikan" in the CA Decision (see *rollo*, p. 8).
[7] CA *rollo*, p. 57.
[8] Id. at 58-59.

The following are the facts established by the prosecution:

> On 15 July 2009, at around 8:00 o'clock in the evening, Baltes was at the corner of Rock Ville, near Bread Line Bakery, *Brgy.* Bagbag, Novaliches, Quezon City waiting for her (*sic*) mother. Thereat, he saw his friend, the victim, waiting on the other side for the latter's brother.
>
> When the victim crossed the street, going to the Bread Line Bakery, Baltes, who was about three (3) meters away, [he] saw a group of about seven (7) to eight (8) male teenagers attack and maul the victim as the lights of Bread Line Bakery were open. He recognized some of them as they were schoolmates in high school. Afterwards, he saw the victim fell (*sic*) to the ground. Baltes attempted to help the victim, but he was prevented by his mother as there were many assailants attacking the victim.
>
> Thereafter, Baltes saw the victim stand but then the latter was dragged by Reymark towards the bakery. Five (5) of the assailants continued beating the victim for more or less three (3) minutes, and then Baltes saw appellant stab and skewer the victim on the chest using a double-edged knife, ensuring the victim would die.
>
> Worse, after stabbing the victim, the assailants went on mauling him. "Bebe," then held on the victim's arm and then impaled him using an ice pick. When the victim's brother and Baltes approached the victim to help (*sic*) but the assailants fled to escape, leaving the victim.
>
> As soon as the assailants have (*sic*) left, Baltes and the victim's brother brought him to the nearest hospital where he later on expired.[9]

Version of the Defense

Accused-appellant denied the charge against him. He insisted that he was in Tarlac City on July 15, 2009, the alleged date of the incident. Although he admitted that he was a resident of *Brgy.* Gulod, Novaliches, Quezon City, he had already transferred to Tarlac City sometime in October 2008 when he got married. To prove that he lived in Tarlac City for two years, or from 2008 to 2010, he presented a *barangay* certification. As he was then working as a sales agent, he was required to travel to different places.[10]

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[9] *Rollo*, pp. 6-7.

[10] Id. at 7-8.

On December 31, 2010, while he was staying in his wife's house in *Brgy.* Gulod, Novaliches, Quezon City, several police officers arrested him allegedly for the murder of the victim. He posited that he did not know either Baltes or his co-accused Marjune and Reymark.[11]

Ronnel, accused-appellant's co-accused, denied having committed the crime. He testified that he does not know the victim and the latter's mother, Anacleta. He likewise maintained that he was working as a pedicab driver at the time of the incident on July 15, 2009.[12]

On March 29, 2016, the defense placed Baltes on the witness stand.[13] On direct examination, Baltes retracted his previous testimony as a witness for the prosecution. He testified that he never saw accused-appellant and Ronnel on the night of July 15, 2009. He insisted that there was just a misunderstanding and that accused-appellant and Ronnel are both innocent.[14]

The RTC Ruling

The RTC rendered its Decision[15] dated September 15, 2017 finding accused-appellant guilty beyond reasonable doubt of Murder. However, it acquitted Ronnel of the charge. The dispositive portion of the Decision states:

> IN VIEW THEREOF, judgment is rendered as follows:
>
> 1. Accused RONNEL DELA VEGA *y* BUÑING is hereby ACQUITTED of the crime of Murder for insufficiency of evidence; and
>
> 2. Accused ROD ANGELES *y* MANLAPAZ is found GUILTY beyond reasonable doubt of the crime of MURDER qualified by the aggravating circumstance of abuse of superior strength. The Court sentences ROD ANGELES *y* MANLAPAZ to suffer the penalty of *reclusion perpetua*.
>
> SO ORDERED.[16]

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[11] Id. at 8.
[12] CA *rollo*, p. 64.
[13] Id. at 45.
[14] Id. at 62-63.
[15] Id. at 57-73.
[16] Id. at 73.

The RTC ruled that the prosecution proved beyond reasonable doubt all the elements of Murder under Article 248 of the RPC.[17] It gave credence to the earlier testimony of Baltes pointing to accused-appellant as one of the persons who stabbed the victim in the chest.

As regards prosecution witness Baltes' initial testimonies, the RTC found that he was straightforward and spontaneous.[18] It emphasized that Baltes' recantation in 2016, given seven years after testifying for the prosecution and identifying accused-appellant as one of the assailants, deserves scant consideration. It noted that Baltes, on his recantation of his previous testimony, was jittery and kept on looking at other people in the courtroom as if seeking assistance on how to answer the questions propounded by the public prosecutor.[19] It concluded that Baltes' statements before the investigating police in 2009 immediately after the incident, plus his testimony in 2012, are more spontaneous and credible compared with his recantation in 2016.[20]

Further, the RTC found that the prosecution failed to clearly establish the criminal liability of Ronnel; he neither inflicted bodily harm nor participated in mauling the victim. Thus, his acquittal.[21]

Aggrieved, accused-appellant appealed to the CA.[22]

The CA Ruling

In the assailed Decision[23] dated February 10, 2020, the CA dismissed the appeal and affirmed *in toto* the RTC Decision; thus:

> FOR THESE REASONS, the instant appeal is hereby DISMISSED, and the appealed Decision dated 15 September 2017 rendered by Branch 215 of the National Capital Judicial Region of the Regional Trial Court ("RTC") of Quezon City in Criminal Case No. Q-10-162801 is AFFIRMED *in toto*.
>
> SO ORDERED.[24]

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[17] Id. at 65-66.
[18] Id. at 66-69.
[19] Id. at 70-71.
[20] Id. at 71.
[21] Id. at 72-73.
[22] See Notice of Appeal, id. at 11-12.
[23] *Rollo*, pp. 4-26.
[24] Id. at 25.

The CA upheld the RTC ruling that the evidence for the prosecution sufficiently established the guilt of accused-appellant beyond reasonable doubt. It affirmed the RTC's finding that all the elements of Murder are present.[25] Moreover, it rejected the recantation made by Baltes seven years after he identified accused-appellant as one of the persons who fatally stabbed the victim; it gave more credence to Baltes' statements when he was called to testify for the prosecution.[26]

Hence, the instant appeal before the Court.[27]

Accused-appellant filed a Manifestation[28] that he would no longer file a supplemental brief considering that he already discussed the assigned errors in the Brief for the Accused-Appellant[29] before the CA. On the other hand, the Office of the Solicitor General (OSG) similarly manifested that it would no longer file a supplemental brief,[30] there being no supervening occurrences since it filed its Appellee's Brief[31] before the CA.

In the Brief for the Accused-Appellant,[32] accused-appellant argues that the RTC gravely erred in convicting him of the crime of Murder despite the decisive and reliable recantation of the testimony of Baltes, the prosecution's lone eyewitness;[33] that Baltes' out-of-court identification of accused-appellant and Ronnel as the assailants was highly doubtful and questionable;[34] that the prosecution failed to prove accused-appellant's identity as one of the perpetrators of the crime;[35] and that the trial court erred in not considering his denial and alibi.[36]

On the other hand, the OSG, in the Appellee's Brief,[37] counters that accused-appellant's guilt has been proven beyond reasonable doubt;[38] that Baltes positively and consistently identified accused-

[25] Id. at 13-15.
[26] Id. at 20-24.
[27] Id. at 27-28.
[28] Id. at 42-44.
[29] CA *rollo*, pp. 39-55.
[30] *Rollo*, pp. 36-38.
[31] CA *rollo*, pp. 84-98.
[32] Id. at 39-55.
[33] Id. at 46-49.
[34] Id. at 51-52.
[35] Id. at 46-52.
[36] Id. at 52-53.
[37] Id. at 84-98.
[38] Id. at 90-92.

appellant as one of the persons who stabbed the victim; that accused-appellant failed to substantiate his defenses of denial and alibi;[39] and that Baltes's recantation of his previous credible statements should not be given credence.[40]

The Issues

I.

WHETHER THE CA ERRED IN AFFIRMING THE TRIAL COURT'S DECISION CONVICTING ACCUSED-APPELLANT OF THE CRIME OF MURDER DESPITE THE RECANTATION OF THE TESTIMONY OF THE PROSECUTION'S LONE EYEWITNESS.

II.

WHETHER THE CA ERRED IN AFFIRMING THE TRIAL COURT'S DECISION CONVICTING THE ACCUSED-APPELLANT OF MURDER DESPITE THE DOUBTFUL IDENTIFICATION OF ACCUSED-APPELLANT AS A PERPETRATOR OF THE CRIME.

III.

WHETHER THE CA ERRED IN NOT CONSIDERING ACCUSED-APPELLANT'S DEFENSES OF DENIAL AND ALIBI.

Our Ruling

The appeal is unmeritorious.

Well settled is the rule that the trial court's findings of fact and evaluation of witnesses' credibility and testimony should be entitled to great respect unless it is shown that any fact or circumstance of weight

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[39] Id. at 94.
[40] Id. at 95-96.

and substance may have been overlooked, misapprehended, or misapplied.[41] As discussed in *Estrella vs. People*:[42]

> x x x [T]he matter of ascribing substance to the testimonies of witnesses is best discharged by the trial court, and the appellate courts will not generally disturb the findings of the trial court in this respect. Findings of the trial court which are factual in nature and which involve the credibility of witnesses are accorded with respect, if not finality by the appellate court, when no glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions can be gathered from such findings. The reason is quite simple: the trial judge is in a better position to ascertain the conflicting testimonies of witnesses after having heard them, and observed their deportment and mode of testifying during the trial. The task of taking on the issue of credibility is a function properly lodged with the trial court. Thus, generally, the Court will not recalibrate evidence that had been analyzed and ruled upon by the trial court. x x x.[43]

After a judicious perusal of the records, the Court finds no compelling reason to depart from the RTC and the CA's uniform factual findings.[44] The Court affirms accused-appellant's conviction.

All the elements of Murder were proven beyond reasonable doubt.

Accused-appellant, his co-accused, Ronnel, and all the other accused who remain at large, stand charged with Murder qualified by abuse of superior strength. The crime is punished under Article 248 of the RPC which states:

> ARTICLE 248. *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 *reclusion 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

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[41] *People v. Agalot*, 826 Phil. 541, 550 (2018).
[42] G.R. No. 212942, June 17, 2020.
[43] Id.
[44] See *rollo*, p. 25.

> weaken the defense or of means or persons to insure or afford impunity.
>
> x x x x

The elements of Murder as enunciated by jurisprudence are as follows: "(a) that a person was killed; (b) that the accused killed him; (c) that the killing was attended by any of the qualifying circumstances mentioned in Article 248; and (d) that the killing is not parricide or infanticide."[45]

In the present case, the prosecution was able to establish all the elements of the crime: (1) the victim was killed on July 15, 2009; (2) Baltes positively identified accused-appellant as one of the persons who stabbed the victim in the chest; (3) the killing was attended by abuse of superior strength; and (4) the killing was not parricide or infanticide.[46]

During his direct examination, Baltes, the lone prosecution eyewitness, testified in a categorical and straightforward manner that accused-appellant was one of the persons who stabbed the victim on that fateful night. Thus:

> Direct Examination by Senior Assistant City Prosecutor Ramoncito Bienvenido T. Ocampo, Jr.
>
> Q: And what happened if any at the time while you were waiting for your mother?
> A: There was a group of teenagers near the Bread Line Bakery, sir.
>
> Q: And what happened, if any?
> A: When Joey crossed the street to Bread Line Bakery and when I turned my head, I just saw him falling down, sir.
>
> Q: And what could be the reason why Joey was falling down?
> A: He was mauled by this group of teenagers, sir.
>
> Q: And how many, more or less this group of teenagers who ganged up on Joey?
> A: There were 7 or 8 of them, sir.
>
> Q: When you say 7 or 8, what are their genders?

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45 *People v. Manansala*, G.R. No. 233104, September 2, 2020, citing *People v. Casemiro*, G.R. No. 231122, January 16, 2019.

46 See *rollo*, pp. 13-19.

A: All males, sir.

x x x x

Q: And how far were you from the place where Joey was mauled and eventually fell down?
A: From this place where I am sitting up to the place where my mother was seating [*sic*], sir.

SACP Ocampo[,] Jr.:
May we request stipulation[,] your Honor[,] that it is about three (3) meters away.

Atty. Javier:
Stipulated, your Honor.

SACP Ocampo[,] Jr.:
Q: Now what happened after you were prevented by your mother from rendering help to Joey?
A: Joey was trying to stand up but he was pulled by a certain Reymark near the side of the bakery, sir.

Q: And what happened after a certain Reymark pulled Joey near the side of the bakery?
A: The group that ganged-up [*sic*] on him went near him and I saw Uro stabbed [*sic*] my friend, sir.

Q: And more or less how many persons have you seen came close to Joey when he was pulled by Reymark at the side of the bakery?
A: They were about five (5) of them, sir.

x x x x

Q: And what happened after Joey was stabbed by Uro?
A: These five (5) persons were still hitting him, sir.

Q: How for [*sic*] long did Joey was being beaten [*sic*] by these persons after he was stabbed?
A: Around three (3) minutes, sir.

Q: And what happened after they beat Joey?
A: A certain Bebe held on to the arm of Joey and then stabbed him with an ice pick, sir.

x x x x

Q: When you say Uro, do you know the name of Uro?
A: Rod Angeles, sir.

Q: Will you kindly stand up from the witness stand and point to the person whom you are referring to as Rod Angeles alia[s] "Uro"?

INTERPRETER:
The witness pointed to a person seated inside the courtroom, and when called to stand, he stood up and identified himself as ROD ANGELES a.k.a. "URO".

x x x x

Q: Now you have identified Rod Angeles alias Uro, what was his participation in the mauling of Joey which resulted to the death of the latter?
A: He was the one who stabbed on the part of the chest of the victim, sir.

Q: And what was the weapon used by Rod Angeles alias Uro in stabbing Joey?
A: I think it was a double blade knife sir.

Q: And who was the one who pulled Joey on the side of the bakery?
A: It [*sic*] is not here sir, Reymark.

Q: And where was Rod Angeles alias Uro then when Joey was dragged at the side of the bakery?
A: He was also there, sir.

Q: And how many times have you seen Rod Angeles stabbed Joey?
A: Only once, *pero kinalikot habang nasa loob ng panaksak, sir.*[47]
(Emphasis and underscoring in the original)

The foregoing testimony gives a clear, graphic description of how accused-appellant stabbed the victim on July 15, 2009 near a bakery.

In sum, Baltes categorically testified during direct examination that a group of seven to eight men ganged up on the victim, causing the latter to fall; that when the victim fell to the ground, a certain Reymark dragged him to the side of the bakery where five of the men went near him; that he saw accused-appellant stab the victim using a double-edged knife; that after accused-appellant stabbed the victim, five of the men again hit the victim for about three minutes; that a certain "Bebe" held on to the victim's arm and stabbed him using an ice pick; and that when the victim's brother and Baltes approached the victim, the assailants fled

[47] CA *rollo*, pp. 67-69.

and left the victim behind.[48]

Even on cross-examination, Baltes was consistent in pointing to accused-appellant as one of the persons who stabbed the victim using a double-edged knife. He reiterated the fact that he was just three meters away from the area where seven to eight men ganged up on the victim and accused-appellant stabbed the victim in the chest.[49]

From the above-mentioned statements of Baltes, the Court affirms the finding of the RTC and the CA that the killing of the victim was attended by the qualifying circumstance of abuse of superior strength. In *People v. Flores*,[50] the Court discussed when *abuse of superior strength* is present; thus:

> *Abuse of superior strength is present whenever there is a notorious inequality of forces between the victim and the aggressor, assuming a situation of superiority of strength notoriously advantageous for the aggressor selected or taken advantage of by him in the commission of the crime.* The fact that there were two persons who attacked the victim does not per se establish that the crime was committed with abuse of superior strength, there being no proof of the relative strength of the aggressors and the victim. The evidence must establish that the assailants purposely sought the advantage, or that they had the deliberate intent to use this advantage. To take advantage of superior strength means to purposely use excessive force out of proportion to the means of defense available to the person attacked. The appreciation of this aggravating circumstance depends on the age, size, and strength of the parties.[51] (Emphasis supplied)

Moreover, in *People v. Catulang*,[52] the Court emphasized that abuse of superior strength is present when there is a numerical superiority in favor of the accused and "the force exerted by them to commit the crime was out of proportion to the means of defense available to the victim."[53] To illustrate:

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[48] Id. at 59-60.
[49] Id. at 60-62.
[50] 838 Phil. 499 (2018).
[51] Id. at 510-511, citing *People v. Beduya*, 641 Phil. 399, 410-411 (2010).
[52] G.R. No. 245969, November 3, 2020.
[53] Id.

> x x x *There was numerical superiority with the accused and the force exerted by them to commit the crime was out of proportion to the means of defense available to the victim. Romy was attacked by several men, particularly Manuel, Poly and Crispolo, who had weapons including dos por dos, screwdriver and bolo.* The accused took advantage of their superior strength to assault and kill Romy who was alone and defenseless. The attack made by Manuel and Poly were likewise out of proportion to the means of defense available to Romy. As established by the prosecution, Romy was already unarmed when the accused attacked him. Thus, the circumstance of abuse of superior strength was properly appreciated by the RTC and the CA.[54] (Emphasis supplied)

Furthermore, the Court held in *People v. Angeles*:[55]

> This qualifying circumstance is present whenever there is a notorious inequality of forces between the victim and the aggressor, assuming a situation of superiority of strength notoriously advantageous for the aggressor selected or taken advantage of by him in the commission of the crime.
>
> In *People v. Castillar*, the Court appreciated the qualifying circumstance of abuse of superior strength when four (4) armed assailants attacked the unarmed victim, as in this case. Too, in *People v. Garcia*, the Court held that where four (4) persons attacked the unarmed victim but treachery was not proven, the fact that there were four (4) assailants constitutes abuse of superiority. So must it be.[56] (Citations omitted)

In the case, there is no doubt that accused-appellant and his co-accused, except Ronnel, had a greater advantage which they wielded to assault and kill the victim who was alone and defenseless. The attack was clearly out of proportion to the means of defense available to the victim. A disparity of strength and numbers was obvious from the facts of the case. Due to the inequality of forces, the hapless victim was no match to his aggressors that included accused-appellant. Thus, the qualifying circumstance of abuse of superior strength was proven beyond reasonable doubt and properly appreciated.

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[54] Id.

[55] G.R. No. 224289, August 14, 2019.

[56] Id.

Accused-appellant was clearly identified as the perpetrator by the prosecution's eyewitness.

It must be stressed that Baltes was able to positively and consistently identify accused-appellant as one of the persons who stabbed the victim in his chest:

> Direct Examination by Senior Assistant City Prosecutor Ramoncito Bienvenido T. Ocampo, Jr.
>
> Q: And what happened after a certain Reymark pulled Joey near the side of the bakery?
> A: The group that ganged-up [*sic*] on him went near him and I saw Uro stabbed my friend, sir.
>
> x x x x
>
> Q: And how were you able to know the name Uro as the one who stabbed Joey?
> A: Initially, I didn't know the name but when a picture of this accused was shown to me by another witness, that's the time I came to know his name, sir.
>
> x x x x
>
> Q: And among that group of teenagers who ganged-up [*sic*] Joey, whom were you able to identify?
> A: Ron, Uro, Reymark, Marlon and Bebe, sir.
>
> Q: Now if you will be able to see these five (5) persons who you have identified as the very persons who ganged-up on Joey on that night of July 15, 2009, will you be able to recognize them?
> A: Yes, sir.
>
> Q: Are they present inside the courtroom right now?
> A: Yes, sir.
>
> Q: How many were they?
> A: Two (2), sir.
>
> Q: Who are these persons who are inside the courtroom?
> A: Ron and Uro, sir.
>
> Q: When you say Uro, do you know the name of Uro?
> A: Rod Angeles, sir.

> Q: Will you kindly stand up from the witness stand and point to the person whom you are referring to as Rod Angeles alias "Uro"?
>
> INTERPRETER:
> - The witness pointed to a person seated inside the courtr[o]om, and when call (*sic*) to stand, he stood up and identified himself as ROD ANGELES a.k.a. "URO."[57]

Baltes' testimony is sufficient to establish accused-appellant's identity as one of the assailants who stabbed the victim. It must be noted that Baltes was the lone witness who actually saw how the event took place. In the absence of a showing that Baltes was actuated by ill motive in testifying against accused-appellant, it is presumed that he is not so actuated, and his testimony is thus entitled to full faith and credit.[58] "When there is no evidence to show any improper motive on the part of the witness to testify falsely against the accused or pervert the truth, the logical conclusion is that no such motive exists and that the former's testimony is worthy of full faith and credit."[59]

The courts a quo correctly convicted accused-appellant despite the recantation of the prosecution's lone eyewitness.

In an attempt to exonerate himself, accused-appellant argues that the RTC should not have relied on the previous statements of Baltes which he subsequently recanted; that Baltes explained in his recantation that accused-appellant and Ronnel are both innocent; that there was no evidence that Baltes' recantation is unreliable; and that the prosecution failed to show that Baltes is a poor and ignorant witness or that he was intimidated or given monetary consideration in exchange for the retraction of his previous testimony.[60]

Accused-appellant is grasping at straws. The courts *a quo* are correct in *not* giving credence to Baltes' recantation.

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[57] CA *rollo*, pp. 93-94.
[58] See *People v. Albaran*, G.R. No. 233194, September 14, 2020.
[59] *People v. Advincula*, 829 Phil. 518, 525 (2018).
[60] CA *rollo*, pp. 47-49.

As the Court held in *Sterling Paper Products Enterprises, Inc. v. KMM-Katipunan*,[61] "a recantation does not necessarily cancel an earlier declaration."[62] The Court stressed:

> A testimony solemnly given in court should not be set aside and disregarded lightly, and before this can be done, both the previous testimony and the subsequent one should be carefully compared and juxtaposed, the circumstances under which each was made, carefully and keenly scrutinized, and the reasons and motives for the change discriminately analysed.[63]

In *People v. Teodoro*,[64] the Court discussed:

> x x x Indeed, to disregard testimony solemnly given in court simply because the witness recants it ignores the possibility that intimidation or monetary considerations may have caused the recantation. x x x Before allowing the recantation, therefore, the court must not be too willing to accept it, but must test its value in a public trial with sufficient opportunity given to the party adversely affected to cross-examine the recanting witness both upon the substance of the recantation and the motivations for it. The recantation, like any other testimony, is subject to the test of credibility *based on the relevant circumstances, including the demeanor of the recanting witness on the stand.* In that respect, the finding of the trial court on the credibility of witnesses is entitled to great weight on appeal unless cogent reasons necessitate its re-examination, the reason being that the trial court is in a better position to hear first-hand and observe the deportment, conduct and attitude of the witnesses.[65] (Emphasis supplied; citations omitted)

After a judicious scrutiny and comparison of Baltes' statements in 2009 and testimony before the RTC in 2012 with his subsequent recantation in 2016, the Court finds that his recantation deserves scant consideration.[66]

Notably, as observed by the trial court during the direct examination conducted by the prosecution and even during cross-examination by the defense counsel, Baltes testified in a straightforward and spontaneous manner in pointing to accused-appellant as one of the

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61 815 Phil. 425 (2017).
62 Id. at 434.
63 Id. at 434-435.
64 704 Phil. 335 (2013).
65 Id. at 357.
66 See CA *rollo*, pp. 71-72 and *rollo*, pp. 19-24.

persons who stabbed the victim.[67] Baltes even gave a graphic illustration of how accused-appellant stabbed the victim: "*Only once, pero kinalikot habang nasa loob ang panaksak, sir.*" He also described the knife used by accused-appellant.[68] The graphic descriptions of the incident made by Baltes in his statements in 2009 and testimony in 2012 are more believable than the subsequent retraction he made in 2016. The recantation was not convincing considering that he only made a general denial that accused-appellant and Ronnel were not present at the place of the incident on that fateful night.[69]

Simply stated, Baltes' previous statements and testimony were more spontaneous than his subsequent recantation. His statements in 2009 and testimony in 2012 were the result of an inner impulse to tell the truth and obtain justice for his fallen friend. They were not concocted or a product of imagination; they were not lies.

It must likewise be stressed that Baltes made the recantation in 2016, or seven years after he gave police investigators his statements identifying and consistently pointing to accused-appellant as one of the persons who stabbed the victim. The lapse of seven years from the time Baltes made his statements before the police officers renders questionable the truthfulness of his subsequent recantation of such statements. Thus, the recantation should not be given weight.

As held in *People v. Dolendo*:[70]

> Indeed, *it is a dangerous rule to set aside a testimony which has been solemnly taken before a court of justice in an open and free trial and under conditions precisely sought to discourage and forestall falsehood simply because one of the witnesses who had given the testimony later on changed his mind.* x x x.
>
> x x x x
>
> This Court has always looked with disfavor upon retraction of testimonies previously given in court. The asserted motives for the repudiation are commonly held suspect, and the veracity of the statements made in the affidavit of repudiation are frequently and

[67] CA *rollo*, p. 69.
[68] Id. at 68-69.
[69] Id. at 62-63.
[70] G.R. No. 223098, June 3, 2019.

deservedly subject to serious doubt.[71] (Emphasis in the original)

Finally, it is worth emphasizing that before the recantation of Baltes, accused-appellant filed an *Urgent Motion for Early Setting with Request for Subpoena Ad Testificandum*[72] dated March 22, 2016 wherein he informed the RTC that he and the private complainant successfully entered into an amicable settlement of the civil aspect of the case and that the witnesses for the prosecution were ready to recant their previous testimonies.

Accused-appellant's manifestation is damning evidence against the defense as it can be interpreted that Baltes only made the recantation on March 29, 2016 in consideration of the amount given during the amicable settlement of the civil aspect of the case.

Accused-appellant failed to substantiate his defenses of denial and alibi.

As a last-ditch effort, accused-appellant insists that the RTC and the CA erred in not considering his defenses of denial and alibi. He argues that these defenses should not have been ignored in light of the failure of the prosecution to prove his identity as the perpetrator of the crime coupled with Baltes' recantation.[73]

Accused-appellant's argument does not persuade.

The Court has ruled in various cases that denial is inherently a weak defense as it is negative and self-serving; and that corollarily, alibi is the weakest of all defenses for it is easy to contrive and difficult to prove.[74] "For the defense of alibi to prosper, it must be sufficiently convincing as to preclude any doubt on the physical impossibility of the presence of the accused at the *locus criminis* or its immediate vicinity at the time of the incident."[75]

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[71] Id., citing *Firaza v. People*, 547 Phil. 572, 584-585 (2007).
[72] Records, pp. 220-222.
[73] CA *rollo*, p. 53.
[74] *People v. Masubay*, G.R. No. 248875, September 3, 2020.
[75] *People v. Batalla*, G.R. No. 234323, January 7, 2019.

In the case at hand, accused-appellant insists that he was in Tarlac City at the time the incident happened. It bears stressing that the defense failed to present clear and convincing evidence that it was physically impossible for accused-appellant to travel within the day from Tarlac City to Novaliches, Quezon City, where the crime was committed. In fact, he admitted that he was then a resident of Novaliches, Quezon City. He also admitted that at the time of his arrest on December 31, 2010, he was staying in his wife's house in *Brgy.* Gulod, Novaliches, Quezon City.[76] Thus, it is undisputed that it was not impossible then for accused-appellant to be at the *locus criminis* at the time of the killing.

As for the penalty, the RTC and the CA correctly imposed *reclusion perpetua* in accordance with Article 248 of the RPC. In the case, there is no need to append the phrase "*without eligibility for parole*" to qualify the penalty of *reclusion perpetua* because death penalty is not warranted considering the absence of any ordinary aggravating circumstance. Pursuant to Administrative Matter (A.M.) No. 15-08-02-SC,[77] the phrase "without eligibility for parole" need not be borne in the decision to qualify the penalty imposed. The circumstance of "*abuse of superior strength*" only qualified the killing to Murder but it is not an ordinary aggravating circumstance which warrants the imposition of death penalty.

Under A.M. No. 15-08-02-SC, when there are circumstances warranting the imposition of the death penalty, but the same is not imposed in view of Republic Act No. (RA) 9346,[78] the phrase "without eligibility for parole" shall be used to qualify *reclusion perpetua* in order to emphasize that the accused should have been sentenced to suffer the death penalty had it not been for RA 9346. Conversely, when death penalty is not warranted, as in the case at bench, there is no need to

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[76] See *rollo*, pp. 24-25.

[77] A.M. No. 15-08-02-SC (*Guidelines for the Proper Use of the Phrase "Without Eligibility for Parole" in Indivisible Penalties*) provides:

x x x x

x x x [T]he following guidelines shall be observed in the imposition of penalties and in the use of the phrase *without eligibility for parole*:

(1) In cases where the death penalty is not warranted, there is no need to use the phrase *"without eligibility for parole"* to qualify the penalty of *reclusion perpetua*; it is understood that convicted persons penalized with an indivisible penalty are not eligible for parole; and (2) When circumstances are present warranting the imposition of the death penalty, but this penalty is not imposed because of R.A. [No.] 9346, the qualification of *"without eligibility for parole"* shall be used in order to emphasize that the accused should have been sentenced to suffer the death penalty had it not been for R.A. No. 9364.

[78] AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES. (2006).

qualify the penalty of *reclusion perpetua.* Undoubtedly, both the RTC and the CA correctly imposed the penalty of *reclusion perpetua* without appending the phrase "without eligibility for parole." Therefore, the dispositive portion of this Decision should simply state that accused-appellant is sentenced to suffer the penalty of *reclusion perpetua* without any qualification.

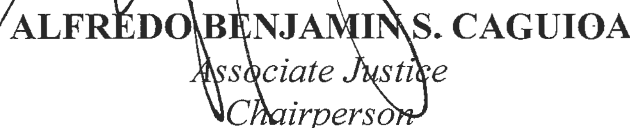
Also, the courts *a quo* correctly dispensed with the ruling on the civil aspect of the case considering that the private complainant and the defense entered into an amicable settlement before the RTC rendered a judgment of conviction.[79]

WHEREFORE, the appeal is **DISMISSED**. The Decision dated February 10, 2020 of the Court of Appeals in CA-G.R. CR-HC No. 10073 is **AFFIRMED.** Accused-appellant Rod Angeles *y* Manlapaz @ "Uro" is found guilty of the crime of Murder under Article 248 of the Revised Penal Code. He is hereby sentenced to suffer the penalty of *reclusion perpetua*.

SO ORDERED.

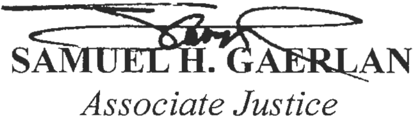
HENRI JEAN PAUL B. INTING
Associate Justice

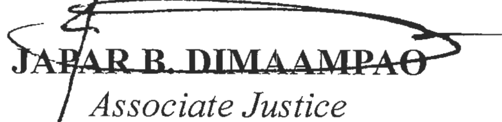
WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson

[79] CA *rollo*, p.73; records, pp. 220-222.


SAMUEL H. GAERLAN
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice

MARIA FILOMENA D. SINGH
Associate Justice

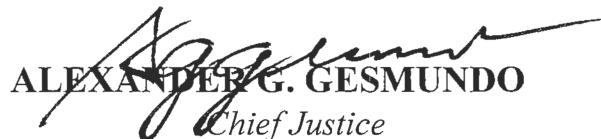
ATTESTATION

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.

ALFREDO BENJAMIN S. CAGUIOA
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.


ALEXANDER G. GESMUNDO
Chief Justice