



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **09 November 2020** which reads as follows:*

**“G.R. No. 241951 (*People of the Philippines v. Jayson Amarga y Salameda, Christian Amarga y Salameda, Mark Amarga y Salameda, and Cocoy Amarga y Salameda, accused; Christian Amarga y Salameda and Jayson Amarga y Salameda, accused-appellants*).**

Section 4, Rule 112, Rules of Court, provides that no Information may be filed by an investigating prosecutor without the prior written authority or approval of the Provincial or City Prosecutor or Chief State Prosecutor. In *Quisay v. People*,<sup>1</sup> however, the Court ruled that Section 9 of Republic Act (RA) No. 10071, otherwise known as the “Prosecution Service Act of 2010,” which vests the City Prosecutor the power to “[i]nvestigate and/or cause to be investigated all charges of crimes, misdemeanors and violations of penal laws and ordinances within their respective jurisdictions, and have the necessary information or complaint prepared or made and filed against the persons accused,” allows the City Prosecutor to delegate his power to his subordinates as he may deem necessary in the interest of the prosecution service. On this premise, we recognized an office order of the Office of the City Prosecutor, similar to the Office Order No. 32 involved, which authorizes to approve or act on any resolution, order, issuance, other action, and any information recommended by any prosecutor for approval, without necessarily diminishing the City Prosecutor’s authority to act directly in appropriate cases.

Here, both the Court of Appeals (CA) and the Regional Trial Court (RTC) found that the Information was validly filed by Assistant City Prosecutor Dennis Rafa (ACP Rafa) on the basis of Office Order No. 32, which has not been nullified or set aside by any court or tribunal. Aside

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<sup>1</sup> 778 Phil. 481 (2016).

from the Certification of ACP Rafa confirming the prior authority or approval of City Prosecutor Feliciano Aspi (CP Aspi) in filing the Information, a perusal of the Resolution dated October 4, 2010, finding probable cause against the Amarga brothers, clearly shows that it was duly approved by CP Aspi himself. This evinces a valid delegation of authority of CP Aspi to ACP Rafa.

On the merits, Christian Amarga y Salameda (Christian) and Jayson Amarga y Salameda (Jayson) contend that the testimonies of the prosecution witnesses Layes Entila (Layes) and Ronald Mabuti (Ronald) are incredible, improbable and doubtful. It is quite perplexing that Layes and Ronald did not bother to scream for help and react instantaneously when the victim was being stabbed. This argument fails to persuade. Factual findings of the trial court, especially when affirmed by the CA, bind the Court. As to the question of whether to believe the version of the prosecution or that of the defense, the choice of the trial court is generally entitled to the highest respect since it had the opportunity to observe the demeanor and deportment of the witnesses on the stand while testifying. In this case, Christian and Jayson failed to show that the RTC and the CA overlooked, misunderstood, or misapplied some facts or circumstances that would have rendered their conviction questionable.<sup>2</sup> On the contrary, the eyewitnesses positively identified Christian and Jayson. As the CA aptly observed:

To Our mind, prosecution eyewitnesses Layes Entila's (Entila) and Ronald Mabuti's (Mabuti) identification of the accused-appellants as the perpetrators was positive and reliable for being based on his recognition of each of them during the incident. Despite gruelling cross-examination, they steadfastly related the principal occurrence and had consistently and invariably identified accused-appellants as the culprits of the gruesome killing. The eyewitnesses are very familiar with the accused-appellants as they are all residents of the same vicinity; In fact, Mabuti live next to the house of accused-appellants. Verily, this circumstance eliminated any possibility of mistaken identification. Further, Entila witnessed the killing of Del Rosario from a distance of an arm's length, on the other hand, Mabuti was merely about ten (10) steps away from the crime scene. It also bears emphasis that the crime was consummated under a good condition of visibility as the incident happened in a well-lighted area. Further still, both Entila and Mabuti detailed the distinct acts committed by each of the accused-appellant during their assault on Del Rosario.<sup>3</sup> x x x.

To be sure, Layes testified that he recognized the Amarga brothers during the incident because he had known them since their birth and given that the crime scene was well-lighted, thus:

**Q: After you woke up, Mr. Witness, what did you notice, if any?**

<sup>2</sup> *People v. Baay*, 810 Phil. 943, 950 (2017).

<sup>3</sup> *Rollo*, p. 10.

**A: When I went out of the house, Sir, I saw Jayson Amarga and Christian Amarga chasing somebody.**

Q: What did you do when you saw Jayson and Christian chasing somebody?

A: When the two passed by our house, I went to the other side of the street, Sir.

X X X X

Q: What happened after Christian and Jayson were not able to catch the person they are chasing?

A: When I was able to cross the street I glanced at my right side and saw somebody being ganged up?

Q: How far were you at that time?

A: About ten (10) meters, Sir.

Q: What did you do upon seeing this, Mr. Witness?

A: What I did was to approach the group to determine who are they.

Q: And were you able to determine who these persons are?

A: When I went near the area, Sir, I came to know that it was my nephew who was being ganged up?

Q: And who is this nephew whom you are referring to?

A: Jayson Del Rosario, Sir.

Q: How about the persons ganging up on Jayson, were you able to identify them?

A: Yes, Sir, the group of Christian Amarga and his brothers, Sir.

**Q: How far are you at that time, Mr. Witness?**

**A: About one arm length, Sir, because I was reaching for my nephew.**

**Q: How about the condition of the place [at] that time?**

**A: The area was bright because there were electric posts at that time.**

X X X X

**Q: How do [you] know these persons, Christian Amarga, Jayson Amarga, Mark Amarga, and [Cocoy] Amarga, Mr. Witness?**

**A: We live in the same place, Sir, and they are born and grew up there.**

Q: You mean to say you have known them since birth.

A: Yes, Sir, including their parents.<sup>4</sup> (Emphases supplied.)

Similarly, Ronald testified that he was able to identify the Amarga brothers during the incident because he had known them since childhood and the crime scene was bright, *viz.*:

Q: How many were chasing Jayson Del Rosario?

A: Four (4) people Sir.

**Q: Who are they?**

**A: The Amarga brothers.**

Q: Could you tell me the names of the Amarga brothers?

A: Christian Amarga, Jayson Amarga, Mark Amarga, and [Cocoy] Amarga.

**Q: How do you know the Amarga brothers?**

**A: I live next to their house Sir.**

**Q: How long have you known them?**

**A: Since childhood Sir.**

Q: What happened while Jayson Del [Rosario] was being chased by the Amarga brothers?

A: They were chasing Jayson with a bladed weapon.

Q: Were they able to catch up Jayson?

A: They were able to corner Jayson in the house of Chikito.

x x x x

**Q: How far were you from the Amarga brothers and Jayson Del Rosario at that time?**

**A: About ten (10) steps away Sir.**

Q: What was the condition of the place at that time?

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<sup>4</sup> TSN, April 4, 2013, pp. 4-6.

A: [It was] about 1:00 o'clock in the morning Sir.

**Q: Is it dark?**

**A: It was bright Sir.**<sup>5</sup> (Emphases supplied.)

Consistent with the findings of the CA and the RTC, this Court does not consider the testimonies of Layas and Ronald baffling and unrealistic. As witnesses in the crime scene, it was not strange for Layas and Ronald not to scream for help at the time of the stabbing especially when they saw that the Amarga brothers were superior in number and were armed. It was not contrary to human experience that Layas and Ronald went back to their houses to ensure their safety first. We do not see how this need for self-preservation, which was understandable under the circumstances then, could discount the plausibility of their testimonies. The fact remains that they saw how the Amarga brothers ganged up on Del Rosario and stabbed him to death on that fateful night.

We also find proper the conviction of the accused-appellants for murder qualified by abuse of superior strength. 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.<sup>6</sup> Notably, superiority in number does not necessarily equate to abuse of superior strength as it must be shown that the aggressors combined forces to secure advantage from their superiority in strength. In other words, it must be shown that the accused simultaneously assaulted the deceased.<sup>7</sup> Here, the prosecution was able to prove that the Amarga brothers, who were all armed with sharp objects, repeatedly and continuously stabbed the victim to death, who was then unarmed and all by himself. This clearly shows that Amarga brothers took advantage of their superiority in number and strength in killing the victim.

Their acts further indicated that conspiracy attended the commission of the crime. The concurrence of minds involved in a conspiracy may be, and due to the secrecy of the crime, ordinarily must be, deduced from the proof of facts and circumstances which, taken together, apparently indicate that they simply constitute parts of some complete whole.<sup>8</sup> Here, the Amarga brothers were all united in attacking the victim. They stabbed the victim with sharp objects all at the same time evincing a common design and purpose.

<sup>5</sup> TSN, September 23, 2014, pp. 4-5, and 8.

<sup>6</sup> *People v. Daquipil*, 310 Phil. 327, 348 (1995).

<sup>7</sup> *People v. Campit*, 822 Phil. 448, 458 (2017).

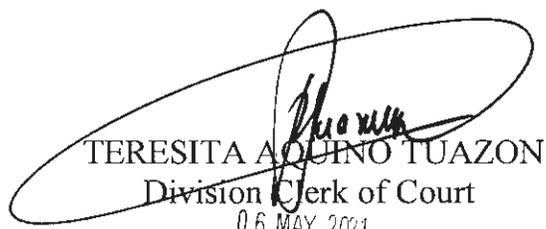
<sup>8</sup> *Alvizo v. Sandiganòyan*, 454 Phil. 34, 106 (2003).

Anent the penalty, the RTC, as affirmed by the CA, correctly sentenced Christian and Jayson to suffer the penalty of *reclusion perpetua*. Under Article 248 of the Revised Penal Code, as amended by RA No. 7659, the crime of murder is punishable by *reclusion perpetua* to death. There being no aggravating or mitigating circumstance, other than abuse of superior strength qualifying the killing to murder, the proper penalty is *reclusion perpetua*.<sup>9</sup> The CA also properly modified the award of damages to ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱75,000.00 as exemplary damages, and ₱50,000.00 as temperate damages pursuant to prevailing jurisprudence.<sup>10</sup>

**FOR THESE REASONS**, the appeal is **DISMISSED**. The assailed Decision dated April 18, 2018 of the Court of Appeals in CA-G.R. CR HC No. 08828 is **AFFIRMED**. We find accused-appellants Christian Amarga y Salameda and Jayson Amarga y Salameda **GUILTY** beyond reasonable doubt of the crime of murder under Article 248 of the Revised Penal Code, and are hereby sentenced to suffer the penalty of *reclusion perpetua* and are directed to indemnify the heirs of the victim Jayson del Rosario the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱75,000.00 as exemplary damages, and ₱50,000.00 as temperate damages. Legal interest of six percent (6%) *per annum* is imposed on all damages from the finality of this Resolution until fully paid.

**SO ORDERED.** (Rosario, J., designated additional Member per Special Order No. 2797 dated November 5, 2020.)”

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Division Clerk of Court  
06 MAY 2021

<sup>9</sup> *Ramos v. People*, 803 Phil. 775, 285 (2017).

<sup>10</sup> *People v. Jugueta*, 783 Phil. 806, 840, (2016).

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JAYSON AMARGA y SALAMEDA AND  
CHRISTIAN AMARGA y SALAMEDA (reg)  
Accused-Appellants  
c/o The Director  
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THE DIRECTOR (reg)  
Bureau of Corrections  
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HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 134  
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(Crim. Case No. 10-2006)

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