



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **06 July 2020** which reads as follows:*

“G.R. No. 239476 (*People of the Philippines v. Ronnie Mendez alias Ronnie Soganan a.k.a. “Dok-Dok”*). – On appeal is the Decision¹ of Court of Appeals (CA) dated March 22, 2018 in CA-G.R. CR-HC No. 01494-MIN which affirmed with modification the Decision² dated August 17, 2015 of the Regional Trial Court (RTC), Branch 17, Davao City in Criminal Case No. 71,218-11 finding Ronnie Mendez alias Ronnie Soganan *a.k.a.* “Dok-Dok” (accused-appellant) guilty beyond reasonable doubt of the crime of Murder punishable under Article 248 of the Revised Penal Code (RPC).

The accusatory portion of the Information reads:

That on or about June 26, 2011, in the City of Davao, Philippines and within the jurisdiction of this Honorable Court, the above-named accused armed with a knife and with treachery, which is alleged herein as a qualifying circumstance, with intent to kill, willfully, unlawfully, and feloniously stabbed Virgil Christopher B. Olamit in a sudden and unexpected manner while the latter was unaware and defenseless, thereby inflicting upon the latter a stab wound on his chest, a fatal injury which caused his instantaneous death.

CONTRARY TO LAW.³

Upon arraignment, accused-appellant pleaded not guilty to the crime charged. Trial on the merits ensued.⁴

¹ *Rollo*, pp. 3-22; penned by Associate Justice Perpetua T. Atal-Paño with Associate Justices Romulo V. Borja and Walter S. Ong, concurring.

² *CA rollo*, pp. 37-48; penned by Presiding Judge Evalyn M. Arellano-Morales.

³ *Rollo*, p. 4.

⁴ *Id.*

Version of the Prosecution

To substantiate the allegations in the Information, the prosecution presented three witnesses, namely: Herbe Recaborda (Recaborda), Virgilio Olamit (Virgilio), and Dr. Danilo Ledesma (Dr. Ledesma); and formally offered in evidence Exhibits "A" to "G", with sub-markings which the RTC admitted in the Order dated May 17, 2013.⁵

The testimony of prosecution witness Recaborda is as follows:

Recaborda personally knew the deceased Virgil Christopher Bandayon (Virgil), his friend for four years and a resident of Garden Villas, Elenita Heights, Catalunan Grande, Davao City. He also knew accused-appellant, as the latter frequently visits his aunt, who is also residing at Elenita Heights; he had met accused-appellant at the PUJ terminal where accused-appellant and his friends hang out.⁶

On June 26, 2011 at about 6:00 p.m., Recaborda, Virgil, and their friend Ralph Malisa Castillo (Ralph) were walking at the main road of Elenita Heights when accused-appellant, who was angrily staring at them and armed with a knife in his right hand, approached and asked them for the whereabouts of his alleged enemy, a certain Dodong. He observed accused-appellant to be under the influence of liquor. Out of fear, they immediately left and proceeded to the house of their friend known only as "Intsik." At about 7:50 p.m., while Recaborda was at the corner of Block 31 of the same subdivision, he saw Virgil walking at the entrance road of Garden Villas; he also saw accused-appellant, armed with a knife, walking from Garden Villas going to the direction of Virgil. Recaborda immediately ran going to Virgil to alert him, but accused-appellant stabbed Virgil in the chest. Virgil was still able to run going to Garden Villas. Accused-appellant then saw him standing at the corner of a road and approached him. Recaborda ran for safety until he reached the main road and proceeded to their house. Several minutes later, he rode a tricycle going to the house of Virgil to check on his condition. Upon arriving at the entrance of Garden Villas, he saw several people gathered at the area with two police mobile cars. He then saw the lifeless body of Virgil lying on the road with blood all over his body. He was certain that it was accused-appellant who stabbed Virgil as the place was illuminated

⁵ *Id.* at 4.

⁶ *Id.* at 5.

by the lighted houses in the area.⁷

Recaborda demonstrated how accused-appellant carried the knife prior to the stabbing incident; accused-appellant was holding the knife upside down and concealing it in his palm.⁸

The victim's father, Virgilio, testified that on June 26, 2011, at about 8:20 p.m., he was informed by his nephew, Roem Paul Alalong Olamit (Roem), that his son was stabbed to death by an unidentified person at the entrance road of Garden Villas. He and Roem proceeded to the scene where he saw the lifeless body of his son lying on the road. He immediately went home as he was not feeling well at that time; Roem informed him that the body of Virgil was brought to Collado Funeral Parlor, Bangkal, Davao City. He learned from Recaborda that the perpetrator was identified as Ronnie Soganan *a.k.a.* "Dok-Dok", a resident of *Brgy.* Sto. Niño, Tugbok District.⁹

Virgilio testified further that his family had incurred ₱110,970.00 for the funeral and burial expenses of Virgil. He identified the Certificate of Live Birth of his son Virgil and the latter's Certificate of Death.¹⁰

Dr. Ledesma, the third witness for the prosecution, identified the Certificate of Death of the victim and testified that the latter's death was probably caused by "*Hemorrhage Secondary to Stab Wound of the Chest.*" He further stated that he did not conduct an autopsy of the victim's cadaver as per request of the family.¹¹

Version of the Defense

The defense presented accused-appellant who denied the charges against him. His testimony:

Accused-appellant had his eyes checked on January 3, 2012 at the Davao Doctor's Hospital, Davao City; he was complaining of poor vision. It was the first time that he went back to Davao City after staying in Baganga, Davao Oriental for a long time. He was not in Davao City on June 26, 2011. He denied having known the witness Recaborda. He was conceived after his mother was raped by a man who was already

⁷ *Id.* at 5-6.

⁸ *Id.* at 6.

⁹ *Id.*

¹⁰ *Id.* at 6.

¹¹ *Id.* at 7.

married to his mother's sister.¹²

The defense also presented Dr. Luisito Gahol, who testified that he examined accused-appellant on January 3, 2012 and found that the latter was suffering from "*severe generalized depression with very poor vision not only peripheral and central also.*"¹³

Arlene de Gracia testified that accused-appellant was a *palaboy* (wanderer) in the city and that she took him in the family when he was ten years old; that when he was 16 years old, he left home. From then, she had no more knowledge of the affairs of accused-appellant. When accused-appellant came back in January 2012 and asked for her help as his eyes were "blurred", she accompanied him to the doctor. But she could no longer recall when accused-appellant went back to Baganga, Davao Oriental.¹⁴

After trial, a judgment was rendered convicting accused-appellant as charged. The dispositive portion of the RTC Decision¹⁵ dated August 17, 2015 reads:

WHEREFORE, premises considered, the Court finds the accused Ronnie Soganan a.k.a. "Dok-Dok" a.k.a. Ronnie Mendez GUILTY beyond reasonable doubt of the crime of MURDER, punishable under Article 248 of the Revised Penal Code; he is hereby sentenced to the penalty of *RECLUSION PERPETUA*.

The accused Ronnie Soganan a.k.a. "Dok-Dok" a.k.a. Ronnie Mendez is hereby ordered to pay the heirs of the victim Virgil Christopher Olamit the following sums:

- i.) Seventy Five Thousand (₱75,000.00) Pesos, as civil indemnity for the fact of death;
- ii.) One Hundred Ten Thousand Nine Hundred Seventy (₱110,970.00) Pesos as actual damages;
- iii.) Fifty Thousand (₱50,000.00) Pesos as moral damages;
- iv.) Twenty Five Thousand (₱25,000.00) Pesos as exemplary damages;

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.* at 8.

¹⁵ *CA rollo*, pp. 37-48; penned by Presiding Judge Evalyn M. Arellano-Morales.

v.) Fifty Thousand (₱50,000.00) Pesos as attorney's fees; and

vi.) Cost of suit.

SO ORDERED.¹⁶

Aggrieved, accused-appellant appealed to the CA. He contended that the testimony of the prosecution's eyewitness, Recaborda, was inherently implausible and lacked the necessary details to illustrate a complete and feasible story of a consummated crime of murder.¹⁷ Furthermore, accused-appellant asserted that granting that he perpetrated the offense charged, the prosecution nevertheless failed to prove the qualifying circumstance of treachery.¹⁸

In its assailed Decision,¹⁹ the CA affirmed the conviction of accused-appellant for Murder, with modification as to the amount of damages. The CA disposed as follows:

WHEREFORE, the appeal is DENIED. The Decision dated August 17, 2015 of the Regional Trial Court, 11th Judicial Region, Branch 17, Davao City finding accused-appellant Ronnie Mendez alias Ronnie Soganan a.k.a Dok-Dok guilty beyond reasonable doubt is AFFIRMED with MODIFICATION as to his civil liability, to wit:

- i.) Accused appellant Mendez is hereby ordered to pay the heirs of the victim the amount of Eighty-Five Thousand Nine Hundred Seventy (₱85,970.00) Pesos as actual damages;
- ii.) The amount of Seventy-Five Thousand (₱75,000.00) Pesos as moral damages; and
- iii.) The amount of Seventy-Five Thousand (₱75,000.00) Pesos as exemplary damages.

The heirs of the victim Virgil are also entitled to an interest on all the amounts of damages awarded at the legal rate of 6% from the date of finality of this Decision until fully paid.

¹⁶ *Id.* at 47-48.

¹⁷ *Rollo*, p. 10.

¹⁸ *Id.*

¹⁹ *Id.* at 3-22; penned by Associate Justice Perpetua T. Atal-Paño with Associate Justices Romulo V. Borja and Walter S. Ong, concurring.

SO ORDERED.²⁰

The CA gave credence to Recaborda's positive identification of accused-appellant as Virgil's assailant and affirmed the presence of the qualifying circumstance of treachery.²¹ The CA, however, modified the amount of damages awarded by the RTC consistent with the recent jurisprudence.²² It increased the award of both moral and exemplary damages to ₱75,000.00 and reduced the amount of actual damages to ₱85,970.00 based on the total amount of receipts presented in court.²³ It affirmed the RTC's award of civil indemnity and attorney's fees,²⁴ and added an interest on all the amounts of damages awarded at the legal rate of 6% from the date of finality of the decision until fully paid.²⁵

Hence, this appeal.²⁶

On July 23, 2018, the Court issued a Resolution²⁷ requiring the parties to file their supplemental briefs if they so desire. Both parties manifested that they will adopt the same arguments in their separate briefs filed before the CA.²⁸

Issue

WHETHER THE CA ERRED IN AFFIRMING
ACCUSED-APPELLANT'S CONVICTION FOR
MURDER.

Our Ruling

After a careful evaluation of the evidence of this case, the Court finds this appeal to be absolutely without merit.

To begin with, it must be emphasized that factual findings of the trial court, its assessment of the credibility of witnesses and the probative weight of their testimonies, and the conclusions based on these

²⁰ *Id.* at 21-22.

²¹ *Id.* at 17-19.

²² *People v. Jugueta*, 783 Phil. 806, 839 (2016).

²³ *Id.* at 20.

²⁴ *Id.* at 21.

²⁵ *Id.*

²⁶ *Id.* at 23-24.

²⁷ *Id.* at 29-30.

²⁸ *Id.* at 31-32 and 40-41.

factual findings are to be given the highest respect.²⁹ Hence, the Court, as a rule, will not recalibrate and re-examine evidence that had been analyzed and ruled upon by the trial court and affirmed by the CA.³⁰

Here, the testimony of Recaborda is sufficient to convict accused-appellant. The RTC and the CA were one in declaring that the testimony of prosecution witness, Recaborda, bears the earmarks of truth; hence credible.³¹ Evidence on record fully supports the findings of the RTC that Recaborda clearly saw the accused-appellant stab the victim. Despite the fact that the incident took place around 7:50 p.m., there was sufficient light coming from the surrounding houses, viz.:

DIRECT EXAMINATION:

x x x x.

Q: By the way, what time was (sic) the stabbing incident occurred (sic)?

A: 7:50 in the evening.

Q: It was already dark, how can you identify positively and surely that it was “dok-dok” who stabbed Virgil?

A: *I can s[ee] clearly, sir, beca[us]e there were lighted houses in the area.*

Q: By the way, the first time you encounter[ed] “dok- dok,” early in the evening, you, Ralph and Virgil, was he with the same “dok-dok” (sic), the same attire when the incident happened?

A: The same, sir.

CROSS EXAMINATION:

x x x x.

Q: You already utter that anyway. Now you said 5 meters away only? Anyway, you said Virgil is walking along Garden Villas and saw “dok-dok” armed with a knife and you said it was covered by his palm; *how did you say he was holding a knife when you say it was covered by his palm at the distance from block 31 to block 29?*

A: *There were lighted houses.*

Q: Was that house with a fence?

A: No, sir.

²⁹ *People v. Jugueta, supra* note 22.

³⁰ *Id.*

³¹ *Rollo*, p. 18.

Q: Open?

A: Yes, sir.

Q: But the light was inside the house and not outside the house?

A: *Outside the house, sir.*

Q: What kind of light?

A: *White light, sir.*³² (Emphasis Supplied.)

Further, the CA correctly observed that Recaborda was already familiar with accused-appellant as he had seen him several times and a few hours before the stabbing incident, *viz.*:³³

DIRECT EXAMINATION:

x x x x.

Q: Before we are going to profound questions to your prepared sketch, tell the Court, when you point at “dok-dok” having known him, was it your first time to know him or you already know him long before?

A: *I know him before, sir.*

Q: And how do you [know] him before?

A: I saw him, sir, in the Mintal market.

Q: You have here a just prepared sketch, and in this sketch, where in this sketch map the first time you meet “dok-dok”?

A: *(witness pointed to the area where the main road was sketched a store in the end of the road).*

CROSS EXAMINATION:

x x x x.

Q: Now, you said you know “dok-dok” for quiet (sic) a long time, is that what you mean when you said you are familiar with him?

A: Yes, sir.

Q: When you said familiar you mean you are together oftentimes/.

A: I saw him in the relocation, sir, because sometimes I went to my aunt near the place.

³² *Id.* at 13-14.

³³ *Id.* at 16.

Q: *But you only saw him by face and not personally by talking and going together?*

A: *I only know him by that way, sir.*

Q: *So, in short, you know his face but not know him, personally, correct?*

A: *Yes, sir.*

Q: You will agree with me that there were (sic) people who has (sic) the same faces; in fact, there were (sic) those [who have] identical face which make you doubt if the same person was the same with the one you seen once?

A: No, sir.

Q: Are you sure?

A: Yes, sir.³⁴ (Emphasis supplied.)

Although it was admitted that Recaborda does not know accused-appellant personally, the fact remains that he was already familiar with accused-appellant's face. On this note, it is settled that while it might be easier for a witness to recognize the culprit if they are known to each other personally, an identification made by a witness is not less credible just because the accused is a stranger.³⁵

Even more, two hours prior to the stabbing incident, Recaborda, Virgil, and Ralph had in fact met accused-appellant, to wit:

Q: Who was with you when you met for first (sic) on the day of June 26, 2011, "dok-dok"?

A: Ralph and Virgil.

Q: That Virgil you are saying, is he the victim in this case?

A: That's leading, your Honor.

COURT: Reform the question.

Q: About what time when you, Ralph and Virgil met "Dok-dok" in the place that you pointed to the Court?

A: 6:00 o' clock in the evening.

Q: And what date was that?

A: June 26, 2011.

Q: If you recall what day was that?

A: Sunday, sir.

³⁴ *Rollo*, pp. 14-15.

³⁵ *People v. Punsalan*, 421 Phil. 1058-1074 (2001).

- Q: Describe to the Court what happened, the three (3) of you meeting "dok-dok" (sic)?
- A: He asked us who is "dodong"; we notice that he was holding something, we told him that we don't know that person and then we left; and he was drunk and his eyes were color red.

X X X X.

- Q: *By the way, the first time you encounter with (sic) "dok-dok", early in the evening, you, Ralph and Virgil, was he with the same "Dok-dok," the same attire when the incident happened?*

A: *The same, sir.*

- Q: What was he wearing at that time?

A: He didn't wear his t-shirt, it was tied around his waist.

- Q: What was the color of that shirt?

A: Red, sir.

- Q: *The same physical set-up when you saw him early that evening?*

A: *Yes, sir.*³⁶ (Emphasis Supplied.)

Given the foregoing, the Court finds no cogent reason to disturb the conclusion of the RTC as affirmed by the CA that Recaborda had positively and categorically identified accused-appellant as the one who committed the dastardly act of stabbing the victim which resulted in his death.³⁷ Moreover, no evidence was presented to establish that Recaborda harbored any ill will against accused-appellant.³⁸ The fact that it took Recaborda more than a month before he finally executed an Affidavit regarding the incident does not cast doubt on the veracity of his testimony.³⁹ Indubitably, the initial reluctance of witnesses and their willingness to be involved in criminal investigations are common and have been judicially declared not to affect credibility.⁴⁰

The CA and RTC were also correct in appreciating the qualifying circumstance of treachery.

For treachery to be appreciated, the concurrence of two conditions must be established: *first*, the employment of means of execution that

³⁶ *Rollo*, pp. 16-17.

³⁷ *Id.* at 17.

³⁸ *Id.*

³⁹ *People v. De Guzman*, 597 Phil. 634-649 (2009).

⁴⁰ *People v. Torio*, 452 Phil. 777-801 (2003).

gives the person attacked no opportunity to defend himself or to retaliate; and *second*, the means of execution was deliberately or consciously adopted.⁴¹ Here, the records clearly show that the victim's killing was attended by treachery, considering that the victim was walking with his head down, while holding his cellphone and listening to music, when he was fatally stabbed by accused-appellant in a sudden and unexpected manner.⁴²

Clutching at straws, accused-appellant contends that the stab wound located on the chest of the victim negates the claim that the attack was sudden and left the victim defenseless.⁴³

Unfortunately, this contention does not persuade.

In essence, treachery is the sudden and unexpected attack by the aggressor on an unsuspecting victim, depriving the latter of any real chance to defend himself, thereby ensuring its commission without risk to the aggressor.⁴⁴ Verily, even a frontal attack could be treacherous when unexpected, as in this case.⁴⁵

WHEREFORE, the appeal is hereby **DISMISSED**. Accordingly, the assailed Decision dated March 22, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 01494-MIN is **AFFIRMED**.

SO ORDERED." (GAERLAN, *J.*, designated as additional member, per Special Order No. 2780 dated May 11, 2020).

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court

28 AUG 2020

⁴¹ *People v. Panerio*, G.R. No. 205440, January 15, 2018.

⁴² *Rollo*, p. 19.

⁴³ *CA rollo*, p. 34.

⁴⁴ *People v. Malejana*, 515 Phil. 584-600 (2006).

⁴⁵ *People v. Malejana*, *supra*.

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