



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 22, 2022** which reads as follows:*

“G.R. No. 254549 (People of the Philippines, plaintiff-appellee vs. Ricardo Banaag y Manahan* a.k.a. “Kardo,” accused-appellant). - This is an ordinary appeal seeking to vacate and reverse the July 23, 2020 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 11939. The CA affirmed the July 5, 2018 Decision² of the Regional Trial Court, Pinamalayan, Oriental Mindoro, Branch 41 (RTC), which found Ricardo Banaag y Manahan (*accused-appellant*) guilty beyond reasonable doubt of the crime of Murder as defined and penalized under Article 248 of the Revised Penal Code (RPC), and sentenced him to suffer the penalty of *reclusion perpetua* with all the accessory penalties provided by law.

In an Information³ dated January 11, 2006, accused-appellant was charged with Murder, the accusatory portion of which reads:

That on or about the 4th day of October 2005, at around 11:00 o'clock in the evening, more or less, at Barangay Villareal, Municipality of Socorro, Province of Oriental Mindoro, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, while armed with a bladed instrument, with a decided purpose to kill without justifiable reason, did then and there willfully, unlawfully and feloniously attack, assault and stab one ANTONIO QUILAQUIL Y MOLDES, who was then inside his house, unaware, unarmed and helpless, inflicting upon the latter multiple stab wounds, which caused his instantaneous death to the damage and prejudice of his heirs.

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* Full name of the accused-appellant, as stated in records, p. 41.

¹ *Rollo*, pp. 4-16; penned by Associate Justice Jhosep Y. Lopez (now a Member of the Court), with Associate Justices Myra V. Garcia-Fernandez and Bonifacio S. Pascua, concurring.

² CA *rollo*, pp. 39-54; penned by Presiding Judge Harry D. Jaminola.

³ Records, p. 1.

That in the commission of the crime, the qualifying circumstances of treachery and evident premeditation as well as the aggravating circumstance of nocturnity are attendant.

CONTRARY TO LAW.⁴

As correctly held by the CA and the RTC, all the elements of murder as defined and penalized under Art. 248 of the RPC had been sufficiently established by the prosecution through the straightforward and positive testimony of Antonio Quilaquil's (*Antonio*) wife, Marites Quilaquil (*Marites*). Through her testimony, the prosecution was able to clearly establish that: (a) Antonio was stabbed and killed; (b) accused-appellant stabbed him through the bamboo wall on which he was leaning on, effectively killing him; (c) the stabbing was attended by treachery and dwelling, as testified to by Marites; and (d) the killing was neither parricide nor infanticide.

Similarly, accused-appellant's attempts to discredit Marites as a witness fail to persuade. In *People v. Caliso*,⁵ the Court explained that in criminal prosecution, the identity of the accused must be established with moral certainty, but this does not necessarily require the witness to have seen the face of the accused. Here, considering that accused-appellant was her brother-in-law and neighbor, Marites was undoubtedly familiar with the physical features and stature of accused-appellant. Such familiarity is enough to lend credibility to her identification of the accused.⁶ The alleged inconsistencies between the statements of Marites in her *salaysay* and in open court are of no moment. We have previously ruled that as a general rule, contradictions and discrepancies between the testimony of a witness in contrast with what was stated in an affidavit do not necessarily discredit her.⁷ Minor discrepancies are more consistent with human nature and experience, and serve to strengthen rather than destroy a victim's credibility.⁸ Here, the alleged inconsistencies in Marites' testimonies were minor, and do little to affect her positive identification of accused-appellant. In fact, Marites was consistent in her testimonies where it was material — that she witnessed Antonio being stabbed through their bamboo wall, and when she immediately looked out the window, she saw accused-appellant running away from their house.

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⁴ *Id.*

⁵ 675 Phil. 742 (2011).

⁶ See also *People v. Ali*, 822 Phil. 406, 418 (2017).

⁷ *People v. XXX*, G.R. No. 236562, September 22, 2020; see *People v. Gallo*, 419 Phil. 937, 944-945 (2001).

⁸ *People v. Deocares*, G.R. No. 246585, June 17, 2020; see *People v. Lagramada*, 436 Phil. 758, 771 (2002).

Moreover, accused-appellant's unsubstantiated denial cannot prevail over the categorical and positive identification of Marites. Denial, if unsubstantiated by clear and convincing evidence, is a self-serving assertion that deserves no weight in law,⁹ as in this case. Here, it bears emphasis that accused-appellant failed to present any proof to substantiate his defense. Despite testifying that he was working at the *copra* farm with his son and his son-in-law,¹⁰ nobody corroborated his testimony regarding his whereabouts. In fact, his testimony itself was not clear and was confusing as to where he was and what he was doing on the night of the killing. Thus, as between Marites' categorical testimony which has a ring of truth on one hand, and accused-appellant's mere denial on the other, the former must prevail.

In view of the foregoing, the Court is convinced that the prosecution proved accused-appellant's guilt beyond reasonable doubt. We likewise affirm the damages imposed by the CA as the same are in accordance with *People v. Jugueta*.¹¹

WHEREFORE, premises considered, the appeal is **DISMISSED** for lack of merit. The Court **ADOPTS** the findings of fact and conclusions of law in the July 23, 2020 Decision of the Court of Appeals in CA-G.R. CR-HC No. 11939. The decision finding accused-appellant Ricardo Banaag *y* Manahan *a.k.a.* "Kardo" **GUILTY** beyond reasonable doubt of Murder, defined and penalized under Article 248 of the Revised Penal Code and awarding damages, is hereby **AFFIRMED**. He is **SENTENCED** to suffer the penalty of *reclusion perpetua* without eligibility for parole, and is directed to indemnify the heirs of Antonio Quilaquil *y* Moldes the following amounts: (1) ₱100,000.00 as civil indemnity; (2) ₱100,000.00 as moral damages; (3) ₱100,000.00 as exemplary damages; and (4) ₱50,000.00 as temperate damages. All amounts are subject to legal interest at the rate of six percent (6%) *per annum* from finality of this Resolution until fully paid.

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⁹ *People v. ZZZ*, G.R. No. 232329, April 28, 2021.

¹⁰ TSN, March 11, 2017, pp. 5-6.

¹¹ 783 Phil. 806 (2016).

SO ORDERED.”

By authority of the Court:

LIBRADA C. BUENA
Division Clerk of Court *m. 7/14*

by:



MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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JUL 20 2022

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Manila
(CA-G.R. CR-HC No. 11939)

The Hon. Presiding Judge
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(Crim. Case No. 7228)

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