



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 10, 2020** which reads as follows:*

**“G.R. No. 244052 – PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus RONALD GADE, accused-appellant.**

After a careful review of the records of the case and the issues submitted by the parties, the Court finds that the Eighteenth Division of the Court of Appeals (CA) in CA-G.R. CR-HC No. 02337 did not err in promulgating its Decision<sup>1</sup> dated September 14, 2018. The facts sufficiently support the conclusion that accused-appellant Ronald Gade (accused-appellant) is indeed guilty of the crime of Murder. The issues and matters raised before the Court, the same ones already raised in the CA, there being no supplemental briefs filed, were sufficiently addressed and correctly ruled upon by the CA.

The accused-appellant argues that: (1) his guilt was not proven beyond reasonable doubt; and (2) the lower courts erred in appreciating the circumstance of treachery.<sup>2</sup> **These arguments lack merit.**

It is well-settled that in the absence of facts or circumstances of weight and substance that would affect the result of the case, appellate courts will not overturn the factual findings of the trial court.<sup>3</sup> After examining the records of the instant case, the Court finds no cogent reason to vacate the Regional Trial Court’s (RTC) appreciation of the evidence, which was affirmed by the CA.

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<sup>1</sup> *Rollo*, pp. 4-15. Penned by Associate Justice Emily R. Aliño-Geluz and concurred in by Associate Justices Gabriel T. Ingles and Marilyn B. Lagura-Yap.

<sup>2</sup> *Id.* at 30.

<sup>3</sup> *People v. Gerola*, G.R. No. 217973, July 19, 2017, 831 SCRA 469, 478.

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The Court agrees with the findings of the lower courts that the prosecution sufficiently established the elements of Murder, *i.e.*, (1) that a person was killed; (2) that the accused killed him; (3) that the killing was attended by any of the qualifying circumstances mentioned in Article 248 of the Revised Penal Code; and (4) that the killing is not parricide or infanticide.<sup>4</sup> The *first* and *fourth* elements are undisputed.

As to the *second* element, it bears emphasis that prosecution eyewitness Alberto Angeles (Alberto) categorically stated that he was standing around 15-20 meters away when he personally saw the accused-appellant stab and kill the victim.<sup>5</sup> He knew the identity of the accused-appellant as they were together at the fiesta before the incident and they lived in the same barangay.<sup>6</sup> As against the foregoing, the accused-appellant's mere defenses of denial and alibi cannot be given any weight. The Court has oft pronounced that both denial and alibi are inherently weak defenses which cannot prevail over the positive and credible testimony of the prosecution witness that the accused committed the crime. Thus, as between a categorical testimony which has a ring of truth on one hand, and a mere denial and alibi on the other, the former is generally held to prevail.<sup>7</sup>

As to the *third* element, the Court has held that treachery is attendant when: (1) the assailant employed means, methods or forms in the execution of the criminal act which give the person attacked no opportunity to defend himself or to retaliate; and (2) said means, methods or forms of execution were deliberately or consciously adopted by the assailant. The essence of treachery is the sudden and unexpected attack by an aggressor on the unsuspecting victim, depriving the latter of any chance to defend himself and thereby ensuring its commission without risk to himself.<sup>8</sup>

In the instant case, the Court agrees with the RTC and the CA that the prosecution proved the qualifying circumstance of treachery. Notably, the victim was simply walking with the accused-appellant, when by surprise, the accused-appellant swiftly, deliberately, and suddenly attacked the victim with a pointed double-bladed and sharp weapon.<sup>9</sup> The accused-appellant, while holding the victim's shoulder

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<sup>4</sup> *People v. Canatoy*, G.R. No. 227195, July 29, 2019.

<sup>5</sup> *CA Rollo*, pp. 53-54.

<sup>6</sup> *Id.* at 53.

<sup>7</sup> *People v. Pilpa*, G.R. No. 225336, September 5, 2018.

<sup>8</sup> *People v. Aseniero*, G.R. No. 218209, April 10, 2019.

<sup>9</sup> *CA Rollo*, p. 60.

with his left arm, stabbed the victim on the chest with his right hand, thereby negating any possibility of escape or defense.<sup>10</sup> The victim had no inkling whatsoever of his impending demise. The Court notes that (1) the accused-appellant was armed, (2) the killing occurred in the dead of night, at 3:00 in the morning, and after the victim voluntarily accepted the accused-appellant's invitation to walk to the upper portion of barangay Camada,<sup>11</sup> and (3) the accused-appellant even told Alberto that he intended to kill the victim but that Alberto thought that it was only a joke.<sup>12</sup> These circumstances lead to no other conclusion than that the sudden and unexpected attack on the unsuspecting victim was deliberately adopted by the accused-appellant to ensure that the former would not be able to defend himself.

However, the Court finds it proper to modify the penalty imposed by the RTC, as modified by the CA, in accordance with prevailing jurisprudence.<sup>13</sup> The accused-appellant is hereby ordered to pay the heirs of the victim: ₱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, there being no aggravating circumstances attending the commission of the crime.

The foregoing amounts shall be subject to the interest rate of six percent (6%) *per annum* from the finality of this Resolution until fully paid.

**WHEREFORE**, premises considered, the appeal is **DISMISSED** for lack of merit. The Court hereby **ADOPTS** the findings of fact and conclusions of law in the Decision dated September 14, 2018 of the Eighteenth Division of the Court of Appeals in CA-G.R. CR-HC No. 02337. The Decision finding accused-appellant Ronald Gade guilty beyond reasonable doubt for Murder, is **AFFIRMED** with **MODIFICATION** in that the accused-appellant is ordered to pay the heirs of Espedito Casimo: (1) ₱75,000.00 as civil indemnity, (2) ₱75,000.00 as moral damages, (3) ₱75,000.00 as exemplary damages, and (4) ₱50,000.00 as temperate damages. Further, all monetary awards shall earn interest at the legal rate of six percent (6%) *per annum* from the finality of this Resolution until fully paid.

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<sup>10</sup> Id.

<sup>11</sup> Id. at 54.

<sup>12</sup> Id. at 38.

<sup>13</sup> *People v. Jugueta*, 783 Phil. 806 (2016).

**SO ORDERED.”**

Very truly yours,

  
**LIBRADA C. BUENA**  
Division Clerk of Court

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
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(CA-G.R. CR HC No. 02337)

The Hon. Presiding Judge  
Regional Trial Court, Branch 1  
Borongan City, 6800 Eastern Samar  
(Crim. Case No. 12225)

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