



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **02 September 2020** which reads as follows:*

“G.R. No. 247960 (*People of the Philippines v. Oliver Yalong*). – The Court **NOTES** the separate manifestations (in lieu of supplemental briefs) dated November 26, 2019 of the Office of the Solicitor General and the counsel for accused-appellant dated December 13, 2019, both dispensing with the filing of supplemental brief considering that all relevant factual and legal issues and arguments had been adequately adduced in their respective briefs filed before the Court of Appeals, and no new issues material to the case were discovered.

After a thorough review of the records, the Court finds that the Court of Appeals (CA) in its Decision¹ dated November 26, 2018 in CA-G.R. CR HC No. 09210 correctly affirmed with modifications the Decision² of Branch 201, Regional Trial Court (RTC) of Las Piñas City that found Oliver Yalong (accused-appellant) guilty beyond reasonable doubt of the crime of Murder for the treacherous killing of Oscar Beñosa, Jr. (Oscar).

First, it is settled that in the absence of any misapprehension of relevant facts, the findings and conclusion of the trial court is accorded high respect taking into account its unique opportunity to closely monitor the demeanor of witnesses during the trial. In this case, there being no showing that the RTC misconstrued any relevant fact, the Court gives full respect to its factual findings and conclusion, which were sustained on appeal, supporting the conviction of accused-appellant for

¹ *Rollo*, pp. 3-11; penned by Associate Justice Edwin D. Sorongon with Associate Justices Sesinando E. Villon and Rafael Antonio M. Santos, concurring.

² *CA rollo*, pp. 65-72; penned by Presiding Judge Lorna Navarro Domingo.

Murder.³

Second, the Court gives credence to the testimonies of the prosecution witnesses Anthony Dole and Ryan C. Peralta who positively identified accused-appellant as the person who stabbed Oscar to death. For one, there was no material inconsistency in their testimonies that would affect their credibility.⁴ For another, there was no evidence proving that they had any ill motive to testify against accused-appellant.⁵

Third, the invocation of accused-appellant of self-defense deserves scant consideration as it was left uncorroborated. More importantly, accused-appellant failed to prove the indispensable requirement of self-defense, that the victim committed unlawful aggression against him.⁶

Fourth, the killing of Oscar was attended by treachery, which qualified the crime to Murder. As stressed by the CA, Oscar was riding his bicycle when accused-appellant suddenly appeared and repeatedly stabbed him leaving the latter no opportunity to defend himself. Moreover, accused-appellant ensured that Oscar would remain defenseless as he (accused-appellant) only stopped stabbing him when Oscar already fell on the ground. Clearly, the attack was sudden, without any provocation on the part of Oscar, and treacherous since Oscar had no means at all to defend himself. While the Court notes that the Information merely indicated that accused-appellant's act was done by "employing treachery" without specifying the actual acts done that would make such circumstance attendant in the case, still, the RTC and the CA properly appreciated treachery as accused-appellant had waived his right to question the insufficiency of the Information filed against him.⁷

Last, the Court finds that the penalty imposed against accused-appellant to be in order. Additionally, pursuant to prevailing jurisprudence, the CA properly increased the awards of civil indemnity, moral and exemplary damages to ₱75,000.00 each. It also correctly imposed interest at the rate of 6% *per annum* on all the monetary award from the finality of this Resolution until fully paid.⁸

WHEREFORE, the Court **ADOPTS** the factual findings of the trial

³ *People v. Marzan*, G.R. No. 207397, September 24, 2018, 880 SCRA 487, 500.

⁴ *People v. Ambatang*, 808 Phil. 236 (2017)

⁵ *People v. Abolidor*, 467 Phil. 709, 719 (2004).

⁶ *People v. Mediado*, 656 Phil. 377, 382 (2011).

⁷ *People v. Sotar*, G.R. No. 225595, August 6, 2019.

⁸ *People v. Jugueta*, 783 Phil. 806 (2016).

court as affirmed by the Court of Appeals. The appeal is **DISMISSED**. Accordingly, the assailed Decision dated November 26, 2018 of the Court of Appeals in CA-G.R. CR HC No. 09210 is hereby **AFFIRMED**.

SO ORDERED.” (BALTAZAR-PADILLA, J., on leave).

By authority of the Court:


 TERESITA AQUINO TUAZON
 Deputy Division Clerk of Court *with*
 09 OCT 2020 *10/9*

OFFICE OF THE SOLICITOR GENERAL (reg)

134 Amorsolo Street
 1229 Legaspi Village
 Makati City

PUBLIC ATTORNEY'S OFFICE (reg)

Special & Appealed Cases Service
 Department of Justice
 5th Floor, PAO-DOJ Agencies Building
 NIA Road corner East Avenue
 Diliman, 1104 Quezon City

OLIVER YALONG (reg)

Accused-Appellant
 c/o The Director
 Bureau of Corrections
 1770 Muntinlupa City

THE DIRECTOR (reg)

Bureau of Corrections
 1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)

Regional Trial Court, Branch 201
 1740 Las Piñas City
 (Crim. Case No. 09-0771)

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Supreme Court, Manila

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OFFICE OF THE REPORTER (x)
 Supreme Court, Manila

COURT OF APPEALS (x)

Ma. Orosa Street
 Ermita, 1000 Manila
 CA-G.R. CR-HC No. 09210

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