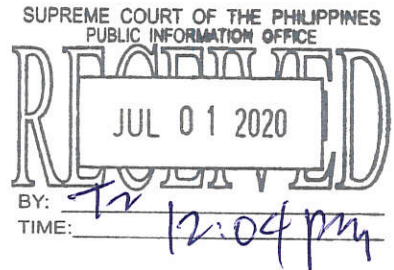




Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated February 19, 2020 which reads as follows:*

**“G.R. No. 244296 – PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus MELVIN BAUTISTA REDUBLO alias “ALAS” AND MICHAEL SAROL alias “CASPER”, accused, MELVIN BAUTISTA REDUBLO accused-appellant.**

After a careful review of the records of the case and the issues submitted by the parties, the Court finds no error committed in the Decision<sup>1</sup> dated October 18, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09354. The facts, as borne out by the records, sufficiently support the conclusion that accused-appellant Melvin Bautista Redublo alias “Alas” (the accused-appellant) is indeed guilty of the crime of Murder. The issues and matters raised before the Court, the same ones as those 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 the CA erred in finding him guilty of murder despite (1) the prosecution witness’ inconsistent, irreconcilable and incredible testimony and (2) the prosecution’s failure to prove his guilt beyond reasonable doubt.

Anent the first assigned error, the Court agrees with the CA that it finds no reason to overturn the findings of the trial court as regards the assessment of the credibility of the eyewitness presented by the prosecution.<sup>2</sup> To recall, prior to the incident, the eyewitness already

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<sup>1</sup> *Rollo*, pp. 3-16. Penned by Associate Justice Rosmari D. Carandang (now a member of this Court) with Associate Justices Amy C. Lazaro-Javier (now a member of this Court) and Jhosep Y. Lopez, concurring.

<sup>2</sup> *Id.* at 12.

met the accused-appellant, thus, when the attack happened, she was already familiar with his face. The lighting condition, whether from a big bulb of a big fishing boat or from the other ships moored, allowed the eyewitness to see what happened.<sup>3</sup> Added is the admitted fact by both parties that when the incident happened, it was during a full moon.<sup>4</sup> Hence, there is no question that the place was well-lit and the eyewitness was familiar with the face of the accused-appellant, thus the eyewitness was able to clearly identify the accused-appellant as the perpetrator of the crime.

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>5</sup> Thus, when the case pivots on the issue of the credibility of the victim, the findings of the trial courts necessarily carry great weight and respect as they are afforded the unique opportunity to ascertain the demeanor and sincerity of witnesses during trial.<sup>6</sup> Here, after examining the records of this case, the Court finds no cogent reason to vacate the Regional Trial Court's (RTC) appreciation of the evidence, which was affirmed with modification by the CA.

As to the second assigned error, the Court agrees with the CA that the prosecution was able to prove the guilt of the accused-appellant beyond reasonable doubt of the crime of Murder. Based on the testimony of the prosecution's eyewitness, the killing of the victim was clearly attended by treachery.<sup>7</sup>

There is treachery when the offender commits any of the crimes against persons, employing means and methods or forms in the execution thereof which tend to directly and specially ensure its execution, without risk to himself arising from the defense which the offended party might make.<sup>8</sup> To qualify an offense, the following conditions must exist: (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.<sup>9</sup> The essence of treachery is the

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<sup>3</sup> Id.

<sup>4</sup> Id.

<sup>5</sup> *People v. Gerola*, 813 Phil. 1055, 1064 (2017).

<sup>6</sup> *People v. Aguilar*, 565 Phil. 233, 247 (2007).

<sup>7</sup> *Rollo*, p. 14.

<sup>8</sup> *People v. Duran, Jr.*, G.R. No. 215748, November 20, 2017, 845 SCRA 188, 205-206.

<sup>9</sup> Id. at 206, citing *People v. Dulin*, 762 Phil. 24, 40 (2015).

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 of himself.<sup>10</sup>

In this case, all the elements of treachery were proven by the prosecution. The accused-appellant swiftly slashed the throat of the unarmed victim, who at that time, was not aware of the impending attack as he was merely talking to the eyewitness. The victim thus had no opportunity to defend himself from the sudden attack of the accused-appellant. Although the victim was able to stand and run after the accused-appellant, he did not really have a chance to defend himself as he was fatally wounded and was unarmed. In addition, it is obvious that the said method of killing employed by the accused-appellant was deliberately and consciously adopted by him since the accused-appellant brought a knife with him to carry the attack.

Lastly, the defense of denial and alibi deserve scant consideration in view of the positive and credible testimony of the eyewitness to the crime. It is well-settled that alibi and denial are inherently weak defenses, which cannot prevail against positive identification of the accused as the perpetrator. They are facile to fabricate and difficult to disprove and are generally rejected.<sup>11</sup>

**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 October 18, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 09354. The Decision finding accused-appellant **MELVIN BAUTISTA REDUBLO alias "ALAS"** guilty beyond reasonable doubt for the crime of Murder under Article 248 of the Revised Penal Code, as amended, is **AFFIRMED**.

**SO ORDERED.**" *Lazaro-Javier, J., no part; Leonen, J., designated Additional Member per Raffle dated August 5, 2019.*

Very truly yours,

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

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<sup>10</sup> Id., citing *People v. Escote, Jr.*, 448 Phil. 749, 786 (2003).

<sup>11</sup> *People v. Mapalo*, 543 Phil. 651, 675 (2007).



The Solicitor General  
134 Amorsolo Street, Legaspi Village  
1229 Makati City

Court of Appeals (x)  
Manila  
(CA-G.R. CR HC No. 09354)

The Hon. Presiding Judge  
Regional Trial Court, Branch 60  
4301 Lucena City  
(Crim. Case Nos. 2004-402  
& 2004-403)

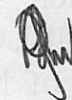
PUBLIC ATTORNEY'S OFFICE  
Special and Appealed Cases Service  
Counsel for Accused-Appellant  
DOJ Agencies Building  
Diliman, 1101 Quezon City

Mr. Melvin Bautista Redublo  
Accused-Appellant  
c/o The Director General  
Bureau of Corrections  
1770 Muntinlupa City

The Director General  
Bureau of Corrections  
1770 Muntinlupa City

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