

THIRD DIVISION

[G.R. Nos. 204481-82, October 14, 2015]

**ALBERT G. AMBAGAN, JR., PETITIONER, VS. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

DECISION

VELASCO JR., J.:

Nature of the Case

Before the Court is a Petition for Review on Certiorari under Rule 45 of the Rules of Court assailing the June 21, 2012 Decision,^[1] as effectively reiterated in the October 31, 2012 Resolution^[2] of the Sandiganbayan First Division in Crim. Case Nos. 28259-60, finding and declaring herein petitioner Albert G. Ambagan, Jr. (Ambagan), among others, guilty of the crime of double homicide by inducement for the deaths of SPO2 Reynaldo Santos (Santos) and Domingo Bawalan.

The Facts

On April 6, 2005, two (2) Informations were filed charging petitioner Ambagan, together with Domingo H. Villasis, Michael T. Malabanan, Celestino "Ely" B. Garcia, Alberto C. Angcanan, Juanito S. Loyola, Melanio S. Bayot, Rosendo V. Causaren, Flor R. Amparo, Reo A. Rojasles, and Roger V. Causaren, for two (2) counts of homicide, to wit:

Criminal Case No. 28259

That on the 5th day of July 2004, or sometime prior or subsequent thereto, in the Municipality of Amadeo, Province of Cavite, Philippines, and within the jurisdiction of this Honorable Court, accused ALBERTO AMBAGAN, JR. y GARCES, a public officer being the Municipal Mayor of Amadeo, Cavite, and committing the offense herein charged in relation to his Office as such, specifically in overseeing and maintaining peace and order in his municipality, with intent to kill, did then and there willfully, unlawfully, and feloniously induce, command and order accused DOMINGO VILLASIS y HARION, MICHAEL MALABANAN y TIBAYAN, ELY GARCIA, and ROGER CAUSAREN, all public officers being the Barangay Captain of Barangay 5, Amadeo, Cavite, Sangguniang Member of Amadeo, Cavite, and members of Civil Security Unit of Amadeo, Cavite, respectively, to attack, assault and shoot SPO2 REYNALDO SANTOS, and by reason thereof, accused DOMINGO VILLASIS y HARION, MICHAEL MALABANAN y TIBAYAN, ELY GARCIA, ROGER CAUSAREN, oblige, follow and execute said command and order by then and there firing and shooting at SPO2 REYNALDO SANTOS with their firearms hitting the latter/victim on the head and different parts of his body and inflicting

upon him mortal wounds, which directly caused his instantaneous death and which act of the aforementioned accused was perpetrated in the presence of accused ALBERTO ANGCANAN y CAUSAREN, JUANITO LOYOLA y SAMIANO, MELANIO BAYOT y SUMAGUI ROSENDO CAUSAREN, FLOR AMPARO, and REO ROJALES, who are likewise public officers being members of Civil Security Unit of Amadeo, Cavite, who gave moral support to accused ALBERT G. AMBAGAN, JR., DOMINGO H. VILLASIS, MICHAEL T. MALABANAN, ELY GARCIA, and ROGER CAUSAREN to commit the crime of homicide to the damage and prejudice of the heirs of the victim in such amount as may be proved in court.

CONTRARY TO LAW.^[3]

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CONTRARY TO LAW.^[4]

At the time the Informations were filed, petitioner Ambagan was already on his second consecutive term as municipal mayor of Amadeo, Cavite, having been elected to the same post during the 2001 National and Local Elections.^[5] As mayor with salary allocation of grade 27,^[6] the cases against him and his fellow accused were filed with the Sandiganbayan in accordance with Republic Act No. 8249.^[7]

Ambagan eventually ran and won for a third term in 2007, and was subsequently elected as member of the provincial board of Cavite.^[8]

Arraigned on August 11, 2005, petitioner and his co-accused, except for Domingo H. Villasis who earlier passed away, pleaded not guilty to the offenses charged.^[9] Thereafter, joint trial ensued for the related cases. For its part, the prosecution offered in evidence the testimonies of the following witnesses: **Benigno M. Cabillo**, Group Director (GD) of the Cavite Police Provincial Mobile Group;^[10] **Edgardo R. Mamuyac**, a Patrol and Traffic Officer of the General Trias Police Station;^[11] **Regina B. Salazar**, barangay captain of Banay-banay, Amadeo, Cavite;^[12] **Lervin Causaren**, son of Leandro Causaren who in turn is one of the casualties in the July 5, 2004 shooting incident;^[13] **Victor J. Patam** (Patam), a policeman who was present at the scene of the crime at the time of the shooting incident;^[14] **Ronnel Bawalan**, brother of Domingo Bawalan who claimed to have personally witnessed the incident;^[15] **Donato T. Malimban**, a policeman who reported to the crime scene to investigate;^[16] **Guillermo L. Poblete**, a laboratory technician assigned at the PNP Crime Laboratory, Cavite;^[17] **Lorenzo V. Balbuena**, Assistant Chief Investigator IV of the Amadeo Municipal Police Station;^[18] **Roger Delgado**, team leader of the SOCO and a forensic examiner;^[19] **Roy A. Camarillo**, a doctor of medicine working with the PNP;^[20] **Lorna R. Tria**, chief of the Chemistry Section of the PNP Crime Laboratory;^[21] **Jupri C. Delantar**, Forensic Chemical Officer of Batangas Provincial Crime Laboratory Office;^[22] **Ernesto L. Olaes**, the police officer who collected the statements taken in connection with the shooting incident;^[23] **Roberto Soriano**, chief of PUB Cavite Provincial Police Office;^[24] **Erlinda Bawalan**, widow of Domingo Bawalan;^[25] and **Editha Santos**, widow of Reynaldo Santos.^[26]

Of special relevance to the instant petition are the accounts of Patam and Ronnel Bawalan, the only two among the prosecution witnesses who claimed that they were present or within the proximate vicinity of the crime scene. Their testimonies, as summarized by the Sandiganbayan, are as follows:

Victor J. Patam, a policeman. He testified that on July 4, 2004 at 1:00 in the afternoon, he, with Domingo Bawalan, went to Barangay Litlit, Silang, Cavite, to attend the birthday party of his son's kumpadre. From Litlit, they then proceeded at 5:00 in the afternoon to the house of Edgardo Mamuyac for the birthday party of Mamuyac's son, where they had singing spree and a little drink. They stayed there until 11:00 in the evening.

Upon reaching Barangay Biclatan, General Trias, Cavite, Patam received a call from Reynaldo Santos who was at Mamuyac's place. Santos requested Patam to go back to Mamuyac's house which was already closed, as Santos had no companion there. Santos arrived late because he came from a follow-up operation in Maragondon, Cavite.

When Patam and Domingo returned to the place of Mamuyac, they saw Santos in front of his Space Gear van. After a little chat, Patam invited

Santos and Domingo to go home. Domingo rode with Santos, while Patam took his own car. Santos and Domingo left ahead of him.

Upon reaching the boundary of Tamacan and Banay-banay, he saw the van of Santos parked at the side of the street behind another van whose owner he did not know. He likewise saw Ronnel Bawalan, the brother of Domingo, standing at their gate, looking at the direction of the vehicles parked.

Patam parked his car behind Santos' van and alighted therefrom. Immediately, Santos handed him a baby annalite, which according to Santos, he got from Mayor Ambagan's men. Patam placed the baby annalite at the driver's seat of his car. When he returned to where Santos was, the latter ordered the four apprehended men to line up at the other side of the street. Two of them put down their short firearms upon the order of Santos. After telling the group to step away from the firearms. Santos came near the firearms, but without touching them. Thereafter, Santos phoned Superintendent Cabillo and informed him of what happened.

While Santos was talking to Cabillo, somebody called Patam "*Kuya Taring*." Patam recognized him to be Alberto Angcanan. Patam told them to just stay put and they would help them after Cabillo had arrived. After a few minutes. Mayor Ambagan arrived.

Patam went near Mayor Ambagan and greeted him. The Mayor greeted him back, and asked who was at the other side. Patam told him that it was Reynaldo Santos, a policeman. Mayor Ambagan then told Santos, "*Rey, baka pwede namang pag-usapan nalin yan kung amiman yang problema.*" Santos replied, "*Mayor, wala na hong desisyon akong magagawa dito. Intayin niyo si GD. Siya na lang ang kakausapin ninyo.*" Repeatedly, the Mayor made the same request to Santos, but Santos gave him the same answer. Patam felt that the situation was heating up, so he asked Mayor Ambagan to go to the house of Patam's cousin, Miling Javier.

While Patam was pushing Mayor Ambagan, who was angry and cursing Santos, to Javier's house, Patam heard the first gunshot emanating from where he and the Mayor were, but did not see anything when he looked back. The Mayor wanted to go back to see what happened to his men. Patam also wanted to go back to his companions, so he left the Mayor with Alberto Angcanan and Rosendo Causaren. However, Patam's gun fell, thus, he instead proceeded to the house of his brother near the place of the incident. While he was already near his brother's house. Patam saw three men with long firearms - two at the back of his car and the other one in front of the MB 100 van. all firing towards the south direction where he left Rey. Upon reaching the house of his brother, he asked his niece Susan Patam to call the police. Patam was not able to get out of his brother's house anymore, because he was prevented by his mother and brother, as he might be suspected of being responsible for the killing. Patam called the chief of Police of General Trias. Cavite, Chief Inspector Portento, to fetch him because his life was in danger. On July 5, 2004, he

executed a *Sinumpaang Salaysay and Karagdagang Salaysay*.

Ronnel Bawalan, brother of Domingo Bawalan and cousin-in-law of Reynaldo Santos, he testified that on July 5, 2004 at around 12:00 midnight, he parked his passenger jeepney at his garage, and prepared it for the next day's use. When he was about to sleep, at around 1:00 o'clock in the morning. Santos riding in his vehicle with Domingo, entered the garage. They asked if they could hire his jeepney the following day. When he agreed, Ronnel guided them from the garage to the road. While outside answering a call of nature. Ronnel looked towards the south direction and he saw Santos and Domingo about less than 100 meters from him park the van and alight from their vehicle. He also saw the car of Patam parked behind Santos' vehicle. He crossed the road and walked towards them. When he was already near them, he heard Santos saying to the four men from the van parked in front of Santos' vehicle. "*Dyan lang kayo, wag kayong aalis.*" Upon hearing this, he went to Domingo and inquired why Santos was asking these men to get out of the van. Domingo told him that these men were carrying firearms.

While Ronnel and Domingo were standing at the right front side of the parked van. Ronnel heard a sound of a radio coming from the four men accosted by Santos. At that time, Santos was in the middle of the road, making a call from his cellphone. Thereafter, Mayor Ambagan with his bodyguards carrying long firearms arrived. Mayor Ambagan told Santos that they should just talk it out whatever the problem was.

When Domingo saw the Mayor, he directed Ronnel to leave the place as it was dangerous, and shoved him away. Ronnel walked a few meters towards the southern direction and hid, lying flat on his belly behind the bushes at the entrance of an old poultry house. Being approximately 10 to 15 meters from where Santos was standing, he heard Santos say to Mayor Ambagan, "*Hintayin nalang natin si GD at sa kanya ka nalang makiusap.*" Santos did not agree. From a calm voice when he made his first request. Mayor Ambagan's voice became loud and angry when Santos many times turned him down. At that time, Patam was just an arm's length between Santos and Mayor Ambagan.

Then, Ronnel heard the Mayor say, "*Sige yan pala ang gusto mo. Mga kasama, banatan na ninyo yan.*" After the mayor had uttered these words, Ronnel heard a gunfire from Rene Amparo in the direction of Santos. The men of Mayor Ambagan (referring to Rene Amparo, Domingo Villasis, Michael Malabanan, Ely Garcia, and Roger Causaren) were spread along the road, firing their guns at Santos and Domingo. After several gunshots that lasted for about five minutes, he saw Mayor Ambagan's men board their vehicles and left in the direction of Amadeo, after taking the guns from Santos and Domingo.

Ronnel quickly went home and told his parents that his brother just got killed. They went to the place of incident after the policemen had arrived. On July 27, 2004, he executed a *Salaysay*. It took him long to give a statement because he feared for his life and his family's.^[27]