

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MARK WANG Y LEE A.K.A. WANG NING, ACCUSED-APPELLANT.

Ponente: PERALTA, JR., E. B., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/1d6b0d2a1760/>

PERALTA, JR., E. B., J.:

A stench from the cabinet of a rented room at Sta. Ana, Manila later yielded a virtual skeleton in the closet. Upon discovery of the carcass, and following an investigation therefor, the indictment and trial of accused Mark Wang y Lee a.k.a. Wang Ning led to his perdition for Murder[1] which condemnation is now before Us on appeal.[2]

We now unfurl pertinent datum.

On November 16, 2005, an indictment was hurled against the accused for the slaughter:[3]

“That in or about and/or between November 9 to 10, 2005, inclusive, in the City of Manila, Philippines, the said accused did then and there willfully, unlawfully and feloniously with intent to kill and with treachery and evident premeditation, attack, assault and use personal violence upon one EGYFIL SHANE TIU Y JALLTON, her (sic) live-in partner, by then and there mauling the latter and placing/hiding her inside the cabinet for almost two (2) days to hide the crime, thereby inflicting upon the latter mortal wounds which were the direct and immediate cause of her death thereafter.”

CONTRARY TO LAW.”

Consistent with the request from the accused, the reinvestigation culminated in an Amended Information which reflected modifications to the original charge:[4]

“That in or about and/or between November 9 to 10, 2005, inclusive, in the City of Manila, Philippines, the said accused did then and there willfully, unlawfully and feloniously with intent to kill and with manifest cruelty, treachery and evident premeditation, attack, assault and use personal violence upon one EGYFIL SHANE TIU Y JALLTON, his live-in partner, by then and there first extensively mauling then strangling the latter to death and thereafter placing/hiding her inside the cabinet for almost two (2) days to hide the crime, thereby inflicting upon the latter numerous injuries and thereafter strangling said offended party which was the direct and immediate cause of her death thereafter.”

CONTRARY TO LAW.”

When formally informed of the rectified accusation, the accused pled innocence[5] and upon conclusion of pre-trial conference, trial then ensued.[6]

As synthesized by the Office of The Solicitor General, inculpatory facts were underscored.[7]

Appellant Lee and the victim were former live-in partners before Egyfil went to Japan on April 13, 2005.[8] When Egyfil returned to the Philippines sometime in October, she and the accused met again for several times.[9] On November 9, 2005, the victim informed Teresa, her mother, that she will attend a birthday party in Novaliches but she failed to go home that night. Alarmed by her daughter's whereabouts since she is usually at home every night, Teresa sought the assistance of the police after fruitless efforts to locate the victim.[10]

Meanwhile, Marie, another occupant of the apartment building where the accused-appellant stayed, went inside appellant's room to retrieve some hangers. When she opened the cabinet, she saw what appeared to be a big object covered with a blanket and which emitted an unbearable stinking odor similar to a dead rat. According to her, she smelled the stink days ago, but when she asked appellant about it, appellant just told her that it was just a dead rat. Puzzled over what was exposed by the cabinet, she requested Francis, from the other unit, to peek in the cabinet. Francis thought that it was just a mannequin with a wig and rubberized legs. She was frightened and called her boyfriend who knew somebody from the police. Her boyfriend then fetched her and they left the apartment.[11]

Marie and her boyfriend returned together with a police officer. Since the officer refused to enter the apartment without any permission, they proceeded to the owner of the apartment. Susan, the apartment owner, called Edre Revilla, the Barangay Chairman, who happened to be her brother and requested him to check the place.[12]

Barangay Chairman Edre arrived with his Tanod Charlie Villar and Kagawad Digna Diaz.[13] Together with police investigators and elements of Scene of the Crime Operatives (SOCO), Susan and the Barangay Chairman went inside appellant's unit. Thereat, they also smelled an unbearable foul odor. When they opened the cabinet, they saw a dead woman clad in a gray bra and pink underwear in an awkward position-- with her feet bent upward and head leaning on the right side. The body sustained several contusions on different parts, which were mostly on her face. She had a swollen black eye, a busted mouth and lips, and her nostrils and mouth were stuffed with cotton buds. The body was badly beaten and her face unrecognizable.[14]

After the investigation, Brgy. Chairman Edre instructed the barangay tanods to guard the place and await for appellant's possible return. At about 7:00 A.M. of November 12, 2005, appellant came back and Edre immediately reported the matter to the police. Appellant was then apprehended.[15]

Dr. Romeo Salen, Chief of the Manila Police District Crime Laboratory, conducted a post-mortem examination[16] of the body of the victim. Dr. Salen observed that the cadaver was already embalmed and in an advanced stage of decomposition with sixteen (16) hematomas all over the body and a ligature mark around the neck. He stated that the ligature mark was an indication of strangulation caused by a rope or something that could choke the neck, and the force employed on the neck was locked and permanent, i.e. the ligature mark was there until the death of the victim. As for hematomas on the head, frontal and back portion of the cadaver, covering the upper and lower extremities, these injuries were caused by a round hard blunt object like a fist. Finally, he concluded that the cause of the victim's death was asphyxia per the ligature marks around the neck, and that the victim passed away between November 9 and 10, 2005 but not on November 8 or 11, 2005.[17]

To exculpate himself from liability, accused proffered denial. Aided by his counsel, accused-appellant narrated that:[18]

"...they met and had a hurried dinner at a restaurant located between Adriatico and Mabini Streets where they stayed for 30 minutes; that Egyfil told mark (sic) that she was going to her work and took an FX ride while mark (sic) went his way back to work; that later, the two met again at a bar where they can play billiard and have some drinks; that there Egyfil disclosed that she really did not report for work and wanted to go to the casino but Mark told her he cannot entertain her due to his work; that around 3:00 A.M. already Nov. 10, 2005 Egyfil arrived at the same bar with a woman friend where Mark was; that both women were already drunk and noisy as they came from Holiday Inn Casino at U.N. Avenue; that they joined Mark and his friends in drinking; that around 6:00 A.M., the group disbanded, with some friends were left behind; that Egyfil's (sic) proceeded home at Mark's apartment at Tejeron as Egyfil refused to go to her mother's place at Pasig Line as she did not want to be scolded by her mother because of her condition.

When they reached the apartment, Egyfil became really rowdy and quarrelsome with the person she was talking to in her mobile phone. As Mark could not calm her down even after he told that she might disturb the

landlady and neighbors, Mark opted to stay at the sala in the living room. Later on though, he told Egyfil that he was going out but she did not mind him as she was still too busy talking with someone at the cellphone over her losses at the casino. Even as Mark left Egyfil in his room, he went back to the bar, had a few drinks with friends they left behind earlier. Mark tried to call Egyfil while he was at the bar but her line was busy and much later on, no answer. He left after an hour or so and checked in at a Motel (Anito) in Malate. He made his last attempt to contact Egyfil while in the motel but could not contact her. He slept soundly until around 2:00 P.M. He proceeded to Robinson's Ermita to eat and change clothes he bought. He stayed around the mall and proceeded to work about 5:00 P.M.

xxx xxx When he got home he saw nothing unusual in his room and Egyfil was not in the room and as he was already drunk, he quickly fell asleep in [sic] his work clothes on.

When he woke up, it was already noontime. He was to take a bath and so he went to his cabinet and get clothes. When he opened the same, he discovered the blanket-covered figure of Egyfil whom he first thought was just playing joke on him until he realized that she was actually dead in a crawled position, situated on top of his clothes.

On January 19, 2011, the RTC passed judgment against the accused for Murder:[19]

"WHEREFORE, the court finds the accused, MARK WANG Y LEE a.k.a. WANG NING guilty beyond reasonable doubt of the crime of Murder and hereby sentences him to imprisonment of reclusion perpetua without the possibility of parole.

The accused, MARK WANG Y LEE a.k.a. WANG NING is also directed to indemnify the Heirs of Egyfil Shane Tiu the sum of Php50,000.00 for the loss of life of Egyfil Shane Tiu, Php100,000.00 as moral damages and Php50,000.000 as exemplary damages.

With costs against the accused.

SO ORDERED."

Hence, the instant appeal[20] was interposed for the accused based on these ascriptions against the court of origin in:[21]

I.

...CONCLUDING THAT ACCUSED-APPELLANT WAS THE RESPONSIBLE PARTY WHO KILLED HIS FORMER LOVE PARTNER FOUND DEAD IN HIS APARTMENT;

II.

...FAILED TO CONSIDER POLICE INVESTIGATOR'S NON-INFORMATION TO ACCUSED-APPELLANT OF HIS RIGHTS UNDER THE MIRANDA DOCTRINE;

III.

...IN CONVICTING ACCUSED-APPELLANT BY SIMPLY ADOPTING INFERENCE COMPATIBLE WITH FINDING OF GUILT ALTHOUGH CAPABLE OF A SECOND INTERPRETATION CONSISTENT WITH THE PRESUMPTION OF INNOCENCE.

IV.

...IN IMPOSING UPON ACCUSED-APPELLANT A FINDING OF GUILT OF THE CRIME OF MURDER WITH CRUELTY AS QUALIFYING CIRCUMSTANCES TO THE ALLEGED KILLING.

Accused-appellant posited that the prosecution failed to muster the requisite quantum of evidence to prove his guilt beyond reasonable doubt. On the assumption that there was basis for the People's theory, he maintained that an acquittal was warranted inasmuch as he was not informed of his rights in line with the Miranda Doctrine.

After due consideration, We find no cogent reason to overrule the findings of the trial court. Accused-appellant tried to create doubt over his conviction and insisted that the court a quo erred in evidence evaluation considering the absence of an eyewitness to the hideous felony. We beg to differ from appellant's submissions.

While it is true that there is no direct evidence of the actual killing of the victim, direct evidence of the commission of the crime is not the only matrix whereby the trial court may draw its conclusions and findings of guilt.[22] It is settled that accountability of the accused can be premised on circumstantial evidence upon the concurrence of preconditions:[23] (a) there is more than one circumstance; (b) the facts from which the inferences are derived are proven; and (c) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt. Circumstantial evidence is of a nature identically the same with direct evidence. It is equally direct evidence of minor facts of such a nature that the mind is led intuitively or by a conscious process of reasoning to the conviction that from them some other fact may be inferred.[24] No greater degree of certainty is required when the evidence is circumstantial than when it is direct.[25] In either case, what is required is that there be proof beyond reasonable doubt that the crime was committed and that the accused committed the crime.[26]

Let Us echo the pieces of relevant collateral facts which were utilized by the trial court in the case at bench:

- a woman's dead body was found inside the cabinet of the room occupied by Mark as verified by Barangay Chairman Edre, then by SPO2 Ko and by the SOCO team;[27]
- the room where the body was found was rented by Mark per the Contract of Lease;[28]
- the dead body was that of Egyfil Shane Tiu, the former live-in partner of Mark;[29]
- two to three days before the discovery of the body on November 11, 2005 around 9:30 p.m., stench was pervasive from inside the room of Mark and the same foul odor emanated from the cabinet inside;[30]
- no other person has access to the main door of the unit except the two lady occupants, namely, Marie Cheska and Sheryl Reyes;[31]
- during the period from November 7 to 11, 2005, Marie Cheska did not hear any commotion in the adjoining room of Mark contrary to appellant's claim that Egyfil was noisy and rowdy.[32]

Indeed, the mass of circumstantial evidence presented by the prosecution, when analyzed and woven together, led to an inescapable conclusion that appellant was responsible for the death of Egyfil. All that appellant could offer was a disclaimer without any sufficient explanation. Yet, mere denial cannot outweigh circumstantial evidence which clearly established his participation for the despicable misdeed. It is well-settled that positive declarations of a prosecution witness prevail over the bare denials of an accused.[33]

In his bid for acquittal, appellant capitalized on the alleged failure of the apprehending officers to inform him of his rights under the Miranda Doctrine and heavily relied on his non-violent character.

Appellant's exculpations did not inspire belief.

We agree with the OSG[34] that even on the assumption that there was failure of the arresting officers to apprise the accused of his Miranda rights, such perceived flaw should have been aired before arraignment. Certainly, it was too late in the day for appellant to raise a procedural point after a valid Information has been filed, the accused arraigned, trial commenced and completed, and a judgment of conviction was rendered.[35]

Even his attempt to portray a passive character was legally inconsequential in the light of what he himself conceded on the Reply Brief[36] which made reference[37] to his "...repentance for what he has done" to the victim, and asked for "... an apology and forgiveness to the heirs of Egyfil Shane Tiu;" as foundations of his

request for Us to be lenient in the form of deletion of the trial court's pronouncement on his ineligibility for parole. Indeed, such frank representation from the accused, through counsel,[38] is conclusive against him and can be equated with admissions in judicio of guilt under Section 4, Rule 129 of the Revised Rules on Evidence, nay, forms of "negative pregnant" akin as they were to affirmative implications favorable to the opposing party.[39]

Considering the overwhelming evidence of the prosecution which proved appellant's guilt beyond reasonable doubt and Mark Wang's own admissions on his Reply Brief, the court a quo's conviction and penalty of reclusion perpetua was warranted. On account of the penalty imposed, appellant was hardly eligible for parole in view of the explicit caveat under Section 3 of RA No. 9346: "persons convicted of offenses punished with reclusion perpetua or whose sentences will be reduced to reclusion perpetua, by reason of this Act, shall not be eligible for parole under Act No. 4180, otherwise known as the Indeterminate Sentence Law, as amended.

With respect to damages, to conform with recent jurisprudence,[40] and as correctly underscored by the OSG, the award of civil indemnity should be increased to P75,000.00 and the award of moral damages[41] should be reduced to P50,000.00 while exemplary damages should also be reduced to P30,000.00.[42]

WHEREFORE, in the light of the foregoing premises, the instant APPEAL of the accused is hereby DENIED. Accordingly, the Decision dated January 19, 2011 in Criminal Case No. 05-240308 of the RTC, Manila, Branch 52, which adjudicated the guilt of MARK WANG y LEE a.k.a. WANG NING beyond reasonable doubt of the crime of Murder is hereby AFFIRMED WITH MODIFICATIONS insofar as the award of civil indemnity which is hereby increased from P50,000.00 to P75,000.00, and the award of moral and exemplary damages is reduced to P50,000.00 and P30,000.00, respectively.

SO ORDERED.

Reyes, Jr. J.C., Chairperson, and Acosta, F. P., JJ., concur.

[*]Per Office Order No. 15-15-ABR dated January 20, 2015 effective February 2, 2015.

[1] Decision dated January 19, 2011, Record, pp. 2258-2291, penned by Judge Antonio M. Rosales.

[2] Notice of Appeal dated February 10, 2011, Record, page 2292.

[3] Information, Record, page 1.

[4] Dated March 30, 2006, 1 Record, page 68.

[5] Certificate of Arraignment dated May 16, 2006, 1 Record, page 80; Order dated May 16, 2006, 1 Record, page 81.

[6] Pre-trial Order dated December 12, 2006, 1 Record, pp. 131-134.

[7] Appellee's Brief, pp. 3-11, Rollo, pp. 125-133.

[8] Decision, pp. 4 and 28, 3 Record, pp. 2261 and 2285.

[9] People's Brief, pp. 5-6, Rollo, pp. 127-128.

[10] People's Brief, pp. 6-7, Rollo, pp. 128-129.

[11] People's Brief, pp. 7-8, Rollo, pp. 129-130.

- [12] People's Brief, page 8, Rollo, page 130.
- [13] People's Brief, page 9, Rollo, page 131.
- [14] People's Brief, page 9, Rollo, page 131.
- [15] People's Brief, page 10, Rollo, page 132.
- [16] Exhibits "C" to "C-4", 2 Record, pp. 590-591.
- [17] People's Brief, pp. 10-11, Rollo, pp. 132-133.
- [18] Appellant's Brief, Rollo, page 75-76.
- [19] Decision, pp. 33-34, 3 Record, pp. 2290-2291.
- [20] 3 Record, page 2292.
- [21] Appellant's Brief, pp. 1-2, Rollo, pp. 62-63.
- [22] *People v. Ladiana et al.*, G.R. No. 174660, May 30, 2011 citing *Salvador v. People*, G.R. No. 164266, July 23, 2008, 559 SCRA 461, 469-470; *People v. Almoguerra*, 461 Phil. 340, 356 (2003).
- [23] Rule 133, Section 4 of the Revised Rules on Evidence; Peralta, Jr., *Perspectives on Evidence*, 2005 edition, page 557, citing 6 Herrera, *Remedial Law* 1999 edition, page 401.
- [24] *People v. Solangon*, G.R. No. 172693, November 21, 2007 citing *People v. Oliva*, 402 Phil. 482, 493-494 (2001)
- [25] *Bacolod v. People*, G.R. No. 206236, July 15, 2013 citing *People v. Ramos*, G.R. No. 104497, January 18, 1995, 240 SCRA 191, 199, citing *Robinson v. State*, 18 Md. App. 678, 308 A2d 734 (1973)
- [26] *Bacolod v. People*, G. R.No. 206236, July 15, 2013 citing *People v. Ramos*, G.R. No. 104497, January 18, 1995, 240 SCRA 191, 199, citing *Robinson v. State*, 18 Md. App. 678, 308 A2d 734 (1973); *People v. Solangon*, G.R. No. 172693, November 21, 2007 citing *People v. Oliva*, 402 Phil. 482, 493-494 (2001)
- [27] Decision, page 27, 3 Record, page 2284.
- [28] Decision, page 28, 3 Record, page 2285.
- [29] *Id.*
- [30] *Id.*
- [31] Decision, pp. 28-29, 3 Record, pp. 2285-2286.
- [32] *Id.*
- [33] *People v. Macabare*, G.R. No. 179941, August 24, 2009 citing *People v. Mateo*, G.R. No. 179036, July 28, 2008
- [34] People's Brief, pp. 16-18, Rollo, pp. 138-140.
- [35] *People v. Concepcion*, G.R.No. 178876, June 27, 2008 citing *People v. Yang*, 467 Phil. 492, 509 (2004).
- [36] Reply (to Appellee's Brief, etc.) with Motion to Reiterate Motion for Issuance of Commitment Order, dated October 16, 2012, paragraphs 4 and 5, pp. 2-3, Rollo, pp. 169-173.

[37] Reply Brief, pp. 2-3, Rollo, pp. 170-171.

[38] Peralta, Jr., Perspectives on Evidence, 2005 edition, pp. 71-72, citing 2 Jones on Evidence, page 636.

[39] Peralta, Jr., Vide, page 72, citing 1 Regalado, Remedial Law Compendium, 8[th] Revised Edition, 2002, page 163, and a host of other citations.

[40] People v. Esquibel, G.R. No. 192465, June 8, 2011 citing People v. Obligado, G.R. No. 171735, April 16, 2009.

[41] People v. Agacer, G.R. No. 177751, December 14, 2011 citing People v. Asis, G.R. No.177573, July 7, 2010.

[42] People v. Esquibel, G.R. No. 192465, June 8, 2011 citing People v. Ortiz, Jr., G.R. No. 188704, 7 July 2010

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.