



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **03 January 2022** which reads as follows:*

“UDK-17100 (*Kristofferson Navarro y Salas v. People of the Philippines*). — Assailed in the Petition for Review on *Certiorari*¹ is the Decision² dated June 9, 2021 of the Court of Appeals (CA) in CA-G.R. CR No. 03579, which affirmed the Judgment³ dated August 7, 2018 and the Order⁴ dated October 5, 2018 of Branch 12, Regional Trial Court (RTC), Ormoc City that found Kristofferson Navarro y Salas (petitioner) guilty of Homicide in Criminal Case No. R-ORM-16-00774-CR.

The Court resolves to **DISMISS** the petition for lack of payment of the required docket and other legal fees,⁵ and for having a defective affidavit of service.⁶ Notably, the defects are sufficient bases for the dismissal of the petition, pursuant to Section 5,⁷ Rule 45 of the Rules of Court. The petition is in effect filed out of time considering the absence of payment of the required docket and legal fees.

Furthermore, the petition raises factual matters which are beyond the scope of a petition for review on *certiorari*. The Court is not a trier of facts and only questions of law may be raised in a petition under Rule

¹ *Rollo*, pp.3-22.

² *Id.* at 66-77; penned by Associate Justice Nancy C. Rivas-Palmones with Associate Justices Pamela Ann Abella Maxino and Lorenza R. Bordios, concurring.

³ *Id.* at 47-59; penned by Acting Presiding Judge Maria Corazon S. Vergara-Naraja.

⁴ *Id.* at 60-64.

⁵ The post money orders were returned to the sender for being stale; *id.* at 2.

⁶ The affidavit of service was notarized on July 15, 2021, prior to the posting of the petition on July 16, 2021; *id.* at 27-28.

⁷ Section 5. *Dismissal or Denial of Petition*. — The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof.

45 of the Rules of Court.⁸ Moreover, in the absence of misapprehension of relevant facts that would affect the outcome of the case, the factual findings of the trial court, duly affirmed on appeal, deserve great weight and must be accorded respect by the Court.⁹

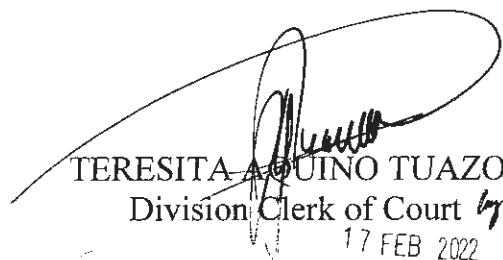
Notably, as found by both the RTC and the CA, petitioner exhibited an intent to inflict harm upon the victim, Reynaldo Reyes (Reyes), by pushing him to the point that the latter lost his balance and fell off the stage. By using both his hands to push Reyes who was near the edge of the stage, petitioner performed a deliberate act which resulted in Reyes falling off the stage, causing his death. Accordingly, the Court agrees with the RTC and the CA that petitioner is guilty of Homicide but with the mitigating circumstance of lack of intent to commit so grave a wrong under Article 13(3) of the Revised Penal Code appreciated in his favor. Thus, the indeterminate penalty of imprisonment of six (6) years and one (1) day of *prision mayor*, as minimum, to twelve (12) years and one (1) day of *reclusion temporal*, as maximum, imposed against petitioner is proper including the order for him to pay the heir of the victim (Thelma Reyes y Pulgo) civil indemnity and moral damages in the amount of ₱50,000.00 each.

In addition to the penalties imposed against petitioner, the Court finds it proper to require him to pay the heir of the victim temperate damages in the amount of ₱50,000.00 to conform to prevailing jurisprudence.¹⁰

ACCORDINGLY, the petition is **DISMISSED**. The Court **AFFIRMS** the assailed Decision dated June 9, 2021 of the Court of Appeals in CA-G.R. CR No. 03579 with **MODIFICATION** that in addition to the penalties imposed against petitioner Kristofferson Navarro y Salas, he is ordered to pay the heir of the victim Reynaldo Reyes temperate damages in the amount of ₱50,000.00.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court *by 2/17*
17 FEB 2022

⁸ Section I, Rule 45 of the Rules of Court.

⁹ See *People v. Bucyaun*, G.R. No. 238457, September 18, 2019.

¹⁰ *People v. Jugueta*, 783 Phil. 806, 849 (2016).

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 12
Ormoc City
(Crim. Case No. R-ORM-16-00774-CR)

JUDGMENT DIVISION (x)
Supreme Court, Manila

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COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CR No. 03579

*with copy of CA Decision dated 9 June 2021
Please notify the Court of any change in your address.
UDK-17100. 01/03/2022(220)URES *Jan 17*