



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 23, 2021** which reads as follows:*

“G.R. No. 243669 (People of the Philippines v. Geoffrey Dela Cruz y Castromero).

After a review of the records, this Court resolves to **DISMISS** the appeal for failure to sufficiently show that the Court of Appeals (CA) committed any reversible error in its May 17, 2017 Decision¹ in CA-G.R. CR HC No. 08283 as to warrant the exercise of this Court’s appellate jurisdiction.

Geoffrey Dela Cruz y Castromero (*accused-appellant*) was charged with the crime of murder in an information, which reads:

That on or about 26th day [of December 2009] at around 8:00 o’clock in the evening at Barangay District 8, Municipality of Balayan, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above named accused, armed with an unlicensed firearm and a bladed weapon, with intent to kill, without any justifiable cause, with the qualifying circumstances of treachery and evident premeditation, did then and there willfully, unlawfully and feloniously attack, assault, shoot and stab with the said weapons one Alexander M. Balboa, suddenly and without warning, thereby inflicting upon the latter gunshot wounds and stab wounds on the different parts of his body, which directly caused his death.

The aggravating circumstance[s] of dwelling attended the commission of the offense.

Contrary to law.²

¹ *Rollo*, pp. 2-11; penned by Associate Justice Manuel M. Barrios with Associate Justices Ramon M. Bato, Jr. and Renato C. Francisco, concurring.

² *Id.* at 3-4.

As correctly held by the CA, all the elements of the crime of murder were proven by the prosecution's evidence warranting the affirmance of the judgment of the courts *a quo* convicting accused-appellant.

In this case, both the Regional Trial Court (*RTC*) and the CA found that the prosecution sufficiently established all the foregoing elements of murder, giving weight and credence to the eyewitness testimonies of Devernadette Balboa (*Devernadette*) and Cyjoery Balboa (*Cyjoery*). There is no doubt that accused-appellant, without warning, barged into Alexander Balboa's (*Alexander*) house while the latter, Devernadette and Cyjoery, were sleeping. Accused-appellant uttered the words, "*Bakit naman ganon pare,*" and suddenly shot Alexander in front of Devernadette and Cyjoery. Alexander pushed accused-appellant out of their home, but the latter shot him twice and stabbed him three (3) times before finally leaving him for dead. Devernadette identified accused-appellant as the assailant not only in open court, but also when she was asked by Police Officer II Lowie Enriquez immediately after the commission of the crime. Dr. Evelyn M. Noche of the Municipal Health Office later on confirmed, after conducting a post mortem examination, that Alexander's death was caused by the gunshots and stab wounds he had sustained. Between the categorical statements of the prosecution witnesses on one hand and the bare denial of accused-appellant on the other, the former must prevail. Indeed, the positive testimonies of Devernadette and Cyjoery outweigh the denial proffered by accused-appellant.³

Contrary to accused-appellant's claim, the RTC correctly appreciated treachery in the commission of the crime. Accused-appellant's attack was sudden and unexpected upon Alexander, who was sleeping in his home at the time of the incident. Alexander was unarmed and had no inkling that an attack was forthcoming, thus he had no chance to defend himself. Accused-appellant shot Alexander immediately after forcing himself inside Alexander's house. The attack upon Alexander's person was so swift that Alexander only managed to push accused-appellant out of his house after the first gunshot wound he sustained. Thereafter, accused-appellant shot Alexander again at the right nape and stabbed him three times. The foregoing shows that accused-appellant consciously adopted the mode of attack he employed in order to ensure the killing of Alexander without risk to himself.

³ *People v. Agoncillo*, 820 Phil. 1194, 1215 (2017).

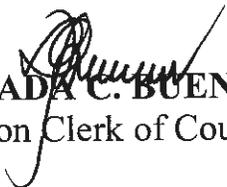
As to the penalty, under Article 248 of the Revised Penal Code, the crime of murder is punishable by *reclusion perpetua* to death. With the aggravating circumstance of dwelling duly proved by the prosecution and no mitigating circumstance, the penalty imposed should be in its maximum, which is death. In view, however, of Republic Act No. 9346, the penalty imposed is reduced from death to *reclusion perpetua* without eligibility for parole. The CA thus correctly affirmed the penalty imposed by the RTC.

As to the damages award, the CA, pursuant to the Court's ruling in *People v. Jugueta*,⁴ correctly awarded moral damages in the amount of ₱100,000.00 and deleted the award of temperate damages in lieu of the actual damages proved by the prosecution in the amount of ₱40,000.00.

WHEREFORE, the appeal is **DISMISSED**. The May 17, 2017 Decision of the Court of Appeals in CA-G.R. CR HC No. 08283, finding accused-appellant Geoffrey Dela Cruz y Castromero guilty beyond reasonable doubt of Murder, is **AFFIRMED**. He is hereby **SENTENCED** to serve the penalty of *reclusion perpetua* without eligibility for parole, and to **PAY** the heirs of the victim, Alexander M. Balboa, the amounts of ₱100,000.00 as civil indemnity, ₱100,000.00 as exemplary damages, ₱100,000.00 as moral damages, ₱40,000.00 as actual damages, plus interest of six percent (6%) *per annum* from the date of finality of this Resolution until full satisfaction.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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⁴ 783 Phil. 806 (2016).

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