



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated March 16, 2022, which reads as follows:

G.R. No. 255603 – (Ricardo Grande y Mauleon v. People of the Philippines). – The Court resolves to **NOTE** and **GRANT** petitioner's Manifestation with Motion to Admit Attached Annexes for the Petition for Review on *Certiorari* Filed on May 10, 2021, dated June 2, 2022, stating that on May 10, 2021, he filed a petition with undertaking to submit the copies of the appellee's brief and comment on the motion for reconsideration.

This petition for review assails the Decision of the Court of Appeals in CA-G.R. CR No. 42194 dated June 22, 2020 affirming Ricardo Grande y Mauleon's conviction for homicide. To successfully prosecute the crime of homicide, the following elements must be proved beyond reasonable doubt: (1) that a person was killed; (2) that the accused killed that person without any justifying circumstance; (3) that the accused had the intention to kill, which is presumed; and (4) that the killing was not attended by any of the qualifying circumstances of murder, or by that of parricide or infanticide.¹

There is no question here regarding the presence of the first (1st), third (3rd), and fourth (4th) elements. The Certificate of Death and Medico-Legal Report of Leandro Espino show that he died because of a stab wound to the thorax. With respect to the element of intent to kill, it is settled that if a victim dies because of a deliberate act of the malefactor, intent to kill is conclusively presumed.² There is also no showing here that the killing was attended by any of the qualifying circumstances of murder, or by that of parricide or infanticide.

Petitioner, however, insists that the identity of the perpetrator remains to be proven. He maintains that the testimony of prosecution witness Lester Espino is too incredible to be believed.

¹ *People v. Alejandro*, 807 Phil. 221, 229 (2017).

² *People v. Espina*, G.R. No. 219614, July 10, 2019, 980 SCRA, 353, 363.

The Court disagrees.

Here, the trial court and the Court of Appeals uniformly gave credence to the clear, straightforward, and categorical account of the eyewitness, Lester. When the credibility of the eyewitnesses is at issue, due deference and respect shall be given to the trial court's factual findings, its calibration of the testimonies, its assessment of their probative weight, and its conclusion based on such factual findings, absent any showing that it had overlooked circumstances that would have affected the final outcome of the case. This rule finds an even more stringent application where the trial court's findings are sustained by the Court of Appeals,³ as here.

Here, Lester consistently and categorically testified that he clearly saw petitioner stab his father, Leandro, thus:

Q: Where were you when your father was talking to this Arnel Grande?

A: At the back of my father towards his left.

Q: While your father was talking to this Arnel Grande was there any[thing] extraordinary that happened during that time?

A: Yes, sir, there was.

Q: What was that?

A: Someone came from my back suddenly.

Q: When you say someone came from behind you, what happened next, if any, Mr. Witness.

A: He went passed (sic) by me and he went beside my father.

Q: When this person reached in front of your father, what happened next, if any?

A: I was surprised that he was carrying with him a knife.

Q: What happened next, if any, Mr. Witness?

A: He suddenly stabbed my father on his left armpit.⁴

X X X X

Q: Mr. Witness, around that time, 11:00 to 11:30pm, the place is expectedly dark, how were you able to see this person who stabbed your father?

A: Well lighted, sir, because of the four (4) posts that surrounds us and the lights coming from the neighbors.⁵

X X X X

Q: During the time of the stabbing incident, can you please describe to this Honorable Court the lighting condition of that place?

³ *People v. Pigar*, G.R. No. 247658, February 17, 2020.

⁴ *Rollo*, p. 20.

⁵ *Id.* at 20-21.

A: The four (4) post[s] were lighted and there were houses lighted from side to side, sir.

Q: How far were you from the accused during that incident?

A: One to one and a half meters away, sir.

Q: Did you see his face without any cover?

A: Yes, sir, clearly.⁶

X X X X

Q: When you were at the police precinct, Mr. Witness, what happened next, if any?

A: When I went to the police station, I was able to identify the person who stabbed my father.⁷

Against Lester's positive testimony, petitioner invokes the defense of denial. It is settled, however, that positive identification prevails over a defense of denial. Denial is an inherently weak defense and must be brushed aside when the prosecution has sufficiently and positively ascertained the identity of the defense, as here. After all, positive testimony prevails over negative testimony.⁸

Under Article 249 of the Revised Penal Code, homicide is punishable by *reclusion temporal*. In the absence of any modifying circumstance, the penalty shall be imposed in its medium period.

Thus, the Court of Appeals correctly sentenced petitioner to suffer the indeterminate penalty of eight (8) years and one (1) day of *prision mayor*, as minimum, to sixteen (16) years and one (1) day of *reclusion temporal*, as maximum.

Anent the award of actual damages, prosecution witness Flordeliza Espino testified that she incurred the following hospital, funeral, and burial expenses: (1) ₱2,700.00 paid to Good Shepherd Hospital for Leandro's hospital treatment; (2) ₱62,000.00 paid to REC Candido Funeral Homes for Leandro's autopsy, service, and coffin; and (3) ₱19,000.00 paid to Garden of Love Memorial Park for the burial services and lot.⁹ The trial court, thus, granted actual damages covering the total amount of ₱83,700.00. Considering such hospitalization and funeral expenses were all duly proven and substantiated by receipts, the award of actual damages in the aforesaid amount is proper.

⁶ *Id.* at 67.

⁷ *Id.* at 22.

⁸ *People v. Bacares*, G.R. No. 243024, June 23, 2020.

⁹ *Rollo*, p. 108.

In conformity with *People v. Jugueta*,¹⁰ however, the awards of civil indemnity and moral damages should be modified to ₱50,000.00 each.

The foregoing amounts shall be subject to six percent (6%) interest *per annum* from finality of this Resolution until fully paid.

WHEREFORE, the petition is **DENIED**. The Decision dated June 22, 2020 of the Court of Appeals in CA-G.R. CR No. 42194 is **AFFIRMED** with **MODIFICATION**.

Petitioner **Ricardo Grande y Mauleon** is found **GUILTY** of **HOMICIDE**. He is sentenced to eight (8) years and one (1) day of *prision mayor*, as minimum, to sixteen (16) years, and one (1) day of *reclusion temporal*, as maximum. He is further ordered to **PAY** the heirs of Leandro Espino:

- 1) ₱50,000.00 as civil indemnity;
- 2) ₱50,000.00 as moral damages; and
- 3) ₱83,700.00 as actual damages.

These amounts shall be subject to six percent (6%) interest *per annum* from finality of this Resolution until fully paid.

SO ORDERED. (**LOPEZ, J., J.**, recused himself from the case for having penned the assailed Court of Appeals decision; **INTING, J.**, designated additional Member per Raffle dated January 31, 2022.)

By authority of the Court:

Misael Domingo C. Battung III
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court

JB 9/1/22

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¹⁰ 783 Phil. 806, 846 (2016).

The Presiding Judge
REGIONAL TRIAL COURT
Branch 14, 3000 Malolos City, Bulacan
(Crim. Case No. 935-M-2012)

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