



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **March 9, 2022** which reads as follows:

“G.R. No. 257834 (*Jose Louies Mina y Abiera @ “Onyok” v. People of the Philippines*) – Impugned in this instant Petition for Review on *Certiorari*¹ are the *Decision*² dated 22 December 2020 and the *Resolution*³ dated 7 July 2021 of the Court of Appeals (CA) which affirmed the *Decision*⁴ dated 16 July 2019 of the Regional Trial Court (RTC) of Quezon City, Branch 86, finding petitioner Jose Louies Mina y Abiera @”Onyok” (petitioner) guilty beyond reasonable doubt of the crime of Homicide under Article 249 of the Revised Penal Code (RPC) and denied the *Motion for Reconsideration*⁵ thereof, respectively, in CA G.R. CR No. 43814.

The case has its provenance in an *Information*⁶ inculping petitioner for Homicide, the accusatory averments of which read:

That on the 5th day of February, 2017, in Quezon City, Philippines, the above-named accused, did then and there willfully, unlawfully and feloniously with intent to kill, attack, assault and employ personal violence upon the person of one REYNALD GENEROSO y SANTOS “NENAD,” a minor, fifteen (15) years old, by then and there boxing him on the right cheek causing him to fall and hit his head on the pavement, thereby inflicting upon him fatal and mortal wounds, which were the direct and immediate cause of his untimely death, to the damage and prejudice of the heirs of said REYNALD GENEROSO y SANTOS ‘NENAD’.

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¹ *Rollo*, pp. 13-34.

² *Id.* at 36-49. Penned by Associate Justice Alfredo D. Ampuan with Associate Justices Pedro B. Corales and Ruben Reynaldo G. Roxas, concurring.

³ *Id.* at 51-53.

⁴ *Id.* at 69-85. Penned by Presiding Judge Roberto P. Buenaventura.

⁵ *Id.* at 99-106.

⁶ See RTC Decision, *id.* at 69.

CONTRARY TO LAW.

The combined testimonies of the prosecution witnesses endeavored to establish the following factual backdrop:

Around eight o'clock in the evening of 4 February 2017, petitioner was having a drinking session together with the victim, Reynald Generoso y Santos (Generoso), and their friends along Ligaya Street corner F. Torres Street, *Barangay Pag-Ibig sa Nayon*, Quezon City. Their drinking session was halted at around one o'clock the following morning when a fight ensued between petitioner's girlfriend and a woman from another group. While both groups were pacifying the two women, one of the men asked, "*Alam niyo ba kung kanino nagsimula yung gulo?*" Generoso then commented, "*Kay Onyok nagsimula yung gulo.*" Offended by this remark, petitioner approached Generoso and retorted, "*Ako, Nad?*" Posthaste, he punched his face. Generoso fell down, hit his head on the pavement, and then became unconscious. He was immediately brought to the Caloocan City Medical Center where he eventually expired.⁷

The *post-mortem* examination of Generoso's body, which was conducted by Dr. Reynaldo R. Romero (Dr. Romero), Medico-Legal Officer III of the National Bureau of Investigation, indicated that he suffered "contusions and hematoma caused by a forcible contact or a hard blunt object which resulted in traumatic head injuries."⁸ Inevitably, petitioner was arrested.

Professing his innocence, petitioner denied the imputation hurled against him. He avowed that he and his friends were engaged in a drinking spree until around 2:55 a.m. of 5 February 2017. While they were drinking, Generoso suddenly fell to the ground due to intoxication. This prompted petitioner and two of his friends, including Aaron Delos Santos (Delos Santos), to call for a tricycle and bring Generoso to the hospital. Thereafter, petitioner went home and eventually found out that Generoso had passed away.⁹

On 16 July 2019, the RTC of Quezon City, Branch 86, rendered a *Decision*¹⁰, the *fallo* of which reads:

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⁷ *Rollo*, pp. 70-71.

⁸ *Id.* at 72.

⁹ *Id.* at 73.

¹⁰ *Supra* note 4.

WHEREFORE, in view of the foregoing premises, the court finds accused Jose Louies Mina y Abiera GUILTY beyond reasonable doubt of the crime of Homicide defined and penalized under Article 249 of the Revised Penal Code and is hereby sentenced to a penalty of imprisonment of six (6) years and one (1) day of *prision mayor* as minimum penalty to twelve (12) years and one (1) day of *reclusion temporal* as maximum penalty taking into consideration the provisions of the Indeterminate Sentence Law. The accused is likewise ordered to pay the heirs of Reynald Generoso y Santos the amounts of P75,000.00 as civil indemnity *ex delicto*, P75,000.00 as moral damages and P50,000.00 as temperate damages all with interest at the rate of six percent (6%) per annum from the finality of this Decision until fully paid.

SO ORDERED.¹¹

Sifting through the discordant evidence of the prosecution and the defense, the RTC held that the prosecution sufficiently discharged its burden of proving petitioner's guilt for Homicide beyond reasonable doubt. It gave credence to the testimony of Delos Santos, the eyewitness who positively identified petitioner as the one who punched Generoso on the face, causing him to fall down and hit his head on the pavement. The RTC likewise relied on the medico-legal findings of Dr. Romero stating that Generoso suffered traumatic head injuries, eventually causing his death. However, in the imposition of the proper penalty, the RTC credited petitioner the mitigating circumstance of **lack of intention to commit so grave a wrong** under Article 13(3) of the RPC given that other than punching Generoso on the face, he did not do anything else and even helped in bringing the victim to the hospital.¹²

Displeased by the foregoing verdict, petitioner appealed to the CA which, in the assailed *Decision*, affirmed the findings of the RTC *in toto*. The CA ratiocinated that the prosecution incontrovertibly established the elements of Homicide, relying on the testimony of Delos Santos, the prosecution eyewitness, which was corroborated by the *Pinagsamang Sinumpaang Salaysay*¹³ executed by Cajes and Albert H. Encarnacion, positively identifying petitioner as the perpetrator of the crime. The CA likewise accorded weight to the medico-legal findings of Dr. Romero which established that the cause of the victim's death was traumatic head injuries. Contrariwise, the

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¹¹ *Rollo*, p. 85.

¹² *Id.* at 75-84.

¹³ See CA Decision. *Id.* at 41-42.

appellate court rejected petitioner's denial for being unsubstantiated and thus could not be given greater evidentiary value over the testimony of the prosecution witness, who testified on affirmative matters.¹⁴

Petitioner's *Motion for Reconsideration*¹⁵ having been denied by the CA in the challenged *Resolution*, petitioner now comes to the Court, decrying the credibility of Delos Santos, the prosecution witness. Petitioner intransigently asseverates that it is contrary to human experience that he would punch Generoso despite the distance of four to five meters between them and without any intervention from the people surrounding them. Avowedly, inasmuch as Generoso was already intoxicated at the time of the incident, his version that he fell due to his own drunkenness was more credible. Finally, petitioner brings to the fore the alleged inconsistency between the testimony of Delos Santos, on one hand, stating that petitioner punched Generoso on his right cheek, and the autopsy report adduced by the prosecution, on the other, which evinces Dr. Romero's findings that the contusion suffered by Generoso was on the left side of his face.

Did the CA commit a reversible error in affirming the conviction of petitioner as adjudged by the RTC for the crime of Homicide under Article 249 of the Revised Penal Code?

The Court answers in the negative.

As a general rule, the Court's jurisdiction in a petition for review on certiorari under Rule 45 of the Rules of Court is limited to the review of pure questions of law. Otherwise stated, a Rule 45 petition does not allow the review of questions of fact because the Court is not a trier of facts.¹⁶ In the case at bench, the disputations advanced by petitioner to support his contention that his guilt was not proven beyond reasonable doubt essentially assail Delos Santos' credibility as a witness. Well-ensconced is the rule that if a question posed requires the reevaluation of the credibility of witnesses, the issue is factual.¹⁷ Moreover, although there are several exceptions to

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¹⁴ Id. at 40-46.

¹⁵ Supra note 5.

¹⁶ *Ledesma v. People*, G.R. No. 238954, 14 September 2020.

¹⁷ Id.

the rule that factual questions cannot be passed upon in a Rule 45 petition,¹⁸ the Court does not find the existence of any in this case.

Appositely, in resolving issues pertaining to the credibility of the witnesses, the Court is guided by the following well-settled principles: (1) the reviewing court will not disturb the findings of the lower court, unless there is a showing that it overlooked, misunderstood or misapplied some fact or circumstance of weight and substance that may affect the result of the case; (2) the findings of the trial court on the credibility of witnesses are entitled to great respect and even finality, as it had the opportunity to examine their demeanor when they testified on the witness stand; and (3) a witness who testifies in a clear, positive and convincing manner is a credible witness.¹⁹ Consequently, appellate courts will not overturn the factual findings of the trial court in the absence of facts or circumstances of weight and substance that would affect the result of the case. This rule finds an even more stringent application where the said findings are sustained by the CA, as in the case at bench.²⁰

Invariably, the Court finds no compelling reason to depart from the factual findings of the RTC, as affirmed by the CA.

In sooth, We find that petitioner's guilt as the perpetrator of the unlawful killing of the victim Generoso was convincingly established by the prosecution via testimonial and physical evidence. The credible and categorical testimony of Delos Santos about the entire incident on 5 February 2017 positively points to petitioner as the one who punched Generoso on the face, causing him to hit his head on the pavement and rendering him unconscious thereafter. The medico-legal findings of Dr. Romero unequivocally corroborate the account of the eyewitness that the victim died of traumatic head injuries. Plain as a pikestaff, petitioner's act of punching Generoso was the proximate cause of his death.

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¹⁸ (1) When the conclusion is a finding grounded entirely on speculation, surmises or conjectures; (2) When the inference made is manifestly mistaken, absurd or impossible; (3) Where there is a grave abuse of discretion; (4) When the judgment is based on a misapprehension of facts; (5) When the findings of fact are conflicting; (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (7) The findings of the Court of Appeals are contrary to those of the trial court; (8) When the findings or fact are conclusions without citation of specific evidence on which they are based; (9) When the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents; and (10) The finding of fact of the Court of Appeals is premised on the supposed absence or evidence and is contradicted by the evidence on record. [*Miano, Jr. v. Manila Electric Company (MERALCO)*, 800 Phil. 118, 123 (2016).

¹⁹ *Estioca v. People*, 578 Phil. 853, 864 (2008).

²⁰ See *People v. Gerola*, 813 Phil. 1055, 1064 (2017).

Case law teaches Us that if the victim dies because of a deliberate act of the malefactor, intent to kill is conclusively presumed. In such case, even if there is no intent to kill, the crime is Homicide because with respect to crimes of personal violence, the penal law looks particularly to the material results following the unlawful act and holds the aggressor responsible for all the consequences thereto.²¹

The purported inconsistency between the testimony of Delos Santos that petitioner punched Generoso on the right cheek and the findings of Dr. Romero that the contusion suffered by Geneoroso was on the left cheek, would be none the worse. Such minor inconsistency did not diminish the merit of the conviction primarily because the totality of the prosecution evidence more than satisfactorily proved the commission of the offense and petitioner's authorship thereof.

Corollary thereto, petitioner's lackluster defense of denial fails to cast doubt on the positive identification made by Delos Santos, as well as the chain of circumstances established by the prosecution. The Court has consistently held that denial, being inherently weak, cannot prevail over the positive identification of the accused as the perpetrator of the crime.²² Mere denial, unsubstantiated by clear and convincing evidence, is negative self-serving evidence which cannot be given greater evidentiary weight than the testimony of the complaining witness who testified on affirmative matters.²³

Under Article 249 of the RPC, the penalty imposed for the crime of Homicide is *reclusion temporal*. In this case, however, the penalty must be imposed in its minimum period due to the presence of the mitigating circumstance of lack of intention to commit so grave a wrong under Article 13 (3) of the RPC, as correctly appreciated by the CA and the RTC. This mitigating circumstance can be taken into account given the absence of evidence showing that apart from punching Generoso on the face, he did something else. It likewise bears stressing that petitioner himself brought the victim to the hospital after the incident, which is another circumstance evincing that his purpose was merely to inflict physical harm, and not end the life of the victim.

Accordingly, the CA unerringly imposed the penalty of imprisonment for an indeterminate period of six (6) years and one (1) day of *prision mayor*, as minimum, to twelve (12) years and one (1)

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²¹ See *Wacoy v. People*, 761 Phil. 570, 580 (2015).

²² *People v. XXX*, G.R. No. 246194, 4 November 2020.

²³ *Id.*

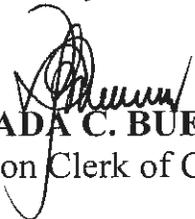
day of *reclusion temporal*, as maximum, taking into consideration the provisions of the Indeterminate Sentence Law.

However, in line with the ruling of this Court in *People v. Jugueta*,²⁴ the amount of civil indemnity and moral damages is reduced to ₱50,000.00 each. Also, temperate damages may be awarded when the heirs of the victim suffered pecuniary loss although the exact amount was not proved.²⁵ In this case, the heirs undoubtedly incurred burial and funeral expenses *sans* evidence by reason of the death of the victim. Whence, the award of ₱50,000.00 as temperate damages imposed by the trial court and affirmed by the CA is proper. Finally, this Court sustain the imposition of interest at the rate of six percent (6%) *per annum* from the date of finality of this *Resolution* until fully paid.

WHEREFORE, the Petition for Review on *Certiorari* is hereby **DENIED**. The *Decision* dated 22 December 2020 and the *Resolution* dated 7 July 2021 of the Court of Appeals in CA-G.R. C.R. No. 43814 finding petitioner Jose Louies Mina y Abiera @ “Onyok” guilty of Homicide and sentencing him to suffer the penalty of imprisonment for an indeterminate period 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 are **AFFIRMED with MODIFICATION** in that he is **ORDERED** to pay the heirs of Reynald Generoso y Santos ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages and ₱50,000.00 as temperate damages. All damages awarded shall earn interest at the legal rate of six percent (6%) *per annum* from the date of finality of this *Resolution* until fully paid.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *mat*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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²⁴ 783 Phil. 806 (2016).

²⁵ Article 2224. Temperate or moderate damages, which are more than nominal but less than compensatory damages, may be recovered when the court finds that some pecuniary loss has been suffered but its amount cannot, from the nature of the case, be provided with certainty.



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