



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Baguio City

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 18 April 2022 which reads as follows:

“G.R. No. 259525 [Formerly UDK-17217] (Redentor Caponpon vs. People of the Philippines). — After a review of the records, the Court resolves to DENY the Petition¹ for failure to sufficiently show that the Court of Appeals committed any reversible error in its Decision² dated 16 June 2020 and Resolution³ dated 19 July 2021, as to warrant the exercise of the Court’s appellate jurisdiction.

A perusal of the Petition filed reveals that the same is fraught with infirmities. For one thing, the Petition was belatedly filed. Moreover, it failed to comply with Section 4, Rule 45 as well as Section 3, Rule 46, in relation to Rules 56 and 65 of the Rules of Court.

Technicalities aside, the Petition must still be denied.

Petitioner would have the Court re-examine the evidence on record, as he contends that the prosecution was not able to establish his guilt beyond reasonable doubt. However, petitions brought under Section 1, Rule 45 of the Rules of Court call for the determination only of questions of law and not factual issues. The Court is not a trier of facts. It is not the Court’s function to examine, review or evaluate the evidence all over again. Issues raised before the Court on whether the prosecution’s evidence proved the guilt of the accused beyond reasonable doubt⁴ or requiring a re-evaluation of the credibility of witnesses⁵ are questions of fact. As a rule, these questions of fact cannot be entertained by the Court under Rule 45. Hence, the petition is procedurally infirm.⁶

¹ *Rollo*, pp. 21-41.

² *CA rollo*, pp. 97-107.

³ *Rollo*, pp. 43-45; penned by Associate Justice Bonifacio S. Pascua and concurred in by Associate Justices Mariflor P. Punzalan Castillo and Maria Filomena D. Singh of the Special Former Ninth (9th) Division, Court of Appeals, Manila.

⁴ *Cedeño v. People*, 820 Phil. 575, 600 (2017).

⁵ *See Cabaron v. People*, 618 Phil 1, 7 (2009), citing *Mendoza v. People*, 500 Phil. 550 (2005).

⁶ *Macad v. People*, 838 Phil. 102, 118 (2018).

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In any case, the CA did not err in affirming the RTC's Judgment. The crime committed was attempted homicide, not frustrated homicide. While petitioner's intent to kill was apparent when he continued shooting private complainant Ruben Mendoza (Mendoza) even after the latter had fallen to the ground, the prosecution failed to prove that the wounds sustained by Mendoza were fatal and could have caused his death were it not for timely medical assistance. Hence, petitioner can only be held liable for attempted homicide. Petitioner was correctly sentenced to suffer the indeterminate penalty of imprisonment of six (6) months of *arresto mayor*, as minimum, to four (4) years and two (2) months of *prision correccional*, as maximum⁷ and to pay private complainant temperate damages in the amount of ₱50,000.00, moral damages in the amount of ₱20,000.00, as well as civil indemnity in the amount of ₱20,000.00. Pursuant to prevailing law and jurisprudence, all monetary awards shall earn an interest at the legal rate of six percent (6%) *per annum* from the date of finality of this Resolution until full payment.⁸

Lastly, the Court NOTES petitioner's Motion to Set/Schedule the Case for Mediation Hearing, but DENIES the Motion to Submit for Approval the Compromise Agreement. Records show that Mendoza was not assisted by counsel the execution of the Compromise Agreement and its terms works to his disadvantage. Further, it is explicit in Article 2034 of the Civil Code that while "[t]here may be a compromise upon the civil liability arising from an offense" the same "shall not extinguish the public action for the imposition of the legal penalty." Here, petitioner likewise prays that upon the approval of the compromise agreement, the case should be permanently dismissed. As discussed above, the criminal aspect of a case cannot be the subject of a compromise.

WHEREFORE, the Petition is **DENIED**. The Decision dated 16 June 2020 and Resolution dated 19 July 2021 of the Court of Appeals in CA-G.R. CR No. 42402 are **AFFIRMED** with **MODIFICATION** in that all amounts awarded, *i.e.*, temperate damages in the amount of ₱50,000.00, moral damages in the amount of ₱20,000.00, as well as civil indemnity in the amount of ₱20,000.00, shall be subject to legal interest at the rate of six percent (6%) *per annum* from the date of finality of this Resolution until fully paid.

On the other hand, the Motion to Submit for Approval the Compromise Agreement is hereby **DENIED**.

⁷ See *People v. Geron*, 793 Phil. 766, 779 (2016), citing *Cabildo v. People*, 642 Phil. 737, 746-747 (2010).

⁸ See *People v. Jugueta*, 783 Phil. 806, 856 (2016).

M/A

Further, the Court resolves to:

1. **NOTE** the payment dated 11 March 2022 of counsel for petitioner in the amount of ₱5,530.00 for docket and other legal fees under O.R. No. 327081;

2. **NOTE** the manifestation/compliance dated 17 March 2022 of counsel for petitioner, stating that petitioner submitted BDO PMO Nos. 0400109241, 0400109242, and 0400109243 in the total amount of ₱5,350.00 as replacement for the staled PMOs, in compliance with the memorandum dated 11 February 2022 of the Judicial Records Office, this Court; and

3. **INFORM** petitioner that he or his authorized representative may personally claim from the Cash Disbursement and Collection Division of this Court the excess payment of the prescribed legal fees in the amount of ₱1,000.00 under O.R. No. 327081 dated 30 March 2022.

SO ORDERED.”

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court *pg 7/16*

15 JUL 2022

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 29
City of San Pablo, Laguna
(Crim. Case No. 17049-SP (08))

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CA-G.R. CR No. 42402

Please notify the Court of any change in your address.
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