



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **June 22, 2022** which reads as follows:*

“G.R. No. 255573 (*Rico Quilon y Delos Santos v. People of the Philippines*). – This Petition for Review on Certiorari¹ assails the Decision² dated July 17, 2020 and Resolution³ dated January 20, 2021 of the Court of Appeals in CA-G.R. CR No. 41746 affirming the conviction of petitioner Rico Quilon y Delos Santos (petitioner) for homicide.

The Facts

By Information⁴ dated November 29, 1999, petitioner was charged with homicide for the killing of Domingo Abiog y Delos Santos (Domingo), thus:

That on or about the 26th day of November 1999 in the City of Antipolo, Philippines and within the jurisdiction of this Honorable Court, the above-named accused with intent to kill and armed with a bladed weapon, did then and there willfully, unlawfully and feloniously attack, assault and stab one DOMINGO ABIOG y DELOS SANTOS hitting him on the left side portion of his body thereby inflicting upon the latter mortal stab wound which directly caused his death.

CONTRARY TO LAW.⁵

On arraignment, petitioner pleaded not guilty.⁶

¹ *Rollo*, pp. 12–21.

² Penned by Associate Justice Myra V. Garcia-Fernandez and concurred in by Associate Justices Fernanda Lampas Peralta and Ruben Reynaldo G. Roxas, *id.* at 29–40.

³ *Id.* at 42–43.

⁴ *Id.* at 66.

⁵ *Id.*

⁶ *Id.*

Youba Delos Santos Abiog (Youba) and Dr. Felimon Porciuncula, Jr. testified for the prosecution.⁷ On the other hand, petitioner and his mother, Lucrecia Quilon (Lucrecia), testified for the defense.⁸

Prosecution's Version

On November 26, 1999, Youba heard a commotion and immediately stepped out of her house to check. She saw her son, Domingo, standing by the road. She approached and told him to go inside, but he refused. Sensing trouble, she embraced her son just as she saw petitioner running towards them. In no time, petitioner stabbed Domingo in the right chest. She was so shocked she passed out. When she woke up, she learned that Domingo got rushed to the hospital, and much later, had died.⁹

Per Medico-Legal Report No. M-51099-99, Domingo's cause of death was "hemorrhagic shock as a result of stab wound to the trunk."¹⁰

The Defense's Version

Petitioner denied killing the victim. He testified that on November 26, 1999, he was attending the wake for his cousin when commotion broke out. He got hit with a piece of wood and fell to the ground. He did not even see Domingo during the commotion because he was unconscious. He went to Rodriguez Hospital, Marikina City to have his injuries checked. He only learned of the case against him when the police came to his house and arrested him.¹¹

Lucrecia testified that at 2 o'clock in the afternoon of November 26, 1999, she stepped out of her house to check a commotion she heard. She saw her son, petitioner, running towards their house, followed by Domingo. She asked Domingo what the commotion was about, but the latter did not answer and just returned to the wake. Later on, however, she heard that Domingo got stabbed. She did not actually witness the incident, but it was not her son who stabbed the victim. The victim's family only blamed her son because they (her family) had a grudge against them.¹²

⁷ *Id.* at 30.

⁸ *Id.* at 31.

⁹ *Id.* at 32.

¹⁰ *Id.* at 31.

¹¹ *Id.* at 31-32.

¹² *Id.* at 32-33.

The Ruling of the Trial Court

Under Decision¹³ dated November 17, 2017, Regional Trial Court (RTC), Branch 71, Antipolo City found petitioner guilty as charged, *viz.*:

WHEREFORE, premises considered, this Court finds the accused **RICO QUILON y DE JESUS GUILTY** as charged for the crime of **HOMICIDE** and hereby sentences him to suffer the penalty imposable pursuant to Article 249 of the Revised Penal Code of **RECLUSION TEMPORAL in its medium period and in accordance with the provisions of the Indeterminate Sentence Law, consisting of imprisonment of 14 years, 8 months and 1 day as minimum and 17 years four months as maximum period of imprisonment** and accused is further ordered to pay **Actual Damages in the amount of Php 80,000.00 and Moral Damages in the amount of Php100,000.00.**

SO ORDERED.¹⁴

The trial court found that the prosecution was able to establish beyond reasonable doubt that petitioner stabbed Domingo who died as a result. The defense of denial cannot be given weight against the clear and positive identification and the categorical and straightforward statements of prosecution witness Youba.¹⁵

The Proceedings Before the Court of Appeals

On appeal, petitioner alleged that the trial court erred in convicting him of homicide despite the insufficiency of prosecution's evidence to establish his identity and guilt.¹⁶

For its part, the Office of the Solicitor General (OSG) averred that petitioner's guilt was proven beyond reasonable doubt. Prosecution witness Youba positively identified petitioner as the person who stabbed the victim. Petitioner's defense of denial cannot prevail over the categorical and affirmative testimony of Youba.¹⁷

The Ruling of the Court of Appeals

Under Decision¹⁸ dated July 17, 2020, the Court of Appeals affirmed, but modified the penalty and monetary awards to conform with the Indeterminate Sentence Law and prevailing jurisprudence, *viz.*:

¹³ Penned by Judge Kevin Narce B. Vivero, *id.* at 55–61.

¹⁴ *Id.* at 61.

¹⁵ *Id.* at 35–36.

¹⁶ Brief for the Accused-Appellant; *id.* at 44–53.

¹⁷ Brief for the Appellee, *id.* at 62–81.

¹⁸ *Id.* at 29–40.

WHEREFORE, the appeal is **DENIED**. The decision of the Regional Trial Court of Antipolo City, Branch 71 dated November 17, 2017 in Criminal Case No. 99-17609 is **AFFIRMED** and **MODIFIED**. Accused-appellant Rico Quilon is found **GUILTY** beyond reasonable doubt of the crime of homicide under Article 249 of the Revised Penal Code and is sentenced to suffer the indeterminate penalty of eight (8) years and one (1) day of *prision mayor*, as minimum, to fourteen (14) years, eight (8) months, and one (1) day of *reclusion temporal*, as maximum. Accused-appellant Rico Quilon is **ORDERED** to pay the heirs of Domingo Abiog the amounts of Fifty Thousand Pesos (₱50,000.00) as civil indemnity, Fifty Thousand Pesos (₱50,000.00) as moral damages, and Twenty-Five Thousand Pesos (₱25,000.00) as temperate damages, with interest at the legal rate of six percent (6%) per annum from the finality of this decision until fully paid.

SO ORDERED.¹⁹

The Court of Appeals found that the prosecution successfully established the elements of the crime of homicide under Article 249 of the Revised Penal Code (RPC). Prosecution witness Youba positively identified petitioner as the one who fatally stabbed her son. Too, petitioner's testimony was riddled with inconsistencies, further weakening his already frail defense of denial.

The Present Petition

Petitioner now seeks a verdict of acquittal anew.²⁰ He maintains that the prosecution failed to positively identify him as the assailant and Youba's testimony was incredible.

Our Ruling

We affirm.

A conviction for homicide requires the following elements: (1) a person was killed; (2) the accused killed that person without any justifying circumstance; (3) the accused had the intention to kill, which is presumed; and (4) the killing was not attended by any of the qualifying circumstances of murder, or by that of parricide or infanticide.²¹

¹⁹ *Id.* at 39–40.

²⁰ Petition for Review, *id.* at 12–21.

²¹ *People v. Alejandro*, 807 Phil. 221, 229 (2017).

Petitioner is guilty of homicide

There is no question regarding the presence of the first (1st), third (3rd), and fourth (4th) elements here. The Certificate of Death of Domingo and Medico-Legal Report No. M-51099-99 issued by the attending doctor show that Domingo died due to “hemorrhagic shock as a result of a stab wound [to] the trunk”. 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.²² In any event, there is no showing that the killing was attended by any of the qualifying circumstances of murder, parricide, or infanticide.

Petitioner, nonetheless, insists that the identity of the perpetrator has not been proved since the testimony of prosecution witness Youba was allegedly incredible, hence, putting in doubt her competence to testify on the stabbing incident.²³

Youba testified that she saw up close how petitioner stabbed her son Domingo outside their home, thus:

PROS. LUNA

Q: How about the accused Rico Quillon (sic), the accused in this case, do you know him?

A: Yes, sir.

Q: How did you come to know Rico Quillon (sic) the accused?

A: Rico Quillon (sic) is the son of my brother, sir.

x x x x

Q: You said you saw your son Domingo beside the road. When you get (sic) out of your house what was he then doing at that time?

A: I saw him standing on the front of the street and then I embraced him and did not let him go because I can sense that there was trouble.

Q: You said that you embraced Domingo Abiog, what happened next, if any?

A: While I was embracing my son Domingo Abiog here came Rico Quillon (sic) running and stabbed my son.

Q: You said that Rico Quillon (sic) stabbed your son Domingo Abiog while you were embracing your son, was your son hit?

A: Yes, sir.

Q: On which part of Domingo's body was [he] hit?

A: In his right chest, sir.²⁴ (Emphasis supplied)

x x x x

²² *People v. Espina*, G.R. No. 219614, July 10, 2019.

²³ Petition for Review, *rollo*, pp. 12–21.

²⁴ *Id.* at 34–35.

We note that the trial court and the Court of Appeals uniformly found the testimony of Youba to be clear, straightforward, and categorical, hence, credible. On the other hand, it rejected petitioner's bare denial for being an inherently weak defense which cannot prevail over the positive testimony of the prosecution witness. Indeed, 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,²⁵ as here.

Penalties and damages

Under Article 249 of the RPC, 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 fourteen (14) years, eight (8) months, and one (1) day of *reclusion temporal*, as maximum.²⁶

In conformity with *People v. Jugueta*,²⁷ the Court of Appeals correctly modified the awards of civil indemnity and moral damages to ₱50,000.00 each. Also, in accordance with *Jugueta*, an award of ₱50,000.00 exemplary damages is in order. The Court of Appeals correctly deleted the award of ₱80,000.00 in actual damages as the same was unsubstantiated. On the other hand, the award of temperate damages must be increased from ₱25,000.00 to ₱50,000.00 also in accordance with *Jugueta*.

These amounts shall be subject to six percent (6%) legal interest *per annum* from finality of this Resolution until fully paid.²⁸

FOR THESE REASONS, the petition is **DENIED**. The Decision dated July 17, 2020 and Resolution dated January 20, 2021 of the Court of Appeals in CA-G.R. CR No. 41746 are **AFFIRMED with modification**.

Petitioner **Rico Quilon y Delos Santos** is found **GUILTY** of **HOMICIDE** and sentenced to eight (8) years and one (1) day of *prision mayor*, as minimum, to fourteen (14) years, eight (8) months, and one (1) day

²⁵ *People v. Pigar*, G.R. No. 247658, February 17, 2020.

²⁶ *People v. Macalindong*, G.R. No. 248202, October 13, 2021.

²⁷ 783 Phil. 806, 845 (2016).

²⁸ *Nacar v. Gallery Frames*, 716 Phil. 267, 283 (2013).

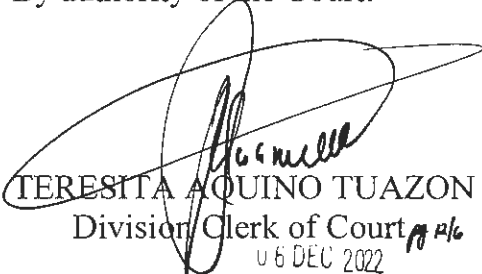
of *reclusion temporal*, as maximum. He is further ordered to **PAY** the heirs of Domingo Abiog y Delos Santos:

- 1) ₱50,000.00 as civil indemnity;
- 2) ₱50,000.00 as moral damages;
- 3) ₱50,000.00 as exemplary damages; and
- 4) ₱50,000.00 as temperate damages.

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

SO ORDERED."

By authority of the Court:


 TERESITA AQUINO TUAZON
 Division Clerk of Court
 U 6 DEC 2022

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HON. PRESIDING JUDGE (reg)
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 (Crim. Case No. 99-17609)

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*with a copy of the CA Decision dated July 17, 2020
Please notify the Court of any change in your address.
 GR255573. 6/22/2022(140)URES