



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

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

“G.R. No. 256342 (NOEL VALDEZ and DOCEDEC VALDEZ, Petitioners v. PEOPLE OF THE PHILIPPINES, Respondent). — This Court resolves a Petition for Review on *Certiorari*¹ assailing the Court of Appeals’ (CA) Decision² dated July 8, 2020 and Resolution³ dated February 3, 2021 in CA-G.R. CR No. 42687 finding Noel Valdez and Docedec Valdez guilty of homicide punished under Article 249 of the Revised Penal Code.

After a review of the records, the Court resolves to **DENY** the Petition for failure to sufficiently show that the CA committed any reversible error to warrant the exercise of the Court's appellate jurisdiction. The CA aptly ruled that the prosecution established all the elements of homicide. However, petitioners should be entitled to the mitigating circumstance of *praeter intentionem*. The Regional Trial Court correctly appreciated that petitioners had no intention to commit so grave a wrong absent evidence that they did something else other than punching the victim on his stomach. In *Wacoy v. People*,⁴ the Court held that the accused’s act of kicking and punching the victim on the stomach merely evinced the purpose of maltreating the victim and not ending his life. However, considering that the victim died, the crime committed was homicide because the penal law looks particularly to the

¹ *Rollo*, pp. 12–41.

² *Id.* at 42–68. Penned by Associate Justice Celia C. Librea-Leagogo with the concurrence of Associate Justices Nina G. Antonio-Valenzuela and Tita Marilyn B. Payoyo-Villordon, Fourth Division.

³ *Id.* at 69–70. Penned by Associate Justice Nina G. Antonio-Valenzuela with the concurrence of Associate Justices Marlene Gonzales-Sison and Tita Marilyn B. Payoyo-Villordon, Special Former Fourth Division.

⁴ 761 Phil. 570 (2015) [Per *J. Perlas-Bernabe*, First Division].

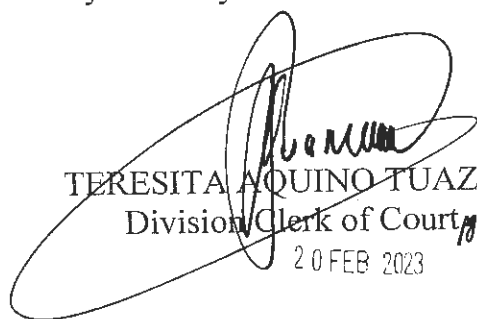
material results following the unlawful act and holds the aggressor responsible for all its consequences.⁵

Under Article 249 of the Revised Penal Code, the prescribed penalty for homicide is *reclusion temporal*. In view of the presence of a mitigating circumstance, the maximum term of the indeterminate penalty must be within the minimum period of the prescribed penalty which ranges from twelve (12) years and one (1) day to fourteen (14) years and eight (8) months. On the other hand, the minimum term of the indeterminate sentence must be within the penalty next lower in degree than that prescribed, or *prision mayor* which is six (6) years and one (1) day to twelve (12) years, in any of its periods.

FOR THESE REASONS, the Petition is **DENIED**. The Court of Appeals' Decision dated July 8, 2020 and Resolution dated February 3, 2021 in CA-G.R. CR No. 42687 are **AFFIRMED** with **MODIFICATION**. The petitioners **NOEL VALDEZ** and **DOCEDEC VALDEZ** are found guilty of homicide and are sentenced to suffer the indeterminate penalty 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. The petitioners are solidarily⁶ liable to pay the heirs of the victim Arnulfo Valdez Asiro P58,710.30 actual damages, P50,000.00 civil indemnity, and P50,000.00 moral damages, which shall all earn legal interest of 6% per annum from the finality of this Resolution until full payment.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court
20 FEB 2023

⁵ Id. at 580.

⁶ See *People v. Sartagoda* 293 Phil. 259, 270 (1993) [Per J. Campos, Jr., Second Division], citing *People v. Selfaison*, 1 SCRA 235 (1961) [Per J. Gutierrez, David; *En Banc*].

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 23
Cabanatuan City, Nueva Ecija
(Crim. Case No. 18162-AF)

JUDGMENT DIVISION (x)
Supreme Court, Manila

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Supreme Court, Manila

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CR No. 42687

*with a copy of the CA Decision dated July 8, 2020
Please notify the Court of any change in your address.
GR256342. 08/22/2022B(207)URES *JW*