



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **October 12, 2022**, which reads as follows:*

**“G.R. No. 261242 – JAIME GUILING, Petitioner, v. PEOPLE OF THE PHILIPPINES, Respondent.**

After a review of the Petition for Review on *Certiorari*,<sup>1</sup> including the assailed Decision,<sup>2</sup> dated 15 November 2021, and the Resolution,<sup>3</sup> dated 02 June 2022, of the Court of Appeals (CA), in CA-G.R. CR No. 44809, and the Decision,<sup>4</sup> dated 11 October 2019, of the Regional Trial Court (RTC) of Rosales, Pangasinan, Branch 53, in Criminal Case No. 5617-R, the Court resolves to **DENY** the same for failure of petitioner Jaime Guling (**Jaime**), to sufficiently show that the CA committed any reversible error in the assailed Decision and Resolution as to warrant the exercise of the Court’s discretionary appellate jurisdiction.

At the outset, it bears stressing that the issues raised by Jaime pertain to factual and evidentiary matters that are not subject to review *via* Rule 45 of the Rules of Court. It is doctrinal that only errors of law, and not of fact, are reviewable by this Court in petitions for review on *certiorari* under Rule 45. Save for the most cogent and compelling reason, it is not our function under the rule to examine, evaluate or weigh the probative value of the evidence presented by the parties all over again.<sup>5</sup> Thus, on this ground alone, the Petition should be dismissed outright.

Nonetheless, even on the merits, the Petition must fail.

Jaime seeks to discredit the prosecution’s witnesses based on alleged inconsistencies in their testimonies. In particular, he avers that the prosecution witnesses gave contradicting statements on whether the victim,

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<sup>1</sup> *Rollo*, pp. 14-38.

<sup>2</sup> *Id.* at 43-49. Penned by Associate Justice Germano Francisco D. Legaspi, with Associate Justices Apolinario D. Bruselas, Jr., and Angelene Mary W. Quimpo-Sale, concurring.

<sup>3</sup> *Id.* at 51-52. Penned by Associate Justice Germano Francisco D. Legaspi, with Associate Justices Apolinario D. Bruselas, Jr., and Angelene Mary W. Quimpo-Sale, concurring.

<sup>4</sup> *Id.* at 72 -82. Penned by Acting Judge Crisma R. Vismanos-Nabua.

<sup>5</sup> *Thomas Ang v. Associated Bank and Antonio Ang EngLiong*, 559 Phil. 29, 64-65 (2007).

Dominador Obillo (**Dominador**), was holding a piece of wood when the latter was stabbed.<sup>6</sup>

The Court is not convinced.

Time and again, the Court has held that when the issues involve matters of credibility of witnesses, the findings of the trial court, its calibration of the testimonies, and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings, are accorded high respect, if not conclusive effect.<sup>7</sup> This is so because the trial court has the unique opportunity to observe the demeanor of witnesses and is in the best position to discern whether they are telling the truth.<sup>8</sup> Thus, absent any showing that the trial court overlooked substantial facts and circumstances, which, if considered, would change the result of the case, this Court gives deference to the trial court's appreciation of the facts and of the credibility of witnesses.<sup>9</sup>

Here, no compelling reason exists which would justify the reversal of the RTC's assessment of the credibility of the witnesses.

It is well-settled that immaterial and insignificant details do not discredit a testimony on the very material and significant point bearing on the very act of the accused. As long as the testimonies of the witnesses corroborate one another on material points, minor inconsistencies therein cannot destroy their credibility. Inconsistencies on minor details do not undermine the integrity of a prosecution witness.<sup>10</sup>

Their inconsistencies pointed out by Jaime refer to trivial matters that have no significant effect on the nature of the offense. It must be stressed that despite these minor inconsistencies, both the RTC and the CA ruled that the prosecution witnesses' testimonies are clear and categorical: they witnessed a fight ensue between Jaime and Dominador; they saw Jaime head home and return with a knife; they saw Jaime stab Dominador in the chest; and they heard Dominador himself say that it was Jaime who stabbed him.<sup>11</sup>

The Court cannot likewise give credence to Jaime's claim of self-defense. To successfully invoke self-defense, the accused must establish these elements: (1) unlawful aggression; (2) unreasonable necessity of the means employed to prevent or repel it; and (3) lack of sufficient provocation on the part of the person defending himself or herself.<sup>12</sup>

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<sup>6</sup> Rollo, pp. 22-23.

<sup>7</sup> *People v. Taglucop*, G.R. 243577, 15 March 2022, citing *People v. Dayaday*, 803 Phil. 363, 370-371 (2017).

<sup>8</sup> Id.

<sup>9</sup> See *People v. Santos*, G.R. No. 237982, 14 October 2020, citing *Miranda v. People*, 680 Phil. 126, 134-136 (2012).

<sup>10</sup> *Madali v. People*, 612 Phil. 582, 604 (2009), citing *People v. Emoy*, 395 Phil. 371, 383 (2000).

<sup>11</sup> Rollo, p. 46.

<sup>12</sup> See *Belbis v. People*, 698 Phil. 706, 719-720 (2012).

By invoking self-defense, the burden is placed on the accused to prove its elements clearly and convincingly.<sup>13</sup> While all three elements must concur, self-defense relies first and foremost on proof of unlawful aggression on the part of the victim.<sup>14</sup> In *People v. Nugas*,<sup>15</sup> the Court described unlawful aggression as follows:

Unlawful aggression on the part of the victim is the primordial element of the justifying circumstance of self-defense. Without unlawful aggression, there can be no justified killing in defense of oneself. **The test for the presence of unlawful aggression under the circumstances is whether the aggression from the victim put in real peril the life or personal safety of the person defending himself; the peril must not be an imagined or imaginary threat.** Accordingly, the accused must establish the concurrence of three elements of unlawful aggression, namely: (a) there must be a physical or material attack or assault; (b) the attack or assault must be actual, or, at least, imminent; and (c) the attack or assault must be unlawful.<sup>16</sup> (emphasis supplied; citation omitted.)

Clearly, aggression presupposes that the person attacked must face a real threat to his life and the peril sought to be avoided is imminent and actual, not imaginary.<sup>17</sup> Without actual or imminent peril to one's life or limb, there is nothing to repel and there is no justification for taking the life or inflicting injuries on another.<sup>18</sup>

In this case, Jaime failed to establish that there was unlawful aggression on the part of Dominador. The mere possession of a piece of wood is not sufficient to impute unlawful aggression on the victim considering that Jaime has not established that his life was actually threatened on account thereof. Further, the testimonies of the prosecution witnesses are categorical and straightforward that after the verbal altercation and fist fight, Dominador started walking home, while Jaime went to his house and returned with a knife.<sup>19</sup> Evidently, the unlawful aggression emanated from Jaime and **not** from the victim. Consequently, Jaime's claim of self-defense must fail.

In fine, the Court finds no reason to deviate from the factual findings of the RTC and the CA, absent any indication that they committed any error in their appreciation of the evidence.

Finally, there is a need to modify the damages awarded by the RTC and the CA to conform to prevailing jurisprudence. The award of temperate damages must be modified pursuant to *People v. Jugueta*,<sup>20</sup> which directs the payment of ₱50,000.00 as temperate damages when no evidence of funeral expenses is presented.

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<sup>13</sup> *People v. Mara*, 605 Phil. 913, 918(2009).

<sup>14</sup> *Id.*

<sup>15</sup> 677 Phil. 168(2011).

<sup>16</sup> *Id.* at 177.

<sup>17</sup> *Manaban v. People*, 527 Phil. 84, 104 (2006), citing *People v. Damitan*, 423 Phil. 113 (2001).

<sup>18</sup> *Id.* citing *Senoja v. People*, G.R. No. 160341, 19 October 2004.

<sup>19</sup> *Rollo*, p.78.

<sup>20</sup> 783 Phil. 806 (2016).

Thus, this Court affirms the award of civil indemnity and moral damages of ₱50,000.00 each, and imposes temperate damages amounting to ₱50,000.00, with interest at the rate of six percent (6%) per *annum* from the finality of this Resolution, until fully paid.

**WHEREFORE**, the Petition for Review on *Certiorari* is **DENIED**. The Decision, dated 15 November 2021, and the Resolution, dated 12 June 2022, in CA-G.R. CR No. 44809, are **AFFIRMED** with **MODIFICATION**. Petitioner Jaime Guiling is **GUILTY** beyond reasonable doubt of homicide, penalized under Article 249 of the Revised Penal Code. He is sentenced to suffer the indeterminate penalty of imprisonment ranging from nine years of *prision mayor* as the minimum to 14 years, eight months and one day of *reclusion temporal* as the maximum. Likewise, the petitioner is **ORDERED** to pay Dominador Obillo's heirs: (1) civil indemnity *ex delicto* of Fifty Thousand Pesos (₱50,000.00); (2) moral damages of Fifty Thousand Pesos (₱50,000.00); and (3) temperate damages of Fifty Thousand Pesos (₱50,000.00).

All monetary awards shall earn legal interest of six percent (6%) per *annum* from the date of finality of this Resolution, until fully paid.

**SO ORDERED.**" (Caguioa, J., on official leave; Inting, J., designated as acting Chairperson per Special Order No. 2918-REVISED dated October 12, 2022.)

By authority of the Court:

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

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(Criminal Case No. 5617-R)

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