



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated January 25, 2023, which reads as follows:

“G.R. No. 262670 (Ruel Verzosa y Torres, Petitioner v. People of the Philippines, Respondent).— The Court resolves to **DENY** the Petition for Review on *Certiorari*¹ for failure of Ruel Verzosa y Torres (petitioner) to show any reversible error on the part of the Court of Appeals (CA) Cebu City Station in rendering the assailed Decision² and in issuing the challenged Resolution³ in CA-G.R. CR No. 03246, which affirmed his conviction for violation of Section 5(b) of Republic Act (RA) No. 9262.⁴

In questioning his conviction, petitioner claims that— *one*, the allegations of the private complainant are self-serving and uncorroborated; *two*, assuming *arguendo* that he uttered the phrase “*I will kill you*,” it was only an expression of anger; and *three*, the threat was not real, imminent and dangerous.

Evidently, the arguments posed by petitioner call for the reassessment and re-evaluation of purely factual and evidentiary matters which the Court cannot do at this stage. A catena of cases has consistently held that questions of fact cannot be raised in a petition for review on *certiorari* under Rule 45 of the Rules of Court as this Court is not a trier of facts. While this rule is not absolute, the instant case does not fall under any of the recognized exceptions which will warrant a review of the trial court’s finding of facts, as affirmed by the Court of Appeals.

¹ *Rollo*, pp. 10-32.

² *Id.* at 72-85. The Decision dated July 26, 2021 was penned by Associate Justice Bautista G. Corpin, Jr., with the concurrence of Associate Justices Gabriel T. Ingles and Nancy C. Rivas-Palmones.

³ *Id.* at 95-99. The Resolution dated June 9, 2022 was penned by Associate Justice Bautista G. Corpin, Jr., with the concurrence of Associate Justices Nancy C. Rivas-Palmones and Jacinto G. Fajardo, Jr.

⁴ ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT OF 2004, approved on March 8, 2004.

Jurisprudence teaches that trial courts have the advantage of personally scrutinizing the conduct and attitude of witnesses when giving their testimonies. Thus, assignment of values to the testimony of a witness is virtually left, almost entirely, to the trial court which has the opportunity to observe the demeanor of the witness on the stand. Due to their unique position, factual findings of the trial court, its assessment of the credibility of witnesses, and probative weight of their testimonies, and the conclusions based on these factual findings, are to be given the highest respect, more so when their conclusions are affirmed by the CA.⁵ Factual findings of trial courts will only be disturbed on appeal if it is convincingly shown that they overlooked, misapprehended, or misapplied any fact or circumstance of weight and substance.⁶

To recall, the courts *a quo* invariably found that petitioner indeed threatened to kill his wife and their children. A cursory reading of the Petition shows that petitioner failed to refute the factual and legal findings of the trial court as well as the CA. His assertion that no threat was made was not substantiated by any evidence other than his bare denial.

Accordingly, the CA committed no reversible error in affirming petitioner's conviction. All the elements for violation of Section 5(b) of RA No. 9262 were sufficiently supported by the evidence on record.

Anent the proper penalty to be imposed, Section 6 of RA No. 9262 provides that acts falling under Section 5(b) shall be punished by imprisonment of two degrees lower than the prescribed penalty for the consummated crime but shall in no case be lower than *arresto mayor*.

The killing of spouse and children constitutes parricide, which is the crime that would have resulted had petitioner made good his threats. The crime of parricide is punished by *reclusion perpetua* to death and the penalty two degrees lower is *prision mayor*. Applying the Indeterminate Sentence Law and there being no aggravating or mitigating circumstances, the Courts correctly imposed the penalty of imprisonment with an indeterminate period of four (4) years, two (2) months and one (1) day of *prision correccional* as minimum to eight (8) years and one (1) day of *prision mayor* as maximum. The additional penalty of fine of PHP 100,000.00 falls within the range provided by RA No. 9262, which likewise requires the perpetrator to undergo mandatory psychological counseling or psychiatric treatment.

⁵ *People v. Magallano, Jr.* 845 Phil. 109, 120 (2018).

⁶ *Id.*

WHEREFORE, the instant Petition for Review on *Certiorari* is hereby **DENIED**. The July 26, 2021 *Decision* and the June 9, 2022 *Resolution* of the Court of Appeals Cebu City Station, in CA-G.R. CR No. 03246, are **AFFIRMED**.

SO ORDERED.”

By authority of the Court:

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The Presiding Judge
REGIONAL TRIAL COURT
Branch 7, (Family Court) Tacloban City
(Crim. Case No. R-TAC-15-00523-CR)

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