



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **June 14, 2023**, which reads as follows:*

“G.R. No. 264219 (ANTHONY ACURIL alias “TONIT,” petitioner, versus PEOPLE OF THE PHILIPPINES, respondent). – Before the Court is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court filed by the petitioner Anthony Acuril alias “Tonit”² (**Anthony**), assailing the Decision,³ dated September 28, 2021, and the Resolution,⁴ dated July 7, 2022, of the Court of Appeals (CA), Cebu City in CA–G.R. CR No. 03644.

The assailed Decision dismissed Anthony’s Appeal,⁵ which sought to nullify the Decision,⁶ dated July 25, 2019, of the Regional Trial Court, Branch 18, Roxas City (**RTC**) in Criminal Case No. C-49-13, finding Anthony guilty beyond reasonable doubt for the crime of Homicide. Anthony’s Motion for Reconsideration⁷ was denied in the assailed Resolution.⁸

The Facts

Anthony was charged, together with Benedict Rano (**Benedict**), with the crime of Homicide, defined and penalized under Article 249 of the Revised Penal Code,⁹ in an Information, dated February 8, 2013, the accusatory portion of which reads:

¹ *Rollo*, pp. 11-36.

² Spelled as “Tonet” in some parts of the *rollo*.

³ *Id.* at 81-92. Penned by Associate Justice Marilyn B. Lagura-Yap and concurred in by Associate Justices Roberto P. Quiroz and Nancy C. Rivas-Palmones.

⁴ *Id.* at 109-111. Penned by Associate Justice Marilyn B. Lagura-Yap and concurred in by Associate Justices Nancy C. Rivas-Palmones and Jacinto G. Fajardo, Jr.

⁵ *Id.* at 46-60.

⁶ *Id.* at 38-45.

⁷ *Id.* at 97-106.

⁸ *Id.* at 109-111.

⁹ Article. 249. *Homicide*. – Any person who, not falling within the provisions of Article 246, shall kill another without the attendance of any of the circumstances enumerated in the next preceding article, shall be deemed guilty of homicide and be punished by *reclusion temporal*.

That on or about the 13th day of January 2013 in the City of Roxas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and helping one another, did then and there willfully, unlawfully and felonious attack, assault and stab EDUARDO BELANO which is the direct and logical cause of his death.

That due to the death of EDUARDO BELANO his heirs suffered compensatory, moral and other damages that may be awarded by this Honorable Court pursuant to the pertinent provisions of the Civil Code of the Philippines, all of which will be proven during the trial.

CONTRARY TO LAW.¹⁰

Anthony and Benedict pleaded not guilty during their arraignment. Trial on the merits ensued.¹¹

The Version of the Prosecution

According to Fernando Cortez (**Fernando**), on January 12, 2013, at 7:00 p.m. until 12:30 a.m. of January 13, 2013, he and the victim Eduardo Belano (**Eduardo**) were drinking at the Traveller's Inn.¹² When they left the place, Anthony and Benedict punched Eduardo, who then fell to the drainage canal. When Fernando pulled Eduardo from the canal, Anthony hit Eduardo at the back portion of his body. Out of fear, Fernando decided to go and leave behind Eduardo and Anthony.¹³

SPO4 Orly Baril (**SPO4 Baril**) testified that he is a member of the Roxas City Police Station. When he reported to work on January 13, 2013, he noticed that there was a record at the blotter book of a mauling and stabbing incident which resulted to Eduardo's death.¹⁴

The Version of the Defense

According to Benedict, on January 12, 2013, at 11:00 p.m., he, Anthony and a certain Joel were drinking at the Traveller's Inn. Later, a man, who turned out to be Eduardo, approached them and asked that they buy him a drink. However, they did not buy him any as they did not have money. Eduardo then went to the counter, asked for a drink and said to charge it to Benedict's group. Eduardo went back to the table where Fernando was seated.¹⁵

¹⁰ Id. at 13.

¹¹ Id.

¹² Id. at 15.

¹³ Id.

¹⁴ Id. at 16.

¹⁵ Id.

At around 12:00 midnight, Benedict left the Traveller's Inn. Eduardo suddenly pointed at him and said that Benedict is an addict. Benedict ignored him as he was urinating. Fernando was pulling Eduardo to go home, but Eduardo pushed Benedict which brought him to the ground. Anthony then punched Eduardo on the right side of his nape. The second punch threw Eduardo to the canal. Benedict helped Eduardo to get out of the canal, but Anthony punched the latter on the right side of his face.¹⁶

Benedict said that Anthony came closer to him and instructed him to hold Eduardo's shirt. Anthony then followed Eduardo. From a distance of six meters, Benedict saw that Anthony and Eduardo were embracing each other until he heard someone shouting. He noticed that Eduardo fell to the ground. When Anthony came back to him, Benedict noticed blood in Anthony's hands. When he was asked what he did to Eduardo, Anthony said: "I did nothing."¹⁷

Thereafter, Anthony and Benedict went home. In the morning, they heard that a dead body, later identified as Eduardo, was found in Calipayan.¹⁸

According to Anthony, on January 12, 2013, at around 8:00 p.m., he, together with a certain Dennis and Ronnie Hamid, was drinking at the Alvarez Subdivision. When Benedict arrived and fetched him for the former's birthday, Anthony stopped drinking. However, they continued at the house of Anthony's aunt. They then proceeded to the Traveller's Inn where they stayed for four hours. Anthony saw Fernando in the bar.¹⁹

At around 12:00 midnight, Anthony was on his way home when he noticed that Benedict had a fist fight with a man, later known as Eduardo. Anthony clarified that at the time, he did not know Eduardo yet. During the fist fight, Eduardo fell down. Anthony then asked Benedict to go home and left Eduardo. Anthony clarified that it was Benedict who delivered the punch on Eduardo's nape.²⁰

The Ruling of the RTC

On July 25, 2019, the RTC, in its Decision,²¹ convicted Anthony and Benedict. The dispositive portion reads:

¹⁶ Id. at 17.

¹⁷ Id.

¹⁸ Id.

¹⁹ Id. at 17-18.

²⁰ Id. at 18.

²¹ Id. at 38-45.

WHEREFORE, finding accused **Anthony Acuril** **GUILTY beyond reasonable doubt of the crime of Homicide**, this Court hereby sentences him to suffer and (sic) Indeterminate Sentence of EIGHT YEARS AND ONE DAY of PRISION MAYOR MEDIUM as Minimum to FIFTEEN YEARS of RECLUSION TEMPORAL MEDIUM as Maximum and to pay the Heirs of the victim the amount of Seventy-Five Thousand Pesos (Php 75,000.00) as death indemnity and One Hundred Thousand Pesos (Php 100,00.00) as actual and moral damages.

For hitting the victim with a fist blow accused **Benedict Rano is held liable for the crime of Slight Physical Injury** and is sentenced to suffer imprisonment of ELEVEN DAYS of ARRESTO MENOR MEDIUM and to pay the Heirs of the victim the amount of Twenty Thousand (Php 20,000.00) as moral damages.

Costs against the accused.

SO ORDERED.²² (Emphasis supplied)

According to the RTC, “[i]t must be emphasized that Benedict punched [Eduardo] after the latter insulted him and pushed him to the ground. It was Anthony who kept on punching [Eduardo] up to the time [Anthony] followed [Eduardo] when he left the place of the incident. There is likewise proof that Benedict helped the victim to his feet after Anthony delivered fist blows on [Eduardo] thereby negating the impression that both conspired to take the life of [Eduardo] that night.”²³

The RTC considered the claims of Fernando and Benedict as to the identity of the person who stabbed Eduardo because their testimonies taken together point to Anthony as the one who had the clear intention of taking the life of Eduardo.²⁴ The RTC likewise held that Anthony’s act of leaving Roxas City after the incident is a clear indication of a guilty conscience.²⁵

Aggrieved, Anthony sought the appeal of the RTC Decision.

The Ruling of the CA

On September 28, 2021, the CA, in its Decision,²⁶ sustained the RTC’s ruling that Anthony is guilty of Homicide.

WHEREFORE, the 25 July 2019 Decision of the Regional Trial Court (RTC), Branch I8, Roxas City in Crim. Case No. C-49-13, finding accused-appellant Anthony Acuril alias “Tonit”, guilty of Homicide is

²² Id. at 45.

²³ Id.

²⁴ Id. at 44.

²⁵ Id.

²⁶ Id. at 81-92.

AFFIRMED with MODIFICATION. The award of civil indemnity and moral damages are reduced to P50,000.00 each and the award of actual damages is reduced to P8,000.00. Interest at 6% shall be imposed on the damages awarded to be reckoned from the time of finality of the Decision until fully paid.

SO ORDERED.²⁷ (Emphasis in the original)

The CA held that the following were established based on the evidence of both the prosecution and the defense:

1. In the evening of 12 January 2013, the victim Eduardo and Fernando were having a drinking session at Traveller's Inn;
2. At the same time, [Anthony], together with Benedict and another companion, were also at the same venue for a drinking spree;
3. The two groups went out from Traveller's Inn at midnight;
4. When outside, Benedict punched Eduardo;
5. Eduardo fell into the canal and when Fernando helped the latter to get up, [Anthony] kept punching [Eduardo];
6. When Eduardo tried to leave the area, [Anthony] followed him;
7. Benedict saw Anthony [clutch] Eduardo then a hoarse shout was heard by Benedict coming from the area where [Anthony] and Eduardo were standing;
8. Benedict saw Eduardo [fall] to the ground;
9. Anthony approached Benedict and the latter noticed blood in [Anthony's] hand, and
10. In the morning of 13 January 2013, news broke out that a dead man was found at the area.²⁸

The CA maintained that "the confluence of the above established circumstances lead to the fair and reasonable conclusion of the identity of [Anthony] who stabbed Eduardo leading to his death. His identity, having been proven, [Anthony], is thus liable for homicide."²⁹

Anthony filed a Motion for Reconsideration³⁰ of the CA Decision, which the CA denied in the assailed Resolution.³¹

²⁷ Id. at 91.

²⁸ Id. at 88.

²⁹ Id. at 90.

³⁰ Id. at 97-106.

³¹ Id. at 109-111.

The Issue

Did the CA err in affirming the RTC Decision, which convicted Anthony of the crime of Homicide?

The Ruling of the Court

The Court resolves to **DENY** the Petition for failure of Anthony to sufficiently show that the CA committed a reversible error.

In the Petition, Anthony argues that since Benedict did not see him possessing a knife on the day of the incident, Eduardo's death could not possibly be attributed to him.³² Anthony further alleges that Benedict's testimony, that he and Fernando helped Eduardo by pulling him, from the drainage canal four times, is inconsistent with that of Fernando, since the latter failed to attest to the same.³³

The Court is not convinced.

In *People v. Pitulan*,³⁴ the Court pronounced:

[T]he presentation of the murder weapon is not indispensable to prove the *corpus delicti*, as its physical existence is not an element of murder. To prove the *corpus delicti*, the prosecution only needs to show that: '(a) a certain result has been established ... and (b) some person is criminally responsible for it.'³⁵

The testimony of Benedict that he did not see Anthony possessing a knife on the day of the incident is not fatal to the case as the weapon is not an element of Homicide. It is sufficient that the prosecution has established that Eduardo died as a result of the stab wound on his neck and that Anthony is the one responsible for it.

Further, in finding Anthony guilty beyond reasonable doubt, the RTC ratiocinated that:

The declaration of accused Benedict Rano that he saw blood on the hand of his co-accused Anthony Acuril after the latter followed the accused (sic) and hold (sic) him closely is too serious to ignore. Aside from this allegation, Rano likewise told the Court that Acuril punched the victim several times that evening which could make this Court conclude that the

³² Id. at 28.

³³ Id. at 28-29.

³⁴ G.R. No. 226486, January 22, 2020, 929 SCRA 500.

³⁵ Id. at 521-522, citing *People v. Tunico*, 624 Phil. 345, 351-352 (2010).

accused had intention of taking the life of the victim from the acts he performed that evening.

The Court can consider the claims of Fernando Cortez and Benedict Rano as to the identity of the person who stabbed the victim because their testimonies taken together point to the accused Anthony Acuril as the one who had the clear intention of taking the life of the victim when the incident happened. It was clearly established that accused Anthony Acuril repeatedly punched the victim and was seen holding the victim closely and when he joined his co-accused, there was blood in (sic) his hand. All these indicate that it was him who stabbed the victim and should be held responsible for his acts.³⁶

As for the CA, it sustained the findings of the RTC that Anthony committed the crime charged. The CA held that the following circumstances were established:

1. Anthony was the last person seen with Eduardo;
2. Eduardo was stabbed at the left side of his neck. In the testimony of Benedict, he heard a hoarse voice shouting which came from the area where accused-appellant and the victim were. He then witnessed the victim fall to the ground after;
3. Benedict noticed blood on accused-appellant's hand right after the latter approached the victim;
4. In the morning of that day, Eduardo's dead body was found in the area.³⁷

In *People v. Bacares*,³⁸ the Court held that "time and again, this Court has deferred to the trial court's factual findings and evaluation of the credibility of witnesses, especially when affirmed by the CA, in the absence of any clear showing that the trial court overlooked or misconstrued cogent facts and circumstances that would justify altering or revising such findings and evaluation."³⁹ This is because the trial court's determination proceeds from its first-hand opportunity to observe the demeanor of the witnesses, their conduct and their attitude under grilling examination, thereby placing the trial court in the unique position to assess the witnesses' credibility and to appreciate their truthfulness, honesty and candor."

The Court finds no compelling reason to deviate from the conviction meted out by the lower courts.

³⁶ Id. at 44.

³⁷ Id. at 88-90.

³⁸ G.R. No. 243024, June 23, 2020, 94 SCRA 112.

³⁹ Id. at 125, citing *People v. Cabalan*, 682 Phil. 164, 168 (2012); *Medina, Jr. v. People*, 724 Phil. 226, 234-235 (2014).

Anthony argues that the circumstantial evidence was unreliable to determine his guilt, and that the CA erred in relying on the testimony of Benedict, who was also implicated in Eduardo's death, that Anthony was the last person seen with Eduardo.⁴⁰

The argument is unmeritorious.

Section 4, Rule 133 of the Revised Rules of Court provides:

Section 4. *Circumstantial evidence, when sufficient.* – Circumstantial evidence is sufficient for conviction if:

- (a) There is more than one (1) circumstance;
- (b) The facts from which the inferences are derived are proven; and
- (c) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.

Well-settled is the rule that circumstantial evidence is sufficient to support a conviction, and that direct evidence is not always necessary.⁴¹ The peculiarity of circumstantial evidence is that the guilt of the accused cannot be deduced from scrutinizing just one particular piece of evidence. Circumstantial evidence is like a rope composed of many strands and cords. One strand might be insufficient, but five together may suffice to give it strength.⁴²

What is important is that the prosecution was able to prove the existence of all the elements of the crime, which are: (1) a person was killed; (2) the accused killed that person without 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 that of parricide or infanticide.⁴³

As correctly found by the RTC and the CA, the totality of the circumstantial evidence presented by the prosecution proved beyond reasonable doubt that Anthony perpetrated the crime of Homicide.

The Court cannot ignore the positive identification of Anthony by Benedict as the person who repeatedly punched Eduardo and was the last person seen with the latter, as well as the testimony of Benedict that he

⁴⁰ *Rollo*, pp. 23-24, Petition for Review on *Certiorari*.

⁴¹ *People v. Lignes*, G.R. No. 229087, June 17, 2020, 938 SCRA 450, 459.

⁴² *Id.* at 462, citing *People v. Fernandez*, 460 Phil. 194, 213 (2003), citing Francisco, *Evidence*, 3rd Ed., citing *Reg v. Exall*, 4 F. & F. 922, 929.

⁴³ REVISED PENAL CODE, Article 249.

witnessed Anthony embracing Eduardo who fell down to the ground after. In *People v. Caliso*,⁴⁴ the Court enunciated:

The identification of a malefactor, to be positive and sufficient for conviction, does not always require direct evidence from an eyewitness; otherwise, no conviction will be possible in crimes where there are no eyewitnesses. Indeed, trustworthy circumstantial evidence can equally confirm the identification and overcome the constitutionally presumed innocence of the accused. Thus, the Court has distinguished two types of positive identification in *People v. Gallarde*, to wit: (a) that by direct evidence, through an eyewitness to the very commission of the act; and (b) **that by circumstantial evidence, such as where the accused is last seen with the victim immediately before or after the crime.**⁴⁵ (Emphasis supplied)

The inconsistency in the testimonies of Fernando and Benedict raised by Anthony should fail as it is not material to the categorical identification of Anthony by Fernando and Benedict. As held by the Court in *People v. Gerola*,⁴⁶ “inconsistencies in the testimony of witnesses with respect to minor details and collateral matters do not affect either the substance of their declaration, their veracity, or the weight of their testimony.”⁴⁷

Applying the Indeterminate Sentence Law, without any aggravating or mitigating circumstance, the maximum of the indeterminate sentence is taken from the medium period of *reclusion temporal*, while the minimum is taken from *prision mayor*, the penalty next lower in degree. Thus, the Court affirms the imposition of indeterminate prison term of eight (8) years and one (1) day of *prision mayor*, as minimum, to fifteen (15) years of *reclusion temporal*, as maximum.⁴⁸

Conformably with the ruling in *People v. Jugueta (Jugueta)*⁴⁹ the CA modified the award of civil indemnity *ex delicto* to the heirs of Eduardo to ₱50,000.00 and the award of moral damages to ₱50,000.00.⁵⁰

However, the Court does not agree with the CA’s reduction of the award of actual damages to ₱8,000.00 on the ground that the heirs of Eduardo only submitted the receipt of the burial lot.

In *People v. Racal*,⁵¹ the Court held:

⁴⁴ 675 Phil. 742 (2011).

⁴⁵ Id. at 754-755.

⁴⁶ 813 Phil. 1055 (2017).

⁴⁷ Id. at 1066.

⁴⁸ *Rollo*, p. 91.

⁴⁹ 783 Phil. 806 (2016).

⁵⁰ *Rollo*, p. 91.

⁵¹ 817 Phil. 665 (2017).

The settled rule is that when actual damages proven by receipts during the trial amount to less than the sum allowed by the Court as temperate damages, the award of temperate damages is justified in lieu of actual damages which is of a lesser amount. Conversely, if the amount of actual damages proven exceeds, then temperate damages may no longer be awarded; actual damages based on the receipts presented during trial should instead be granted. The rationale for this rule is that it would be anomalous and unfair for the victim's heirs, who tried and succeeded in presenting receipts and other evidence to prove actual damages, to receive an amount which is less than that given as temperate damages to those who are not able to present any evidence at all.⁵² (Emphasis supplied)

Further, in *Jugueta*,⁵³ the amount of temperate damages for the crime of Homicide was increased to ₱50,000.00. Thus, the Court deems it proper to delete the award of actual damages. Instead, the Court grants the award of temperate damages in the amount of ₱50,000.00.

The amounts shall earn legal interest at the rate of six percent (6%) *per annum*, from the finality of the Court's Resolution until fully paid.⁵⁴

WHEREFORE, the Petition for Review on *Certiorari* filed by petitioner Anthony Acuril alias "Tonit" is **DENIED**. The Decision, dated September 28, 2021, and the Resolution, dated July 7, 2022, of the Court of Appeals in CA-G.R. CR No. 03644 are **AFFIRMED**.

Anthony Acuril alias "Tonit" is **SENTENCED** to suffer the indeterminate penalty of eight (8) years and one (1) day of *prision mayor*, as minimum, to fifteen (15) years of *reclusion temporal*, as maximum, and further **ORDERED** to **PAY** the amounts of Fifty Thousand Pesos (₱50,000.00) as civil indemnity *ex delicto*, Fifty Thousand Pesos (₱50,000.00) as moral damages, and Fifty Thousand Pesos (₱50,000.00) as temperate damages to the heirs of Eduardo Belano. The monetary awards for damages shall earn legal interest at the rate of six percent (6%) *per annum* from finality of this Resolution until fully paid.

SO ORDERED."

By authority of the Court:

Misael Domingo C. Battung III
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court *JB 4/4/23*

⁵² Id. at 685.

⁵³ Supra note 49.

⁵⁴ See *People v. Delos Santos*, G.R. No. 248929, November 9, 2020; *People v. Gonzales*, 852 Phil. 336, 354 (2019); *People v. Jugueta*, supra note 49.

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