Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

MARK REYNALD MARASIGAN y DE GUZMAN, Petitioner,	**G.R. No. 201310** Present:
-versus-	CARPIO, *Chairperson,* BRION, DEL CASTILLO, MENDOZA, and LEONEN, *JJ.*
REGINALD FUENTES ALIAS "REGIE," ROBERT CALILAN ALIAS "BOBBY," AND ALAIN DELON LINDO, Respondents.	**Promulgated:** 11 JAN 2016

x----------x

DECISION

LEONEN, *J.*:

This resolves a Petition[1] for Review on Certiorari under Rule 45 of the Rules of Court praying that (1) the August 19, 2011 Decision[2] and the February 21, 2012 Resolution[3] of the Court of Appeals in CA-G.R. SP No. 113116 be reversed and set aside and (2) the September 2, 2009 Resolution[4] rendered by then Department of Justice Undersecretary Linda L. Malenab-Hornilla (Undersecretary Malenab-Hornilla) be reinstated.[5]

---

1 *Rollo*, pp. 11–79.

2 Id. at 86–92. The Decision was penned by Associate Justice Manuel M. Barrios and concurred in by Associate Justices Mario L. Guariña III (Chair) and Apolinario D. Bruselas, Jr. of the Eighth Division.

3 Id. at 82–84. The Resolution was penned by Associate Justice Manuel M. Barrios and concurred in by Associate Justices Apolinario D. Bruselas, Jr. (Acting Chair) and Samuel H. Gaerlan of the Special Former Eighth Division.

4 Id. at 104–109.

5 Id. at 76.

The assailed August 19, 2011 Decision of the Court of Appeals dismissed the Petition for Certiorari under Rule 65 of the Rules of Court filed by petitioner Mark Reynald Marasigan (Marasigan) and affirmed the February 8, 2010 Resolution[6] of then Department of Justice Secretary Agnes VST Devanadera (Secretary Devanadera).[7] The assailed February 21, 2012 Resolution of the Court of Appeals denied Marasigan's Motion for Reconsideration.[8]

The February 8, 2010 Resolution of Secretary Agnes VST Devanadera reversed and set aside Undersecretary Linda L. Malenab-Hornilla's September 2, 2009 Resolution and dismissed the criminal complaints against respondents Reginald Fuentes (Fuentes) and Alain Delon Lindo (Lindo) and found probable cause to charge respondent Robert Calilan (Calilan) with only less serious physical injuries.[9] Undersecretary Malenab-Hornilla's September 2, 2009 Resolution partially granted Marasigan's Petition for Review and directed the filing of informations for attempted murder against Fuentes, Calilan, and Lindo.[10]

Per Marasigan's allegations, on December 20, 2006 at about 3:00 a.m., while he was walking on his way home along Hebrew Street, Adelina I Subdivision, Barangay San Antonio, San Pedro, Laguna, and after he had passed by Fuentes' house where some merrymaking had been ongoing, Marasigan felt someone throw an object at him from behind. Turning around, he saw Fuentes, who, upon noticing that he had been seen, disappeared. A witness, Jefferson Pablo (Pablo), spoke with Marasigan and confirmed that it was Fuentes who threw an object at him.[11]

While he and Pablo were speaking, Fuentes reappeared with Calilan and Lindo, as well as with another unidentified individual. Fuentes suddenly punched Marasigan on the face, making his nose bleed. Calilan and Lindo also hit him while their unidentified companion sought to stop them. Fuentes picked up a stone (i.e., piece of a hollow block) and attempted to hit Marasigan's head with it. Marasigan parried the stone with his hand, causing his hand to fracture. Fuentes again picked up the stone. Lindo and Calilan took hold of each of Marasigan's arms. Several more men who were in Fuentes' home joined in the assault.[12]

Sensing that Fuentes, Calilan, and Lindo were determined to crush

---

6 Id. at 93–103.
7 Id. at 92.
8 Id. at 83.
9 Id. at 102.
10 Id. at 109.
11 Id. at 18 and 122–124.
12 Id.

him with hollow blocks from a nearby construction site, Marasigan shouted for help. Gregoria Pablo, Jefferson Pablo's mother, came rushing out of their house and tried to pacify Fuentes, Calilan, and Lindo. They, however, continued to assault Marasigan. It was only upon the arrival of neighbors Marcelo Maaba and Lauro Agulto that Fuentes, Calilan, and Lindo ceased their assault and fled.[13]

Assisted by his parents, Marasigan submitted himself to two (2) medico-legal examinations, and an x-ray examination. He also filed reports/complaints in the barangay hall and police station. On December 28, 2006, he formally filed a criminal complaint for frustrated murder against Fuentes, Calilan, Lindo, and one John Doe before Assistant Provincial Prosecutor Milaflor Tan Mancia.[14]

After conducting preliminary investigation, Assistant Provincial Prosecutor Christopher R. Serrano (Assistant Provincial Prosecutor Serrano) issued the Resolution[15] dated August 16, 2007 finding probable cause for charging Fuentes and Calilan with less serious physical injuries and clearing Lindo of any liability.[16] He reasoned that there were no qualifying circumstances to support a charge for murder. He added that the injuries suffered by Marasigan, including his fractured finger, required a healing period of not more than 30 days.[17]

Aggrieved, Marasigan filed a Petition for Review before the Department of Justice. He argued that the medical findings made on him as well as the qualifying circumstance of abuse of superior strength justified prosecution for frustrated murder. He added that Lindo's acts were unambiguous and indicated his participation in a design to kill him.[18]

In the Resolution dated September 2, 2009, Undersecretary Malenab-Hornilla partially granted Marasigan's Petition for Review and ordered the provincial prosecutor of Laguna to file informations for attempted murder against Fuentes, Calilan, and Lindo. Undersecretary Malenab-Hornilla faulted Assistant Provincial Prosecutor Serrano for relying on the medico-legal findings to the exclusion of other evidence. She reasoned that Fuentes, Calilan, and Lindo's acts, as recounted by the witnesses Gregoria Pablo, Marcelo Maaba, and Lauro Agulto, indicated a design to kill Marasigan, which was only stymied by these witnesses' arrival.[19] She added, however, that precisely because of the arrival of these witnesses, Fuentes, Calilan, and Lindo failed to complete "all the punching, kicking and stoning needed to

---

13 Id. at 19 and 123–124.
14 Id. at 19–20.
15 Id. at 111–116.
16 Id. at 116.
17 Id. at 114.
18 Id. at 21–25.
19 Id. at 107.

kill [Marasigan].”[20] Thus, they could not be charged with frustrated murder, but only with attempted murder.[21]

Fuentes, Calilan, and Lindo filed their Motion for Reconsideration to Undersecretary Malenab-Hornilla’s Resolution.[22]

While the Motion for Reconsideration of Fuentes, Calilan, and Lindo was pending, the Provincial Prosecutor’s Office filed the Information[23] for attempted murder before Branch 93, Regional Trial Court, San Pedro, Laguna.

On February 8, 2010, Secretary Devanadera issued a Resolution on Fuentes, Calilan, and Lindo’s Motion for Reconsideration. This Resolution absolved Fuentes and Lindo of liability and deemed that Calilan could only be charged with less serious physical injuries. Secretary Devanadera cited with approval Assistant Provincial Prosecutor Serrano’s statement in his own Resolution that there was no sufficient showing, or “clear and convincing evidence to prove that the herein respondents collectively intended to kill [Marasigan].”[24]

Aggrieved, Marasigan filed a Petition for Certiorari under Rule 65 of the Rules of Court before the Court of Appeals.[25]

In its assailed August 19, 2011 Decision, the Court of Appeals dismissed Marasigan’s Petition for Certiorari. In its assailed February 21, 2012 Resolution, the Court of Appeals denied Marasigan’s Motion for Reconsideration.

Hence, this Petition was filed.

For resolution is the sole issue of the proper crime, if any, for which any or all of the respondents must stand trial.

I

Petitioner comes to us via a Petition for Review on Certiorari under Rule 45 of the Rules of Court following the denial by the court of appeals of his Petition for Certiorari under Rule 65, the errors which are properly

---

20 Id. at 108.
21 Id.
22 Id. at 26.
23 Id. at 134.
24 Id. at 99.
25 Id. at 86.

correctible by each remedy are settled:

> In a petition for certiorari, the jurisdiction of the court is narrow in scope. It is limited to resolving only errors of jurisdiction. It is not to stray at will and resolve questions or issues beyond its competence such as errors of judgment. Errors of judgment of the trial court are to be resolved by the appellate court in the appeal by and of error or via a petition for review on certiorari in this Court under Rule 45 of the Rules of Court. Certiorari will issue only to correct errors of jurisdiction. It is not a remedy to correct errors of judgment. An error of judgment is one in which the court may commit in the exercise of its jurisdiction, and which error is reversible only by an appeal. Error of jurisdiction is one where the act complained of was issued by the court without or in excess of jurisdiction and which error is correctible only by the extraordinary writ of certiorari. Certiorari will not be issued to cure errors by the trial court in its appreciation of the evidence of the parties, and its conclusions anchored on the said findings and its conclusions of law. As long as the court acts within its jurisdiction, any alleged errors committed in the exercise of its discretion will amount to nothing more than mere errors of judgment, correctible by an appeal or a petition for review under Rule 45 of the Rules of Court.[26]

The present, Rule 45 Petition calls upon us to examine whether the Court of Appeals committed an error of judgment in resolving the question of whether Secretary Devanadera committed grave abuse of discretion, amounting to lack or excess of jurisdiction in concluding the respondents ought to stand trial only for the charge of less serious physical injuries. In her capacity as Secretary of Justice, Secretary Devanadera was well within her jurisdiction to rule on the Petition for Review filed with the Department of Justice. She is, however, not at liberty to flagrantly disregard the evidence and the records and to insist on conclusions that stray dismally far from what the evidence warrants. Neither is she at liberty to disregard evidentiary principles established in jurisprudence.

It is basic that petitions for review on certiorari under Rule 45 may only raise pure questions of law[27] and that findings of fact are generally binding and conclusive on this court. Nevertheless, there are recognized exceptions that will allow this court to overturn the factual findings confronting it. These exceptions are the following:

> (1) When the conclusion is a finding grounded entirely on speculation, surmises and conjectures;

---

[26] *People v. Court of Appeals*, G.R. No. 144332, June 10, 2004, 431 SCRA 610, as cited in *Ligot v. Republic*, G.R. No. 176944, March 6, 2013. 692 SCRA 509, 528. [Per J. Brion, Second Division].

[27] RULES OF CIVIL PROCEDURE, Rule 45, sec. 1:
SECTION 1. *Filing of petition with Supreme Court*. — A party desiring to appeal by certiorari from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on certiorari. The petition shall raise only questions of law which must be distinctly set forth.

> (2) When the inference made is manifestly mistaken, absurd or impossible;
>
> (3) Where there is a grave abuse of discretion;
>
> (4) When the judgment is based on a misapprehension of facts;
>
> (5) When the findings of fact are conflicting;
>
> (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee;
>
> (7) When the findings are contrary to those of the trial court;
>
> (8) When the findings of fact are conclusions without citation of specific evidence on which they are based;
>
> (9) When the facts set forth in the petition as well as in the petitioners' main and reply briefs are not disputed by the respondents; and
>
> (10) When the findings of fact of the Court of Appeals are premised on the supposed absence of evidence and contradicted by the evidence on record.[28]

Moreover, in Rule 45 petitions, which are appeals from petitions for certiorari under Rule 65, the appealed ruling may be reversed and its factual moorings rejected if it can be shown that, in rendering the act originally subject of the Rule 65 petition, "the tribunal acted capriciously and whimsically or in total disregard of evidence material to the controversy[.]"[29]

A careful review of this case and of the evidence that were available for the prosecutors' and the Department of Justice's appreciation will reveal that there was a gross misapprehension of facts on the part of Assistant Provincial Prosecutor Serrano and Secretary Devanadera. It was, therefore, grave abuse of discretion for Secretary Devanadera to conclude that respondent Calilan may only be prosecuted for the crime of less serious physical injuries while his co-respondents, Fuentes and Lindo, may not be prosecuted at all.

II

Secretary Devanadera was in grave error in citing with approval

---

[28] *Cirtek Employees Labor Union-Federation of Free Workers v. Cirtek Electronics, Inc.*, G.R. No. 190515, June 6, 2011, 650 SCRA 656, 660 [Per J. Carpio Morales, Third Division].

[29] *Odango v. National Labor Relations Commission*, G.R. No. 147420, June 10, 2004, 431 SCRA 633, 640 [Per J. Carpio, First Division], *citing Sajonas v. National Labor Relations Commission*, 262 Phil. 201 (1990) [Per J. Regalado, Second Division].

Assistant Provincial Prosecutor Serrano's having faulted petitioner for lack of "sufficient s[h]owing, [o]r ***clear and convincing evidence*** to prove that the herein respondents collectively intended to kill [petitioner]."[30]

Assistant Provincial Prosecutor Serrano's Resolution was issued pursuant to a preliminary investigation. Preliminary investigation "ascertains whether the offender should be held for trial or be released."[31] It inquires only into the existence of probable cause: a matter which rests on likelihood rather than on certainty. It relies on common sense rather than on "clear and convincing evidence":

> Probable cause, for the purpose of filing a criminal information, has been defined as such facts as are sufficient to engender a well-founded belief that a crime has been committed and that respondent is probably guilty thereof. The term does not mean "actual and positive cause" nor does it import absolute certainty. It is merely based on opinion and reasonable belief. Probable cause does not require an inquiry into whether there is sufficient evidence to procure a conviction. It is enough that it is believed that the act or omission complained of constitutes the offense charged.
>
> A finding of probable cause needs only to rest on evidence showing that more likely than not a crime has been committed by the suspects. ***It need not be based on clear and convincing evidence*** *of guilt, not on evidence establishing guilt beyond reasonable doubt, and definitely not on evidence establishing absolute certainty of guilt.* In determining probable cause, the average man weighs facts and circumstances without resorting to the calibrations of the rules of evidence of which he has no technical knowledge. *He relies on common sense.* What is determined is whether there is sufficient ground to engender a well-founded belief that a crime has been committed, and that the accused is probably guilty thereof and should be held for trial. It does not require an inquiry as to whether there is sufficient evidence to secure a conviction.[32] (Emphasis supplied, citations omitted)

III

Secretary Devanadera is of the conclusion that "[t]he evidence is *equivocal* on whether respondents had any homicidal intent in engaging in a scuffle with the complainant."[33] In so doing, she makes much of how "[t]he physical evidence starkly fails to demonstrate any homicidal motive[.]"[34] She goes so far as to virtually discredit the other available evidence vis-à-vis physical evidence, saying that "[p]hysical evidence is evidence of the

---

30 *Rollo*, p. 99, emphasis supplied.
31 *AAA v. Judge Carbonell*, 551 Phil. 936, 948 (2007) [Per J. Ynares-Santiago, Third Division].
32 *Reyes v. Pearlbank Securities, Inc.*, 582 Phil. 505, 518–519 (2008) [Per J. Chico-Nazario, Third Division].
33 *Rollo*, p. 99, emphasis supplied.
34 Id.

highest order and speaks more eloquently than a hundred witnesses."[35]

Specifically, Secretary Devanadera pointed out that the medico-legal findings[36] indicated that petitioner sustained nothing more than contusions and abrasions;[37] and that while he suffered a fracture on the metacarpal bone on the second digit of his right hand,[38] it was found that his injuries would take less than 30 days to heal.[39]

We disagree with this appreciation.

In *Rivera v. People*,[40] this court noted that the fact that the wounds sustained by the victim were merely superficial and not fatal did not negate the liability of the accused for attempted murder.[41] The attack on the victim in *Rivera* was described as follows:

> In the present case, the prosecution mustered the requisite quantum of evidence to prove the intent of petitioners to kill Ruben. Esmeraldo and Ismael pummeled the victim with fist blows. Even as Ruben fell to the ground, unable to defend himself against the sudden and sustained assault of petitioners, Edgardo hit him three times with a hollow block. Edgardo tried to hit Ruben on the head, missed, but still managed to hit the victim only in the parietal area, resulting in a lacerated wound and cerebral contusions.[42]

The circumstances in *Rivera* are starkly similar with (though not entirely the same as) those in this case. As in *Rivera*, several assailants took part in pummeling petitioner, and efforts were made to hit his head with stones or pieces of hollow blocks. A difference is that, in this case, petitioner managed to parry an attempted blow, thereby causing a fracture in his right hand, instead of a more serious and, possibly fatal, injury on his head.

In any case, the fact that petitioner was successful in blocking the blow with his hand does not, in and of itself, mean that respondents could not have possibly killed him. It does not negate any homicidal intent. It remains that respondent Fuentes attempted to hit petitioner on the head with a hollow block while respondents Calilan and Lindo made efforts to restrain petitioner.

---

35 Id. at 101–102.
36 Id. at 130 and 133.
37 Id. at 99.
38 Id. at 131–132.
39 Id. at 99.
40 515 Phil. 824 (2006) [Per J. Callejo, Sr., First Division].
41 Id. at 833.
42 Id. at 832–833.

There is also reasonable basis for appreciating how the attack on petitioner was made with respondents taking advantage of their numerical superiority. Relevant portions of the witnesses' sworn statements are reproduced, as follows:

1. Marcelo T. Maaba

> Na, pagkalabas ko ay nakita ko na may binubugbog ang apat na katao at nakilala ko ang isa na nagngangalang BOBBY CALILAN, nasa hustong gulang, binata, at dating nakatira sa Block 11[,] Adelina I, San Antonio, San Pedro, Laguna, at ang binubugbog nila aysi [sic] Mark Reynald Marasigan.
>
> Na, sinigawan po namin (kasama si Lauro Agulto, Gregorio [sic] at Jeff Pablo) ang mga nambubugbog kaya[']t agad naman nila itong iniwan si Mark na duguan ang mukha at damit.[43]

2. Lauro M. Agulto

> Maya-maya pa ay biglang sumugod ang grupo [ni] BOBBY CALILAN, nasa hustong gulang, binata at dating nakatira sa Block 11[,] Adelina I, kasama ang pitong iba pa na hindi ko kilala at pinag-gugulpi si Mark hanggang sa bumagsak ito. Lumapit si Ate Boyang sa mga nanggugulpi upang umawat ngunit nagulat ito sa biglang pagdami ng grupo ni Bobby kaya't napaatras si Ate Boyang at na out-balance at napatumba. Sa tagpong ito ay lumabas ako upang tulungan si Ate Boyang;
>
> Na, pagkalabas ko ay nakatagilid pahiga si Mark sa kalsada at nang papalapit na ako ay tinadyakan pa ito ng isa pa, nakita ko rin na *pinagtutulungan* itong si Mark suntukin at sipain ng grupo ni Bobby kasama ang pitong iba pa.[44] (Emphasis supplied)

3. Gregoria F. Pablo

> Na, noong mga ganap na ika 3:00 ng madaling araw, nakita ko ang anak ng aking kapitbahay na si Macmac (M[a]rk Reynald G. Marasigan) na kausap ang aking anak na si Jeff. Narinig ko na siya ay binato ng napakalaki sa likod at matinding nasaktan. Noon ay nasa tapat ng bahay ang aking anak na magsisimbang gabi. Lumabas ako at alamin ang pangyayari at yayaing pumasok na sa loob ng aming bahay upang gamutin si Macmac. Subalit bigla na lamang su[m]ugod [a]ng apat na lalaki at sabay sabay na sinaktan si Macmac. Marami pang nagdatingan sumusugod na matataas at malalaking kalalakihan na tumulong pa sa pambubugbog kay Macmac. Naglakas loob ako na umawat dahil sa pag aakalang igagalang nila ako. Ngunit ako ay kanilang itinulak na sanhi ng aking pagkatilapon at pagkasubsub at nasugatan. . . . Nakita ko na balak na nilang patayin si Macmac dahil habang pinipigil ko ang iba, ay nakita ko na hinihila pa siya ng mga anim o pitong

---

43 *Rollo*, p. 128.
44 Id. at 125.

> malalaking kalalakihan habang nakahandusay na at sabay-sabay pa siyang sinasaktan.[45]

From these, it is discernible that respondents took advantage of their superior strength or otherwise employed means to weaken petitioner's defense. With this qualifying circumstance, there is ample basis for pursuing respondents' prosecution for murder, albeit not in its consummated stage.

Similarly, it is apparent that respondents acted out of a common design and, thus, in conspiracy.

It is settled that direct proof of conspiracy is not imperative and that conspiracy may be inferred from acts of the perpetrators. As explained in *People v. Amodia*:[46]

> Conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it. It arises on the very instant the plotters agree, expressly or impliedly, to commit the felony and forthwith decide to pursue it. It may be proved by direct or circumstantial evidence.
>
> Direct proof of conspiracy is rarely found; circumstantial evidence is often resorted to in order to prove its existence. Absent of any direct proof, as in the present case, conspiracy may be deduced from the mode, method, and manner the offense was perpetrated, or inferred from the acts of the accused themselves, when such acts point to a joint purpose and design, concerted action, and community of interest. An accused participates as a conspirator if he or she has performed some overt act as a direct or indirect contribution in the execution of the crime planned to be committed. The overt act may consist of active participation in the actual commission of the crime itself, or it may consist of moral assistance to his co-conspirators by being present at the commission of the crime, or by exerting moral ascendancy over the other co-conspirators. Stated otherwise, it is not essential that there be proof of the previous agreement and decision to commit the crime; it is sufficient that the malefactors acted in concert pursuant to the same objective.[47] (Citations omitted)

Thus, it has been held that a perpetrator's act of holding the victim's hand while another perpetrator is striking a blow is indicative of conspiracy, as *People v. Amodia*, citing *People v. Manalo*,[48] notes:

> In *People v. Manalo,* we declared that the act of the appellant in holding the victim's right hand while the latter was being stabbed constituted sufficient proof of conspiracy:

---

45 Id. at 129.
46 602 Phil. 889 (2009) [Per J. Brion, Second Division].
47 Id. at 911–912.
48 428 Phil. 682 (2002) [Per C.J. Davide, Jr., First Division].

> Indeed, the act of the appellant of holding the victim's right hand while the victim was being stabbed by Dennis shows that he concurred in the criminal design of the actual killer. If such act were separate from the stabbing, appellant's natural reaction should have been to immediately let go of the victim and flee as soon as the first stab was inflicted. But appellant continued to restrain the deceased until Dennis completed his attack.[49] (Citation omitted)

In this case, petitioner averred that respondents Calilan and Lindo took hold of each of his arms while respondent Fuentes was about to strike him with a hollow block. It is, therefore, apparent that all three of them acted out of a common design as is indicative of a conspiracy.

We sustain the conclusion of Undersecretary Malenab-Hornilla that there is basis for prosecuting respondents for murder in its attempted, and not in its frustrated, stage.

The stages of commission of felonies are provided in Article 6 of the Revised Penal Code:

> ARTICLE 6. *Consummated, Frustrated, and Attempted Felonies*. — Consummated felonies, as well as those which are frustrated and attempted, are punishable.
>
> A felony is consummated when all the elements necessary for its execution and accomplishment are present; and it is frustrated when the offender performs all the acts of execution which would produce the felony as a consequence but which, nevertheless, do not produce it by reason of causes independent of the will of the perpetrator.
>
> There is an attempt when the offender commences the commission of a felony directly by overt acts, and does not perform all the acts of execution which should produce the felony by reason of some cause or accident other than his own spontaneous desistance.

Rivera v. People discussed the elements that are determinative of a felony's having reached (only) the attempted stage:

> The essential elements of an attempted felony are as follows:
>
> 1. The offender commences the commission of the felony directly by overt acts;

---

[49] *People v. Amodia*, 602 Phil. 889, 913 (2009) [Per J. Brion, Second Division].

> 2. He does not perform all the acts of execution which should produce the felony;
>
> 3. The offender's act be not stopped by his own spontaneous desistance;
>
> 4. The non-performance of all acts of execution was due to cause or accident other than his spontaneous desistance.
>
> The first requisite of an attempted felony consists of two elements, namely:
>
> (1) That there be external acts;
>
> (2) Such external acts have direct connection with the crime intended to be committed.[50] (Citations omitted)

In this case, petitioner alleged that respondents coordinated in assaulting him and that this assault culminated in efforts to hit his head with a stone or hollow block. Had respondents been successful, they could have dealt any number of blows on petitioner. Each of these could have been fatal, or, even if not individually so, could have, in combination, been fatal. That they were unable to inflict fatal blows was only because of the timely arrival of neighbors who responded to the calls for help coming from petitioner and witnesses Marcelo Maaba, Lauro M. Agulto, and Gregoria F. Pablo.

WHEREFORE, the Petition for Review on Certiorari is **GRANTED**. The August 19, 2011 Decision and the February 21, 2012 Resolution of the Court of Appeals in CA-G.R. SP No. 113116 are **REVERSED and SET ASIDE**. The September 2, 2009 Resolution rendered by former Department of Justice Undersecretary Linda L. Malenab-Hornilla is **REINSTATED**.

The Provincial Prosecutor of Laguna is directed to enforce the same September 2, 2009 Resolution with dispatch.

SO ORDERED.

MARVIC M.V.F. LEONEN
Associate Justice

---

[50] *Rivera v. People*, 515 Phil. 824, 833–834 (2006) [Per J. Callejo, Sr., First Division].

WE CONCUR:

ANTONIO T. CARPIO
Associate Justice
Chairperson

ARTURO D. BRION
Associate Justice

MARIANO C. DEL CASTILLO
Associate Justice

JOSE CATRAL MENDOZA
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ANTONIO T. CARPIO
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARIA LOURDES P. A. SERENO
Chief Justice