

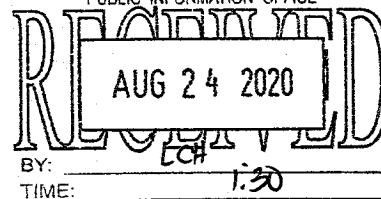


Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated January 20, 2020, which reads as follows:

“G.R. No. 219145 (CALIXTO JACA, *petitioner* v. PEOPLE OF THE PHILIPPINES, *respondent*). — In the prosecution of the crime of homicide, if the victim dies due to the accused’s deliberate act, intent to kill is conclusively presumed and there is no need for evidence.¹

For this Court’s resolution is a Petition for Review on Certiorari² challenging the Decision³ and Resolution⁴ of the Court of Appeals, which affirmed with modification the Decision⁵ of the Regional Trial Court convicting Calixto Jaca (Calixto) of homicide.

In a July 11, 2001 Information, Calixto was charged with frustrated homicide for the injuries Ben Mendoza (Ben) sustained during their altercation. However, upon Ben’s death, an Amended Information for homicide was filed.⁶ The October 23, 2001 Amended Information read:

That on or about June 14, 2001, in the Municipality of Cabatuan, Province of Iloilo, Philippines, and within the jurisdiction of this honorable court, the above-named accused, armed with a bolo, without any justifiable cause, and with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and hack Ben Mendoza, with the bolo accused was provided at the time, hitting and inflicting on, the victim hacked wounds, thus performing all the acts of execution which

¹ *Yapyuco v. Sandiganbayan*, 689 Phil. 75, 119 (2012) [Per J. Peralta, Third Division].

² *Rollo*, pp. 11–26.

³ *Id.* at 91–109. The Decision dated June 30, 2014 in CA-G.R. CR No. 01302 was penned by Associate Justice Pamela Ann Abella Maxino, and concurred in by Associate Justices Gabriel T. Ingles (Chair) and Renato C. Francisco of the Eighteenth Division of the Court of Appeals, Cebu.

⁴ *Id.* at 116–118. The Resolution dated May 29, 2015 in CA-G.R. CR No. 01302 was penned by Associate Justice Pamela Ann Abella Maxino, and concurred in by Associate Justices Gabriel T. Ingles (Chair) and Renato C. Francisco of the Former Eighteenth Division of the Court of Appeals, Cebu.

⁵ *Id.* at 48–66. The Decision dated July 9, 2009 in Criminal Case No. 01-53810 was penned by Presiding Judge Loida J. Diestro-Maputol of the Regional Trial Court of Iloilo City, Branch 28.

⁶ *Id.* at 92.

should produce the crime of homicide as a consequence, but which, nevertheless, did not produce it by reason of causes independent of the will of the accused, that is because of immediate medical assistance given to Ben Mendoza which prevented his death; that while said victim was confined in the hospital and after he had undergone surgical procedure due to hack wounds which he sustained in connection with this incident, he succumbed to cardiac arrest, a supervening event which caused his death thereafter.

CONTRARY TO LAW.⁷ (Emphasis in the original)

On arraignment, Calixto pleaded not guilty to the crime charged and trial then ensued.⁸

The prosecution, through PO1 Peter Madera,⁹ SPO4 Cesar Moneva,¹⁰ eyewitness Rosario Muel,¹¹ Dr. Socrates Cuarte (Dr. Cuarte),¹² and the victim's wife, Avelina Mendoza (Avelina)¹³ established the following:

On June 14, 2001, at around 6:00 a.m., Avelina was in their family home in Barangay Inabasan, Cabatuan, Iloilo when she heard one of her sons yell that Ben, her husband, was quarrelling with Joven Jaca (Joven). Joven is the son of Calixto, Avelina's cousin.¹⁴

Avelina then rushed outside and went to the farm where Ben and Joven were quarrelling. Joven's wife was also with him, plowing the field.¹⁵

Avelina heard Ben tell Joven not to quarrel with him since Joven was drunk. Joven soon lost his temper, which prompted his wife to call on her father-in-law, Calixto, who was likewise plowing the field.¹⁶

Calixto asked Ben what he and Joven were quarrelling about. Ben, however, struck Calixto's face with a bamboo pole, angering Calixto. Calixto then drew the bolo tucked on his waist and raised it to hack Ben.¹⁷

Avelina told Ben to run but Calixto went after him. She tried to shield Ben from Calixto, however, she fainted when she was hit by the bolo on her left hand. Eventually, she regained consciousness, and saw her husband

⁷ Id. at 92-93.

⁸ Id. at 13.

⁹ Id. at 49.

¹⁰ Id. at 50.

¹¹ Id. at 51.

¹² Id. at 52.

¹³ Id. at 53.

¹⁴ Id. at 93.

¹⁵ Id.

¹⁶ Id. at 93-94.

¹⁷ Id. at 94.

being repeatedly hacked by Calixto. Ben then fell into the ditch near their field.¹⁸

Avelina and her children rushed Ben to the Don Ramon Tabiana Memorial District Hospital, where he was attended to by Dr. Cuarte. Ben sustained three (3) hack wounds: one (1) on his stomach, and two (2) on his left arm and forearm. After applying first aid on Ben's injuries, Dr. Cuarte referred Ben to the Western Visayas Medical Center for surgery.¹⁹

At around 10:00 a.m. on the same day, Calixto voluntarily surrendered to the authorities.²⁰

On July 10, 2001, Ben died at the Western Visayas Medical Center. His death certificate stated that he died due to a cardiac arrest secondary to arrhythmia.²¹

Calixto testified for his defense. Calixto admitted to hacking Ben but reasoned that Ben struck him first with a bamboo pole. He claimed that his vision blurred as his temper flared, which prompted him to draw the bolo tucked on his waist to hack Ben. Calixto added that when he walked away, Ben was still able to walk to the hospital.²²

In its July 9, 2009 Decision,²³ the Regional Trial Court convicted Calixto of homicide, taking into account the mitigating circumstances of passion and obfuscation and voluntary surrender.²⁴ The dispositive portion of the Decision read:

WHEREFORE, premises considered, the Court finds accused Calixto Jaca GUILTY for the death of victim Ben Mendoza and hereby sentences him, applying Article 64, par. 5 of the Revised Penal Code and Section 1 of the Indeterminate Sentence Law (a) to suffer the penalty of Two (2) years, four (4) months and one (1) day of *prision correccional* as minimum to Eight (8) years and one (1) day of *prision correccional* as maximum; (b) to pay the heirs of the victim, Ben Mendoza, the amount of FIFTY THOUSAND (P50,000.00) PESOS, by way of civil indemnity and FIFTEEN THOUSAND (P15,000.00) PESOS by way of temperate damages; and (c) to pay the costs.

SO ORDERED.²⁵

¹⁸ Id.

¹⁹ Id.

²⁰ Id.

²¹ Id. at 95.

²² Id.

²³ Id. at 48-66.

²⁴ Id. at 61-62.

²⁵ Id. at 66.

In its June 30, 2014 Decision,²⁶ the Court of Appeals affirmed Calixto's conviction with modification. It found that all the elements to establish that Calixto committed homicide were present.²⁷ It held that the wounds Ben sustained from Calixto's hacking served as the proximate cause of his death.²⁸ The dispositive portion of the Decision read:

IN LIGHT OF ALL THE FOREGOING, the Court hereby AFFIRMS with MODIFICATIONS the assailed Decision dated July 9, 2009, of the Regional Trial Court, Branch 28, Iloilo City in Criminal [Case] No. 01-53810. Accused-Appellant CALIXTO JACA is found GUILTY of the homicide committed on June 14, 2001 and is sentenced to suffer the indeterminate sentence of six (6) years of *prision correccional*, as minimum, to eight (8) years and one (1) day of *prision mayor*, as maximum. Accused-Appellant Jaca is further ordered to pay the heirs of Ben Mendoza the amounts of fifty thousand pesos (Php 50,000.00) as civil indemnity, fifty thousand pesos (Php 50,000.00) as moral damages, and twenty-five thousand pesos (Php 25,000.00) as temperate damages. All monetary awards for damages shall earn interest at the legal rate of six percent (6%) per annum from the date of finality of this Decision until fully paid.

SO ORDERED.²⁹

Calixto then moved for reconsideration, but it was denied in the Court of Appeals' May 29, 2015 Resolution.³⁰

Calixto later filed a Motion for Extension of Time to File Petition for Review on Certiorari,³¹ which this Court granted in its August 10, 2015 Resolution.³² Subsequently, on August 5, 2015, he filed this Petition for Review on Certiorari.³³

In its October 7, 2015 Resolution,³⁴ this Court required respondent People of the Philippines, represented by the Office of the Solicitor General, to file its comment on the Petition within 10 days from notice.

The Office of the Solicitor General filed two (2) Motions for Extension to File Comment, totaling 50 days, which this Court granted in its February 10, 2016 Resolution.³⁵ It eventually filed its Comment.³⁶

²⁶ Id. at 91-109.

²⁷ Id. at 100.

²⁸ Id. at 103.

²⁹ Id. at 108-109.

³⁰ Id. at 116-118.

³¹ Id. at 3-7.

³² Id. at 8-9.

³³ Id. at 11-26.

³⁴ Id. at 121-122.

³⁵ Id. at 252.

³⁶ Id. at 130-141.

This Court noted the Comment in its February 10, 2016 Resolution,³⁷ and required Calixto to file his reply within 10 days from notice, which Calixto did.³⁸

Arguing that the prosecution failed to prove his guilt beyond reasonable doubt, petitioner points out that his intent to kill Ben was not sufficiently shown.³⁹ He adds that the causes of Ben's death, as enumerated in his death certificate: (1) cardiac arrest; (2) arrhythmia; and (3) coronary artery disease, are not the direct, natural, and logical consequences of the hacking incident.⁴⁰

Petitioner also contends that Ben commenced the unlawful aggression.⁴¹ Moreover, he maintains that his defense that he had no intent to kill Ben should not be dismissed. Even if his manner of defending himself was not commensurate to the aggression, it still does not prove his intent to kill.⁴²

However, respondent counters that the elements for the crime of homicide were clearly established.⁴³ It acknowledges that while Ben did not immediately die after the hacking incident, petitioner inflicted fatal wounds on him, which could have contributed to his death while recovering from surgery.⁴⁴ It stresses that "[t]he weapon used, the number, location[,] and severity of the hack wounds indicate an intention to kill."⁴⁵

For this Court's resolution is the lone issue of whether or not petitioner Calixto Jaca is guilty of homicide for killing Ben Mendoza.

This Court denies the Petition.

This Court is not a trier of facts. It shall not disturb factual findings of the trial court, especially when affirmed by the Court of Appeals, unless they are "grounded entirely on speculations, surmises, or conjectures,"⁴⁶ which We do not find here.

Jurisprudence provides exceptions to these rules.⁴⁷ However, in

³⁷ Id. at 252.

³⁸ Id. at 285-292.

³⁹ Id. at 19.

⁴⁰ Id. at 20.

⁴¹ Id. at 286.

⁴² Id.

⁴³ Id. at 135.

⁴⁴ Id. at 136.

⁴⁵ Id. at 137.

⁴⁶ *Pascual v. Burgos*, 776 Phil. 169, 182 (2016) [Per J. Leonen, Second Division].

⁴⁷ Id.

Pascual v. Burgos,⁴⁸ this Court underscored that parties must allege, substantiate, and prove that their case comes under any of the exceptions. Petitioner failed to substantiate, let alone allege, a ground warranting a factual review. For this reason alone, the Petition must be denied outright.

In any case, conceding the propriety of this petition, this Court finds that nothing warrants a reversal of petitioner's conviction. The parties stipulated that: (1) the identities of both petitioner and the victim are known; (2) the hacking incident happened on June 14, 2001; and (3) petitioner's wife was likewise injured during the hacking incident.⁴⁹ More importantly, petitioner does not deny hacking Ben during their encounter.

Article 249 of the Revised Penal Code punishes any person who kills another without the presence of circumstances that qualify the crime to murder, parricide, or infanticide:

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*.

*Ocampo v. People*⁵⁰ enumerated the elements of the crime:

The elements of Homicide are the following: (a) a person was killed; (b) the accused killed him without any justifying circumstance; (c) the accused had the intention to kill, which is presumed; and (d) the killing was not attended by any of the qualifying circumstances of Murder, or by that of Parricide or Infanticide.⁵¹ (Citation omitted)

Ben's death was undisputed, and petitioner admits hacking him on the morning of June 14, 2001, when he was eventually brought to the hospital due to the injuries he sustained. What petitioner assails is the finding of intent to kill Ben. He stresses that he did not intend to commit so grave a wrong.

*Yapyuco v. Sandiganbayan*⁵² clarifies when intent to kill must be proven:

[P]roof of homicide or murder requires incontrovertible evidence, direct or circumstantial, that the victim was deliberately killed (with malice), that is, with intent to kill. Such evidence may consist in the use of weapons by

⁴⁸ 776 Phil. 169 (2016) [Per J. Leonen, Second Division].

⁴⁹ *Rollo*, p. 49.

⁵⁰ G.R. No. 242911 (Resolution), March 11, 2019, <<http://sc.judiciary.gov.ph/3654/>> [Second Division].

⁵¹ *Id.* at 4 citing *Wacoy v. People of the Philippines*, 760 Phil. 570, 578 (2015) [Per J. Perlas-Bernabe, First Division].

⁵² *Yapyuco v. Sandiganbayan*, 689 Phil. 75 (2012) [Per J. Peralta, Third Division].

the malefactors, the nature, location and number of wounds sustained by the victim and the words uttered by the malefactors before, at the time or immediately after the killing of the victim. *If the victim dies because of a deliberate act of the malefactors, intent to kill is conclusively presumed.* In such case, even if there is no intent to kill, the crime is homicide because with respect to crimes of personal violence, the penal law looks particularly to the material results following the unlawful act and holds the aggressor responsible for all the consequences thereof. Evidence of intent to kill is crucial only to a finding of frustrated and attempted homicide, as the same is an essential element of these offenses, and thus must be proved with the same degree of certainty as that required of the other elements of said offenses.⁵³ (Emphasis supplied, citations omitted)

Intent to kill “must be proved by clear and convincing evidence[,]”⁵⁴ and must not be inferred when there are no circumstances that show the attendance of this element.⁵⁵ However, as *Yapyuco* instructs, if a victim dies due to the accused’s deliberate act, intent to kill is conclusively presumed and there is no need for evidence. The crime committed is homicide.

Ben died as he was recovering from the surgery he underwent due to the injuries he sustained. Petitioner’s intent to kill is apparent from hacking Ben with a bolo, more than once. Further, he chased Ben after the latter had fled. Whatever unlawful aggression from Ben he may have been repelling, it had clearly ceased when Ben ran away from him.

The hacking incident occurred on June 14, 2001, and Ben died on July 10, 2001. Petitioner harps on how Ben passed away almost a month after their altercation. He assails whether the injuries Ben sustained from Calixto were the direct, natural, and logical consequence of the hacking incident.

Dr. Cuarte categorically testified that the hack wounds were serious and would have resulted in Ben’s immediate death, were it not for the timely surgery performed on him:

PROSECUTOR BERNABE DUSABAN

Q: Mr. Witness, did you find these injuries sustained by the victim Ben Mendoza on his forearm three (3) hack wounds fatal, which resulted to the death of the victim if no immediate medical attention or service is given to him?

DR. SOCRATES CUARTE

A: If there is no immediate medical attention most probably the victim will die of hemorrhage but if there is an immediate surgical intervention or ligation of the bleeding vessel, the patient will survive.

⁵³ Id. at 119.

⁵⁴ *Mondragon v. People*, 123 Phil. 1328, 1333 (1966) [Per J. Zaldivar, En Banc].

⁵⁵ Id.

Q: Were there main arteries or veins affected in the hacking on the left forearm?

A: Most probably the big vessel were [sic] involved especially the ulnar artery.

Q: Can you make an estimation, doctor [sic] what do you mean when you say no immediate ligation or operation was made? From the type of person sustained that kind of wound how many minutes would it take before he dies if no such medical attention is given due to hemorrhage. Do you consider hemorrhage is the cause of death?

A: Most probably the victim will succumbed [sic] to death less than three (3) hours.

Q: Will he die?

A: Yes, your honor.⁵⁶

That Ben had to be referred to a tertiary hospital demonstrated that the surgery was crucial to his survival. As the Court of Appeals stressed, Ben's cause of death, cardiac arrest due to arrhythmia, is the natural and logical consequence of the multiple hack wounds petitioner inflicted on him.⁵⁷ It "caused blood loss and severely impaired and altered the blood supply and physiological condition of Ben Mendoza."⁵⁸ The Court of Appeals quoted respondent's discussion on this causal connection:

It is also worthy to note that according to recent studies, Arrhythmia development can occur if a condition has changed in the structure of the heart, due to: (1) reduction in blood supply – a drop in blood supply to the heart can alter the ability of heart cells and tissue to conduct electrical impulses; and (2) damaged or destroyed heart tissue – if heart tissue has died or is damaged the way electrical impulses spread in the heart can be affected.

In addition, stress responses increase strain upon circulatory system due to increased heart rate etc. Stress can also affect the immune system by raising blood pressure.

Hence, it can be reasonably inferred from the foregoing statements that the loss of too much blood, physical and emotional stress from the hacking and transfer of hospital led to his death.⁵⁹

The prosecution, therefore, proved beyond reasonable doubt petitioner's intent to kill Ben. The trial court and the Court of Appeals did not err in convicting petitioner of homicide punished under Article 249 of the Revised Penal Code.

⁵⁶ *Rollo*, p. 101.

⁵⁷ *Id.* at 105.

⁵⁸ *Id.*

⁵⁹ *Id.* at 104–105.

The award of civil indemnity and moral damages are in line with recent jurisprudence.⁶⁰ However, the Court of Appeals' award of temperate damages must be modified to conform with *People v. Jugueta*,⁶¹ which directs the payment of ₱50,000.00 as temperate damages when no evidence of funeral expenses is presented.

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 Decision until fully paid.⁶²

WHEREFORE, the Petition is **DENIED**. The Court of Appeals' June 30, 2014 Decision and May 29, 2015 Resolution in CA-G.R. CR No. 01302 are **AFFIRMED with MODIFICATION**.

Petitioner Calixto Jaca is found **GUILTY** beyond reasonable doubt of homicide, penalized under Article 249 of the Revised Penal Code. He is sentenced to suffer the penalty of imprisonment of six (6) years of *prision correccional*, as minimum, to eight (8) years and one (1) day of *prision mayor*, as maximum, and to pay Ben Mendoza's heirs: (1) civil indemnity 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 damages awarded shall be subject to the rate of six percent (6%) per annum from the finality of this Resolution until its full satisfaction.

SO ORDERED."

Very truly yours,

Misael Domingo C. Battung III
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court
Jan 20, 2020

Atty. Gevina V. Gestopa
PUBLIC ATTORNEY'S OFFICE
Regional Special & Appealed Cases Unit
3rd Floor, Taft Commercial Center
Metro Colon Carpark, Osmeña Blvd.
Brgy. Kalubihan, 6000 Cebu City

⁶⁰ See *People v. Jugueta*, 783 Phil. 806 (2016) [Per J. Peralta, En Banc].

⁶¹ 783 Phil. 806 (2016) [Per J. Peralta, En Banc].

⁶² See *Nacar v. Gallery Frames*, 716 Phil. 267 (2013) [Per J. Peralta, En Banc].

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134 Amorsolo Street
Legaspi Village, 1229 Makati City

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