



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **01 July 2020** which reads as follows:*

“G.R. No. 248540 (Marcelino Cariaga y Martinez a.k.a. ‘Romeo Cariaga,’ Cornelio Astrero y Galinato a.k.a. ‘Andring Astrero,’ and Eric Ramirez y Martinez v. People of the Philippines). – The Court resolves to: (a) **NOTE** the motion of the Office of the Solicitor General for extension of sixty (60) days from 5 March 2020, within which to file comment on the petition; (b) **NOTE** the manifestation/compliance dated 19 February 2020 by Atty. Amy Linda C. Dimarucot, Branch Clerk of Court, Regional Trial Court, Br. 33, Guimba, Nueva Ecija, stating that the records of this case and the certified true copies of other documents which are supposed to be transmitted upon approval of the Notice of Appeal were already forwarded to the Court of Appeals (CA) per the transmittal letter dated 29 June 2017; and (c) **DISPENSE WITH** the filing of respondent’s comment on the petition.

After a judicious study of the case, the Court further resolves to **DENY** the instant petition¹ and **AFFIRM** the February 28, 2019 Decision² and the July 1, 2019 Resolution³ of the CA in CA-G.R. CR No. 40158 for failure of petitioners Marcelino Cariaga y Martinez a.k.a. ‘Romeo Cariaga,’ Cornelio Astrero y Galinato a.k.a. ‘Andring Astrero,’ and Eric Ramirez y Martinez (petitioners) to sufficiently show that the CA committed any reversible error in denying their appeal and affirming their conviction for the crime of Homicide, defined and penalized under Article 249 of the Revised Penal Code, and imposing upon them the penalty of imprisonment for an indeterminate period of ten (10) years of *prision mayor*, as minimum, to seventeen (17) years and four (4) months of *reclusion temporal*, as maximum, and to pay the heirs of Edgar Romano the following amounts: (a) ₱50,000.00 as civil indemnity; (b) ₱50,000.00 as moral damages; and (c) ₱50,000.00 as temperate damages. Moreover, all monetary awards shall earn an

¹ *Rollo*, pp. 51-66.

² *Id.* at 69-101. Penned by Associate Justice Rafael Antonio M. Santos with Associate Justices Mariflor P. Punzalan Castillo and Danton Q. Bueser, concurring.

³ *Id.* 108-110.

July 1, 2020

interest at the legal rate of six percent (6%) per annum from the date of the finality of this Resolution until full payment.

As correctly found by the CA, in the absence of any showing that the trial court overlooked, misunderstood, and misapplied some facts of weight or substance, the trial court's findings of fact and its calibration of the testimonies of the witnesses presented before it must be sustained.⁴ Indeed, the lone testimony of prosecution witness Joey Reyes Mauricio a.k.a. 'Rene Mauricio' (Mauricio), being credible and positive,⁵ is sufficient to convict petitioners,⁶ for the truth is established not by the quantity but by the quality of testimony,⁷ and Mauricio's testimony showed that the elements constituting the crime of Homicide had been established in this case. Likewise, the qualifying circumstance of 'taking advantage of superior strength' was not appreciated in this case, in view of the prosecution's failure to prove it by clear and convincing evidence.⁸ Finally, conspiracy can be inferred from and established by the acts of petitioners themselves when said acts point to a joint purpose and design, concerted action and community of interests, as in this case. Perforce, the present petition must be denied.

SO ORDERED. (Gaerlan, *J.*, designated Additional Member per Special Order No. 2780 dated May 11, 2020.)"

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *Utah 8/20*

24 AUG 2020

⁴ See id. at 88.

⁵ See id. at 84.

⁶ See id. at 86.

⁷ *People v. Macaliag*, 392 Phil. 284, 297 (2000).

⁸ See *Cirera v. People*, G.R. No. 181843, July 14, 2014, 730 SCRA 27, 42.

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Guimba, Nueva Ecija

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 33
Guimba, 3115 Nueva Ecija
(Crim. Case No. 2946-G)

JUDGMENT DIVISION (x)
Supreme Court, Manila

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*For this resolution only
Please notify the Court of any change in your address.
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