



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated July 28, 2020 which reads as follows:*

**“G.R. No. 250198 – JOSEPH CASUGBU y ARTUS v. PEOPLE OF THE PHILIPPINES**

Under Rule 45, Section 4 (b)<sup>1</sup> of the Rules of Court, a petition for review on *certiorari* before this Court must state the material dates showing when notice of the subject judgment, final order, or resolution was received; when a motion for new trial or reconsideration was filed; and when notice of its denial was received. Failure to comply with this rule is a ground to dismiss the petition.<sup>2</sup>

Here, the petition should be dismissed outright for non-compliance with the material date rule. This leaves the Court, therefore, without any reckoning point for the purpose of determining whether the petition was filed on time.

But even on the merits, the petition must fail. For the Court of Appeals (CA) was not shown to have committed reversible error in denying petitioner Joseph Casugbu y Artus’ appeal as to warrant the Court’s exercise of its discretionary appellate jurisdiction.

Petitioner was positively identified to have inflicted the fatal injury which directly caused the victim Vidal I. Cortez’s death. His intent to kill was manifest when he deliberately punched the victim in the face and continued to punch and hit his face, using his knee,

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<sup>1</sup> Section 4. *Contents of petition.* — The petition shall xxx; (b) indicate the material dates showing when notice of the judgment or final order or resolution subject thereof was received, when a motion for new trial or reconsideration, if any, was filed and when notice of the denial thereof was received; x x x.

<sup>2</sup> Section 5, Rule 45 in relation to Section 5 (d), Rule 56 of the Rules of Court.

even though the latter was already unconscious and bleeding. Besides, intent to kill is presumed when the victim died due to injury deliberately inflicted by the accused.<sup>3</sup> Petitioner's theory of incomplete self-defense, more specifically, the supposed lack of sufficient provocation on his part and the unlawful aggression which purportedly emanated from the victim, was correctly rejected by both the trial court and the CA for being unsubstantiated.

In any event, petitioner's belated presentation of the medico-legal report allegedly showing that he, too, sustained injuries from the victim's supposed act of aggression was properly turned down by the trial court. It was not formally offered in evidence; nor was its belated presentation, justified.

Too, the CA correctly affirmed the penalty of nine (9) years and one (1) day of *prision mayor*, as minimum, to fifteen (15) years and one (1) day of *reclusion temporal*, as maximum.

In accordance with *People v. Jugueta*,<sup>4</sup> the award of civil indemnity should be decreased from ₱75,000.00 to ₱50,000.00, and moral damages of ₱50,000.00 should be awarded. In addition, temperate damages<sup>5</sup> of ₱50,000.00<sup>6</sup> should also be awarded as the heirs of the deceased are presumed to have spent for his interment.<sup>7</sup> Finally, legal interest of six percent (6%) *per annum* should be imposed on these amounts from finality of this resolution until fully paid.

**WHEREFORE**, the petition is **DISMISSED** for non-compliance with the material date rule and for utter lack of merit. The Decision dated February 7, 2019 and Resolution dated October 17, 2019 of the Court of Appeals in CA-G.R. CR No. 40969 are **AFFIRMED** with **MODIFICATION**.

Petitioner **JOSEPH CASUGBU y ARTUS** is found guilty of homicide and sentenced to the indeterminate penalty of nine (9) years and one (1) day of *prision mayor*, as minimum, to fifteen (15) years and one (1) day of *reclusion temporal*, as maximum. He is further required to pay the heirs of Vidal I. Cortez the amount of ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱50,000.00, as temperate damages. These amounts shall earn six percent (6%) interest *per annum* from finality of this resolution until fully paid.

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<sup>3</sup> *People v. Espina y Balasantos*, G.R. No. 219614, July 10, 2019.

<sup>4</sup> *People v. Jugueta*, 783 Phil. 806, 852 (2016).

<sup>5</sup> Article 2224 of the Civil Code.

<sup>6</sup> *Supra* note 4, at 853; *Padua y Migano v. People*, G.R. No. 241998, April 1, 2019.

<sup>7</sup> *People v. Oandasan*, 787 Phil. 139, 165 (2016).

**SO ORDERED.”** *Peralta, C.J., took no part; Perlas-Bernabe, J., designated Additional Member per Raffle dated February 19, 2020.*

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *ma/rr*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
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Manila  
(CA-G.R. CR No. 40969)

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The Hon. Presiding Judge  
Regional Trial Court, Branch 133  
1200 Makati City  
(Crim. Case No. 15-3940)

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