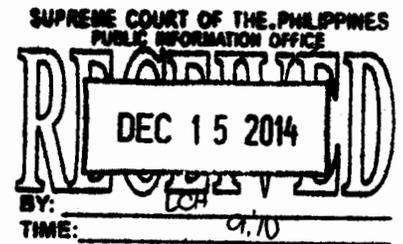




Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **October 22, 2014** which reads as follows:*

“G.R. No. 211726 (Jason S. Aquiler, Petitioner v. People of the Philippines, Respondent). - We resolve the Petition for Review on Certiorari under Rule 45 of the Revised Rules of Court, seeking to reverse the Court of Appeals (CA) Decision¹ dated 27 September 2013 and its Resolution² on the Motion for Reconsideration dated 28 February 2014 in CA-G.R. CR No. 34839. The CA’s dispositions affirmed the Decision³ of the Regional Trial Court, Branch 60, Iriga City.

THE RTC RULING

Petitioner Jason Aquiler was convicted for the crime of homicide in a Decision by the Regional Trial Court, Branch 60, Iriga City, the dispositive portion of which reads:

WHEREFORE, finding the accused Jason Aquiler GUILTY beyond reasonable doubt of the crime of Homicide, he is hereby sentenced to suffer the indeterminate prison term of eight (8) years and one (1) day of *prision mayor*, as minimum, to fourteen (14) years, eight (8) months, and one (1) day of *reclusion temporal*, as maximum, and to pay the family of the victim John Marx Guadalupe the amount of Php101,939.45 as actual damages, ₱75,000.00 as civil indemnity, ₱50,000.00 as moral damages, ₱30,000.00 as exemplary damages, and to pay the costs of the suit.

¹ *Rollo*, p. 32; penned by Associate Justice Isaias P. Dicdican, with Associate Justices Michael P. Elbinias and Nina G. Antonio-Valenzuela, concurring.

² *Id.* at 45.

³ *Id.* At 68; penned by Judge Timoteo A. Panga, Jr.

Petitioner's conviction hinged upon the lone eye-witness testimony of prosecution witness Joey Blanco (Joey). Joey testified that around 6:30 in the evening of 08 November 2003, he was riding a trimobile home from a drinking session with friends in Springfield, San Miguel, Iriga City. When they passed by a Burger Machine stall in front of the San Jose Trimobile station, Joey saw the victim walking. Suddenly, he saw petitioner strike the victim at the back of the head with a piece of wood. He recognized the victim as his childhood friend John Marx Guadalupe (John Marx), and the culprit as petitioner Jason Aquiler (Jason). He likewise recognized Jason because he knew him to be the founder and grand initiator of the Alpha Beta Sigma (ABΣ) Fraternity, which Joey attempted to join but did not pursue.

It was only after 12 days after the incident and when he heard that his friend John Marx had died because of the attack, did Joey report what he saw to John Marx's parents. Thereafter they went to the police to report the same and execute a sworn statement.

Petitioner Jason on the other hand, highly discredits Joey's testimony and posed the defense of denial and alibi, saying that there was no way that petitioner and witness Joey knew each other since Joey did not even join his fraternity. What's more, Jason claims, he was absent at the crime scene for around 1:30 in the afternoon, he was at PNR Station of Iriga gathering orders of Avon products. Then around 2:00 in the afternoon he delivered said orders to his customers. At around 4:00 in the afternoon, he then proceeded to a drinking session with his employees in front of the PNR Station, and they finished drinking around 8:00 in the evening. Jason further argues witness Joey was under the influence of alcohol, which thus lessens the credibility of his testimony.

The RTC gave credence to the doctrine that for the defense of *alibi* to prosper, accused must prove not only that he was at some other place when the crime happened, but that it was physically impossible for him to be at the *locus criminis* at the time of its commission. In petitioner's case, he admitted that the PNR Station was located at the adjacent *barangay* of San Francisco, and that nothing could have prevented him from easily going to the place of the incident (*barangay* San Miguel) if he wanted to. Furthermore, the RTC said that alibi as a defense is generally rejected when the accused is positively identified by a witness⁴.

THE CA RULING

Upon appeal, the CA affirmed *in toto* the RTC's ruling of conviction as well as the penalty and monetary awards imposed. Aside from confirming its factual findings, the CA gave much weight to the RTC's reasoning that it was not impossible for Jason to be at the scene of the

⁴ Id. at 70-71.

crime since the PNR Station where he had his drinking session was in *barangay* San Francisco – just adjacent to *barangay* San Miguel, where the crime occurred. Moreover, the CA noted Jason's testimony that nothing could have prevented him from easily going to the place of the incident if he wanted to.

We now rule on the final review of the case.

OUR RULING

We affirm the petitioner's conviction for the crime of homicide.

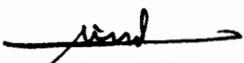
Given the very detailed discussion of the law and the facts of both the RTC and the CA, this Court sees no reason to overturn their findings. Neither does this Court see the case as an exception for which it shall re-examine the factual findings of the lower courts, for as a general rule findings of fact are beyond the scope of a Petition for Review under Rule 45. The jurisdiction of this Court in cases brought before it from the Court of Appeals is limited to reviewing or revising errors of law. The findings of facts of the latter are conclusive for it is not the function of this Court to analyze and weigh such evidence all over again⁵.

In fine, we highlight both courts' findings that the defense of *alibi* will not stand if it was not physically impossible for the accused to be at the *locus criminis* when the crime was committed, as this Court has constantly ruled⁶. As to the monetary awards, we affirm them except for the award of moral damages which we increase to ₱75,000, following current jurisprudence.⁷

WHEREFORE, the Court of Appeals Decision dated 27 September 2013 and its Resolution on the Motion for Reconsideration dated 28 February 2014 in CA-G.R. CR No. 34839 are hereby **AFFIRMED**, with the **MODIFICATION** that the amount of moral damages is increased to ₱75,000. Also, a rate of six percent (6%) per annum shall be applied to the award of civil indemnity, moral damages, and exemplary damages from the finality of judgment until fully paid.⁸

SO ORDERED."

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court 
269

⁵ *Republic v. Regional Trial Court, Br. 18, Roxas, Capiz*, G.R. No. 172931.

⁶ *People v. Reyes*, G.R. No. 205439, 23 April 23, 2014; *People v. Cabansag*, G.R. No. 194443, 7 April 2014; *People v. Estrella*, G.R. No. 206830, 21 April 2014.

⁷ *People v. Lopez*, G.R. No. 184596 (Notice), 24 March 2014.

⁸ *People v. Combate*, G.R. No. 189301, 15 December 2010, 638 SCRA 797.

PUBLIC ATTORNEY'S OFFICE
Counsel for Petitioner
DOJ Agencies Bldg.
Diliman 1128 Quezon City

Court of Appeals (x)
Manila
(CA-G.R. CR No. 34839)

The Solicitor General (x)
Makati City

The Hon. Presiding Judge
Regional Trial Court, Br. 60
Iriga City 4431 Camarines Sur
(Crim. Case No. IR-6694)

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-1-7-SC)

Judgment Division (x)
Supreme Court

269

SR

