

AD.



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila
SECOND DIVISION

SUPREME COURT OF THE PHILIPPINES
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NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 15 September 2014 which reads as follows:

G.R. No. 213087 (Constantino de Peralta v. People of the Philippines). – Before us is the petition for review on *certiorari*¹ filed by petitioner Constantino de Peralta assailing the February 26, 2014 decision² and June 3, 2014 resolution³ of the Court of Appeals (CA) in CA-G.R. CR No. 35207.

The prosecution’s evidence showed that in the evening of December 24, 2001, spouses Roberto and Flora Ponce, together with their children, Robert and Reynaldo, attended a Christmas party in Vigan City, Ilocos Sur. Roberto went home at around 11:30 p.m. Afterwards, Flora directed Robert and Reynaldo to follow their father since the latter was already drunk. Robert and Reynaldo did as instructed. When they arrived home, they saw their father sitting on a bamboo bench in the kitchen and shouting at their neighbours — the petitioner and Edgar de Peralta.

Flora returned to their house at around 12 midnight and heard Roberto talking in a loud voice, annoyed by their neighbors’ use of loud firecrackers and radio. Flora tried to pacify Roberto, but the latter refused to calm down. Flora told her sons to watch over their father; she then went to the house of her cousin, Rizaldy, to ask for advice. Meanwhile, Roberto laid down on the bamboo bench. Robert watched over his father from an open bathroom, while Reynaldo positioned himself at an old fence near the bamboo bench.

At about this time, the petitioner and Edgar climbed over the fence of Roberto’s house and switched off the light bulb near the bamboo bench; they approached Roberto and took turns in hacking and stabbing him.

When Flora arrived with Rizaldy, they heard Roberto moaning. Flora switched the light on, and saw her bloodied husband lying on the ground. Robert and Reynaldo came out from where they had been hiding and also approached their father. Flora asked Roberto who were responsible and the latter identified the petitioner and Edgar. Flora and several people brought Roberto to the hospital where the latter died a few hours later.

¹ Under Rule 45 of the Rules of Court; *rollo*, pp. 8-91.

² *Rollo*, pp. 182-207; penned by Associate Justice Celia C. Librea-Leagogo, and concurred in by Associate Justices Franchito N. Diamante and Zenaida T. Galapate-Laguilles.

³ *Id.* at 229-230.

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The prosecution charged the petitioner and Edgar with the crime of homicide before the Regional Trial Court (RTC), Branch 21, Vigan City. Edgar died during trial. In its decision dated April 16, 2012, the RTC convicted the petitioner of the crime charged, and sentenced him to suffer the indeterminate penalty of ten (10) years and one (1) day, as minimum, to fourteen (14) years, four (4) months and one (1) day, as maximum. It also ordered the petitioner to pay the victim's heirs the following amounts: ₱50,000.00 as civil indemnity; ₱50,000.00 as moral damages; ₱50,000.00 as exemplary damages; and ₱25,000.00 as temperate damages.

The petitioner moved to reconsider the decision, but the RTC denied his motion in its omnibus order dated August 28, 2012.

On appeal, the CA affirmed the RTC decision with the following modifications: (a) the amount of exemplary damages is reduced from ₱50,000.00 to ₱30,000.00; (b) the award of temperate damages is deleted; and (c) the petitioner is further ordered to pay the victim's heirs ₱35,000.00 as actual damages in lieu of temperate damages.

The CA held that Robert and Reynaldo positively identified the petitioner and Edgar as the persons who attacked their father; their testimonies were "replete with details that coincided with the evidence on record." It ruled that Robert and Reynaldo testified in a credible and straightforward manner, and their testimonies corroborated each other on material points. The CA added that discrepancies in the witnesses' statements pertaining only to minor details do not affect their credibility as long as their testimonies are coherent and intrinsically believable as a whole.

The CA found the petitioner's argument — that Robert and Reynaldo could not have witnessed the crime because the kitchen was covered in total darkness — to be unpersuasive. It explained that the crime scene was illuminated by bulbs coming from the lampposts. It further ruled that the petitioner and Edgar acted in conspiracy; they acted in unison to achieve their common goal to kill Roberto.

The petitioner moved to reconsider this decision, but the CA denied his motion in its resolution of June 3, 2014.

The Petition for Review on Certiorari

In the present petition, the petitioner claimed that Robert and Reynaldo could not have witnessed the incident since the kitchen had been totally dark. He also alleged that the testimonies of Reynaldo and Robert did not jibe with the testimony of Flora. The petitioner further argued that conspiracy had not been duly established.

Our Ruling

We affirm the petitioner's conviction.

The issue of the credibility of witnesses is a factual matter that is best left for the trial courts to determine. The Court will not weigh anew the evidence already passed on by the trial court and affirmed by the CA, unless evidence shows that their factual findings are devoid of support in the records or are glaringly erroneous. The jurisdiction of the Court in a petition for review under Rule 45 is **limited to the review of errors of law**. The Court closely adheres to this rule and does not review factual questions unless the case falls under the recognized exceptions.

In the present case, both the RTC and the CA found the testimonies of the Robert and Reynaldo credible and convincing; they also ruled that the inconsistencies in their statements pertain only to minor details. In the absence of evidence of arbitrariness, the Court will not review and re-calibrate the evidence presented.

At any rate, the CA correctly sustained the petitioner's conviction for homicide. Reynaldo and Robert saw the petitioner and Edgar repeatedly hack and stab their father while the latter was lying on the bamboo bench. We significantly point out that while the petitioner turned off the light bulb near the bench, there were other sources of illumination in the area, among them the lights coming from two lampposts. The bathroom where Robert stayed was only 4-5 meters from the bamboo bench and the assailants themselves also needed some illumination to perpetrate their deed. Notably, the testimonies of Reynaldo and Robert were corroborated by Dr. Pablo Quedado who stated that the victim suffered multiple stab and hack wounds. The petitioner likewise failed to show that Reynaldo and Robert were impelled by any improper or ulterior motive to falsely testify against him.

While both Reynaldo and Robert were minors at the time they testified, it is settled that a child, regardless of age, can be a competent witness if he can perceive and, in perceiving, can make known his perception to others in a manner showing his capacity for truth.

WHEREFORE, premises considered, we **DENY** the petition for review on *certiorari* filed by petitioner Constantino de Peralta for raising substantially factual issues, and for failure to sufficiently show any reversible error in the assailed judgment to warrant the exercise of the Court's discretionary appellate jurisdiction.

SO ORDERED.

Very truly yours,


 MA. LOURDES O. PERFECTO
 Division Clerk of Court *by 7/30*

* Mendoza, J., on leave; Villarama, Jr., J., designated as acting member per S.O. No. 1767 dated August 27, 2014.

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