



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **25 January 2021** which reads as follows:*

“G.R. No. 254775 (Eduardo Dagohoy, Jr. y Repulledo v. People of the Philippines). – The Court resolves to:

1. **GRANT** the motion¹ of petitioner Eduardo Dagohoy, Jr. y Repulledo (petitioner) for an extension of fifteen (15) days from the expiration of the reglementary period within which to file a petition for review on *certiorari*; and

2. **NOTE** the Manifestation² dated November 10, 2020 of counsel for petitioner, submitting the attached postal money order checks³ amounting to ₱4,530.00 as payment for filing fees.

After a judicious review of the case, the Court further resolves to **DENY** the instant petition⁴ and **AFFIRM** the Decision⁵ dated April 30, 2019 and the Resolution⁶ dated August 28, 2020 of the Court of Appeals (CA) in CA-G.R. CR No. 03167 for failure of petitioner to sufficiently show that the CA committed any reversible error in finding him guilty of the crime of Homicide. Accordingly, he is sentenced to suffer the penalty of imprisonment for an indeterminate period of twelve (12) years of *prison mayor*, as minimum, to fourteen (14) years, eight (8) months, and one (1) day of *reclusion temporal*, as maximum, and ordered to pay the heirs of the late John Carlo Esquira (Esquira)⁷ ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱50,000.00 as temperate damages,⁸ with legal interest at the rate of six percent (6%) per annum from the date of finality of this Resolution until full payment.

¹ *Rollo*, pp. 3-6.

² *Id.* at 15-16.

³ *Id.* at 17.

⁴ *Id.* at 18-30.

⁵ *Id.* at 61-77. Penned by Chairperson and Executive Justice Edgardo L. Delos Santos (now a member of the Court) with Associate Justices Marilyn B. Lagura-Yap and Dorothy P. Montejo-Gonzaga, concurring.

⁶ *Id.* at 44-45. Penned by Associate Justice Dorothy P. Montejo-Gonzaga with Associate Justices Marilyn B. Lagura-Yap and Lorenza Redulla Bordios, concurring.

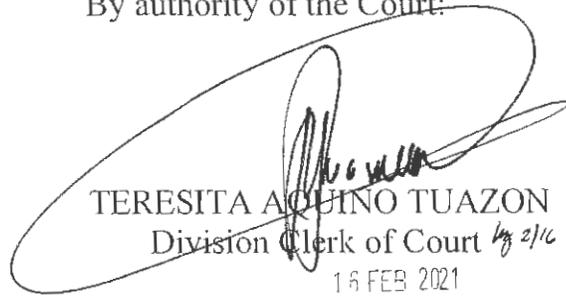
⁷ *Id.* at 62.

⁸ See *People v. Juguetu*, 783 Phil. 806 (2016).

As correctly ruled by the CA, the prosecution was able to establish beyond reasonable doubt all the elements of Homicide,⁹ considering that: (a) it is conclusive that Esquira was killed inside the *kamalig*; (b) when eyewitness Linger Garcia¹⁰ saw petitioner, the latter was near Esquira's head which was already bloodied; (c) there could be no other perpetrator of the crime as there was no other person inside the *kamalig* aside from them; and (d) there was no circumstance that would qualify the killing to Murder, Parricide, or Infanticide. Since there is no indication that the lower courts overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case, the Court finds no reason to deviate from their factual findings. In this regard, it should be noted that the trial court was in the best position to assess and determine the credibility of the witnesses presented by both parties.¹¹

SO ORDERED. (Rosario, *J.*, designated additional member per Special Order No. 2797 dated November 5, 2020)."

By authority of the Court:



TERESITA AQUINO TUAZON
Division Clerk of Court *by 2/16*
16 FEB 2021

⁹ 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. See *Wacoy v. People*, 761 Phil. 570 (2015).

¹⁰ *Rolla*, p. 63.

¹¹ See *Cahulogan v. People*, 828 Phil. 742 (2018), citing *Peralta v. People*, 817 Phil. 554 (2017), further citing *People v. Matibag*, 757 Phil. 286, 293 (2015).

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 18
Hilongos, 6524 Leyte
(Crim. Case No. H-2207)

JUDGMENT DIVISION (x)
Supreme Court, Manila

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Please notify the Court of any change in your address.
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