

## SECOND DIVISION

[ G.R. No. 243805, September 16, 2020 ]

**EDUARDO LACSON Y MANALO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.**

### D E C I S I O N

**DELOS SANTOS, J.:**

#### The Case

This is a Petition for Review on *Certiorari*<sup>[1]</sup> assailing the Decision<sup>[2]</sup> dated 12 September 2018 and the Resolution<sup>[3]</sup> dated 18 December 2018 of the Court of Appeals (CA) in CA-G.R. CR No. 40456, finding petitioner Eduardo Lacson y Manalo (Eduardo) guilty of the crime of Less Serious Physical Injuries under Article 265 of the Revised Penal Code (RPC).

#### The Facts

The case stemmed from six (6) separate Amended Informations for Attempted Homicide filed on 11 May 2011 by the Office of the City Prosecutor, City of San Fernando, Pampanga with the Municipal Trial Court in Cities (MTCC) of the City of San Fernando, Pampanga, Branch 1, against Eduardo, together with his co-accused Hernani M. Lacson (Hernani), Elizer M. Lacson (Elizer), Deborah Samson-Lacson (Deborah), Adonis M. Lacson (Adonis), and Erwin M. Lacson (Erwin; collectively, Lacsons).

The Amended Informations,<sup>[4]</sup> with the exception of the names of the victims, are similarly worded, which state:

#### **Criminal Case No. 11-0287**

That on or about the 5<sup>th</sup> day of May, 2011, in the City of San Fernando, province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually helping each other, with intent to kill, did then and there willfully, unlawfully and feloniously assault, attack, and use personal violence upon one Gary Santos y Mallari, by then and there hitting the latter on different parts of his body, using steel pipe, inflicting physical injuries upon said Gary Santos y Mallari, in an attempt to end the latter's life, thereby commencing the commission of the offen[s]e of homicide directly by overt acts, but did not perform all the acts of execution which would produce the crime of homicide by reason (sic) causes or acts other than the accused's own spontaneous desistance, that is, by the timely intervention of some well meaning citizens.

CONTRARY TO LAW.

**Criminal Case No. 11-0288**

That on or about the 5<sup>th</sup> day of May, 2011, in the City of San Fernando, province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually helping each other, with intent to kill, did then and there willfully, unlawfully and feloniously assault, attack, and use personal violence upon one Rudy Santos y Lumba, by then and there hitting the latter on different parts of his body, using steel pipe, inflicting physical injuries upon said Rudy Santos y Lumba, in an attempt to end the latter's life, thereby commencing the commission of the offen[s]e of homicide directly by overt acts, but did not perform all the acts of execution which would produce the crime of homicide by reason (sic) causes or acts other than the accused's own spontaneous desistance, that is, by the timely intervention of some well meaning citizens.

CONTRARY TO LAW.

**Criminal Case No. 11-0289**

That on or about the 5<sup>th</sup> day of May, 2011, in the City of San Fernando, province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually helping each other, with intent to kill, did then and there willfully, unlawfully and feloniously assault, attack, and use personal violence upon one Richard Santos y Mallari, by then and there hitting the latter on different parts of his body, using steel pipe, inflicting physical injuries upon said Richard Santos y Mallari, in an attempt to end the latter's life, thereby commencing the commission of the offen[s]e of homicide directly by overt acts, but did not perform all the acts of execution which would produce the crime of homicide by reason (sic) causes or acts other than the accused's own spontaneous desistance, that is, by the timely intervention of some well meaning citizens.

CONTRARY TO LAW.

**Criminal Case No. 11-0290**

That on or about the 5<sup>th</sup> day of May, 2011, in the City of San Fernando, province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually helping each other, with intent to kill, did then and there willfully, unlawfully and feloniously assault, attack, and use personal violence upon one Romeo Santos y Lumba, by then and there hitting the latter on different parts of his body, using steel pipe, inflicting physical injuries upon said Romeo Santos y Lumba, in an attempt to end the latter's life, thereby commencing the commission of the offen[s]e of homicide directly by overt acts, but did not perform all the acts of execution which would produce the crime of homicide by reason (sic) causes or acts other than the accused's own spontaneous desistance, that is, by the timely intervention of some well meaning citizens.

CONTRARY TO LAW.

**Criminal Case No. 11-0291**

That on or about the 5<sup>th</sup> day of May, 2011, in the City of San Fernando, province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually helping each other, with intent to kill, did then and there willfully, unlawfully and feloniously assault, attack, and use personal violence upon one Albert Santos y Mallari, by then and there hitting the latter on different parts of his body, using steel pipe, inflicting physical injuries upon said Albert Santos y Mallari, in an attempt to end the latter's life, thereby commencing the commission of the offen[s]e of homicide directly by overt acts, but did not perform all the acts of execution which would produce the crime of homicide by reason (sic) causes or acts other than the accused's own spontaneous desistance, that is, by the timely intervention of some well meaning citizens.

CONTRARY TO LAW.

**Criminal Case No. 11-0292**

That on or about the 5<sup>th</sup> day of May, 2011, in the City of San Fernando, province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually helping each other, with intent to kill, did then and there willfully, unlawfully and feloniously assault, attack, and use personal violence upon one Rommel Santos y Mallari, by then and there hitting the latter on different parts of his body, using steel pipe, inflicting physical injuries upon said Rommel Santos y Mallari, in an attempt to end the latter's life, thereby commencing the commission of the offen[s]e of homicide directly by overt acts, but did not perform all the acts of execution which would produce the crime of homicide by reason (sic) causes or acts other than the accused's own spontaneous desistance, that is, by the timely intervention of some well meaning citizens.

CONTRARY TO LAW.

Upon arraignment, the Lacsons all pleaded not guilty. Thereafter, trial on the merits ensued.<sup>[5]</sup>

The prosecution presented six witnesses: (1) Rommel M. Santos (Rommel); (2) Gary M. Santos (Gary); (3) Richard M. Santos (Richard); (4) Rowena L. Santos-Cunanan (Rowena); (5) Romeo L. Santos (Romeo); and (6) Dr. Duane P. Cordero (Dr. Cordero).<sup>[6]</sup>

The prosecution summarized their version of the facts as follows:

On 5 May 2011, at around 9:00 P.M., Gary, Arnold Santos (Arnold), Eliza Santos (Eliza), and Joyce Ann Santos (Joyce Ann) arrived in their house at Sitio Boulevard, Barangay San Agustin, City of San Fernando, Pampanga. The group told Romeo, Rommel, Richard, and Albert Santos (Albert; collectively, Santoses) that they were being chased and stoned by the Lacsons.<sup>[7]</sup>

Arnold then left but while he was running towards the Lacsons' house, the group followed and tried to pacify him, but they failed. Upon reaching the Lacsons' house,

Arnold had a heated discussion with Hernani and Elizer. Moments later, Rudy Santos (Rudy), who resides at the back of the Lacsons' house, arrived.<sup>[8]</sup>

Deborah, Hernani's wife, brought out a steel pipe out of their house and told Hernani "*Oyni ing tubo pamalwan mu la!*" (Here is a steel pipe, hit them). Eduardo responded by hitting Arnold's head with a steel pipe. The Santoses wanted to help Arnold who fell on the ground but the Lacsons likewise attacked them using steel pipes. As a result, Rommel, Gary, Richard, and Romeo sustained injuries on their heads and different parts of their bodies.<sup>[9]</sup>

When the barangay patrol arrived, Richard, Rommel, Romeo, and Gary, together with Albert and Rudy, were brought to Jose B. Lingad Memorial General Hospital, where they were treated by Dr. Cordero, the resident physician on duty at the Department of Surgery.<sup>[10]</sup>

Later on, Arnold died. A separate criminal case for Attempted Homicide was filed against Eduardo.<sup>[11]</sup>

Dr. Cordero cited mauling as the cause of the injuries and issued the Santoses' respective Medical Certificates summarized as follows:<sup>[12]</sup>

Name	Injuries Suffered	Periods of Healing
Richard	Cerebral concussion with lacerated wound; eyebrow, right, lacerated wound; occipital area secondary to mauling	Barring complication, the injuries will require a period more than 30 days of healing
Rommel	Lacerated wound on parietal area; periorbital edema secondary to mauling; hemorrhage, left frontal, ethmoid and maxillary sinuses	Barring complication, the injuries will require a period of 2 weeks of healing
Romeo	Lacerated wound on temporal, auricular, and parietal areas, secondary to mauling; complete, displaced fracture, middle third of the left ulna, radiopaque foreign bodies, middle third of the right forearm	Barring complication, the injuries will require a period of 6-8 weeks of healing
Gary	Contusion hematoma on the parietal area, left; complete, non-displace fracture involving the distal third of the right radius; the right wrist joint space is narrowed; the left hand and left foot are unremarkable	Barring complication, the injuries will require a period of more than 30 days of healing

Prosecution evidence also showed that Rudy and Albert sustained injuries requiring a period of two (2) weeks of healing, However, while Rudy and Albert submitted

their respective judicial affidavits, they were not presented to testify and affirm the same. Thus, the Lacsons were not given the opportunity to confront them.<sup>[13]</sup>

On the other hand, Adonis and Erwin were not arrested. Thus, the trial court did not acquire jurisdiction over their persons.<sup>[14]</sup>

After the presentation of the prosecution's testimonial evidence and the subsequent formal offer of its documentary evidence, the defense failed to present any witness. The MTCC declared the Lacsons' right to present evidence as waived. Thereafter, the case was deemed submitted for decision.<sup>[15]</sup>

In a Joint Decision<sup>[16]</sup> dated 18 February 2016, the MTCC found the Lacsons guilty beyond reasonable doubt, not of the crime of Attempted Homicide as charged, but of Less Serious Physical Injuries under Article 265 of the RPC. The MTCC declared that intent to kill, an essential element of Attempted Homicide, was not clearly and convincingly proved by the prosecution. Absent such intent to kill, the offender would be liable for physical injuries only. The MTCC stated that the evidence showed that the alleged mauling started when Arnold, followed by Gary and the rest of the Santos, went to accost Hernani and Elizer in front of the Lacsons' house. With the number of the Santos and the Lacsons and their sudden engagement in the brawl, the MTCC held that the infliction of the injuries was indiscriminately done and not deliberately aimed at specific portions of the victims' bodies. Thus, the MTCC declared that the prosecution was able to prove conspiracy but failed to prove the element of intent to kill which downgraded the crime committed.<sup>[17]</sup> The dispositive portion states:

**WHEREFORE**, judgment is hereby rendered as follows:

**CRIMINAL CASE NO. 11-0287**

Accused Hernani Lacson y Manansala, Eduardo Lacson y Manalo, Elizer Lacson y Manansala and Deborah Samson-Lacson are hereby found guilty beyond reasonable doubt of the crime of Less Serious Physical Injuries defined and penalized under Article 265 of the Revised Penal Code and are sentenced to suffer the penalty of *arresto mayor* in its maximum period.

**CRIMINAL CASE NO. 11-0288**

Accused Hernani Lacson y Manansala, Eduardo Lacson y Manalo, Elizer Lacson y Manansala and Deborah Samson-Lacson are **ACQUITTED** of the charge of Attempted Homicide due to insufficiency of evidence.

**CRIMINAL CASE NO. 11-0289**

Accused Hernani Lacson y Manansala, Eduardo Lacson y Manalo, Elizer Lacson y Manansala and Deborah Samson-Lacson are hereby found guilty beyond reasonable doubt of the crime of Less Serious Physical Injuries defined and penalized under Article 265 of the Revised Penal Code and are sentenced to suffer the penalty of *arresto mayor* in its maximum period.

**CRIMINAL CASE NO. 11-0290**