

SECOND DIVISION

[G.R. No. 205298, September 10, 2014]

**LEOPOLDO QUINTOS Y DEL AMOR, PETITIONER, VS. PEOPLE OF
THE PHILIPPINES, RESPONDENT.**

D E C I S I O N

CARPIO, ACTING C.J.:

The Case

Before the Court is a petition for review^[1] assailing the Decision^[2] dated 31 July 2012 and Resolution^[3] dated 11 January 2013 of the Court of Appeals in CA-G.R. CR No. 33776, affirming the Joint Decision^[4] dated 20 October 2010 of the Regional Trial Court of Lingayen, Pangasinan (trial court) in Criminal Case Nos. L-8340, L-8341 and L-8342.

The Facts

Petitioner Leopoldo Quintos y Del Amor (petitioner) was charged, in conspiracy with his brothers Pedro, Rolly and Lando, all surnamed Quintos, and Narciso Buni for frustrated homicide and homicide.

The Information^[5] in Criminal Case No. L-8341 reads, in part:

That on or about January 15, 2008 in the afternoon at Brgy. Laois, Labrador, Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused in conspiracy with each other, with intent to kill, did then and there, wil[ly]fully, unlawfully and feloniously accost, maul and hack with bolo and samurai Robert M. dela Cruz who suffered hacking wounds, several lacerations and contusions on the different parts of his body, thus, the accused performed all the acts of execution which would produce homicide as a consequence but which, nevertheless, did not produce it by reason of the timely medical intervention applied on him that prevented his death, to the prejudice and damage of the said Robert dela Cruz.

CONTRARY to Article 249 in relation to Art. 6 of the Revised Penal Code.

The Information^[6] in Criminal Case No. L-8342 reads, in part:

That on or about January 15, 2008 in the afternoon at Brgy. Laois, Labrador, Pangasinan and within the jurisdiction of this Honorable Court,

the above-named accused in conspiracy with each other, with intent to kill, did then and there, wil[l]fully, unlawfully and feloniously accost, maul and hack with bolo and samurai Felomina dela Cruz who suffered hacking wounds and several lacerations on the different parts of her body, thus, the accused performed all the acts of execution which would produce homicide as a consequence but which, nevertheless, did not produce it by reason of the timely medical intervention applied on him that prevented his (sic) death, to the prejudice and damage of the said Felomina dela Cruz.

CONTRARY to Article 249 in relation to Art. 6 of the Revised Penal Code.

In Criminal Case No. L-8340, an Amended Information^[7] was filed when the victim Freddie dela Cruz died:

That on or about January 15, 2008 in the afternoon at Brgy. Laois, Labrador, Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused in conspiracy with each other, with intent to kill, did then and there, willfully, unlawfully and feloniously accost, maul and hack with bolo and samurai Freddie dela Cruz who suffered hacking wounds on the different parts of his body, which caused his death, to the damage and prejudice of the heirs of Freddie dela Cruz.

CONTRARY to Article 249 in relation to Art. 6 of the Revised Penal Code.

Of the five accused, Pedro Quintos, Narciso Buni and petitioner were arrested. Rolly and Lando evaded arrest and remain at large. Petitioner, Pedro and Narciso all pled not guilty to the charges brought against them.

The prosecution presented five witnesses, namely: Eduardo Oyando, Felomina dela Cruz, Robert dela Cruz, Police Officer Bernardo Cerezo, and Dr. Saniata V. Fernandez.

The defense presented two witnesses, namely, petitioner and Pedro Quintos. Narciso Buni jumped bail before he could testify. Petitioner's sister was also scheduled to testify, but since her testimony would only be corroborative, the prosecution admitted her testimony.^[8]

Version of the Prosecution

The prosecution established that at about 3:30 p.m. of 15 January 2008, Freddie dela Cruz, Robert dela Cruz, Felomina dela Cruz, and Eduardo Oyando were walking along the barangay road of Laois, Labrador, Pangasinan. They were on their way to the town proper when they were accosted by Pedro Quintos, Rolly Quintos, Lando Quintos, Narciso Buni and petitioner. Pedro was wielding a samurai, Lando, Narciso and petitioner were carrying bolos, and Rolly was holding a big stone. Robert, Freddie, Felomina, all surnamed dela Cruz, and Eduardo Oyando ran back towards their house, but the five attackers caught up with them.

Pedro struck Robert dela Cruz with the samurai, but the latter parried the attack with his left hand. Robert dela Cruz attempted to gain control of the samurai, but Rolly hit him in the face, near the jaw, with the stone Rolly was carrying. Robert dela Cruz lost his hold of the samurai and fell to the ground.

Lando struck Freddie dela Cruz at the back of his head, which caused the latter to fall face up. Petitioner joined Lando in hacking Freddie dela Cruz, who, while defending himself with his hands, sustained injuries on his right hand and lost a few fingers on his left. Rolly then crushed Freddie dela Cruz's chest with the same stone he used to hit Robert dela Cruz in the face.

Pedro advanced towards Felomina dela Cruz as the latter moved towards Robert dela Cruz. Pedro pulled Felomina dela Cruz's hair, slashed her nape with the samurai, and then kicked her to the ground.

Eduardo Oyando was forced to stand aside and was prevented from helping the dela Cruzes because Narciso Buni was aiming a bolo at him. The attackers left when they were done, and only then was Eduardo Oyando able to approach the victims and call for help.

Robert, Freddie and Felomina, all surnamed dela Cruz, were brought to the hospital. They were treated for the injuries sustained from the attack. After a few days, Freddie dela Cruz died from his injuries. Before he died, Freddie dela Cruz identified Pedro and Lando Quintos as his attackers.

Version of the Defense

The defense presented a different version of the events. In the afternoon of 15 January 2008, Robert, Freddie, Felomina, all surnamed dela Cruz, and Eduardo Oyando came to the Quintos' house looking for trouble. Pedro, who was in the front portion of the house, went out to try and pacify them. Robert dela Cruz punched Pedro first, hitting him in the face. Robert dela Cruz then went to Felomina dela Cruz and took a bolo wrapped in a towel that the latter was holding. Pedro and Robert dela Cruz grappled for the bolo. Felomina dela Cruz approached the two and tried to help Robert dela Cruz, and in the process got slashed with the bolo. The scuffle resulted in Robert dela Cruz falling to the ground and Pedro gaining control of the bolo.

Pedro then noticed that Freddie dela Cruz, who was holding a bolo, was fighting with Lando. Pedro hurried over and hacked Freddie dela Cruz to defend his brother Lando. According to Pedro, his senses dimmed and he did not remember how many times he hacked Freddie dela Cruz. His brothers pacified him, and Pedro went with them back to the house; while Robert, Freddie and Felomina, all surnamed dela Cruz, were brought to the hospital.

The Ruling of the Trial Court

The trial court gave full faith and credit to the version of the prosecution. Petitioner was found guilty for the crime of homicide for the death of Freddie dela Cruz. However, the trial court held that the uncertainty on the nature of the wounds of Robert dela Cruz and Felomina dela Cruz warrants the appreciation of a lesser gravity of the crime from frustrated homicide to attempted homicide.^[9]

The dispositive portion of the Joint Decision dated 20 October 2010 reads:

WHEREFORE, in the light of all the foregoing, the Court finds:

IN CRIMINAL CASE NO. L-8340

Accused PEDRO QUINTOS, POLDO QUINTOS and NARCISO BUNI GUILTY beyond reasonable doubt of the crime of HOMICIDE as defined in Article 249 of the Revised Penal Code. The prescribed penalty for Homicide is *reclusion temporal* which is from twelve (12) years and one (1) day to twenty years. Applying the Indeterminate Sentence Law, the minimum penalty should be taken from the penalty one (1) degree lower than the impossible penalty which is Prison Mayor in its full extent, the range of which is from six (6) years and one (1) day to twelve (12) years. Appreciating no mitigating circumstances in favor of the accused, the accused is accordingly sentenced from 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.

Accused are further ORDERED to pay the heirs of Freddie Dela Cruz, the amounts of (a) Php 75,000.00 as civil indemnity; (b) Php 75,000.00 as moral damages; (c) Php 57,286.00 as actual damages; (d) and Php 15,000.00 as attorney's fees.

IN CRIMINAL CASE NO. L-8341

Accused PEDRO QUINTOS, POLDO QUINTOS and NARCISO BUNI GUILTY beyond reasonable doubt of the crime of ATTEMPTED HOMICIDE and are meted with an indeterminate sentence of Two (2) months and One (1) day of *arresto mayor* as minimum to Two (2) years, Four (4) months and One (1) day of *prision correccional* as maximum.

Accused are furthered (sic) ordered to pay Robert dela Cruz actual damages in the amount of Php 1,650.00 and moral damages in the amount of Php 15,000.00.

IN CRIMINAL CASE NO. L-8342

Accused PEDRO QUINTOS, POLDO QUINTOS and NARCISO BUNI GUILTY beyond reasonable doubt of the crime of ATTEMPTED HOMICIDE and are meted with an indeterminate sentence of Two (2) months and One (1) day or *arresto mayor* as minimum to Two (2) years, Four (4) months and One (1) day of *prision correccional* as maximum.

Accused are furthered (sic) ordered to pay Felomina dela Cruz actual damages in the amount of Php 3,750.00 and moral damages in the amount of Php 15,000.00.

In all cases, considering that Pedro Quintos and Poldo Quintos have undergone preventive imprisonment, they shall be credited in the service

of their sentences with the time they have undergone preventive imprisonment subject to the conditions provided for in Article 29 of the Revised Penal Code.

x x x x

SO ORDERED.^[10]

Petitioner and Pedro Quintos appealed the decision to the Court of Appeals, alleging that the trial court gravely erred in convicting them despite the prosecution's failure to prove their guilt beyond reasonable doubt.

The Ruling of the Court of Appeals

The Court of Appeals found the appeal bereft of merit, thus:

WHEREFORE, the instant appeal is DISMISSED and the assailed Joint Decision dated October 20, 2010 of the Regional Trial Court of Lingayen, Pangasinan, Branch 39, in Criminal Case Nos. L-8340, L-8341 and L-8342 is AFFIRMED *IN TOTO*.

SO ORDERED.^[11]

Hence, this petition.

The Issues

Petitioner faults the Court of Appeals for: (1) affirming the conviction, despite the prosecution's failure to prove petitioner's guilt beyond reasonable doubt; and (2) finding that conspiracy exists, in particular, that a finding of conspiracy should not be left to conjecture, in light of the alleged failure of the prosecution to present evidence that petitioner took part in inflicting injuries on the victims in furtherance of a common design to kill.^[12]

The Court's Ruling

The petition is unmeritorious.

Review of Questions of Fact Improper

The review on *certiorari* under Rule 45 of the Rules of Court is limited to questions of law. This Court does not weigh all over again the evidence already considered in the proceedings below.^[13] The narrow ambit of review prescribed under this rule allows us to swiftly dispose of such appeals. This rule, of course, admits of exceptions applicable to those rare petitions whose peculiar factual milieu justifies relaxation of the Rules such as based on speculation or conjectures, or overlooked undisputed facts which, if duly considered, lead to a different conclusion.^[14]

In the present case, petitioner finds fault in the decisions of the trial and appellate