

## SECOND DIVISION

[ G.R. No. 172896, April 19, 2010 ]

**ROÑO SEGURITAN Y JARA, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.**

### DECISION

**DEL CASTILLO, J.:**

In a criminal case, factual findings of the trial court are generally accorded great weight and respect on appeal, especially when such findings are supported by substantial evidence on record. <sup>[1]</sup> It is only in exceptional circumstances, such as when the trial court overlooked material and relevant matters, that this Court will re-calibrate and evaluate the factual findings of the court below. In this case, we hold that the trial court did not overlook such factual matters; consequently, we find no necessity to review, much less, overturn its factual findings.

This petition for review on *certiorari* assails the Decision<sup>[2]</sup> of the Court of Appeals (CA) dated February 24, 2006 in CA-G.R. CR No. 25069 which affirmed with modification the Judgment<sup>[3]</sup> of the Regional Trial Court (RTC) of Aparri, Cagayan, Branch 06 in Criminal Case No. VI-892 finding petitioner Roño Seguritan y Jara guilty beyond reasonable doubt of the crime of homicide. Likewise impugned is the Resolution<sup>[4]</sup> dated May 23, 2006 which denied the Motion for Reconsideration.<sup>[5]</sup>

#### ***Factual Antecedents***

On October 1, 1996, petitioner was charged with Homicide in an Information, <sup>[6]</sup> the accusatory portion of which reads as follows:

That on or about November 25, 1995, in the municipality of Gonzaga, province of Cagayan, and within the jurisdiction of this Honorable Court, the above-named accused, ROÑO SEGURITAN y JARA alias Ranio, with intent to kill, did then and there willfully, unlawfully and feloniously assault, attack and box one Lucrecio Seguritan, inflicting upon the latter head injuries which caused his death.

Contrary to law.

During the arraignment, petitioner entered a plea of not guilty. Thereafter, trial ensued.

#### ***The Version of the Prosecution***

In the afternoon of November 25, 1995, petitioner was having a drinking session

with his uncles Lucrecio Seguritan (Lucrecio), Melchor Panis (Melchor) and Baltazar Panis (Baltazar), in the house of Manuel dela Cruz in *Barangay* Paradise, Gonzaga, Cagayan. Petitioner, who was seated beside Lucrecio, claimed that Lucrecio's carabao entered his farm and destroyed his crops. A heated discussion thereafter ensued, during which petitioner punched Lucrecio twice as the latter was about to stand up. Petitioner's punches landed on Lucrecio's right and left temple, causing him to fall face-up to the ground and hit a hollow block which was being used as an improvised stove.

Lucrecio lost consciousness but was revived with the assistance of Baltazar. Thereafter, Lucrecio rode a tricycle and proceeded to his house in the neighboring *barangay* of Calayan, Cagayan. Upon his arrival, his wife noticed blood on his forehead. Lucrecio explained that he was stoned, then went directly to his room and slept.

At around 9 o'clock in the evening, Lucrecio's wife and daughter noticed that his complexion has darkened and foamy substance was coming out of his mouth. Attempts were made to revive Lucrecio but to no avail. He died that same night.

After the burial of Lucrecio on December 4, 1995, his wife learned of petitioner's involvement in her husband's death. Thus, she sought the assistance of the National Bureau of Investigation (NBI). NBI Medico-Legal Officer Dr. Antonio Vertido (Dr. Vertido) exhumed Lucrecio's body and performed the autopsy. Dr. Vertido found hematomas in the scalp located in the right parietal and left occipital areas, a linear fracture in the right middle *fossa*, and a subdural hemorrhage in the right and left cerebral hemisphere. Dr. Vertido concluded that Lucrecio's cause of death was traumatic head injury.<sup>[7]</sup>

On May 21, 1996, Melchor executed a sworn statement before the Gonzaga Police Station recounting the events on that fateful day, including the punching of Lucrecio by petitioner.

At the time of Lucrecio's death, he was 51 years old and earned an annual income of P14,000.00 as a farmer.

### ***The Version of the Defense***

Petitioner denied hitting Lucrecio and alleged that the latter died of cardiac arrest. Petitioner claimed that he suddenly stood up during their heated argument with the intent to punch Lucrecio. However, since the latter was seated at the opposite end of the bench, Lucrecio lost his balance and fell before he could be hit. Lucrecio's head hit the improvised stove as a result of which he lost consciousness.

Petitioner presented Joel Cabebe, the Assistant Registration Officer of Gonzaga, Cagayan, and Dr. Corazon Flor, the Municipal Health Officer of Sta. Teresita, Cagayan, to prove that Lucrecio died of a heart attack. These witnesses identified the Certificate of Death of Lucrecio and the entry therein which reads: "Antecedent cause: T/C cardiovascular disease."<sup>[8]</sup>

### ***Ruling of the Regional Trial Court***

On February 5, 2001, the trial court rendered a Decision convicting petitioner of homicide. The dispositive portion of the Decision reads:

WHEREFORE, the Court finds the accused GUILTY beyond reasonable doubt of the crime of homicide and sentences the accused to an indeterminate sentence of 6 years and 1 day of *prision mayor* as minimum to 17 years and 4 months of *reclusion temporal* as maximum. The accused is ordered to pay the heirs of the late Lucrecio Seguritan the amount of P30,000.00 as actual damages and the amount of P135,331.00 as loss of earning capacity and to pay the costs.

SO ORDERED.<sup>[9]</sup>

### ***The Decision of the Court of Appeals***

On appeal, the CA affirmed with modification the Judgment of the RTC.

Thus:

WHEREFORE, the judgment appealed from is partly AFFIRMED, WITH MODIFICATION, to read as follows: The Court finds the accused GUILTY beyond reasonable doubt of the crime of homicide and sentences the accused to an indeterminate penalty of SIX (6) YEARS AND ONE (1) DAY of *prision mayor*, as minimum, to TWELVE (12) YEARS AND ONE (1) DAY of *reclusion temporal*, as maximum. The accused Roño Seguritan is ordered to pay the heirs of the late Lucrecio Seguritan the amount of P 30,000.00 as actual damages, the amount of P135,331.00 as loss of earning capacity, P 50,000.00 as moral damages and to pay the costs.

SO ORDERED.<sup>[10]</sup>

Petitioner filed a Motion for Reconsideration but it was denied by the CA in its Resolution dated May 23, 2006.

### **Issues**

Thus, this petition for review raising the following issues:

I

The Court of Appeals erred in affirming the trial court's judgment of conviction.

II

The Court of Appeals erred in convicting the accused of the crime of homicide.<sup>[11]</sup>

## Our Ruling

The petition is denied.

Petitioner disputes the conclusion that the fracture on the right middle *fossa* of the skull, beneath the area where a hematoma developed was due to the blow he delivered because according to the testimony of Dr. Vertido, the fracture may also be caused by one falling from a height. Petitioner also maintains that the punches he threw at Lucrecio had nothing to do with the fatal head injuries the latter suffered. According to him, Lucrecio sustained the head injuries when he accidentally hit the hollow block that was used as an improvised stove, after falling from the opposite end of the bench. Petitioner insists that Lucrecio died due to a fatal heart attack.

In fine, petitioner contends that the appellate court, in affirming the judgment of the trial court, overlooked material and relevant factual matters which, if considered, would change the outcome of the case.

We are not persuaded.

It is on record that Lucrecio suffered two external injuries and one internal injury in his head. The autopsy report showed that Lucrecio died of internal hemorrhage caused by injuries located at the upper right portion of the head, left side of the center of his head, and a "fracture, linear, right middle *fossa*, hemorrhage, subdural, right and left cerebral hemisphere."

We find no reason to doubt the findings of the trial court, as affirmed by the appellate court, that petitioner punched Lucrecio twice causing him to fall to the ground. Melchor categorically testified that petitioner punched Lucrecio twice and as a result, Lucrecio fell to the ground and lost consciousness. Melchor would not have testified falsely against petitioner, who was his nephew. He even hesitated to testify as shown by his execution of a sworn statement just after the autopsy of Lucrecio which revealed that the cause of death was traumatic head injury attributed to petitioner.

Melchor's eyewitness account of the fist blows delivered by petitioner to Lucrecio and the manner by which the latter fell from the bench and hit his head on the improvised stove is consistent with the autopsy findings prepared and testified to by Dr. Vertido. Thus:

x x x  
x

Court:

Q: What is the right parietal area?

A: This is the right parietal area, sir.  
(Witness pointing to the upper right portion of the head).

: And then the left occipital area, this is left occipital area with a hematoma again measuring 5.0 x 4.0 centimeters, sir.

(Witness pointing to the back left part, middle back

portion)<sup>[12]</sup>

x x x  
x

Fiscal Feril:

Q: What about this which reads "Fracture, linear, right middle fossa", where is this injury located?

x x x  
x

Court:

Q: Will you point that from your head?

A: x x x [A]t the base of the brain of the skull, sir.

If you look at the head at the cut portion, the fracture is located on the base of the brain, particularly on the right mid-cranial fossa, sir.<sup>[13]</sup>

x x x  
x

Fiscal Feril:

Q: Could it be possible that the victim suffered the injuries specifically the fracture while he was falling to the ground, hitting solid objects in the process?

A: Well, with regard to the hematomas there is a possibility [that it could be caused by] falling from a height x x x although it produces hematoma, sir.

Court:

Q: Falling from a height?

A: Yes, sir.

Fiscal Feril:

Q: If an external force is administered to such victim, such as x x x fist blow[s] would it accelerate this force and cause these injuries?

A: Definitely it could accelerate, sir.<sup>[14]</sup>

We find no merit in petitioner's argument that he could not be held liable for the head fracture suffered by Lucrecio. The height from which he stood to deliver the fist blows to Lucrecio's head is sufficient to cause the fracture.

The testimony of Dr. Vertido also ruled out petitioner's contention that Lucrecio died of a heart attack. The fact that Lucrecio's cause of death is internal hemorrhage resulting from the head injuries suffered during his encounter with the petitioner