



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **07 October 2020** which reads as follows:*

“G.R. No. 253005 – (Felix Torres, Michael Torres, Rufino Torres aka “Pinong” and Eugenio Torres v. People of the Philippines) – This Petition for Review on *Certiorari* (Petition) assails the Decision¹ dated January 10, 2020 and the Resolution² dated July 15, 2020 of the Court of Appeals (CA) in CA-G.R. CR No. 42573, which affirmed the Decision³ dated November 9, 2017 of the Regional Trial Court (RTC), Branch 22 of Cabagan, Isabela, in Criminal Case No. 22-1518 finding petitioners Felix Torres, Michael Torres, Rufino Torres aka “Pinong” and Eugenio Torres (petitioners) guilty beyond reasonable doubt of the crime of Homicide under Article 249 of the Revised Penal Code (RPC).

After a judicious review of the records, the Court resolves to **DENY** the Petition for failure to duly show that the CA committed reversible error in affirming the findings of the RTC so as to warrant the exercise of our appellate jurisdiction. We stress that the findings and conclusions by the trial court, especially when affirmed by the appellate court, are entitled to great respect. It shall not be disturbed on appeal except if there is a serious misappreciation of facts that could materially affect the outcome of the case.⁴

Further, the arguments proffered by petitioners in their Petition are factual in nature as the Court will be required to re-evaluate the evidence presented by both parties only to determine if their guilt has been duly proven beyond reasonable doubt. This is clearly beyond the purview of a petition for review on certiorari under Rule 45 of the Rules of Court wherein only questions of law can be raised to warrant the exercise of the Court’s discretionary jurisdiction.⁵

¹ *Rollo*, pp. 35-51; Penned by Acting Presiding Justice Remedios A. Salazar-Fernando, and concurred in by Associate Justices Danton Q. Bueser and Ronaldo Roberto B. Martin.

² *Id.* at 52-53.

³ *Id.* at 69-92.

⁴ *People v. Aguirre*, 845 Phil. 227, 238 (2017).

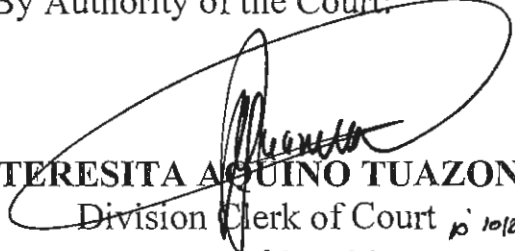
⁵ *Pascual v. Burgos*, 776 Phil. 167, 182 (2016).

Nonetheless, the Court deems it proper to modify the award of temperate damages in accordance with *People v. Jugueta*⁶ wherein the Court ruled that the amount of ₱50,000.00 as temperate damages in Homicide or Murder cases is proper when no evidence of burial and funeral expenses is presented in the trial court.⁷ Thus, the award of temperate damages in this case should be increased to ₱50,000.00. In addition, the Court likewise imposes an interest of six percent (6%) interest per *annum* on all damages awarded from the time of finality of this Resolution until fully paid, as well as the payment of costs.⁸

WHEREFORE, the Petition for Review on *Certiorari* is **DENIED**. The January 10, 2020 Decision and July 15, 2020 Resolution of the Court of Appeals in CA-G.R. CR No. 42573 are **AFFIRMED WITH MODIFICATION** in that the award of temperate damages is increased to ₱50,000.00 and interest at the rate of six percent (6%) per *annum* is imposed on all monetary awards from the time of finality of this Resolution until fully paid.

SO ORDERED." (Baltazar-Padilla, *J.*, on leave)

By Authority of the Court:


TERESITA AGUIÑO TUAZON
Division Clerk of Court *jo 10/28*
29 OCT 2020

JUDGMENT DIVISION (x)
Supreme Court, Manila

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Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CR No. 42573

*with copies of CA Decision dated 10 January 2020
& Resolution dated 15 July 2020.
Please notify the Court of any change in your address.
GR253005. 10/07/2020(4)URES

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 22
Cabagan, Isabela
(Crim. Case No. 22-1518)

⁶ 783 Phil. 806 (2016).

⁷ *Id.* at 853. See also *Padua v. People*, G.R. No. 241998, April 1, 2019.

⁸ *People v. Racal*, 817 Phil. 665, 686 (2017).