



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 9, 2020** which reads as follows:*

“G.R. No. 249513 – Lorenzo Bonalan, et al. v. People of the Philippines

Before the Court is a Petition for Review on *Certiorari*¹ seeking to annul and set aside the Decision² dated August 30, 2019 of the Court of Appeals-Cagayan De Oro City (CA-MIN) in CA-G.R. CR No. 01693-MIN which affirmed with modifications the Decision³ dated December 21, 2017, of the Regional Trial Court (RTC), Branch 6, Dipolog City in Criminal Cases Nos. 13654 and 13655.

For Criminal Case No. 13654, petitioners Lorenzo Bonalan (Lorenzo) and Elmer Bonalan (Elmer) were charged with Homicide for the death of Bobby T. Metello (Bobby) in an Information dated October 19, 2005, thus:

That in the evening on or about the 13th day of August 2005, in the Municipality of Sergio Osmeña, Zamboanga del Norte, within the jurisdiction of this Honorable Court, the above-named accused, armed with a knife, conspiring, confederating and mutually helping one another with intent to kill and without justifiable cause or sufficient provocation, did then and there wilfully, unlawfully and feloniously attack, assault, and stab one **BOBBY T. METELLO**,⁴ thereby inflicting upon him several stab wounds on the different vital parts of his body, which caused his death shortly thereafter; that as a result of the commission of the said crime the heirs of the herein victim suffered the following damages, *viz*:

- over – ten (10) pages ...

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¹ *Rollo*, pp. 13-46.

² Penned by Associate Justice Loida S. Posadas-Kahulugan, with Associate Justice Edgardo T. Lloren and Associate Justice Angelene Mary W. Quimpo-Sale, concurring; *id.* at 97-122.

³ Penned by Presiding Judge Jose Rene G. Dondoyano; *id.* at 69-75.

⁴ Also spelled as “Metillo” in other parts of the records; *id.* at 100.

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- a) Indemnity of victim's death -[P] 50,000.00
- b) Loss of earning capacity --- 20,000.00
[P] 70,000.00

CONTRARY TO LAW[.]⁵

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For Criminal Case No. 13655, on the other hand, petitioners Lorenzo, Elmer and Victor Bonalan (Victor) were charged with Frustrated Homicide, for the injuries sustained by Jaime D. Metello (Jaime) in an Information of the same date, particularly described as follows:

That in the evening on or about the 13th day of August 2005, in the Municipality of Sergio Osmeña, Zamboanga del Norte, within the jurisdiction of this Honorable Court, the above-named accused, armed with a stone and knife, conspiring, confederating and mutually helping one another with intent to kill and without justifiable cause or sufficient provocation, did then and there wilfully, unlawfully and feloniously attack, assault, stab and stone one **JAIME D. METELLO**, thereby inflicting upon him several stab wounds which injuries would ordinarily cause his death, thus performing all the acts of execution which would produce the crime of **HOMICIDE**, as a consequence but which nevertheless did not produce it for reason of causes independent of the will of the herein accused, that is, the timely and able medical attendance rendered to the said victim, which prevented his death, that as a result of the commission of the said crime the herein victim suffered the following damages, viz.”

- a) Hospitalization ----- P10,000.00
- b) Loss of earning capacity----- P10,000.00
P20,000.00

CONTRARY TO LAW[.]⁶

All petitioners, who are siblings, are the brothers-in-law of the victim Bobby, who in turn is the son of Jaime.⁷

According to the prosecution: on August 13, 2005, Jaime went to the house of his son, Bobby, where he saw Bobby, Elmer and his wife, Rossana on the road, having an argument about the complaint of Bobby's wife to his siblings that Bobby would hit her whenever they fight. Jaime advised his son to come up to their house to which Bobby followed. Once inside, they noticed that someone was throwing stones at their house. Then they heard Elmer say, “Dong

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⁵ Id. at 99.

⁶ Id. at 99-100.

⁷ Id. at 70.

kanaug, gahi man diay ka" (Hey boy, come down here if you are so tough). Jaime tried to stop his son from going down, but was overpowered by the latter.⁸

Bobby was telling Elmer to stop throwing stones at their house, when Lorenzo came from behind a coconut tree and stabbed Bobby. Jaime, who was five meters away saw that Elmer helped Lorenzo in stabbing Bobby with a hunting knife. Jaime tried to help Bobby, but Elmer and Lorenzo also stabbed him with a knife, while Victor was throwing stones at him. Jaime sustained 5 wounds causing his intestines to come out and another stab wound on his back from Victor.⁹

For his defense, Lorenzo testified that he was on his way to his house, when he met Bobby who stabbed him at the back, causing him to stumble. He was hit by Jaime with a stone as big as his fist, which caused him to lose consciousness. When he woke up, he was already in the hospital.¹⁰

Elmer, meanwhile, testified that at around 7:00 p.m., he was having dinner when he heard a commotion in the yard and saw Lorenzo got stabbed and hit with a stone by Bobby and Jaime. Lorenzo was already lying unconscious on the ground. He tried to approach Lorenzo but was also hit with stones on the chest and near his right eye. He said that he was just trying to defend Lorenzo, who was already defenseless at the time and was being attacked by Bobby and Jaime.¹¹

On December 21, 2017, the RTC rendered its Decision, thus:

WHEREFORE, judgement (sic) is rendered as follows:

1.) Declaring accused **LORENZO BONALAN** and **ELMER BONALAN** guilty beyond reasonable [doubt] for the crime of **HOMICIDE** in Criminal Case No. 13654. They are hereby meted the Indeterminate Sentence of **TEN (10) years of prision mayor as minimum to FOURTEEN (14) years, EIGHT (8) months and ONE (1) day of Reclusion temporal as maximum** with all its accessory penalties. Each of the two (2) accused is ordered to pay the heirs of Bobby Metillo, the sum of [P]50,000.00 as civil indemnity, [P]50,000.00 as moral damages as well as the costs of the suit.

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⁸ Id. at 101.

⁹ Id.

¹⁰ Id. at 105.

¹¹ Id. at 106.

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2.) Declaring accused **LORENZO BONALAN, ELMER BONALAN** and **VICTOR BONALAN** guilty beyond reasonable doubt of [xxx] **FRUSTRATED HOMICIDE** in Criminal Case No. 13655. They are hereby meted the Indeterminate Sentence of **FOUR (4) years, TWO (2) months and ONE (1) day of prision correctional (sic) as minimum to TEN (10) years of prision mayor, as maximum** with all its accessory penalties. Each of the three (3) accused is ordered to pay Jaime Metillo, the sum of [P]30,000.00 as civil indemnity, [P]30,000.00 as moral damages as well as the costs of the suit and reimbursement of expenses in the total amount of [P]20,240.00.

SO ORDERED.¹²

The RTC found petitioners Lorenzo and Elmer guilty beyond reasonable doubt of homicide for the killing of Bobby and frustrated homicide for the stabbing of Jaime. The trial court ruled that petitioners' defense of alibi and denial to be lacking compared to the positive identification and categorical statements made by the prosecution witnesses. Furthermore, the RTC held that the injuries sustained by Bobby were not consistent with the claim of Elmer of self-defense.¹³

The RTC held that the Death Certificate of Bobby as well as the explanation of the doctor showed that the cause of his death was a penetrating stab wound to the chest. The pictures of the dead body also showed the extent and seriousness of the injuries which negated petitioners' claim of self-defense.¹⁴

Lorenzo, Elmer and Victor appealed the decision to the CA which affirmed the RTC ruling with modifications, as follows:

WHEREFORE, premises considered, the instant appeal is **DENIED**. The Decision dated 21 December 2017 of the Regional Trial Court (RTC), Branch 6, 9th Judicial Region, Dipolog City, finding Lorenzo Bonalan, and Elmer Bonalan guilty beyond reasonable doubt for the crime of Homicide in Criminal Case No. 13654 and Lorenzo Bonalan, Elmer Bonalan and Victor Bonalan of Frustrated Homicide in Criminal Case No. 13655 is hereby **AFFIRMED**, with the **MODIFICATIONS**:

1. In Criminal Case No. 13654, the accused are ordered to pay the heirs of Bobby Metillo Seventy Five Thousand Pesos ([PhP] 75,000.00) as civil indemnity and Seventy Five Thousand Pesos ([PhP] 75,000.00) as moral damages.

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¹² Id. at 75.

¹³ Id. at 73-74.

¹⁴ Id. at 74.

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2. In Criminal Case No. 13655, the accused are ordered to pay Jaime Metillo Thirty Thousand Pesos ([PhP] 30,000.00) as civil indemnity, Thirty Thousand Pesos ([PhP] 30,000.00) as moral damages and Twenty Thousand Two Hundred Forty Pesos ([PhP] 20,240.00) as reimbursement of the expenses.
3. All monetary awards shall earn interest at the legal rate of six percent (6%) per annum from the date of finality of this Decision until fully paid.

SO ORDERED.¹⁵

The CA echoed the findings of the trial court and ruled that the positive identification made by Jaime and the prosecution witnesses prevail over the alibi and mere general denial made by herein petitioners. The CA also noted that there was no showing of unlawful aggression from Bobby since he was drunk at that time and it was petitioners who initiated the challenge to the fight. It held that the fact that Bobby and Jaime sustained several stab wounds, belied petitioners' claim that they acted in self-defense.¹⁶

The CA also found that the penalties imposed by the RTC to be correct. However, the CA modified the award of damages for Homicide and fixed the civil indemnity and moral damages at ₱5,000.00 each. The monetary award for frustrated homicide imposed by the RTC for civil indemnity and moral damages was considered proper by the CA at ₱30,000.00 each.

Lorenzo, Elmer and Victor are now before the Court *via* a Petition for Review on *Certiorari* praying for their acquittal. They raise as grounds the following:

1. THE COURT ERRED IN NOT CONSIDERING THE JUSTIFYING CIRCUMSTANCE OF SELF-DEFENSE AND/OR DEFENSE OF RELATIVE, ESPECIALLY SINCE ALL THE ELEMENTS ARE PRESENT IN THIS CASE;
2. IN THE ALTERNATIVE, THE COURT A QUO FAILED TO APPRECIATE SPECIAL PRIVILEGED MITIGATING CIRCUMSTANCE OF INCOMPLETE SELF-DEFENSE, ARTICLE 69, REVISED PENAL CODE WHICH LOWERS THE PENALTY OF TWO DEGREES;

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¹⁵ Id. at 121-122.

¹⁶ Id. at 112-116.

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3. THE COURT FAILED TO APPRECIATE THE MITIGATING CIRCUMSTANCE OF SUFFICIENT PROVOCATION OR THREAT ON THE PART OF THE OFFENDED PARTY IMMEDIATELY PRECEDED THE ACT;
4. THE PROSECUTION WAS NOT ABLE TO PROVE THE IDENTITY OF THE ACCUSED AS THE PERPETRATOR, AS THERE WAS NO SUFFICIENT LIGHTING AT THE CRIME SCENE;
5. ELMER BONALAN IS NOT LIABLE, BECAUSE HE WAS MERELY DEFENDING HIS BROTHER LORENZO;
6. VICTOR BONALAN IS NOT LIABLE, BECAUSE HIS PARTICIPATION WAS NOT PROVEN BEYOND REASONABLE DOUBT;
7. FRANCISCA METILLO IS LIKEWISE AN UNRELIABLE WITNESS;
8. THE FRUSTRATED HOMICIDE CHARGE AGAINST THE PETITIONERS WAS WITHOUT ANY VALID LEGAL BASIS; [AND]
9. THE IN-COURT IDENTIFICATION OF THE PETITIONERS WAS FATALLY DEFECTIVE.¹⁷

The Court resolves to **DENY** the petition.

This Court subscribes to the findings of the RTC and the CA that compared to the positive identification and categorical statements made by the prosecution's witnesses, the defense of alibi and denial made by the petitioners pale in comparison. In the assessment of the credibility of witnesses and their testimonies, the findings of the trial courts deserve utmost respect, as they are in the best position to observe the demeanor of the witnesses as they are being examined in court. The trial courts' rulings are given more weight if affirmed by the CA, absent any showing that the trial court misconstrued facts which, if properly appreciated, could alter the outcome of the case.¹⁸

Here, we find no cogent reason to overturn the findings of the RTC, as affirmed by the CA, as it was not shown that the lower courts overlooked, misunderstood or misappreciated facts or circumstances of weight that could have altered the result of the case.¹⁹

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¹⁷ Id. at 21.

¹⁸ *People v. Bacyaan*, G.R. No. 238457, September 18, 2019; *Luzano y Ortilla v. People*, G.R. No. 228988 (Notice), June 3, 2019.

¹⁹ Id.

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The prosecution was able to establish the elements of homicide and frustrated homicide.

For Bobby: (a) he was killed; (b) the appellants killed him without any justifying circumstance; (c) the appellants had the intention to kill, which is presumed; and (d) the killing was not attended by any of the qualifying circumstance of Murder or by that of Parricide or Infanticide.²⁰

For Jaime: (1) the accused intended to kill him; (2) he sustained a fatal or mortal wound but did not die because of timely medical assistance; and (3) there was no qualifying circumstance for murder under Art. 248 of the Revised Penal Code, as amended, was present.²¹

Jaime had a first-hand experience of the events that transpired that night. The injuries he and his son sustained were consistent with the testimony he gave. He also personally knows Elmer, Lorenzo and Victor, hence was able to identify them and indicate the extent of their respective participation.

Aside from Jaime, Bobby's mother Francisca Metillo also testified that she saw Lorenzo and Elmer stab Bobby, moments after there were stones being thrown at them. She also saw her husband, Jaime, getting stabbed after he approached their son.²²

As noted by the RTC, the Death Certificate and the doctor's explanation showed that the cause of Bobby's death was "penetrating stab wounds to [the] chest."²³ The CA, further noted that the evidence of the prosecution established that the cause of Bobby's death was "penetrating stab wounds resulting to *pneumohemothorax*." Thus, he died shortly after the incident because the stab wounds hit his vital organs, causing his lungs to collapse.²⁴

We also agree with the RTC and the CA that Elmer failed to present sufficient evidence to support his claim of defense of a relative. A scrutiny of Elmer's own testimony shows that it was not established that there was unlawful aggression on the part of the victim. As noted by the CA, none of the testimonies of the petitioners showed a specific act of Bobby that placed their lives and personal

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²⁰ See *Baylen v. People*, G.R. No. 230150 (Notice), [July 19, 2017]).

²¹ See *Arienza y Ferrer v. People*, G.R. No. 243448 (Notice), March 27, 2019.

²² See *rollo*, p. 103.

²³ *Supra* note 15.

²⁴ *Id.* at 114.

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safety in actual peril. Records show that it was Bobby who was actually challenged to go down his house.²⁵

The fact also that Bobby and Jaime sustained several stab wounds belies Elmer's claim that he acted in self-defense or in defense of Lorenzo. Lorenzo's medical certificate shows that he only suffered physical injuries secondary to assault and cerebral concussion, and there was no finding of any stab wound manifesting the unreasonable necessity of the means employed to repel the alleged attack. Elmer's medical certificate stated the same findings.

In contrast, Bobby and Jaime sustained several stab wounds that were serious and fatal.²⁶

While there was allegation that Lorenzo came from behind a coconut tree when he stabbed Bobby, the absence of any statement in the Information regarding the qualifying circumstance of treachery bars the conviction of petitioners for murder.

It is basic that an essential component of the right to due process in criminal proceedings is the right of the accused to be sufficiently informed in writing of the cause of the accusation against him. Every element of which the offense is composed must be alleged in the Information.²⁷ Since treachery was not alleged in the Information, the [petitioners] cannot be found guilty of murder, but only of homicide.²⁸

While we find the penalty imposed by the RTC and the CA on petitioners to be proper, we find, however, the award of damages to the victim's family for the death of Bobby to be incorrect. In *People v. Jugueta*,²⁹ the Court held that in case where the crime results in the death of the victim and the penalty consists of divisible penalties, *i.e.*, Homicide, and the crime was consummated, the civil indemnity shall be set at ₱50,000.00 and the moral damages shall be at ₱50,000.00.

The Court also finds that the award of temperate damages for the death of Bobby and the near fatal injury caused to Jaime to be proper in this case. The settled rule is that when actual damages proven by receipts during the trial amount to less than the sum allowed by the Court as temperate damages, the award of temperate damage is justified in lieu of actual damages, which is of a lesser amount.

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²⁵ Id. at 116.

²⁶ *Rollo*, pp. 116-117.

²⁷ *People v. Solar y Dumbrique*, GR No. 225595, August 6, 2019.

²⁸ *People v. Agunias*, 344 Phil. 467-485 (1997).

²⁹ 783 Phil. 852 (2016).

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Conversely, if the amount of actual damages proven exceeds, then temperate damages may no longer be awarded; actual damages based on the receipts presented during trial should instead, be granted. The rationale for this rule is that it would be anomalous and unfair for the victim's heirs, who tried and succeeded in presenting receipts and other evidence to prove actual damages, to receive an amount which is less than that given as temperate damages to those who are not able to present any evidence at all.³⁰

Thus, the award of temperate damages in the amount of Fifty Thousand Pesos (₱50,000.00) is granted to the heirs of Bobby. Likewise, the award of temperate damages in the amount of Fifty Thousand Pesos (₱50,000.00) is granted to Jaime, in lieu of the actual damages proven in court, for the injuries he sustained during the attack of herein petitioners against his person. In addition, the civil indemnity, moral damages, and temperate damages payable by petitioners are subject to interest at the rate of 6% per annum from the finality of this resolution until fully paid.³¹

WHEREFORE, the petition is **DENIED**. The Decision dated August 30, 2019, of the Court of Appeals in CA-G.R. CR No. 01693-MIN is hereby **AFFIRMED** with **MODIFICATION** as follows:

1. Declaring petitioners LORENZO BONALAN and ELMER BONALAN guilty beyond reasonable doubt for the crime of HOMICIDE in Criminal Case No. 13654. They are hereby meted the Indeterminate Sentence of ten (10) years of *prision mayor* as minimum to fourteen (14) years, eight (8) months and one (1) day of *reclusion temporal* as maximum, with all its accessory penalties. Each of the two (2) petitioners is ordered to pay the heirs of Bobby T. Metillo, the sum of Fifty Thousand Pesos (₱50,000.00) as civil indemnity; Fifty Thousand Pesos (₱50,000.00) as moral damages, Fifty Thousand Pesos (₱50,000.00) as temperate damages, and; the costs of the suit.
2. Declaring petitioners LORENZO BONALAN, ELMER BONALAN and VICTOR BONALAN guilty beyond reasonable doubt for the crime of FRUSTRATED HOMICIDE in Criminal Case No. 13655. They are

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³⁰ *People v. Racal*, 817 Phil. 665, 685-686 (2017).

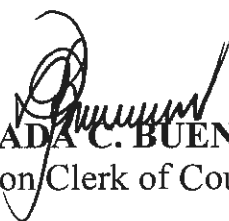
³¹ *Nacar v. Gallery Frames*, 716 Phil. 267-283 (2013).

hereby meted the Indeterminate Sentence of four (4) years, two (2) months and one (1) day of *prision correccional* as minimum to ten (10) years of *prision mayor* as maximum, with all its accessory penalties. Each of the three (3) petitioners is ordered to pay Jaime D. Metillo, the sum of Thirty Thousand Pesos (₱30,000.00) as civil indemnity; Thirty Thousand Pesos (₱30,000.00) as moral damages, Fifty Thousand Pesos (₱50,000.00) as temperate damages, and; the costs of the suit.

3. Petitioners LORENZO BONALAN, ELMER BONALAN and VICTOR BONALAN are also **ORDERED** to **PAY** interest at the rate of 6% per annum from the time of the finality of this decision until fully paid, to be imposed on the civil indemnity, moral damages, and temperate damages.

SO ORDERED.”

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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