

SECOND DIVISION

[G.R. No. 205745, March 08, 2017]

CAPISTRANO DAAYATA, DEXTER SALISI, AND BREGIDO MALACAT, JR., PETITIONERS, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

DECISION

LEONEN, J.:

Pride, when unchecked, can waste our youth and cause the forfeiture of all meaning in life, even in the most inconsequential things: in this case, a basketball game.

Proof beyond reasonable doubt charges the prosecution with the immense responsibility of establishing moral certainty. The prosecution's case must rise on its own merits, not merely on relative strength as against that of the defense. Should the prosecution fail to discharge its burden, acquittal must follow as a matter of course.

This resolves a Petition for Review on Certiorari^[1] under Rule 45,^[2] praying that the assailed May 31, 2012 Decision^[3] and January 14, 2013 Resolution^[4] of the Court of Appeals in CA-G.R. CR. No. 27951 be reversed and set aside, and that petitioners be acquitted of the offense of which they are charged.

The Court of Appeals' assailed Decision affirmed the April 24, 2003 Decision^[5] of the Regional Trial Court of Cagayan de Oro City, Branch 37, which found petitioners guilty beyond reasonable doubt of frustrated murder. The Court of Appeals' assailed January 14, 2013 Resolution denied petitioners' motion for reconsideration.

In an Information, petitioners Capistrano Daayata (Daayata), Dexter Salisi (Salisi), and Bregido Malacat, Jr. (Malacat) were charged with frustrated murder, as follows:

That on December 17, 1995, at about 6:00 [o]'clock in the morning at Zone 3, San Simon, Cagayan de Oro City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with evident premeditation and taking advantage of their superior strength, conspiring, confederating together and mutually helping one another, did then and there willfully, unlawfully and feloniously and with intent to kill, attack, assault[,], box and struck one Rolando O. Bahian with a stone and hitting the latter's head and several parts of his body, thereby inflicting injuries[,], to wit: "Depressed Fracture, Open frontal bone, left, and advised for surgery,["] thus performing all the acts of execution which would produce the crime of Murder, but nevertheless did not produce it by reason of some cause independent of the will of the accused, that is, by the timely and able medical attendance rendered to the said offended party which prevented his death."^[6]

Upon arraignment, all three accused, now petitioners, pleaded not guilty.^[7] Trial then ensued.^[8]

Five (5) witnesses testified for the prosecution: the offended party, Rolando Bahian (Bahian); Kagawad Leonardo Abalde (Kagawad Abalde) of Barangay San Simon, Cagayan de Oro City; Barangay Captain Reynaldo Yañez (Barangay Captain Yañez); Dr. Percy H. Arreza (Dr. Arreza) of the Cagayan de Oro City Hospital; and Dr. John Mata (Dr. Mata), the surgeon who tended to Bahian.^[9]

According to the prosecution, on December 16, 1995, at about 6:00 p.m., Bahian went to the house of Kagawad Abalde.^[10] Bahian recounted to Kagawad Abalde a violent altercation between him and the petitioners in the course of a basketball game earlier that afternoon.^[11] Bahian claimed that Salisi had committed a foul against him, making him fall to the ground.^[12] He complained to the referee and this infuriated Salisi. In response, he threatened Salisi, telling him that "he would just get even with him."^[13] Malacat heard his threat and positioned himself to punch Bahian. Bahian, however, dodged the blow.^[14] Daayata then came, pointing a gun at Bahian.^[15] Bahian then backed off and pleaded that they should not fight as they were friends.^[16]

Kagawad Abalde advised Bahian to bring the matter to the attention of Barangay Captain Yañez.^[17]

Accordingly, the following morning, Bahian and Kagawad Abalde made their way to Barangay Captain Yañez' house.^[18] While on their way, they were blocked by petitioners.^[19] Daayata hit Bahian on the left part of his chest.^[20] Bahian staggered and fell onto a parked jeep.^[21] Salisi then hit Bahian with a stone on the left side of his forehead, causing Bahian to fall to the ground.^[22] While Bahian was lying prostrate on the ground, petitioners boxed and kicked Bahian.^[23] Kagawad Abalde tried his best to get Bahian away but to no avail.^[24] All he could do was to shout for help.^[25] Daayata then poked a gun at Bahian, Malacat unsheathed a bolo, and Salisi wielded an iron bar.^[26]

Barangay Captain Yañez rushed to the scene.^[27] There, Bahian lay on the ground as Kagawad Abalde tried to ward off his attackers.^[28] Barangay Captain Yañez shouted to petitioners to stop.^[29] Shortly after, they retreated.^[30] Barangay Captain Yañez and Kagawad Abalde then brought Bahian to Barangay Captain Yañez' house, and later to Cagayan de Oro City Hospital.^[31]

Upon examination, Dr. Arreza made the following findings on Bahian: "depressed fracture, open frontal bone, left."^[32]

Bahian was noted to have possibly died, if not for the timely medical intervention.^[33] Dr. Mata subsequently performed surgery on Bahian.^[34]

The defense offered a different version of events. Apart from the three petitioners, it offered the testimonies of Delfin Yañez (Delfin),^[35] Rodolfo Yañez (Rodolfo), Danzon

Daayata (Danzon) and Rosemarie Daayata (Rosemarie).^[36]

Petitioners Salisi and Malacat claimed that they were having coffee at the house of Vicente Daayata (Vicente), brother of petitioner Daayata, in the morning of December 17, 1995.^[37] Bahian arrived, together with Kagawad Abalde, and called for Salisi to come out.^[38] When Salisi acceded, Bahian challenged him to a fight and threw the first punch that started a scuffle.^[39] In the course of the melee, Bahian took a swing for Salisi, who ducked, causing Bahian to lose his balance. Bahian then fell on the pavement and hit his head.^[40] Kagawad Abalde then drew a gun, poked it at Salisi, and threatened to kill him.^[41]

For his part, petitioner Daayata claimed that he was in his house, some 50 meters away from Vicente's house when the incident recalled by petitioners Salisi and Malacat transpired.^[42] He rushed to Vicente's house upon hearing a commotion.^[43] There, he saw Bahian and Kagawad Abalde, who was pointing a gun at Malacat.^[44]

All three (3) petitioners claimed that it was not until an hour after the incident that Barangay Captain Yañez arrived.^[45] They also acknowledged that an altercation did take place during a basketball game the day before, or on December 16, 1995.^[46] They added however, that in the evening of December 16, while they were on their way home, Bahian waited for them to pass by his house, where he challenged them to a fight.^[47] Defense witness Rodolfo allegedly pacified Bahian.^[48]

In its Decision^[49] dated April 24, 2003, the Regional Trial Court, Branch 37, Cagayan de Oro City found petitioners guilty beyond reasonable doubt of frustrated murder. The dispositive portion of its Decision read:

WHEREFORE, premises considered, this Court finds accused Capistrano Daayata, Dexter Salisi, and Br[e]gido Malacat, Jr., guilty beyond reasonable doubt of the crime of frustrated murder committed against Rolando Bahian, and they conspired in committing the crime, and, accordingly, each of the said accused is sentenced to suffer the penalty of imprisonment of nine (9) years of prision mayor medium as the minimum term to sixteen (16) years of reclusion temporal medium as the maximum term.

Moreover, all the three accused are sentenced and ordered (1) to pay Rolando Bahian jointly and severally the sum of Fifty Seven Thousand Pesos (P57,000.00) by way of reimbursement for the expenses he incurred for medicines; (2) to pay Rolando Bahian jointly and severally the sum of Eighty Thousand Pesos (P80,000.00) for the income that Rolando Bahian could have earned for two (2) years as a farmer; (3) to pay Rolando Bahian jointly and severally the sum of Thirty Thousand Pesos (P30,000.00) by way of moral damages; and (4) to pay the costs of suit.

SO ORDERED.^[50]

On appeal, the Court of Appeals sustained the Regional Trial Court's conclusions. It affirmed the penalty imposed by the Regional Trial Court, but replaced the award of

actual damages to temperate damages amounting to P25,000. The Court of Appeals also deleted the award for loss of earning capacity, there being no proof in support of it. It also awarded P20,000 as civil indemnity. The dispositive portion of its assailed May 31, 2012 Decision^[51] read:

WHEREFORE, premises considered, the appealed Decision dated April 24, 2003 of the Regional Trial Court, Branch 37 of Cagayan de Oro City in Criminal Case No. 96-266 is hereby **AFFIRMED** as to the penalty imposed **with MODIFICATION** as to the award of damages.

All three (3) accused-appellants, CAPISTRANO DAAYATA, DEXTER SALIS[I] and BREGIDO MALACAT, JR., are ordered to pay jointly and severally Rolando Bahian the following amounts:

1. Php20,000.00 as civil indemnity;
2. Php30,000.00 as moral damages; and
3. Php25,000.00 as temperate damages.

SO ORDERED.^[52] (Emphasis in the original)

Following the denial of their Motion for Reconsideration, petitioners filed the present Petition,^[53] where they insist on their version of events. They emphasize several factual details and maintain that they did not initiate an assault on Bahian. They assert that Bahian sustained the injury on his forehead through his own fault; thus, they could not be held liable for acting with intent to kill Bahian.

On July 24, 2013, respondent People of the Philippines, through the Office of the Solicitor General, filed its Comment.^[54] It insisted that it was supposedly improper for this Court to re-evaluate the factual findings of the Regional Trial Court and the Court of Appeals in the context of the present Rule 45 Petition.^[55] Apart from pleading the nature of a Rule 45 Petition, the five (5)-page Comment devoted a singular paragraph to arguing that the positive identification of the petitioners as Bahian's supposed attackers must prevail.^[56]

On May 12, 2014, petitioners filed their Reply,^[57] noting that respondent failed to directly confront the factual issues they had raised.

For resolution is the sole issue of whether petitioners are guilty beyond reasonable doubt of frustrated murder.

I

Petitioners seek relief from this Court through a Petition for Review on Certiorari under Rule 45 of the Rules of Court. It is basic that Rule 45 petitions may only raise pure questions of law,^[58] and that the factual findings of lower courts are generally binding and conclusive on this Court. Still, there are recognized exceptions permitting this Court to overturn the factual findings with which it is confronted. These exceptions are:

- (1) When the conclusion is a finding grounded entirely on speculation, surmises and conjectures;
- (2) When the inference made is manifestly mistaken, absurd or impossible;
- (3) Where there is a grave abuse of discretion;
- (4) When the judgment is based on a misapprehension of facts;
- (5) When the findings of fact are conflicting;
- (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee;
- (7) When the findings are contrary to those of the trial court;
- (8) When the findings of fact are conclusions without citation of specific evidence on which they are based;
- (9) When the facts set forth in the petition as well as in the petitioners' main and reply briefs are not disputed by the respondents; and
- (10) When the findings of fact of the Court of Appeals are premised on the supposed absence of evidence and contradicted by the evidence on record.^[59]

Specifically concerning criminal cases, this Court has stated that "in exceptional circumstances, such as when the trial court overlooked material and relevant matters . . . this Court will re-calibrate and evaluate the factual findings of the [lower courts]."^[60]

A careful review of this case and of the body of evidence that was available for the Regional Trial Court's perusal reveals that there has been a gross misapprehension of facts on the part of the Regional Trial Court and the Court of Appeals. Thus, we reverse and acquit petitioners Capistrano Daayata, Dexter Salisi, and Bregido Malacat, Jr.

II

The defense points out several facts, which lend greater plausibility to its claim that the possibly fatal injury sustained by Bahian on his forehead was not inflicted by any of the petitioners, and that petitioners did not initiate an assault against Bahian. Negating the fact of the alleged perpetrators' assault and infliction of a potentially fatal injury negates the *corpus delicti* of the offense charged.

First, it appears that the location where the altercation occurred between Bahian and Kagawad Abalde, on the one hand, and petitioners, on the other, is not as plain and austere as the prosecution made it seem. The prosecution merely claimed that Bahian and Kagawad Abalde were on their way to Barangay Captain Yañez's house