

Title: Rogelio Roque vs. People of the Philippines

Facts:

The case at hand involves petitioner Rogelio Roque who was charged with frustrated homicide for an incident on November 22, 2001, in Pandi, Bulacan. The petitioner allegedly attacked Reynaldo Marquez with intent to kill, inflicting gunshot wounds that required medical intervention, which ultimately prevented Marquez's death. The trial revealed conflicting versions of the event, with Marquez and witnesses attesting to an unprovoked attack, while Roque claimed self-defense.

Following the arraignment where Roque pleaded not guilty, a pre-trial conference acknowledged Roque's identity, position as a barangay official, and the timing of the incident. The prosecution presented evidence of the petitioner's unprovoked attack, while the defense posited that Roque acted in self-defense after being threatened by the seemingly intoxicated Marquez brothers.

The case moved from the Regional Trial Court (RTC) to the Court of Appeals (CA). On March 12, 2007, the RTC found Roque guilty of frustrated homicide, sentencing him to 6 to 10 years in prison. Roque's motion for reconsideration was denied on August 16, 2007. Upon appeal, the CA affirmed the RTC's decision on February 27, 2009. A subsequent motion for reconsideration was denied by the CA on July 30, 2010, leading Roque to file a Petition for Review on Certiorari under Rule 45 of the Rules of Court to the Supreme Court (SC).

Issues:

1. Whether there was an error in the factual findings with regards to the absence of unlawful aggression prompting self-defense.
2. Whether the CA erred in ruling that second firing was unjustified even if there were unlawful aggression.
3. Whether the findings of intent to kill by the suspect were erroneously appreciated by the CA.

Court's Decision:

The SC denied Roque's petition, reiterating that questions of facts are not reviewable in petitions for review on certiorari which only entertain questions of law. Furthermore, the factual findings by the RTC that were affirmed by the CA were held as conclusive. The SC agreed with the CA's conclusion that Roque intended to kill Marquez by shooting him in the head with a firearm, thereby committing the crime of frustrated homicide. However, the SC

modified the CA's decision to include moral and temperate damages awards in favor of Marquez.

**Doctrine:**

The SC confirmed the principle that the judicial determination of facts by trial courts holds significant weight when affirmed by the appellate court, especially regarding witness credibility. Thus, in the absence of evident error, the findings are upheld. The unanimous decision also emphasized that the intent to kill can be inferred from the use of a deadly weapon aimed at vital parts of the body. The nature of the injuries inflicted is not solely determinative of the offense; what is crucial is the offender's intent.

**Class Notes:**

- In a case of frustrated homicide, the offender must be proven to have an intent to kill.
- A petition for review on certiorari under Rule 45 is restricted to questions of law, and will not disturb the factual findings of lower courts unless there is substantial error.
- In determining the intent to kill, courts consider factors such as the weapon used and the targeted body parts.
- Moral damages and temperate damages can be awarded in the absence of definitive proof of pecuniary loss.

**Historical Background:**

This case reflects the Philippine judiciary's procedural approach in handling criminal cases, where factual inconsistencies between the defense and the prosecution must be resolved primarily by the trial courts, and where the appellate courts, including the SC typically defer to the trial courts' assessment unless patently erroneous. This approach underlines respect for the trial courts' ability to assess witness credibility and factual details firsthand, ensuring the stability of judicial decisions and preventing the SC from being overburdened with re-evaluating evidence.