

Title: *Fantastico and Villanueva vs. Malicse and People of the Philippines*

Facts:

On June 27, 1993, Elpidio Malicse Sr. encountered a familial altercation in Pandacan, Manila involving his sister, Isabelita Iguiron, and subsequently her children and son-in-law, including petitioners Gary Fantastico and Rolando Villanueva. The confrontation escalated when Elpidio, previously intoxicated, sought reconciliation but was met with aggression, leading to physical violence where he was attacked with various weapons by the petitioners and others. This resulted in significant injuries for which Elpidio was hospitalized. Charges of attempted murder were filed against Gary Fantastico, Rolando Villanueva, and others. Throughout the trial process, from the Regional Trial Court (RTC) of Manila to the Court of Appeals (CA), the charge of attempted murder was maintained against Fantastico and Villanueva, leading them to seek redress from the Supreme Court (SC).

Procedural Posture:

The case began in the RTC, which found Fantastico and Villanueva guilty of attempted murder, a verdict upheld by the CA upon appeal. The petitioners then escalated the matter to the SC on January 20, 2010, arguing chiefly on factual mistakes and the unsustainability of their convictions under the charged offense.

Issues:

1. Whether the Information filed accurately charged the petitioners with attempted murder.
2. If the charge of attempted murder was supported by the evidence, particularly regarding intent to kill and the application of treachery or abuse of superior strength.
3. The propriety of the penalties imposed in light of the findings.

Court's Decision:

The SC denied the petition, affirming the CA's decision but modified the penalty due to a misapplication of the Indeterminate Sentence Law. The Court clarified that all elements of attempted murder were present and correctly identified in the Information. It found the evidence sufficient to prove intent to kill, absence of treachery, but the presence of abuse of superior strength, reflecting a lopsided attack on an inebriated victim who was unable to defend himself.

Doctrine:

- The distinction between questions of law and questions of fact and their appropriateness in a petition for review under Rule 45.

- Elucidation of attempted felony elements and when an overt act can be considered as directly connected to the intended crime.
- Reiteration that the sufficiency of an Information cannot be challenged for the first time on appeal if not previously contested via a motion to quash.
- Clarification on abuse of superior strength as an aggravating circumstance, emphasizing the deliberate use of excessive force against a defenseless victim.

Class Notes:

- **Attempted Murder**: Requires (1) overt acts directly connected to the intended crime, (2) non-completion of all acts of execution by cause or accident other than the perpetrator's desistance, and (3) absence of the perpetrator's spontaneous desistance.
- **Treachery**: Involves an attack that gives no opportunity for the victim to defend or retaliate, consisting of (1) employment of means of execution that ensures execution without risk to the offender, and (2) deliberate adoption of such means.
- **Abuse of Superior Strength**: Noted when there's a significant imbalance in physical strength, arms, or numbers between the attacker(s) and victim, used deliberately to overpower the victim.

Historical Background:

This case underscores the jurisprudential thresholds for the determination of attempted murder within the Philippine legal context, especially concerning the elements of intent, overt acts, and the circumstances under which such acts are evaluated. It provides a crucial reference point for understanding how superior strength is appraised as an aggravating factor in offenses involving physical violence.