

Title: Jerwin Dorado vs. People of the Philippines

Facts:

This case arose from an incident on March 15, 2004, in the Municipality of Taguig, Metro Manila, where Jerwin Dorado, along with co-accused Julius Ramos, Jeffrey Confessor, Jayson Cabiaso, and two unidentified individuals, were charged with frustrated murder against Ronald Bonion and a violation of Section 10(a) of RA 7610 against Raniel Parino in Criminal Case Nos. 127784-85. Dorado and co-accused pled not guilty, leading to trial.

Procedural Posture:

1. **Trial Court Proceeding:** Following the not-guilty pleas, the trial proceeded, with the prosecution and defense presenting their evidence. The RTC, on July 5, 2010, found Dorado guilty of frustrated murder but acquitted him and the co-accused on the charges related to RA 7610. Notably, the RTC considered Dorado's minority as a privileged mitigating circumstance but still imposed penal sanction given he was over 21 at the time of sentencing.
2. **Appeal to the Court of Appeals (CA):** Dorado appealed the RTC's decision. The CA, in August 2014, affirmed the RTC's ruling, emphasizing the intent to kill as evidenced by Dorado's actions. Dorado's motion for reconsideration was denied in January 2015.
3. **Petition for Review to the Supreme Court:** Dorado then elevated his case to the Supreme Court, which agreed to review the decisions of the lower courts.

Issues:

1. Whether the Court of Appeals erred in affirming Dorado's conviction for the crime of frustrated murder.
2. Whether Dorado, a minor at the time of the crime's commission, acted with discernment, impacting his criminal liability under R.A. No. 9344 (Juvenile Justice and Welfare Act of 2006).
3. Whether the prosecution was able to establish the qualifying circumstance of evident premeditation to qualify the crime to frustrated murder.

Court's Decision:

The Supreme Court found merit in Dorado's petition, reversing the CA and RTC's decisions based on the following analyses:

- **Minority and Criminal Responsibility:** The Court highlighted that Dorado was a minor at the time of the offense and should benefit from R.A. No. 9344's provisions. The law was

applied retroactively in favor of Dorado, emphasizing the need for discernment proof, which was not adequately provided by the prosecution. As discernment was not established, Dorado is exempt from criminal but not civil liability.

- **Nature of the Crime:** The Court agreed with the lower courts that the crime was in its frustrated stage but disagreed on the qualifying circumstance of evident premeditation, thus reclassifying the crime to only frustrated homicide.

- **Civil Liabilities:** Dorado was ordered to pay civil indemnity and moral damages to Ronald Bonion, with the amounts accruing legal interest.

Doctrine:

This case reiterates the principle of *favorabilia sunt amplianda adiosa restringenda*, ensuring penal laws favorable to the accused, especially minors, are given retroactive effect. It also underscores the prosecution's burden to prove discernment for minors committing crimes to be criminally liable under R.A. No. 9344.

Class Notes:

- **Frustrated Homicide:** For a crime to be considered frustrated, the offender must have performed all acts of execution which would have produced the felony as a consequence but did not, due to reasons independent of the offender's will.

- **Minor's Criminal Liability under R.A. No. 9344:** Minors above 15 but below 18 may only be held criminally liable if proven they acted with discernment at the time of committing the offense.

- **Evident Premeditation:** Requires (1) the time the accused decided to commit the crime, (2) an act manifestly indicating the cling to that decision, and (3) a sufficient lapse of time to reflect upon the ramifications of the act.

Historical Background:

This decision marks a significant application of the Juvenile Justice and Welfare Act of 2006 (R.A. No. 9344), especially in the context of minors in conflict with law, aiming to rehabilitate rather than penalize. The ruling reflects the judiciary's broader approach to juvenile justice, focusing on reintegration and rectification over punishment.