

### Title: Arnel Colinares v. People of the Philippines

#### Facts:

Arnel Colinares was charged with frustrated homicide for assaulting Rufino P. Buena with a large stone, resulting in serious injuries. Colinares appealed the Regional Trial Court's (RTC) decision, which found him guilty, to the Court of Appeals (CA), which affirmed the RTC's decision. Colinares then appealed to the Supreme Court, arguing self-defense and seeking a conviction for the lesser offense of attempted homicide, aiming for a reduced penalty that could allow for probation.

During the incident on June 25, 2000, according to the prosecution, Colinares attacked Buena unprovoked. Buena suffered serious head injuries but did not die. The defense claimed that Colinares acted in self-defense after being accosted by Buena and two others. The trial court found Colinares guilty of frustrated homicide, assigning a non-probationable penalty. Colinares appealed this decision, seeking a reduction to attempted homicide, which carries a probationable penalty. The Supreme Court also explored whether Colinares could apply for probation upon the case's remand to the trial court, assuming the penalty was reduced to within the probationable range.

#### Issues:

1. Did Arnel Colinares act in self-defense when he struck Rufino Buena on the head with a stone?
2. Whether Colinares is guilty of frustrated homicide or if his actions constitute attempted homicide instead.
3. Assuming the Court finds Colinares guilty of a lesser offense that warrants a reduced, probationable penalty, can he still apply for probation upon the case's remand to the RTC?

#### Court's Decision:

1. The Court found that Colinares failed to prove the element of unlawful aggression, necessary for a valid self-defense claim. No evidence corroborated Colinares's claim that he was first attacked by Buena and others.
2. The Court held that Colinares was guilty of attempted homicide, not frustrated homicide. The prosecution did not definitively prove that Buena's injuries would have been fatal without timely medical intervention.
3. The Court ruled that Colinares should be allowed to apply for probation upon the remand of the case to the RTC, given the new penalty imposed by the Supreme Court was probationable.

#### Doctrine:

- The Supreme Court clarified the distinctions between frustrated and attempted homicide, focusing on the nature and severity of the victim's injuries and the accused's intent.
- It held that an accused could apply for probation upon remand of the case to the trial court if the appellate court's decision results in a probationable penalty, effectively making an exception to the general rule under the Probation Law that precludes those who appeal from applying for probation.

#### Class Notes:

- Self-defense requires proof of unlawful aggression, reasonable means to prevent or repel it, and lack of sufficient provocation from the person defending himself.
- The distinction between frustrated and attempted homicide hinges on whether the injuries inflicted would have been fatal without medical intervention.
- Probation can be considered even after an appeal if the appeal leads to a conviction with a probationable penalty.

#### Historical Background:

The case illuminates the Philippine judicial system's approach to self-defense claims, the delineation between different levels of criminal attempt, and the application of the probation law, especially concerning appeals. It underscores the court's discretion in interpreting and applying the law, focusing on the principles of fairness and rehabilitation over rigid procedural technicalities.