

**\*\*Title:\*\*** People of the Philippines v. Rolando Gemenez y Parame

**\*\*Facts:\*\*** This case involves Rolando Gemenez y Parame (petitioner) who was convicted of Frustrated Homicide for shooting Jerry Bechachino y Reyes. Bechachino testified that while walking home early on December 29, 2011, in San Pedro, Laguna, Gemenez, and a companion blocked their path and Gemenez shot him twice, resulting in severe injuries. The defense highlighted Gemenez's alibi that he was on duty as a barangay tanod and later at home sleeping during the incident. They questioned Bechachino's identification of Gemenez as the assailant and presented alternative theories and witness accounts to challenge the prosecution's case. However, Gemenez's efforts to establish an alibi and discredit prosecution witnesses were unsuccessful in both the Regional Trial Court (RTC) and the Court of Appeals (CA), leading to his conviction. On appeal, the Supreme Court modified the conviction from Frustrated Homicide to Attempted Homicide, disputing the determination of the gravity of Bechachino's injuries and questioning the validity of the prosecution's assertion that the injuries would have been fatal without timely medical intervention.

**\*\*Issues:\*\***

1. The credibility of the prosecution witnesses versus the defense witnesses.
2. The validity of relying on speculative conclusions by the lower courts.
3. Whether the prosecution proved the elements of frustrated homicide beyond reasonable doubt.

**\*\*Court's Decision:\*\*** The Supreme Court found partial merit in Gemenez's appeal, specifically challenging the CA's affirmation of the RTC's findings that relied heavily on Bechachino's testimonies and other evidences deemed speculative. The Court agreed with the CA on the credibility of the prosecution's witnesses but disputed the nature of the crime convicted. It re-evaluated the extent of Bechachino's injuries and concluded the prosecution did not demonstrate these injuries would indeed result in death without timely medical intervention. Consequently, the Court modified Gemenez's conviction from Frustrated Homicide to Attempted Homicide, adjusting the penalties accordingly.

**\*\*Doctrine:\*\*** The SC set a precedent on assessing the stage of execution for crimes involving bodily harm, emphasizing the necessity for concrete evidences demonstrating the severity and potential fatality of injuries to justify convictions of frustrated crimes. It decreed that not all injuries presumed fatal would meet the threshold of frustration without concrete and substantial evidence.

**\*\*Class Notes:\*\***

- **\*Intent to Kill:\*** Identified through the means used, nature and number of wounds, conduct of the attacker, and the circumstances of the attack.
- **\*Credibility of Witnesses:\*** Affirmed based on their ability to provide a consistent and personal account of the event, with more weight given to the victim's testimony absent any motive to fabricate the story.
- **\*Alibi and Denial:\*** Weak defenses against positive identification and concrete evidence.
- **\*Modified Conviction and Penalties:\*** Highlighting the importance of distinguishing between attempted and frustrated stages of crimes based on the extent to which the act was carried out and the resulting injuries.
- **\*Legal Provisions:\*** Referencing Articles 249 and 51 of the Revised Penal Code and applying the Indeterminate Sentence Law for determining penalties.

**\*\*Historical Background:\*\*** This case illustrates the Philippine judiciary's criteria in evaluating evidences and witness testimonies, especially when determining the liability and penalty for crimes involving violence. It demonstrates the Court's rigor in differentiating between frustrated and attempted stages of crime, subsequently impacting the jurisprudence regarding the assessment of bodily injury crimes.