

Title: Etino v. People, 826 Phil. 32

Facts:

On November 5, 2001, around 4:30 PM, while Jessierel Leyble was walking home to Barangay Pispis, Maasin, Iloilo with his companions, he was shot with a 12-gauge shotgun by Eden Etino. Leyble sustained gunshot wounds on his right shoulder and other parts of his body. Leyble and his companions pursued Etino, but he managed to flee. Leyble was immediately brought to Don Benito Lopez Memorial Hospital (now West Visayas State University Medical Center) where he received medical treatment and was confined for more than 30 days.

Etino was charged with frustrated homicide. During the trial, Leyble testified about the incident and positively identified Etino as the assailant. Isidro Maldecir, a companion of Leyble, corroborated his account, and Nida Villarete Sonza presented Leyble's medical records. In defense, Etino provided an alibi, claiming he was with several witnesses at a different location at the time of the shooting. He also suggested Leyble had filed the complaint in retaliation for Etino's testimony in a separate Comelec gun-ban case against Leyble.

Procedural History:

The Regional Trial Court (RTC) of Iloilo City, Branch 29, convicted Etino of frustrated homicide and sentenced him to imprisonment. The Court of Appeals affirmed the conviction but modified the decision to include moral and temperate damages. Etino's motions for reconsideration were denied, leading to the present Petition for Review on Certiorari before the Supreme Court.

Issues:

1. Whether Etino's guilt for the crime of frustrated homicide was established beyond reasonable doubt, despite the absence of the testifying physician who treated the victim.
2. Whether the CA erred in finding the testimonies of Etino and his witnesses incredible.
3. Whether the CA erred in disregarding Etino's defenses, considering the delay in filing the complaint, the identification issues, and the alleged motive of Leyble.

Court's Decision:

1. **\*\*Nature and Extent of Injuries:\*\*** The Supreme Court held that the medical certificate alone, without the testimony of the treating physician, was insufficient to prove that the injuries sustained by Leyble would have been fatal if not for timely medical intervention.

Therefore, the prosecution failed to establish that the injuries were life-threatening.

2. **Intent to Kill:** The Court found that while Etino fired a shotgun, there was no clear evidence proving animus interficendi or intent to kill. Etino's single shot did not hit vital parts, and he fled immediately after the incident, which indicated a lack of intent to kill.

3. **Identification and Defense:** The Court upheld Leyble's positive identification of Etino as the assailant and found the testimonies of the prosecution's witnesses credible. Leyble's delay in filing the complaint was satisfactorily explained by his fear of reprisal, and the Court did not find sufficient evidence to support allegations of ill motives against Leyble.

The Supreme Court modified the conviction from frustrated homicide to serious physical injuries, imposing an indeterminate penalty of four months of arresto mayor as minimum, to one year and eight months of prision correccional as maximum. Moral and temperate damages awarded by the CA were affirmed.

Doctrine:

**Intent to Kill:** Intent to kill must be proven with the same degree of certainty as other crime elements. It can be demonstrated through direct or circumstantial evidence like the means used, nature and number of wounds, conduct of the perpetrator, and circumstances of the crime.

**Character of Injuries:** The nature and extent of the injury must be proven, especially if the claim is that it could have been fatal without medical intervention. In the absence of such proof, doubt should be resolved in favor of the accused.

**Positive Identification vs. Alibi:** Positive identification by credible witnesses outweighs alibi and denial, which are inherently weak defenses.

Class Notes:

- **Estate of Felony (Art. 6, Revised Penal Code):** Distinguishes consummated, frustrated, and attempted felonies. Frustrated felonies involve performing all acts of execution without resulting in the felony due to independent causes.
- **Evidence Requirements:** Medical certificates and expert testimonies are crucial for proving the nature and extent of injuries.
- **Animus Interficendi (Intent to Kill):** Must be concretely shown, often inferred from the attack method, injury severity, and post-crime behavior of the accused.
- **Witness Credibility:** Fear of reprisal can justify delayed complaints without

undermining witness credibility.

- **Civil Liabilities (Art. 2219, Civil Code):** Moral damages may be awarded in cases of criminal acts resulting in physical injuries.

**Historical Background:**

The case highlights the significance of precise and adequate evidence in criminal prosecutions, particularly the need for expert testimony to establish the gravity of injuries. It underscores the role of intent in distinguishing among various levels of criminal liability and illustrates the judiciary's careful handling of positive identification versus alibi defenses. This case reflects the continuous evolution of Philippine judicial standards in interpreting intent and evaluating evidence within the criminal justice system.