

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. VICTOR F. VIOLON, ACCUSED-APPELLANT.

Ponente: INGLES, G. T., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/d4575443b680/>

INGLES, G. T., J.:

This is an appeal from the Judgment[1] dated September 10, 2012 of the Regional Trial Court of Cebu City, Branch 12 in Criminal Case No. CBU-84105 convicting the accused-appellant of the crime of Homicide, the dispositive portion of which, states:

“WHEREFORE, the court finds accused VICTOR F. VIOLON guilty beyond reasonable doubt of the offense of Homicide, defined and penalized under Art. 249 of the Revised Penal Code, as charged in the Information and hereby sentences him to serve an indeterminate prison term from two (2) years and four (4) months of prision correccional, as minimum, to six (6) years and one (1) day of prision mayor, as maximum.

He is further ordered to indemnify the heirs of the deceased Renato Sabaneco, Jr. alias “Pehing” the sum of P50,000.00 as civil indemnity for his death, P50,000.00 as moral damages for the pain and anguish suffered by the heirs as a result of his death and P80,124.00 representing expenses for the wake and burial of the said deceased, all indemnifications are without subsidiary imprisonment in case of insolvency.

No pronouncements as to costs.

SO ORDERED.”

Factual and Procedural Antecedents

Accused-appellant was charged with the crime of Homicide punished under Article 249 of the Revised Penal Code in an Information[2], the accusatory portion of which, states:

“That on the 5[th] day of April 2008, at around 11:45 o'clock in the evening, more or less, at Barangay Calajo-an, Municipality of Minglanilla, Province of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there, willfully, unlawfully and feloniously boxed, Renato Sabaneco Jr. alias “Pehing”, hitting the latter on his face thereby causing him to fall on his back, hitting his head in the cemented floor which was the immediate cause of the fatal head injuries suffered by the latter and caused his death shortly thereafter.

CONTRARY TO LAW. ”

The accused-appellant, when arraigned, duly assisted by counsel and with the allegations in the Information read to him in “Cebuano”, a dialect known and fully understood by accused, pleaded not guilty to the crime as charged[3]. The trial court conducted pre-trial conference[4] on December 2, 2008. Thereafter, trial on the merits ensued.

Version of the Accused-Appellant

On April 5, 2008 at around 7:00 in the evening, accused-appellant and his friends were having a drinking spree at

Rockwell's Resto Bar in Calajo-an, Minglanilla, Cebu, to celebrate a friend's win in cock fighting. One of the friends who was celebrating with the appellant was Renato Sabaneco alias "Pehing".

Later in the evening, the appellant and his friends decided to go to another cockfight in Talisay City, Cebu. Accused-appellant was tasked to look for a vehicle that would take the group to Talisay City.

Thus, accused-appellant went home to change his clothes and to ask his brother's permission to use the latter's multi cab to ferry the appellant and his friends to Talisay City. Appellant then returned to Rockwell's Resto Bar and told his friends that the multi cab was ready to take them to Talisay, but appellant's friends, Nelson and Carlito, told the appellant that they couldn't go just yet because the bill had yet to be fully paid.

Appellant's friends, Nelson and Carlito, went to the counter to settle the bill, while appellant went outside the resto bar and brought him some left over pancit and offered the same to his brother.

When accused-appellant went back inside the resto bar, he saw Pehing sitting in one of the tables massaging what appears to be an aching jaw. Thereafter, Pehing stood up and walked over to the appellant, but slipped and hit his head on the cement floor.

The accused-appellant, together with his friends tried to bring Pehing to the hospital but was prevented by one Richie Tenebro who asked the group to settle their bill first. Pehing was eventually brought to the hospital, but died the next day.

Version of the Prosecution

On April 5, 2008, at around 7:00 in the evening, appellant Victor Violon and his friends were having a drinking spree at Rockwell's Refreshment Parlor Bar located near the seashore of Brgy. Calajo-an, Minglanilla, Cebu. They celebrated their victory in the cock fighting derby. Among the friends whom appellant was having a drinking spree with were Carlito Reyes, Nelson Geonzon, and Renato Sabaneco, a.k.a. "Pehing", the latter being the victim in this case.[5]

While enjoying their drinking spree, appellant and his friends decided to go to another cock fight in Talisay City, Cebu. Appellant was the one instructed to look for a vehicle to ferry them to Talisay City.

Appellant went home to change his clothes and asked his brother to use the latter's multi-cab to ferry them to Talisay City. Upon his return to Rockwell's Refreshment Parlor Bar, appellant informed his friends that the multi cab was ready and waiting for them outside. However, Carling and Nelson informed appellant that they cannot yet leave Rockwell's since the bill was not yet fully paid. Carling and Nelson told appellant it was Pehing who took unpaid orders in the amount of P350.00.[6]

In Visayan dialect, appellant told his friends, "Ipaklaro nang Pehing ha, ipaklaro na niyang bayranan diha kaw tan-awa na ron inig balik nako, ako na siyang sumbagon." [7] Appellant then went outside bringing with him a Tupperware containing pancit. Upon his return to Rockwell's, appellant approached Pehing pointing his finger against the latter's face, yelling: "Buanga nimo Pehing uy, imo man ming gipaka-ulawan Hing". Pehing replied, "Wala Bay' uy", after which, appellant punched Pehing in the face hitting the latter's jaw.[8] Pehing then fell on the floor with his back flat on the ground and became unconscious with blood oozing from his head.[9]

Appellant, together with his brother, brought Pehing to the Emergency Department of Minglanilla District Hospital.[10] However, Pehing died the day after he was admitted.[11] The Death Certificate of Pehing revealed the following injuries being the cause of his death: "Acute Subdural Hematoma R Cerebral Convexity Diffuse Axona Injury". These injuries were confirmed by Radiologist, Philip Larrazabal, M.D., FPCR, in his interpretation of the results of the CT scan conducted on the victim.[12] The death of Pehing was blamed on the

appellant who was later charged for Homicide.[13]

Findings of the Regional Trial Court

On September 10, 2012, the trial court rendered its Judgment finding accused-appellant guilty of Homicide and ordered the accused-appellant liable to pay the heirs of the deceased civil indemnity and damages in the total amount of One Hundred Eighty Thousand One Hundred Twenty-Four Pesos (P180,124.00).

The trial court found the eyewitness testimony of prosecution witness, Richie Tenebro, who saw accused-appellant punch the victim which caused the latter to fall and hit his head on the floor, to be worthy of full faith and credence there being no evidence of ill motive on the part of witness Tenebro in testifying against the accused. The trial court ruled that the accused-appellant's testimony, that the deceased was not punched by him but merely slipped and fell on the floor, could not stand up to the direct and positive testimony of prosecution witness, Richie Tenebro, especially since the testimony of defense witness Nelson Geonzon, who was supposed to corroborate the appellant's denial, shows that Geonzon never witnessed the incident until he saw the deceased already lying down on the floor.

Thus, "in the light of the positive testimony and identification of accused by an eyewitness as the perpetrator of the crime, his defense of denial could not prosper", the trial court ruled.[14]

The trial court further ruled that accused was committing a felony when he punched the victim and hit him in his face causing him to fall and hit his head on the cemented floor. In this jurisdiction, a person committing a felony is responsible for all the natural and logical consequences resulting from it although the unlawful act performed is different from the one he intended, ruled the trial court.[15]

However, the trial court found two mitigating circumstances in favor of the accused-appellant, namely: 1) the physical injuries that accused-appellant inflicted on the victim could not have resulted naturally and logically in the actual death of the victim if the latter did not fall to the cemented floor and hit his head; and, 2) voluntary surrender¹⁶. Thus, after having taken into account said mitigating circumstances, the trial court sentenced the accused-appellant to serve an indeterminate prison term of two (2) years and four (4) months of prison correccional, as minimum, to six (6) years and one (1) day of prison mayor, as maximum.

The Appeal

The trial court's Judgment dated September 10, 2012 was promulgated on September 27, 2012¹⁷. The trial court ordered the accused-appellant to put up additional bail bond in the amount of One Hundred Sixty Thousand Pesos (P160,000.00) in order to continue enjoying provisional liberty after conviction^[18]. The accused-appellant put up the additional bail bond required by the trial court^[19].

On October 8, 2012, accused-appellant filed a Notice of Appeal^[20], which was given due course per Order of the trial court dated December 21, 2012^[21].

This Court received the records of this case on January 30, 2013^[22]. On April 5, 2013, a Notice to File Brief^[23] was issued. Accused-appellant filed his brief on May 24, 2013^[24], while the Office of the Solicitor General filed the appellee's brief on October 22, 2013^[25].

This case was declared submitted for decision on February 3, 2014^[26].

Appellant's Arguments

Appellant now interposes this appeal and makes this lone assignment of error:

"The trial court committed an error when it rendered its decision finding the accused guilty since the evidence

of the prosecution failed to establish the guilt of the accused beyond reasonable doubt.”[27]

The appellant puts into question the credibility of the prosecution's principal witness, Richie Tenebro. Appellant points out, if Richie Tenebro indeed witnessed the accused punch the deceased Renato Sabaneco alias Pehing, causing the latter to fall to the ground and hit his head against the cement floor, why did Tenebro not relate the same to the police during the course of the investigation?[28] Appellant also points out that while the witness, Tenebro, testified that he was an employee of Rockwell's Resto Bar, he did not know the name of its owner. This, appellant argues, is an indicator of Tenebro's lack of credibility as a witness. The conviction of accused-appellant was primarily anchored on the testimony of witness Tenebro, even though he proved to be unreliable, appellant argues. Thus, appellant contends, this court must reverse the trial court's decision since the evidence of the prosecution, taken in its entirety, cannot sustain a judgment of conviction.[29]

Appellee's Arguments

For its part, the appellee submits that jurisprudence dictates that when conviction hinges on the credibility of witnesses, the assessment of the trial court is accorded with the highest degree of respect. In the instant case, the trial court adjudged Tenebro as a credible witness.

Citing *People vs. Barellano*[30], the appellee contends that the matter of assigning values to declaration on the witness stand is best and most competently performed by the trial judge who had the unmatched opportunity to observe the witnesses and to assess their credibility by various indicia available but not reflected on the record.[31]

The appellee argues that the trial court correctly rejected the appellant's sole defense of denial. Positive identification and without any showing of ill-motive on the part of the eyewitness testifying on the matter prevails over a denial which is negative and self serving evidence.[32]

Ruling of this Court

After a careful and independent review of the records of this case, We are convinced that the accused-appellant is guilty beyond reasonable doubt of the crime of Homicide.

The accused-appellant anchors his appeal on the alleged lack of credibility of the prosecution's principal witness, Richie Tenebro. Appellant points to Tenebro's failure to report to the police the details of what he supposedly witnessed on the night of April 5, 2008 and witness Tenebro's inability to tell the trial court the name of the owner of Rockwell's Resto Bar as indicators of Tenebro's lack of reliability and credibility as a witness.

However, this Court finds the alleged holes in Tenebro's testimony pointed out by the appellant to be too inconsequential to merit a reversal of the trial court's findings. More importantly, none of these supposed holes pointed to by appellant pertain to witness Tenebro's positive and straightforward eyewitness account of what transpired inside Rockwell's Resto Bar on the night of April 5, 2008.

In scrutinizing the credibility of witnesses, case law has established the following doctrinal guidelines: first, the appellate tribunal will not disturb the findings of the lower court unless there is a showing that it had overlooked, misunderstood, or misapplied some fact or circumstance of weight and substance that would have affected the result of the case; second, the findings of the trial court pertaining to the credibility of witnesses are entitled to great respect and even finality since it had the opportunity to examine their demeanor as they testified on the witness stand; and third, a witness who testified in a categorical manner, straightforward, spontaneous and frank manner and remained consistent on cross-examination is a credible witness.[33]

In this case, the appellant merely denies his participation and/or authorship of the crime charged. Appellant denies

having punched the victim in the face. However, appellant failed to assail or belie the positive identification against him by the prosecution witness Richie Tenebro as the person who delivered the punch on the victim's face that caused the latter to fall to the ground and hit his head on the cement floor. No evidence was even presented by appellant to show that witness Tenebro was ill-motivated in implicating accused-appellant to a crime as serious as Homicide. Hence, the trial court was correct in ruling that the positive identification of appellant as the culprit in this case prevails over the appellant's denial and explanations concerning the commission of the crime.[34]

The appellant's denial is belied by the medical evidence presented during the course of trial. The eyewitness, Richie Tenebro testified that the appellant punched the victim with his right hand only once hitting the victim's left jaw[35] causing the latter to fall to the ground and hit his head on the cemented floor. Dr. Russel Sasing, the resident neuro surgeon at Vicente Sotto Memorial Medical Center who attended to the victim and signed the latter's death certificate[36], testified that the cause of death of the victim was "subdural hematoma and cerebral convexity diffuse axonal injury"[37]. Subdural hematoma means brain hemorrhage and diffuse axonal injury refers to a small hemorrhage on the structure of the brain.[38] It is located on the right cerebral convexity.[39] The possible impact or the trajectory is on the opposite side which is the left side. The injury was inflicted on the right part of the head. When the impact is on the left side of the brain, the brain will shift to the right side which caused the brain to be contused at the right side.[40]

Proximate cause is defined as that cause, which, in natural and continuous sequence, unbroken by any efficient intervening cause, produces the injury, and without which the result would not have occurred.[41]

In this case. The facts duly established by evidence shows that on the night of April 5, 2008, appellant punched the victim on the face, hitting the latter on his left jaw and that as a result thereof, the victim fell to the ground and hit his head on the cement floor.[42] The victim died the next day of brain hemorrhage.[43]

Other than being punched by the appellant, the records show that there was no other instance when the victim may have been hit in the head by a blunt instrument.[44] The only source of head trauma as shown by the evidence was that resulting from the punching incident on April 5, 2008. Thus, as ruled by the Supreme Court in *People v. Mananquil*,[45] one who inflicts an injury to another is guilty of homicide if the injury contributes to the death of the victim.

This Court is mindful of the true tragedy of this case. Accused-appellant, Victor Violon, and the deceased, Renato Sabaneco, Jr. were friends and drinking buddies. In fact, accused-appellant himself was one of those who rushed the victim to the hospital after appellant punched his friend in the face and the latter hit his head on the cement floor. The altercation that preceded the punching incident between these two friends was all because of a bill for food and drinks amounting to a measly P350.00. But the trial court's studied ruling in this case stands on solid ground – "in this jurisdiction, a person committing a felony is responsible for all the natural and logical consequences resulting from it although the unlawful act performed is different from the one he intended[46]".

However, this Court finds reason to modify the trial court's award of damages.

In the questioned Decision, the trial court awarded only Fifty Thousand Pesos (P50,000.00) as civil indemnity. When death occurs due to a crime, the following damages may be awarded: 1) civil indemnity ex delicto for the death of the victim; 2) actual or compensatory damages; 3) moral damages; 4) exemplary damages and 5) temperate damages[47].

In cases of murder and homicide, civil indemnity and moral damages are awarded automatically. Such awards are mandatory and without need of allegation and proof other than the death of the victim, owing to the fact of the commission of murder or homicide.[48] Thus, the civil indemnity awarded by the trial court should be increased

from Fifty Thousand Pesos (P50,000.00) to Seventy-Five Thousand Pesos (P75,000.00) while moral damages in the amount of Seventy-Five Thousand Pesos (P75,000.00) should be awarded to the heirs of Arturo, Sr. to conform with prevailing jurisprudence.[49] The award of actual damages in the amount of Eighty Thousand One Hundred Twenty Four Pesos (P80,124.00) was duly proved by receipts[50] presented in court.

Also, we impose on all the monetary awards for damages interest at the legal rate of six percent (6%) per annum from date of finality of the decision until fully paid.[51]

WHEREFORE, the Judgment dated September 10, 2012 of the Regional Trial Court of Cebu City, Branch 12 in Criminal Case No. CBU-84105 convicting the accused-appellant Victor F. Violon of the crime of Homicide is hereby AFFIRMED with MODIFICATION as to the trial court's award of damages. The accused-appellant is hereby directed to pay the heirs of the deceased Renato Sabaneco, Jr. alias "Pehing" the following:

- Seventy-Five Thousand (P75,000.00) as civil indemnity;
- Seventy-Five Thousand (P75,000.00) as moral damages;
- Eighty Thousand One Hundred Twenty Four Pesos (P80,124.00) in actual damages;
- All the foregoing monetary awards shall be imposed interest at the legal rate of six percent (6%) per annum from date of finality of the decision until fully paid.
- All indemnifications are without subsidiary imprisonment in case of insolvency.

The bail posted by accused-appellant Victor F. Violon is ordered CANCELLED. Let a warrant be ISSUED for his arrest.

SO ORDERED.

Maxino, P.A.A., and Francisco, R.C., JJ., concur.

[1] Original record, pp. 135-149.

[2] Original record, p. 1.

[3] Original record, Order dated October 21, 2008, p. 29.

[4] Original record, Pre-Trial Order dated December 2, 2008, pp. 34-36.

[5] TSN, August 24, 2010, pp. 3-4.

[6] TSN, February 17, 2009, pp. 8-9.

[7] TSN, April 21, 2009, p. 8.

[8] TSN, April 21, 2009, p. 8.

[9] TSN, February 17, 2009, p. 9.

[10] TSN, August 24, 2010, p. 7.

[11] TSN, February 17, 2009, p. 10.

[12] RTC Decision dated September 10, 2012. p. 11.

[13] Original record, p. 1.

[14] Original record, p. 146.

[15] Original record, p. 147.

[16] Original record, pp. 147-148.

[17] Original record, p. 150.

[18] Ibid.

[19] Original record, pp. 155-175.

[20] Original record, p. 176.

[21] Original record, p. 178.

[22] Rollo, p. 3.

[23] Rollo, p. 42.

[24] Rollo, pp. 43-57.

[25] Rollo, pp. 73-92.

[26] Rollo, p. 93.

[27] Rollo, p. 44.

[28] Rollo, p. 48.

[29] Rollo, p. 55.

[30] 319 SCRA 567.

[31] Rollo, p. 89.

[32] Rollo, p. 86.

[33] People of the Philippines vs. Jesus Tanail Borbe, G.R. No. 125279, January 28, 2000.

[34] People vs. Magdueno, 144 SCRA 210.

[35] TSN, April 21, 2009, pp. 15-16.

[36] Exhibit D, D-1, p. 10.

[37] Exhibit D-2, p. 10.

[38] TSN, February 16, 2010, p. 5.

[39] Ibid.

[40] TSN, February 16, 2010, p. 6.

[41] GSIS v. Pacific Airways Corp, G.R. No. 170414, 170418 and 170460, 25 August 2010 citing Ramos v. C.O.L. Realty Corporation, G.R. No. 184905, 28 August 2009.

[42] TSN, February 17, 2009, p. 9.

[43] Exhibit D, p. 10.

[44] See *Calimutan v. People*, G.R. No. 152133, 9 February 2006.

[45] 132 SCRA 198 (1984).

[46] *Quinto vs. Andres*, G.R. No. 155791, March 16, 2005.

[47] *People vs. Honorato Beltran*, G.R. No. 168051, September 27, 2006.

[48] *People vs. Mitsuel Elarcosa*, G.R. No. 186539, June 29, 2010.

[49] *People vs. Bayugan*, G.R. No. 187733, February 8, 2012.

[50] Exhibits F, G, H, I to I-7, pp. 70-74, original record.

[51] *Rodolfo Guevarra, et. al. vs. People*, G.R. No. 170462, February 5, 2014.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.