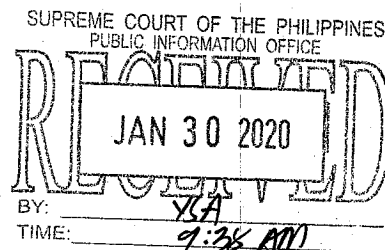




Republic of the Philippines  
Supreme Court  
Manila



FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **December 10, 2019** which reads as follows:*

**“G.R. No. 249622 — RAFAEL CAPUYAN y CARMELO, petitioner, versus PEOPLE OF THE PHILIPPINES, respondent.**

After reviewing the Petition and its annexes, inclusive of the Decision<sup>1</sup> dated May 30, 2019 and Resolution<sup>2</sup> dated September 16, 2019 of the Court of Appeals (CA) in CA-G.R. CR No. 37913, the Court resolves to **DENY** the petition and **AFFIRM** the Decision and Resolution of the CA since the petitioner failed to sufficiently show that the CA committed any reversible error so as to warrant the exercise of this Court’s discretionary appellate jurisdiction.

Reiterating his argument in his appeal with the CA, the petitioner again raises the arguments that the group of the complainants sought him, that he was unarmed during the incident, and that there was no conspiracy between him and the other accused, particularly Fernando Samarita, Jr.

The arguments do not cast reasonable doubt as to his culpability.

Whether the group of the complainants sought him is immaterial because, even if it is assumed to be true, the group of the complainants was not alleged to have attacked the petitioner or any of his companions. In fact, by the petitioner’s own admission,<sup>3</sup> the group

<sup>1</sup> *Rollo*, pp. 22-33. Penned by CA Presiding Justice Romeo F. Barza, with CA Associate Justices Jhosep Y. Lopez and Ronaldo Roberto B. Martin concurring.

<sup>2</sup> *Id.* at 35-36. Penned by CA Associate Justice Ronaldo Roberto B. Martin, with CA Associate Justices Samuel H. Gaerlan and Jhosep Y. Lopez concurring.

<sup>3</sup> *Id.* at 13.

of the complainants went to the place of the incident to make amends with the petitioner regarding an incident that took place a week prior between the petitioner and Eric Transporto. Thus, even if the Court were to believe the accused-appellant's argument that the group of the complainant sought him, it was for a purpose that did not in any way justify the attacks.

As regards the other arguments, the Court quotes with approval the following disquisition by the CA:

From the facts thus established, there is no denying that the above elements have been sufficiently proven in this case. The accused-appellant and his friends intended to kill Errol Transporto and Raymond Parado by beating them and attacking them with a jungle knife. As a result, Raymond Parado sustained stab wounds on his left arm and on the left side of his body while Errol Transporto suffered two stab wounds – one at the back and one at the left side of his body. Homicidal intent was further manifested with the use of a deadly weapon and the fact that the victims sustained mortal wounds but did not die because of timely medical assistance given to them.

The Court also finds that conspiracy attended the commission of the crimes.

Article 8 of the Revised Penal Code provides that conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it. To prove conspiracy, the prosecution must establish the following three requisites: (1) two or more persons came to an agreement, (2) the agreement concerned the commission of a crime, and (3) the execution of the felony was decided upon. Once conspiracy is established, the act of one becomes the act of all. Each of the offender is equally guilty of the criminal act.

In this case, the conspiracy was evidently manifested in the concerted efforts of the accused-appellant and his co-accused. Raymond Parado clearly testified how he was suddenly punched by Capuyan on the face and stabbed by Fernando Samarita, Jr. twice. Errol Transporto was also categorical in his statement that after being mauled by accused-appellant's other companions, Fernando Samarita, Jr. stabbed him twice while the accused-appellant restrained him by holding on to his clothing. There is no doubt that the acts of the accused-appellant, Fernando Samarita, Jr. and the other accused showed unity of criminal design.

As has been held, "The essence of conspiracy is the unity of action and purpose. Direct proof is not essential to prove conspiracy for it may be deduced from the acts of the accused

before, during and after the commission of the crime charged, from which it may be indicated that there is common purpose to commit the crime.”

Proof of the agreement does not need to rest on direct evidence, as the agreement may be inferred from the conduct of the parties indicating a common understanding among them with respect to the commission of the offense. Corollarily, it is not necessary to show that two or more persons met together and entered into an explicit agreement setting out the details of an unlawful scheme or the details by which an illegal objective is to be carried out.

To be a conspirator, one need not participate in every detail of the execution; he need not even take part in every act or need not even know the exact part to be performed by the other in the execution of the conspiracy. Each conspirator may be assigned separate and different tasks which may appear unrelated to one another but, in fact, constitute a whole collective effort to achieve their common criminal objective. Once conspiracy is shown, the act of one is the act of all the conspirators. The precise extent or mo[d]ality of participation of each of them becomes secondary, since all the conspirators are principals.

Accordingly, accused-appellant’s argument that he was not armed must perforce, fail.<sup>4</sup>

In view of the foregoing, the Petition is hereby denied.

The Court, however, modifies the amount of damages to be paid by the petitioner in line with *People v. Jugueta*.<sup>5</sup>

**WHEREFORE**, premises considered, the Court hereby **ADOPTS** the findings of fact and conclusions of law in the Decision dated May 30, 2019 and Resolution dated September 16, 2019 of the Court of Appeals in CA-G.R. CR No. 37913. The Decision finding petitioner Rafael Capuyan y Carmelo guilty beyond reasonable doubt for two (2) counts of Frustrated Homicide is **AFFIRMED** with **MODIFICATION**. He is ordered to pay each of the private complainants Raymond Eneldas Parado and Errol Caguioa Transporte the amounts of **THIRTY THOUSAND PESOS (P30,000.00)** as civil indemnity, **THIRTY THOUSAND PESOS (P30,000.00)** as moral damages, and **THIRTY THOUSAND PESOS (P30,000.00)** as exemplary damages. All monetary awards shall earn interest at the

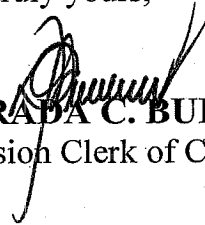
<sup>4</sup> Id. at 29-30.

<sup>5</sup> 783 Phil. 806 (2016).

legal rate of six percent (6%) *per annum* from the date of finality of this Resolution until fully paid.

**SO ORDERED.”**

Very truly yours,

  
**LIBRADA C. BUENA**  
Division Clerk of Court *per 1/2x*  
**15-A**

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Manila  
(CA-G.R. CR No. 37913)

The Solicitor General  
134 Amorsolo Street, Legaspi Village  
1229 Makati City

The Presiding Judge  
Regional Trial Court, Branch 195  
1700 Parañaque City  
(Crim. Case Nos. 05-1255 & 05-1256)



RIA