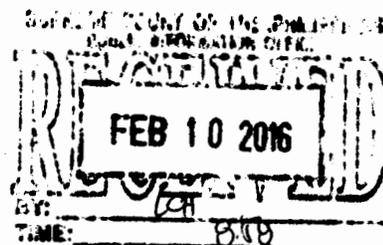




Republic of the Philippines
Supreme Court
 Manila



FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff-Appellee,

G.R. No. 211062

Present:

SERENO, C.J.,
Chairperson,
 LEONARDO-DE CASTRO,
 BERSAMIN,
 PEREZ, and
 PERLAS-BERNABE, JJ.

- versus -

MANUEL MACAL y BOLASCO,
 Accused-Appellant.

Promulgated:

JAN 13 2016

X ----- X

DECISION

PEREZ, J.:

Violence between husband and wife is nothing new. Marital violence that leads to spousal killing is parricide. Perceived as a horrific kind of killing, penal laws impose a harsher penalty on persons found guilty of parricide compared to those who commit the felony of homicide.

For review is the June 28, 2013 Decision¹ of the Court of Appeals (CA) in CA-G.R. CEB-CR H.C. No. 01209 which affirmed with modification the August 18, 2009 Decision² of the Regional Trial Court (RTC) of Tacloban City, Branch 6, convicting Manuel Macal y Bolasco (accused-appellant) of the crime of parricide and sentencing him to suffer the penalty of *reclusion perpetua*.

¹ Rollo, pp. 3-12; penned by CA Associate Justice Pamela Ann Abella Maxino and concurred in by Associate Justices Edgardo L. Delos Santos and Maria Elisa Sempio Diy.
² CA rollo, pp. 31-39; penned by Judge Alphinor C. Serrano.

The Facts

For allegedly killing his spouse, Auria Ytac Macal (Auria), the accused-appellant was charged with the crime of parricide in a February 13, 2003 Information³ that reads:

“That on or about the 12th day of February, 2003, in the City of Tacloban, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, MANUEL MACAL y BOLASO, did, then and there, wilfully, unlawfully and feloniously and with evident premeditation, that is, having conceived and deliberated to kill his wife, AURIA MACAL y YTAC, with whom he was united in lawful wedlock, armed with an improvised bladed weapon (belt buckle) and a kitchen knife, stab said Auria Macal on the front portion of her body inflicting a fatal wound which caused her death, which incident happened inside the bedroom of the house they are residing.

CONTRARY TO LAW.”

On July 7, 2003, upon arraignment, the accused-appellant, duly assisted by counsel, pleaded not guilty to the charge of parricide.⁴ During the pre-trial conference, the parties agreed to stipulate that Auria was the wife of the accused-appellant.⁵ Thereafter, trial on the merits ensued.

Version of the Prosecution

To prove the accusation, the prosecution presented Angeles Ytac (Angeles) and Erwin Silvano (Erwin) as witnesses.

Angeles, the mother of Auria, narrated that Auria and the accused-appellant got married in March 2000 and that out of their union, they begot two (2) children. Angeles claimed that, at the time of the incident, they were all living together in a house located in V & G Subdivision, Tacloban City. The said house was entrusted to Angeles by her brother, Quirino Ragub, who was then residing in Canada.

Angeles testified that at around 1:20 in the morning of February 12, 2003, she, her children Catherine, Jessica, Auria and Arvin were walking home after playing bingo at a local *peryahan*. Some friends tagged along with them so that they could all feast on the leftover food prepared for the fiesta that was celebrated the previous day. Along the way, Angeles and her group met Auria's husband, the accused appellant. The latter joined them in walking back to their house.

³ Records, p. 1.

⁴ Id. at 20.

⁵ Id. at 25.

When they arrived at the house, the group proceeded to the living room except for Auria and the accused-appellant who went straight to their bedroom, about four (4) meters away from the living room. Shortly thereafter, Angeles heard her daughter Auria shouting, "*mother help me I am going to be killed.*"⁶ Upon hearing Auria's plea for help, Angeles and the rest of her companions raced towards the bedroom but they found the door of the room locked. Arvin kicked open the door of the bedroom and there they all saw a bloodied Auria on one side of the room. Next to Auria was the accused-appellant who was then trying to stab himself with the use of an improvised bladed weapon (belt buckle). Auria was immediately taken to a hospital, on board a vehicle owned by a neighbor, but was pronounced dead on arrival. Angeles declared that the accused-appellant jumped over the fence and managed to escape before the policemen could reach the crime scene.

Erwin corroborated Angeles' testimony that Auria was killed by the accused-appellant. Erwin claimed that he was part of the group that went to Angeles' residence on that fateful morning. From where he was seated in the living room, Erwin recounted that he heard Auria's screaming for her mother's help. The cry for help prompted him to ran towards the bedroom. Once the door was forcibly opened, Erwin became aware that the accused-appellant stabbed Auria on the upper left portion of her chest with a stainless knife. Erwin testified that the accused-appellant stabbed himself on the chest with a knife-like belt buckle and that soon after, the accused-appellant hurriedly left the house.

The prosecution formally offered in evidence the Certificate of Death wherein it is indicated that Auria died of hemorrhagic shock secondary to stab wound.⁷

Version of the Defense

To substantiate its version of the fact, the defense called to the witness stand the accused-appellant, Benito Billota (Benito) and Nerissa Alcantara (Nerissa).

The accused-appellant did not refute the factual allegations of the prosecution that he stabbed his wife, resulting in the latter's death, but seeks exoneration from criminal liability by interposing the defense that the stabbing was accidental and not intentional.

⁶ TSN, November 17, 2003, p. 16.

⁷ Records, p. 8.



The accused-appellant admitted that he was married to Auria in March 2000 and the wedding was held in Manila. The couple had two children but one of them died. According to the accused-appellant, he was employed as a security guard by Fighter Wing Security Agency which was based in Manila. While the accused-appellant was working in Manila, his family lived with Angeles in Tacloban City. The accused-appellant came home only once a year to his family in Tacloban City.

On February 12, 2003, the accused-appellant arrived home in V & G Subdivision, Tacloban City from Manila. Before the accused-appellant could reach the bedroom, he was warned by Arvin, his brother-in-law, not to go inside the bedroom where his wife was with a man for he might be killed. Ignoring Arvin's admonition, the accused-appellant kicked the door but it was opened from the inside. After the bedroom door was opened, the accused-appellant saw his wife and a man seated beside each other conversing. Furious by what he had seen, the accused-appellant went out of the room, got a knife and delivered a stab blow towards the man but the latter was shielded by Auria. In the process, the stab blow landed on Auria. After Auria was accidentally stabbed, the man ran outside and fled. The accused-appellant testified that out of frustration for not killing the man, he wounded himself on the chest. He then left the house and went to Eastern Visayas Regional Medical Center (EVRMC) for medical treatment.

Benito attested that he came to know the accused-appellant while they were seated next to each other on board a Christopher Bus bound for Tacloban City. The bus they were riding reached Tacloban City past midnight of February 12, 2003. Considering the lateness of the hour and there was no bus available that would take Benito to his final destination, the accused-appellant convinced Benito to simply go home with him. Once they got home, the accused-appellant went inside the house while Benito opted to stay by the main door. The accused-appellant asked someone from the living room the whereabouts of his wife, Auria. Benito testified that a female informed the accused-appellant that Auria was inside the bedroom but advised him not to go in as Auria was not alone in the room. Undeterred, the accused-appellant proceeded to the bedroom and was able to get inside the room. Moments later, Benito heard a thudding sound coming from the bedroom. Then, Benito saw a man running out of the house. Sensing trouble, Benito immediately proceeded to the bus terminal.

To support the accused-appellant's claim that he brought himself to a hospital on February 12, 2003, Nerissa, the Administrative Officer/OIC Records Officer of EVRMC, was presented as witness for the defense. Her testimony focused on the existence of the medical record concerning the examination conducted on the accused-appellant by a physician at EVRMC. Per hospital record, Nerissa confirmed that the accused-appellant sustained a



three-centimeter wound located at the left parasternal, level of the 5th ICS non-penetrating and another lacerated wound in the left anterior chest.⁸

The RTC's Ruling

The RTC convicted the accused-appellant of the crime of parricide and the dispositive portion of its judgment reads:

WHEREFORE, in view of the foregoing considerations, this Court finds accused **MANUEL MACAL y BOLASCO** guilty beyond reasonable doubt of the crime of **Parricide**, and sentences him to suffer the penalty of imprisonment of **RECLUSION PERPETUA**; to pay the heirs of the victim, Aurea Ytac Macal, ₱50,000.00 as civil indemnity, and ₱50,000.00 for moral damages. And, to pay the Costs.

SO ORDERED.⁹

The RTC gave full credence to the testimonies of the prosecution witnesses. In contrast, the RTC found accused-appellant's declarations doubtful and contrary to human experience and reason. The RTC was not persuaded by the accused-appellant's argument that the stabbing incident was purely accidental after it took into account Auria's terrifying wail that she was going to be killed. The RTC also refused to believe accused-appellant's claim that there was a man with Auria inside the bedroom. Logic dictates that a man in that situation would normally run away the first opportunity he had specifically when the accused-appellant stepped out of the bedroom to obtain a knife. The RTC even went further by saying that the accused-appellant injured himself so that he can later on invoke self-defense which he failed to do as there are witnesses who can easily disprove his theory of self-defense.

The CA's Ruling

On appeal, the CA affirmed with modification the RTC decision. The *fallo* of the CA decision states:

IN LIGHT OF ALL THE FOREGOING, the Court hereby AFFIRMS with MODIFICATION the assailed Decision dated August 18, 2009, of the Regional Trial Court, Branch 6, Tacloban City in Criminal Case No. 2003-02-92. Accused-Appellant MANUEL MACAL y BOLASCO is found GUILTY of parricide committed against his legal wife, Auria Ytac Macal, on February 12, 2003 and is sentenced to suffer the penalty of *reclusion perpetua*. He is further ordered to pay the heirs of

⁸ TSN, February 13, 2009, p. 6.

⁹ RTC records, p. 197.

Auria Ytac Macal the amounts of Php 50,000.00 as civil indemnity, Php 50,000.00 as moral damages, Php 25,000.00 as temperate damages and Php 30,000.00 as exemplary damages. All monetary awards for damages shall earn interest at the legal rate of six percent (6%) per annum from date of finality of this Decision until fully paid.

SO ORDERED.¹⁰

The appellate court ruled that all the elements of parricide are present in this case. Moreover, the CA reasoned out that while Angeles did not actually see the accused-appellant stab Auria, the prosecution adduced sufficient circumstantial evidence to sustain his conviction. From the viewpoint of the CA, the prosecution's case against the accused-appellant was strengthened by the latter's own testimony and admission that he stabbed his wife. The CA further held that neither can the act of the accused-appellant be covered under the exempting circumstance of accident under Article 12(4)¹¹ of the Revised Penal Code nor under absolutory cause found in Article 247¹² of the same Code.

Hence, this appeal.

The Issue

The principal issue before the Court is whether the court *a quo* erred in finding the accused-appellant guilty beyond reasonable doubt of the crime of parricide.

In the resolution of March 10, 2014, the Court required the parties to

¹⁰ CA rollo, p. 82.

¹¹ Article 12(4) of the Revised Penal Code provides:

Art. 12. *Circumstances which exempt from criminal liability.* – The following are exempt from criminal liability:

x x x x

4. Any person who, while performing a lawful act with due care, causes an injury by mere accident without fault or intention of causing it.

x x x x

¹² Article 247 of the Revised Penal Code provides:

Art. 247. *Death or physical injuries inflicted under exceptional circumstances.* – Any legally married person who having surprised his spouse in the act of committing sexual intercourse with another person, shall kill any of them or both of them in the act or immediately thereafter, or shall inflict upon them any serious physical injury, shall suffer the penalty of destierro.

If he shall inflict upon them physical injuries of any other kind, he shall be exempt from punishment.

These rules shall be applicable, under the same circumstances, to parents with respect to their daughters under eighteen years of age, and their seducers, while the daughters are living with their parents.

Any person who shall promote or facilitate the prostitution of his wife or daughter, or shall otherwise have consented to the infidelity of the other spouse shall not be entitled to the benefits of this article.

submit their respective supplemental briefs within thirty (30) days from notice. However, both parties manifested that they will no longer file the required briefs as they had already exhaustively and extensively discussed all the matters and issues of this case in the briefs earlier submitted with the CA.

The Court's Ruling

The Court affirms the conviction of the accused-appellant with modifications.

All the Essential Elements of Parricide Duly Established and Proven by the Prosecution

Parricide is committed when: (1) a person is killed; (2) the deceased is killed by the accused; (3) the deceased is the father, mother, or child, whether legitimate or illegitimate, or a legitimate other ascendants or other descendants, or the legitimate spouse of the accused.¹³

Among the three requisites, the relationship between the offender and the victim is the most crucial.¹⁴ This relationship is what actually distinguishes the crime of parricide from homicide.¹⁵ In parricide involving spouses, the best proof of the relationship between the offender and victim is their marriage certificate.¹⁶ Oral evidence may also be considered in proving the relationship between the two as long as such proof is not contested.¹⁷

In this case, the spousal relationship between Auria and the accused-appellant is beyond dispute. As previously stated, the defense already admitted that Auria was the legitimate wife of the accused-appellant during the pre-trial conference. Such admission was even reiterated by the accused-appellant in the course of trial of the case. Nevertheless, the prosecution produced a copy of the couple's marriage certificate which the defense admitted to be a genuine and faithful reproduction of the original.¹⁸ Hence, the key element that qualifies the killing to parricide was satisfactorily demonstrated in this case.

¹³ *People v. Malabago*, 333 Phil. 20, 27 (1996).

¹⁴ *People v. Paycana, Jr.*, 574 Phil. 780, 789 (2008).

¹⁵ Article 249 of the Revised Penal Code provides:

Art. 249. *Homicide*. – Any person who, not falling within the provisions of Article 246, shall kill another without the attendance of any of the circumstances enumerated in the next preceding article, shall be deemed guilty of homicide and be punished by *reclusion temporal*.

¹⁶ *Supra* note 13.

¹⁷ *Id.*

¹⁸ CA rollo, p. 33.

Just like the marital relationship between Auria and the accused-appellant, the fact of Auria's death is incontestable. Witnesses, from both the prosecution and defense, were in agreement that Auria expired on February 12, 2003. As additional proof of her demise, the prosecution presented Auria's Certificate of Death which was admitted by the RTC and the defense did not object to its admissibility.

Anent the remaining element, there is no doubt that Auria was killed by the accused-appellant. The stabbing incident was acknowledged by the accused-appellant himself during his direct examination by defense counsel Emelinda Maquilan, to wit:

x x x x

Q: What is the name of your wife?

A: Aurea Ytac.

Q: You said you saw your wife in your room with a man. Now, what was the man doing when you saw this man together with your wife?

A: They were conversing.

Q: They were conversing in what part of your room?

A: At one side of the room.

Q: So, what did you do upon seeing the man, if there was any?

A: Because of my anger, I stabbed the man.

Q: Were you able to hit the man?

A: No, because my wife shielded him.

Q: Since your wife shielded the man, what happened to your wife?

A: My wife got hit.

Q: Now, in what of the body of his wife was hit?

A: I cannot exactly tell where she was hit but he delivered a stabbing blow at the man.

Q: So, after your wife was hit by the stabbing blow to be directed to the man, what happened next?

A: Out of desperation because I was not able to kill the man, I wounded myself.

Q: How about the man whom you wanted to stab, what happened to him?

A: He ran.

Q: Since you said your wife was hit by that stabbing blow, what happen to your wife then?

A: She died.



Q: How about you, what happened to you after you yourself?

A: I left the place.¹⁹

The outright admission of the accused-appellant in open court that he delivered the fatal stabbing blow that ended Auria's life established his culpability.

Clearly, all the elements of the crime of parricide as defined in Article 246 of the Revised Penal Code are present in this case.

Affirmative Defense of Accident as an Exempting Circumstance Must Fail

The defense invoked Article 12 paragraph 4 of the Revised Penal Code to release the accused-appellant from criminal liability. Pursuant to said provision, the essential requisites of accident as an exempting circumstance are: (1) a person is performing a lawful act; (2) with due care; (3) he causes an injury to another by mere accident; and (4) without fault or intention of causing it.²⁰

A close scrutiny of the transcripts of stenographic notes would reveal that the accused-appellant was not performing a lawful act at the time Auria was stabbed. This can be gathered from the narration of the accused-appellant during cross-examination conducted by Prosecutor Percival Dolina:

x x x x

Q: Now, of course, when you saw the man and your wife, according to you, they were just conversing with each other, correct?

A: Yes, sir.

Q: How far where they to each other?

A: They were beside each other.

Q: They were sitting?

A: Yes, sir, both were sitting.

Q: Of course, when you saw them, you got angry?

A: I became angry.

Q: That is why you got a knife and stabbed the man?

A: Yes, sir.

¹⁹ TSN, May 8, 2007, pp. 6-7.

²⁰ *Toledo v. People*, 482 Phil. 292, 303 (2004).

Q: And when you stabbed the man, you had the intention to kill him?

A: Yes, my intention was to kill him.

Q: But it was your wife who was hit?

A: My wife was the one hit.²¹

The defense of accident presupposes lack of intention to kill.²² This certainly does not hold true in the instant case based on the aforequoted testimony of the accused-appellant. Moreover, the prosecution witnesses, who were then within hearing distance from the bedroom, testified that they distinctly heard Auria screaming that she was going to be killed by the accused-appellant.

Given these testimonies, the accused-appellant's defense of accident is negated as he was carrying out an unlawful act at the time of the incident.

It also bears stressing that in raising the defense of accident, the accused-appellant had the inescapable burden of proving, by clear and convincing evidence, of accidental infliction of injuries on the victim.²³ In so doing, the accused-appellant had to rely on the strength of his own evidence and not on the weakness of the prosecution's evidence.²⁴ As aptly pointed out by the CA, the defense failed to discharge the burden of proving the elements of the exempting circumstance of accident that would otherwise free the accused-appellant from culpability. Aside from the accused-appellant's self-serving statement, no other proof was adduced that will substantiate his defense of accidental stabbing.

Further, contrary to what the accused-appellant wants the Court to believe, his actuations closely after Auria was stabbed tell a different story. If Auria was really accidentally stabbed by him, the accused-appellant's natural reaction would have been to take the lead in bringing his wife to a hospital. Instead, his priority was to come up with an improvised bladed weapon that he could use to hurt himself. Additionally, the fact that the accused-appellant ran away from the crime scene leaving Auria's relatives and neighbors to tend to his dying wife is indicative of his guilt.

The CA took one step further when it examined the applicability of Article 247 of the Revised Penal Code in this case. For this purpose, the CA assumed *arguendo* that there is another man inside the bedroom with Auria.

²¹ TSN, May 8, 2007, p. 10.

²² *Aradillos v. Court of Appeals*, 464 Phil. 650, 662 (2004).

²³ *People v. Genita, Jr.*, 469 Phil. 334 (2004).

²⁴ *People v. Castillo*, 553 Phil. 197, 208 (2007).

Article 247 is an absolatory cause that recognizes the commission of a crime but for reasons of public policy and sentiment there is no penalty imposed.²⁵ The defense must prove the concurrence of the following elements: (1) that a legally married person surprises his spouse in the act of committing sexual intercourse with another person; (2) that he kills any of them or both of them in the act or immediately thereafter; and (3) that he has not promoted or facilitated the prostitution of his wife (or daughter) or that he or she has not consented to the infidelity of the other spouse.²⁶ Among the three elements, the most vital is that the accused-appellant must prove to the court that he killed his wife and her paramour in the act of sexual intercourse or immediately thereafter.²⁷

Having admitted the stabbing, the burden of proof is shifted to the defense to show the applicability of Article 247.²⁸ As disclosed by the accused-appellant, when he saw Auria with a man, the two were just seated beside each other and were simply talking. Evidently, the absolatory cause embodied in Article 247 is not applicable in the present case.

In sum, the Court agrees with the trial and appellate courts that the evidence of the prosecution has established the guilt of the accused-appellant beyond reasonable doubt.

Penalty and Pecuniary Liability

Article 246 of the Revised Penal Code provides that the imposable penalty for parricide is *reclusion perpetua* to death. With the enactment of Republic Act No. 9346 (RA 9346), the imposition of the penalty of death is prohibited. Likewise significant is the provision found in Article 63 of the Revised Penal Code stating that in the absence of mitigating and aggravating circumstances in the commission of the crime, the lesser penalty shall be imposed. Applying these to the case at bar and considering that there are no mitigating and aggravating circumstances present, the penalty of *reclusion perpetua* was correctly imposed by the RTC and CA.

Civil indemnity is automatically awarded upon proof of the fact of death of the victim and the commission by the accused-appellant of the crime of parricide.²⁹ Current jurisprudence sets civil indemnity in the amount of ₱75,000.00. As such, the Court finds it necessary to increase the civil indemnity awarded by the trial and appellate courts from ₱50,000.00 to ₱75,000.00.

²⁵ *People v. Oyanib*, 406 Phil. 650, 660 (2001).

²⁶ *Id.* at 661.

²⁷ *Id.*

²⁸ *People v. Talisic*, 344 Phil. 51, 59 (1997).

²⁹ *People v. Gamez*, G.R. No. 202847, October 23, 2013, 708 SCRA 625, 638.

There is no question that Auria's heirs suffered mental anguish by reason of her violent death. Consequently, the award of moral damages is in order. Similar to civil indemnity, prevailing jurisprudence pegs moral damages in the amount of ₱75,000.00. On that account, the Court must also adjust the moral damages from ₱50,000.00 to ₱75,000.00.

Given that this is a case of a husband killing his wife where relationship a qualifying circumstance, the award of exemplary damages is justified. The exemplary damages of ₱30,000.00 awarded by the CA is maintained as it is consistent with the latest rulings of the Court.

Temperate damages may be recovered when some pecuniary loss has been suffered but definite proof of its amount was not presented in court.³⁰ In *People v. De Leon*,³¹ the Court awarded ₱25,000.00 as temperate damages where the expenses for the funeral cannot be determined with certainty because of the absence of receipts to prove them. In keeping with the said ruling, the Court affirms the CA's award of ₱25,000.00 as temperate damages.

On a final note, the Court upholds the imposition of interest at the legal rate of 6% *per annum* on all the monetary awards for damages reckoned from the date of finality of this Decision until fully paid.³² This is in accordance with the Court's discretionary authority to levy interest as part of the damages and in conformity with the latest Court policy on the matter.

WHEREFORE, the CA's decision dated June 28, 2013 in CA-G.R. CEB-CR H.C. No. 01209, finding accused-appellant, Manuel Macal y Bolasco, guilty beyond reasonable doubt of the crime of Parricide, is hereby **AFFIRMED** with **MODIFICATIONS**. Accused-appellant is sentenced to suffer the penalty of *reclusion perpetua* and to pay the heirs of the victim, Auria Ytac Macal, the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱30,000.00 as exemplary damages, and ₱25,000.00 as temperate damages. In addition, all the monetary awards shall earn an interest at the legal rate of 6% *per annum* from the date of finality of this Decision until fully paid.

SO ORDERED.

³⁰ Article 2224 of the Civil Code provides:

Art. 2224. Temperate or moderate damages, which are more than nominal but less than compensatory damages, may be recovered when the court finds that some pecuniary loss has been suffered but its amount can not, from the nature of the case, be provided with certainty.

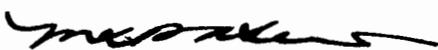
³¹ 608 Phil. 701, 726, (2009).

³² *People v. Sales*, 674 Phil. 150, 165-166 (2011).

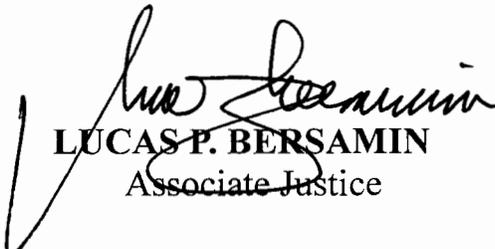



JOSE PORTUGAL PEREZ
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson

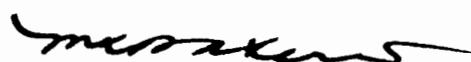

TERESITA J. LEONARDO-DE CASTRO
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARIA LOURDES P. A. SERENO
Chief Justice