



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **15 February 2021** which reads as follows:*

**“G.R. No. 250140 (*People of the Philippines v. Danny B. Agustin*). –**  
The Court resolves to:

(1) **NOTE** the Manifestation in lieu of Supplemental Brief dated June 15, 2020 filed by the Office of the Solicitor General; and

(2) **NOTE** the Manifestation (in lieu of Supplemental Brief) dated July 20, 2020 filed by appellant.

Appellant Danny B. Agustin asks the Court to reverse the verdict of conviction for parricide rendered against him by the Regional Trial Court (RTC)-Branch 11, Laoag City<sup>1</sup> and affirmed by the Court of Appeals in its assailed Decision<sup>2</sup> dated May 29, 2018.

Although appellant does not deny that it was he who inflicted the fatal stab wounds on his wife Mely “Nelly” Agustin (Mely), he claims to have acted in self-defense. He asserts that it was Mely’s guests who initially mauled him and it was Mely herself who initially stabbed him several times. He further posits that the stab wounds he inflicted on Mely were not the proximate cause of her death, hence, he should not be held liable therefor.<sup>3</sup>

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<sup>1</sup> By Decision dated November 9, 2016 penned by Acting Presiding Judge Nida B. Alejandro, *CA rollo*, pp. 58-64.

<sup>2</sup> Penned by now Supreme Court Associate Justice Ramon Paul L. Hernando and concurred in by Associate Justice Marlene B. Gonzales-Sison and Associate Justice Rafael Antonio M. Santos, *rollo*, pp. 3-14.

<sup>3</sup> *CA rollo*, pp. 50-55.

The appeal is devoid of merit.

### *Self-defense*

Self-defense is an affirmative allegation that can totally exculpate or mitigate the criminal liability of the accused.<sup>4</sup> It is settled that when an accused invokes self-defense to escape criminal liability, the accused assumes the burden to establish his plea through credible, clear, and convincing evidence; otherwise, conviction would follow from his admission that he or she harmed or killed the victim. For self-defense to be appreciated, appellant must prove the following elements: (a) unlawful aggression on the part of the victim; (b) reasonable necessity of the means employed to prevent or repel it; and (c) lack of sufficient provocation on the part of the person defending himself. Unlawful aggression is the indispensable element of self-defense. If no unlawful aggression attributed to the victim is established, self-defense is unavailing, for there is nothing to repel.<sup>5</sup>

Here, both the trial court and the Court of Appeals held that appellant failed to prove the elements of self-defense, specifically the element of unlawful aggression. The Court agrees.

Unlawful aggression is defined as the actual or imminent threat to the person invoking self-defense.<sup>6</sup> To repeat, appellant avers that it was Mely's guests who initially mauled him and it was Mely who initially stabbed him several times in the arms.

But, aside from his bare allegations, appellant did not present any proof to corroborate his claim that he got mauled by Mely's purported guests. As the trial court aptly noted, Mary Chris Agustin, who was in the house when the incident happened, did not say anything about the presence of two (2) men on the night of the incident.<sup>7</sup> Notably too, despite having been charged with the killing of his wife, appellant never tried to find and identify these men who supposedly beat him up.

Further, appellant failed to prove that Mely truly stabbed him. PO3 Eric Bumagat testified that upon appellant's arrest, he was immediately subjected to medical and liquor tests,<sup>8</sup> and was thus, physically examined in the process. His tests and physical examination yielded not even a single injury he supposedly sustained prior to his arrest.

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<sup>4</sup> *People v. Rebato*, G.R. No. 242883, September 3, 2020.

<sup>5</sup> *People v. Doca*, G.R. No. 233479, October 16, 2019.

<sup>6</sup> *People v. Antonio*, G.R. No. 229349, January 29, 2020.

<sup>7</sup> CA rollo, p. 62.

<sup>8</sup> *Id.* at 60.

The Court categorically decreed in *People v. Rebato*<sup>9</sup> that self-defense cannot be appreciated when uncorroborated by independent and competent evidence, or when it is extremely doubtful by itself. More, in *People v. Antonio*,<sup>10</sup> the Court emphasized that if unlawful aggression is not proven, self-defense will not have a leg to stand on and this justifying circumstance cannot and will not be appreciated, even if the other elements are present. For this reason, therefore, there is no more need to discuss the other elements of self-defense.

In any event, appellant's theory of self-defense is strongly negated by the number and nature of the wounds sustained by Mely, to wit: 1) a stab wound on the epigastric area; 2) a stab wound on the upper left quadrant of the abdomen; 3) a stab wound on the 8<sup>th</sup> ICS between the 7<sup>th</sup> and the 8<sup>th</sup> and 9<sup>th</sup> inter postal space between the 8<sup>th</sup> and 9<sup>th</sup> ribs on the left; and 4) several stab wounds on both breasts. Mely's spleen and one of her kidneys were badly injured and had to be removed. There was also injury in the jejunum of the small intestines and colon. The stab wound in her ribs also caused profuse bleeding in her chest.

On this score, *People v. Manzano, Jr.*<sup>11</sup> is apropos:

Accused-appellant's plea of self-defense is controverted by the nature, number, and location of the wounds inflicted on the victim, since the gravity of said wounds is indicative of a determined effort to kill and not just to defend. The postmortem examination conducted by Dr. Pacificador on the body of Lucio revealed that he sustained fifteen wounds, four of which were fatal, and that the cause of his death was hypovolemic shock secondary to hemorrhage secondary to multiple stab wounds. The findings of Dr. Pacificador justify a declaration that there was undeniable intent on the part of the accused-appellant to kill Lucio.

So must it be.

A final point. The trial court pertinently noted that appellant only invoked self-defense when the case was already at the trial stage. He never invoked it during the pre-trial conference. We therefore agree with the trial court's observation that appellant's claim of self-defense was a mere afterthought to escape criminal responsibility.

### ***Proximate Cause***

Appellant next claims that even if he indeed inflicted stab wounds on Mely, he should not be held liable for her death because it was not the

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<sup>9</sup> Supra note 4.

<sup>10</sup> Supra note 6, citing *People v. Caratao*, 451 Phil. 588, 602 (2003).

<sup>11</sup> 827 Phil. 113, 138 (2018).

stab wounds which caused her to die but the complication she developed *post facto*.

The argument utterly lacks merit.

Dr. Feliciano D. Quilala, Jr. (Dr. Quilala) testified on the fatal wounds sustained by Mely and her eventual death thus:

Q: But despite this medical intervention that you had exerted, doctor, what happened to the patient?

A: Unfortunately, the patient had these fatal wounds. Although we were able to stop the bleeding, we were able to replace the blood loss, the stress that the [patient] sustained I think caused her to become very, very weak such that after several days at the hospital, she developed complications. She had pulmonary infections and then eventually developed respiratory distress syndrome which eventually led to her demise.<sup>12</sup>

Dr. Quilala, too, testified that Mely died due to septic shock caused by the multiple stab wounds that she sustained.<sup>13</sup>

Proximate cause is “that which, in natural and continuous sequence, unbroken by any new cause, produces an event, and without which the event would not have occurred.”<sup>14</sup> Clearly, it was the stab wounds inflicted by appellant which led Mely to get hospitalized and develop infections in her bloodstream and respiratory distress syndrome that eventually caused her death. It cannot be denied, then, that the root cause of Mely’s death, as testified to by Dr. Quilala, were precisely the stab wounds appellant inflicted on her. So must it be.

### ***The crime of Parricide***

Parricide is defined and penalized under Article 246 of the Revised Penal Code (RPC), *viz.*:

Article 246. *Parricide*. — Any person who shall kill his father, mother, or child, whether legitimate or illegitimate, or any of his ascendants, or descendants, or his spouse, shall be guilty of parricide and shall be punished by the penalty of *reclusion perpetua* to death.

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,

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<sup>12</sup> CA rollo, p. 80.

<sup>13</sup> *Id.* at 118.

<sup>14</sup> *Dela Cruz v. Capt. Octaviano*, 814 Phil. 891, 909 (2017).

whether legitimate or illegitimate, or a legitimate other ascendants or other descendants, or the legitimate spouse of the accused.<sup>15</sup>

As discussed, 1) Mely got killed; 2) it was appellant who killed her; and 3) Mely was appellant's legitimate wife as evidenced by the marriage contract presented in evidence by the prosecution.<sup>16</sup>

Verily, both the trial court and the Court of Appeals did not err in finding appellant guilty of parricide for the killing of his wife Mely.

### ***Penalty***

Parricide is punishable by *reclusion perpetua* to death. Applying Article 63(2) of the RPC,<sup>17</sup> the lesser of the two (2) indivisible penalties, *i.e.*, *reclusion perpetua*, shall be imposed provided there is no mitigating or aggravating circumstance which attended the killing, as in this case. Both the trial court and the Court of Appeals, therefore, properly sentenced appellant to *reclusion perpetua*.

It is unnecessary, however, for the trial court and the Court of Appeals to qualify that appellant is not eligible for parole. Under Administrative Matter No. 15-08-02-SC,<sup>18</sup> the qualification "*without eligibility for parole*" is only specified when the proper penalty would have been death were it not for the enactment of Republic Act No. 9346 (RA 9346).<sup>19</sup> Here, in view of the absence of any aggravating circumstance, appellant should be sentenced to *reclusion perpetua* only, not death, pursuant to Article 63 of the RPC. Hence, the term *reclusion perpetua* need not be qualified by the phrase "*without eligibility for parole*."

As for damages, *People v. Juguet*<sup>20</sup> ordained:

V. In other crimes that result in the death of a victim and the penalty consists of divisible penalties, *i.e.*, Homicide, Death under Tumultuous Affray, Infanticide to conceal the dishonour of the offender, Reckless Imprudence Resulting to Homicide, Duel, Intentional Abortion and Unintentional Abortion, etc.:

x x x x

<sup>15</sup> *People v. Macal*, 778 Phil. 379, 388 (2016).

<sup>16</sup> *CA rollo*, p. 80.

<sup>17</sup> Art. 63. *Rules for the application of indivisible penalties.* — x x x

In all cases in which the law prescribes a penalty composed of two indivisible penalties, the following rules shall be observed in the application thereof:

x x x x

2. When there are neither mitigating nor aggravating circumstances and there is no aggravating circumstance, the lesser penalty shall be applied.

<sup>18</sup> Guidelines for the Proper Use of the Phrase "*without eligibility for parole*" in Indivisible Penalties, August 4, 2015, See also *People v. Ursua*, 819 Phil. 467, 476 (2017).

<sup>19</sup> An Act Prohibiting the Imposition of Death Penalty in the Philippines, approved on June 24, 2006.

<sup>20</sup> 783 Phil. 806, 851-852, 854 (2016).

2.1 Where the penalty imposed is *reclusion perpetua*, other than the above-mentioned:

- a. Civil indemnity – ₱75,000.00
- b. Moral damages – ₱75,000.00
- c. Exemplary damages – ₱75,000.00

x x x x

x x x In addition, the civil indemnity, moral damages, exemplary damages and temperate damages payable by the appellant are subject to interest at the rate of six percent (6%) per annum from the finality of this decision until fully paid.

The trial court and the Court of Appeals correctly awarded ₱75,000.00 each as civil indemnity and moral damages. The exemplary damages awarded, however, must be increased from ₱30,000.00 to ₱75,000.00.

The Court of Appeals reduced the award of actual damages from ₱33,502.89 to ₱13,502.89 per receipts covering Mely's hospitalization. The Court of Appeals, however, did not say anything regarding the funeral and/or burial expenses incurred. In *Jugueta*, as repeated in *People v. Gervero*,<sup>21</sup> "when no documentary evidence of burial or funeral expenses is presented in court, the amount of ₱50,000.00 as temperate damages shall be awarded." Thus, in lieu of actual damages, Mely's heirs are entitled to ₱50,000.00 as temperate damages.

**WHEREFORE**, the appeal is **DISMISSED**. The Decision dated May 29, 2018 of the Court of Appeals in CA-G.R. CR HC No. 08980 is **AFFIRMED with modification**.

Appellant Danny B. Agustin is found **GUILTY** of **PARRICIDE** and sentenced to *reclusion perpetua*. He is further ordered to **PAY** the heirs of Mely "Nelly" Agustin the following amounts:

- (a) **₱75,000.00** as civil indemnity;
- (b) **₱75,000.00** as moral damages;
- (c) **₱75,000.00** as exemplary damages; and
- (d) **₱50,000.00** as temperate damages.

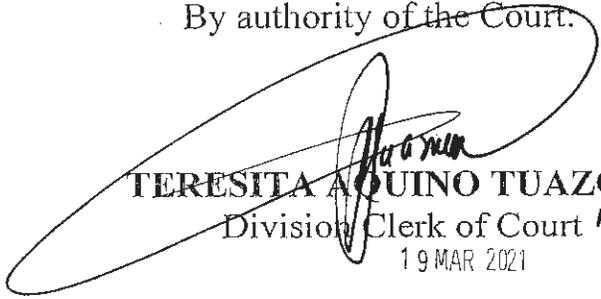
These monetary awards shall earn six percent (6%) interest *per annum* from finality of this Resolution until fully paid.

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<sup>21</sup> 836 Phil. 99, 116 (2018).

**SO ORDERED.”**

By authority of the Court.



**TERESITA AQUINO TUAZON**  
Division Clerk of Court *17/3/13*  
19 MAR 2021

\*PUBLIC ATTORNEY'S OFFICE (reg)  
Special & Appealed Cases Service  
Department of Justice  
5<sup>th</sup> Floor, PAO-DOJ Agencies Building  
NIA Road corner East Avenue  
Diliman, 1104 Quezon City

\*OFFICE OF THE SOLICITOR GENERAL (reg)  
134 Amorsolo Street  
1229 Legaspi Village  
Makati City

\*MR. DANNY B. AGUSTIN (reg)  
Accused-Appellant  
c/o The Director  
Bureau of Corrections  
1770 Muntinlupa City

THE DIRECTOR (reg)  
Bureau of Corrections  
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 11  
2900 Laoag City  
(Crim. Case No. 14839)

COURT OF APPEALS (x)  
Ma. Orosa Street  
Ermita, 1000 Manila  
CA-G.R. CR-H.C. No. 08980

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\*with copy of the CA Decision dated 29 May 2018  
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