



Republic of the Philippines  
Supreme Court  
Baguio City

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,  
Plaintiff-Appellee,

G.R. No. 232247

Present:

- versus -

CARPIO,\* *J.*, Chairperson,  
PERALTA,  
PERLAS-BERNABE,  
CAGUIOA, and  
REYES, JR., *JJ.*

RONILLO LOPEZ, JR. y  
MANTALABA @ "DODONG",  
Accused-Appellant.

Promulgated:

~~23 APR 2018~~

x-----  
*Manuel M. Barrios* x

DECISION

PERALTA, *J.*:

This is an appeal from the January 6, 2017 Decision<sup>1</sup> of the Court of Appeals (*CA*) in CA-G.R. CR-HC No. 07936, which affirmed the December 1, 2015 Decision<sup>2</sup> of the Regional Trial Court, Branch 197, Las Piñas City (*RTC*), finding accused-appellant Ronillo Lopez, Jr. y Mantalaba (*Ronillo*), *alias* "Dodong" guilty beyond reasonable doubt of Parricide as defined and penalized under Article 246 of the Revised Penal Code (*RPC*), as amended.

\* Acting Chief Justice per Special Order No. 2539 dated February 28, 2018.

<sup>1</sup> Penned by Associate Justice Manuel M. Barrios, with Associate Justice Francisco P. Acosta and Associate Justice Maria Elisa Sempio Diy, concurring; *rollo*, pp. 2-8.

<sup>2</sup> Penned by Judge Ismael T. Duldulao; *CA rollo*, pp. 65-76.

### *The Facts*

Ronillo was charged with the crime of Parricide in an Information<sup>3</sup> dated May 19, 2014, the accusatory portion of which reads:

That on or about the 16<sup>th</sup> day of May, 2014, in the City of Las Piñas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and use personal violence upon RONILLO LOPEZ y MADROÑO, his father, by then and there stabbing him, which directly caused his death.

CONTRARY TO LAW.<sup>4</sup>

When arraigned, Ronillo pleaded not guilty to the charge. After pre-trial was terminated, trial on the merits followed.

### *Version of the Prosecution*

As summarized by the Office of the Solicitor General in the Appellee's Brief,<sup>5</sup> the People's version of the event is as follows:

At 2:00 A.M. of May 16, 2014, Martita Lopez was at her house in Sambayanihan, Las Piñas City, when she heard her grandson, appellant herein, shout "*Lola! Lola! Tulungan mo po ako.*" When she asked what happened, appellant told her that "*nasaksak ko si papa.*" They immediately went to the house located at 2461 Panay Street, Timog CAA, Las Piñas City, where she found her son, Ronillo Lopez, Sr. lying on the ground. Saturnino Madroño, who also heard appellant's admission and cry for help, went with Martita and appellant to the house at Panay Street, checked the victim's pulse and determined that he was already dead. Thereafter, they reported the incident to the police.

The medico-legal examination conducted on the victim revealed that he suffered multiple physical injuries including abrasions and contusions. The cause of death was the stab wound to his chest.

Appellant fled from the scene after the incident, but was later arrested at his brother-in-law's house in Dela Rama St., BF Homes, Parañaque City, based on a tip by a certain Samuel Lopez.<sup>6</sup>

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<sup>3</sup> CA rollo, pp. 19-20.

<sup>4</sup> *Id.* at 19.

<sup>5</sup> *Id.* at 87-98.

<sup>6</sup> *Id.* at 91-92.



### *Version of the Defense*

Ronillo admitted that he stabbed his father, but maintained that he merely acted in self-defense. The defense gave the following version in the Appellants' Brief<sup>7</sup> to support Ronillo's plea for exoneration:

On 15 May 2014, the accused RONILLO LOPEZ, JR. was with his father, Lopez, Sr., and his cousins and uncles at an uncle's home having a drinking spree. He, thereafter, went home ahead, in a drunken state. When he arrived home, he slept. He then woke up to the beatings inflicted upon him by his drunken father, Lopez, Sr., who was saying "BAKIT KA NAGSUSUMBONG!" He answered back that he knows nothing his father was accusing him of. Lopez, Sr. then urged his own son to fight back, but the latter would not. Lopez, Sr. then took a hard object and struck it on his son's head. The accused, overcome with passion and his judgment obfuscated by the blows done by his father ("Nagdilim po ang aking paningin at di nakapagpigil"), struck back with a knife, stabbing his father. When he saw his stricken father lying down, he cried and sought help, first with Michael who was renting the second floor of his home, then from his grandmother, and later visited his mother at her workplace. Accused's sister, ROBILIE LOPEZ, was informed of her father's death by her grandmother. He went to his sister and remorsefully told her what happened. Afraid, he then stayed at his brother-in-law's house and surrendered the next day. He was then brought to the Las Piñas Health Center by the police for the injuries he sustained from his father's attacks. Robilie revealed that her father, when drunk, would utter curses at his son. In one previous incident, she witnessed her drunken father pushed and collared her brother.<sup>8</sup>

### *The RTC Ruling*

On December 1, 2015, the RTC rendered its Decision finding accused-appellant guilty beyond reasonable doubt of the crime charged. According to the RTC, all the elements of the crime of Parricide were satisfactorily proven by the prosecution. The RTC rejected the self-defense invoked by Ronillo declaring that the same was not only uncorroborated by competent and independent evidence but, in itself, extremely doubtful under the circumstances obtaining in the case. It ruled that the element of unlawful aggression is wanting. The RTC debunked Ronillo's claim for entitlement to the mitigating circumstance of voluntary surrender stating that he never surrendered but was in fact arrested by the police the following morning after the stabbing incident. In the end, the RTC decreed:

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<sup>7</sup> *Id.* at 54-63.

<sup>8</sup> *Id.* at 58-59.



WHEREFORE, premises considered, this court finds accused Ronillo Lopez, Jr. y Mantalaba @ “Dodong”, guilty beyond reasonable doubt of the crime of Parricide under Article 246, as amended by R.A. 7659, and further amended by R.A. 9346, and hereby sentences him to suffer the penalty of *reclusion perpetua* without eligibility of parole.

Further, the accused is hereby ordered to indemnify the heirs of the deceased/victim Ronillo Lopez y Madroño the amount of Php60,000.00 as actual damages, Php75,000.00 as civil indemnity, Php75,000.00 as moral damages, and another amount of Php50,000.00 as exemplary damages.

SO ORDERED.<sup>9</sup>

Not in conformity, Ronillo appealed his conviction for Parricide before the CA.

### *The CA Ruling*

On January 6, 2017, the CA rendered its assailed Decision affirming Ronillo’s conviction for Parricide. The appellate court did not lend credence to Ronillo’s claim of self-defense, stressing that not an iota of evidence was adduced to show any form of aggression on the part of the deceased victim. It sustained the findings of the RTC that all the elements of the crime charged were duly established by the prosecution. The CA held that the proper penalty is *reclusion perpetua* since no modifying circumstances attended the commission of the crime and, thus, deleted the phrase “without eligibility of parole.” Finally, the CA increased the amount awarded by way of exemplary damages to ₱75,000.00. The *fallo* of which reads:

WHEREFORE, premises considered, the Decision dated 01 December 2015 of the Regional Trial Court, Branch 197, Las Piñas City, in Criminal Case No. 14-0396, is hereby AFFIRMED with MODIFICATION in that the penalty on accused-appellant shall be *Reclusion Perpetua* and that he is ordered to pay Sixty Thousand Pesos (₱60,000.00) as actual damages, Seventy-Five Thousand Pesos (₱75,000.00) as civil indemnity, Seventy-Five Thousand Pesos (₱75,000.00) as moral damages, and Seventy-Five Thousand Pesos (₱75,000.00) as exemplary damages.

SO ORDERED.<sup>10</sup>



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<sup>9</sup> *Id.* at 76.

<sup>10</sup> *Rollo*, p. 7.

### *The Issues*

Unfazed, Ronillo filed the present appeal and posited the same lone assignment of error he previously raised before the CA, to wit:

THE TRIAL COURT GRAVELY ERRED IN NOT APPRECIATING THE ACCUSED-APPELLANT'S CLAIM OF SELF-DEFENSE DESPITE THE FACT THAT ALL THE ELEMENTS THEREOF ARE PRESENT IN THIS CASE.<sup>11</sup>

In the Resolution<sup>12</sup> dated August 9, 2017, the Court directed both parties to submit their supplemental briefs, if they so desired. On October 23, 2017, the Office of the Solicitor General filed its Manifestation (in Lieu of Supplemental Brief)<sup>13</sup> stating that it will no longer file a supplemental brief as its Appellee's Brief had sufficiently ventilated the lone issue raised. On October 27, 2017, the accused-appellant filed a Manifestation (in Lieu of Supplemental Brief)<sup>14</sup> averring that he would adopt all his arguments in his Appellant's Brief filed before the CA.

### *The Court's Ruling*

The appeal is devoid of merit. Accordingly, Ronillo's conviction must stand.

The factual premises with regard to the killing of Lopez, Sr. and its commission by Ronillo are clear and undisputed. Ronillo did not at all deny the allegations against him and openly admitted the authorship of the crime. However, he interposes self-defense to seek his exculpation from criminal liability. In *Macalino, Jr. v. People*,<sup>15</sup> the Court elucidated the implications of pleading self-defense insofar as the burden of proof is concerned, thus:

In pleading self-defense, petitioner in effect admitted that he stabbed the victim. It was then incumbent upon him to prove that justifying circumstance to the satisfaction of the court, relying on the strength of his evidence and not on the weakness of the prosecution. The reason is that

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<sup>11</sup> CA *rollo* p. 56.  
<sup>12</sup> *Rollo* pp. 14-15.  
<sup>13</sup> *Id.* at 16-18.  
<sup>14</sup> *Id.* at 22-24.  
<sup>15</sup> 394 Phil. 309, 323 (2000). (Citation omitted)



even if the prosecution evidence were weak, such could not be disbelieved after petitioner admitted the fact of stabbing the victim.

In criminal cases, the burden lies upon the prosecution to prove the guilt of the accused beyond reasonable doubt rather than upon the accused that he was in fact innocent. If the accused, however, admits killing the victim, but pleads self-defense, it now becomes incumbent upon him to prove by clear, satisfactory and convincing evidence all the elements of said justifying circumstance in order to escape liability.<sup>16</sup> In the case at bench, Ronillo failed to discharge his burden.

Self-defense is appreciated as a justifying circumstance only if the following requisites were present, namely: (1) the victim committed unlawful aggression amounting to actual or imminent threat to the life and limb of the person acting in self-defense; (2) there was reasonable necessity of the means employed to prevent or repel the unlawful aggression; and (3) there was lack of sufficient provocation on the part of the person claiming self-defense, or, at least, any provocation executed by the person claiming self-defense was not the proximate and immediate cause of the victim's aggression.<sup>17</sup> The justifying circumstance of self-defense must be established with certainty through satisfactory and convincing evidence that excludes any vestige of criminal aggression on the part of the persons invoking it. Self-defense cannot be appreciated where it was uncorroborated by competent evidence, or is patently doubtful.<sup>18</sup>

At the heart of the claim for self-defense is the element of unlawful aggression committed by the victim against the accused, which is the condition *sine qua non* for upholding the same as a justifying circumstance. There can be no self-defense, complete or incomplete, unless the victim committed unlawful aggression against the accused.<sup>19</sup> If there is nothing to prevent or repel, the other two requisites of self-defense will have no factual and legal bases<sup>20</sup> Unlawful aggression as an indispensable requisite is aptly described in *People v. Nugas*,<sup>21</sup> as follows:

Unlawful aggression on the part of the victim is the primordial element of the justifying circumstance of self-defense. Without unlawful aggression, there can be no justified killing in defense of oneself. The test for the presence of unlawful aggression under the circumstances is whether the aggression from the victim put in real peril the life or personal safety of

<sup>16</sup> *Flores v. People*, 705 Phil. 119, 133 (2013).

<sup>17</sup> *Razon v. People*, 552 Phil. 359, 373 (2007).

<sup>18</sup> *People v. Escobal*, G.R. No. 206292, October 11, 2017.

<sup>19</sup> *People v. Escarlos*, 457 Phil. 580, 598 (2003).

<sup>20</sup> *People v. Dulin*, G.R. No. 171284, June 29, 2015.

<sup>21</sup> 677 Phil. 168, 177 (2011).

the person defending himself; the peril must not be an imagined or imaginary threat. Accordingly, the accused must establish the concurrence of three elements of unlawful aggression, namely: (a) there must be a physical or material attack or assault; (b) the attack or assault must be actual, or at least, imminent; and (c) the attack or assault must be unlawful.

Ronillo argues that the justifying circumstance of self-defense should have been appreciated in his favor because all its elements had been present in the commission of the crime. Accused-appellant is mistaken.

In pleading self-defense, Ronillo testified that it was the victim who initially assaulted him. According to Ronillo, he was awakened on that fatal early morning of May 16, 2014 by the beatings inflicted by his drunken father, Lopez, Sr., who punched and kicked him unceremoniously. Still not satisfied, Lopez, Sr. took a hard object and struck it on his head. The alleged acute battering he suffered in the hands of his father overwhelmed him and put him in such an emotional and mental state which overcame his reason and impelled him to protect his life by grabbing a kitchen knife and used it to stab the latter. He maintains that he sustained injuries on the left side of his forehead and broken lips due to the attacks launched by the victim. Defense witness Robilie, sister of Ronillo, corroborated her brother's claim that the latter sustained injuries during the stabbing incident. She testified that while she was talking to said appellant, who was at her house at that time, about the incident, she noticed that the latter had a wound on his forehead, his cheeks were swollen and he had some abrasions on his hands. Appellant insists that he merely acted under the instinct of self-preservation and thus, he was legally justified in using the knife to ward off the unlawful aggression so as not to expose him to unnecessary danger.

The Court is not persuaded.

Ronillo's plea of self-defense was belied by the physical evidence in the case at bench tending to show that Lopez, Sr. did not commit unlawful aggression against said appellant. Indeed, had Lopez, Sr. mauled and attacked Ronillo, the latter would have sustained some injury from the aggression. It remains, however, that no injury of any kind or gravity was found on the person of Ronillo when he was brought to the Las Piñas City Health Center by his arresting officer, PO2 Marcelino Fuller, for medical examination. The attending physician, Dr. Joseph Aron Rey I. Manapsal (*Dr. Manapsal*), testified that after examining Ronillo, he found that the latter has no external signs of physical injuries and such diagnosis was reflected in the Medical Certificate dated May 16, 2014 he issued. It is important to point out also that no medication was applied or prescribed by Dr. Manapsal on Ronillo which further confirmed that such injuries never existed. Even granting *arguendo*



that Ronillo suffered injuries as claimed by the defense, such injuries were surely not serious or severe as it was not even detected by Dr. Manapsal. The superficiality of the injuries was not an indication that appellant's life and limb were in actual peril.<sup>22</sup>

In stark contrast, Lopez, Sr. suffered multiple injuries consisting of an abrasion on the forehead, an abrasion on the left eyebrow, a hematoma on the right hand, contusion and abrasion on the right leg and a stab wound on the chest as shown in the Medico Legal Report No. A-14-299. Prosecution witness PSI Reah Cornelio testified that she examined the cadaver of Lopez, Sr. and noted that the cause of his death was the single stab wound on the victim's chest because it pierced the left lung, pericardial sac and heart and fractured the ribs. PSI Cornelio further testified that the hematoma may have been caused by punching, while the abrasion on the forehead and left eyebrow may have been caused by fist blows.

Taken in the light of the foregoing, this Court is convinced that Lopez, Sr. was by no means the unlawful aggressor. We consider as significant the means used by Ronillo, the gravity and location of the stab wound as well as the abrasions, contusion and hematoma sustained by Lopez, Sr. which revealed his intent to kill, not merely an effort to prevent or repel an alleged attack from said victim. The nature and location of the victim's wound manifest appellant's resolve to end the life of the victim,<sup>23</sup> and not just to defend himself. In any event, the question as to who between the accused and the victim was the unlawful aggressor was a question of fact best addressed to and left with the trial court for determination based on the evidence on record.<sup>24</sup> In the case at bench, the RTC found appellant Ronillo to be the unlawful aggressor.

Even if it were to be granted that Lopez, Sr. was the initial aggressor, the nature of the wound and the weapon used showed that the means employed by Ronillo was not reasonable and commensurate to the alleged unlawful aggression of the victim. The unreasonableness became even more apparent from the fact, as duly admitted by appellant himself, that the victim had obviously been inebriated at the time of the aggression. It would have then been easier for Ronillo to have subdued Lopez, Sr. without resorting to the excessive means of stabbing the latter's chest with a kitchen knife. Verily, it was far from a reasonably necessary means to repel the supposed aggression of Lopez, Sr. Appellant thereby fails in satisfying the second requisite of self-defense.

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<sup>22</sup> *Mahawan v. People*, 595 Phil. 397, 415 (2008).

<sup>23</sup> *People v. Vicente*, 452 Phil. 986, 1002 (2003).

<sup>24</sup> *People v. Mayingque*, 638 Phil. 119, 138 (2010).



Other circumstances also render appellant's claim of self-defense as dubious and unworthy of belief. Here, appellant did not inform the authorities at the earliest opportunity that he stabbed his father in self-defense, neither did he surrender right away the kitchen knife which he used in stabbing the victim. Instead, appellant hid himself from the authorities and was arrested only after a certain Samuel Lopez tipped his whereabouts to the police. Jurisprudence has repeatedly declared that flight is an indication of guilt. The flight of an accused, in the absence of a credible explanation, would be a circumstance from which an inference of guilt may be established "for a truly innocent person would normally grasp the first available opportunity to defend himself and to assert his innocence."<sup>25</sup> Also, Ronillo only invoked self-defense when he could no longer conceal his deed.

In his attempt at exculpation, Ronillo asserts that credence should not have been accorded to the testimony of Dr. Manapsal because said prosecution witness admitted that his nurse was the one who filled up the medical certificate and that there are injuries that might appear a few hours after they were inflicted.

Ronillo's argument deserves scant consideration. Let it be underscored that during his cross-examination, Dr. Manapsal explained that the variance of handwritings in the medical certificate was due to the fact that it was his nurse who wrote appellant's name and other personal details thereon, but the notation "no external signs of physical injuries" was in his handwriting. The Court notes that the defense took inconsistent stands. During trial, it claimed that right after the stabbing incident, appellant already had visible injuries allegedly caused by the attack of his father through the testimonies of Ronillo and his sister, Robilie. However, on appeal, it contended that the reason why Dr. Manapsal saw no such injuries in the body of appellant at the time of his physical examination was because there are some injuries that become visible a few hours after they were inflicted. At any rate, Dr. Manapsal clarified that by his experience, it would not be possible in appellant's case that the injuries would manifest only after examination. Dr. Manapsal stood firm in his observation that he did not see any injury on Ronillo when he examined the latter on May 16, 2014. The Court lends credence to Dr. Manapsal, a government physician, for he is presumed to have performed his duty in a regular manner, unless there is evidence to the contrary suggesting ill-motive on his part. Appellant failed to overcome the aforesaid presumption.

With appellant's failure to prove self-defense, the inescapable conclusion is that he is guilty of Parricide as correctly found by the RTC and affirmed by the CA. Parricide is committed when: (1) a person is killed; (2)

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<sup>25</sup> *People v. Diaz*, 443 Phil. 67, 89 (2003), citing *People v. del Mundo*, 418 Phil. 740, 753 (2001).



the deceased is killed by the accused; and (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. All these elements were duly established and proven by the prosecution. The fact of death by Lopez, Sr. was shown in the medico-legal report and the victim's death certificate; Ronillo admitted that he killed Lopez, Sr. by stabbing the latter with a kitchen knife; and the relationship between appellant and Lopez, Sr. as son and father was established through the former's birth certificate and the marriage certificate of his parents.

We find that the prison term imposed by the CA in Criminal Case No. 14-0396 is proper and, hence, shall no longer be disturbed by this Court. Finally, the CA is correct in awarding ₱75,000.00 each for civil indemnity, moral damages and exemplary damages being consistent with the Court's pronouncement in *People v. Jugueta*.<sup>26</sup> The award of ₱60,000.00 as actual damages is maintained. Further, six percent (6%) interest *per annum* shall be imposed on all damages awarded to be reckoned from the date of the finality of this judgment until fully paid.<sup>27</sup>

**WHEREFORE**, the appeal is **DISMISSED**. The Decision of the Court of Appeals dated January 6, 2017 in CA-G.R. CR-HC No. 07936 is hereby **AFFIRMED** with **MODIFICATION**. Accused-appellant Ronillo Lopez, Jr. y Mantalaba @ "Dodong" is found **GUILTY** beyond reasonable doubt of Parricide and is sentenced to suffer the penalty of *Reclusion Perpetua*. He is **ORDERED** to **PAY** the heirs of Ronillo Lopez, Sr. y Madroño the amounts of ₱60,000.00 as actual damages, ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 by way of exemplary damages.

Accused-appellant is also **ORDERED** to **PAY** interest at the rate of six percent (6%) *per annum* from the time of finality of this Decision until fully paid, to be imposed on the actual damages, civil indemnity, moral damages and exemplary damages.




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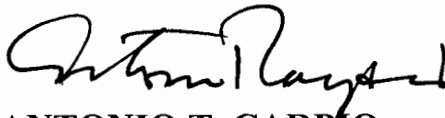
<sup>26</sup> 783 Phil. 806 (2016).


<sup>27</sup> *People v. Romobio*, G.R. No. 227705, October 11, 2017.

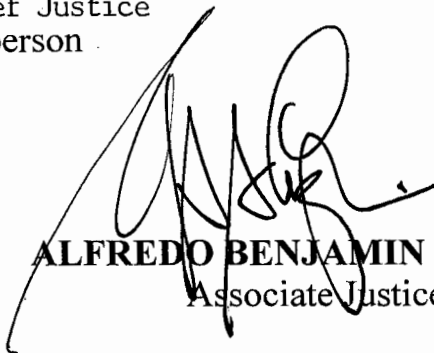
**SO ORDERED.**

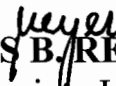
  
**DIOSDADO M. PERALTA**  
 Associate Justice

**WE CONCUR:**

  
**ANTONIO T. CARPIO**  
 Acting Chief Justice  
 Chairperson


  
**ESTELA M. PERLAS BERNABE**  
 Associate Justice

  
**ALFREDO BENJAMIN S. CAGUIOA**  
 Associate Justice

  
**ANDRES B. REYES, JR.**  
 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.

  
**ANTONIO T. CARPIO**  
 Acting Chief Justice