

SUPREME COURT OF THE PHILIPPINES  
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Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

**THE PEOPLE OF THE PHILIPPINES**

*Plaintiff-Appellee,*

-versus-

**SALVE GONZALES y TORNO**

*Accused-Appellant.*

**G.R. No. 217022**

**Present:**

CARPIO, *Chairperson,*  
PERLAS-BERNABE,  
CAGUIOA,\*  
REYES, J., JR.  
LAZARO-JAVIER, *JJ.*

Promulgated:

03 JUN 2019

*MAR Cabalag Perfesto*

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**DECISION**

**LAZARO-JAVIER, J.:**

**The Case**

This appeal<sup>1</sup> assails the Decision dated July 1, 2014<sup>2</sup> of the Court of Appeals in CA-G.R. CR-H.C. No. 06227 entitled “*The People of the Philippines v. Salve Gonzales y Torno*” for parricide. It affirmed the Judgment dated May 20, 2013<sup>3</sup> of the Regional Trial Court–Quezon City, Branch 102, in Criminal Case No. Q-09-160855, finding appellant Salve Gonzales y Torno

\* On Official Leave

<sup>1</sup> By Notice of Appeal dated May 24, 2013; CA *rollo*, pp. 17-18.

<sup>2</sup> Penned by Associate Justice Remedios A. Salazar-Fernando and concurred in by Associate Justices Samuel H. Gaerlan and Eduardo B. Peralta, Jr.; *rollo*, pp. 2-28.

<sup>3</sup> Penned by Judge Ma. Lourdes A. Giron; CA *rollo*, pp. 20-32.

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guilty of parricide for killing her thirteen-year old son Ronald Gonzales<sup>4</sup> and imposing on appellant appropriate penalties and monetary awards.<sup>5</sup>

### **The Proceedings Before the Trial Court**

By Information<sup>6</sup> dated September 22, 2009, appellant Salve Gonzales y Torno was charged with parricide, as follows:

That on or about the 16<sup>th</sup> day of September, 2009, in Quezon City, Philippines, the above-named accused, being then the mother of the victim, with intent to kill, did then and there willfully, unlawfully and feloniously, attack, assault and employ personal violence upon the person of RONALD GONZALES y TORNO, a minor, 13 years of age, by then and there hitting her (sic) on his head with the use of broomstick (“walis tambo”), thereby inflicting upon him serious and mortal injuries which were the direct and immediate cause of her (sic) untimely death, to the damage and prejudice of the heirs of the said RONALD GONZALES y TORNO.

CONTRARY TO LAW.<sup>7</sup>

On arraignment, appellant pleaded not guilty.<sup>8</sup>

At the pre-trial, the parties stipulated on appellant’s identity and her relationship with the thirteen-year old victim.<sup>9</sup> During the trial proper, Rhey Gonzales, Racel Gonzales, Glena Gonzales, and Dr. Filemon C. Porciuncula, Jr. testified for the prosecution. On the other hand, only appellant testified for the defense.

### **The Prosecution’s Evidence**

#### **Rhey Gonzales**

He was the eldest among appellant’s four children and the brother of Ronald Gonzales. Their father was already dead. At the time of the incident, he was fifteen years old while Ronald was thirteen.<sup>10</sup>

On September 16, 2009, around 7 o’clock in the evening, he and Ronald got home from school. Appellant also got home from work around the same time. Shortly after, she discovered they had no current in the house because Ronald sold the bronze wire connected to the electric meter. Then, appellant’s co-workers came to fetch her. When she came back home, she was drunk. Using a hanger, she hit Ronald several times until the hanger snapped. Still,

<sup>4</sup> Baron in some parts of the *rollo*, TSN, February 22, 2010, pp. 3-4.

<sup>5</sup> CA *rollo*, pp. 31-32.

<sup>6</sup> Record, p. 1.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 32-34.

<sup>9</sup> *Id.* at 40-41.

<sup>10</sup> TSN, February 22, 2010, pp. 3-4.

she did not stop. She got hold of the broom and using its wooden handle, hit Ronald's head and body. At that time, Rhey was lying on the lower bunk of their double-deck bed. He cried when he saw what was going on. His two other siblings Racel and Raymart also cried.<sup>11</sup>

When Rhey woke up around 6 o'clock the next morning, he saw vomit on Ronald's bed and his jogging pants were wet with urine. Ronald could not eat and looked very weak. Meanwhile, appellant asked Ronald why he sold the bronze electrical wire. Ronald confessed he sold the bronze electrical wire because he needed money for his project. She then again took hold of the broom and inserted its handle into Ronald's mouth. Later in the evening, when Rhey arrived home, he learned that their aunt Glena Gonzales brought Ronald to the East Avenue Medical Center. Together with his uncle Teody Gonzales, he went to the hospital to check Ronald's condition. Ronald died around 10 o'clock in the evening of September 17, 2009.<sup>12</sup>

### **Racel Gonzales**

She was the younger sister of Ronald. She was eleven years old at the time of the incident. She saw appellant scold and hit Ronald with a hanger while he lay on the bed. Appellant hit Ronald's legs, arms, and head with the handle. The following morning, she saw vomit on Ronald's mouth, on the bed, and on the floor. She also noticed that Ronald was very weak. Later in the afternoon, she went to the East Avenue Medical Center to visit Ronald. Appellant was at the hospital when Ronald was pronounced dead.<sup>13</sup>

### **Glenn Gonzales**

\* She was appellant's sister-in-law and Ronald's aunt. They were neighbors. About 9 o'clock in the morning of September 17, 2009, she went to appellant's house. Only appellant and Ronald were there. She saw Ronald unconscious and very pale. When she could not feel Ronald's pulse, she carried him shouting they should bring him to the hospital. Appellant replied that Ronald was just pretending. Together with a certain Mommy Ludy, she rushed Ronald to Tiga Clinic in Manggahan where he was given oxygen. Appellant remained in the house.<sup>14</sup>

After an hour, the clinic caretaker told them to transfer Ronald to the East Avenue Medical Center. There, the doctor said Ronald

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<sup>11</sup> *Id.* at 5-10.

<sup>12</sup> *Id.* at 11-18.

<sup>13</sup> TSN, June 21, 2010, pp. 3-10.

<sup>14</sup> TSN, August 23, 2010, pp. 3-8.

was comatosed and only had 50% chance of survival. Ronald died around 11 o'clock in the evening.<sup>15</sup>

### **Dr. Filemon C. Porciuncula, Jr.**

He was the Medico-Legal Officer of the PNP Crime Laboratory who examined Ronald's body on September 18, 2009. He found that Ronald sustained one external injury (swelling) and one internal injury (brain hemorrhage). In his expert opinion, the injuries were caused by a forcible blow using a blunt object. The direct cause of death was a blood clot in his head.<sup>16</sup> The possibility that the deceased sustained it because he fell from a high elevation was very remote.<sup>17</sup>

### **The Defense's Evidence**

Appellant testified that on September 16, 2009, around 5:30 in the afternoon, she got home but it was dark inside. Racel told her Ronald cut the electrical wiring and sold it. When Ronald arrived from school, he admitted selling the copper wire to buy something. She ordered him to lay his hands on the table. She hit them once with a hanger. Racel and Raymart<sup>18</sup> saw her hit Ronald's hands. It was painful for her as a mother so she went out and returned around 9 o'clock in the evening. At that time, her children were already asleep. She hugged Ronald and told him, "*pasensia ka na kong nasaktan kita, kasi kasalanan mo.*" She went to sleep shortly after.<sup>19</sup>

Early the next day, she heard a noise and saw Ronald sitting and leaning on the ladder of the double-deck bed. When she asked what happened, Ronald said he slipped and fell. Ronald went to the comfort room and went back to sleep. About 5 o'clock in the morning, she told Rhey to wake up Ronald. At that time, Ronald was vomiting. She gave Ronald a hot drink thinking her son was "*nalamigan.*" Meantime, Rhey left to bring Racel to school. When he returned, she told him to help Ronald take a bath. After the bath, Ronald lay on the bed while she washed clothes outside.<sup>20</sup>

When she noticed that Ronald was very weak, she told him to go to his Tita Glena's house. Glena brought Ronald to the clinic for treatment. They were told though that his heartbeat was very weak and they needed to bring him to the hospital. She followed them to the clinic, and together with Glena, brought Ronald to the East Avenue Medical Center. Between 9 o'clock and 10 o'clock in the evening, Ronald died.<sup>21</sup>

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<sup>15</sup> *Id.* at 8-10.

<sup>16</sup> TSN, February 28, 2011, pp. 3-7.

<sup>17</sup> *Id.* at 10.

<sup>18</sup> Appellant has four children; Rhey, Ronald, Racel, and the youngest is Raymart; *CA rollo*, p. 28.

<sup>19</sup> TSN, September 5, 2011, pp. 3-7.

<sup>20</sup> *Id.* at 7-9.

<sup>21</sup> *Id.* at 9-10.

### The Trial Court's Ruling

As borne by Judgment dated May 20, 2013,<sup>22</sup> the trial court rendered a verdict of conviction, viz:

WHEREFORE, in view of the foregoing, judgment is hereby rendered finding the accused Salve Gonzales y Torno, GUILTY beyond reasonable doubt of the crime of Parricide defined and penalized under Article 246 of the Revised Penal Code and she is hereby sentenced to suffer the penalty of Reclusion Perpetua (sic) and to indemnify private complainants the amounts of P75,000.00 as civil indemnity, P50,000.00 as moral damages and P25,000.00 as exemplary damages.

SO ORDERED.<sup>23</sup>

The trial court found that the elements of parricide were all present in the case. Rhey and Racel Gonzales positively testified that appellant severely beat up their brother Ronald first with a hanger until it broke, and then, with the broom's wooden handle. Appellant hit Ronald all over his body, including his head. This caused traumatic injuries which resulted in Ronald's death.<sup>24</sup>

### The Proceedings Before the Court of Appeals

On appeal, appellant faulted the trial court for finding her guilty of parricide despite the prosecution's alleged failure to prove her guilt beyond reasonable doubt. She denied killing her son. She insisted Ronald just slipped.<sup>25</sup> She also argued that even assuming she killed Ronald, the mitigating circumstance of lack of intention to commit so grave a wrong must be appreciated in her favor.<sup>26</sup>

On the other hand, the Office of the Solicitor General (OSG), through Assistant Solicitor General Karl B. Miranda and Senior State Solicitor Noel Cezar T. Segovia<sup>27</sup> countered that the straightforward testimonies of the prosecution witnesses clearly established that appellant's acts toward her thirteen-year old son were sadistic, not just corrective.<sup>28</sup> Her defense of denial cannot outweigh her children's positive testimonies.<sup>29</sup> Lastly, the mitigating circumstance of lack of intention to commit so grave a wrong cannot favor appellant since there was no notable disparity between the means she employed in beating up Ronald and the resulting injuries which caused his death.<sup>30</sup>

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<sup>22</sup> CA rollo, pp. 20-32.

<sup>23</sup> *Id.* at 31-32.

<sup>24</sup> *Id.* at 30-31.

<sup>25</sup> *Id.* at 48.

<sup>26</sup> *Id.* at 39-52.

<sup>27</sup> *Id.* at 72-85.

<sup>28</sup> *Id.* at 79.

<sup>29</sup> *Id.* at 81.

<sup>30</sup> *Id.* at 82.

### The Court of Appeal's Ruling

The Court of Appeals affirmed. It held that appellant's defense of denial cannot prevail over the positive testimonies of her own children.<sup>31</sup> Also, the mitigating circumstance of lack of intention to commit so grave a wrong cannot work in appellant's favor since her acts were reasonably sufficient to cause Ronald's death.<sup>32</sup>

### The Present Appeal

Appellant now seeks affirmative relief from the Court and prays anew for her acquittal. In compliance with Resolution dated June 17, 2015,<sup>33</sup> both appellant and the OSG manifested that, in lieu of supplemental briefs, they were adopting their respective briefs filed before the Court of Appeals.<sup>34</sup>

### Ruling

We deny the appeal.

#### *Parricide and its elements proven*

Article 246 of the Revised Penal Code defines parricide, *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 accused is the killer; and (3) deceased is either the legitimate spouse of the accused, or any legitimate or illegitimate parent, child, ascendant or descendant of the accused.<sup>35</sup>

Here, the presence of the **third element** is undisputed. Appellant is Ronald's mother.<sup>36</sup> Ronald's birth certificate (Exhibit "C")<sup>37</sup> showed this fact.

As for the **first and second elements**, appellant's minor children Rhey and Racel Gonzales categorically identified appellant as the person who killed Ronald. They each gave an eyewitness account of how appellant inflicted multiple blows on Ronald's head and body, first using a hanger until it snapped, and then, the broom's wooden handle, thus:

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<sup>31</sup> *Rollo*, p. 20.

<sup>32</sup> *Id.* at 21.

<sup>33</sup> *Id.* at 34-35.

<sup>34</sup> *Id.* at 38-40 and 43-45.

<sup>35</sup> *People v. Andaya*, G.R. No. 219110, April 25, 2018.

<sup>36</sup> Records, pp. 40-41.

<sup>37</sup> *Id.* at 38.

**Rhey Gonzales**

Q: You said that after arrival of your mother she started hitting your brother Ronald Gonzales with a hanger?

A: Yes, sir. After she arrived she hit Baron with a hanger. And then when the hanger was broken she got a broom and the handle of the broom is *yantok*. She hit Baron with the handle of the broom.

Q: You said that the handle of the broom is *yantok*?

A: Yes, sir.

Q: What part of the broom hit the body of Ronald?

A: The handle, sir.

Q: The *yantok*?

A: Yes, sir.

Q: Okay, what part of the body of Ronald was hit by that *yantok*?

A: At first on his legs, arms, body and after a while I heard that he was hit on his head.

Q: The *yantok* hit the head of your brother?

A: Yes, sir.

Q: As far as you know, how many times did the *yantok* hit the head of your brother?

A: Once only, sir.

Q: What did Ronald, your brother, the victim in this case do when he was hit by that *yantok*?

A: He was saying *tama na, tama na, hindi na po mauulit*. But my mother continued hitting him.<sup>38</sup>

xxx

Q: By the way, did your mother stop hitting Ronald?

A: When he was hit at the head, and after hitting him again on his body for a few times and then she stopped.<sup>39</sup>

**Racel Gonzales**

Q: What part of the body of your Kuya Ronald was hit by your mother?

A: His legs, arms and head, sir.

Q: What particular object was used by your mother in hitting your brother?

A: At first she used hanger but when the hanger was broken, she used the broom.

Q: And you said that your brother Ronald was hit by that *tambo* in different parts of his body, what particular part of the *tambo* was used in hitting the body of your brother?

<sup>38</sup> TSN, February 22, 2010, pp. 9-10.

<sup>39</sup> *Id.* at 10-11.

A: The handle, sir.<sup>40</sup>

xxx

Q: What was the position of Ronald when he was hit by your mother?

A: He was lying down sir.<sup>41</sup>

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Q: Were you able to hear words coming from your brother while he was being hit by your mother?

A: Yes, sir.

Q: What particular words were uttered by Ronald?

A: *Huwag na po hindi na po ako uulit.*<sup>42</sup>

The testimonies of Rhey and Racel Gonzales pointing to their own mother as the person who, without mercy, beat up their thirteen-year old brother on the night of September 16, 2009, and again the next morning, deserve full faith and credence. These children would not impute such a heinous crime as parricide on their own mother if it were not true. More so because these children, young as they were, only had appellant to take care of them as their father had already died. The testimonies of children against their own flesh and blood are given great weight, especially when no ill will is shown,<sup>43</sup> as in this case.

Too, the positive testimonies of Rhey and Racel Gonzales firmly interlocked with the **anatomical sketch**<sup>44</sup> and **Medico-Legal Report**<sup>45</sup> of Dr. Filemon C. Porciuncula, Jr. His findings showed that the fatal blow caused blood clot in Ronald's head, causing his death, thus:

Q: On the second paragraph of this Medico Legal Report there is a notation "*HEAD: 1. Swelling, left temporo-parietal region measuring 7x6 cm., 7 from the midsagittal line. There is a cavitation at the epidural area of the left temporo-parietal region, measuring 10x10 cm, filled with blood and blood clots*". Can you explain this term in layman's view?

A: My findings is indicated in the anatomical sketch the location of the swelling on the left side of the head and the swelling measures 7x6 cm. and 7 cm. from the midsagittal line and when I dissected the head of the victim there is a cavitation on the left side of the radium and this measures 10x10 cm. is filled with blood and blood clots which is the direct cause of the death of the victim which is epidural hemorrhage.<sup>46</sup>

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<sup>40</sup> TSN, June 21, 2010, p. 6.

<sup>41</sup> *Id.* at 6-7.

<sup>42</sup> TSN, June 21, 2010, p. 7.

<sup>43</sup> *People v. Dalag*, 450 Phil. 304, 324-325 (2003)

<sup>44</sup> Record, p. 75.

<sup>45</sup> *Id.* at 37.

<sup>46</sup> TSN, February 28, 2011, pp. 5-6.



- Q: What may cause the injury?  
A: The swelling and the internal injury sustained by the victim which is blood is caused by severe application called (sic) blunt caused by a blunt object, sir.
- Q: So it may be caused by anything which is (sic) consists of wood or it would be any kind of ...?  
A: Anything that is solid, sir.
- Q: So as far as your finding is concerned, how many injuries you found in the head of the victim?  
A: There is one external injury the swelling and one internal injury which is the brain hemorrhage which is cause(d) by blunt application of force.<sup>47</sup>

xxx

- Q: You also testified a while ago that in your findings the direct cause of death was the blood clot you found on the head?  
A: Yes, ma'am.<sup>48</sup>

**Physical evidence** is a mute but eloquent manifestation of truth. It rates highly in the hierarchy of trustworthy evidence. The physical evidence here is compatible with the testimonies of the prosecution witnesses but inconsistent with appellant's defense of denial. These testimonies, therefore, must prevail.<sup>49</sup> In any event, the Court has invariably ruled that denial is a weak defense which becomes even weaker in the face of positive identification of the accused by prosecution witnesses.<sup>50</sup>

Appellant's story that she only smacked Ronald's hands and that he fell from the top bunk of their double-deck bed is unworthy of belief. Again, it cannot prevail over her children's positive testimony that after beating up Ronald with a hanger all over his body, they also saw her hit Ronald in the head with the broom's *yantok* handle and even inserted it in his mouth. Being in the same room with appellant and Ronald, Rhey and Racel witnessed up close appellant's acts of cruelty inflicted on their helpless brother Ronald.

At any rate, Dr. Porciuncula, Jr. specifically ruled out appellant's theory that Ronald's fatal head injury resulted from his supposed fall from a relatively high elevation, *viz*:

- Q: Would it be possible, Mr. Witness, that a person who might have fallen from a relatively high days (sic) might have sustained the said swelling or internal injuries?  
A: The possibility is very remote considering that there were no other injuries noted on the victim except for the swelling on the head.
- Q: Are you saying that it is not possible?

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<sup>47</sup> *Id.* at 6-7.

<sup>48</sup> *Id.* at 9.

<sup>49</sup> *People v. Carillo*, 388 Phil. 1010, 1021-1022 (2000)

<sup>50</sup> *People v. Gaspar* 731 Phil. 162, 168 (2014)

A: The possibility is very remote.

Q: So it could still be possible?

A: Yes for percentage there is 1%.<sup>51</sup>

Dr. Porciuncula, Jr.'s expert testimony deserves respect and great weight as against appellant's incredible story.

***No mitigating circumstance proven***

In the alternative, appellant argues that the mitigating circumstance of lack of intention to commit so grave a wrong as that committed should be appreciated in her favor.

We are not persuaded.

Appellant was sufficiently shown to have used brute force on Ronald so much so that the hanger she initially used snapped. Even then, appellant did not stop; she got hold of the broom and using its wooden handle hit Ronald in the head and all over his body. The following morning, appellant saw Ronald's critical condition. There was vomit on his bed and on the floor. His jogging pants were wet with urine. He was so weak he could neither get up, nor hold a spoon. He later fell to the ground. But appellant still did not take pity on her young child. Once more, she got the broom and pushed its *yantok* handle inside Ronald's mouth.<sup>52</sup> Rhey's testimony on appellant's heartless assault on her thirteen-year old child was unwavering:

Q: After you woke up what did you notice, if any?

A: When I woke up (I) noticed that there was vomit on the bed of Ronald as well as on my bed. And his jogging pants was wet with urine.

Q: So your mother was there also?

A: Yes, sir.

xxx

Q: Was she able to see the vomit and the urine?

A: Yes, sir.<sup>53</sup>

xxx

Q: What happened next after you cleaned up that mess?

A: After I was able to clean the mess, my mother already cooked our breakfast. And then she instructed Ronald to get up from his bed. But Ronald was not able to get up from his bed. I assisted him going down and my mother told him to eat but he could not eat because he was weak.<sup>54</sup>


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<sup>51</sup> TSN, February 28, 2011, p. 10.

<sup>52</sup> *Rollo*, p. 22.

<sup>53</sup> TSN, February 22, 2010, p. 12.

<sup>54</sup> *Id.* at 13.



xxx

- Q: What happened after Ronald seated at the bed of your mother?  
A: My mother asked him again why Ronald sold the bronze despite giving him an allowance. She again took the broom and put the end of the handle inside the mouth of Ronald.
- Q: You said a broom, the broom used in that night in hitting your brother?  
A: Yes, sir.
- Q: So you are referring to the *yantok* which was put inside the mouth of your brother?  
A: Yes, sir.
- Q: Was the point of the *yantok* entered the mouth of your brother?  
A: At his lips.
- Q: But it was able to hit the mouth of your brother?  
A: Yes sir. There was a wound in his lips.
- Q: What did your mother tell Ronald while she was pushing the *yantok* in his mouth?  
A: She was asking Ronald, "*bakit mo ba ibinenta yung tanso?*" Ronald cannot speak.
- Q: So what happened after that?  
A: After a while when he was being hit by my mother in his lips, he was able to answer that he sold it because he will use the money for his project.<sup>55</sup>

xxx

- Q: So what happened?  
A: My mother stopped. After that the breakfast was ready so I was feeding Baron but he could not eat. He was too weak and then he fell down.<sup>56</sup>

xxx

- Q: So, who was the one who fed Ronald that following morning?  
A: He was given food but he was not able to eat because he cannot hold the spoon anymore and the food was falling.<sup>57</sup>

xxx

- Q: You said that you notice that Baron/Ronald was too weak and he fell down?  
A: Yes ma'am, I noticed that before I left for school.
- Q: So, where was your mother at that time?  
A: She was at home ma'am.
- Q: You did not ask help from your mother?

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<sup>55</sup> *Id.* at 13-14.

<sup>56</sup> *Id.* at 14-15.

<sup>57</sup> TSN, April 19, 2010, p. 13.

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A: No ma'am. My mother said not to mind Ronald because he was a drug addict, he was just pretending.<sup>58</sup>

Undoubtedly, appellant was motivated not by an honest desire to discipline Ronald for his mistake but by an evil intent to ruthlessly beat up the helpless little boy.<sup>59</sup> She kept beating him up despite seeing him already so weak and frail. Worse, appellant never showed any sign of remorse, much less, love for her visibly dying child. She even refused to bring him to the hospital, saying he was just pretending.<sup>60</sup> As Rhey vividly recalled:

Q: Who brought him to the hospital?

A: My auntie ma'am.

Q: What is the name of your auntie?

A: Glena.

Q: Where was your mother at that time?

A: My mother was just at home.<sup>61</sup>

xxx

Q: What steps did your mother do to your brother, Ronald, inspite of the fact that his condition was unusual as far as you were concerned?

A: My mother did not do anything, because according to her Ronald was just pretending.<sup>62</sup>

Glenn Gonzales recounted that when she saw how pale Ronald was and felt he had already lost his pulse, she immediately rushed him to the hospital. For her part, appellant did nothing, merely stayed home, and even mocked Ronald as a mere pretender, *viz*:

Q: You said that you brought Ronald Gonzales to the hospital, how come what was the reason why you brought Ronald to the hospital?

A: When Mommy Ludy called me and told me to see Ronald and when I opened the door, I saw Ronald lying down very pale and when I looked at his pulse he has no pulse that's why I shouted and told them that we brought (sic) him to the hospital.

xxx

Q: Who was there or who were there in that very particular incident?

A: There were only two (2) his mother and Ronald, sir.<sup>63</sup>

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<sup>58</sup> *Id.* at 14.

<sup>59</sup> *People v. Sales*, 674 Phil. 150, 162 (2011)

<sup>60</sup> *Rollo*, p. 22.

<sup>61</sup> TSN, April 19, 2010, p. 15.

<sup>62</sup> *Id.* at 19.

<sup>63</sup> TSN, August 23, 2010, p. 6.



xxx

Q: So what happened after you saw Ronald?

A: I carried him up but she told me that he was just pretending so I brought him inside our house and tried to give him milk.

Q: You said, "*sabi niya nagkukunwari*", whom you are referring to?

A: His mother, sir.

xxx

Q: By the way, what was the condition of Ronald during that very moment when you decided to bring him to your house?

A: He was unconscious so we carried him, sir.<sup>64</sup>

xxx

Q: Where was the accused when you were at the clinic?

A: She was left inside their house, sir.

Q: So you want to impress the Honorable Court that the accused did not go to the clinic?

A: I was alone because she doesn't want to bring her child to the hospital.<sup>65</sup>

Appellant's cruelty toward her young child wickedly defies human nature especially the mother's protective instinct toward her own. In the words of the Court of Appeals, "*it is inexplicably tragic that the very person who brought Ronald into this world, with the natural and unconditional obligation to protect and nurture him, was also the one who brought his life to a premature end at the very young age of thirteen (13).*"<sup>66</sup> Plainly, appellant's brutish acts sufficiently produced, and did actually produce, her son's death. Appellant, therefore, cannot be credited with the mitigating circumstance of lack of intention to commit so grave a wrong.

All told, We affirm appellant's conviction for parricide. The penalty for parricide is *reclusion perpetua* to death.<sup>67</sup> There being no aggravating or mitigating circumstance proven, both the trial court and the Court of Appeals correctly sentenced appellant to *reclusion perpetua*. We affirm the award of P75,000.00 as civil indemnity.

In accordance with prevailing jurisprudence,<sup>68</sup> however, the awards of moral and exemplary damages should be increased to P75,000.00 each. Temperate damages of P50,000.00, in lieu of actual damages, are also granted. Finally, these amounts shall earn six percent interest *per annum* from finality of this Decision until fully paid.

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<sup>64</sup> *Id.* at 6-7.

<sup>65</sup> *Id.* at 8.

<sup>66</sup> *Rollo*, p. 10.

<sup>67</sup> Under Article 246 of the Revised Penal Code, as amended by Republic Act (RA) No. 7659.

<sup>68</sup> *People v. Jugueta*, 783 Phil. 806, 832 (2016)


**ACCORDINGLY**, the appeal is **DENIED**. The Decision dated July 1, 2014 of the Court of Appeals in CA-G.R. CR-H.C. No. 06227 is **AFFIRMED** with **MODIFICATION**.

Appellant **Salve Gonzales y Torno** is found **GUILTY** of **parricide** and sentenced to *reclusion perpetua*. She is further required to **pay civil indemnity, moral damages, and exemplary damages of P75,000 each; and temperate damages of P50,000.00** to the heirs of Ronald Gonzales. These amounts shall earn six percent (6%) interest *per annum* from finality of this decision until fully paid.

**SO ORDERED.**

  
**AMY C. LAZARO-JAVIER**  
Associate Justice

**WE CONCUR:**

  
**ANTONIO T. CARPIO**  
Senior Associate Justice  
Chairperson

  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

(On Official Leave)  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

  
**JOSE C. REYES, JR.**  
Associate Justice

**ATTESTATION**

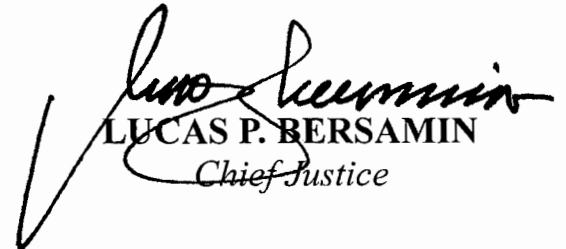
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division



**ANTONIO T. CARPIO**  
*Senior Associate Justice*  
*Chairperson, Second Division*

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the above Division Chairperson's Attestation, 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.



**LUCAS P. BERSAMIN**  
*Chief Justice*

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