



Republic of the Philippines
Supreme Court
 Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 248929
 Plaintiff-Appellee,

Present:

PERLAS-BERNABE, J., *Chairperson*,
 GESMUNDO,
 LAZARO-JAVIER,
 LOPEZ, and
 ROSARIO,* *JJ.*

- versus -

PAULINO DELOS SANTOS, JR.
ALIAS "SKYLAB,"
 Accused-Appellant.

Promulgated:

09 NOV 2020

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DECISION

LAZARO-JAVIER, J.:

The Case

This appeal¹ assails the Decision² dated June 28, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 08894 entitled "*People of the Philippines v. Paulino Delos Santos, Jr., Alias "Skylab"*" which affirmed the trial court's verdict of conviction against Paulino Delos Santos, Jr. alias "Skylab" (appellant) for parricide. Its dispositive portion reads:

WHEREFORE, the instant appeal is DENIED.

* Designated as additional member per S.O. No. 2797 dated November 5, 2020.

¹ By Notice of Appeal dated July 16, 2018, *rollo*, pp. 15-16.

² Penned by now Supreme Court Associate Justice Henri Jean Paul B. Inting and concurred in by Associate Justices Stephen C. Cruz and Danton Q. Bueser, *id.* at 3-14.

However, the Decision [dated] September 5, 2016 rendered by Branch 39 of the Regional Trial Court, Daet, Camarines Norte in Criminal Case No. 14834 is hereby MODIFIED in that accused-appellant is ordered to pay legal interest on the monetary awards granted in this case at the rate of six percent (6%) per *annum* from the finality of this Decision until full payment thereof.

SO ORDERED.³

The Proceedings before the Trial Court

The Charge

Appellant was charged with parricide under the following Information, viz.:

That on or about 11:30 o'clock [sic] in the evening of May 8, 2011 at Purok 2, Brgy. Macolabo Island, Municipality of Paracale, Province of Camarines Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the son of PAULINO DELOS SANTOS SR., with intent to kill, with treachery and evident premeditation, did then and there, willfully, unlawfully and feloniously attack, assault and stab his father, PAULINO DELOS SANTOS SR., using a bladed weapon, thereby inflicting upon the latter mortal wound on his chest that caused his instantaneous death, to the damage and prejudice of the heirs of the victim.

CONTRARY TO LAW.⁴

The case was raffled to the Regional Trial Court-Daet, Camarines Norte, Branch 39 and docketed as Criminal Case No. 14834.

On arraignment, appellant pleaded "not guilty."⁵ Trial ensued. Michael L. San Gabriel (Michael), Dr. Virginia B. Mazo (Dr. Mazo) and Police Officer 3 (PO3) Gil V. Obog (PO3 Obog) testified for the prosecution. On the other hand, appellant testified as lone witness for the defense.

The Prosecution's Version

On May 8, 2011, around 11:30 in the evening, Michael was hanging out with Diego, Dante, Hermie and Marcos Delos Santos (Marcos) in the house of his cousin Jovito Libanan (Jovito) in Purok 3, Macolabo Island, Paracale, Camarines Norte. Jovito is the common-law spouse of Liezel Delos Santos, daughter of Paulino Delos Santos, Sr. (Paulino, Sr.).⁶

³ *Id.* at 13.

⁴ *Id.* at 4.

⁵ *Id.*

⁶ *Id.* at 5.

While Michael, Diego, Dante, Hermie, and Marcos were laughing, singing, and having fun, appellant, armed with a knife, suddenly arrived. He appeared to be intoxicated. He instantly engaged in a heated verbal argument with his brother Marcos. This awakened appellant's father Paulino, Sr.. He then prodded appellant to leave but the latter refused. Appellant adamantly warned his father not to interfere and challenged him to a fight. While they were pushing each other, appellant suddenly stabbed Paulino, Sr. in the upper left side of the chest, causing the latter to fall on the ground. Thereupon, appellant immediately fled. Paulino, Sr. died even before he was brought to the hospital.⁷

During the trial, Michael positively identified appellant as the person who stabbed and killed his father Paulino, Sr..⁸

PO3 Obog testified that they received a report about the stabbing incident involving appellant and Paulino, Sr.. He and the other police officers immediately went to appellant's residence, but did not find him there. So they proceeded instead to the house of Paulino, Sr.. He knew appellant since the latter had been previously incarcerated for other cases.⁹

Dr. Mazo, a Municipal Health Officer of Paracale, Camarines Norte, issued the victim's death certificate indicating that the stab wound was the immediate cause of his death.¹⁰

The Defense's Version

Appellant told a different story. He denied killing his father. According to him, in the evening of May 8, 2011, he was awakened by a noise coming from the adjacent house of his brother-in-law, Jovito. When he went outside to check, he saw Jovito with blood stains in his hands. He asked Jovito about the blood stains, but the latter did not respond. He then heard someone from inside Jovito's house screaming that his father, Paulino, Sr. was already dead. He tried to get inside Jovito's house but he was told to leave the place or he would be killed next.¹¹

The Trial Court's Ruling

By Decision¹² dated September 5, 2016, the trial court found appellant guilty of parricide, *viz.*:

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 6.

¹⁰ *Id.*; CA rollo, p. 32.

¹¹ *Rollo*, p. 6.

¹² Penned by Judge Winston S. Racoma, CA rollo, pp. 31-33.

WHEREFORE, all the foregoing premises considered, accused **PAULINO DELOS SANTOS, JR.** alias “**SKYLAB**”, is hereby found **GUILTY** beyond reasonable doubt of the crime of **PARRICIDE**. He is hereby sentenced to suffer the penalty of *Reclusion Perpetua*, without eligibility of parole. He is also ordered to pay the heirs of the victim the amount of PhP75,000.00 as civil indemnity, PhP50,000.00 as moral damages, and PhP30,000.00 as exemplary damages.

SO ORDERED.¹³

It ruled that all the elements of the crime of parricide were duly established. The testimonies of the prosecution witnesses proved that appellant killed his own father, Paulino, Sr., by stabbing him in the upper left side of the chest. Appellant’s alibi and denial must necessarily fail in the face of his positive identification as the author of the crime.

The Proceedings before the Court of Appeals

On appeal, appellant faulted the trial court for convicting him of parricide despite the prosecution’s alleged failure to prove his guilt beyond reasonable doubt. He essentially argued that the trial court erred in according credence to Michael’s testimony because: (1) it was unlikely that he would stab his own father without any apparent reason or motive; (2) Michael failed to provide more specific details of the stabbing incident; and (3) the other witnesses, who were also present in the crime scene, did not testify during the trial.¹⁴

On the other hand, the Office of the Solicitor General (OSG) through Assistant Solicitor General Ma. Cielo Se-Rondain and Senior State Solicitor Sarah Mae S. Cruz maintained that Michael’s straightforward testimony clearly established that appellant killed his father. Lack of motive on the part of appellant and lack of corroborative evidence, such as the testimonies of the other witnesses present in the crime scene do not diminish the weight of appellant’s positive identification as the perpetrator of the crime.¹⁵

The Court of Appeals’ Ruling

In its assailed Decision¹⁶ dated June 28, 2018, the Court of Appeals affirmed, with modification. It imposed six percent (6%) interest per annum on the monetary awards from finality of the decision until fully paid.

¹³ *Id.* at 33.

¹⁴ *Id.* at 21-29.

¹⁵ *Id.* at 42-50.

¹⁶ *Rollo*, pp. 3-14.

The Present Appeal

Appellant now seeks affirmative relief from the Court and prays anew for his acquittal. In compliance with Resolution¹⁷ dated October 16, 2019, both appellant and the People manifested¹⁸ that, in lieu of supplemental briefs, they were adopting their respective briefs filed before the Court of Appeals.

Issue

Did the Court of Appeals err in affirming appellant's conviction for parricide?

Ruling

We affirm with modification.

Article 246 of the Revised Penal Code defines and penalizes 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) the deceased is either the legitimate spouse of the accused, or any legitimate or illegitimate parent, child, ascendant or descendant of the accused.¹⁹

The presence of the third element here is undisputed. Appellant himself admitted and declared under oath that the deceased Paulino, Sr. is his father. He also stipulated this fact during the pre-trial.²⁰

That appellant's certificate of live birth was not presented in evidence does not negate his culpability. For oral evidence of the fact of his filial relationship with the victim may be considered.²¹ In *People v. Ayuman*,²² the accused admitted during the trial that the victim was his son. Although the victim's birth certificate was not presented, the Court considered as competent evidence the accused's admission of his filiation to the victim and convicted him of parricide.

¹⁷ *Id.* at 20-21.

¹⁸ *Id.* at 23-24, 27-29.

¹⁹ *People v. Andaya*, G.R. No. 219110, April 25, 2018.

²⁰ *Rollo*, p. 12.

²¹ *People v. Malabago*, 333 Phil. 20, 27 (1996).

²² 471 Phil. 167, 180 (2004).

As for the first and second elements, Michael positively and categorically identified appellant as the person who killed his father, Paulino, Sr., thus:

[Pros. Apuya]

Q: What did Skylab do when he was being asked to leave by his father?

A: He was challenging to have a fight.

Q: What exactly, if any, did Skylab say to his father?

A: He told his father not to interfere because Marcos is his opponent.

Q: What was the reaction of his father, if any?

A: His father told him to leave because there we have no problem.

Q: What did Skylab do?

A: His father and Skylab were pushing each other.

Q: What happened next?

A: Skylab suddenly stood up and stabbed his father.

Q: Was his father hit?

A: Yes, [M]a'am.

Q: In what part of his body?

A: Here, [M]a'am.

INTERPRETER:

Witness pointing to his upper left chest.²³

Both the trial court and the Court of Appeals found Michael's testimony to be straightforward, truthful, and credible, hence, the same deserves full faith and credence. Consider:

First. Michael narrated in detail the events that led to the killing of Paulino, Sr., from the time appellant arrived at the scene, drunk and armed with a knife, up till appellant argued with his brother, warned his father not to interfere, challenged his father to a fight, pushed him, and stabbed him in the upper left chest, causing the latter to fall on the ground and die.

The fact that Michael did not specify which direction the fatal blow came from and the type of bladed weapon used by appellant in stabbing his father does not affect the credibility of this witness since these matters refer only to minor details. What matters is the consistency of the witness in testifying on the essential elements of the crime and his positive and categorical identification of the accused as the offender.²⁴

²³ *Rollo*, pp. 11-12.

²⁴ *People v. Pulgo*, 813 Phil. 205, 215 (2017); *People v. Gerola*, 813 Phil. 1055, 1066 (2017).

Second. Michael's lone testimony was found by the trial court to be positive, categorical, and credible, hence, it is sufficient to support a verdict of conviction. *People v. Hillado*²⁵ decrees:

Thus, the testimony of a lone eyewitness, if found positive and credible by the trial court, is sufficient to support a conviction especially when the testimony bears the earmarks of truth and sincerity and had been delivered spontaneously, naturally and in a straightforward manner. Witnesses are to be weighed, not numbered. Evidence is assessed in terms of quality and not quantity. **Therefore, it is not uncommon to reach a conclusion of guilt on the basis of the testimony of a lone witness.** For although the number of witnesses may be considered a factor in the appreciation of evidence, preponderance is not necessarily with the greatest number and conviction can still be had on the basis of the credible and positive testimony of a single witness. Corroborative evidence is deemed necessary "only when there are reasons to warrant the suspicion that the witness falsified the truth or that his observation had been inaccurate."²⁶ x x x (Emphases supplied)

More, Michael's testimony conforms with physical evidence. The death certificate issued by Dr. Mazo shows that Paulino, Sr. sustained a single stab wound which caused his death.

Third. As for appellant's motive to kill his father, Michael testified that on the night in question, appellant appeared to be intoxicated and got into a heated argument with his brother. As a consequence, their father stepped in and prodded appellant to leave. But appellant resented it and warned his father not to interfere. He also challenged his father to a fight. They were pushing each other when appellant suddenly stabbed his father in the chest, causing the latter to fall on the ground. Appellant, therefore, cannot truthfully claim he had no motive to kill his father. In any event, while proof of motive for the commission of the offense does not show guilt, neither does its absence establish the innocence of accused for the crime charged.²⁷

In *People v. Ducabo*,²⁸ this Court held that motive is irrelevant when the accused has been positively identified by an eyewitness, as in this case. Motive is not synonymous with intent. Motive alone is neither a proof nor an essential element of a crime.

Fourth. Michael was not shown to have been impelled by any ill will to falsely impute such heinous crime as parricide on appellant. His testimony, therefore, is worthy of belief and credence.²⁹

²⁵ 367 Phil. 29 (1999).

²⁶ *Id.* at 45.

²⁷ *People v. Buenafe*, 792 Phil. 450, 459 (2016).

²⁸ 560 Phil. 709, 723-724 (2007).

²⁹ *People v. Callao*, 828 Phil. 372, 386 (2018).

Fifth. Appellant's flight from the crime scene militates against his claim of innocence. On countless occasions, the Court has held that the flight of an accused may be taken as evidence to establish his guilt.³⁰ For a truly innocent person would normally take the first available opportunity to defend himself and to assert his innocence.³¹

Sixth. Suffice it to state that the evaluation of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses first hand and to note their demeanor, conduct, and attitude under grueling examination.³² Hence, the Court defers and accords finality to the trial court's factual findings especially when the same carry the full concurrence of the Court of Appeals, as in this case.³³

Finally. Appellant's denial and alibi cannot prevail over the positive identification of appellant as the perpetrator of the crime. Besides, denial and alibi are self-serving and deserve no weight in law especially when unsubstantiated by any credible evidence, as in this case.³⁴ At any rate, appellant's admission that he was only six (6) meters away from the crime scene even precludes the impossibility of him getting to the crime scene, committing the crime, and returning to his house thereafter.

Penalty

All told, We affirm appellant's conviction for parricide. The penalty for parricide is *reclusion perpetua* to death.³⁵ There being no aggravating or mitigating circumstance proven, both the trial court and the Court of Appeals correctly sentenced appellant to *reclusion perpetua*.

Pursuant to A.M. No. 15-08-02,³⁶ the phrase "*without eligibility for parole*" shall be used to qualify the penalty of *reclusion perpetua* only if the accused should have been sentenced to suffer the death penalty had it not been for Republic Act No. 9346 (RA 9346).³⁷ Here, appellant was sentenced to *reclusion perpetua* since there is no aggravating circumstance that would have otherwise warranted the imposition of the death penalty were it not for RA 9346. Hence, the phrase "*without eligibility for parole*" need not be borne in the decision to qualify appellant's sentence.³⁸

³⁰ *People v. Pentecostes*, 820 Phil. 823, 839 (2017).

³¹ *People v. Lopez*, 830 Phil. 771, 782 (2018).

³² *Heirs of Villanueva v. Heirs of Mendoza*, 810 Phil. 172, 184 (2017).

³³ *Heirs of Spouses Liwagon, et al. v. Heirs of Spouses Liwagon*, 748 Phil. 675, 689 (2014); *Castillano v. People*, G.R. No. 222210 (Notice), June 20, 2016.

³⁴ *People v. Callao*, supra note 29, at 388.

³⁵ Under Article 246 of the Revised Penal Code, as amended by Republic Act (RA) No. 7659.

³⁶ Guidelines for the Proper Use of the Phrase "Without Eligibility for Parole" in Indivisible Penalties.

³⁷ An Act Prohibiting the Imposition of Death Penalty in The Philippines.

³⁸ *People v. Saltarin*, G.R. No. 223715, June 3, 2019.

We further affirm the award of ₱75,000.00 as civil indemnity. In accordance with prevailing jurisprudence,³⁹ however, the awards of moral and exemplary damages should be increased to ₱75,000.00 each. Temperate damages of ₱50,000.00, in lieu of actual damages, are also granted as it cannot be denied that the heirs of the victim suffered pecuniary loss although the exact amount was not proved.⁴⁰ Finally, these amounts shall earn six percent (6%) interest per annum from finality of this Decision until fully paid.⁴¹

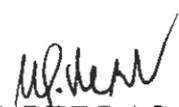
ACCORDINGLY, the appeal is **DISMISSED**. The Decision dated June 28, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 08894 is **AFFIRMED with MODIFICATION**. Appellant Paulino Delos Santos, Jr. is found **GUILTY** of parricide and sentenced to *reclusion perpetua*. He is required to pay civil indemnity, moral damages, and exemplary damages of ₱75,000.00 each; and temperate damages of ₱50,000.00 to the heirs of Paulino Delos Santos, Sr.. These amounts shall earn six percent (6%) interest per annum from finality of this Decision until fully paid.

SO ORDERED.

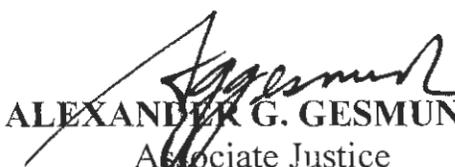


AMY C. LAZARO-JAVIER
Associate Justice

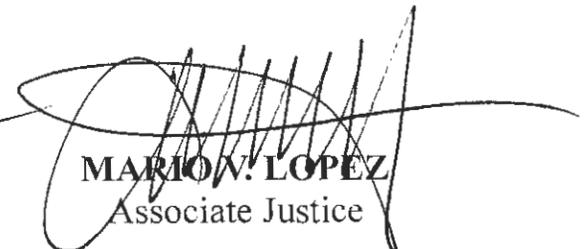
WE CONCUR :



ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson



ALEXANDER G. GESMUNDO
Associate Justice



MARION LOPEZ
Associate Justice

³⁹ *People v. Jugueta*, 783 Phil. 806 (2016).

⁴⁰ *Id.*

⁴¹ *People v. Gonzales*, G.R. No. 217022, June 3, 2019.


RICARDO R. ROSARIO
Associate Justice

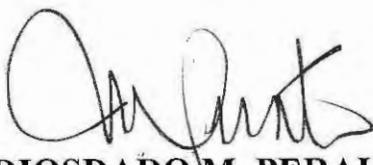
ATTESTATION

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.


ESTELA M. BERLAS-BERNABE
Senior Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to the Section 13, Article VIII of the Constitution and the 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.


DIOSDADO M. PERALTA
Chief Justice

