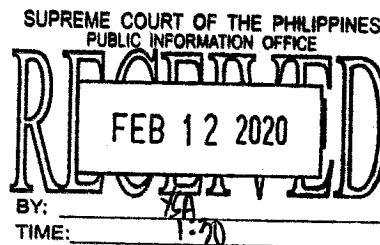




Republic of the Philippines
Supreme Court
Manila



THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **December 2, 2019**, which reads as follows:*

“G.R. No. 233743 (People of the Philippines, Plaintiff-Appellee, v. Gerardo Bueza, Jr., Accused-Appellant) – We DISMISS this appeal from the Decision¹ dated 30 March 2017 of the Court of Appeals (CA), which affirmed the Decision² dated 30 January 2015 of Branch 39, Regional Trial Court (RTC) of Daet, Camarines Norte, convicting accused-appellant Gerardo Bueza, Jr., (accused-appellant) of parricide for the killing of his father, Gerardo Bueza, Sr. (victim). The accusatory portion of the Information filed against accused-appellant reads:

That on or about 6:00 in the morning of April 29, 2010, in Santa Milagrosa, municipality of Jose Panganiban, province of Camarines Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with treachery and evident premeditation, that is having conceived and deliberated to kill his own father, Gerardo Buiza[,] (sic) Sr.[,] did there and then willfully, unlawfully, and feloniously, attack, hit and stab him with a sharp instrument several times, thereby employing means, manner, and form in the execution thereof which tended directly and [e]specially to insure its commission without danger to the person of said accused, the result of which attack was that said Gerardo Buiza[,] (sic) Sr.[,] received several mortal wounds on his body which directly caused his instantaneous death, to the damage and prejudice of his heirs.

CONTRARY TO LAW.³

In his Brief⁴ dated 16 May 2016 before the CA, accused-appellant insists on his innocence, claiming that the circumstantial evidence presented by the prosecution failed to establish his identity as the perpetrator of the crime.

¹ *Rollo*, pp. 2-14; penned by Associate Justice Marie Christine Azcarraga-Jacob, with Associate Justices Apolinario D. Bruselas, Jr. and Danton Q. Bueser, concurring.

² *Records*, pp. 95-100.

³ *Id.* at 1.

⁴ *See CA rollo*, pp. 32-46.

We find no error on the part of the CA.

The sufficiency of evidence, circumstantial or otherwise, to support a conviction of a crime is a factual issue, the determination of which is better left to the trial court.⁵ Such factual determination is respected and rendered conclusive as an acknowledgment of the trial court's intrinsic competence to experientially evaluate evidence.⁶ In affirming accused-appellant's conviction, the CA found sufficient circumstantial evidence pointing to the inevitable conclusion that accused-appellant killed his father.

Circumstantial evidence "indirectly proves a fact in issue, such that the factfinder must draw an inference or reason from circumstantial evidence."⁷ In our jurisdiction, circumstantial evidence could establish the commission of the crime and the identity of its perpetrator.⁸ The utilization of circumstantial evidence to support conviction is a recognition of the instances when direct evidence is not available due to the clandestine nature of the crime or the perpetrator's desire to conceal it.⁹

Under the Revised Rules on Evidence, these requisites must be shown to sustain a conviction based on circumstantial evidence: (a) there is more than one circumstance; (b) the facts from which the inferences are derived are proven; and, (c) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.¹⁰ Also, the circumstances being considered must be consistent with the hypothesis that the accused is the author of the crime.¹¹

Guided by these principles, We are convinced that accused-appellant's guilt was established by the following pieces of circumstantial evidence considered by the RTC and CA: (1) prosecution witnesses Roberto Bueza and his wife saw and heard the victim and accused-appellant together while having an argument in the wee hours of the morning; (2) the victim was found dead after he was last seen with accused-appellant; and, (3) accused-appellant fled to a distant place immediately after the victim's death. To be sure, the quantitative requirement under the Rules of Court was satisfied by the number of circumstances present. More important, these pieces of evidence, taken together, point to the indubitable conclusion that accused-appellant killed the victim.

⁵ *Macayan, Jr. v. People*, G.R. No. 175842, 18 March 2015, 753 SCRA 445.

⁶ *People v. Taguibuya*, G.R. No. 180497, 05 October 2011, 658 SCRA 685.

⁷ *People v. Villaflores*, G.R. No. 184926, 11 April 2012, 669 SCRA 365, 384.

⁸ *Bacerra v. People*, G.R. No. 204544, 03 July 2017, 828 SCRA 525, 536.

⁹ *Zabala v. People*, G.R. No. 210760, 26 January 2015, 748 SCRA 246.

¹⁰ RULES OF COURT, Rule 133, Section 4.

¹¹ *People v. Tajada*, G.R. No. 147200, 17 December 2002, 394 SCRA 159.

The first two circumstances prove that: (1) accused-appellant was the last person seen with the victim; and, (2) prior to the victim's death, he and accused-appellant shared unsympathetic feelings towards each other. Accused-appellant himself testified about the animosity between him and the victim during his direct examination.¹² Also, the Court has no reason to discredit the testimonies of the prosecution witnesses. The records are bereft of any indication that they have reasons to falsely testify against accused-appellant. Moreover, accused-appellant's flight after the killing of his father is a strong *indicium* of his guilt. While it is true that flight should not be automatically equated to guilt, unexplained flight demonstrates guilt when taken together with all the other pieces of circumstantial evidence attendant in this case.¹³

Indeed, the RTC and CA considered accused-appellant's flight not in isolation but in connection with the other circumstances present. Moreover, accused-appellant's flight is worse than being unexplained. The explanation proffered was unbelievable by reason of accused-appellant's own contradictions. The Court suspiciously estimates the veracity of accused-appellant's testimony in view of the divergent accounts he gave in his *Sinumpaang Kontra-Salaysay*¹⁴ and during his direct examination.¹⁵ Not factoring these contradicting statements, one fact remains undisputed by accused-appellant: he fled immediately after the victim's death.

In view of the prohibition on the imposition of the death penalty as provided under Republic Act 9346, We disagree with the modification of the penalty imposed against accused-appellant, whereby the CA qualified the penalty of *reclusion perpetua* with the phrase, "without eligibility for parole."¹⁶

Under Article 246 of the Revised Penal Code (RPC),¹⁷ the penalty for parricide consists of two indivisible penalties with death being the greater in gravity and extent. However, Article 63 of the RPC provides that the greater penalty could only be applied when one aggravating circumstance is present in the commission of the offense.¹⁸

¹² Records, TSN dated 07 March 2013, pp. 14-15.

¹³ *Candelaria v. People*, G.R. No. 209386, 08 December 2014, 744 SCRA 178.

¹⁴ Records, pp. 7-8.

¹⁵ Records, TSN dated 07 March 2013, pp.14, 16-17.

¹⁶ An Act Prohibiting the Imposition of Death Penalty in the Philippines.

¹⁷ 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 *reclusión perpetua* to death.

¹⁸ ARTICLE 63. Rules for the Application of Indivisible Penalties. — In all cases in which the law prescribes a single indivisible penalty, it shall be applied by the courts regardless of any mitigating or aggravating circumstances that may have attended the commission of the deed.

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:

Here, relationship is the only circumstance appreciated by the trial court and the CA, which was already used to qualify the crime to parricide. As such, it could no longer be taken into account to increase the penalty pursuant to Article 62 of the RPC.¹⁹ Thus, We resolve to modify accused-appellant's penalty to *reclusion perpetua* without any qualification as to eligibility for parole in accordance with A.M. No. 15-08-02-SC.²⁰ While the modification will not affect accused-appellant's ineligibility for parole, the damages awarded to the heirs of the victim should be reduced to these amounts to conform with Our ruling in *People v. Jugueta*:²¹ (a) civil indemnity – PhP75,000.00; (b) moral damages – PhP75,000.00; and, (c) exemplary damages – PhP75,000.00. Legal interest of six percent (6%) *per annum* is imposed on all damages awarded from the date of finality of this decision until it is fully paid.

WHEREFORE, the appeal is hereby **DISMISSED**. Accordingly, the Decision dated 30 March 2017 of the Court of Appeals in CA-G.R. CR-HC No. 07829 finding accused-appellant Gerardo Bueza, Jr., **GUILTY** beyond reasonable doubt of Parricide under Article 246 of the Revised Penal Code is **AFFIRMED with MODIFICATION**. Accused-appellant is sentenced to suffer *reclusion perpetua*, and is **ORDERED** to pay the heirs of Gerardo Bueza, Sr. the amounts of PhP75,000.00 as civil indemnity, PhP75,000.00 as moral damages, and PhP75,000.00 as exemplary damages. Legal interest of six percent (6%) *per annum* is imposed on all damages awarded from the date of finality of this Resolution until fully paid.

SO ORDERED.”

Very truly yours,

Misael Domingo C. Battung III
MISAEL DOMINGO C. BATTUNG III
Deputy Division Clerk of Court / 11/31/2020

1. When in the commission of the deed there is present only one aggravating circumstance, the greater penalty shall be applied. x x x

¹⁹ ARTICLE 62. Effect of the Attendance of Mitigating or Aggravating Circumstances and of Habitual Delinquency. — Mitigating or aggravating circumstances and habitual delinquency shall be taken into account for the purpose of diminishing or increasing the penalty in conformity with the following rules:

1. Aggravating circumstances which in themselves constitute a crime specially punishable by law or which are included by the law in defining a crime and prescribing the penalty therefor shall not be taken into account for the purpose of increasing the penalty.
2. The same rule shall apply with respect to any aggravating circumstances inherent in the crime to such a degree that it must of necessity accompany the commission thereof. x x x

²⁰ *Guidelines for the Proper Use of the Phrase “Without Eligibility for Parole” in Indivisible Penalties*, A.M. No. 15-08-02-SC, 04 August 2015.

²¹ G.R. No. 202154, 05 April 2016, 788 SCRA 331.

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(Crim. Case No. 14353)

CSSupt. Gerardo F. Padilla
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