

THIRD DIVISION

[G.R. No. 235787, June 08, 2020]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
FLORENDA MANZANILLA Y DE ASIS, ACCUSED-APPELLANT.**

DECISION

GAERLAN, J.:

Before us is an appeal pursuant to Section 13(c), Rule 124 of the Rules of Court as amended, assailing the Decision^[1] dated August 17, 2017, of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08336.

Florenda Manzanilla y De Asis (accused-appellant) and one Roberto Gacuma y Cabreana (Roberto) were charged with the crime of Parricide by virtue of an Information, the accusatory portion of which reads:

That on or about the 15th day of April 2007, in the City of Antipolo, Philippines, and within the jurisdiction of the Honorable Court, the above-named accused, conspiring and confederating with an unidentified male person whose true name, identity and present whereabouts [are] still unknown and all of them mutually helping and aiding with one another, with the intent to kill, with the inducement of Florenda Manzanilla y De Asis and with the direct participation of Robert O. Gacuma, did then and there, willfully, unlawfully, and feloniously shot Angel Manzanilla y Saporma, husband of the former, hitting on the head, thereby inflicting upon the latter gunshot wound which directly caused his death.

Contrary to law.^[2]

Accused-appellant and co-accused Roberto were arraigned on May 12, 2012, and both entered a plea of not guilty. After pre-trial, trial on the merits ensued.^[3]

During the scheduled hearing on April 10, 2012, the RTC was informed that Roberto died on November 18, 2010.^[4]

Version of the Prosecution

The prosecution presented as witnesses: Hermie Manzanilla (Hermie), brother of the victim; eyewitnesses to the crime — Mark Lawrence Sarmenta (Mac-Mac) and Ajie Bryle Balandres (Ajie); and Dr. Jose Arnel Marquez (Dr. Marquez), medico-legal officer of the Rizal Provincial Crime Laboratory.^[5]

Their testimonies tend to establish that at around 9:30 in the evening of April 15, 2007, Mac-Mac, Ajie, and one Eugene were at Aqualand Sitio San Luis, Puting Bato, Antipolo City. The three earned a living by scooping out small amounts of cement

(*magbuburiki*).^[6] While on a well-lighted, grassy area waiting for the trucks to arrive, they saw from about 4 to 7 meters away two men and one woman who seemed to be waiting for someone. In the course of the group's conversation, Mac-Mac allegedly heard accused-appellant tell Roberto that her husband's name is Angel, and utter the words: "*pagbabalakan patayin*" and "*bilis-bilisan baka may makakita*"^[7] Ajie, for his part, testified he heard the accused-appellant say: "*yariin na*,"^[8] in Ajie's words: "*tirahin na daw po baka kasi may makakita pa*."^[9]

After thirty (30) minutes had passed, the victim Angel Manzanilla arrived and alighted from a passenger jeepney plying the Marikina-Paenan route. Roberto approached the victim, held him by his shoulders, introduced himself and uttered: "*kilala mo ba ako? Ako iyong kabit ng asawa mo*."^[10] Accused-appellant was with their unidentified male companion 5 to 6 meters away.^[11]

Roberto, who was carrying a gun, then walked together with the victim towards a dark area at the upper portion of the road leading towards Solid Cement. A few moments later, Mac-Mac, Ajie, and Eugene heard a gunshot from the same direction, causing them to panic and hide under the grassy area. Roberto then came running down the hill towards accused-appellant. The two then boarded a motorcycle and proceeded towards the direction of *Putting Bato* while their unidentified male companion walked towards the opposite direction going to Cogeo. As the police arrived shortly thereafter, the three eyewitnesses ran out of fear that they would be involved in the crime. They then passed by the victim sprawled on the ground with his head tilted to the right.^[12]

Mac-Mac and Ajie identified accused Roberto and the accused-appellant as the persons they last saw with the victim. Mac-Mac claimed that accused-appellant pleaded him not to implicate her.^[13]

Hermie was in Marinduque when he received a telephone call from accused-appellant informing him that his brother Roberto, the victim, was found dead. Three days thereafter, he went to Cogeo to see his brother. Hermie then went to the police station where he was informed that there were witnesses to the shooting of his brother.^[14] Sometime in May, he searched for these witnesses, who happened to be Mac-Mac and Ajie, and pleaded with them to testify.^[15]

Dr. Marquez conducted an autopsy on the body of the victim. He testified that the victim sustained a fatal gunshot wound which entered the right mandibular region and exited the left lateral neck region. This injury resulted in the victim's instantaneous death.^[16]

Further, Dr. Marquez explained that based on the injury sustained by the victim, the assailant was more likely at the front right side of the victim, while the muzzle of the gun must be 6 to 12 inches from the victim's right jaw.^[17]

Version of the Defense

The accused-appellant testified in her defense. She stated that she and the victim have been married for 22 years with two children — Jinky and Angelo, aged 28 and

24, respectively.^[18]

Accused-appellant claimed that on the night of the incident, she was in their house at Sto. Nino, Sta. Cruz, Antipolo, attending to her store with her son, Angelo and to some children who were playing video games.^[19]

Accused-appellant narrated that the victim came home at around 9:00 p.m. after selling mangoes. The victim, nonetheless, left shortly thereafter to remit the sales to a certain Coco, who lives nearby. Accused-appellant closed the store around at 11:00 p.m. but the victim had not yet returned. Since it was a Sunday, accused-appellant just assumed that the victim went to have a drink with his friends.^[20] The next day, after noticing that the victim still had not returned, she began asking around for his whereabouts. That afternoon, after receiving information that someone had been killed, accused-appellant proceeded to the police station at Cogeo Gate II.^[21] There, she was referred to the Tandog Funeraria where she identified the cadaver as that of her husband and proceeded to inform the latter's relatives.^[22]

Accused-appellant denied having any participation in her husband's death. Likewise, she claimed that she does not know Roberto.^[23]

The Trial Court's Ruling

On November 10, 2015, the Regional Trial Court (RTC) of Antipolo City, Branch 72 rendered its Decision^[24] finding accused-appellant guilty of Parricide, viz.:

WHEREFORE, finding the accused FLORENDA MANZANILLA Y DE ASIS **GUILTY** beyond reasonable doubt of the crime of Parricide as a Principal by inducement, she is hereby **sentenced to suffer the penalty of Reclusion Perpetua.**

Accused is hereby ordered to pay the amount of P50,000.00 as civil indemnity and the amount of P25,000.00 as exemplary damages.

SO ORDERED.^[25]

Preliminarily, the RTC dismissed the case against Roberto in view of his death during the pendency of the trial; then it proceeded to determine the guilt of the accused-appellant.^[26] The RTC was convinced, on the basis of the evidence presented by the prosecution, that it was Roberto who shot the victim. It, however, adjudged that accused-appellant was liable as a principal by inducement, as she was the one who ordered Roberto to finish off her husband. Ultimately, the RTC held that the positive identification of the accused-appellant prevails over her bare denial.^[27]

The CA's Decision

On appeal, the CA affirmed the RTC in its Decision^[28] of August 17, 2017, the dispositive portion of which reads:

WHEREFORE, premises considered, the instant appeal is DENIED. The Decision of the Regional Trial Court of Antipolo City, Branch 72, dated November 10, 2015, is hereby AFFIRMED with the following MODIFICATIONS:

Defendant-appellant is ORDERED to PAY P100,000.00 instead of P50,000.00 as civil indemnity; P100,000.00 as moral damages; and P100,000.00 instead of P25,000 as exemplary damages.

SO ORDERED.^[29]

The CA found the testimonies of the prosecution witnesses to be credible and sufficient to prove the guilt of the accused-appellant as a principal by inducement in the crime of parricide. Similarly, the CA brushed aside the apparent inconsistencies and minor issues relating to the witnesses' testimonies. The CA held that these issues are expected considering that the witnesses are testifying about a nerve-racking event; therefore, total recall or perfect symmetry is not required as long as witnesses concur on material points.^[30]

Thus, this appeal, whereby the Court must resolve whether or not the accused-appellant is guilty of parricide.

The Court's Ruling

The appeal is **unmeritorious**.

Parricide is defined under Article 246 of the Revised Penal Code (RPC) as:

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.

The spousal relationship between the accused-appellant and the victim is undisputed. Similarly, the accused-appellant's participation in the victim's death has been clearly established by the testimonies of the prosecution witnesses.

The records are bereft of any allegation, much more proof, that Mac-Mac and Ajie harbored any ill motive to implicate the accused-appellant in the crime. They, for one, were not familiar with any of the accused even prior to the crime. Thus, the Court sees no reason not to accord the testimonies of the prosecution witnesses the same faith and credit which the RTC and the CA have given them. Deference to the trial court is inevitable when the circumstances present no cogent reason to disturb its evaluation, as it has the unique opportunity to see the witnesses on the stand and determine, on the basis of their demeanor, the truthfulness of their testimony.^[31]

The accused-appellant has been convicted by both the RTC and the CA as a principal by inducement. The Court agrees; nonetheless, the nature of the accused-appellant's participation is irrelevant in view of the existence of conspiracy.

In order for a person to be convicted as a principal by inducement, "the inducement