

SECOND DIVISION

[G.R. No. 248929, November 09, 2020]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
PAULINO DELOS SANTOS, JR. ALIAS "SKYLAB," ACCUSED-
APPELLANT.**

D E C I S I O N

LAZARO-JAVIER, J.:

The Case

This appeal^[1] assails the Decision^[2] 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.

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, Hennie 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]

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 Decision^[12] dated September 5, 2016, the trial court found appellant guilty of parricide, viz.:

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 Decision^[16] dated June 28, 2018, the Court of Appeals affirmed, with modification. It imposed six percent (6o/o) interest per annum on the monetary awards from finality of the decision until fully paid.

The Present Appeal

Appellant now seeks affirmative relief from the Court and prays anew for his acquittal. In compliance with Resolution^[17] dated October 16, 2019, both appellant and the People manifested^[18] 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.

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.