

THIRD DIVISION

[G.R. No. 241088, June 03, 2019]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
WILLIAM SABALBERINO Y ABULENCIA, ACCUSED-APPELLANT.**

DECISION

PERALTA, J.:

Before the Court is an ordinary appeal filed by accused-appellant, William Sabalberino, assailing the Decision^[1] and Resolution^[2] of the Court of Appeals (CA), dated May 31, 2017 and January 29, 2018, respectively, in CA-G.R. CR-HC No. 02230. The CA Decision affirmed, with modification, the February 24, 2016 Decision^[3] of the Regional Trial Court (RTC) of Tacloban City, Branch 6, in Criminal Case No. 2005-08-446, finding herein accused-appellant guilty of the crime of parricide and imposing upon him the penalty of *reclusion perpetua* and ordering him to pay damages. The CA Resolution denied accused-appellant's Motion for Reconsideration.

The antecedents are as follows:

On August 19, 2005, the City Prosecutor of Tacloban filed an Information with the RTC of Tacloban City, charging accused-appellant with the crime of Parricide. The accusatory portion of the Information reads as follows:

That on or about the 17th day of August, 2005, in the City of Tacloban, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there, willfully, unlawfully and feloniously stab his wife DELIA FERNANDEZ-SABALBERINO with a knife, hitting her on the chest and heart thereby inflicting upon the person of Delia Fernandez-Sabalberino a mortal wound which was the direct and immediate cause of her death

CONTRARY TO LAW.^[4]

Upon arraignment on March 21, 2006, accused-appellant entered a plea of not guilty.^[5] Subsequently, trial on the merits ensued.

The evidence for the prosecution established that herein accused-appellant, William Sabalberino (*William*) and the victim, Delia Fernandez-Sabalberino (*Delia*) were husband and wife who used to live together at Barangay 59, Picas, Sagkahan, Tacloban City. William was employed as a painter, while Delia worked as a laundrywoman. They have five (5) children, namely, Wendel, Wedylyn, William,

Angela and Jessica. Around one o'clock in the morning of August 17, 2005, Angela and Jessica were roused from their sleep when they heard their parents shouting at each other. They were prompted to get out of bed and, thereafter, stood by the door of their room while witnessing their parents argue with each other. While in the middle of their quarrel, William punched Delia hitting her face. Angela and Jessica then rushed to their mother and embraced her. Thereafter, William went to the kitchen to get a knife and proceeded to stab Delia hitting her chest below the armpit while the latter was holding Angela and Jessica. Delia, on the other hand, managed to stand and walk towards the door of their house. However, before reaching the door, she decided to walk back towards the bed but before she could make it to the bed she collapsed. William then went to her aid, embraced her and cried. He asked his children to call for help, but Delia died soon thereafter.

William, on his part, did not deny having stabbed Delia. However, he claimed that the stabbing was accidental. William alleged that in the afternoon of August 16, 2005, he arrived home tired and took a nap while waiting for his daughters to prepare their meal. He woke up around 6:30 in the evening and took dinner with his children. When he inquired about his wife, their children told him that she was still washing clothes. After eating, he went to sleep inside the master's bedroom. Around midnight, he woke up to urinate. Upon turning on the lights and stepping out of their bedroom, he saw his wife half naked with a completely naked man on top of her. Angry at what he saw, he went to the kitchen to get a knife and approached the two. His wife and the man then stood up, and the latter tried to gain possession of the knife. They grappled. When William was able to take control of the knife, he tried to stab the man but, unfortunately, he accidentally hit his wife who at that time stood between him and the man. The man then picked up his clothes and hurriedly jumped out of their window. William tried to run after him, but he came to the aid of his wife when he saw her fall down. He then asked his children to call for help, but his wife died before help arrived.

After trial, the RTC rendered judgment convicting accused-appellant as charged. The dispositive portion of the RTC Decision reads as follows:

WHEREFORE, in view of the foregoing considerations, this Court finds accused **WILLIAM SABALBERINO y ABULENCIA** guilty beyond reasonable doubt of the crime of Parricide, and sentences him to suffer the penalty of imprisonment of **RECLUSION PERPETUA**; and, to pay the heirs of the victim, Delia Fernandez Sabalberino, P75,000.00 as civil indemnity, and P50,000.00 for moral damages. To pay the Costs.

SO ORDERED.^[6]

The RTC ruled that after accused-appellant admitted that it was he who stabbed his wife, the trial court, nonetheless, was not convinced that the stabbing was accidental because the evidence was contrary to accused-appellant's claim that his intention was to stab the man whom he caught as having sexual intercourse with his wife. The RTC gave credence to the separate testimonies of the daughters of accused-appellant and the victim that they did not see any man having sexual intercourse with their mother immediately prior to the stabbing incident and that

their parents were, in fact, in the middle of an argument and quarrel when their father stabbed their mother.

Aggrieved by the ruling of the RTC, accused-appellant appealed to the CA praying for his acquittal and the reversal of the assailed RTC Decision. In his Appellant's Brief, accused-appellant reiterated his defense that the stabbing of his wife was accidental. Reiterating the provisions of Article 247 of the Revised Penal Code (*RPC*), accused-appellant stood by his claim that he caught his wife having carnal knowledge with another man; that his intention was to kill that man with a knife but since his wife stood between him and the man, it was his wife who was accidentally stabbed. Accused-appellant also contends that, even granting that he failed to prove his innocence under Article 247 of the *RPC*, the trial court, nonetheless, erred in imposing the penalty of *reclusion perpetua* as it failed to appreciate the mitigating circumstances of: (1) having acted upon an impulse so powerful as naturally to have produced passion or obfuscation; (2) voluntary surrender; and (3) lack of intention to commit so grave a wrong as that committed.

In its assailed Decision, the CA affirmed the conviction of accused-appellant, but modified the judgment of the RTC by ordering accused-appellant to pay the heirs of Delia temperate and exemplary damages, an increased amount of moral damages and interest on the monetary awards. The CA disposed, thus:

WHEREFORE, in view of the foregoing, the appeal is DENIED. The Decision dated February 24, 2016 of the Regional Trial Court, Branch 6, Tacloban City, in Criminal Case No. 2005-08-446, finding appellant William Sabalberino y Abulencia, guilty beyond reasonable doubt [of] the crime of Parricide is AFFIRMED with the following MODIFICATIONS:

- 1) The award of moral damages is increased to P75,000.00;
- 2) Appellant is ordered to indemnify the victim's heirs temperate damages in the amount of P50,000.00 and exemplary damages in the amount of P75,000.00; and
- 3) Interest at the rate of 6% per annum should be imposed on all damages awarded from the date of finality of this decision until fully paid.

The rest of the decision not inconsistent with these pronouncements STANDS.

SO ORDERED.^[7]

The CA held that the prosecution was able to prove the presence of all the elements of parricide and that accused-appellant failed to convince the appellate court of the merits of his defenses.

Accused-appellant filed a Motion for Reconsideration,^[8] reiterating his defenses, but the CA denied it in its Resolution^[9] dated January 29, 2018.

Thus, on March 16, 2018, accused-appellant, through counsel, filed a Notice of

Appeal^[10] manifesting his intention to appeal the CA Decision to this Court.

In its Resolution^[11] dated June 22, 2018, the CA noted and gave due course to accused-appellant's Notice of Appeal and directed its Judicial Records Division to transmit the entire records of the case to this Court.

Hence, this appeal was instituted.

In a Resolution^[12] dated November 5, 2018, this Court, among others, notified the parties that they may file their respective supplemental briefs, if they so desire.

In its Manifestation and Motion,^[13] filed on January 22, 2019, the Office of the Solicitor General (OSG) manifested that, in lieu of a Supplemental Brief, it adopts its Appellee's Brief filed before the CA as it "already sufficiently affirms accused-appellant's guilt of the crime of Parricide." The OSG prayed that: (1) it be excused from filing a Supplemental Brief;. (2) the assailed CA Decision be affirmed *in toto*; and (3) accused-appellant's appeal be dismissed for lack of merit.

In the same manner, accused-appellant filed a Manifestation^[14] submitting that he is adopting the Brief for the Accused-Appellant, which he filed with the CA, as his Supplemental Brief since the Brief filed with the CA had "adequately presented and discussed all the issues" respecting his innocence.

The basic issue for the Court's resolution in the present appeal is whether or not the CA correctly upheld the conviction of herein accused-appellant, William Sabalberino, for parricide.

The Court rules in the affirmative.

Parricide is committed when: (1) a person is killed; (2) the deceased is killed by the accused; (3) the deceased is the father, mother, or child, whether legitimate or illegitimate, or a legitimate other ascendants or other descendants, or the legitimate spouse of the accused.^[15]

In the present case, there was no dispute that the victim, Delia Sabalberino, was killed as shown by her Certificate of Death stating that the cause of death was "shock and hemorrhage intrathoracic due to stab wound of the left side of the chest, hitting the heart."^[16] The said Certificate was admitted by the RTC and the defense did not object to its admissibility.

Also, the prosecution was able to satisfactorily establish that it was herein appellant who stabbed and killed Delia based on the eyewitnesses' account. Appellant and the victim's thirteen-year-old daughter, Angela, narrated the details of the stabbing incident as follows:

PROS. DOLINA:

Q Now, you stated earlier that the accused William Sabalberino is your father. Am I correct?

A Yes, Sir.

Q If your father is inside the court room, could you point [to] him?

A Yes, Sir.

Q Will you please point to him?

A (Witness pointing to a person [who] when asked of his name answered William Sabalberino).

Q Now, what is the name of your mother?

A Delia Fernandez Sabalberino.

Q Where is she now?

A She was killed.

Q Can you still recall when was she killed?

A Yes, Sir.

Q Will you please tell us the date when was she killed?

A August 17, 2005.

Q Where was she killed?

A Inside our house.

Q Now, at that time your mother was killed, where were you?

A I was in our house.

Q What were you doing at the time that your mother was killed?

A I was sleeping.

Q [S]ince you were sleeping at that time, how did you know that your mother was killed?

A Because when I awoke they were already fighting.

Q Who were fighting?

A My Ma and Pa.

x x x x

Q And why did you say they were fighting?

A They were shouting [at] each other. They were arguing in a loud voice.

Q While they were arguing in a loud voice, what happened?

A My mother was boxed by my father.

Q Where was your mother hit?

A On her face.

Q Now, after she was hit on her face, what did your mother do?

A They continue[d] on fighting.

Q How about your father, what did your father do after he boxed your mother?