

SECOND DIVISION

[G.R. No. 232247, April 23, 2018]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V.
RONILLO LOPEZ, JR. Y MANTALABA @ "DODONG", ACCUSED-
APPELLANT.**

DECISION

PERALTA, J.:

This is an appeal from the January 6, 2017 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 07936, which affirmed the December 1, 2015 Decision^[2] of the Regional Trial Court, Branch 197, Las Piñas City (RTC), finding accused-appellant Ronillo Lopez, Jr. y Mantalaba (Ronillo), *alias* "Dodong" guilty beyond reasonable doubt of Parricide as defined and penalized under Article 246 of the Revised Penal Code (RPC), as amended.

The Facts

Ronillo was charged with the crime of Parricide in an Information^[3] dated May 19, 2014, the accusatory portion of which reads:

That on or about the 16th day of May, 2014, in the City of Las Piñas, Philippines, and within the jurisdiction of this Honorable Court, the above named accused, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and use personal violence upon RONILLO LOPEZ y MADROÑO, his father, by then and there stabbing him, which directly caused his death.

CONTRARY TO LAW.^[4]

When arraigned, Ronillo pleaded not guilty to the charge. After pre-trial was terminated, trial on the merits followed.

Version of the Prosecution

As summarized by the Office of the Solicitor General in the Appellee's Brief,^[5] the People's version of the event is as follows:

At 2:00 A.M. of May 16, 2014, Martita Lopez was at her house in Sambayanihan, Las Piñas City, when she heard her grandson, appellant herein, shout "*Lola! Lola! Tulungan mo po ako.*" When she asked what happened, appellant told her that "*nasaksak ko si papa.*" They immediately went to the house located at 2461 Panay Street, Timog CAA, Las Piñas City, where she found her son, Ronillo Lopez, Sr. lying on the ground. Saturnino Madroño, who also heard appellant's admission and cry for help, went with Martita and appellant to the house at Panay

Street, checked the victim's pulse and determined that he was already dead. Thereafter, they reported the incident to the police.

The medico-legal examination conducted on the victim revealed that he suffered multiple physical injuries including abrasions and contusions. The cause of death was the stab wound to his chest.

Appellant fled from the scene after the incident, but was later arrested at his brother-in-law's house in Dela Rama St., BF Homes, Parañaque City, based on a tip by a certain Samuel Lopez.^[6]

Version of the Defense

Ronillo admitted that he stabbed his father, but maintained that he merely acted in self-defense. The defense gave the following version in the Appellants' Brief^[7] to support Ronillo's plea for exoneration:

On 15 May 2014, the accused RONILLO LOPEZ, JR. was with his father, Lopez, Sr., and his cousins and uncles at an uncle's home having a drinking spree. He, thereafter, went home ahead, in a drunken state. When he arrived home, he slept. He then woke up to the beatings inflicted upon him by his drunken father, Lopez, Sr., who was saying "BAKIT KA NAGSUSUMBONG!" He answered back that he knows nothing his father was accusing him of. Lopez, Sr. then urged his own son to fight back, but the latter would not. Lopez, Sr. then took a hard object and struck it on his son's head. The accused, overcome with passion and his judgment obfuscated by the blows done by his father ("Nagdilim po ang aking paningin at di nakapagpigil"), struck back with a knife, stabbing his father. When he saw his stricken father lying down, he cried and sought help, first with Michael who was renting the second floor of his home, then from his grandmother, and later visited his mother at her workplace. Accused's sister, ROBILIE LOPEZ, was informed of her father's death by her grandmother. He went to his sister and remorsefully told her what happened. Afraid, he then stayed at his brother-in-law's house and surrendered the next day. He was then brought to the Las Piñas Health Center by the police for the injuries he sustained from his father's attacks. Robilie revealed that her father, when drunk, would utter curses at his son. In one previous incident, she witnessed her drunken father pushed and collared her brother.^[8]

The RTC Ruling

On December 1, 2015, the RTC rendered its Decision finding accused-appellant guilty beyond reasonable doubt of the crime charged. According to the RTC, all the elements of the crime of Parricide were satisfactorily proven by the prosecution. The RTC rejected the self-defense invoked by Ronillo declaring that the same was not only uncorroborated by competent and independent evidence but, in itself, extremely doubtful under the circumstances obtaining in the case. It ruled that the element of unlawful aggression is wanting. The RTC debunked Ronillo's claim for entitlement to the mitigating circumstance of voluntary surrender stating that he never surrendered but was in fact arrested by the police the following morning after the stabbing incident. In the end, the RTC decreed:

WHEREFORE, premises considered, this court finds accused Ronillo Lopez, Jr. y Mantalaba @ "Dodong", guilty beyond reasonable doubt of the crime of Parricide under Article 246, as amended by R.A. 7659, and further amended by R.A. 9346, and hereby sentences him to suffer the penalty of *reclusion perpetua* without eligibility of parole.

Further, the accused is hereby ordered to indemnify the heirs of the deceased/victim Ronillo Lopez y Madroño the amount of Php60,000.00 as actual damages, Php75,000.00 as civil indemnity, Php75,000.00 as moral damages, and another amount of Php50,000.00 as exemplary damages.

SO ORDERED.^[9]

Not in conformity, Ronillo appealed his conviction for Parricide before the CA.

The CA Ruling

On January 6, 2017, the CA rendered its assailed Decision affirming Ronillo's conviction for Parricide. The appellate court did not lend credence to Ronillo's claim of self-defense, stressing that not an iota of evidence was adduced to show any form of aggression on the part of the deceased victim. It sustained the findings of the RTC that all the elements of the crime charged were duly established by the prosecution. The CA held that the proper penalty is *reclusion perpetua* since no modifying circumstances attended the commission of the crime and, thus, deleted the phrase "without eligibility of parole." Finally, the CA increased the amount awarded by way of exemplary damages to P75,000.00. The *fallo* of which reads:

WHEREFORE, premises considered, the Decision dated 01 December 2015 of the Regional Trial Court, Branch 197, Las Piñas City, in Criminal Case No. 14-0396, is hereby AFFIRMED with MODIFICATION in that the penalty on accused-appellant shall be *Reclusion Perpetua* and that he is ordered to pay Sixty Thousand Pesos (P60,000.00) as actual damages, Seventy-Five Thousand Pesos (P75,000.00) as civil indemnity, Seventy-Five Thousand Pesos (P75,000.00) as moral damages, and Seventy-Five Thousand Pesos (P75,000.00) as exemplary damages.

SO ORDERED.^[10]

The Issues

Unfazed, Ronillo filed the present appeal and posited the same lone assignment of error he previously raised before the CA, to wit:

THE TRIAL COURT GRAVELY ERRED IN NOT APPRECIATING THE ACCUSED-APPELLANT'S CLAIM OF SELF-DEFENSE DESPITE THE FACT THAT ALL THE ELEMENTS THEREOF ARE PRESENT IN THIS CASE.^[11]

In the Resolution^[12] dated August 9, 2017, the Court directed both parties to submit their supplemental briefs, if they so desired. On October 23, 2017, the Office of the Solicitor General filed its Manifestation (in Lieu of Supplemental Brief)^[13] stating that it will no longer file a supplemental brief as its Appellee's Brief had sufficiently ventilated the lone issue raised. On October 27, 2017, the accused-appellant filed a Manifestation (in Lieu of Supplemental Brief)^[14] averring that he would adopt all his arguments in his Appellant's Brief filed before the CA.

The Court's Ruling

The appeal is devoid of merit. Accordingly, Ronillo's conviction must stand.

The factual premises with regard to the killing of Lopez, Sr. and its commission by Ronillo are clear and undisputed. Ronillo did not at all deny the allegations against him and openly admitted the authorship of the crime. However, he interposes self-defense to seek his exculpation from criminal liability. In *Macalino, Jr. v. People*,^[15] the Court elucidated the implications of pleading self-defense insofar as the burden of proof is concerned, thus:

In pleading self-defense, petitioner in effect admitted that he stabbed the victim. It was then incumbent upon him to prove that justifying circumstance to the satisfaction of the court, relying on the strength of his evidence and not on the weakness of the prosecution. The reason is that even if the prosecution evidence were weak, such could not be disbelieved after petitioner admitted the fact of stabbing the victim.

In criminal cases, the burden lies upon the prosecution to prove the guilt of the accused beyond reasonable doubt rather than upon the accused that he was in fact innocent. If the accused, however, admits killing the victim, but pleads self-defense, it now becomes incumbent upon him to prove by clear, satisfactory and convincing evidence all the elements of said justifying circumstance in order to escape liability.^[16] In the case at bench, Ronillo failed to discharge his burden.

Self-defense is appreciated as a justifying circumstance only if the following requisites were present, namely: (1) the victim committed unlawful aggression amounting to actual or imminent threat to the life and limb of the person acting in self-defense; (2) there was reasonable necessity of the means employed to prevent or repel the unlawful aggression; and (3) there was lack of sufficient provocation on the part of the person claiming self-defense, or, at least, any provocation executed by the person claiming self-defense was not the proximate and immediate cause of the victim's aggression.^[17] The justifying circumstance of self-defense must be established with certainty through satisfactory and convincing evidence that excludes any vestige of criminal aggression on the part of the persons invoking it. Self-defense cannot be appreciated where it was uncorroborated by competent evidence, or is patently doubtful.^[18]

At the heart of the claim for self-defense is the element of unlawful aggression committed by the victim against the accused, which is the condition *sine qua non* for upholding the same as a justifying circumstance. There can be no self-defense, complete or incomplete, unless the victim committed unlawful aggression against the accused.^[19] If there is nothing to prevent or repel, the other two requisites of self-defense will have no factual and legal bases^[20] Unlawful aggression as an indispensable requisite is aptly described in *People v. Nugas*,^[21] as follows:

Unlawful aggression on the part of the victim is the primordial element of the justifying circumstance of self-defense. Without unlawful aggression, there can be no justified killing in defense of oneself. The test for the presence of unlawful aggression under the circumstances is whether the aggression from the victim put in real peril the life or personal safety of the person defending himself; the peril must not be an imagined or