

EN BANC

[G.R. No. 170136, January 18, 2008]

PEOPLE OF THE PHILIPPINES, Appellee, vs . ROBERT BRODETT y PAJARO, Appellant.

R E S O L U T I O N

CARPIO, J.:

Before this Court for review is the 2 August 2005 Decision^[1] of the Court of Appeals in CA-G.R. CR No. 00776. The Court of Appeals affirmed the decision of the Regional Trial Court, Branch 46, Urdaneta City, Pangasinan, finding appellant Robert Brodett y Pajaro (appellant) guilty of murder, with the modification that only the generic aggravating circumstance of scoffing at the corpse is appreciated.

Appellant, together with Ronald Dulay (Dulay) and Reynald de Guzman were charged with murdering Dr. April Duque (April). They pleaded not guilty upon arraignment and trial ensued thereafter.

The prosecution established during the trial that on 29 December 2000, the Philippine National Police (PNP) Station at Alcala, Pangasinan received a report at around 2:00 a.m. regarding a burning corpse on the spillway of Laoac, Alcala, along the national highway. Chief of Police Ludovico Bravo and his men proceeded to the site and saw the corpse still burning. They poured water over the burning corpse until the fire was extinguished. They noted that the burned corpse was that of a woman who was about five feet tall and with fair complexion. They brought the corpse to a funeral parlor where an autopsy was performed by Dr. Alfredo Laguardia (Dr. Laguardia). A ring and a wristwatch taken from the left arm of the corpse were turned over to the head investigator of the police station. On 15 January 2001, the corpse was buried at the public cemetery after it remained unclaimed for several days.

On 1 February 2001, April's mother and some agents of the National Bureau of Investigation (NBI) from Dagupan City inquired at the PNP Alcala Station about a missing person named April. The NBI agents wanted to verify whether the corpse found on the spillway was that of April. When shown a picture of the burned corpse, April's mother exclaimed that it was her daughter. April's mother and the NBI agents went to the cemetery and had the corpse exhumed. Upon seeing the corpse, April's mother cried and exclaimed that the facial features were those of her daughter and that she knew it was her daughter. She also identified the ring and wristwatch taken from the corpse as belonging to her daughter.

Prior to her death, April had been the live-in partner of appellant for nine years. April and appellant have a then 5-year-old son named Giobert, who was one of the prosecution witnesses. According to Giobert, his mommy was already in heaven because his daddy killed her. Giobert testified that he saw his daddy hit his

mommy's head with a hammer and that his daddy also stabbed his mommy.

Another prosecution witness was Shirley Duzon (Shirley), the assistant of April, who was a dermatologist, in her clinic. Shirley testified that on 28 December 2000, she was at the clinic together with April's son, Giobert. According to Shirley, April was scheduled to leave for Hong Kong at 11:00 p.m. that day together with her alleged new boyfriend Dulay and her son Giobert. When April failed to return to the clinic, Shirley decided to close the clinic at around 9:00 p.m. and brought Giobert to April's residence. Shirley identified the ring and wristwatch taken from the corpse as belonging to April.

The defense presented appellant as the lone witness. Appellant admitted that he was the live-in partner of April for nine years. Appellant, April, and their son Giobert lived together in a townhouse in Urdaneta Villas. Appellant's testimony delved mainly on April's alleged hatred of her mother because of the latter's extra-marital relations. When asked about the ring and wristwatch taken from the corpse, appellant denied that these items belonged to April.

On 5 June 2002, the trial court rendered a decision, the dispositive portion of which reads:

WHEREFORE, in view of the foregoing, the Court finds the accused ROBERT BRODETT y Pajaro, GUILTY beyond reasonable doubt of the crime of MURDER defined and penalized under Republic Act No. 7659 otherwise known as the Heinous Crime^[s] Law, the offense having been committed with the attendant aggravating circumstances of superior strength, dwelling, with insult or in disregard of the respect due the offended party on account of her sex, cruelty and outraging or scoffing at her person or corpse, hereby sentences him the ultimum suplicum of DEATH to be executed pursuant to Republic Act No. 8177 known as the Lethal Injection Law, to pay the heirs of the victim DRA. APRIL SANTOS-DUQUE in the amount of P50,000.00 as indemnity and P1,000,000.00 as moral damages, and to pay the costs.

It is said: "Dura Lex, sed lex," translated as "The law is harsh, but that is the law!"

With respect to the accused RONALD DULAY and REYNALD DE GUZMAN, for insufficiency of evidence against them, the Court declares their ACQUITTAL. The warden of the Bureau of Jail Management and Penology (BJMP) of Urdaneta City, Pangasinan, where the accused are presently detained, is ordered to release immediately the persons of the said accused Dulay and de Guzman, unless they are detained for any legal or lawful cause or causes.

SO ORDERED.^[2]

On appeal, appellant alleged that the prosecution failed to prove his guilt beyond reasonable doubt.

In its 2 August 2005 Decision, the Court of Appeals affirmed the trial court's decision with the modification that, aside from the qualifying circumstance of treachery, only