

## **SPECIAL TWENTIETH DIVISION**

**[ CA-G.R. CR HC NO. 01523, June 27, 2014 ]**

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CLINT ESTREBA Y ENRIQUEZ, ACCUSED-APPELLANT.**

### **D E C I S I O N**

**AZCARRAGA-JACOB, J.:**

This is an appeal filed by accused-appellant Clint Estreba y Enriquez (appellant) seeking the reversal of the *Decision*<sup>[1]</sup> dated 29 March 2012 of the Regional Trial Court (RTC) of Ormoc City, 8th Judicial Region, Branch 35, in Criminal Case No. 7707-0 which adjudged him guilty beyond reasonable doubt of the crime of Parricide and sentenced him to suffer the penalty of *reclusion perpetua*.

#### *THE ANTECEDENTS*

Appellant was indicted in an Information quoted hereinbelow:

That on or about the 29<sup>th</sup> day of September 2006 at around 8:30 in the morning at Sitio Tuburan, Purok 2, Brgy. Valencia, Ormoc City, and within the jurisdiction of this Honorable Court, the above-named accused CLINT ESTREBA y ENRIQUEZ, father of the victim Raven Clive Estreba y Tan, 2 years of age, with intent to kill, employing treachery and evident premeditation, did then and there willfully, unlawfully, and feloniously without provocation stab the said victim several times in different parts of his body, thereby inflicting upon him mortal wounds which caused the latter's instantaneous death, Autopsy Report is hereto attached.

In violation of Article 249, Revised Penal Code.<sup>[2]</sup>

When arraigned on 27 November 2006, appellant, assisted by counsel, pleaded not guilty to the charge.<sup>[3]</sup> After the conclusion of the pre-trial conference, trial on the merits ensued.

The facts of the case are briefly summarized by the trial court in this wise:

The prosecution presented witnesses Dr. Marilyn Pascual, private complainant Olive Tan and Andrew Tan. The defense on the other hand presented witnesses Michel Estreba, Dr. Lyn Varona and SPO3 Macario Campomanes.

Dr. Marilyn Pascual from the City Health Office examined the victim Raven Clive Estreba. Dr. Pascual remembered that the cadaver was very pale, the child was wearing white sleeveless t-shirt with blood stained and white brief. There were penetrating wounds on the right breast, on the left heart area and another stab wound above the umbilicus and a

stabbed (*sic*) wound on the right lumbar area. Her finding as reflected in the Medical Report is quoted:

GENERAL SURVEY:

Wearing blood stained white sleeveless T-shirt and white brief. Penetrating wound 1cm x 0.0cm right breast penetrating wound, left heart area 1 cm x 0.4 cm penetrating wound. Above the umbilicus 2.2 cm x 0.7 cm wound (stabbed) with small portion of mesentery protruding, right lumbar area 1.6 cm x 0.6 cm stabbed (*sic*) wound with large intestine protruding.

CAUSE OF DEATH:

Severe hemorrhage 2 to stabbed (*sic*) wounds.

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After the presentation of the prosecution's first witness Dr. Marilyn Pascual, the counsel for the accused filed an Ex-Parte Motion to Admit accused for Psychiatric Evaluation and Treatment. Finding the same to be meritorious, the Court ordered the Jail Warden of the BJMP, Ormoc City to bring the accused Clint Estreba y Enriquez for psychiatric evaluation at the Eastern Visayas Regional Medical Center (EVRMC), Tacloban City and required the said center to submit its report.

On December 4, 2007, the counsel for the accused filed a Motion to Admit Accused for Psychiatric Treatment as per recommendation by Dr. Lyn Varona who attended Clint at the EVRMC. With the order of the Court allowing accused Clint to be confined at the National Center for Mental Health the hearing for the case was suspended.

On July 7, 2008, the National Center for Mental Health submitted its 1st Endorsement enclosed with the Medical Report on the physical and mental condition of the patient, accused Clint Estreba y Enriquez.

As stated in the report that the patient has improved with medications and has been deemed competent to stand trial, the hearing was set.

Trial again resumed with the private complainant Olive Tan (Olive) taking the witness stand. Witness testified that she and accused Clint started living together in 2004 which resulted to the birth of a child, the victim Raven Clive Tan Estreba. Tan recalled that on September 9, 2006 at around 8:30 o'clock in the morning, she was at home resting in her bedroom when her mother told her that accused Clint was within the premises waiting for her at the nipa hut. She did not go out because she was afraid of Clint. Her younger brother then approached her and took Rave and brought him to the chapel just across their house. While she was inside her house, she saw that her child was already in the possession of the accused Clint located outside of their house. As she was about to get the child, she was prevented by her mother who told

her that Clint just wanted to see the child as he was going to Cebu City. A little while she was surprised of a commotion outside. She went out from the house and saw her bloodied child being carried by her younger brother, Andrew Tan. They immediately rushed them (*sic*) to the hospital where he [Rave] was pronounced dead on arrival. At the time she saw her son being carried by her younger brother, the accused Clint was still at the scene of the incident. She came to know from her younger brother that her son Raven was stabbed by Clint Estreba. Witness identified the affidavit she executed and affirmed and confirmed the truthfulness of the allegations contained therein.

As the third witness, the prosecution called Andrew Tan, the alleged eyewitness of the incident to testify. He is 23 years old, single and a resident of Sitio Tuburan, Brgy. Valencia, Ormoc City. Witness is the uncle of the deceased victim Raven, the mother of the latter being his older sister. Witness recalled that on September 9, 2006, he went outside of their house together with his nephew Raven Clive when the accused Clint approached him and asked him that he (Clint) is going to bring the child Raven Clive for a stroll. He gave the child to Clint. Clint then held the hand of the child and slowly walked with the child away from the house. Since the child was already with them, Andrew took a seat in the chapel and just kept on observing Clint with the child. While he was watching them, Clint ran carrying the child with him towards the vacant lot and then Clint stabbed the child. Upon seeing this, Andrew immediately approached them and when Andrew came close to them Clint released the grip of the child, his feet apart and the child was right at his foot. Andrew at once carried the wounded child and ran towards their house to look for a ride or a vehicle. The child was declared dead on arrival at the hospital.

The prosecution formally offered their exhibits in writing which are as follows:

EXHIBITNATURE

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| A & series | Complaint Affidavit dated September 30, 2006 executed by Olive Tan;                       |
| B & series | Affidavit of Arrest dated September 30, 2006;   |
| C & series | Affidavit of Andrew Tan dated September 6, 2006;  |
| D & series | Medical Certificate issued by Dr. Marilyn Pascual;  |
| E & series | Certificate of Live Birth of Raven Clive T. Estreba;                                      |
| F & series | Certificate of Death of Raven Clive T. Estreba;   |
| G & series | Schematic Diagram issued by the attending physician who did the autopsy of Raven Estreba; |
| H & series | Extract of the Police Blotter issued by PCP2, Brgy. Valencia, Ormoc City;                 |
| I & series | Police Report issued by Niel Bagares Montaño.   |

The exhibits offered were all admitted as to their existence and as part of their respective testimonies. With the ruling, the prosecution is deemed to have rested its case.

#### DEFENSE:

Michel Estreba, the father of the accused testified to the following: that Olive Tan and his son Clint Estreba dated for about six (6) years before they started to live together; that the victim Raven Clive Estreba is the eldest child of Clint and Olive Patlingrao-Tan; that Clint and Olive during their cohabitation live with the mother of the latter until they left for Manila sometime in 2006; that the couple transferred to Manila to seek employment as they were trying to secure a better future; that Clint worked as a Security Guard for only around 15 days because he was having mental difficulty while Olive worked as a helper; that he knew that Clint was having a mental problem because the owner of the house where the couple were living, one Jose Marie Jespert, Jr., who was the son of his second wife, informed him that Clint was usually staring blankly and was not normal; that upon his request that Clint be given fare so he can come home, Clint and his live-in partner Olive arrived in Ormoc City on the first or second week of August 2006; that when he arrived at their house in Lauraville, he was surprised that their things were disarranged and later learned that Clint and his wife had a quarrel; that upon information from his children that they brought Clint to the Valencia Jail, he went to the police station in Valencia and saw that Clint was blanked and was not able to recognize him; that Clint was placed under detention for almost three (3) days and then Chief Neil Montaña advised him to fetch his son because Clint was already uncontrollable; that in order to be cured of his mental illness they brought Clint to Cebu with the help of the late Dr. Del Monte and later with Dra. Igot in Vicente Sotto Hospital; that Clint was diagnosed not to be totally out of his mind and had a chance to recover with proper medications; that on the second or third week of September 2006, when they came back to Ormoc City, Clint decided to go to his mother-in-laws house to fetch his wife and child but instead, he was made to sign an agreement that he had to separate from his wife and child; that this agreement triggered the mental disturbance of Clint because right after Clint signed the document, he saw that Clint was deeply disturbed; that on September 29, 2006, he was informed that Clint went to the house of Olive to see his son; that upon receipt of the said information, he immediately went to the house of Olive and even reminded Clint that they will be leaving for Cebu to which Clint responded that he will follow him (Michel); that he then left for Kananga as he had to attend to other concerns; that when he came back, he learned that Clint killed his son; that he saw Clint was confined in the hospital; for around three (3) to five (5) days because he suffered self-inflicted stabbed wounds; that while being detained at the BJMP, Clint again suffered mental problems, the reason why on 2008, Clint was brought to the National Center for Mental Health and was confined for about a year.

To attest that Clint Estreba suffered from mental illness, Dr. Lyn Verona a psychiatrist from Eastern Visayas Regional Medical Center (EVRMC) was