



Republic of the Philippines
Supreme Court
 Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES, **G.R. No. 247603**
Plaintiff-Appellee, Present:

- versus -

LEONEN, J.,
 Chairperson,
 HERNANDO,
 INTING,
 DELOS SANTOS, and
 LOPEZ, J., JJ.

BENJAMIN PADILLA y
ESPIRITU,
Accused-Appellant.

Promulgated:
May 5, 2021

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DECISION

DELOS SANTOS, J.:

This ordinary Appeal¹ assails the Decision² dated January 18, 2019 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09434, which affirmed with modification the Decision³ dated March 15, 2017 of the Regional Trial Court (RTC) finding accused-appellant guilty beyond reasonable doubt of Parricide in Criminal Case No. U-20150.

The Facts

Accused-appellant Benjamin Padilla y Espiritu (accused-appellant) was charged with the killing of his wife, Marcelina Tabares Padilla (Marcelina), in an Information that reads:

¹ *Rollo*, pp. 26-27.

² *Id.* at 3-25; penned by Associate Justice Samuel H. Gaerlan (now a Member of the Court), with Associate Justices Celia C. Librea-Leagogo and Pablito A. Perez, concurring.

³ *CA rollo*, pp. 41-49; penned by Presiding Judge Gonzalo P. Marata.

That on or about 10:00 o'clock in the evening of November 3, 2014 at Sitio Lico, Brgy. Yatyat, Laoac, Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused, *armed with a bladed weapon, with intent to kill and treachery*, did then and there willfully, unlawfully and feloniously *maul and stab his lawful wife, Marcelina Tabares Padilla*, inflicting upon her “[HEART] AND LUNG INJURIES SECONDARY TO HACK WOUND AND STAB WOUND” which caused her death, to the damage and prejudice of her heirs.

That treachery attended the killing when the accused suddenly and unexpectedly maul and stab the defenseless victim, *Marcelita Tabares Padilla*, who was unarmed.

CONTRARY to Art. 246 [of the] Revised Penal Code as amended by R.A 7659.⁴ (Italics supplied)

Accused-appellant pleaded not guilty upon arraignment.⁵ During pre-trial conference, the prosecution and the defense stipulated that Marcelina was the wife of accused-appellant at the time of the incident.⁶ Thereafter, trial on the merits ensued.

Version of the Prosecution

The prosecution presented *Barangay* Captain Arnulfo Martin (Martin),⁷ who declared in his *Sinumpaang Salaysay*⁸ that in the evening of November 3, 2014, he received a call from accused-appellant's sister, Helen Casugo (Helen), who informed him about a quarrel at the house of accused-appellant. Minutes after the call, accused-appellant's son, Richard Padilla (Richard), went to Martin's house and informed him that accused-appellant was having a quarrel with Marcelina. Martin immediately proceeded to accused-appellant's house. Thereat, upon being told by Pepito Casugo (Pepito) that accused-appellant was carrying a weapon, Martin called for assistance from the Municipal Police Station. After a few minutes, accused-appellant came out of his house and walked towards them. When asked what happened inside the house, accused-appellant answered, “*Hindi ko alam ang nangyari pare[,] napatay ko yata ang aking asawa.*” Martin then frisked accused-appellant, and turned him over to Senior Police Officer IV Geronimo U. Mamaril (SPO4 Mamaril) and Police Officer I Ruben A. Lacambra (PO1 Lacambra).

The prosecution also presented SPO4 Mamaril, whose testimony was stipulated by the parties, declaring that he, together with PO1 Lacambra and Senior Police Officer I Meniamen A. De Vera (SPO1 De Vera), saw the

⁴ Id. at 41.

⁵ Records, p. 18; id. at 43.

⁶ Id. at 30-A – 30-B; *rollo*, p. 4.

⁷ TSN, May 4, 2015; id. at 5.

⁸ Records, p. 10.

lifeless body of Marcelina inside accused-appellant's house.⁹

In an Autopsy Report¹⁰ dated November 4, 2014, Dr. Ariel De Vera indicated that the victim suffered from "*HEART AND LUNG INJURIES SECO[N]DARY TO STAB WOUNDS AND HACKING WOUNDS x x x.*" His testimony, more particularly as to the victim's fact of death, was stipulated by the parties.

Version of the Defense

Initially, accused-appellant testified that at around 10:00 in the evening of November 3, 2014, he came home from *Barangay Camantiles*, Urdaneta City where he attended the birthday party of his godson. Upon entering his room, he switched on the light and saw his bloodied wife lying down unconscious. He then called Martin and told him – "*Kap, I just saw my wife lying down and full of blood.*"¹¹

After calling Martin, accused-appellant went out of his house and sought help from his sister, Helen, who lived in a nearby house. Moments after, Martin and the police officers arrived. When asked what happened, accused-appellant maintained that he saw his wife lying down full of blood.¹²

On August 31, 2016, the defense rested its case.¹³ Subsequently, however, the defense filed an Urgent Omnibus Motion to re-open presentation of evidence, and to suspend promulgation of judgment.¹⁴ The Motion was granted by the RTC, there being no objection from the prosecution.¹⁵

Accused-appellant was then called again to testify on the following mitigating circumstances: "that the accused ha[d] no intention to commit so grave a wrong as that committed; that he acted upon impulse so powerful as would naturally produce passion and obfuscation; that sufficient provocation on the part of the offended party immediately preceded the act; voluntary surrender and drunkenness; and sufficient provocation to produce the effect of blurring his reason x x x."¹⁶

⁹ Id. at 55.

¹⁰ Records, p. 14.

¹¹ TSN, June 27, 2016, p. 4; *rollo*, p. 7.

¹² Id. at 4-5; id. at 7-8.

¹³ Records, p. 97; id. at 9.

¹⁴ Id. at 98-102.

¹⁵ Id. at 115; *rollo*, p. 9.

¹⁶ TSN, February 13, 2017, p. 3; id.

Accused-appellant declared that at around 10:00 in the evening of November 3, 2014, he came home drunk from a birthday party. When he entered his room, he approached his wife, Marcelina. When he tried to kiss her, she evaded. Moments after, Marcelina revealed to him that she was having an affair with another man. Furious, accused-appellant went to the kitchen, where he found a knife. Accused-appellant could no longer remember what ensued next, except that he might have killed Marcelina. Accused-appellant then called Martin and then went to his sister, Helen. When Martin and the police officers arrived, he surrendered. He was then handcuffed and brought to the police station.¹⁷

Richard corroborated his father's testimony that Marcelina had extra-marital affairs. He testified that prior to the incident, he saw his mother being intimate with another man.¹⁸

The RTC Ruling

In the Decision¹⁹ dated March 15, 2017, the RTC convicted accused-appellant of parricide. The *fallo* reads:

From the evidence on record, the prosecution has sufficiently established by clear and convincing evidence the guilt of the accused beyond reasonable doubt of the crime of Parricide.

WHEREFORE, finding the accused Benjamin Padilla guilty of the crime charged, he is hereby sentenced to suffer the penalty of Reclusion Perpetua.

x x x x

SO ORDERED.²⁰

The RTC convicted accused-appellant based on circumstantial evidence, thus: (1) Marcelina had a fight with accused-appellant, who arrived home drunk; (2) the quarrel was reported to Martin, who immediately went to accused-appellant's house; (3) accused-appellant was seen carrying a weapon few minutes before Martin reached his house; (4) accused-appellant told Martin that he might have killed his wife; and (5) the victim was found dead inside accused-appellant's house.²¹

Unconvinced of Marcelina's alleged infidelity, the RTC did not appreciate passion and obfuscation as a mitigating circumstance in the

¹⁷ CA rollo, p. 34.

¹⁸ Id. at 35.

¹⁹ Supra note 3.

²⁰ CA rollo, pp. 48-49.

²¹ Id. at 47.

killing of the victim. On the other hand, while appreciating the mitigating circumstance of voluntary surrender, the RTC ruled that the same was offset by the alternative circumstance of intoxication, holding the same to be habitual.²²

Accused-appellant moved for reconsideration,²³ arguing that the RTC failed to appreciate in his favor the mitigating circumstances of intoxication, passion or obfuscation, lack of intent to commit so grave a wrong, and sufficient provocation on the part of the victim.

In a Resolution²⁴ dated April 24, 2017, the RTC denied accused-appellant's Motion for Reconsideration, hence his appeal with the CA assigning as lone error the failure of the RTC to appreciate passion or obfuscation and intoxication as mitigating circumstances in imposing the correct penalty.²⁵

The CA Ruling

In the challenged Decision²⁶ dated January 18, 2019, the CA affirmed accused-appellant's conviction with modification and disposed, thus:

WHEREFORE, premises considered, the instant appeal is partly **GRANTED**. Accordingly, the Decision of the Regional Trial Court of Urdaneta City, Pangasinan, Branch 48, in Criminal Case No. U-20150 which was promulgated on 15 March 2017 finding accused-appellant Benjamin Padilla y Espiritu guilty beyond reasonable doubt of the crime of parricide and sentencing him to suffer the penalty of [*reclusion perpetua*] is **AFFIRMED** with the following **MODIFICATIONS**: (1) the accused-appellant is hereby **ORDERED** to pay the heirs of deceased Marcelina T. Padilla the following amounts: Seventy Five Thousand Pesos (Php 75,000.00) as civil indemnity; Seventy Five Thousand Pesos (Php 75,000.00) as moral damages; and Seventy Five Thousand Pesos (Php 75,000.00) as exemplary damages; and (2) the monetary awards granted herein shall be subject to six percent (6%) per annum to be reckoned from the date of the finality of this judgment until full payment.

SO ORDERED.²⁷

In finding accused-appellant guilty of parricide, the CA underscored on his admission when he was presented anew during the trial of the case that he stabbed Marcelina.²⁸ It found said admission to be consistent with

²² Id. at 48.

²³ Records, pp. 182-193.

²⁴ CA *rollo*, pp. 50-52.

²⁵ Id. at 32.

²⁶ Supra note 2.

²⁷ *Rollo*, p. 24.

²⁸ Id. at 18.

the testimony of Martin, to whom accused-appellant uttered that he (accused-appellant) might have killed Marcelina.

As regards the invoked mitigating circumstances, the CA did not consider passion and obfuscation, holding that accused-appellant failed to establish clear and convincing proof that Marcelina confessed to him about her alleged infidelity, from which passion and obfuscation on his part may be produced.²⁹ Also, the CA did not appreciate intoxication as mitigating, holding that accused-appellant failed to establish that he was in such state of intoxication as would blur his reason at the time of the incident. It observed that accused-appellant keenly noticed details when he came home on the fateful night, *i.e.*, that the door of their house was open and that there was no light, and that he managed to check the room of his two children to verify if they were home.³⁰ Lastly, the CA considered the mitigating circumstance of voluntary surrender finding the same to be spontaneous.³¹

Hence, this Appeal.

For purposes of this appeal, the Public Attorney's Office and the Office of the Solicitor General manifested that they were no longer filing their respective supplemental briefs, and prayed that the Briefs submitted to the CA be considered in resolving the appeal.³²

In this Appeal, accused-appellant once again raises the lone assignment of error, *viz.*:

THE TRIAL COURT GRAVELY ERRED WHEN IT FAILED TO APPRECIATE THE MITIGATING CIRCUMSTANCES OF PASSION OR OBFUSCATION AND INTOXICATION IN IMPOSING THE CORRECT PENALTY.³³

The Court's Ruling

The Appeal is bereft of merit.

The Court is guided by the long-standing principle that factual findings of the trial court, especially when affirmed by the CA, deserve great weight and respect.³⁴ Such factual findings should not be disturbed on appeal, unless there are facts of weight and substance that were overlooked

²⁹ *Id.* at 17-18.

³⁰ *Id.* at 20-21.

³¹ *Id.* at 22-23.

³² *Id.* at 39-40; 44-45.

³³ *Supra* note 25.

³⁴ *People v. Matibag*, 757 Phil. 286, 292 (2015).

or misinterpreted and that would materially affect the disposition of the case.³⁵

After a careful evaluation of the records of the case, the Court sees no cogent reason to deviate from the congruent factual findings of the RTC and the CA that accused-appellant killed his wife, there being no indication that both courts overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case. Hence, the Court quotes with approval the CA ruling, thus:

Parricide is committed when: (1) a person is killed; (2) the deceased is killed by the accused; and (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. In this case, Marcelina died on 3 November 2014 as shown in the autopsy report. Moreover, one of the facts that was proposed by the prosecution for stipulation and was admitted by the defense during the preliminary conference and the pre-trial was the validity and existence of marriage of Marcelina and the accused-appellant at the time of the incident. More so, **when the accused-appellant was presented anew during the trial of the case, he admitted that he stabbed Marcelina. This is consistent with the testimony of defense witness Richard who testified that his father told him that he might have seriously harmed Marcelina.** Again, the admission of the accused-appellant is consistent with the testimony of prosecution witness Brgy. Capt. Martin who testified that the accused-appellant uttered to him **“I do not know what had happened, I might have killed her.”** Albeit the admission of the accused-appellant that he stabbed Marcelina, the defense raised mitigating circumstances that must be appreciated in his favor. In fact, in the instant appeal, the accused-appellant does not anymore question the finding of the RTC that he is guilty beyond reasonable doubt of parricide and assails only the RTC's appreciation of mitigating circumstances.³⁶ (Emphasis supplied)

Maintaining that the CA erred in affirming the penalty of *reclusion perpetua*, accused-appellant insists that the mitigating circumstances of intoxication, voluntary surrender, and passion or obfuscation should be appreciated in his favor.

Accused-appellant's invocation fails to persuade.

The CA properly sentenced accused-appellant to the penalty of *reclusion perpetua*. Relevant to the issue raised by accused-appellant is the Court's explanation in *People v. Sales*,³⁷ thus:

³⁵ Id. at 293.

³⁶ *Rollo*, pp. 16-17.

³⁷ 674 Phil. 150, 166 (2011).

As regards the penalty, parricide is punishable by *reclusion perpetua* to death. x x x [T]he presence of only one mitigating circumstance, which is, voluntary surrender, with no aggravating circumstance, is sufficient for the imposition of *reclusion perpetua* as the proper prison term. Article 63 of the Revised Penal Code provides in part as follows:

Art. 63. *Rules for the application of indivisible penalties.-*

x x x x

In all cases in which the law prescribes a penalty composed of two indivisible penalties, the following rules shall be observed in the application thereof:

x x x x

3. When the commission of the act is attended by some mitigating circumstance and there is no aggravating circumstance, the lesser penalty shall be applied.

x x x x

The crime of parricide is punishable by the indivisible penalties of *reclusion perpetua* to death. With one mitigating circumstance, which is voluntary surrender, and no aggravating circumstance, the imposition of the lesser penalty of *reclusion perpetua* and not the penalty of death on appellant was thus proper.

Here, considering that the penalty for parricide consists of two indivisible penalties – *reclusion perpetua* to death, the penalty of *reclusion perpetua* is proper regardless of the mitigating circumstances invoked by accused-appellant, there being no aggravating circumstance that would call for the imposition of the maximum penalty of death. Otherwise put, even if it may be contended that both the CA and the RTC erred in considering the mitigating circumstances of intoxication and passion and obfuscation, the penalty of *reclusion perpetua* remains. This is clear from Article 63 of the Revised Penal Code which provides that the exclusion of said mitigating circumstances does not result to a different penalty since the presence of only one mitigating circumstance, which is voluntary surrender, with no aggravating circumstance, as in this case, is sufficient for the imposition of *reclusion perpetua* as the proper prison term.³⁸

As regards the award of damages, the CA correctly applied the prevailing jurisprudence³⁹ in awarding the heirs of the victim the following amounts: (a) ₱75,000.00 as civil indemnity, (b) ₱75,000.00 as moral damages, and (c) ₱75,000.00 as exemplary damages, all of which shall earn

³⁸ Id.

³⁹ See *People v. Jugueta*, 783 Phil. 806 (2016).



interest at the rate of 6% per annum from the date of finality of this judgment until full payment.


WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law of the Court of Appeals in its January 18, 2019 Decision in CA-G.R. CR-HC No. 09434. Accused-appellant Benjamin Padilla y Espiritu is **GUILTY** beyond reasonable doubt of Parricide under Article 246 of the Revised Penal Code, as amended, and is sentenced to *reclusion perpetua*, and further **ORDERED** to pay the heirs of the victim ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages. The award of damages shall earn interest at the rate of 6% per annum from the date of finality of the judgment until fully paid.

SO ORDERED.


EDGARDO L. DELOS SANTOS
Associate Justice

WE CONCUR:


MARVIC MARIO VICTOR F. LEONEN
 Associate Justice
 Chairperson



RAMON PAUL L. HERNANDO
 Associate Justice


HENRI JEAN PAUL B. INTING
 Associate Justice


JHOSEP Y. LOPEZ
 Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARVIC MARIO VICTOR F. LEONEN
 Associate Justice
 Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
 Chief Justice