

SECOND DIVISION

[G.R. No. 214883, September 02, 2015]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CRISTINA SAMSON, ACCUSED-APPELLANT.**

DECISION

MENDOZA, J.:

For review in this appeal is the May 6, 2014 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR HC No. 05832, which affirmed the September 27, 2012 Decision^[2] of the Regional Trial Court, Branch 65, Tarlac City (RTC) in Criminal Case No. 12285, convicting accused-appellant Cristina Samson (*Cristina*) for parricide committed against her husband, Gerry Delmar (*Gerry*), and sentencing her to suffer the penalty of *reclusion perpetua*.

The Antecedents

On August 14, 2002, Cristina was charged with the crime of Parricide, defined and penalized under Article 246 of the Revised Penal Code (RPC). The Information articulates the following criminal charges, viz:

That on or about the 27th day of June, 2002 in Tarlac City, Philippines and within the jurisdiction of this Honorable Court, said accused, willfully, unlawfully and feloniously and with intent to kill her husband Gerry Delmar, with whom she was united in lawful wedlock, armed herself with a deadly weapon, a knife, and stabbed said Gerry Delmar on his chest, which resulted to his death.

CONTRARY TO LAW.^[3]

When arraigned almost four (4) years later, Cristina entered a plea of not guilty. Thereafter, trial on the merits ensued with the parties agreeing to a reverse trial on account of her invocation of the justifying circumstance of self-defense.

Version of the Defense

The version of Cristina appears in the Brief for the Accused-Appellant^[4] as follows:

On June 27, 2002, CRISTINA SAMSON (Cristina) was in their house watching television together with her children when her husband, Gerry Delmar (Gerry), who was drunk at that time, arrived. Gerry asked Cristina if she had cooked food already but the latter answered in the negative because she had no money to buy food. Gerry scolded and uttered words against her, and then slapped her. They had an altercation for about ten (10) minutes when Cristina's father arrived and pacified

them. Gerry left but after thirty (30) minutes, he returned. He pointed a knife at Cristina's neck. The latter begged Gerry not to hurt her and to pity their children if something happens to her. Gerry continued pointing the knife and told Cristina to stop talking or otherwise, he will put a hole in her neck. Then, Gerry slapped Cristina's face twice. While Gerry was still holding the knife, Cristina pushed him and he fell on the ground. She took the knife which Gerry was holding and begged him not to come near her. She was holding the knife near her chest pointed at Gerry when he suddenly grabbed her and that was the time that the knife went in contact with his chest. When she saw her husband bloodied, she shouted for help and her father (Rodolfo Samson) and brother (Allan Samson) came and brought Gerry to the hospital. Her relatives told her that Gerry died in the hospital. (TSN, September 6, 2006, pp. 14-27)

On June 27, 2002, ALLAN SAMSON (Allan) was at home watching television with his father. He heard yelling and shouting from the house of his sister Cristina and brother-in-law Gerry. Since it was just ordinary for him to hear his sister and brother-in-law fight, he and his father just ignored it. After fifteen (15) minutes of listening to their quarrel, they heard Cristina cry for help. Upon hearing this, he immediately went to the house of his sister and saw her holding Gerry and she requested him and his father to bring Gerry to the hospital. They called a tricycle and he, together with his father, brought Gerry to Talon General Hospital. The doctor, however, declared that Gerry was already dead. Then, the tanod arrives and Allan instructed the tanod to call the siblings and relatives of Gerry. When the relatives arrived, they went home. (TSN, November 18, 2006, pp. 4-6)^[5]

Version of the Prosecution

In its Brief for the Appellee,^[6] the Office of the Solicitor General (OSG) provided the following as its Counter-Statement of Facts:

On January 25, 1994, appellant Cristina Samson and victim Jerry Delmar were married. They were blessed with two (2) daughters namely Christine and Cherrie Lou. The couple lived in their own house which is just adjacent to the house of appellant's family. The union of the two was never a peaceful one. Constant quarrels filled their household and occurred in front of their children and other relatives.

On June 27, 2002, appellant and the victim had one of their usual fights. As testified by appellant herself, she and her two children were watching television in their home when the victim arrived drunk. Victim asked for his dinner but appellant was not able to cook food which led to the fight. Christine, the youngest daughter of the appellant and the victim, narrated that she witnessed the fight between her parents, that as the fight escalated, appellant was able to get hold of the knife which was placed on the roof and stabbed the victim. The victim fell on the ground and crawled until he reached the door. Cristine remembered that people arrived in their home, helped the victim board a tricycle and brought him to the hospital. Appellant, on the other hand, ran out and went to her

father and asked for money and left. That was the last night that Christine and Cherry Lou saw their mother.^[7]

The Ruling of the RTC

In its September 27, 2012 Decision, the RTC found the proffered self-defense of Cristina to be untenable. In its view, there was no longer any threat to her life before she stabbed her husband Gerry. Though there was an existent danger as there was an altercation before the stabbing incident, the imminence of such danger ceased when, as admitted by her, Gerry already put down the knife. The RTC even concluded that it was she who provoked him when she suddenly pushed him to the ground. She then took the knife and told him not to come near her. When he grabbed her, she stabbed him. After she took hold of the knife, there was no longer any unlawful aggression to speak of that would necessitate the need to kill Gerry.^[8] Thus, the decretal portion of the RTC decision reads in this wise:

WHEREFORE, finding accused **CRISTINA SAMSON** guilty beyond reasonable doubt of the felony of Parricide defined and penalized under Article 246 of the Revised Penal Code, accused **CRISTINA SAMSON** is hereby sentenced to suffer a penalty of "Reclusion Perpetua" pursuant to R.A. 9346 (An Act Prohibiting the Imposition of Death Penalty in the Philippines).

Accused is also ordered to indemnify the heirs of the victim, Christine S. Delmar and Cherrie Lo S. Delmar the amount of P75,000.00 as civil indemnity, P75,000.00 as moral damages, P30,000.00 as exemplary damages and costs of suit.

SO ORDERED.^[9]

The Ruling of the CA

The CA affirmed the ruling of the RTC. It stated that although there could have been an unlawful aggression at the start when Gerry repeatedly slapped Cristina and held a knife at her throat, it already disappeared when he put down the knife. According to the CA, it was this precise act that gave Cristina the opportunity to push her husband and gain control of the knife. Moreover, the fact that she fled and evaded arrest for four (4) years contradicted her claim of innocence.^[10] The CA disposed as follows:

WHEREFORE, the *Decision* dated September 27, 2012 of the RTC, Branch 65, Tarlac City in Criminal Case No. 12285, finding accused-appellant guilty beyond reasonable doubt of the crime of parricide and sentencing her to *reclusion perpetua* and to pay damages and the cost of suit, is **AFFIRMED**.

SO ORDERED.^[11]

Hence, this appeal.

ISSUE

The sole issue to be resolved in this appeal is whether or not the CA erred in not appreciating the justifying circumstance of self-defense in favor of Cristina.

Let it be underscored that appeal in criminal cases throws the whole case open for review and it is the duty of the appellate court to correct, cite and appreciate errors in the appealed judgment whether they are assigned or unassigned.^[12] Considering that what is at stake here is no less than the liberty of the accused, this Court has meticulously and thoroughly reviewed and examined the records of the case and finds that there is merit in her appeal.

There appears to be a conflict between the testimony of Cristina and her daughter, Christine Delmar (*Christine*). Cristina claimed that she got the knife from her husband who fell down after she pushed him. After taking possession of the deadly weapon, she told her husband not to come near her. She was holding the knife near her chest and pointed towards him when he suddenly grabbed her and that was the time that the knife went in contact with her husband's chest.

Christine, however, perceived it differently. According to her, she witnessed the fight between her parents. She narrated that as the fight escalated, her mother was able to get hold of a knife, which was inserted in the roof, and used it in stabbing her father.

Both the RTC and the CA believed the version of Cristina, but both were of the view that before she stabbed her husband, there was no more imminent danger to her life. For said reason, her fatal stabbing of her husband was not justified.

The Court's Ruling

Self-defense, when invoked as a justifying circumstance, implies the admission by the accused that he committed the criminal act. Generally, 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. When the accused, however, admits killing the victim, it is incumbent upon him to prove any claimed justifying circumstance by clear and convincing evidence.^[13] Well-settled is the rule that in criminal cases, self-defense shifts the burden of proof from the prosecution to the defense.^[14]

To invoke self-defense, in order to escape criminal liability, it is incumbent upon the accused to prove by clear and convincing evidence the concurrence of the following requisites under the second paragraph of Article 11 of the RPC, viz: (1) unlawful aggression; (2) reasonable necessity of the means employed to prevent or repel it; and (3) lack of sufficient provocation on the part of the person defending himself.^[15]

Presence of Unlawful Aggression even if Aggressor was Disarmed

Among the requisites of self-defense, the most important that needs to be proved by the accused, for it to prosper, is the element of unlawful aggression. It must be proven first in order for self-defense to be successfully pleaded. There can be no self-defense, whether complete or incomplete, unless the victim had committed