

SECOND DIVISION

[G.R. No. 197046, July 21, 2014]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
GEORGE ZAPATA Y VIANA, ** ACCUSED-APPELLANT.**

R E S O L U T I O N

DEL CASTILLO, J.:

Appellant George Zapata y Viana was charged with the crime of parricide in an Information^[1] that reads:

That on or about the 11th day of May 2002, in the Municipality of Rodriguez, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, while armed with a .45 caliber pistol, being the husband of victim QUEENY ZAPATA Y ERESPE, with intent to kill, treachery and evident premeditation, during nighttime, did then and there willfully, unlawfully and feloniously attack, assault and [shoot] said victim QUEENY ZAPATA Y ERESPE on [her left chest] thereby causing mortal wounds which caused her death soon thereafter.

CONTRARY TO LAW.

Appellant entered a plea of not guilty when arraigned on June 25, 2002.^[2]

Factual Antecedents

The facts of the case as summarized by the prosecution are as follows:

On May 11, 2002, around 3 o'clock in the afternoon, appellant George Zapata was having a drinking spree with his brother Manny Zapata and his cousin Edwin Bautista in their family home at Block 1, Lot II, Phase 1-C, Kasiglahan Village, San Jose, Rodriguez, Rizal. After several hours of continuous alcohol splurge or at around 7 o'clock in the evening, a gunshot was heard emanating from the bedroom of George Zapata and his wife Queeny. It appears that George killed his wife Queeny using his .45 caliber pistol with a single gunshot fired at close range [at] Queeny's chest. George brought Queeny's bloodied body [to] the sala. Seconds later, Edwin immediately left Zapata's house and proceeded to the house of his brother nearby while Manny likewise went to the house of their cousin next door. Appellant fled from the scene of the crime without seeking help for his wife. Queeny was left alone in the sala soaked in her very own blood.

x x x [T]he same gunshot alerted appellant's neighbors. Queeny's body was later discovered and brought to the Amang Rodriguez Medical Center while appellant and the victim's three (3)[-]year old daughter named Angel was brought to the Municipal Hall of San Mateo, Rizal by a certain 'Lucia' (Queeny's friend and neighbor). Lucia likewise called Queeny's brother, Edralin Erespe, to pick up Angel as Queeny specifically instructed her not to give Angel to any of appellant's relatives.

In the meantime, the police officers of Montalban, Rizal learned of the incident from the security guard of Amang Rodriguez Medical Center who called the police station to report that a gunshot victim was brought to the hospital. SPO1 Onofre C. Tavas proceeded to the crime scene. He recovered an empty shell of a caliber .45 semi-automatic pistol inside appellant's and the victim's bedroom.

Dr. Mary Ann Gajardo of the Philippine National Police Crime Laboratory testified that a single gunshot wound fired at close-range [at] the victim's chest entered her epigastric region, slightly hit her heart, fractured the sternum at the level of her 6th interior ribs and traversed downwards lacerating parts of the diaphragm, left lobe of the liver, pancreas and the left kidney, before making an exit [from] the victim's left lumbar region. Tattooing appeared on the victim's body indicating that the shot was fired at a distance of at least three (3) to four (4) inches. Cardio respiratory arrest secondary to hemorrhage and shock as a result of the same gunshot wound ultimately caused the victim's death.^[3]

During trial, appellant claimed that the shooting of his wife was accidental. He alleged that he wanted to show his gun to his cousin but it fell when he tried to retrieve the gun from the cabinet. In his attempt to catch the gun, he accidentally squeezed the trigger hitting his wife in the process.

Ruling of the Regional Trial Court

However, the trial court did not lend credence to his contentions. On the contrary, it found that based on the evidence presented, appellant deliberately pulled the trigger of his gun and shot his wife.

The dispositive portion of the trial court's Decision^[4] reads as follows:

WHEREFORE[,] premises considered, judgment is hereby rendered finding accused GEORGE ZAPATA Y VIAÑA guilty beyond reasonable doubt of the crime of PARRICIDE under Art. 246 of the Revised Penal Code as amended by R.A. 7659 and sentencing him to suffer the penalty of RECLUSION PERPETUA, to indemnify the heirs of the victim Queeny Zapata y Erespe in the amount of P42,983.80 as actual damages, P50,000 as death indemnity, P50,000.00 as moral damages and the costs of suit.

SO ORDERED.^[5]

Aggrieved, appellant filed a Notice of Appeal.^[6]

Ruling of the Court of Appeals (CA)

In his Brief,^[7] appellant argued that the trial court erred in finding him guilty of the charge considering the prosecution's failure to prove criminal intent on his part. He asserted that the shooting of his wife was accidental, *i.e.*, he unintentionally pulled the trigger while in the act of catching the gun when it fell from the cabinet.

The appellate court, however, did not lend credence to appellant's assertion that the killing was accidental. Just like the trial court, it found that the evidence presented satisfactorily showed that appellant intentionally shot his wife. The dispositive portion of the appellate court's Decision^[8] reads as follows:

WHEREFORE, the appealed Decision dated December 9, 2004 of the trial court is affirmed, subject to the modification that accused-appellant is further ordered to pay the victim's heirs exemplary damages in the amount of P25,000.00.

SO ORDERED.^[9]

Hence, this appeal.

On July 18, 2011, we required the parties to file their respective supplemental briefs.^[10] Both parties, however, found no necessity to file supplemental briefs as they have already exhaustively discussed all the issues in the briefs they filed before the CA.^[11]

Our Ruling

Appellant does not dispute having killed his wife. However, he insists that the shooting was accidental.

We are not persuaded.

There is no doubt that appellant intentionally killed his wife; the shooting was not accidental. Both the trial court and the appellate court correctly found appellant guilty beyond reasonable doubt of the crime of parricide.

Appellant's claim that he accidentally pulled the trigger while attempting to catch the same when it fell from the cabinet is incredible. *First*, as correctly noted by the CA, appellant was a former Corporal in the Philippine Marines and is thus "assumed to know and undertake all safety precautions in storing his firearm."^[12] In this case, appellant apparently threw caution to the wind when he placed the gun on top of a cabinet and not inside a locked drawer or cabinet. *Second*, the gun was loaded. *Third*, the gun is equipped with several safety measures. Interestingly, all these safety measures were not in place at the time of the shooting making appellant's