

FIRST DIVISION

[G.R. No. 177218, October 03, 2011]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. NOEL T. SALES,
APPELLANT.**

DECISION

DEL CASTILLO, J.:

A father ought to discipline his children for committing a misdeed. However, he may not employ sadistic beatings and inflict fatal injuries under the guise of disciplining them.

This appeal seeks the reversal of the December 4, 2006 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 01627 that affirmed the August 3, 2005 Joint Decision^[2] of the Regional Trial Court (RTC), Branch 63 of Calabanga, Camarines Sur in Criminal Case Nos. RTC'03-782 and RTC'03-789, convicting appellant Noel T. Sales (appellant) of the crimes of parricide and slight physical injuries, respectively. The Information^[3] for parricide contained the following allegations:

That on or about the 20th day of September, 2002, at around or past 8:00 o'clock in the evening at Brgy. San Vicente, Tinambac, Camarines Sur, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused with evident premeditation and [in] a fit of anger, did then and there willfully, unlawfully and feloniously hit [several] times, the different parts of the body of his legitimate eldest son, Noemar Sales, a 9-year old minor, with a [piece of] wood, measuring more or less one meter in length and one [and] a half inches in diameter, [thereby] inflicting upon the latter mortal wounds, which cause[d] the death of the said victim, to the damage and prejudice of the latter's heirs in such amount as may be proven in court.

ACTS CONTRARY TO LAW.^[4]

On the other hand, the Information^[5] in Criminal Case No. RTC'03-789 alleges that appellant inflicted slight physical injuries in the following manner:

That on or about the 20th day of September, 2002, at around or past 8:00 o'clock in the evening, at Brgy. San Vicente, Tinambac, Camarines Sur, Philippines, and within the jurisdiction of this Honorable Court, the above-named [accused] assault[ed] and hit with a piece of wood, one Noel Sales, Jr., an 8-year old minor, his second legitimate son, thereby inflicting upon him physical injuries which have required medical

attendance for a period of five (5) days to the damage and prejudice of the victim's heirs in such amount as may be proven in court.

ACTS CONTRARY TO LAW.^[6]

When arraigned on April 11, 2003 and July 1, 2003, appellant pleaded not guilty for the charges of parricide^[7] and slight physical injuries^[8] respectively. The cases were then consolidated upon manifestation of the prosecution which was not objected to by the defense.^[9] During the pre-trial conference, the parties agreed to stipulate that appellant is the father of the victims, Noemar Sales (Noemar) and Noel Sales, Jr. (Junior); that at the time of the incident, appellant's family was living in the conjugal home located in *Barangay* San Vicente, Tinambac, Camarines Sur; and, that appellant voluntarily surrendered to the police.^[10]

Thereafter, trial ensued.

The Version of the Prosecution

On September 19, 2002, brothers Noemar and Junior, then nine and eight years old, respectively, left their home to attend the fluvial procession of Our Lady of Peñafrancia without the permission of their parents. They did not return home that night. When their mother, Maria Litan Sales (Maria), looked for them the next day, she found them in the nearby *Barangay* of Magsaysay. Afraid of their father's rage, Noemar and Junior initially refused to return home but their mother prevailed upon them. When the two kids reached home at around 8 o'clock in the evening of September 20, 2002, a furious appellant confronted them. Appellant then whipped them with a stick which was later broken so that he brought his kids outside their house. With Noemar's and Junior's hands and feet tied to a coconut tree, appellant continued beating them with a thick piece of wood. During the beating Maria stayed inside the house and did not do anything as she feared for her life.

When the beating finally stopped, the three walked back to the house with appellant assisting Noemar as the latter was staggering, while Junior fearfully followed. Maria noticed a crack in Noemar's head and injuries in his legs. She also saw injuries in the right portion of the head, the left cheek, and legs of Junior. Shortly thereafter, Noemar collapsed and lost consciousness. Maria tried to revive him and when Noemar remained motionless despite her efforts, she told appellant that their son was already dead. However, appellant refused to believe her. Maria then told appellant to call a quack doctor. He left and returned with one, who told them that they have to bring Noemar to a hospital. Appellant thus proceeded to take the unconscious Noemar to the junction and waited for a vehicle to take them to a hospital. As there was no vehicle and because another quack doctor they met at the junction told them that Noemar is already dead, appellant brought his son back to their house.

Noemar's wake lasted only for a night and he was immediately buried the following day. His body was never examined by a doctor.

The Version of the Defense

Prior to the incident, Noemar and Junior had already left their residence on three separate occasions without the permission of their parents. Each time, appellant merely scolded them and told them not to repeat the misdeed since something untoward might happen to them. During those times, Noemar and Junior were never physically harmed by their father.

However, Noemar and Junior again left their home without their parents' permission on September 16, 2002 and failed to return for several days. Worse, appellant received information that his sons stole a pedicab. As they are broke, appellant had to borrow money so that his wife could search for Noemar and Junior. When his sons finally arrived home at 8 o'clock in the evening of September 20, 2002, appellant scolded and hit them with a piece of wood as thick as his index finger. He hit Noemar and Junior simultaneously since they were side by side. After whipping his sons in their buttocks three times, he noticed that Noemar was chilling and frothing. When Noemar lost consciousness, appellant decided to bring him to a hospital in Naga City by waiting for a vehicle at the crossroad which was seven kilometers away from their house.

Appellant held Noemar while on their way to the crossroad and observed his difficulty in breathing. The pupils of Noemar's eyes were also moving up and down. Appellant heard him say that he wanted to sleep and saw him pointing to his chest in pain. However, they waited in vain since a vehicle never came. It was then that Noemar died. Appellant thus decided to just bring Noemar back to their house.

Appellant denied that his son died from his beating since no parent could kill his or her child. He claimed that Noemar died as a result of difficulty in breathing. In fact, he never complained of the whipping done to him. Besides, appellant recalled that Noemar was brought to a hospital more than a year before September 2002 and diagnosed with having a weak heart.

On the other hand, Maria testified that Noemar suffered from epilepsy. Whenever he suffers from epileptic seizures, Noemar froths and passes out. But he would regain consciousness after 15 minutes. His seizures normally occur whenever he gets hungry or when scolded.

The death of Noemar was reported to the police by the *barangay* captain.^[11] Thereafter, appellant surrendered voluntarily.^[12]

Ruling of the Regional Trial Court

In a Joint Decision,^[13] the trial court held that the evidence presented by the prosecution was sufficient to prove that appellant was guilty of committing the crimes of parricide and slight physical injuries in the manner described in the Informations. In the crime of parricide, the trial court did not consider the aggravating circumstance of evident premeditation against appellant since there is no proof that he planned to kill Noemar. But the trial court appreciated in his favor the mitigating circumstances of voluntary surrender and lack of intent to commit so grave a wrong. The dispositive portion of said Joint Decision reads:

WHEREFORE, in view of the foregoing, the prosecution having proven the guilt of Noel Sales, beyond reasonable doubt, he is found guilty of parricide in Crim. Case No. RTC'03-782 and sentenced to suffer the penalty of reclusion perpetua. He is likewise ordered to pay the heirs of Noemar Sales, the amount of P50,000.00 as civil indemnity; P50,000.00 as moral damages; P25,000.00 as exemplary damages and to pay the costs.

Furthermore, accused Noel Sales is also found guilty beyond reasonable doubt of the crime of slight physical injuries in Crim. Case No. RTC'03-789 and sentenced to suffer the penalty of twenty (20) days of Arresto Menor in its medium period.

Accused Noel Sales is likewise meted the accessory penalties as provided under the Revised Penal Code. Considering that herein accused has undergone preventive imprisonment, he shall be credited in the service of his sentence with the time he has undergone preventive imprisonment in accordance with and subject to the conditions provided for in Article 29 of the Revised Penal Code.

SO ORDERED.^[14]

Appellant filed a Notice of Appeal^[15] which was given due course in an Order^[16] dated September 21, 2005.

Ruling of the Court of Appeals

However, the appellate court denied the appeal and affirmed the ruling of the trial court. The dispositive portion of its Decision^[17] reads as follows:

WHEREFORE, premises considered, the appeal is **DENIED**. The assailed decision dated August 3, 2005 in Criminal Case Nos. RTC'03-782 and RTC'03-789 for Parricide and Slight Physical Injuries, respectively, is **AFFIRMED**.

Pursuant to *Section 13(c), Rule 124 of the Revised Rules of Criminal Procedure*, appellant may appeal this case to the Supreme Court via a Notice of Appeal filed before this Court.

SO ORDERED.^[18]

Issues

Hence, appellant is now before this Court with the following two-fold issues:

APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIMES CHARGED.

II

THE COURT A QUO GRAVELY ERRED IN NOT GIVING WEIGHT TO THE TESTIMONIES OF THE DEFENSE WITNESSES.^[19]

Our Ruling

The appeal is without merit.

The Charge of Parricide

Appellant admits beating his sons on September 20, 2002 as a disciplinary measure, but denies battering Noemar to death. He believes that no father could kill his own son. According to him, Noemar had a weak heart that resulted in attacks consisting of loss of consciousness and froth in his mouth. He claims that Noemar was conscious as they traveled to the junction where they would take a vehicle in going to a hospital. However, Noemar had difficulty in breathing and complained of chest pain. He contends that it was at this moment that Noemar died, not during his whipping. To substantiate his claim, appellant presented his wife, Maria, who testified that Noemar indeed suffered seizures, but this was due to epilepsy.

The contentions of appellant fail to persuade. The imposition of parental discipline on children of tender years must always be with the view of correcting their erroneous behavior. A parent or guardian must exercise restraint and caution in administering the proper punishment. They must not exceed the parameters of their parental duty to discipline their minor children. It is incumbent upon them to remain rational and refrain from being motivated by anger in enforcing the intended punishment. A deviation will undoubtedly result in sadism.

Prior to whipping his sons, appellant was already furious with them because they left the family dwelling without permission and that was already preceded by three other similar incidents. This was further aggravated by a report that his sons stole a pedicab thereby putting him in disgrace. Moreover, they have no money so much so that he still had to borrow so that his wife could look for the children and bring them home. From these, it is therefore clear that appellant was motivated not by an honest desire to discipline the children for their misdeeds but by an evil intent of venting his anger. This can reasonably be concluded from the injuries of Noemar in his head, face and legs. It was only when Noemar's body slipped from the coconut tree to which he was tied and lost consciousness that appellant stopped the beating. Had not Noemar lost consciousness, appellant would most likely not have ceased from his sadistic act. His subsequent attempt to seek medical attention for Noemar as an act of repentance was nevertheless too late to save the child's life. It bears stressing that a decent and responsible parent would never subject a minor child to sadistic punishment in the guise of discipline.

Appellant attempts to evade criminal culpability by arguing that he merely intended to discipline Noemar and not to kill him. However, the relevant portion of Article 4