

EN BANC

[G.R. No. 175603, February 13, 2009]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RENATO ESPAÑOL,
APPELLANT.**

DECISION

CORONA, J.:

This is an appeal of the November 30, 2005 decision^[1] and June 29, 2006 resolution^[2] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 1375 which affirmed the decision of the Regional Trial Court (RTC) of Dagupan City, Branch 42 convicting appellant of the crime of parricide and sentencing him to *reclusion perpetua*.

Appellant Renato Español was charged with killing his wife, Gloria Pascua Español, in an Information that read:

That on or about the 2nd day of February, 2000, in the City of Dagupan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, RENATO ESPAÑOL @ Atong, being then legally married to one GLORIA ESPAÑOL, with intent to kill the latter, did then and there, [willfully], unlawfully and criminally, attack, assault and use personal violence upon the latter by shooting her, hitting her on vital part of her body, thereby causing her death shortly thereafter due to "Hypovolemic shock, hemorrhage, massive, due to multiple gunshot wound" as per Autopsy Report issued by Dr. Benjamin Marcial Bautista, Rural Health Physician, to the damage and prejudice of the legal heirs of said deceased, GLORIA ESPAÑOL, in the amount of not less than FIFTY THOUSAND PESOS (P50,000.00), Philippine Currency, and other consequential damages.

Contrary to Article 246 of the Revised Penal Code.^[3]

When arraigned, appellant pleaded "not guilty" to the charge. During the pre-trial, the prosecution and defense agreed on the following stipulations and admissions:

1. That the appellant under detention and named in the information was the accused who had been arraigned;
2. That the victim, Gloria Pascua Español, was the legal wife of appellant;
3. That Gloria and appellant were living together as husband and wife prior to February 2, 2000 and that she was shot to death at the

early dawn of February 2, 2000 at Pantal, Dagupan City;

4. That before the victim was shot, appellant borrowed the tricycle of Federico Ferrer and drove said tricycle with his wife inside the cab thereof from their house towards the house of Felicidad Ferrer, sister of the victim;
5. That appellant and the victim lived in their own house with their four children.^[4]

Thereafter, trial ensued.

The factual antecedents follow.

At about 2:00 a.m. of February 2, 2000, Domingo Petilla was waiting for his companions at Pantal Road, Dagupan City. They were on their way to Manila. All of a sudden, he heard two successive gunshots. A few moments later, a yellow tricycle sped past him along Pantal Road headed towards Sitio Guibang, Dagupan City. The tricycle was driven by a man wearing a dark-colored long-sleeved shirt.^[5]

Petilla's companions arrived shortly thereafter on board a van. As they started loading their things, they saw, through the lights of their vehicle, a person lying on the pavement along Pantal Road. Upon closer scrutiny, they discovered the lifeless body of Gloria Español. They immediately reported the matter to the police.^[6]

The gunshots were also heard by Harold Villanueva,^[7] a boatman working at the Pantal River, while he was waiting for passengers at the dock about 100 meters away from the crime scene. The shots were followed by the sound of a motorcycle's revving engine. He then saw a speeding yellow tricycle. The tricycle bore the name "Rina" in front of its cab. Its driver was wearing a dark jacket and blue pants. The boatman was later told by a tricycle driver that there was a dead body nearby. Out of curiosity, he (the boatman) went there and recognized the victim as one of his regular passengers.^[8]

Felicidad Pascua Ferrer, sister of the victim, was told by the police and neighbors that her sister was dead. She immediately proceeded to the place. Upon confirming that it was indeed her sister, she asked bystanders to inform appellant about the death of his wife.^[9]

A few minutes later, appellant arrived. Even before he saw his dead wife, he shouted "She is my wife, she is my wife. Who killed her? Vulva of your mother! She was held up." Appellant stepped across the body and saluted the police investigator. He told the police that he brought the victim to the place where she was found and that she could have been robbed of the P2,000 he had earlier given her.^[10]

Meanwhile, Villanueva noticed that the appellant seemed to be wearing the same clothes as those worn by the driver of the speeding tricycle he saw along Pantal Road right after he heard the gunshots.^[11]

At around 3:00 a.m., appellant went to the house of Mateo Pascua, brother of

Gloria, to inform him that Gloria was held up and killed. They then proceeded to the scene of the crime using the yellow tricycle of their brother-in-law, Federico Ferrer. The tricycle had the name "Rina" emblazoned in front. On the way, Mateo noticed that the seats and floor of the tricycle were wet. When asked about it, appellant did not answer.^[12]

Thereafter, at the morgue, appellant refused to look at the body and preferred to stay outside.^[13] The autopsy yielded the following results:

EXTERNAL FINDINGS

CADAVER WAS IN RIGOR MORTIS AND REGULAR BUILT.

GUNSHOT WOUND, POE, 0.7 CM, MID FRONTAL AREA, LEVEL 5 CM ABOVE THE EYEBROW, COLLAR ABRASION, NO GUNPOWDER BURN, PENETRATING, SKULL FRACTURE, BRAIN TISSUE.

POEx: NONE

GUNSHOT WOUND, POE, 1.5 CM, RIGHT MID AXILLIARY LINE, LEVEL 2 CM BELOW THE RIGHT NIPPLE, LESS DENSE, GUNPOWDER BURN PERIPHERY, COLLAR ABRASION, SKIN ABRASION POSTERIOR, PENETRATING.

POEx: NONE

CONTUSION HEMATOMA AT THE RIGHT EYE AREA.

INTERNAL FINDINGS

INTRACRANIAL HEMORRHAGE, MODERATE PENETRATING PERFORATING BRAIN TISSUE INTRATHORACIC RIGHT, HEMORRHAGE MASSIVE PENETRATING AND PERFORATING THRU AND THRU RIGHT [LUNG] AND HEART.

6TH [RIB] FRACTURE, 2.5 CM, LEFT MID CLAVICULAR LINE, MEDIAL SLUG FOUND ABOVE THE 6TH [RIB], WITHIN THE MUSCLES, LEFT THORACIC AREA.^[14]

Disturbed by appellant's actuations, Felicidad asked the police to interrogate her brother-in-law. At the police station, while appellant was being investigated, he requested Senior Police Officer (SPO)1 Isagani Ico if he could talk privately with Felicidad. During their talk, appellant begged Felicidad's forgiveness and asked that he be spared from imprisonment.^[15]

During the victim's wake in their house, appellant hardly looked at his wife's remains. He chose to remain secluded at the second floor. He repeatedly asked for Felicidad's forgiveness during the first night of the wake. At one point, Delfin Hernandez, a nephew of the victim, approached appellant and asked why the latter killed his aunt. Appellant just kept silent.^[16]

It was also disclosed by Norma Pascua Hernandez, Gloria's other sister, that Gloria confided to her appellant's illicit relationship with a woman named Eva Seragas. Gloria went to Eva's house and confronted her about the adulterous relationship but appellant came to Eva's defense and forcibly dragged Gloria away. Later, Gloria had another heated argument with Eva. Norma pacified her sister and brought her home.^[17]

After the presentation of the prosecution's evidence in-chief, the defense filed a demurrer to evidence. The RTC denied the demurrer in an order dated August 21, 2000.^[18]

For his defense, appellant testified that he had been an employee of the Dagupan City Water District since 1990. In the early morning of February 2, 2000, he and his wife were on their way to downtown Dagupan City on board a tricycle driven by him to buy *binuburan* (fermented cooked rice), a local medication for his ulcer. However, upon reaching Quimosing Alley along Pantal Road, Gloria decided to alight and wake up her sister Felicidad who lived nearby. Gloria and Felicidad were engaged in the trading of fish in Dagupan City.^[19]

After saying their goodbyes, appellant proceeded to the city proper alone. He bought *binuburan* and other ulcer medications and went home. Around 2:30 a.m., a passing tricycle driver informed him that the water engine of the Dagupan Water District was creating too much noise. He decided to verify the information.^[20]

On his way there, appellant noticed a commotion along Pantal Road. An unidentified man later told him, "Español, come here. Your wife is dead." He immediately proceeded to the scene of the crime. As he was about to embrace the dead body of his wife, someone tapped him on the shoulder and said "No, don't touch her, she is still to be investigated." At the morgue, he noticed that his wife had a bruise above her right elbow and that her zipper was partially opened. After a few minutes, he asked to be excused for he could not bear the pain and sorrow.^[21]

He denied that he asked forgiveness from his sister-in-law Felicidad for killing his wife; that he was barely around during his wife's wake and that he did not respond to his nephew's accusation. He likewise denied having an adulterous relationship with Eva Seragas.^[22]

Rachel and Richwell Español, appellant's children, corroborated their father's story and maintained that he was at their house resting at the time of the commission of the crime. They insisted that he was always beside the coffin of their mother during the wake and that he had no other woman. Rachel testified that she and her mother were close. If it were true that her father had illicit relations with another woman, her mother would have confided in her.

On February 19, 2001, the RTC convicted appellant:

WHEREFORE, premises considered, the accused RENATO ESPAÑOL *alias* "Atong" is hereby found guilty beyond reasonable doubt of the crime of PARRICIDE as defined by Article 246 of the Revised Penal Code and penalized by R.A. 7659 otherwise known as the Heinous Crime Law. Under the latter law, the offense is punishable by *reclusion perpetua* to

death and there being no aggravating circumstance alleged in the information, accused is hereby sentenced to suffer the lesser penalty of *reclusion perpetua*. In addition, the death his wife has to be indemnified by him in the amount of P50,000.00 and is further ordered to pay to Felicidad Ferrer the amount of P20,000.00 as actual and compensatory damages. No moral damages is awarded for the reason stated above.

SO ORDERED.

Aggrieved, appellant filed an appeal in this Court which we referred to the CA in accordance with *People v. Mateo*.^[23] The CA affirmed the RTC in a decision promulgated on November 30, 2005. It denied reconsideration in a resolution dated June 29, 2006.

Hence this appeal.

The issue for our resolution is whether appellant is guilty of the crime of parricide.

Under Article 246 of the Revised Penal Code, parricide is the killing of one's legitimate or illegitimate father, mother, child, any ascendant, descendant or spouse and is punishable by the single indivisible penalty of *reclusion perpetua* to death:

Article 246. Parricide. - Any person who shall kill his father, mother or child, whether legitimate or illegitimate, or any of his ascendants, or descendants, or his spouse, shall be guilty of parricide and shall be punished by the penalty of *reclusion perpetua* to death.

In convicting the appellant, the RTC and CA found that the following circumstances proved beyond reasonable doubt that he was guilty of parricide:

1. appellant admitted that he was the one who brought his wife to the scene of the crime minutes before the latter's body was discovered. In other words, appellant was with the victim around the time she was shot and killed.
2. the tricycle which he used in transporting his wife was seen by Harold Villanueva and Domingo Petilla traveling at a high speed coming from the direction where the gunshots were heard.
3. appellant, immediately after the incident, was wearing the same dark jacket and blue jeans worn by the driver of the speeding tricycle.
4. appellant asserted that his wife was robbed, even before the investigation had started. However, the victim's purse and other belongings were all found intact.
5. appellant did not respond to his brother-in-law's query as to why the tricycle's sidecar which appellant had used in transporting his wife was wet.
6. appellant isolated himself during the nine-day wake of his wife.