

THIRD DIVISION

[G.R. No. 133795, July 27, 2000]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RAYMUNDO VILLAREZ, ACCUSED-APPELLANT.**

D E C I S I O N

PANGANIBAN, J.:

After poring over the records of the case, this Court finds no reason to reverse or modify the trial court in its assessment of the witnesses' credibility. It had the unique opportunity to observe their demeanor and conduct on the stand. It did not overlook, misunderstand or misapply any material evidence. Hence, we affirm its judgment as factually and legally correct.

The Case

Before the Court is an appeal by Raymundo Villarez,^[1] challenging the February 11, 1998 Decision^[2] of the Regional Trial Court (RTC) of Olongapo City (Branch 75), in Criminal Case No. 670-89. The decretal portion of said Decision, which found him guilty of *parricide*, reads as follows:

"WHEREFORE, finding the accused Raymundo Villarez guilty beyond reasonable doubt of the offense of parricide defined and penalized under Article 244 of the Revised Penal Code as a principal by direct participation, he is sentenced to suffer the penalty of reclusion perpetua with all the accessory penalties attached to it; and to indemnify the heirs of the deceased Bonifacio Villarez in the amount of P50,000.00.

"The accused shall be credited in full of his preventive imprisonment if he had agreed in writing to abide by the disciplinary rules imposed on convicted prisoners, otherwise to only 4/5 thereof."^[3]

The Information,^[4] dated October 20, 1989, charged appellant as follows:

"That on or about the 7th day of July, 1989 at around 6:00 o'clock in the afternoon, at Brgy. San Isidro, in the [M]unicipality of Subic, [P]rovince of Zambales, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with intent to kill, and armed with an iron pipe, did then and there willfully, unlawfully and feloniously assault, strike and hit therewith Bonifacio Villares, his (accused) natural father, and inflicting upon him physical injuries, described as follows:

`-Lacerated wound 4 cm. parieto-occipital area;

-Lacerated wounds both 1 cm. at the anterior axillary line 4th and 6th ICS right;

-Cerebral contusion.'

which directly caused the death of Bonifacio Villares." [5]

When arraigned on January 10, 1996, appellant pleaded [6] not guilty. [7] After due trial, the lower court promulgated its assailed Decision.

Hence, this appeal. [8]

The Facts

Prosecution's Version

In its Brief, [9] the Office of the Solicitor General presents the prosecution's version of the facts in this wise:

"In the early afternoon of July 7, 1989, Conrado Villarez had alighted from a tricycle he rode from his office when he saw his brother Raymundo Villarez (appellant) drinking with one Willie Manahan at Brgy. San Isidro, Subic, Zambales. At about 5:30 P.M. of that same afternoon, Conrado was already resting by the window of his house at Brgy. San Isidro, Subic, Zambales which was located inside a fenced compound wherein the houses of his brother Raymundo Villarez (Appellant) and their parents Bonifacio and Consorcía Villarez were built. Conrado's house was x x x five (5) to six (6) meters away from his brother's house while their parents' house was about ten (10) meters away from appellant's house. At that time, Conrado's mother Consorcía Galang-Villarez was also standing by the window of her house conversing with her husband Bonifacio Villarez who was then in the yard in front of their window.

"Thereupon, Conrado and Consorcía while in their respective houses, heard appellant having an altercation with his second wife Mary Ann Fernandez as they (spouses) shouted invectives at each other. They also overheard one of appellant's children crying and shouting 'Tama na po, Itay' after apparently being hit by appellant.

"Afterwards, Conrado saw appellant going down his house and proceeding towards their parents' house nearby. As appellant shouted the words 'Putang Ina mo matanda ka, ganid' he approached his father Bonifacio, then in the yard in front of his house, and stabbed him twice with a knife hitting him at the right side of his rib cage. Thereupon, appellant tried to break the door of his parents' house. When he managed to open the door of his parents' house he started to chase his mother Consorcía

"Incensed with his own brother's (appellant's) actuations, Conrado immediately jumped out of the stairs of his house, grabbed a lead water pipe near the door, ran towards his brother and struck his brother Raymundo with it thereby hitting him on the shoulder. As a result of said distraction with appellant chasing Conrado, their father Bonifacio managed to flee to the other side of the yard. Conrado then tried to hit

appellant for the second time but the latter evaded the strike and even picked up stones which he threw at Conrado who likewise evaded the stones by running away from appellant towards the street adjacent to their houses. Forthwith, appellant pursued Conrado as he (appellant) threw stones at Conrado who then tried to hit back at appellant with the lead pipe but their mother Consorcia who had caught up with them placed herself between her sons and tried to pacify them.

"While appellant and Conrado were grappling with each other for possession of the lead pipe, appellant's second wife Mary Ann Fernandez arrived and struck Conrado with a piece of wood on his right shoulder. Conrado's sister Ludy Maghirang likewise arrived with a piece of wood and tried to help her mother. Suddenly, appellant grabbed from his sister the piece of wood which he then used in hitting Conrado on his forehead and as a result thereof, Conrado felt dazed which caused him to lie down on the ground for a few seconds. Thereupon, when appellant was already on top of Conrado, he (appellant) grabbed the lead pipe from Conrado and chased his sister Ludy. However, their father Bonifacio, appeared with a wooden stick but when he met appellant, Bonifacio started to turn back but appellant hit him at the back of his head with the lead pipe. As a result, Bonifacio fell face down to the ground so his wife Consorcia rushed to him and placed him on her lap.

"Meanwhile, appellant chased his brother Conrado, then in shock, heading towards the place of the Mirador's but when he failed to catch up with him, appellant returned to where he left his father. Meanwhile, one of Consorcia's neighbors had warned her that her son Raymundo (appellant) was coming back that she felt so scared, left her wounded husband and returned to her house where her youngest child was left inside.

"At that time, Conrado was proceeding towards the Barangay Hall and farther to the house of Barangay Kagawad Bobis. Subsequently, Kagawad Bobis of Brgy. San Isidro, Subic, Zambales who was resting at her house at Purok 2, near the Post heard somebody calling for her assistance. She saw that it was Conrado Villarez, also a resident of the same barangay, who told her that his father Bonifacio had been hit with a lead pipe by his brother Raymundo. Thereafter, they proceeded towards the spot where Conrado's father Bonifacio lay bloodied. Forthwith, she requested one of her staff members to help bring Bonifacio to the hospital for treatment. When [s]he noticed that Conrado was also wounded in his head, she told him to seek medical assistance. She also asked one of the barangay tanod to accompany Conrado to the police in Subic to report the incident.

"When Bonifacio [had] already boarded the tricycle which [would] take him to the hospital, appellant suddenly appeared holding the lead pipe and upon seeing his brother Conrado chased the latter who managed to go inside the house of one Lina Velacia Unable to find his brother Conrado, appellant walked to and [fro] within the vicinity. Eventually, appellant approached Kgd. Bobis, who as barangay Kagawad, told him to surrender to her the lead pipe. Appellant complied with her directive

although he told her that 'he was really very mad and that he [would] kill everyone of them' (*papatayin ko silang lahat*). Subsequently, Kgd. Bobis and a Barangay Tanod brought appellant and the lead pipe to the Barangay Hall where some policemen from the Subic Police Station, including SPO4 Domingo Permison, had already arrived. Thereafter, Kgd. Bobis and several barangay officials surrendered the lead pipe to the police authorities.

"Meanwhile, Bonifacio Villarez was taken to the Olongapo City General Hospital where he was attended to by Dr. Pedro Ferrandiz, then senior resident physician of the hospital. In the course thereof, he found that Bonifacio Villarez sustained the following:

- Lacerated wound 4 cm. parieto-occipital area;
- Lacerated wounds both 1 cm. at the anterior axillary line 4th and 6th ICS right
- Cerebral contusion.'

"Eventually, Bonifacio Villarez died at the hospital. Dr. Susan L. Gutierrez, then resident physician of the hospital, issued a Certificate of Death which stated that the immediate cause of death of the victim was cardiorespiratory arrest, the antecedent cause was the intracerebral hemorrhage and the underlying cause was the head injury.

"In connection with the death of Bonifacio Villarez, SPO4 Domingo Permison of the Subic Police Station's Investigation Section conducted an investigation of the case against appellant on July 11, 1989. He took statements of Consorcía Villarez and Conrado Villarez on the matter on July 11, 1989. On July 12, 1989, he took the statement of Lilia Esposito. Aside from taking the statements of Consorcía Villarez and Lilia Esposito, he also requested autopsy of the victim and also asked appellant if he wanted the case submitted. SPO4 Permison likewise transmitted the lead pipe which was more or less 2 feet by 3 inches long and one (1) knife which was more or less 9 inches long, including the handle, which were previously turned over to him by the desk sergeant then on duty to Police Officer Renato Relocano, then evidence custodian, for which the latter issued a custody receipt.

"During the trial of the case, Dr. Arnildo Tamayo, a physician of the Olongapo City General Hospital, was presented to interpret findings indicated in the medical certificate signed by Dr. Fernandez. Dr. Tamayo declared that he was assigned to conduct an examination on all medico-legal cases in the hospital including stab wounds, vehicular accidents and gunshot wounds and mauling since 1989 and Dr. Ferrandiz was his senior resident. He declared that he did not know if Dr. Ferrandiz was still connected with the hospital as he had not seen him for some time. When asked what the 'cerebral contusion' as indicated in the medical certificate meant, he explained that it was bruise at the cerebral area of the skull where the brain [was] located and [was] permanent in nature.

He declared that said wound at the parieto-occipital area could [have been] caused by a blunt instrument like a water pipe and that a water pipe could possibly cause cerebral contusion. He likewise opined that said injury in the parieto-occipital area could also be fatal if associated with great force as it could blast the meninges of the brain as it is at the meninges where the blood vessels [we]re found. Dr. Tamayo also declared that he [could] not say [i]f the assailant was left-handed or right-handed. He opined that one [could] hit a person at the mid-portion of the head and at the back even when one [was] in front.

"SPO4 Renato Relocano testified during the trial that he [did] not have the police blotter regarding the July 7, 1989 incident because it was destroyed during the Mt. Pinatubo eruption in 1991 as the 'bodega' where it was kept collapsed and all records stored there covering the period from the latter part of 1990 to 1991 were destroyed and beyond reconstruction.

"Jane Villarez-Simbulan, one of the sisters of appellant Raymundo Villarez, was likewise presented as a witness for the prosecution. She declared that appellant and his family stayed with her at the house at Naugsol, Subic, Zambales in July 1995 after her father died. She stated that appellant started helping her in farming a lot an[d] during his stay with her family, she observed that her brother was restless and could not sleep and would drink gin heavily and get drunk. She further testified that for about seven (7) times, she overheard appellant muttering to himself about killing his own father and that there was an occasion when appellant quarreled with her and threatened to stab her in front of her children. She explained that thereafter, appellant and his family left but eventually returned after several weeks to her place although they transferred to a separate hut nearby. She declared that although she knew from the start that appellant killed their father, she allowed him and his wife to stay because she really pitied him as he was her brother and because his children were in her custody."^[10] (citations omitted)

Defense's Version

On the other hand, appellant in his Brief^[11] narrated the facts in this manner:

"The accused-appellant walking for home passed the house of his parents Bonifacio and Consorcía Villarez of Barangay San Isidro, Subic, Zambales.

"He overheard his mother chiding and nagging over his father's drinking habits. Noticing his presence, the mother with all the insult and sarcasm that she [could] muster, uttered 'join him' when loosely translated in tagalog 'yan magsama kayo.' He answered that he ha[d] nothing to do with their problem. 'Why do you have to answer, I am not talking to you', replied the mother, in a loud angry voice.

"Walking out of his parent's yard to the street R.V. (for Raymundo Villarez) was met by C.V. (for Conrado Villarez), who was then inside his house, overheard the loud voices and suspecting that his brother R.V. was quarreling or picking a fight with their mother, went down his house