

THIRD DIVISION

[G.R. No. 121768, July 21, 1997]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
DOMINGO CASTILLO, JR., ACCUSED-APPELLANT.**

D E C I S I O N

FRANCISCO, J.:

This is a case of parricide more tragic in that it involves the cold-blooded murder of a father by his only son.

On November 6, 1993 between the hours of 7:30 and 8:30 in the evening, the appellant DOMINGO CASTILLO, JR., nicknamed "Boyot", was in the D & G Restaurant in Norzagaray, Bulacan drinking beer with the victim, his father, Domingo Castillo, Sr.^[1] After some two hours of drinking, a group of noisy customers arrived. Wary of the trouble that these customers may cause and aware of his son's propensity to get into fights, the victim urged the former to go home with him.^[2] The appellant and the victim then boarded a blue pick-up truck with plate number CBE 591.^[3] The appellant drove the vehicle in the direction of their home in Angat, Bulacan with the victim in the passenger's seat. During the trip home, an argument ensued between the appellant and the victim who were both a bit drunk already^[4] because the former kept insisting that he should or could go back to the restaurant while the latter prevented him from doing so.^[5] Upon nearing their house, the appellant abruptly stopped the pick-up and the victim alighted therefrom.^[6] Holding a bottle of beer in his right hand, the victim raised both of his hands, stood in front of the pick-up and said, "sige kung gusto mo sagasaan mo ako, hindi ka makakaalis" (go ahead, run over me if you want to leave).^[7] The appellant slowly drove the pick-up forward threatening to run over the victim. At this juncture, the victim exclaimed, "papatayin mo ba ako?" (are you going to kill me?).^[8] After the victim uttered these words, the appellant backed-up almost hitting an owner type jeep parked at the side of the road and on board which were four (4) people conversing with each other, including prosecution eyewitness, Ma. Cecilia Mariano. Then at high speed, the appellant drove the pick-up forward hitting the victim in the process. Not satisfied with what he had done, the appellant put the vehicle in reverse thereby running over the victim a second time. The appellant then alighted from the vehicle and walked towards their house.^[9]

At the precise moment of the perpetration of the crime, another witness, Arthur Agaran who worked at the recapping shop of the victim was in the latter's residence.^[10] He was changing his clothes and preparing to work overtime in the recapping shop located in the premises of the victim's residence.^[11] Agaran saw the pick-up truck being driven by the appellant and noticed that it moved forward and backward four (4) times^[12] about twenty (20) to thirty (30) meters from the house.^[13] When

he and another worker went outside to find out what had happened, they saw the victim's body bloodied and sprawled on the ground.^[14] They rushed the victim to the Dolorosa Hospital at Norzagaray, Bulacan where the victim expired shortly thereafter.^[15]

The appellant was not immediately prosecuted for the death of his father which he was able to pass off as an accident. But when his older sister, Leslie C. Padilla, arrived from the United States to attend her father's wake and funeral, she made inquiries about the circumstances surrounding his death and was given different versions of the incident, some of which insinuated that her father did not meet his demise accidentally.^[16] Later, a suspicion of foul play moved her to engage the services of the National Bureau of Investigation (NBI) for a formal investigation into the matter.^[17] The results thereof confirmed Padilla's suspicion and led to the filing of an information for parricide against appellant.^[18] After trial, Branch 14 of the Regional Trial Court of Bulacan found the appellant guilty beyond reasonable doubt of the crime of parricide and sentenced him to suffer the penalty of reclusion perpetua and to pay the other heirs of the victim TWO HUNDRED FIFTY THOUSAND PESOS (P250,000.00) as actual damages.^[19]

We affirm the judgment of conviction.

The prosecution has successfully established the elements of parricide: (1) the death of the deceased; (2) that he or she was killed by the accused; and (3) that the deceased was a legitimate ascendant or descendant, or the legitimate spouse of the accused.^[20] The only question left to be answered by this Court is whether or not the parricide was committed thru reckless imprudence as claimed by the appellant. The appellant does not dispute the fact that he had indeed ran over his father with the pick-up truck he was driving on that fateful night in November, 1993. He claims, however, that there was no intention on his part to kill his father, and that he had accidentally stepped on the gas pedal forcefully, causing the vehicle to travel at a fast speed.^[21]

The appellant's asseveration is not worthy of credence. In convicting the appellant, the trial court relied heavily on the testimonies of the prosecution witnesses, Mariano and Agaran. We find no reason to do otherwise, applying the fundamental rule in criminal cases that in the matter of credibility of witnesses, the appellate court gives great weight and highest degree of respect to the findings of the trial court as they are in a better position to examine real evidence as well as to observe the demeanor of the witnesses.^[22] The details of the incident as narrated by Mariano and Agaran bespeak of a crime committed with full intent. And we have held that a deliberate intent to do an unlawful act is essentially inconsistent with the idea of reckless imprudence.^[23] What qualifies an act as one of reckless or simple negligence or imprudence is the lack of malice or criminal intent in the execution thereof.^[24] Otherwise stated, in criminal negligence, the injury caused to another should be unintentional, it being simply the incident of another act done without malice^[25] but with lack of foresight, carelessness, or negligence, and which has harmed society or an individual.^[26]

On direct examination, Mariano testified as follows:

Q: While you were there in front (sic) of your house, do you recall of any unusual incident that happened?

A: Yes, sir there was.

Q: Tell us about that unusual incident?

A: While we were conversing at that time, all of a sudden there was a colored blue pick up (sic) that was rushing towards our place in very fast speed (humaharurot).

Q: With whom were you conversing at that time?

A: My two (2) friends and one of my sister (sic), sir.

Q: What is the name of your sister?

A: Ma. Lucila G. Mariano, sir.

Q: From where did that pick up van come from (sic)?

A: It came from behind our back, sir.

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Q: What happened after you saw that pick up (sic) colored blue speeding in that street?

A: All of a sudden it stopped, sir.

Q: In your sketch, will you please draw a square or a rectangular figure to indicate the position of that van when it stopped?

AT THIS JUNCTURE, THE WITNESS IS INDICATING THE SAME.

Q: After that pick up (sic) stopped, what happened next?

A: It stopped there, sir.

Q: How about you, what did you do when the pick up stopped?

A: We were looking at it. We did not mind it.

Q: After that, did you notice anything unusual that happened around the premises.

A: Yes, sir.

Q: Tell us about that unusual incident?

A: An old man alighted, sir.

Q: From where did that old man alight?

A: From the pick up (sic), sir.

COURT:

Q: The blue pick up (sic)?

A: Yes, your honor.

FISCAL:

Q: From what side of the pick up (sic) did he alight, from the left or from the right side?

A: From the right side, sir.

Q: After that old man had alighted, what happened?

A: I noticed that the pick up (sic) colored blue thru the headlight seems to be moving trying to intimidate the old man then I heard the old man saying "papatayin mo ba ako" and at that time, he was holding a bottle of beer, sir.

Q: In this sketch, will you please draw the position of that old man?

AT THIS JUNCTURE, THE WITNESS IS DOING THE SAME.

Q: After the old man uttered those words, what happened?

A: I just saw that the pick up made a back up (sic) almost hitting us, sir.

Q: Then, what did the driver of that pick up (sic) do afterwards after backing up rather?

A: All of a sudden, the pick up (sic) ran very fast and hit the old man, sir.

Q: You said that, that vehicle backed up and then it proceeded very fast hitting the old man in the process, is that correct?

A: Yes, sir.

Q: Did the old man change his position after he uttered "papatayin mo ba ako?" up to the time that he was hit by that pick up van?

A: Yes, sir.

Q: Will you please indicate where the old man proceed (sic)?

AT THIS JUNCTURE, THE WITNESS IS DOING THE SAME.

Q: When you saw the old man hit by that pick up (sic), did you do anything?

A: I was just shocked, sir.

Q: And what happened to the pick up (sic) after it hit the old man?

A: After it hit the old man, I noticed that it moved backwards again and then the headlight was on at that time and I saw the old man lying sprawled on the road, sir.

Q: And what did you do after you saw the old man lying sprawled on the street?

A: I just say (sic) to my companion, "Hoy, nasagasaan yong matanda" then all of us were shocked and we noticed that the driver of that pick up (sic) was (sic) alighted, sir.

Q: Were you able to recognize the driver of that pick up who alighted from that vehicle?

A: I did not recognize, I just recall that he was wearing white shorts, sir.

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