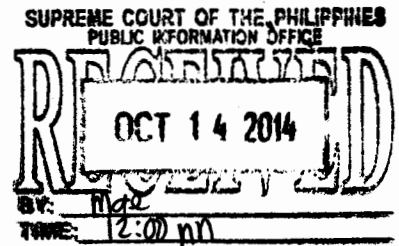




Republic of the Philippines
Supreme Court
Manila



FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **June 18, 2014** which reads as follows:

“G.R. No. 189849 – PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee, v. ALEXANDER ALDABA y GUZON, Accused-Appellant.

Under final review is the decision promulgated on May 26, 2009,¹ whereby the Court of Appeals (CA) affirmed with modifications the judgment by the Regional Trial Court (RTC), Branch 40, in Calapan City convicting appellant Alexander Aldaba of parricide, and imposing upon him the penalty of *reclusion perpetua*.²

Antecedents

In the evening of June 3, 1997, the lifeless body of Angela Jordan-Aldaba, the wife of the appellant, was found along the seashore in Barangay Poblacion, San Teodoro, Oriental Mindoro. She had sustained two gunshot wounds, and the lobes of her ears had been lopped off. Prior to the discovery of her lifeless body, the appellant had requested Jolly Herrera to kill her for a fee, but the latter had refused the request. At about 6:30 p.m. on the night that his wife had been killed, the appellant had gone to the house of Violeta Aparrato to ask if he could talk to his wife. Shortly after the appellant left Aparrato’s house, his wife followed him. Between 8:00 p.m. and 8:30 p.m. of that night, Ferdinand Collera saw the appellant coming from the spot where the lifeless body of the victim was found.³

¹ *Rollo*, pp. 2-20; penned by Associate Justice Fernanda Lampas-Peralta, with the concurrence of Associate Justice Andres B. Reyes, Jr. (now Presiding Justice) and Associate Justice Apolinario D. Bruselas, Jr.

² *CA rollo*, p. 38.

³ *Rollo*, pp. 2-3

Charged with parricide, the appellant pleaded *not guilty* to the information. He applied for, and was granted bail⁴ on the ground that the evidence of guilt was not strong. During trial, he interposed an *alibi*, claiming that at the time of the incident, he and some friends were drinking beer and watching a basketball game on television in a restaurant, and that they later on continued their drinking spree at his house until 11:00 p.m.⁵

Judgment of the RTC

On January 21, 2008, the RTC convicted the appellant of parricide.⁶ It ruled that the circumstantial evidence adduced fully showed an unbroken chain that led to the conclusion that he, and no other, had killed his wife, considering that the combination of all the circumstances pointed to him as perpetrator. It declared that only he had the motive to kill his wife on the premise of their relationship having ceased to be harmonious and of their having already separated for a long period of time; that his *alibi* did not prevail because he would only be about a kilometre away from the place of the crime at the time of its commission, thereby negating the lack of the physical impossibility for him to be at the place where and at the time when the crime was committed. It disposed:

ACCORDINGLY, finding herein accused Alexander Aldaba y Guzon guilty beyond reasonable doubt of the crime of Parricide punishable under Article 246 of the Revised Penal Code, said accused is hereby sentenced to suffer the penalty of Reclusion Perpetua with all the accessory penalties as provided for by law. The accused is likewise ordered to indemnify the heirs of the victim the amount of ₱75,000.00 as civil indemnity and the amount of ₱50,000.00 as exemplary and nominal damages.

The cash bail posted for the provisional liberty of the accused in the amount of ₱100,000.00 is hereby ordered cancelled and the Provincial Jail Warden of Calapan City or any of his assistants is hereby directed to immediately take custody of herein accused Alexander Aldaba y Guzon and be detained at the Provincial Jail Center, Calapan City.

Let a commitment order be issued for the immediate detention of said accused. COSTS DE OFFICIO.

SO ORDERED.⁷

⁴ Id. at 3.

⁵ CA *rollo*, p. 31.

⁶ Id.

⁷ Id.

Decision of the CA

On May 26, 2009, the CA, although upholding the conviction, reduced the civil indemnity and exemplary damages but added moral and nominal damages,⁸ to wit:

WHEREFORE, the appealed Decision dated January 21, 2008 is affirmed, subject to the modification that the civil indemnity is reduced to ₱50,000.00 and the exemplary damages to ₱25,000.00. Accused-appellant is further ordered to pay the heirs of the victim moral damages of ₱50,000.00 and nominal damages of ₱10,000.00.

SO ORDERED.⁹

Ruling of the Court

We affirm.

The appellant harps on the lack of direct evidence to establish his authorship of the crime. The Court holds, however, that the lack of direct evidence did not prevent the finding of guilt against him. Indeed, the State established his participation in the crime by credible and sufficient circumstantial evidence that warranted the conclusion that he, and no other, had committed the imputed crime.¹⁰ Thus, his conviction for parricide stands, considering that the State established beyond reasonable doubt that: (a) he was the person who had called upon the victim to follow him on the night that she was killed; (b) he was the person seen coming from the seashore where her body was soon found; and (c) he had attempted to hire Jolly Herrera to kill her.

The unanimous findings by the RTC and the CA that the appellant, and no other, was the perpetrator of the killing of his wife cannot be disturbed. The RTC's assessment of the credibility of the witnesses should be accorded the highest credence by virtue of its unique position as the trial court to observe the demeanor of the witnesses while they were testifying. Indeed, its assessment should be binding on the Court inasmuch as the CA, as the intermediate reviewing court, adopted and concurred in such assessment.¹¹

⁸ Supra note 1.

⁹ *Rollo*, p. 20.

¹⁰ *People v. Villamor*, G.R. No. 187497, October 12, 2011, 659 SCRA 44, 50.

¹¹ *People v. Colorado*, G.R. No. 200792, November 14, 2012, 685 SCRA 660, 669, citing *People v. Salazar*, G.R. No. 181900, October 20, 2010, 634 SCRA 307, 319-320.

Under Article 246 of the *Revised Penal Code*, parricide is committed by any person who shall kill his father, mother, or child, whether legitimate or illegitimate, or any of his ascendants, or descendants, or his spouse. The offender is punished by *reclusion perpetua* to death.

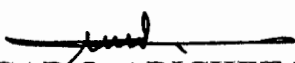
The CA modified the civil liability by reducing the civil indemnity from ₱75,000.00 to ₱50,000.00; granting only ₱25,000.00 as exemplary damages; allowing only ₱50,000.00 as moral damages; and adding ₱10,000.00 as nominal damages.¹² The reduction of the civil indemnity from ₱75,000.00 to ₱50,000.00 was erroneous, for the civil indemnity in parricide is ₱75,000.00 under prevailing jurisprudence, without need of proof and allegation.¹³ Also erroneous was the award of ₱50,000.00 as moral damages, it having been established by jurisprudence that the moral damages in parricide should be fixed at ₱75,000.00.¹⁴ The CA correctly raised the exemplary damages to ₱30,000.00 pursuant to prevailing jurisprudence.¹⁵ In lieu of actual damages that could not be granted for lack of factual basis, the amount of ₱25,000.00 as temperate damages was proper.¹⁶ Furthermore, interest of 6% *per annum* is imposed on all the damages, to be reckoned from the finality of this decision.¹⁷

WHEREFORE, the Court **AFFIRMS** the judgment of the Court of Appeals convicting **ALEXANDER ALDABA y GUZON** of parricide, subject to the following **MODIFICATIONS** of the awards of civil liabilities, namely: (1) ₱75,000.00 as civil indemnity; (2) ₱75,000.00 as moral damages; (3) ₱30,000.00 as exemplary damages; (4) ₱25,000.00 as temperate damages; and (5) interest of 6% *per annum* on all the damages, to be reckoned from the finality of this decision.

The appellant shall pay the costs of suit.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court ^{at 12}
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¹² Supra note 1, at 20.

¹³ *People v. Tibon*, G.R. No. 188320, June 29, 2010, 622 SCRA 510, 521-522.

¹⁴ Id. at 522-523.

¹⁵ *People v. Sales*, G.R. No. 177218, October 3, 2011, 658 SCRA 367, 381, citing *People v. Latosa*, G.R. No. 186128, June 23, 2010, 621 SCRA 586, 598.

¹⁶ *People v. Vilbar*, G.R. No. 186541, February 1, 2012, 664 SCRA 749, 768.

¹⁷ *Sison v. People*, G.R. No. 187229, February 22, 2012, 666 SCRA 645, 667.

The Solicitor General (x)
Makati City

Court of Appeals (x)
Manila
(CA-G.R. CR H.C. No. 03312)

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The Hon. Presiding Judge
Regional Trial Court, Br. 40
5200 Calapan City
(Crim. Case No. C-5259)

Judgment Division (x)
Supreme Court

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