

Title: People of the Philippines vs. Francisco Abarca

Facts:

Francisco Abarca was sentenced to death by the Regional Trial Court of Palo, Leyte for the complex crime of murder with double frustrated murder, which was later commuted to life imprisonment due to the abolition of the death penalty in the new Constitution. Abarca appealed the decision. The case stemmed from an incident on July 15, 1984, where Abarca, upon returning home, found his wife, Jenny, and Khingsley Paul Koh in the act of sexual intercourse. Abarca attempted to find a firearm, later returning with an M-16 rifle and shooting Khingsley Paul Koh at a mahjong session Koh was attending, inadvertently injuring Arnold and Lina Amparado as well.

The case reached the Supreme Court as an appealed case after Abarca expressed his intention to continue with the appeal post-commutation of his sentence.

Issues:

1. Whether Abarca should be convicted under Article 247 of the Revised Penal Code (RPC), dealing with death under exceptional circumstances, instead of murder with double frustrated murder.
2. Whether the killing was attended by treachery.

Court's Decision:

The Supreme Court modified the decision of the lower court, agreeing with the Solicitor General that Article 247 of the RPC applies to this case. The Court concluded that Abarca had acted under the exceptional circumstances described in Article 247, having caught his wife in the act of sexual intercourse with another man, leading to a fit of passionate outburst. The Court ruled that the killing was not murder but was done under these exceptional circumstances, thus, not motivated by treachery but by a blind impulse. However, the Court found Abarca liable for the negligent injuries sustained by the Amparados. It sentenced Abarca to four months and 21 days to six months of *arresto mayor* and ordered him to indemnify the Amparados for hospitalization expenses and loss of earning capacity.

Doctrine:

The case reaffirmed the doctrine that Article 247 of the Revised Penal Code does not define a felony but grants a privilege or benefit to the accused who kills under specific exceptional circumstances. It also stressed that causing death under these exceptional circumstances

cannot be qualified by aggravating or mitigating circumstances.

Class Notes:

- **Article 247 RPC**: Applies to legally married persons who surprise their spouse committing sexual intercourse with another person and kills or seriously injures them immediately thereafter. It grants a benefit or privilege, resulting in a penalty of destierro or exemption from punishment, depending on the injury caused.
- **Intent under Article 247 RPC**: For Article 247 to apply, the act of killing must be the proximate result of the outrage felt upon discovering the act of infidelity, motivated by the same blind impulse.
- **Liability for unintended consequences**: While generally one is liable for all consequences of their acts, distinctions are necessary when the act does not amount to a felony but occurs under exceptional circumstances as provided for under Article 247 RPC.

Historical Background:

This case is pivotal in clarifying the scope and application of Article 247 of the Revised Penal Code, distinguishing between crimes committed in a fit of passion under specific circumstances and other criminal offenses. It underscores the Philippine legal system's recognition of the human psychological state and its impact on criminal liability.