

Title: People of the Philippines vs. Francisco Abarca

Facts:

Francisco Abarca, the accused, discovered his wife, Jenny, engaging in sexual intercourse with Kingsley Paul Koh, triggering a series of tragic events. Misled by his spouse's betrayal and driven by rage upon discovering the infidelity while he was away reviewing for the bar examinations, Abarca sought vengeance. After unsuccessfully attempting to travel to Dolores, Eastern Samar, Abarca returned home to witness his wife's infidelity. In a fit of anger, he acquired an M-16 rifle from a friend and located Koh at a mahjong session, where he opened fire, resulting in Koh's death and causing injuries to Lina and Arnold Amparado, who were unintentionally caught in the crossfire.

The Regional Trial Court of Palo, Leyte, found Abarca guilty of murder with double frustrated murder, imposing a death sentence. However, following the abolition of the death penalty in the new Constitution, Abarca appealed the decision, leading to the case's elevation to the Supreme Court of the Philippines for a final review.

Issues:

1. Whether the court erred in convicting Abarca for murder with double frustrated murder rather than considering Article 247 of the Revised Penal Code (RPC), which covers deaths inflicted under exceptional circumstances.
2. Whether treachery attended the killing of Koh.

Court's Decision:

The Supreme Court agreed with the Solicitor General that Article 247 of the RPC, which pertains to deaths inflicted under exceptional circumstances (such as catching a spouse in the act of sexual intercourse with another person), applied to Abarca's case. Thus, the Court found that the trial court erred in convicting Abarca of murder.

However, the Supreme Court disagreed with the Solicitor General on the issue of Abarca's liability for the injuries inflicted upon the Amparado couple. Since Abarca did not intent to kill the couple and considering that inflicting death under exceptional circumstances does not constitute murder, the Court held Abarca liable for less serious physical injuries through simple imprudence or negligence.

Consequently, the Supreme Court modified the trial court's decision, sentencing Abarca to *arresto mayor* for four months and 21 days to six months and ordering him to indemnify the Amparado couple for hospitalization expenses and loss of earning capacity.

Doctrine:

1. Article 247 of the Revised Penal Code does not define a crime but provides a benefit or privilege for a person who kills or inflicts serious physical injury upon his spouse and his/her paramour caught in the act of sexual intercourse under exceptional circumstances, thereby mitigating punishment to destierro.
2. Inflicting death under exceptional circumstances is not considered murder or a felony; thus, any resulting injuries inflicted upon third parties in the process cannot be qualified as frustrated murder but may constitute less serious physical injuries through simple imprudence or negligence.

Class Notes:

- **Article 247, RPC**: This article discusses death or physical injuries inflicted under exceptional circumstances, such as catching a spouse in the act of adultery, leading to a unique legal treatment where the culpable party is subject to destierro instead of standard criminal penalties.
- **Elements of Article 247, RPC**: The discovery of the spouse in the act of sexual intercourse with another person, and the killing or inflicting serious physical injury upon either or both parties immediately thereafter.
- **Doctrine of Proximate Cause**: The killing must be the immediate result of the offender's discovery of the spouse's infidelity; any action taken must be directly motivated by the offender's emotional outrage.
- **Negligence Under Article 365, RPC**: When a party performs an act that results in unintended harm due to lack of precaution, they may be held liable for damages through simple imprudence or negligence.

Historical Background:

The case illustrates the complexities involved in crimes of passion, where personal relationships intertwine with legal principles. It highlights the Philippine legal system's method of addressing acts committed under the overwhelming influence of betrayal and rage, demonstrating a differentiation from standard criminal acts through provisions like Article 247 of the RPC. This legal approach offers insight into cultural and societal values regarding marriage, honor, and the extent of acceptable reactions to personal grievance.