

**\*\*Case Title: People of the Philippines vs. Abenir Brusola y Baragwa\*\***

**\*\*Facts:\*\***

Abenir Brusola was charged with parricide for the killing of his wife, Delia Brusola, on July 12, 2006. The couple had longstanding marital problems exacerbated by suspicions of infidelity. On the evening of July 12, 2006, in their home in Muntinlupa City, Abenir struck Delia on the head with a mallet, resulting in her death. Their daughter Joanne witnessed the incident and, along with her siblings Abegail and Kristofer, attempted to intervene and later took Delia to the hospital. Delia died from her injuries the following day.

Abenir was arraigned and pleaded not guilty. A trial ensued, during which the prosecution presented testimonies from the children and the medico-legal officer. Abenir claimed that he accidentally hit Delia while attempting to attack a man he believed she was having an affair with.

On February 4, 2010, the Regional Trial Court of Muntinlupa City found Abenir guilty of parricide and sentenced him to reclusion perpetua, ordering him to pay P50,000 as indemnity and P50,000 as moral damages. Abenir appealed to the Court of Appeals, which affirmed the trial court's decision on July 17, 2013.

Abenir then appealed to the Supreme Court, arguing inconsistencies in testimonies and claiming mitigating circumstances of passion, obfuscation, and voluntary surrender were not considered.

**\*\*Issues:\*\***

1. Whether inconsistencies in the testimonies of the prosecution witnesses affect their credibility.
2. Whether the alleged ill motive of Joanne Brusola against her father affected her credibility as a witness.
3. Whether the mitigating circumstances of passion, obfuscation, and voluntary surrender should reduce the penalty imposed on Abenir Brusola.
4. Whether the penalty of reclusion perpetua was correctly imposed given the mitigating circumstances.

**\*\*Court's Decision:\*\***

1. **\*\*Credibility of Witness Testimonies:\*\***

- The Supreme Court upheld the trial court's findings, noting that minor inconsistencies in testimonies do not affect overall credibility. The significant point was the consistent and

unequivocal testimony of Joanne, who saw Abenir strike Delia with the mallet. The corroborating evidence from other witnesses and physical evidence supported her statements.

2. **Alleged Ill Motive of Joanne Brusola:**

- The Supreme Court found no merit in Abenir's claim that Joanne had an ill motive to testify falsely against him. The Court reasoned that it was improbable for Joanne, who would suffer the loss of both parents, to falsely accuse her father of such a grave crime. Joanne's interest in justice for her mother's death outweighed any potential personal grievances.

3. **Mitigating Circumstances:**

- The Supreme Court agreed with the lower courts that although mitigating circumstances were present, they did not warrant a reduction of the penalty below reclusion perpetua. The proper application was guided by Article 63 of the Revised Penal Code, not Article 64, which would lower the penalty only if more mitigating circumstances and no aggravating circumstances were present.

4. **Penalty Imposition:**

- The Supreme Court held that the penalty of reclusion perpetua was appropriately imposed, given the mitigating circumstances and in the absence of any aggravating circumstances. The Court modified the awards granted to the victim's heirs, increasing civil indemnity to P75,000, moral damages to P75,000, and adding P75,000 in exemplary damages.

**Doctrine:**

- **Evidence of Witness Credibility:** Testimonies from witnesses without improper motives are given full faith and credit.
- **Penalty Application:** In cases with two indivisible penalties, Article 63 governs the imposition of penalties based on the presence of mitigating and aggravating circumstances.
- **Reclusion Perpetua:** Appropriate when mitigating circumstances are present but no aggravating circumstances exist.

**Class Notes:**

- **Parricide (Article 246, RPC):** Killing father, mother, child, or spouse.
- **Article 63 (RPC):** Rules for applying penalties when the law prescribes two indivisible penalties.
- **Witness Credibility:** Minor inconsistencies don't affect the credibility of witness

testimony if the principal occurrence is consistently narrated.

- **Mitigating vs. Aggravating Circumstances:** Mitigating circumstances can reduce penalties, but only to the extent allowed by indivisible penalties provisions.

**Historical Background:**

The case demonstrates the stringent application of laws governing family violence in the Philippines, reflecting a firm stance against domestic violence and adherence to established jurisprudence in penalizing such offenses. The decision underlines the judiciary's role in ensuring just treatment concerning crimes involving close familial relationships and highlights the unwavering principle that emotional turmoil, such as jealousy, cannot justify violent acts, especially not murder.