

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
SANTIAGO MANOS, DEFENDANT-APPELLANT.***G.R. No. L-27791. December 24, 1970*

Ponente: FERNANDO, J.

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This appeal presents the grim picture of a son being prosecuted for and convicted of parricide for causing the death of his father. Nor was there a denial on his part that such a tragic fate befell his sire because of a weapon in his hands. He would however claim the justification of self-defense. The lower court did not believe him. Neither do we. We affirm the appealed sentence of reclusion perpetua, subject to the modification as to the pecuniary liability.

1. The lower court, in the appealed judgment, relied principally on the testimony of an eyewitness, Dionisia Malasarte.[1] She declared on the witness stand that on September 1, 1960, at about 4:00 o'clock in the afternoon, the deceased Ricardo Manos, left a bolo and two bamboo tubes in her sari-sari store located in Alegria, Lopez Jaena, Misamis Occidental. At about 6:00 that evening of the same day, he returned to the store, this time accompanied by appellant. He informed the witness, then upstairs, that he came back to get the things he left with her. She went down so that she could give them back to him. It was then that she heard him tell the appellant that it was time to go home as it was already night, and his grandson, a child of the appellant, would be looking for him. Apparently, appellant misconstrued the remark and asked his father whether he resented the fact that he was taking care of such child. Ricardo Manos took care to explain that such was not the case, for otherwise the child might not have lived till then. Appellant implied that the father was in a bad mood precisely because of the trouble occasioned by the rearing of the grandson. At this juncture, he pushed aside his father who fell down face upward. It was then that appellant dealt the blows with his bolo that proved fatal. The victim was hit first in the stomach and then in the breast.

Dionisia Malasarte rushed to appellant, held him by the waist and pulled him away reproving him for his act. He was told to stop, but the advice came too late as the victim was already dead. She then shouted for help. A man came on the scene, but the deed, as above noted, had been consummated. She then sent for the authorities, the Chief of Police coming that evening. The following morning the judge of that municipality, a doctor, and a sanitary inspector came.

2. It was an entirely different story testified to by the accused, Santiago Manos, who pleaded self-defense. He would ascribe the antecedents of the tragic incident to his leaving a brotherhood association in which he and his deceased father were members. Evidently such an act displeased the latter. He was berated for his resignation which, in the view of the father, according to the appellant, was a foolish thing to do. Sensing that he was under the influence of alcohol and was thus in an ugly mood, appellant tried to pacify the deceased, but his efforts were unsuccessful. Then, so he would impress on the court, his father rushed at him. He tried to pacify the latter by saying that he was not going to fight in view of their relationship. His father, according to him, was not appeased. Feeling that he was about to be killed and that he had to defend himself, his father having unsheathed his own

bolo, he was fortunate enough to be able to pin both of father's hands against his stomach.[2]

Then he proceeded: "He struggled and he was able to free himself. He blocked me again and pinned me holding in that position. * * * I still asked him and told him, I do not want to fight him because he is my father. * * * After telling me I have no son Santiago he again attempted to unsheath his bolo, and fortunately I was able to pin his both hands on his belly. * * * But he was able to extricate himself and then he held my hand and attempted to draw out his bolo and still I was able to pin his hand and continued pleading that I do not like to fight him inasmuch as I am the son and he is my father. At this moment he insisted on the fight and inasmuch as he was able to move and was able to unsheath his bolo I parried it * * * and pinned both of his hands. I drew my bolo and placed [it in front] of me just with the intention to avoid his onrushing actions [to] kill me." [3] He continued his efforts to pacify his father, and according to him, it was then that the deceased "rushed at me which made the bolo to penetrate to his stomach." [4] As to how the other wound was inflicted, this was his version: "I did not make any attempt to [lunge] at him. It was my father's unexpected onrushing towards me that made the bolo penetrate * * * his breast." [5]

3. From the above testimony, it becomes easy to understand why the lower court failed to believe appellant's story. It does tax one's credulity. An impartial party, even if sympathetic to the plight in which appellant found himself, would find it difficult to give a nod of approval to such a narration. It might be said, of course, that the act imputed to the appellant, that of killing his own father, is one that is so shocking that there must have been an impelling motive. From the testimony of appellant himself as well as that of his mother, it turned out that the deceased was not a model family man. He was drunk very often and on such occasions, his wife, the mother of the appellant, was maltreated. At such times, he did not limit himself to using his fists, but would even employ his bolo, thus causing wounds to be inflicted on his wife. The bitterness arising from such display of cruelty must have built up through the years in appellant's heart as from his testimony he did hold his mother in the highest affection. That incident that afternoon, when he felt that he was being berated by his father, must have brought to the surface the seething and smoldering feeling of resentment deep within him.

4. At any rate, the lower court is vested with considerable discretion in determining which of the conflicting versions is to be lent credence. What was said in *People v. Gumahin* [6] finds application in the present case. Thus: "The findings of the lower court embodied in a well-written decision cannot only stand the test of the most rigid scrutiny but also has in its favor the well-settled principle that as far as credibility is concerned, the findings of the lower court which had the opportunity to see, hear and observe the witnesses testify and to weigh their testimonies will be accorded the highest degree of respect by this Tribunal." [7] *People v. Tila-on* [8] and *People v. Lumayag* [9] were cited in support of the *Gumahin* opinion. Thus: "As this Court stated in *People v. Tila-on*: 'Finally the rule is now firmly established to the point of becoming elementary in this jurisdiction and elsewhere that where there is an irreconcilable conflict in the testimony of witnesses, the appellate court will not disturb the findings of the trial court when the evidence of the successful party considered by itself, is adequate to sustain the judgment appealed from.' To the same effect: 'Appellate courts as a rule desist from disturbing the findings of the trial court on the credibility of witnesses, for the latter is in a better position to appreciate the same, having seen and heard the witnesses themselves and observed their behaviour and manner of testifying during the trial. We find no reason to depart from this settled practice, since it has not been shown that the trial court has overlooked certain facts of substance and value that, if considered, might affect the result of the case.'" [10]

5. Thus no merit attaches to three of the assigned errors, the second, the third and the fourth assailing the lower court for not giving full weight to the claim of self-defense on the part of appellant and in giving full credence to the testimony of Dionisia Malasarte. Nor should the fifth assigned error as to the admission of a medical certificate issued by one doctor when another doctor testified as to the nature of the wounds necessitate any

further discussion. Independently of such testimony, there is no question as to the fact of death having been satisfactorily shown. The fifth assigned error is thus taken care of. Nor did the lower court misapply the law when it required appellant to indemnify the heirs of the deceased even if, as alleged in the sixth assignment of error, the mother as well as the brothers and sisters of appellant, such heirs, would, perhaps feeling the natural impulse, hope to exculpate appellant, a mother and a brother testifying in his favor. That should dispose of the sixth assignment of error.

Insofar as the first assigned error is concerned, namely, the failure of the lower court to appreciate the mitigating circumstance of voluntary surrender, appellant did have a point. As pointed out in the brief of the then Solicitor General, now Associate Justice Antonio P. Barredo, however, "since parricide is punishable with a penalty composed of two indivisible penalties, namely, from reclusion perpetua to death," it is immaterial insofar as the penalties concerned as the presence of one mitigating circumstance still requires the imposition of the lower of the two such indivisible penalties, namely, reclusion perpetua, which was done in this case.[11]

WHEREFORE, the decision of the lower court of April 12, 1967 is affirmed with the modification as to the pecuniary penalty and the accused, Santiago Manos, is hereby sentenced to reclusion perpetua, to indemnify the heirs of the deceased, excluding himself, in the sum of P12,000.00 and to suffer the other accessory penalty provided for by law. With costs.

Reyes, Acting C.J., Makalintal, Zaldivar, Castro, Teehankee, Villamor, and Makasiar, JJ., concur.

Barredo, J., did not take part.

Concepcion, C.J., and Dizon, J., on official leave.

[1] T.s.n., Session of Nov. 15, 1965, pp. 25-68.

[2] Ibid, Session of October 5, 1966, pp. 169-176.

[3] Ibid, pp. 176-177.

[4] Ibid, p. 177.

[5] Ibid, p. 178.

[6] G.R. No. L-22357, Oct. 31, 1967, 21 SCRA 729.

[7] Ibid, pp. 735-736.

[8] G.R. No. L-12406, June 30, 1961, 2 SCRA 653.

[9] G.R. No. L-19142, March 31, 1965, 13 SCRA 502, citing *People v. Curiano*, G.R. No. L-15256-57, Oct. 31, 1963, 9 SCRA 323.

[10] *People v. Gumahin*, G.R. No. L-22357, Oct. 31, 1967, 21 SCRA 729, 736.

[11] Cf. Brief for the Appellee, pp. 4-5, citing Articles 63 and 246 of the Revised Penal Code, Act No. 3815 (1932).

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