PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RICARDO AGLIDAY Y TOLENTINO, APPELLANT.

G.R. No. 140794. October 16, 2001

Ponente: PANGANIBAN, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-140794/

PANGANIBAN, J.:

Reckless imprudence consists of voluntarily doing or failing to do, without malice, an act from which material damage results by reason of an inexcusable lack of precaution on the part of the person performing or failing to perform such act. Malice is the antithesis of reckless imprudence. Once malice is proven, recklessness disappears.

The Case

Before us is an appeal from the September 14, 1997 Decision[1] of the Regional Trial Court of San Carlos City (Branch 57) in Criminal Case No. SCC 3054. The assailed Decision disposed as follows:

> "WHEREFORE, in the light of the foregoing consideration, the court finds the accused Ricardo T. Agliday guilty beyond reasonable doubt of parricide and hereby sentences him to suffer the penalty of reclusion perpetua and to indemnify the heirs of the victim in the amount of fifty thousand pesos (50,000.00).
>
> "The PNP Bayambang[,] Pangasinan is directed to turn over the shotgun to the Firearm and Explosive Division, Camp Crame, Quezon City."[2]

This case originated from the April 22, 1999 Information,[3] in which Ricardo Agliday y Tolentino was accused of parricide, allegedly committed as follows:

> "That on or about February 25, 1999, in the evening, at [B]arangay Nalsian Sur, [M]unicipality of Bayambang, [P]rovince of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, did then and there, wil[l]fully, unlawfully and feloniously shoot his son Richard V. Agliday with a shotgun, unlicensed causing his death shortly thereafter due to `[c]ardio respiratory arrest, hypovolemic shock, gunshot wound, pt. of entry at the (L) upper inner quadrant of gluteus, 3 x 3 cm. (+) contusion collar', as per Certificate of Death issued by Dr. Rod Alden Tamondong, M.D., medical officer III, Region I Medical Center, Arellano St., Dagupan City, to the damage and prejudice of his legal heirs."[4]

On arraignment, appellant, assisted by Atty. Bernardo S. Valdez, pleaded not guilty.[5] After trial in due course, the lower court rendered the assailed Decision. Atty. Carlito M. Soriano, counsel for appellant, filed the Notice of Appeal on September 22, 1999.[6]

The Facts

Version of the Prosecution

In its Brief,[7] the Office of the Solicitor General summarized the prosecution's version of the facts as follows:

> "Prosecution witness Conchita Agliday, wife of appellant Reynaldo Agliday, testified that about 8:00 o'clock on the evening of February 25, 1999 while washing dishes in the kitchen of their house, her son Richard

> Agliday was shot with a shotgun by her husband-appellant Ricardo Agliday (pp. 4-5, tsn, July 5, 1999). As a result, her son Richard fell on his belly; her husband-appellant ran away. Although shocked, Conchita was able to rush out of her house to call for help. Richard was first brought to the Sto. Niño Hospital, then to the San Carlos General Hospital, and finally to the Region I Hospital in Dagupan City (pp. 5-6, id.).
>
> "Before the shooting, Conchita and her husband quarreled over her working as a laundrywoman (p. 7, id.). Her son, Richard, at the time of his death, was only nineteen (19) years old and in 4 [th] year college (p. 9, id.).
>
> "Prosecution witness Rey Agliday, another son of appellant, testified that he was in their house resting on a wooden bed at the time of the incident in question (p. 3, tsn, June 18, 1999). Rey saw his father-appellant shoot his brother Richard with a shotgun, as he was about four (4) meters from them (p. 4, id.).
>
> "Before the shooting incident, Rey recounted [that] his mother and his father-appellant had a quarrel, but he did not interfere. His brother Richard, on the other hand, intervened and for that reason appellant got his shotgun and shot Richard. Appellant surrendered to the barangay captain who accompanied him to the police authorities. Rey executed a sworn statement (Exhibit `A') on the shooting incident (p. 5, id.).
>
> "Dr. Rod Alden Tamondong, medical health officer, Region I Medical Center, Dagupan City declared that he attended to the medical needs of Richard Agliday. Richard came in looking very pale, weak, and semi-conscious (p. 3, tsn, July 13, 1999). He died at the emergency room.
>
> "Dr. Tamondong found a gunshot wound at the left buttock of the victim which had no point of exit; he also found multiple metallic objects therein based on the contusion color of the wound and the x-ray result (pp. 4-5, id.). He stated that the cause of the victim's death was cardio-respiratory arrest secondary to the decrease of the circulating blood of the victim (pp. 4-5, id.). But he did not issue a medical certificate as he was then on official leave; he only issued a death certificate (Exhibit `D') (p. 5, id.)."[8]

Version of the Defense

Appellant, in his Brief,[9] submits his own narration of the events:

> "Appellant Ricardo T. Agliday is a barangay tanod of Nalsian Sur, Bayambang, Pangasinan.
>
> "Sometime on February 25, 1999, at or about 8:00 o'clock in the evening, appellant was at the first floor of his house. He was cleaning a homemade shotgun which he intended to bring to [his] night patrol in their barangay, with fellow barangay tanods.
>
> "While his wife Conchita and his son Richard were about to go upstairs, and while appellant was cleaning the homemade shotgun, the gun accidentally went off and Richard's buttock was hit.
>
> "Appellant went near his son and embraced him. Appellant and some relatives brought Richard to the Sto. Nino Hospital at Bayambang, Pangasinan. They later transferred him to the San Carlos General Hospital. Finally, they brought him to the Region I Medical Center at Dagupan City, where he expired.
>
> "Thereafter, appellant returned to Bayambang, Pangasinan. He directly went to the house of Barangay Captain Jose Matabang, Jr. to whom he voluntarily surrendered. The barangay captain brought the appellant to [the] police station of Bayambang, Pangasinan, with the homemade shotgun which [had] accidentally hit Richard."[10]

Ruling of the Trial Court

Faced with two conflicting versions of the facts, the trial court gave credence to the prosecution witnesses who gave straightforward, spontaneous, sincere and frank accounts of the events that had unfolded before their very eyes. Because of their relationship with appellant, there was no reason for them to testify falsely against him. The first witness (Rey) was appellant's son who was the victim's brother, while the other witness (Conchita) was

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

appellant's wife who was the victim's mother.

The defense of appellant that what happened was an accidental shooting was disbelieved by the trial court. It viewed such stance as his desperate attempt to exculpate himself from the consequences of his acts.

Hence, this appeal.[11]

The Issues

Appellant submits the following issues:

"First Assignment of Error

> "The Honorable Court a quo erred in its findings of facts which[,] had they been in accordance with the evidence adduced, will suffice to support a judgment of acquittal for accused-appellant."[12]

"Second Assignment of Error

"The Honorable Court a quo erred in convicting accused appellant [of] parricide."[13]

This Court's Ruling

The appeal is devoid of merit.

First Issue
: Credibility of Witnesses

Appellant contends that the trial court erred in giving credence to the prosecution witnesses despite his avowals to the contrary. He claims that it should have believed him because he had absolutely no reason or motive to kill, much less shoot, his own son whom he considered to have had a very bright future. He further alleges that the corroborating testimonies of Jose Matabang and SPO1 Emilio Opina, who were not related to the parties and had absolutely no motive to testify falsely against him, were more credible than those of his wife and other son.

We disagree. Long settled is the rule in criminal jurisprudence that when the issue is one of credibility of witnesses, an appellate court will normally not disturb the factual findings of the trial court.[14] That is, unless the lower court has reached conclusions that are clearly unsupported by evidence, or unless it has overlooked some facts or circumstances of weight and influence which, if considered, would affect the results.[15]

Matabang's testimony was basically what appellant had told him and, hence, biased and limited. The testimony of Opina -- that he had been told by Conchita that the shooting was accidental -- was contradicted by her own statements in open court that she was still in shock when the police officer conducted the preliminary investigation. Such statements taken ex parte, like affidavits, are held as inferior to testimonies given in open court.[16] Thus, we find no ground in the case at bar to overturn the factual findings of the trial court.

Second Issue:
Accident as an Exempting Circumstance

Appellant protests the trial court's ruling that his defense of accidental shooting was fabricated. According to him, he was cleaning the shotgun that he would have used for the evening patrol with other barangay tanods when he accidentally touched the trigger and hit Richard, who was going up the stairs into the house with Conchita.[17] He therefore contends that he should be acquitted on the basis of the exempting circumstance of accident under Article 12 (paragraph 4) of the Revised Penal Code.

We are not persuaded. Both the trial court and the solicitor general rejected this defense on the basis of the

eyewitness testimonies of Conchita and Rey. Under Article 12 (paragraph 4) of the Code, criminal liability does not arise in case a crime is committed by "[a]ny person who, while performing a lawful act with due care, causes an injury by mere accident without fault or intention of causing it." The exemption from criminal liability under the circumstance showing accident is based on the lack of criminal intent.

The declarations of innocence by appellant are contradicted by the testimonies of his wife and son. On the witness stand, Conchita recounts the incident as follows:

> "Q: You said that you were at home on February 25, 1999 at about 8:00 o'clock in the evening; what were you doing if you can still remember?
>
> A: I was washing dishes, sir.
>
> Q: While doing so, do you recall if there was any unusual incident that happened?
>
> A: Yes, sir.
>
> Q: What was that unusual incident?
>
> A: My son was shot by my husband, sir.
>
> Q: Where did your husband [shoot] your son?
>
> A: In the kitchen, sir.
>
> Q: What weapon did your husband use in shooting your son?
>
> A: Shotgun, sir."[18]

In her Sworn Statement given to SPO1 Emilio Opina of the Bayambang Police Station, she declared:

> "04. Q: Will you please narrate to me briefly all you know about the incident you are referring to?
>
> A: That on or about 8:00 o'clock in the evening o[n] February 25, 1999 while I and my husband Ricardo Agliday y Tolentino were quarreling in connection [with] his drinking (liquor) habit[,] my son Richard V. Agliday tried to [pacify] us but my husband, instead of listening, x x x got his gun [from] the bed where we are sleeping and shot our son Richard V. Agliday." [19]

Rey corroborated his mother's testimony that his brother was shot by their father. His testimony proceeded as follows:

> "Q: On February 25, 1999 at about 8:00 o'clock in the evening, do you remember where you were?
>
> A: Yes, sir.
>
> Q: Where were you on that day and [at that] time?
>
> A: I was under the house resting on a wooden bed, sir.
>
> x x x x x x x x x
>
> Q: While you were under your house resting do you remember if there was any unusual incident that happened?
>
> A: Yes, sir.
>
> Q: What was that unusual incident?
>
> A: My brother was shot by my father, sir.

Q: How far where you when your father shot your brother?

A: About four (4) meters, sir.

Q: What weapon did your father use in shooting your brother?

A: A shotgun, sir.

x x x x x x x x x

Q: Where was your mother, Conchita at the time your father shot your brother Richard?

A: She was there and they were both quarreling, sir.

Q: They were both quarreling before the incident happened?

A: Yes, sir.

Q: And while your father and mother were quarreling what did you do?

A: I did not interfere[;] it was my brother who intervene[d] between them that is why my father got his gun and shot my brother, sir."[20]

Before the accused may be exempted from criminal liability by reason of Article 12 (paragraph 4), the following elements must concur: (1) a person is performing a lawful act (2) with due care, and (3) he causes an injury to another by mere accident and (4) without any fault or intention of causing it.[21] For an accident to become an exempting circumstance, the act has to be lawful.[22] The act of firing a shotgun at another is not a lawful act.

An accident is an occurrence that "happens outside the sway of our will, and although it comes about through some act of our will, lies beyond the bounds of humanly foreseeable consequences."[23] It connotes the absence of criminal intent. Intent is a mental state, the existence of which is shown by a person's overt acts.[24] In the case at bar, appellant got his shotgun and returned to the kitchen to shoot his son, who had intervened in the quarrel between the former and Conchita. It must also be pointed out that the firearm was a shotgun that would not have fired off without first being cocked. Undoubtedly, appellant cocked the shotgun before discharging it, showing a clear intent to fire it at someone.

The Resolution[25] dated April 22, 1999, filed by 4[th] Asst. Provincial Prosecutor Emilio R. Soriano, reads thus:

"[O]n the evening of February 25, 1999 at about 8:00 o'clock, complainant and her husband were then quarreling in connection with his liquor drinking habit. While they were quarreling, their son Richard intervened and tried to pacify his father who [was] under the influence of liquor. Apparently angered and not listening to his son, he proceeded inside their bedroom and took his gun and thereafter shot his son Richard who was trying to pacify them. After seeing her son being shot by her husband, complainant ran outside and called for help. x x x.

"After carefully considering the uncontroverted evidence adduced by complainant, undersigned sufficiently finds a probable cause for [p]arricide with the use of an unlicensed firearm x x x." [26]

Appellant contends that since he was only negligent, he should have been convicted, not of parricide, but only of reckless imprudence resulting in homicide.[27]

We disagree. Reckless imprudence consists of voluntarily doing or failing to do, without malice, an act from which material damage results by reason of an inexcusable lack of precaution on the part of the person performing or failing to perform such act. Past jurisprudential cases of reckless imprudence resulting in homicide were as follows: (1) exhibiting a loaded revolver to a friend, who got killed by the accidental discharge arising from

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

negligent handling; (2) discharging a firearm from the window of one's house and killing a neighbor who, at just that moment, leaned over a balcony front; and (3) firing a .45 caliber pistol twice in the air to stop a fist fight; and, as the fight continued, firing another shot at the ground but, after the bullet ricocheted, hitting a bystander who died thereafter.[28]

Intent is not lacking in the instant case. Appellant's external acts prove malice or criminal intent. A deliberate intent to do an unlawful act is inconsistent with reckless imprudence. [29]

In People v. Belbes,[30] the Court found no reckless imprudence in the shooting of a student who, in the act of destroying the school's bamboo wall, had been caught by a policeman who was responding to a report that somebody was causing trouble in a school affair. The policeman's action cannot be characterized as reckless imprudence, because the shooting was intentional. The accused had intended to fire at the victim and in fact hit only the latter. In this case, resenting his son's meddling in his argument with his wife, appellant purposely took his gun and shot his son.

WHEREFORE, the appeal is hereby DENIED and the assailed Decision AFFIRMED. Costs against appellant.

SO ORDERED.

Melo, (Chairman), Vitug, and Sandoval-Gutierrez, JJ., concur.

---

[1] Penned by Judge Bienvenido R. Estrada.

[2] Rollo, p. 20.

[3] Signed by 4th Asst. Prov. Pros. Emilio R. Soriano; ibid., p. 6.

[4] Rollo, p. 6.

[5] Order of May 27, 1999; records, p. 25.

[6] Rollo, p. 21.

[7] Signed by Asst. Sol. Gens. Carlos N. Ortega and Maria Aurora P. Cortes and Sol. Evaristo M. Padilla.

[8] Appellee's Brief, pp. 3-5; rollo, pp. 63-65.

[9] Appellant's Brief was signed by Atty. Soriano.

[10] Rollo, p. 40.

[11] The case was considered submitted for decision upon this Court's receipt on March 29, 2001 of Appellee's Brief. Appellant's Brief was filed on January 11, 2001. The filing of a reply brief was deemed waived, as none had been filed within the reglementary period.

[12] Rollo, pp. 40-41.

[13] Ibid., p. 43.

[14] People v. Llaguno, 285 SCRA 124, 135, January 28, 1998; People v. Aquino, 284 SCRA 369, 375, January 16, 1998.

[15] People v. Aquino, ibid.

[16] People v. Agbayani, 284 SCRA 315, 342, January 16, 1998.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

[17] TSN, August 18, 1999, pp. 3-4.

[18] TSN, July 5, 1999, pp. 4-7.

[19] Exh. "C"; records, p. 7.

[20] TSN, June 18, 1999, pp. 3-5.

[21] Reyes, The Revised Penal Code, Vol. I, 1998 ed., p. 225; Aquino, The Revised Penal Code, Vol. I, 1987 ed., p. 226; Gregorio, Fundamentals of Criminal Review, 1988 ed., p. 63.

[22] People v. Nepomuceno Jr., 298 SCRA 450, 459, November 11, 1998.

[23] Reyes, pp. 227-228; Gregorio, p. 63.

[24] Soriano v. People, 88 Phil. 368, 374, March 19, 1951; U.S. v. Mendoza, 38 Phil. 691, 693, September 30, 1918; People v. Mabug-at, 51 Phil. 967, 969-970, August 10, 1926.

[25] RTC Records, pp. 3-4.

[26] RTC Records, p. 3.

[27] Rollo, p. 44.

[28] People v. Belbes, GR No. 124670, June 21, 2000, p. 8, citing Aquino, The Revised Penal Code, Vol. 3, 1988 ed., p. 604; US v. Reodique, 32 Phil. 458, December 7, 1915; People v. Nocum, 77 Phil. 1018, February 25, 1947; and Lampa v. People, 73 Phil. 82, August 6, 1941.

[29] People v. Castillo Jr., 275 SCRA 752, 757, July 21, 1997.

[30] GR No. 124670, June 21, 2000, p. 8.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.