

THE PEOPLE OF THE PHILIPPINES, APPELLEE, VS. JESUS PAYCANA, JR., APPELLANT.*G.R. No. 179035. April 16, 2008*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-179035/>**TINGA, J.:**

Appellant Jesus Paycana Jr. was charged[1] with the complex crime of parricide with unintentional abortion before the Regional Trial Court (RTC) of Iriga City, Branch 37. Appellant pleaded not guilty during the arraignment.[2] Pre-trial ensued, in which appellant admitted that the victim Lilybeth Balandra-Paycana (Lilybeth) is his legitimate wife.[3]

Appellant sought to exculpate himself from the crime by setting up self-defense, claiming that it was his wife who attacked him first. In view of the nature of self-defense, it necessarily follows that appellant admits having killed his seven (7)-month pregnant wife, and in the process put to death their unborn child.

The prosecution presented Tito Balandra (Tito), the father of the victim; Angelina Paycana (Angelina), appellant's eldest daughter who personally witnessed the whole gruesome incident; Barangay Tanod Juan Parañal, Jr.; Dr. Stephen Beltran, who conducted the autopsy; and Santiago Magistrado, Jr., the embalmer who removed the fetus from the deceased's body.

The evidence for the prosecution established that on 26 November 2002, at around 6:30 in the morning, appellant, who worked as a butcher, came home from the slaughter house carrying his tools of trade, a knife, a bolo, and a sharpener.[4] His wife was preparing their children for school and was waiting for him to come home from his work. For reasons known to him alone, appellant stabbed his wife 14 times.[5] Tito, whose house is at back of appellant's house, heard his daughter shouting for help. When he arrived, he saw his daughter lying prostrate near the door and her feet were trembling. But seeing appellant, who was armed, he stepped back. Angelina told Tito by the window that appellant had held her mother's neck and stabbed her. [6]

Appellant claimed that he wrested the weapon from Lilybeth after she stabbed him first. According to him, they had an altercation on the evening of 25 November 2002 because he saw a man coming out from the side of their house and when he confronted his wife about the man, she did not answer. On the following morning, he told her that they should live separately. As appellant got his things and was on his way out of the door, Lilybeth stabbed him. But he succeeded in wresting the knife from Lilybeth. And he stabbed her. He added that he was not aware of the number of times he stabbed his wife because he was then dizzy and lots of blood was coming out of his wound.[7]

The trial court found appellant guilty in a decision dated 14 April 2005.[8] The case was automatically appealed to the Court of Appeals pursuant to Rule 122 Section 3(d) of the Rules of Criminal Procedure.[9] The appellate court denied appellant's appeal in a decision dated 30 May 2007.[10] Appellant filed a notice of appeal dated 14 June 2007 before the Court of Appeals.[11]

The Court is not convinced by appellant's assertion that the trial court erred in not appreciating the justifying circumstance of self-defense in his favor.

Self-defense, being essentially a factual matter, is best addressed by the trial court.[12] In the absence of any showing that the trial court failed to appreciate facts or circumstances of weight and substance that would have altered its conclusion, the court below, having seen and heard the witnesses during the trial, is in a better position to evaluate their testimonies. No compelling reason, therefore, exists for this Court to disturb the trial court's finding that appellant did not act in self-defense.

Appellant failed to discharge the burden to prove self-defense. An accused who interposes self-defense admits the commission of the act complained of. The burden to establish self-defense is on the accused who must show by strong, clear and convincing evidence that the killing is justified and that, therefore, no criminal liability has attached. The first paragraph of Article 11 of the Revised Penal Code[13] requires, in a plea of self-defense, (1) an unlawful aggression on the part of the victim, (2) a reasonable necessity of the means employed by the accused to prevent or repel it, and (3) the lack of sufficient provocation on the part of the person defending himself.[14]

Unlawful aggression is a condition sine qua non for the justifying circumstance of self-defense. Without it, there can be no self-defense, whether complete or incomplete, that can validly be invoked.[15] Appellant's claim of self-defense was belied by the eyewitness testimony of his own daughter Angelina, which was corroborated by the testimony of his father-in-law Tito and the medical findings. Angelina's testimony was very clear on how her father strangled and stabbed her mother just as she was about to greet him upon arriving home. She begged her father to stop, and even tried to grab her father's hand but to no avail.[16] Tito ran to appellant's house as he heard his daughter Lilybeth's screaming for help, and he saw her lying prostate near the door with her feet trembling. He moved back as he saw appellant armed with a weapon. Angelina told him by the window that appellant had held her mother's neck and stabbed her.[17]

Moreover, Dr. Rey Tanchuling, a defense witness who attended to appellant's wound, testified on cross-examination that the injuries suffered by appellant were possibly self-inflicted considering that they were mere superficial wounds.[18]

In any event, self-defense on the part of appellant is further negated by the physical evidence in the case. Specifically, the number of wounds, fourteen (14) in all, indicates that appellant's act was no longer an act of self-defense but a determined effort to kill his victim.[19] The victim died of multiple organ failure secondary to multiple stab wounds.[20]

The Court agrees with the trial court's observation, thus:

Angelina who is 15 years old will not testify against her father were it not for the fact that she personally saw her father to be the aggressor and stab her mother. Telling her grandfather immediately after the incident that accused stabbed her mother is part of the *res gestae* hence, admissible as evidence. Between the testimony of Angelica who positively identified accused to have initiated the stabbing and continuously stabbed her mother and on the other hand, the testimony of accused that he killed the victim in self-defense, the testimony of the former prevails.[21]

The RTC, as affirmed by the Court of Appeals, properly convicted appellant of the complex crime of parricide with unintentional abortion in the killing of his seven (7)-month pregnant wife.

Bearing the penalty of reclusion perpetua to death, the crime of parricide[22] is committed when: (1) a person is killed; (2) the deceased is killed by the accused; and (3) the deceased is the father, mother, or child, whether legitimate or illegitimate, or a legitimate other ascendant or other descendant, or the legitimate spouse of the accused. The key element in parricide is the relationship of the offender with the victim. In the case of parricide of a spouse, the best proof of the relationship between the accused and the deceased would be the marriage certificate. The testimony of the accused of being married to the victim, in itself, may also be taken as an

admission against penal interest.[23]

As distinguished from infanticide,[24] the elements of unintentional abortion[25] are as follows: (1) that there is a pregnant woman; (2) that violence is used upon such pregnant woman without intending an abortion; (3) that the violence is intentionally exerted; and (4) that as a result of the violence the fetus dies, either in the womb or after having been expelled therefrom. In the crime of infanticide, it is necessary that the child be born alive and be viable, that is, capable of independent existence.[26] However, even if the child who was expelled prematurely and deliberately were alive at birth, the offense is abortion due to the fact that a fetus with an intrauterine life of 6 months is not viable.[27] In the present case, the unborn fetus was also killed when the appellant stabbed Lilybeth several times.

The case before us is governed by the first clause of Article 48[28] because by a single act, that of stabbing his wife, appellant committed the grave felony of parricide as well as the less grave felony of unintentional abortion. A complex crime is committed when a single act constitutes two or more grave or less grave felonies.

Under the aforecited article, when a single act constitutes two or more grave or less grave felonies the penalty for the most serious crime shall be imposed, the same to be applied in its maximum period irrespective of the presence of modifying circumstances. Applying the aforesaid provision of law, the maximum penalty for the most serious crime (parricide) is death. However, the Court of

Appeals properly commuted the penalty of death imposed on the appellant to reclusion perpetua, pursuant to Republic Act No. 9346.[29]

Civil indemnity in the amount of P50,000.00 (consistent with prevailing jurisprudence) is automatically granted to the offended party, or his/her heirs in case of the former's death, without need of further evidence other than the fact of the commission of any of the aforementioned crimes (murder, homicide, parricide and rape). Moral and exemplary damages may be separately granted in addition to indemnity. Moral damages can be awarded only upon sufficient proof that the complainant is entitled thereto in accordance with Art. 2217 of the Civil Code, while exemplary damages can be awarded if the crime is committed with one or more aggravating circumstances duly proved. The amounts thereof shall be at the discretion of the courts.[30] Hence, the civil indemnity of P50,000.00 awarded by the trial court to the heirs of Lilybeth is in order. They are also entitled to moral damages in the amount of P50,000.00 as awarded by the trial court.[31]

In addition to the civil liability and moral damages, the trial court correctly made appellant account for P25,000.00 as exemplary damages on account of relationship, a qualifying circumstance, which was alleged and proved, in the crime of parricide.[32]

WHEREFORE, the appeal is DISMISSED. The Decision of the Court of Appeals is AFFIRMED.

SO ORDERED.

Quisumbing, (Chairperson), Carpio-Morales, Velasco, Jr., and Brion, JJ., concur.

[1] CA rollo, p. 12. The accusatory portion of the information reads:

That on or about the 26[th] day of November, 2002, at about 6:30 in the morning at Sitio Sogod, Sto. Domingo, Nabua, Camarines Sur, Philippines, and within the jurisdiction of this Honorable Court, the said accused, while armed with a kitchen knife and with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and stab Lilybeth Balandra-Paycana, his legitimate wife, for several times, the latter being seven (7) months pregnant, fatally hitting the different parts of her body, causing her immediate death

and abortion, to the damage and prejudice of the deceased's deserving heir.

CONTRARY TO LAW.

[2] Record, p. 35.

[3] Id. at 43-44. See also id. at 117, Certificate of Marriage.

[4] TSN, 21 January 2004, p. 6.

[5] TSN, 10 June 2004, p.5.

[6] TSN, 21 January 2004, p. 6.

[7] TSN, 8 November 2004, pp. 5-9.

[8] CA rollo, pp.20-27. As penned by Judge Alfredo Agawa, the dispositive portion reads as follows:

WHEREFORE, in view of all the foregoing, the Court finds accused Jesus Paycana, Jr. y Audal guilty beyond reasonable doubt for the complex crime(s) of Parricide with Unintentional Abortion and he is sentenced to suffer the maximum penalty of DEATH and to indemnify the heirs of Lilybeth Balandra-Paycana in the amount of P50,000.00, moral damages of P50,000.00 and P25,000.00 as exemplary damages.

SO ORDERED.

[9] As amended by A.M. No. 00-5-03-SC (Re: Amendments to the Revised Rules of Criminal Procedure to Govern Death Penalty Cases), to wit: x x x

Rule 122 Sec. 3. How appeal taken.-- x x x x (d) No notice of appeal is necessary in cases where the Regional Trial Court imposed the death penalty. The Court of Appeals shall automatically review the judgment as provided in Section 10 of this Rule. x x x

Sec. 10. Transmission of records in case of death penalty. -- In all cases where the death penalty is imposed by the trial court, the records shall be forwarded to the Court of Appeals for automatic review and judgment within twenty days but not earlier than fifteen days from the promulgation of the judgment or notice of denial of a motion for new trial or reconsideration. The transcript shall also be forwarded within ten days after the filing thereof by the stenographic reporter.

[10] Rollo, pp. 2-10. Penned by Associate Justice Bienvenido Reyes, and concurred by Associate Justices Aurora Santiago Lagman and Apolinario Bruselas, Jr. The dispositive portion reads as follows:

WHEREFORE, all premises considered, the decision appealed from is hereby AFFIRMED with a MODIFICATION in that, instead of death, the accused-appellant is sentenced to suffer the penalty of reclusion perpetua.

SO ORDERED.

[11] CA rollo, pp. 109-110. The notice of appeal was filed pursuant to A.M. No. 00-5-03-SC (Re: Amendments to the Revised Rules of Criminal Procedure to Govern Death Penalty Cases), to wit: x x x x

Sec. 13. Certification or appeal of case to the Supreme Court.--(a) Whenever the Court of Appeals finds that the penalty of death should be imposed, the court shall render judgment but refrain from making an entry of judgment and forthwith certify the case and elevate its entire record to the Supreme Court for review.

(b) Where the judgment also imposes a lesser penalty for offenses committed on the same occasion or which arose out of the same occurrence that gave rise to the more severe offense for which the penalty of death is imposed, and the accused appeals, the appeal shall be included in the case certified for review to, the Supreme

Court.

(c) In cases where the Court of Appeals imposes reclusion perpetua, life imprisonment or a lesser penalty, it shall render and enter judgment imposing such penalty. The judgment may be appealed to the Supreme Court by notice of appeal filed with the Court of Appeals.

[12] *People v. Maceda*, G.R. No. 91106, 27 May 1991, 197 SCRA 499, 510.

[13] Art. 11. Justifying circumstances.- The following do not incur any criminal liability:

- Anyone who acts in defense of his person or rights, provided that the following circumstances concur:

First. Unlawful aggression;

Second. Reasonable necessity of the means employed to prevent or repel it;

Third. Lack of sufficient provocation on the part of the person defending himself.

[14] *People v. Rosaria Ignacio*, G.R. No. 107801, 26 March 1997, 270 SCRA 445, 450.

[15] *Id.* at 451. See *People v. Jotoy*, 222 SCRA 801; *People v. Sazon*, 189 SCRA 700.

[16] TSN, 10 June 2004, pp. 4-11.

[17] TSN, 21 January 2004, p. 6.

[18] TSN, 1 September 2004, pp. 9-10.

[19] *Cabuslay v. People*, G.R. No. 129875, 30 September 2005, 471 SCRA 241, 262-263.

[20] Records, p. 120.

[21] CA rollo, p. 26.

[22] Art 246. Parricide.--Any person who shall kill his father, mother, or child, whether legitimate or illegitimate, or any of his ascendants, or descendants, or his spouse, shall be guilty of parricide and shall be punished by the penalty of reclusion perpetua to death.

[23] *People v. Dominador Velasco*, 404 Phil. 369, 379 (2001). Citing *People v. Malabago*, G.R. No. 115686, 2 December 1996, 265 SCRA 198. See Note 3.

[24] Art. 255. Infanticide.--The penalty provided for parricide in Article 246 and for murder in Article 248 shall be imposed upon any person who shall kill any child less than three days of age.

If any crime penalized in this article be committed by the mother of the child for the purpose of concealing her dishonor, she shall suffer the penalty of prision mayor in its medium and maximum periods, and if said crime be committed for the same purpose by the maternal grandparents or either of them, the penalty shall be reclusion temporal.

[25] Art. 257. Unintentional abortion. --The penalty of prision correctional in its minimum and medium periods shall be imposed upon any person who shall cause an abortion by violence, but unintentionally.

[26] *U.S. v. Vedra*, 12 Phil. 96 (1909).

[27] Regalado, Florenz, *Criminal Law Conspectus*, p. 460. Citing *People v. Detablan*, CA, 40 O.G. No. 9, p. 30.

[28] Art. 48. Penalty for complex crimes.--When a single act constitutes two or more grave or less grave felonies, or when an offense is a necessary means of committing the other, the penalty for the most serious crime shall be

imposed, the same to be applied in its maximum period.

[29] SEC. 2. In lieu of the death penalty, the following shall be imposed:

(a) the penalty of reclusion perpetua, when the law violated makes use of the nomenclature of the penalties of the Revised Penal Code; or

(b) the penalty of life imprisonment, when the law violated does not make use of the nomenclature of the penalties of the Revised Penal Code.

Pursuant to the same law, appellant shall not be eligible for parole under Act No. 4103, otherwise known as the Indeterminate Sentence Law.

[30] *People v. SPO1 Jose Bangcado and PO3 Cesar Banisa*, G.R. No. 132330, 28 November 2000, 346 SCRA 189, 210.

[31] *People v. PO3 Armando Dalag y Custodio*, G.R. No. 129895, 30 April 2003, 402 SCRA 254, 278. Citing *People v. Velasco*, *supra*.

[32] *People v. Domingo Arnante y Dacpano*, G. R. No. 148724, 15 October 2002, 391 SCRA 155, 161.

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.