

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. HONORIO TIBON Y DEISO, ACCUSED-APPELLANT.

G.R. No. 188320. June 29, 2010

Ponente: VELASCO JR., J.

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VELASCO JR., J.:

Parricide is the most terrible and unnatural of crimes.[1]

It is said that, in Romulus' time, there was no penalty for parricide because it was considered a crime too evil ever to be committed. While parricide in those days referred to the murder of one's own parent or ascendant, the killing of one's own offspring, which the term's modern meaning now includes, is equally horrendous and deserving of the stiffest penalty.

This is an appeal from the February 25, 2009 Decision of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 01406, which affirmed the August 2, 2005 Decision in Criminal Case Nos. 98-169605-06 of the Regional Trial Court (RTC), Branch 26 in Manila. The RTC found accused-appellant Honorio Tibon guilty beyond reasonable doubt of two counts of parricide.

The Facts

Two Informations charged Tibon of the following:

Criminal Case No. 98-169605

That on or about the 12[th] day of December, 1998, in the City of Manila, Philippines, the said accused did then and there willfully, unlawfully and feloniously, with intent to kill, attack, assault and use personal violence upon the person of one KEEN GIST TIBON Y SUMINGIT, 3 years of age and his legitimate son, by then and there stabbing him several times on the chest with a bladed weapon, thereby inflicting upon the said KEEN GIST TIBON Y SUMINGIT stab wounds which were the direct and immediate cause of his death thereafter.

Criminal Case No. 98-169606

That on or about the 12[th] day of December, 1998, in the City of Manila, Philippines, the said accused did then and there willfully, unlawfully and feloniously, with intent to kill, attack, assault and use personal violence upon the person of one REGUEL ALBERT TIBON Y SUMINGIT, 2 years of age and his legitimate son, by then and there stabbing him several times on the chest with a bladed weapon, thereby inflicting upon the said REGUEL ALBERT TIBON Y SUMINGIT stab wounds which were the direct and immediate cause of his death thereafter.

At his arraignment, Tibon entered a plea of "not guilty." A trial on the merits ensued.

The prosecution presented witnesses Senior Police Officer 3 (SPO3) Jose M. Bagkus; Francisco Abella Abello, Jr., Tibon's neighbor; Medico-Legal Officer Dr. Emmanuel Aranas of the Philippine National Police Crime

Laboratory; Gina Sumingit, Tibon's common-law wife and mother of the two victims; and Renato Tibon, brother of Tibon. Tibon was the sole witness for the defense.

During trial, the following facts were established:

Accused-appellant and his common-law wife Gina Sumingit (Gina) lived together as husband and wife since 1994. They had two children, Keen Gist (KenKen) and Reguel Albert (Reguel).[2] They lived with accused-appellant's parents and siblings on the third floor of a rented house in C.M. Recto, Manila.[3] Due to financial difficulties, Gina went to Hong Kong to work as a domestic helper, leaving accused-appellant with custody of their two children.[4] After some time, accused-appellant heard from his sister who was also working in Hong Kong that Gina was having an affair with another man. After the revelation, he was spotted drinking a lot and was seen hitting his two children.[5]

On the night of December 12, 1998, at around 11:30 p.m., accused-appellant's mother[6] and his siblings, among them Zernan and Leilani, went to accused-appellant's room. They saw accused-appellant with KenKen and Reguel. The two children appeared lifeless and bore wounds on their bodies. When accused-appellant realized that his mother and siblings had seen his two children lying on the floor, accused-appellant stabbed himself on the chest with a kitchen knife, to the shouts of horror of his mother and siblings. He tried to end his life by jumping out the window of their house.[7] Accused-appellant sustained a head injury from his fall but he and his two children, KenKen and Reguel, were rushed to Mary Johnston Hospital by his siblings Renato and Leilani and some of their neighbors. Once at the hospital, accused-appellant received treatment for his injuries. The two children, however, could no longer be revived.[8]

Gina called long distance on December 13, 2008 and asked about KenKen and Reguel. When told about the stabbing incident, she immediately flew back to Manila the next day.[9]

Dr. Aranas acted on a written request from the Western Police District (WPD) Homicide Division and the Certificates of Identity and Consent for Autopsy signed by KenKen and Reguel's aunt Leilani Tibon. His examination of the victims' cadavers showed that Reguel, who was attacked while facing the assailant, sustained abrasions on the forehead, cheeks, and chin and five (5) stab wounds, four (4) of which were caused by a sharp bladed instrument and fatal. The doctor further observed that for a two-year old to be attacked so violently, the killer must have been extremely angry.[10]

The body of three-year old KenKen sustained three (3) stab wounds on the left side of the chest, which were likewise fatal, as these pierced his heart and left lung.[11]

WPD Police Investigator SPO3 Bagkus interviewed Tibon while he was undergoing treatment from stab wounds on the chest and head injuries under police security at the Jose Reyes Medical Center. After being informed by SPO3 Bagkus of his constitutional rights, Tibon confided that he was despondent and voluntarily admitted to stabbing KenKen and Reguel.[12] Tibon's sister Leilani, likewise, told SPO3 Bagkus that Tibon was responsible for the killings. [13]

Gina confronted Tibon at the hospital where he was confined. She said the latter confessed to stabbing their children and begged for her forgiveness. She added that he even wrote a letter again the next year asking to be forgiven. Supported by receipts, she claimed that she spent PhP 173,000 for the wake and funeral of her two children. When asked if she could quantify the damage caused to her in terms of money, she said it was for PhP 500,000.[14]

Tibon denied the charges against him and raised insanity as defense. He said that he could not recall what happened on the night he allegedly stabbed his two children. He also could not remember being taken to the

hospital. He said he was only informed by his siblings that he had killed KenKen and Reguel, causing him to jump off the window of their house.[15]

The Ruling of the Trial Court

The RTC found for the prosecution. It gave full faith and credit to the witnesses who testified against Tibon. In contrast, Tibon's testimony was found unworthy of belief. In spite of his defense of insanity, the trial court noted that he was in full control of his faculties before, during, and after he attacked his two children. The dispositive portion of the RTC Decision reads:

WHEREFORE, PREMISES CONSIDERED, accused HONORIO TIBON y DENISO is found GUILTY beyond reasonable doubt of the crime of two (2) counts of Parricide, and sentencing him in each case to suffer the extreme penalty of DEATH and to pay the heirs of the victims KEEN GIST TIBON and REGUEL ALBERT TIBON P75,000.00 each as civil indemnity.[16]

The Ruling of the Appellate Court

On appeal, the CA affirmed the findings of the RTC and found that the defense did not overcome the presumption of sanity. The appellate court stressed that evidence of insanity after the commission of an offense may be accorded weight only if there is also proof of abnormal behavior immediately before or simultaneous to the commission of the crime. It reduced the penalty meted to Tibon to reclusion perpetua.

The fallo of the CA decision states:

WHEREFORE, in view of the foregoing, the 2 August 2005 decision of the Regional Trial Court of Manila (Branch 26) in Criminal Case No. 98-169605-06 finding accused-appellant Honorio Tibon y Deiso guilty beyond reasonable doubt of the crime of parricide on two (2) counts, is AFFIRMED with MODIFICATION as to penalty. Pursuant to Republic Act No. 9346, the penalty of death imposed upon accused-appellant is reduced to reclusion perpetua, without eligibility for parole.

SO ORDERED.[17]

Tibon maintains his innocence on appeal to this Court.

On August 3, 2009, this Court notified the parties that they may submit supplemental briefs if they so desired. The parties manifested their willingness to submit the case on the basis of the records already submitted.

The Issue

WHETHER THE COURT OF APPEALS GRAVELY ERRED IN NOT CONSIDERING THE EXEMPTING CIRCUMSTANCE OF INSANITY IN FAVOR OF THE ACCUSED-APPELLANT.

The Ruling of this Court

Tibon argues that the exempting circumstance of insanity was established, therefore overthrowing the presumption of sanity. Combined with Tibon's testimony, Tibon's medical record with the National Center for Mental Health (NCMH) and his strange behavior allegedly show an unstable mind deprived of intelligence. That he had no recollection of the stabbing incident is further proof of his insanity. His criminal act of stabbing his children was, thus, involuntary.

The People, represented by the Office of the Solicitor General, on the other hand, rebuts the argument of Tibon by asserting that his mental state, as ascertained by the NCMH, referred to his condition to stand trial and not his mental state before and during the commission of the crimes with which he was charged. Furthermore, Tibon's non-recollection of the stabbing incident does not prove his insanity and amounts merely to a general denial. The

People argues that, contrary to the requirements on establishing insanity, Tibon was unable to present any competent witness who could explain his mental condition. Lastly, the reduction of civil indemnity from PhP 75,000 to PhP 50,000 is recommended, since the crimes were not attended by any aggravating circumstances.

We affirm Tibon's conviction.

The Revised Penal Code defines parricide as follows:

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.

Parricide is committed when: (1) a person is killed; (2) the deceased is killed by the accused; (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.[18]

This appeal admits that parricide has indeed been committed. The defense, however, banks on Tibon's insanity to exempt him from punishment.

The defense has unsatisfactorily shown that Tibon was insane when he stabbed his two young sons. Article 12 of the Code states:

Circumstances which exempt from criminal liability. - The following are exempt from criminal liability:

- An imbecile or an insane person, unless the latter has acted during a lucid interval. x x x

The aforementioned circumstances are not easily available to an accused as a successful defense. Insanity is the exception rather than the rule in the human condition.[19] While Art. 12(1) of the Revised Penal Code provides that an imbecile or insane person is exempt from criminal liability, unless that person has acted during a lucid interval, the presumption, under Art. 800 of the Civil Code, is that every human is sane. Anyone who pleads the exempting circumstance of insanity bears the burden of proving it[20] with clear and convincing evidence.[21] It is in the nature of confession and avoidance. An accused invoking insanity admits to have committed the crime but claims that he or she is not guilty because of insanity. The testimony or proof of an accused's insanity must, however, relate to the time immediately preceding or coetaneous with the commission of the offense with which he is charged.[22] We agree with the Solicitor General that the mental records Tibon wishes to support his defense with are inapplicable to the theory he espouses. The NCMH records of his mental health only pertain to his ability to stand trial and not to his mental state immediately before or during the commission of the crimes.

The change in Tibon's behavior was triggered by jealousy. He acted out of jealous rage at the thought of his wife having an affair overseas. Uncontrolled jealousy and anger are not equivalent to insanity. Nor is being despondent, as Tibon said he was when interviewed by the police. There is a vast difference between a genuinely insane person and one who has worked himself up into such a frenzy of anger that he fails to use reason or good judgment in what he does.[23] We reiterate jurisprudence which has established that only when there is a complete deprivation of intelligence at the time of the commission of the crime should the exempting circumstance of insanity be considered.[24]

It is apt to recall *People v. Ocfemia*[25] where this Court ruled that the professed inability of the accused to recall events before and after the stabbing incident, as in the instant case, does not necessarily indicate an aberrant mind but is more indicative of a concocted excuse to exculpate himself. It is simply too convenient for Tibon to claim that he could not remember anything rather than face the consequences of his terrible deed.

The requirements for a finding of insanity have not been met by the defense. As the appellate court noted, Tibon's

unusual behavior prior to and after he committed parricide do not meet the stringent standards on an insanity plea as required by this Court. The presumption of sanity has not been overcome. In contrast, the prosecution, as found by the lower courts, sufficiently established evidence that Tibon voluntarily killed his two children on the night of December 12, 1998. On this matter, We find no reason to reverse the findings of fact made by the trial court and affirmed by the Court of Appeals.

A final word. Parricide is differentiated from murder and homicide by the relationship between the killer and his or her victim. Even without the attendant circumstances qualifying homicide to murder, the law punishes those found guilty of parricide with reclusion perpetua to death, prior to the enactment of Republic Act No. (RA) 9346 (An Act Prohibiting the Imposition of the Death Penalty in the Philippines). The commission of parricide is punished more severely than homicide since human beings are expected to love and support those who are closest to them. The extreme response of killing someone of one's own flesh and blood is indeed unnatural and tragic. Tibon must thus be handed down the harshest penalty for his crimes against his innocent children.

Penalty Imposed

In view of RA 9346, the appellate court correctly modified the sentence of Tibon to reclusion perpetua.

Pecuniary Liability

When death occurs due to a crime, the following damages may be awarded: (1) civil indemnity ex delicto for the death of the victim; (2) actual or compensatory damages; (3) moral damages; (4) exemplary damages; and (5) temperate damages.[26]

The Solicitor General recommended the reduction of civil indemnity from PhP75,000 to PhP50,000. However, recent jurisprudence pegs civil indemnity in the amount of PhP75,000,[27] which 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 murder, homicide, parricide and rape.[28] *People v. Regalario*[29] has explained that the said award is not dependent on the actual imposition of the death penalty but on the fact that qualifying circumstances warranting the imposition of the death penalty attended the commission of the offense.

According to Art. 2199 of the Civil Code, one is entitled to adequate compensation for pecuniary loss suffered by him that is duly proved. This compensation is termed actual damages. The party seeking actual damages must produce competent proof or the best evidence obtainable, such as receipts, to justify an award therefor.[30] We note that the trial court failed to award actual damages in spite of the presentation of receipts showing wake and funeral expenses (Exhibits "R," "R-1," "R-2," "R-4," and "R-5") amounting to PhP173,000. We therefore grant said amount.

Moral damages are also in order. Even in the absence of any allegation and proof of the heirs' emotional suffering, it has been recognized that the loss of a loved one to a violent death brings emotional pain and anguish,[31] more so in this case where two young children were brutally killed while their mother was away. The award of PhP75,000.00 is proper pursuant to established jurisprudence holding that where the imposable penalty is death but reduced to reclusion perpetua pursuant to RA 9346, the award of moral damages should be increased from P50,000.00 to P75,000.00.[32]

Pursuant to prevailing jurisprudence, the trial court should have made accused-appellant account for PhP30,000 as exemplary damages on account of relationship, a qualifying circumstance, which was alleged and proved, in the crime of parricide.[33]

WHEREFORE, the appeal is DENIED. The Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 01406

convicting accused-appellant Honorio Tibon y Deiso of parricide is AFFIRMED with the MODIFICATION that accused-appellant should pay the heir of the victims:

- (1) Civil indemnity of PhP 75,000 for each victim;
- (2) Actual damages of PhP 173,000;
- (3) Moral damages of PhP 75,000 for each victim; and
- (4) Exemplary damages of PhP 30,000 for each victim.

SO ORDERED.

Corona, C.J., (Chairperson), Leonardo-De Castro, Del Castillo, and Perez, JJ., concur.

[1] Cassiodorus, The Letters of Cassiodorus.

[2] CA rollo, p.86.

[3] Id at 89.

[4] Id.

[5] Id at 87.

[6] The name of accused-appellant's mother was not mentioned in the records.

[7] Id at 85-86.

[8] CA rollo, p. 27.

[9] Id. at 26.

[10] Id. at 25.

[11] Id. at 25-26.

[12] Id. at 24.

[13] Id. at 23.

[14] Id. at 26.

[15] Id. at 28.

[16] Id. at 29. Penned by Judge Silvino T. Pampilo, Jr.

[17] Rollo, p. 11. Penned by Associate Justice Marlene Gonzales-Sison and concurred in by Associate Justices Bienvenido L. Reyes and Isaias P. Dicdican.

[18] People v. Castro, G.R. No. 172370, October 6, 2008.

[19] People v. Yam-Id, G.R. No. 126116, June 21, 1999, 308 SCRA 651.

[20] People v. Pambid, G.R. No. 124453, March 15, 2000, 328 SCRA 158; citing People v. Catanyag, G.R. No. 103974, September 10, 1993, 226 SCRA 293.

[21] People v. Florendo, G.R. No. 136845, October 8, 2003, 413 SCRA 132.

[22] *People v. Opuran*, G.R. Nos. 147674-75, March 17, 2004, 425 SCRA 654.

[23] *People v. Villa, Jr.*, G.R. No. 129899, April 27, 2000, 331 SCRA 142.

[24] *People v. Robiños*, G.R. No. 138453, May 29, 2002, 382 SCRA 581; citing *People v. Condino*, GR No. 130945, November 19, 2001.

[25] G.R. No. 126135, October 25, 2000, 344 SCRA 315.

[26] *People v. Domingo*, G.R. No. 184343, March 2, 2009.

[27] *People v. Regalario*, G.R. No. 174483, March 31, 2009, 582 SCRA 738, 761.

[28] *People v. Paycana, Jr.*, G.R. No. 179035, April 16, 2008, 551 SCRA 657.

[29] *People v. Anod*, G.R. No. 186420, August 25, 2009; see *People v. Victor*, G.R. No. 127903, July 9, 1998, 292 SCRA 186.

[30] *People v. Domingo*, supra note 26.

[31] *People v. Panado*, G.R. No. 133439, December 26, 2000, 348 SCRA 679, 690-691.

[32] *People v. Regalario*, supra note 27; citing *People v. Audine*, G.R. No. 168649, December 6, 2006, 510 SCRA 531, 547, *People v. Orbita*, G.R. No. 172091, March 31, 2008; *People v. Balobalo*, G.R. No. 177563, October 18, 2008.

[33] *People v. Paycana, Jr.*, supra note 28; citing *People v. Domingo Arnante y Dacpano*, G.R. No. 148724, October 15, 2002, 391 SCRA 155, 161

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