

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CRISTINA SAMSON, ACCUSED-APPELLANT.

G.R. No. 214883. September 02, 2015

Ponente: MENDOZA, J.

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MENDOZA, J.:

For review in this appeal is the May 6, 2014 Decision[1] of the Court of Appeals (CA) in CA-G.R. CR HC No. 05832, which affirmed the September 27, 2012 Decision[2] of the Regional Trial Court, Branch 65, Tarlac City (RTC) in Criminal Case No. 12285, convicting accused-appellant Cristina Samson (Cristina) for parricide committed against her husband, Gerry Delmar (Gerry), and sentencing her to suffer the penalty of reclusion perpetua.

The Antecedents

On August 14, 2002, Cristina was charged with the crime of Parricide, defined and penalized under Article 246 of the Revised Penal Code (RPC). The Information articulates the following criminal charges, viz:

That on or about the 27[th] day of June, 2002 in Tarlac City, Philippines and within the jurisdiction of this Honorable Court, said accused, willfully, unlawfully and feloniously and with intent to kill her husband Gerry Delmar, with whom she was united in lawful wedlock, armed herself with a deadly weapon, a knife, and stabbed said Gerry Delmar on his chest, which resulted to his death.

CONTRARY TO LAW.[3]

When arraigned almost four (4) years later, Cristina entered a plea of not guilty. Thereafter, trial on the merits ensued with the parties agreeing to a reverse trial on account of her invocation of the justifying circumstance of self-defense.

Version of the Defense

The version of Cristina appears in the Brief for the Accused-Appellant[4] as follows:

On June 27, 2002, CRISTINA SAMSON (Cristina) was in their house watching television together with her children when her husband, Gerry Delmar (Gerry), who was drunk at that time, arrived. Gerry asked Cristina if she had cooked food already but the latter answered in the negative because she had no money to buy food. Gerry scolded and uttered words against her, and then slapped her. They had an altercation for about ten (10) minutes when Cristina's father arrived and pacified them. Gerry left but after thirty (30) minutes, he returned. He pointed a knife at Cristina's neck. The latter begged Gerry not to hurt her and to pity their children if something happens to her. Gerry continued pointing the knife and told Cristina to stop talking or otherwise, he will put a hole in her neck. Then, Gerry slapped Cristina's face twice. While Gerry was still holding the knife, Cristina pushed him and he fell on the ground. She took the knife which Gerry was holding and begged him not to come near her. She was holding the knife near her chest pointed at Gerry when he suddenly grabbed her and that was the time that the knife went in contact with his chest. When she saw her husband bloodied, she shouted for help and her father (Rodolfo Samson) and brother (Allan Samson) came and brought Gerry to the

hospital. Her relatives told her that Gerry died in the hospital. (TSN, September 6, 2006, pp. 14-27)

On June 27, 2002, ALLAN SAMSON (Allan) was at home watching television with his father. He heard yelling and shouting from the house of his sister Cristina and brother-in-law Gerry. Since it was just ordinary for him to hear his sister and brother-in-law fight, he and his father just ignored it. After fifteen (15) minutes of listening to their quarrel, they heard Cristina cry for help. Upon hearing this, he immediately went to the house of his sister and saw her holding Gerry and she requested him and his father to bring Gerry to the hospital. They called a tricycle and he, together with his father, brought Gerry to Talon General Hospital. The doctor, however, declared that Gerry was already dead. Then, the tanod arrives and Allan instructed the tanod to call the siblings and relatives of Gerry. When the relatives arrived, they went home. (TSN, November 18, 2006, pp. 4-6)[5]

Version of the Prosecution

In its Brief for the Appellee,[6] the Office of the Solicitor General (OSG) provided the following as its Counter-Statement of Facts:

On January 25, 1994, appellant Cristina Samson and victim Jerry Delmar were married. They were blessed with two (2) daughters namely Christine and Cherrie Lou. The couple lived in their own house which is just adjacent to the house of appellant's family. The union of the two was never a peaceful one. Constant quarrels filled their household and occurred in front of their children and other relatives.

On June 27, 2002, appellant and the victim had one of their usual fights. As testified by appellant herself, she and her two children were watching television in their home when the victim arrived drunk. Victim asked for his dinner but appellant was not able to cook food which led to the fight. Christine, the youngest daughter of the appellant and the victim, narrated that she witnessed the fight between her parents, that as the fight escalated, appellant was able to get hold of the knife which was placed on the roof and stabbed the victim. The victim fell on the ground and crawled until he reached the door. Cristine remembered that people arrived in their home, helped the victim board a tricycle and brought him to the hospital. Appellant, on the other hand, ran out and went to her father and asked for money and left. That was the last night that Christine and Cherry Lou saw their mother.[7]

The Ruling of the RTC

In its September 27, 2012 Decision, the RTC found the proffered self-defense of Cristina to be untenable. In its view, there was no longer any threat to her life before she stabbed her husband Gerry. Though there was an existent danger as there was an altercation before the stabbing incident, the imminence of such danger ceased when, as admitted by her, Gerry already put down the knife. The RTC even concluded that it was she who provoked him when she suddenly pushed him to the ground. She then took the knife and told him not to come near her. When he grabbed her, she stabbed him. After she took hold of the knife, there was no longer any unlawful aggression to speak of that would necessitate the need to kill Gerry.[8] Thus, the decretal portion of the RTC decision reads in this wise:

WHEREFORE, finding accused CRISTINA SAMSON guilty beyond reasonable doubt of the felony of Parricide defined and penalized under Article 246 of the Revised Penal Code, accused CRISTINA SAMSON is hereby sentenced to suffer a penalty of "Reclusion Perpetua" pursuant to R.A. 9346 (An Act Prohibiting the Imposition of Death Penalty in the Philippines).

Accused is also ordered to indemnify the heirs of the victim, Christine S. Delmar and Cherrie Lo S. Delmar the amount of P75,000.00 as civil indemnity, P75,000.00 as moral damages, P30,000.00 as exemplary damages and costs of suit.

SO ORDERED.[9]

The Ruling of the CA

The CA affirmed the ruling of the RTC. It stated that although there could have been an unlawful aggression at the start when Gerry repeatedly slapped Cristina and held a knife at her throat, it already disappeared when he put down the knife. According to the CA, it was this precise act that gave Cristina the opportunity to push her husband and gain control of the knife. Moreover, the fact that she fled and evaded arrest for four (4) years contradicted her claim of innocence.[10] The CA disposed as follows:

WHEREFORE, the Decision dated September 27, 2012 of the RTC, Branch 65, Tarlac City in Criminal Case No. 12285, finding accused-appellant guilty beyond reasonable doubt of the crime of parricide and sentencing her to reclusion perpetua and to pay damages and the cost of suit, is AFFIRMED.

SO ORDERED.[11]

Hence, this appeal.

ISSUE

The sole issue to be resolved in this appeal is whether or not the CA erred in not appreciating the justifying circumstance of self-defense in favor of Cristina.

Let it be underscored that appeal in criminal cases throws the whole case open for review and it is the duty of the appellate court to correct, cite and appreciate errors in the appealed judgment whether they are assigned or unassigned.[12] Considering that what is at stake here is no less than the liberty of the accused, this Court has meticulously and thoroughly reviewed and examined the records of the case and finds that there is merit in her appeal.

There appears to be a conflict between the testimony of Cristina and her daughter, Christine Delmar (Christine). Cristina claimed that she got the knife from her husband who fell down after she pushed him. After taking possession of the deadly weapon, she told her husband not to come near her. She was holding the knife near her chest and pointed towards him when he suddenly grabbed her and that was the time that the knife went in contact with her husband's chest.

Christine, however, perceived it differently. According to her, she witnessed the fight between her parents. She narrated that as the fight escalated, her mother was able to get hold of a knife, which was inserted in the roof, and used it in stabbing her father.

Both the RTC and the CA believed the version of Cristina, but both were of the view that before she stabbed her husband, there was no more imminent danger to her life. For said reason, her fatal stabbing of her husband was not justified.

The Court's Ruling

Self-defense, when invoked as a justifying circumstance, implies the admission by the accused that he committed the criminal act. Generally, the burden lies upon the prosecution to prove the guilt of the accused beyond reasonable doubt rather than upon the accused that he was in fact innocent. When the accused, however, admits killing the victim, it is incumbent upon him to prove any claimed justifying circumstance by clear and convincing evidence.[13] Well-settled is the rule that in criminal cases, self-defense shifts the burden of proof from the prosecution to the defense.[14]

To invoke self-defense, in order to escape criminal liability, it is incumbent upon the accused to prove by clear and convincing evidence the concurrence of the following requisites under the second paragraph of Article 11 of

the RPC, viz: (1) unlawful aggression; (2) reasonable necessity of the means employed to prevent or repel it; and (3) lack of sufficient provocation on the part of the person defending himself.[15]

Presence of Unlawful Aggression even if Aggressor was Disarmed

Among the requisites of self-defense, the most important that needs to be proved by the accused, for it to prosper, is the element of unlawful aggression. It must be proven first in order for self-defense to be successfully pleaded. There can be no self-defense, whether complete or incomplete, unless the victim had committed unlawful aggression against the person who resorted to self-defense.[16] When the Court speaks of unlawful aggression, it is an actual physical assault, or at least a threat to inflict real imminent injury, upon a person. There is an unlawful aggression on the part of the victim when he puts the life, limb, or right of the person invoking self-defense in actual or imminent danger. There must be actual physical force or actual use of a weapon. It is present only when the one attacked faces real and immediate threat to his life. It must be continuous, otherwise, it does not constitute aggression warranting self-defense.[17]

The question now is: was there unlawful aggression when Cristina killed her husband?

The Court answers in the affirmative.

The Court hesitates to share the observation of the RTC and the CA that Cristina failed to discharge the burden of proving that unlawful aggression was present when she killed her husband.

Contrary to the conclusion of the CA that Gerry's aggression had already ceased when he was disarmed, it is the Court's view that the aggression still continued. Her perceived peril to her life continued and persisted until she put an end to it.

It must be noted that after she was able to take hold of the knife from her husband, he did not stand down but, instead, continued to move towards her despite her plea that he should not come nearer. He grabbed her by the arm which could have precipitated her well-grounded belief that her life was still in danger if he would be able to wrest the weapon from her. It was not farfetched to presume that, being stronger, he could have easily overpowered her and eventually killed her.

A similar situation was presented in the case of *People v. Rabandaban*[18] (Rabandaban), wherein the Court ruled that despite the fact that the accused succeeded in wresting the bolo from his wife, he was still justified in using the weapon against her because his life was still in danger. The Court explained:

xxx When appellant got possession of the bolo he already must have been in a precarious condition because of his wounds, one of which was described by the sanitary inspector as "fatal" since the large intestine came out of it. And appellant, we think, was justified in believing that his wife wanted to finish him off because, according to the evidence, she struggled to regain possession of the bolo after he had succeeded in wresting it from her. With the aggressor still unsubdued and showing determination to fight to the finish, it would have been folly on the part of appellant, who must already have been losing strength due to loss of blood, to throw away the bolo and thus give his adversary a chance to pick it up and again use it against him. Having the right to protect his life, appellant was not in duty bound to expose himself to such a contingency.[19]

[Emphases Supplied]

In *Rabandaban*, the victim, instead of running away from the accused husband after the bolo was wrested from her, continued to struggle with him to regain possession of the bolo. This fact, together with her husband's compromised condition, being already badly wounded, justified him in finally neutralizing his wife who was then determined in putting an end to his life. In the case at bench, the unlawful aggression would have ceased if he just walked away from the scene considering that Cristina had gained the upper hand, being the one in possession of

the knife. Instead, Gerry chose to ignore her plea not to come near her and continued moving towards her without regard to his safety despite the fact that the knife was pointed towards his direction.

In both *Rabandaban* and the present case, the victims, despite having been disarmed, still posed a threat to the lives of the accused. The danger to their lives persisted leaving them with no other choice but to defend themselves lest they be the ones to be victimized.

In that situation, Cristina had reasons to believe that her life was still in danger. It is to be noted that before she was able to take hold of the weapon, her husband held the same knife and pointed it at her throat. So when he, who was taller and stronger, approached her and grabbed her by the arm, it was instinctive for her to take the extreme precautionary measure by stabbing him before he could get back the knife and make good his earlier threat of putting a hole in her throat.

Contrary to the trial court's assessment, she did not show aggression towards her husband when she pushed him after he pointed the knife away from her. She was, in fact, manifesting a passive attitude towards him when she just stood her ground, with the knife in hand, asking him not to come near her.[20]

It would have been a different story if Gerry, after dropping the knife, walked away and Cristina still went after him. If that were the case, she could not assert self-defense. She was no longer acting in self-defense but in retaliation for the earlier aggression. Retaliation is inconsistent with self-defense and in fact belies it. In retaliation, the aggression that was begun by the injured party already ceased when the accused attacked him; while in self-defense the aggression still existed when the aggressor was injured by the accused.[21]

Now that unlawful aggression has already been established, it is well to consider the other two requisites in order to determine whether the self-defense is complete or incomplete.

Reasonable Necessity of the Means Employed

The requisite of reasonable necessity of the means employed is met if the person invoking self-defense used a weapon or a manner equivalent to the means of attack used by the aggressor. The reasonable necessity of the self-defense utilized by an accused is to defend himself "depends upon the nature or quality of the weapon, the physical condition, the character, the size and other circumstances of the aggressor; as well as those of the person who invokes self-defense; and also the place and the occasion of the assault." [22] Moreover, the nature and location of wounds are considered important indicators whether or not to disprove a plea of self-defense.[23]

In the case at bench, the lone stab wound located on the victim's chest supports the argument that Cristina feared for her life and this fear impelled her to defend it by stabbing him. It was a reasonable means chosen by her in view of the attending circumstances, to wit: that her stronger husband, who had earlier pointed the said knife to her throat, approached her and grabbed her arm, despite her plea that he refrain from coming near her; and that she had no other available means or any less deadly weapon to repel the threat other than the knife in her hand. She did not have the time or sufficient tranquillity of mind to think, calculate and choose the weapon to be used. In predicaments like this, human nature does not act upon the processes of formal reason but in obedience to the instinct of self-preservation.[24] When it is apparent that a person has reasonably acted upon this instinct, it is the duty of the courts to sanction that act or to mitigate his liability.[25]

Moreover, the fact that Gerry was no longer armed does not negate the reasonableness of the means employed by Cristina. Perfect equality between the weapon used by the one defending himself and that of the aggressor is not required.[26] What the law requires is a rational equivalence, in the consideration of which will enter as principal factors the emergency, the imminent danger to which the accused is exposed, and the instinct more than reason, that moves or impels his defense; and the proportionateness thereof does not depend upon the harm done, but

upon the imminent danger of such injury.[27]

Lack of Sufficient Provocation

The last requisite to be considered is lack of sufficient provocation on the part of the person defending himself. The Court cannot sustain the trial court's observation that it was Cristina who provoked her husband when she suddenly pushed him. Her shoving him cannot be considered a sufficient provocation proportionate to the act of aggression.[28] She merely capitalized on a window of opportunity, when her husband removed the knife away from her throat, to save herself from what she had perceived to be a danger to her life. Anybody, in her situation would have acted in the same reasonable way.

Flight as an Indication of Guilt or Non-guilt

The CA took the fact of Cristina's flight and evasion of arrest for four (4) years against her. To the appellate court, it belied her claim of innocence.

Under the attendant circumstances, the Court cannot subscribe to that view.

Generally, flight, in the absence of a credible explanation, would be a circumstance from which an inference of guilt might be established, for a truly innocent person would normally grasp the first available opportunity to defend himself and assert his innocence.[29] It has been held, however, that non-flight may not be construed as an indication of innocence either. There is no law or dictum holding that staying put is proof of innocence, for the Court is not blind to the cunning ways of a wolf which, after a kill, may feign innocence and choose not to flee.[30] In Cristina's case, she explained that she took flight for fear of her safety because of possible retaliation from her husband's siblings.[31] The Court finds such reason for her choice to flee acceptable. She did not hide from the law but from those who would possibly do her harm.

The RTC and the CA might have some hesitation in accepting her explanation for her choice of action. Nevertheless, under the circumstances, a cloud of uncertainty lingers. In such a case, it is the duty of the Court to resolve the doubt in favor of the accused.

Considering that Cristina was justified in killing her husband under Article 11, paragraph 1 of the RPC, she should be exonerated of the crime charged. For the same reason, the Court finds no act or omission from which a civil liability may arise.

WHEREFORE, the appeal is GRANTED. The May 6, 2014 Decision of the Court of Appeals, in CA-G.R. CR HC No. 05832, is REVERSED and SET ASIDE. The accused-appellant, Cristina Samson, is ACQUITTED of the crime charged.

Let a copy of this Decision be furnished the Superintendent, Correctional Institution for Women, Mandaluyong City. The Superintendent is DIRECTED to cause the immediate release of appellant, unless she is being lawfully held for another cause and to report the action she has taken within five (5) days from receipt of this Decision.

SO ORDERED.

Carpio, (Chairperson), Brion, Del Castillo, and Leonen, JJ., concur.

[1] Penned by Associate Justice Hakim S. Abdulwahid with Associate Justices Nina G. Antonio-Valenzuela and Victoria Isabel A. Paredes, concurring. Rollo, pp. 2-9.

[2] Penned by Judge Ma. Magdalena A. Balderama. CA rollo, pp. 10-15.

- [3] Id., as quoted in the RTC Decision, p. 47.
- [4] Rollo, pp. 33-45.
- [5] Id. at 37-38.
- [6] Id. at 62.
- [7] Id. at 67-68.
- [8] Id. at 51.
- [9] Id. at 52.
- [10] Id. at 7-8.
- [11] Id. at 9.
- [12] *People v. Balagat*, 604 Phil. 529, 534 (2009).
- [13] *People v. Debs Santos*, G.R. No. 207818, July 23, 2014.
- [14] *People v. Genosa*, 464 Phil. 680, 714 (2004).
- [15] *People v. Gamez*, G.R. No. 202847, October 23, 2013, 708 SCRA 625, 635.
- [16] *Guevarra v. People*, G.R. No. 170462, February 5, 2014, 715 SCRA 384, 396-397.
- [17] *People v. Camilla, Jr.*, 620 Phil. 775, 796 (2009).
- [18] 85 Phil. 636 (1950).
- [19] Id. at 637-638.
- [20] TSN, September 6, 2006, p. 9.
- [21] *People v. Gamez*, supra note 15, at 636.
- [22] *Nacnac v. People*, G.R. No. 191913, March 21, 2012, 668 SCRA 846, 857.
- [23] *People v. De Leon*, G.R. No. 197546, March 23, 2015.
- [24] *Jayme v. People*, 372 Phil. 796, 804 (1999).
- [25] *Rimano v. People*, 462 Phil. 272, 289 (2003).
- [26] *People v. Padua, C.A.*, 40 O.G. 998, as cited in Luis B. Reyes, *The Revised Penal, Book One*, Seventeenth Ed. 180 (2008).
- [27] *People v. Rabanal*, 436 Phil. 519, 532 (2002).
- [28] *People v. Alconga*, 78 Phil. 366, 373 (1947).
- [29] *People v. Beriber*, G.R. No. 195243, August 29, 2012, 679 SCRA 528, 543-544.
- [30] *People v. Diaz*, 443 Phil. 67, 89-90 (2003).
- [31] TSN, October 4, 2006, p. 15.

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