



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **28 March 2022** which reads as follows:*

**“G.R. No. 246541 (*People of the Philippines v. Armenio Lumbo y Maquiñana*)**. — Assailed in this appeal<sup>1</sup> is the September 17, 2018 Decision<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09726, which affirmed with modifications the April 20, 2017 Decision<sup>3</sup> of the Regional Trial Court (RTC), Branch 51, Sorsogon City, in Criminal Case No. 2005-6625, finding accused-appellant Armenio Lumbo y Maquiñana (Armenio) guilty beyond reasonable doubt of the crime of Parricide under Article 246 of the Revised Penal Code (RPC).

**Antecedents:**

Armenio was charged with the crime of Parricide in an Information<sup>4</sup> which alleged:

That on or about 12:00 o'clock midnight of December 11, 2005, at Barangay San Jose, municipality of Pilar, province of Sorsogon, within the jurisdiction of this Honorable Court, the said accused, with intent to kill, did then and there, willfully, unlawfully and feloniously, with the use of a scythe, attack, assault and stab EDITHA M. LUMBO, his lawfully-wedded wife, thereby inflicting upon her mortal wounds which directly caused her instantaneous death, to the damage and prejudice of her legal heirs.

CONTRARY TO LAW.<sup>5</sup>

<sup>1</sup> *Rollo*, pp. 30-31.

<sup>2</sup> *Id.* at 3-27. Penned by Associate Justice Celia C. Librea-Leagogo and concurred in by Associate Justices Samuel H. Gaerlan (now a Member of this Court) and Maria Filomena D. Singh.

<sup>3</sup> *CA rollo*, pp. 47-59; penned by Acting Presiding Judge Bernardo R. Jimenez, Jr.

<sup>4</sup> *Records*, pp. 1-2.

<sup>5</sup> *Id.* at 1.

Upon arraignment, Armenio pleaded not guilty.<sup>6</sup> Trial on the merits thereafter ensued.

Ronaldo Mondragon (Ronaldo), Haide Lumbo (Haide), Dominga Madridano (Dominga), and Dr. Adelsa R. Tee (Dr. Tee), testified for the prosecution. The defense, on the other hand, presented the accused-appellant himself and Dr. Lalyn Irene D. Marzan (Dr. Marzan).

#### **Evidence for the Prosecution:**

Ronaldo declared that sometime in December 2005, he was at the house of his parents-in-law<sup>7</sup> when Nestor Maquiñano (Nestor), uncle of Armenio, informed them that Armenio killed his wife Editha using a scythe or "*sanggot*".<sup>8</sup> Ronaldo, together with a family member of Editha, immediately went to the house of Cresencio Lumbo (Cresencio),<sup>9</sup> the parent of Armenio.<sup>10</sup> However, they were prevented from entering the house and were told that Editha merely sustained a small wound and that the bleeding has already stopped.<sup>11</sup> Still, they fetched a vehicle to bring Editha to the hospital.<sup>12</sup> When they were about to leave, Cresencio told the driver to stop the engine as he was afraid that Armenio might notice that they were trying to get Editha, since Armenio was then still holding the "*sanggot*".<sup>13</sup> Thus, they sought assistance from the Chief Tanod of Brgy. San Jose, Badong Menardo, who handcuffed Armenio.<sup>14</sup> Immediately, they entered the house of Cresencio and found a very weak Editha,<sup>15</sup> with blood oozing from her neck.<sup>16</sup> They immediately brought Editha to the hospital, however, after about 15 minutes, she passed away.<sup>17</sup>

Haide, parent of Armenio,<sup>18</sup> averred that right after the marriage of his son on January 16, 1997 with Editha, they temporarily lived at their house at San Jose, Pilar, Sorsogon.<sup>19</sup> Armenio and Editha begot four children.<sup>20</sup> Eventually, the couple decided to transfer to their own house in their farm in Baritang, San Jose.<sup>21</sup>

Haide recounted that sometime in December 2005 at around 12:00 midnight, while they were in the living room, she heard Armenio uttering "the

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<sup>6</sup> Id. at 35.

<sup>7</sup> TSN, July 29, 2009, p. 2.

<sup>8</sup> Id.

<sup>9</sup> Id.

<sup>10</sup> Id. at 5.

<sup>11</sup> Id. at 3.

<sup>12</sup> Id.

<sup>13</sup> Id.

<sup>14</sup> Id.

<sup>15</sup> Id.

<sup>16</sup> Id. at 4.

<sup>17</sup> Id.

<sup>18</sup> TSN, August 18, 2009, p. 4.

<sup>19</sup> Id. at 6.

<sup>20</sup> Id.

<sup>21</sup> Id.

unseen spirits are here again.”<sup>22</sup> At that time, Armenio, Editha, and their children were asleep in their bedroom.<sup>23</sup> Suddenly, she heard Armenio fighting with those unseen spirits and while fighting them, he hit Editha.<sup>24</sup> Haide and Cresencio then saw Armenio holding the “*sanggot*” or scythe while Editha suffered a wound on her neck.<sup>25</sup> Immediately thereafter, Cresencio went to their neighbor to ask for help to get the “*sanggot*” from Armenio.<sup>26</sup> Haide then put a bandage on Editha’s wound.<sup>27</sup>

The Barangay Tanod then arrived at their house and immediately brought Armenio to the living room.<sup>28</sup> Meanwhile, they got a vehicle and brought Editha to the hospital.<sup>29</sup> However, due to the severity of the injury, Editha died.<sup>30</sup> The following day, his son Armenio was brought to the municipal jail in Pilar.<sup>31</sup>

On the other hand, Dominga, parent of the victim, declared that on the day of the incident, Nestor went to their house and told them that Editha was killed.<sup>32</sup> Upon receiving such information, she immediately went to the house of Armenio.<sup>33</sup> Initially, she was prevented from entering the house because according to Cresencio, the wound suffered by Editha was only small and that he already put a bandage on Editha's neck.<sup>34</sup> During that time, the barangay tanods arrived and immediately took Editha from the house.<sup>35</sup> Dominga then saw her daughter unconscious and her entire body covered in blood.<sup>36</sup> Dominga, together with her family members, Bobet and Coing, brought Editha to Albay Provincial Hospital.<sup>37</sup> However, Editha died shortly after their arrival.<sup>38</sup>

On cross examination, Dominga averred that she did not actually see Armenio hit Editha with the “*sanggot*”.<sup>39</sup> She only came to know about the incident through Haide.<sup>40</sup> Dominga further declared that she does not know of any reason why Armenio would kill Editha as the former just arrived from Manila when the incident happened.<sup>41</sup>

Dr. Tee testified that on December 12, 2005 at around 12:35 p.m., she performed a post mortem examination and rendered a Post Mortem Report on

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<sup>22</sup> Id. at 7.

<sup>23</sup> Id.

<sup>24</sup> Id. at 8.

<sup>25</sup> Id.

<sup>26</sup> Id.

<sup>27</sup> Id. at 8-9.

<sup>28</sup> Id.

<sup>29</sup> Id. at 10.

<sup>30</sup> Id.

<sup>31</sup> Id.

<sup>32</sup> TSN, November 14, 2009, p. 4.

<sup>33</sup> Id.

<sup>34</sup> Id. at 5-6.

<sup>35</sup> Id.

<sup>36</sup> Id.

<sup>37</sup> Id. at 5-6.

<sup>38</sup> Id. at 5.

<sup>39</sup> TSN, January 25, 2011, p. 3.

<sup>40</sup> Id.

<sup>41</sup> Id. at 4.

the cadaver of Editha.<sup>42</sup> Based on her Post Mortem Findings, there was a continuous stabbed wound, 4 x 2 cm, on the neck area that could be caused by a sharp bladed instrument or a knife.<sup>43</sup> The cause of death of Editha is cardio respiratory arrest secondary to penetrating stabbed wound on the neck.<sup>44</sup>

### **Evidence for the Defense:**

Armenio pleaded insanity as his defense. He only learned about the death of his spouse when he was already in jail and returned to his senses.<sup>45</sup>

He had no idea about the incident because during that time he was not in his right mind.<sup>46</sup> His parents told him that he was the one who killed his wife using a scythe.<sup>47</sup> While he was in jail, he sought psychiatric attention at the Rehabilitation Center in Cadlan, Pili<sup>48</sup> and was told by the attending doctor that he lacked sleep.<sup>49</sup> He completed all his medications with regard to his condition and that he already stopped taking his medications for almost four years already.<sup>50</sup>

Dr. Marzan testified that on July 16, 2013, she conducted a mental examination on Armenio.<sup>51</sup> Dr. Marzan reviewed the psychological test previously conducted on February 2006 on Armenio and interviewed him.<sup>52</sup> Thereafter, Dr. Marzan diagnosed Armenio with Schizophrenia.<sup>53</sup> Although Dr. Marzan examined Armenio eight years after the commission of the crime, she found him competent and fit to stand trial.<sup>54</sup>

Armenio was diagnosed with schizophrenia in 2006 or one year after the stabbing incident, since it was only that time when he was brought for consultation.<sup>55</sup> Armenio consistently averred that he cannot recall stabbing Editha.<sup>56</sup> Although a schizophrenic person has remission, it was impossible for Armenio to have a lucid interval or to be in remission during the time of the incident because he was never brought for medication that could possibly have him in a remission state prior to the incident.<sup>57</sup> Thus, Dr. Marzan opined that at the time of the alleged incident on December 11, 2005, Armenio was already suffering from schizophrenia.<sup>58</sup>

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<sup>42</sup> TSN, August 16, 2011, pp. 4-5.

<sup>43</sup> Id. at 6-7; Records, p. 8.

<sup>44</sup> Id.

<sup>45</sup> TSN, February 22, 2012, p. 5.

<sup>46</sup> Id. at 7-8.

<sup>47</sup> Id. at 7.

<sup>48</sup> Id. at 6; 8.

<sup>49</sup> Id. at 8.

<sup>50</sup> Id. at 9.

<sup>51</sup> TSN, June 16, 2015, p. 3.

<sup>52</sup> Id. at 4.

<sup>53</sup> Id.

<sup>54</sup> Id. at 9-10.

<sup>55</sup> Id. at 8.

<sup>56</sup> Id. at 11.

<sup>57</sup> Id.

<sup>58</sup> Id. at 16.

**Ruling of the Regional Trial Court:**

The RTC, in its Decision<sup>59</sup> dated April 20, 2017, found Armenio guilty beyond reasonable doubt of the offense charged. It rejected Armenio's plea of insanity for lack of proof.

The dispositive portion of the RTC Decision reads:

WHEREFORE, premises considered, the court finds accused ARMENIO LUMBO y MAQUIÑANA guilty beyond reasonable doubt of the crime of Parricide defined and penalized under Article 246 of the Revised Penal Code and sentencing him the penalty of *reclusion perpetua*.

The accused is further ordered to pay the heirs of Editha M. Lumbo the amount of seventy- five thousand (₱75,000.00) as civil indemnity and another seventy-five thousand (₱75,000.00) as moral damages with interest on all damages awarded at the rate of six percent (6%) per annum from the date of finality of this decision until the same shall have been fully paid.

SO ORDERED.<sup>60</sup>

Aggrieved, Armenio appealed his conviction before the CA.

**Ruling of the Court of Appeals:**

In its assailed September 17, 2018 Decision,<sup>61</sup> the CA affirmed the trial court's judgment of conviction. It sustained the finding of the RTC that the prosecution was able to establish all the elements constituting the crime of Parricide under Article 246 of the RPC. Moreover, the CA agreed that Armenio failed to establish insanity as an exempting circumstance.

Thus, the dispositive portion of the CA Decision reads:

WHEREFORE, premises considered, the appeal is DENIED. The Decision dated 20 April 2017 of the Regional Trial Court of Sorsogon City, Branch 51 in Criminal Case No. 2005-6625, finding accused-appellant Armenio Lumbo y Maquiñana guilty beyond reasonable doubt of the crime of parricide and sentencing him to suffer the penalty of *reclusion perpetua* is AFFIRMED with MODIFICATION in that he is ordered to pay the heirs of Editha M. Lumbo the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱75,000.00 as exemplary damages, and ₱50,000.00 as temperate damages, all with interest at the rate of 6% per annum from the date of finality of this Decision until the same are fully paid.

SO ORDERED.<sup>62</sup>

Hence, the instant appeal.

<sup>59</sup> CA *rollo*, pp. 47-59.

<sup>60</sup> *Id.*

<sup>61</sup> *Rollo*, pp. 3-27.

<sup>62</sup> *Id.*

### Issue

Whether or not Armenio's guilt for the charge of Parricide against him was proven beyond reasonable doubt.

### Our Ruling

The appeal is bereft of merit.

Parricide is defined and penalized under Article 248 of the RPC, as amended, *viz.*:

Article 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.

Thus, to be convicted of the crime of Parricide, the following elements must be established, to wit: (1) a person is killed; (2) the deceased is killed by the accused; (3) the deceased is the parent or child, whether legitimate or illegitimate, or a legitimate other ascendants or other descendants, or the legitimate spouse of the accused.<sup>63</sup>

In the instant case, the abovementioned elements were duly established by the prosecution. Editha was killed.<sup>64</sup> Moreover, the spousal relationship between Editha and Armenio was sufficiently established by the Certificate of Marriage<sup>65</sup> presented by the prosecution and Armenio's own admission.

We are not persuaded by Armenio's claim that there is no sufficient evidence to establish his guilt beyond reasonable doubt as there was no eyewitness nor a direct evidence presented by the prosecution. It is settled that direct evidence of the actual killing is not indispensable for convicting an accused when circumstantial evidence can sufficiently establish his guilt.<sup>66</sup> The consistent rule has been that circumstantial evidence is adequate for conviction if: (a) there is more than one circumstance; (b) the facts from which the inferences are derived have been proven; and (c) the combination of all circumstances is such as to produce a conviction beyond reasonable doubt.<sup>67</sup> Thus, circumstantial evidence can be the basis for conviction if there is more than one circumstance, the facts from which the inferences are derived have been proven, and the combination thereof produces a conviction beyond reasonable doubt.<sup>68</sup>

<sup>63</sup> *People v. Sabalberino*, G.R. No. 241088, June 3, 2019.

<sup>64</sup> Records, p. 9.

<sup>65</sup> *Id.* at 10.

<sup>66</sup> *People v. Espinosa*, G.R. No. 228877, August 29, 2018.

<sup>67</sup> *People v. Umapas*, 807 Phil 975, 988 (2017).

<sup>68</sup> *Supra* note 66.

In the case at bar, it bears reiterating the following circumstantial evidence as noted by the CA, to wit:

First, Haide testified that on the date and time of the incident, she heard Armenio saying “the unseen spirits are here again”. She also heard him fighting the unseen spirits and in the course thereof hit the neck of Editha. Haide’s testimony is as follows:

Q: Now, you said that it was sometime in December when Editha was killed by Armenio Lumbo in your own house, did you know how that happened?

A: Yes, Ma’am.

Q: What were you doing around that time?

A: We were sleeping because it was twelve midnight but I cannot sleep because I was listening to Armenio in their bedroom because he lost his sanity again.

Q: What did you listen to or what did you hear?

A: I heard Armenio said, “the unseen spirits are here again”.

Q: By the way, where was Armenio then and where was (sic) you?

A: Armenio and [Editha were] in their bedroom while we were in the living room.

Q: What else did you hear?

A: No more, only that.

Q: After hearing what Armenio said, what happened next?

A: [Armenio] was fighting with those unseen spirits that he was seeing and while fighting with them maybe he hit [Editha] because [Armenio] was not in his right state of mind.

Q: You said that he was able to hit [Editha], were you able to see that?

A: After the incident, I saw them because we were there.

Q: Did you hear anything inside that room aside from what Armenio was saying regarding the unseen spirits?

A: No more only those, because he was not in his normal self so that he was able to do those things.

Q: Tell us what did you do next?

A: After that, we went to our neighbor to ask for help to get from him the weapon.

Q: What was that weapon?

A: Scythe or “*sanggot*”.

Q: Before you asked for help from your neighbors, what did you do which made you ask for help?

A: I was the one who asked for help from [a family member], I did not leave the house because I attended to them.

Q: When you said, "I attended to them", to whom are you referring to?

A: [Editha].

Q: Why, why did you have to attend to [Editha], what happened to Editha?

A: Editha was hit so I attended to her.

Q: Where was Editha hit when you saw her?

A: (Witness indicating her neck)<sup>69</sup>

Second, Dominga declared that on the day of the incident, Nestor went to their house and told them that Editha was killed. Upon arrival at the house of Armenio, she saw the barangay tanods bringing an unconscious Editha out from the house, her body covered in blood, while Armenio was near the door of the bedroom holding a scythe. Dominga testified as follows:

Q: Madam Witness, this case pertains to the killing of Editha M. Lumbo?

A: Yes, ma'am.

Q: How do you know that?

A: The uncle of Armenio went to our house and told us.

Q: What is the name of this uncle of Armenio who told you about the incident?

A: Nestor Maquiñana.

Q: Upon receiving that information, what did you do?

A: I went to the house of Armenio and I saw my daughter dead.

Q: You mean your daughter was already dead inside their house?

A: Yes, ma'am.

Q: Can you describe to us how her body was hit?

A: When we arrived at their house we were not allowed to get inside, but the father of Armenio got a vehicle.

Q: Was he intending to bring your daughter to the hospital?

A: Yes, ma'am.

Q: And were you able to bring your daughter to the hospital?

A: Yes, ma'am, because the barangay tanods arrived and they x x x took my daughter in order to bring her to the hospital.

Q: When the tanods took your daughter x x x, what was her condition?

A: She was unconscious and all I can remember was that she was bloody all over the body.

Q: In which hospital did you take your daughter?

A: At the Albay Provincial Hospital.

Q: What was the condition of your daughter when she arrived at the Albay Provincial Hospital?

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<sup>69</sup> TSN, August 18, 2009, pp.7-8.

A: Maybe after about 15 minutes, she died and the doctor did not even get blood from her.<sup>70</sup>

x x x x

Q: Aside from the father of the accused, who else were there in that house when you arrived there?

A: Armenio, who was holding “sangot” at that time

Q: Did you see Armenio personally?

x x x x

A: Yes, ma’am I saw him,

Q: In what part of the house was Armenio then when you saw him?

A: I saw him near the door of the bedroom.<sup>71</sup>

Third, the Post-Mortem Findings<sup>72</sup> issued by Dr. Tee and the Certificate of Death<sup>73</sup> stated that the cause of death is cardio respiratory arrest secondary to penetrating stabbed wound on the neck, thus:

Q: When you saw that cadaver, what was the condition?

A: Based on my Post Mortem Findings, there was a continuous stabbed wound, 4 x 2 cm, neck area.

Q: Will you point out to us, using your own neck where that wound is located?

A: Here, (witness demonstrating the area, witness pointing to her right side of her neck)

Q: Aside from that penetrating stabbed wound, what else did you find?

A: Based on my findings, there are no other external findings noted at the time of examination.

Q: What could have caused that penetrating stabbed wound?

A: It could be caused by a blunt instrument.

Q: When you say blunt, it could be a sharp bladed instrument?

A: Yes, Ma’am.

Q: What do you mean by blunt?

A: It was a sharp bladed instrument.<sup>74</sup>

All these circumstances clearly lead to the conclusion that Armenio killed Editha and is guilty of Parricide.

Moreover, We, likewise, do not find credence in Armenio’s plea of insanity. As aptly noted by the appellate court, Armenio failed to sufficiently

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<sup>70</sup> TSN, November 4, 2009, pp. 4-5.

<sup>71</sup> Id. at 6-7.

<sup>72</sup> Supra note 43

<sup>73</sup> Records, p. 9.

<sup>74</sup> TSN, August 16, 2011, p. 6.

establish that he was insane at the time of or immediately before the commission of the crime, to exempt him from criminal liability.

To stress, for the defense of insanity to be successfully invoked as a circumstance to evade criminal liability, it is necessary that insanity must relate to the time immediately preceding or simultaneous with the commission of the offense with which the accused is charged.<sup>75</sup> Thus, in order for the accused to be exempted from criminal liability under a plea of insanity, he must successfully show that: (1) he was completely deprived of intelligence; and (2) such complete deprivation of intelligence must be manifest at the time or immediately before the commission of the offense.<sup>76</sup>

Based on the records, Armenio was subjected to mental examination and psychological tests and was diagnosed with schizophrenia in 2006 or one year after the commission of the crime. Dr. Marzan likewise diagnosed Armenio with schizophrenia when the latter was brought to her for medical examination on July 16, 2013, or eight years after the stabbing incident. However, as aptly noted by the lower courts, Dr. Marzan's testimony and diagnosis cannot not be considered a conclusive mental condition of the accused-appellant at the time preceding the act or during the stabbing incident, which is what the law requires.

Accordingly, We find no cogent reason to reverse the findings of the trial court, as affirmed by the appellate court, that accused-appellant's culpability has been proven beyond reasonable doubt.

Anent the imposable penalty, Article 246 of the RPC, as amended, specifically provides that the crime of Parricide is punishable by *reclusion perpetua*. Thus, the lower courts correctly meted upon the accused-appellant the penalty of *reclusion perpetua*, there being no modifying circumstances alleged or proved.

With respect to the award of damages, we sustain the awards of civil indemnity, moral damages, and exemplary damages amounting to ₱75,000.00 each; and temperate damages in the amount of ₱50,000.00 pursuant to *People v. Jugueta*.<sup>77</sup> Finally, all the monetary awards shall earn interest of six percent (6%) per *annum* from the date of finality of the judgment until fully paid.

**WHEREFORE**, the appeal is **DISMISSED**. The September 17, 2018 Decision of the Court of Appeals in CA-G.R. CR-HC No. 09726 is hereby **AFFIRMED**.

**SO ORDERED.**"

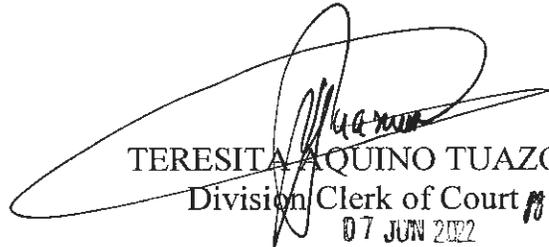
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<sup>75</sup> *People v. Bacolot*, G.R. No. 233193, October 10, 2018.

<sup>76</sup> *Id.*

<sup>77</sup> 783 Phil. 806, 848 (2016).

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Division Clerk of Court  
07 JUN 2022

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(Crim. Case No. 2005-6625)

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