



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **05 January 2022** which reads as follows:*

“**G.R. No. 251920** (*People of the Philippines v. Celestino Bertoldo, Sr.*).-Before the Court is an appeal¹ from the Decision² dated November 14, 2019 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 02418 which affirmed with modification the Decision³ dated November 16, 2016 of Branch 58, Regional Trial Court (RTC), San Carlos City, Negros Occidental, in Criminal Case No. RTC-3158 that found Celestino Bertoldo, Sr. y Razaga (accused-appellant) guilty beyond reasonable doubt of the crime of Parricide, defined and penalized under Article 246 of the Revised Penal Code (RPC).

The Antecedents

Accused-appellant was charged before the RTC with Parricide under the following Information:⁴

That on or about 10:30 P.M. November 23, 2003 at Sta. Filomena, Barangay 1, San Carlos City, Negros Occidental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a scythe, and with intent to kill his wife, MERCEDITA BERTOLDO, with whom he was united in lawful wedlock, did, then and there, willfully, unlawfully and feloniously attack, assault and use [physical] violence upon the person of said Mercedita Bertoldo, by cutting the different parts of her body with the use of said scythe, thereby inflicting upon her physical injuries described as follows:

¹ *Rollo*, pp. 25-27.

² *Id.* at 5-24; penned by Associate Justice Dorothy P. Montejo-Gonzaga, with Associate Justices Pamela Ann Abella Maxino and Marilyn B. Lagura-Yap, concurring.

³ *CA rollo*, pp. 44-61; penned by Presiding Judge Amy Alabado Avellano.

⁴ As culled from the CA Decision, *id.* at 6-7.

x x x x

and which injuries caused hemorrhagic shock, irreversible, secondary to multiple incised wounds in different parts of the body, which directly resulted in the death of said Mercedita Bertoldo.

CONTRARY TO LAW.⁵

When arraigned, accused-appellant pleaded not guilty to the charge. After pre-trial, trial on the merits ensued.⁶

Version of the Prosecution

The prosecution presented the following witnesses: Albert Bertoldo (Albert), Celestino M. Bertoldo, Jr. (Celestino, Jr.), Carmelita Manguilimotan, Dr. Severo Atamosa (Dr. Atamosa), and Special Police Officer I Mark Angelo Junco.⁷ Their testimonies are summarized as follows:

Witness Albert, the son of the accused-appellant and the victim, testified that a month before the incident, their parents lived separately because they always quarrelled [*sic*]. His other siblings[,] Mary Ann, John Bert and himself were living with their father at Ylagan St., San Carlos City, Negros Occidental, while his elder brother Celestino, Jr. and Gilbert, were living with their mother at Burgos St., San Carlos City.

On 23 November 2003, at around 6:00 o'clock in the evening, while he was in their house, their father told them to sleep early as he was going somewhere. When he woke up at early dawn to answer the call of nature, he saw his father, in a squat position, washing the blood from his scythe. Thereafter, he went back to sleep. Albert asserted he saw what his father was doing as he was only three (3) meters away from him and the light from the lamppost illuminated the place from where his father was.

In the morning, his father asked him to buy coffee and bread. Upon returning home, his father was picked up by the police officers and was accused of killing his mother. He then went to his mother's house, woke up his brother Celestino, Jr. and told him about what happened to their mother. They, then, proceeded to the police station where the police told them that their mother was killed in Kalingling

⁵ As culled from the CA Decision; *id.*

⁶ *Id.* at 7.

⁷ *Id.*

Bridge. The police also asked them to identify the items found at the scene of the crime. They identified their mother's personal effects: a necklace, one (1) pair of earrings, one (1) pair of slippers, and a blue wallet. They likewise identified their father's scabbard and slippers with blue and red straps. Afterwards, they went home.

Albert's testimony was corroborated by his brother Celestino, Jr. who testified that on 23 November 2003, his mother informed them that she might go to Mabinay and may not [be] able to come home. At around 9:30 in the evening of that same day, his father, who was wearing a white shirt, went to their house, and was looking for his mother. He told his father that his mother did not arrive yet. Then his father immediately left.

On 24 November 2004, at 6:30 in the morning, he was awakened by his brother who informed him that their father killed their mother. They went to the police station and there they identified the items found at the crime scene. Celestino, Jr. explained that he was familiar with the scabbard recovered at the crime scene since it was already in his father's possession four (4) months before the incident.

In the afternoon of that same day, he went to his father's house at Ylagan St. There, he discovered the white shirt that his father wore the previous night. It was soaked in a basin and it had blood stains. He then brought the shirt to the police station.

x x x x

Based on the post mortem examination conducted by Dr. Atamosa, Mercedita sustained the following injuries x x x According to Dr. Atamosa, Mercedita died due to hemorrhagic [sic] shock, irreversible, secondary to multiple incised wounds in different parts of the body. x x x He added that a scythe could have been the instrument used by the assailant. x x x Dr. Atamosa opined that the victim must have been standing with the assailant behind her when the mortal wound was inflicted.⁸

Version of the Defense

For his part, accused-appellant denied the accusation against him. He interposed the defenses of denial and alibi. He argued that on November 23, 2003, he was at their house at Ylagan Street with his children. They all went to bed early at 8:00 p.m. The following day, police officers arrived at his house. They told him that his wife Mercedita Bertoldo (Mercedita) was killed and that he was the suspect

⁸ *Id.* at 7-10.

for the killing.⁹

Accused-appellant maintained that he had nothing to do with the killing of his wife; that the wife of Eduardo Sare (Eduardo) could have committed the crime because she held grudges against Mercedita; that Eduardo's wife told him that Mercedita was Eduardo's mistress; and that Eduardo had not gone home to their house in about three months.¹⁰

The Ruling of the RTC

In the Decision¹¹ dated November 16, 2016, the RTC found accused-appellant guilty beyond reasonable doubt of Parricide. It found the testimonies of the prosecution witnesses credible and sufficient to support a ruling of conviction. It further held that the circumstantial evidence presented by the prosecution had established the commission of the crime and accused-appellant as the perpetrator thereof.

The dispositive portion of the RTC Decision reads:

WHEREFORE, in view of the foregoing, judgment is hereby rendered finding accused CELESTINO BERTOLDO, SR. y RAZAGA GUILTY of the crime of parricide. He is sentenced to suffer the penalty of *reclusion perpetua*. He is also ordered to pay the heirs of Mercedita Bertoldo the amounts of Php75,000.00 as civil indemnity; Php75,000.00 as moral damages, and Php30,000.00 as exemplary damages.

Interest at the rate of six percent (6%) per annum is, likewise, imposed on all the damages awarded from the date of finality of this judgment until fully paid.¹²

Aggrieved, accused-appellant appealed before the CA insisting on his innocence.

The Ruling of the CA

In the appealed Decision¹³ dated November 14, 2019, the CA affirmed with modification the RTC Decision.¹⁴ The CA echoed the findings of the RTC that circumstantial evidence sufficiently proved

⁹ *Id.* at 10-11.

¹⁰ *Id.* at 11.

¹¹ CA *rollo*, pp. 44-61.

¹² *Id.* at 61.

¹³ *Rollo*, pp. 5-24.

¹⁴ CA *rollo*, pp. 44-61.

accused-appellant's guilt beyond reasonable doubt for the crime of Parricide. It declared that the unbroken chain of circumstances, established from the recollection of the witnesses whose motives were not impugned by accused-appellant, warranted a conclusion that accused-appellant deliberately killed Mercedita.¹⁵

The CA modified the RTC Decision¹⁶ in this wise:

WHEREFORE, premises considered, the instant appeal is DENIED. Accordingly, the assailed Decision dated 16 November 2016 of the Regional Trial Court (RTC) of San Carlos City, Negros Occidental, 6th Judicial Region, Branch 58, in Criminal Case No. RTC-3158, is AFFIRMED with MODIFICATIONS.

As modified, accused-appellant Celestino Bertoldo, Sr. y Razaga is sentenced to suffer the penalty of *reclusion perpetua* without eligibility of [*sic*] parole and is ORDERED to pay the heirs of Mercedita Bertoldo the amounts of Php75,000.00 as civil indemnity, Php75,000.00 as moral damages, Php75,000.00 as exemplary damages and Php50,000.00 as temperate damages. Interest is imposed on all damages awarded at the rate of 6% *per annum* from the date of finality of this Decision until fully paid.

SO ORDERED.¹⁷

Hence, the instant appeal.

The Issue

The issue for the Court's resolution is whether the guilt of accused-appellant for the crime of Parricide has been proven beyond reasonable doubt.

The Court's Ruling

The appeal is without merit.

The Court finds that the CA did not commit any reversible error that would warrant the reversal of its Decision.

As often repeated, when the issue is one of credibility of

¹⁵ *Id.* at 12-21.

¹⁶ *Id.* at 44-61.

¹⁷ *Id.* at 22.

witnesses, the Court accords great weight and even finality to the trial court's factual findings thereon¹⁸ especially when they carry the full concurrence of the CA.¹⁹ The Court accords respect to the findings of the trial court which had the opportunity to observe the witnesses and their demeanor during the trial.²⁰

Article 246 of the Revised Penal Code defines parricide, *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.

The elements of Parricide are as follows: (1) a person is killed; (2) the accused is the killer; and (3) the deceased is either the legitimate spouse of the accused, or any legitimate or illegitimate parent, child, ascendant or descendant of the accused.²¹ All the elements are present in the case.

The fact of death of Mercedita and the spousal relationship between Mercedita and accused-appellant are not disputed. During the pre-trial conference, the defense already admitted that accused-appellant was the husband of the victim, Mercedita.²²

Further, the Court finds that the prosecution was able to satisfactorily establish that it was accused-appellant who killed Mercedita based on circumstantial evidence.

The Court observes that there is no direct evidence showing that accused-appellant killed Mercedita because none of the witnesses saw him attack Mercedita. Notwithstanding this, a conviction for Parricide need not be proven solely through direct evidence of the malefactor's culpability.²³ The guilt of the accused may be established by other evidence such as circumstantial evidence.²⁴

To sustain a conviction based on circumstantial evidence, the following requisites must be present: "(i) there is more than one

¹⁸ See *People v. Llanas*, 636 Phil. 611, 622 (2010).

¹⁹ *People v. Magayon*, G.R. No. 238873, September 16, 2020.

²⁰ *People v. BBB*, G.R. No. 243987, September 23, 2020.

²¹ *People v. Gonzales*, G.R. No. 217022, June 3, 2019.

²² *Rollo*, p. 7.

²³ *People v. Jamo*, G.R. No. 224586 (Notice), March 24, 2021.

²⁴ See *People v. Tabura*, G.R. No. 228962 (Notice), February 10, 2021.

circumstance; (ii) the facts from which the inferences are derived are proven; and (iii) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.²⁵ Circumstantial evidence may be characterized as that evidence that proves a fact or series of facts from which the facts in issue may be established by inference.”²⁶

As found by the lower courts, the following circumstances surrounding the fateful day of November 23, 2003 demonstrate an unbroken chain of facts²⁷ which establish accused-appellant’s culpability beyond reasonable doubt:

1. At 6:00 in the evening of November 23, 2003, Albert and his siblings were ordered by their father to sleep early because he had to go somewhere. As they were instructed, the four (4) siblings went to bed at 7:00 in the evening;
2. At 9:30 in the evening of that same day, the accused went to Burgos St. and asked his son, Celestino, Jr., where his mother was. Celestino, Jr. said she was not home yet;
3. That same night, Celestino, Jr. saw his father wearing a white shirt with the mark “*Pintados*.” He was familiar with it because he owned the white shirt worn by his father;
4. Early morning of November 24, 2003, while urinating, Albert saw his father washing off blood from his scythe. After urinating, Albert went back to sleep;
5. When Albert woke up, the accused sent him to buy bread and coffee. By the time he returned, his older sister, Mary Ann, told him that their father was picked up by the police;
6. The police recovered at the crime scene items belonging to their mother (a step-in, a necklace, a pair of earrings, and a blue wallet) and their father’s slippers with red and blue straps and a scabbard. These items established the presence of the accused at the place where the victim was found dead;
7. Celestino, Jr. found the white shirt, worn by his father the previous night, soaked in a basin. Although it was washed, it was stained with blood;
8. In the course of the investigation, SPO1 Junco encountered

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Rollo*, p. 15.

witnesses who informed him that they saw the accused in the evening of November 23, 2003 going around and looking for his wife;

9. In the morning of November 24, 2003, the victim was found dead in a sugarcane field of Sta. Filomena; and

10. Found in the house of the accused was a scythe with blood stains.²⁸

Although Albert and Celestino, Jr. did not actually see accused-appellant kill Mercedita, their testimonies were credible enough to establish the events that happened before and after the killing. Notably, their testimonies were consistent with the findings of Dr. Atamosa, an expert witness, who conducted a post-mortem examination on the body of Mercedita. He attested that the injuries sustained by Mercedita could have been caused by a very sharp-bladed instrument such as a scythe.²⁹

It bears noting that the trial court regarded the testimonies of the prosecution witnesses as credible and convincing.³⁰ Absent any error on the part of the trial court, the Court will not disturb its evaluation, even more so because it was affirmed by the CA.³¹ Thus, the totality of the circumstantial evidence is sufficient to produce a moral certainty that it was accused-appellant who killed Mercedita.

In the face of the credible allegations against him, accused-appellant could only interpose the defenses of denial and alibi. But as often held, these defenses are weak and viewed upon with disfavor.³² Accused-appellant failed to present any evidence to substantiate his defenses.³³ As such, they remain unfounded and deserve scant consideration. He has utterly failed to overcome the evidence for the prosecution. Verily, the circumstantial evidence points to his guilt.

As regards the penalty, Article 246³⁴ of the RPC punishes the crime of Parricide with *reclusion perpetua* to death. There being no aggravating circumstance, both the RTC and the CA correctly sentenced accused-appellant to *reclusion perpetua*, which is the lower of the two

²⁸ *Id.* at 14-15.

²⁹ *Id.* at 20-21.

³⁰ *Id.* at 11.

³¹ *Id.* at 21.

³² *People v. XXX*, G.R. No. 239906, August 26, 2020.

³³ *Rollo*, p. 22.

³⁴ 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 *reclusi3n perpetua* to death.

indivisible penalties. However, there is a need to delete the phrase “without eligibility for parole” from the CA Decision pursuant to A.M. No. 15-08-02-SC.³⁵

The Court maintains the monetary awards of the CA as follows: ₱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. The damages awarded are consistent with the prevailing jurisprudence.³⁶

Finally, the Court upholds the imposition of interest at the legal rate of 6% *per annum* on all the monetary awards reckoned from the date of finality of this Resolution until fully paid.³⁷

WHEREFORE, the appeal is **DISMISSED**. The Decision dated November 14, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 02418 that sentenced accused-appellant Celestino Bertoldo, Sr. *y* Razaga **GUILTY** beyond reasonable doubt of the crime of Parricide, as defined and penalized under Article 246 of the Revised Penal Code, is **AFFIRMED** with **MODIFICATION**.

Accordingly, accused-appellant is sentenced to suffer the penalty of *reclusion perpetua* and to pay the heirs of Mercedita Bertoldo 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 of which shall earn legal interest at the rate of six percent (6%) *per annum* from the date of finality of this Resolution until full payment.

³⁵ Entitled “Guidelines for the Proper Use of the Phrase “Without Eligibility for Parole” in Indivisible Penalties,” signed on August 4, 2015 –

x x x x

In these lights, the following guidelines shall be observed in the imposition of penalties and in the use of the phrase “*without eligibility for parole*”:

(1) In cases where the death penalty is not warranted, there is no need to use the phrase “*without eligibility for parole*” to qualify the penalty of *reclusion perpetua*; it is understood that convicted persons penalized with an indivisible penalty are not eligible for parole; and

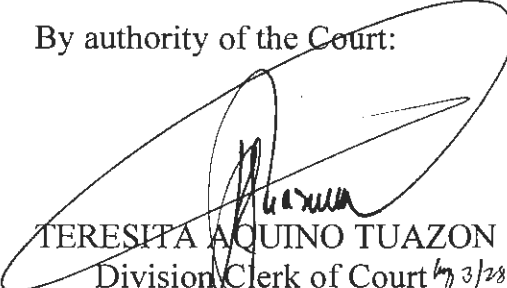
(2) When circumstances are present warranting the imposition of the death penalty, but this penalty is not imposed because of R.A. No. 9346, the qualification of “*without eligibility for parole*” shall be used to qualify *reclusion perpetua* in order to emphasize that the accused should have been sentenced to suffer the death penalty had it not been for R.A. No. 9346.

³⁶ See *People v. Jugueta*, 783 Phil. 806, 848 (2016).

³⁷ *Id.* at 854, citing *Nacar v. Gallery Frames*, 716 Phil. 267, 283 (2013).

SO ORDERED.”

By authority of the Court:



TERESITA AQUINO TUAZON
Division Clerk of Court *by 3/28*

*PUBLIC ATTORNEY’S OFFICE (reg)
Regional Special & Appealed Cases Unit
3F, Taft Commercial Center
Metro Colon Carpark, Osmeña Boulevard
Brgy. Kalubihan, 6000 Cebu City

*OFFICE OF THE SOLICITOR GENERAL (reg)
134 Amorsolo Street
1229 Legaspi Village
Makati City

*CELESTINO BERTOLDO, SR. (reg)
Accused-Appellant
c/o The Director
Bureau of Corrections
1770 Muntinlupa City

THE DIRECTOR (reg)
Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 58
San Carlos City, Negros Occidental
(Crim. Case No. RTC-3158)

COURT OF APPEALS (reg)
Visayas Station
Cebu City
CA-G.R. CEB CR-H.C. No. 02418

JUDGMENT DIVISION (x)
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)
LIBRARY SERVICES (x)
[For uploading pursuant to A.M. No. 12-7-SC]

OFFICE OF THE CHIEF ATTORNEY (x)
OFFICE OF THE REPORTER (x)
PHILIPPINE JUDICIAL ACADEMY (x)
Supreme Court, Manila

*with copy of the CA Decision dated 14 November 2019
Please notify the Court of any change in your address.
GR251920. 01/05/2022(164)URES