



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 14 March 2022 which reads as follows:

“G.R. No. 257271 (*People of the Philippines v. James Antenero a.k.a. “Jimboy”*). —This is an appeal¹ from the November 26, 2020 Decision² of the Court of Appeals (CA) in CA-G.R. CR-HC No. 02192 affirming with modifications the October 23, 2018 Judgment³ of the Regional Trial Court (RTC) of Bansalan, Davao del Sur in Crim. Case No. XXI-2253 (18). The RTC convicted accused-appellant James Antenero a.k.a. “Jimboy” (accused-appellant) of the crime of Parricide and sentenced him to suffer the penalty of *reclusion perpetua*, and ordered him to pay damages.

The Factual Antecedents:

An Information⁴ dated March 7, 2018 was filed against accused-appellant, charging him with the crime of Parricide for killing his grandmother, Benedicta Mondejar (Benedicta). The accusatory portion reads:

That on or about February 24, 2018, in the Municipality of Bansalan, Province of Davao del Sur, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and strangle Benedicta P. Mondejar, his legitimate ascendant, she being his grandmother, which was direct and immediate cause of her death, to the damage and prejudice of her heirs.

CONTRARY TO LAW.⁵

¹ *Rollo*, pp. 4-5.

² *Id.* at 9-17. Penned by Associate Justice Edgardo T. Lloren and concurred in by Associate Justices Angelene Mary W. Quimpo-Sale and Richard D. Mordeno.

³ *Records*, pp. 56-61. Penned by Presiding Judge Loida S. Posadas-Kahulugan

⁴ *Id.* at 1-2.

⁵ *Id.* at 1.

Records reveal that in the afternoon of February 24, 2018, accused-appellant and Benedicta were left alone at their residence⁶ after Erlinda Antenero (Erlinda) went to the public market. Erlinda is accused-appellant's mother and Benedicta's daughter.

Erlinda recalled that upon arriving home at around 8:00 p.m., she called for Benedicta about five times but there was no reply. This prompted her to go to the "underground" where Benedicta usually stayed, and was shocked to see the latter lifeless.⁷ When Erlinda checked Benedicta's body for blood, she discovered that the color of the latter's neck was already blue-violet. Erlinda kept on shouting and called accused-appellant who, after being confronted, admitted that he choked Benedicta to death.⁸ Erlinda further narrated that Benedicta was well before her death. Benedicta used to clean the house and do laundry, even though she was diagnosed to be suffering from tuberculosis.⁹

Meanwhile, Dr. Violeta Capacio (Dr. Capacio), Municipal Health Officer of Bansalan, testified that upon the request of Police Officer Kenneth Bacquiano, she conducted on February 27, 2018 a post-mortem examination on the cadaver of Benedicta. The examination revealed that there was a contusion at the anterior part and the postero-lateral side of the neck,¹⁰ which was already brownish in color considering that three days have already passed since Benedicta's death. No other injuries were found on the body. As such, it was concluded that the cause of death could have been asphyxia due to strangulation – the absence of oxygen in the brain caused by the application of force on the neck.¹¹

On the other hand, accused-appellant alleged that on the date of the incident, he was tending to his one-year-old sister while Benedicta was sleeping at the underground of their house.¹² After his sister slept, accused-appellant claimed that he went to a hut about 30 meters away from their house and slept there. He further claimed that at midnight, he was suddenly arrested by the police for the death of Benedicta.¹³

Ruling of the Regional Trial Court:

In a Judgment¹⁴ rendered on October 23, 2018, the RTC found accused-appellant guilty of the crime of Parricide. The dispositive portion of the Judgment reads:

⁶ TSN, April 16, 2018, p. 5.

⁷ Id. at 6.

⁸ Id. at 7.

⁹ Id. at 12.

¹⁰ TSN, June 4, 2018, p. 5.

¹¹ Id. at 6.

¹² TSN, June 25, 2018, p. 4.

¹³ Id. at 5.

¹⁴ Records, pp. 56-61.

WHEREFORE, in view of all the foregoing, the Court finds accused guilty beyond reasonable doubt for Parricide and is sentenced to suffer the penalty of reclusion perpetua and to pay the heirs of the victim P50,000.000 as moral damages.

SO ORDERED.¹⁵

In convicting accused-appellant, the RTC held that Dr. Capacio's findings that Benedicta's death was caused by asphyxia due to strangulation, coupled with the admission by accused-appellant that he choked Benedicta, clearly established the accused-appellant's guilt of the crime charged.

Accused-appellant appealed his conviction through a Notice of Appeal¹⁶ dated October 29, 2018.

Ruling of the Court of Appeals:

In its Decision¹⁷ dated November 26, 2020, the CA affirmed the RTC's Judgment and sustained accused-appellant's conviction. The CA held:

The presence of the contusion on Benedicta's neck shows that there was a force applied therein; and this force was applied by appellant which caused his grandmother's death. Appellant even admitted to doing this when he testified that he had an argument with his grandmother on February 24, 2018, and because of that argument, he strangled her. Such admission was corroborated by Erlinda's testimony that appellant informed her (Erlinda) that he was the one who choked his grandmother. Such admission was likewise made without threat or coercion on the part of the appellant.¹⁸

Further, the CA modified accused-appellant's pecuniary liability, in view of recent developments in jurisprudence. The *fallo* of the CA Decision reads:

PREMISES CONSIDERED, the Judgment of the RTC dated October 23, 2018, finding appellant James Antenero guilty beyond reasonable doubt of the crime of Parricide is AFFIRMED WITH MODIFICATION in that the heirs of the victim are entitled to P100,000.00 as civil indemnity, P100,000.00 as moral damages, P100,000.00 as exemplary damages, and P25,000.00 as temperate damages. The award of damages shall earn interest at the rate of six percent (6%) *per annum* from the date of finality of the judgment until fully paid.

SO ORDERED.¹⁹

¹⁵ Id. at 60.

¹⁶ Id. at 62.

¹⁷ *Rollo*, pp. 9-17.

¹⁸ Id. at 15.

¹⁹ Id. at 16.

Undeterred, accused-appellant elevated the case before this Court by filing a Notice of Appeal²⁰ dated January 7, 2021.

Issue

The sole issue for resolution is whether accused-appellant is guilty of the crime of Parricide.

Our Ruling

The appeal lacks merit. The Court sustains accused-appellant's conviction.

Article 246 of the Revised Penal Code (RPC) defines and penalizes the crime of Parricide, to wit:

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.

From the foregoing, the crime of Parricide is committed upon showing of the following: (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 The Court finds that all the elements are present in this case.

As to the first element, there is no doubt that a person – Benedicta – was killed. A death certificate²² attesting to this fact is present.

As to the third element, it is likewise undisputed that Benedicta was the legitimate ascendant of accused-appellant, she being the latter's grandmother. This is proven by accused-appellant's certificate of live birth²³ showing that his mother is Erlinda, and Erlinda's Marriage Contract²⁴ showing that her mother is Benedicta.

The bone of contention on the second element – whether accused-appellant killed Benedicta. On this point, accused-appellant contends that although Benedicta died in his hands, he did not intend to kill Benedicta. He claims that he “never admitted that he choked Benedicta. What he said was that he merely *held* Benedicta's neck, which is why he said he had no intention of killing her.”²⁵

²⁰ Id. at 4-6.

²¹ *People v. Delos Santos*, G.R. No. 248929, November 9, 2020, citing *People v. Andaya*, G.R. No. 219110, April 25, 2018.

²² Records, p. 10.

²³ Id. at 74.

²⁴ Id. at 75.

²⁵ CA rollo, p. 27.

We disagree with accused-appellant.

Dr. Capacio's testimony is enlightening:

Q (Prosecutor Rebosa) – Could you tell us of the significant findings that you have after the examination?

x x x x

A – It was somewhat brownish already, Your Honor. x x x

x x x x

Q – Now, per your examination Madam Witness, what is the possible cause of death of Benedicta Mondejar?

A – In this case, Your Honor, since there was (*sic*) no other injuries but for the contusions on the neck, it was probably asphyxia due to strangulation.

x x x x

Q – Could you elaborate to us further Madam Witness, what do you mean when you say strangulation?

A – Strangulation, Your Honor, is applying force into the neck area so that the patient will not be able to obtain oxygen into the head part and other vital organs.

Q – How much force is needed Madam Witness, so that the blood vessels on the neck will be constricted which will result to asphyxia or the absence of the oxygen on the blood?

A – Enough force, Your Honor, to close the blood vessels can shut down the oxygen supply to the brain, Your Honor.

x x x x

Q – Now, in this case of Benedicta Madam Witness, since you said this is caused by strangulation and not merely choking, could you explain to us any symptoms or external signs in the body of the victim why [you] concluded the asphyxia is caused by strangulation and not merely choking?

A – The contusion on the neck part of the victim show that there was an applied force on the neck part of the victim.²⁶

It is clear from the foregoing testimony of Dr. Capacio that sufficient force was applied to Benedicta's neck, causing the restriction of oxygen to the latter's vital organs and ultimately, death.

In the present case, accused-appellant does not deny physically attacking Benedicta; however, he asserts that he merely "held" the latter's neck. He states:

²⁶ TSN, June 4, 2018, pp. 5-6.

Q – Are you saying that that day on February 24, 2018, you had a fight with your lola about the utensils?

A – Yes, Ma'am.

Q – And during that fight, you strangled your lola?

COURT: Just answer the question, Because of that fight, you choked your lola?

A – Yes, Ma'am, because of my anger with her. I told her “ayaw palabi, La”. So, I held her neck but she instantly died. It was not my intention to kill my lola, Ma'am.

Q – She died after you held her neck?

A – Yes. She died.²⁷

The Court simply cannot accept accused-appellant's excuse. His explanation that he merely held Benedicta's neck, and the latter instantly died, is just absurd and too far-fetched to merit even the slightest consideration. Surely, the contusions on Benedicta's neck would not have been there were it not for the strong restricting force applied, which caused her death. On the other hand, Dr. Capacio's findings lend credence to the narration that accused-appellant, in his anger, strangled Benedicta which caused the latter's death.

Further and more importantly, the Court takes note of the relevant portions of Erlinda's testimony, the mother of accused-appellant and daughter of Benedicta, to wit:

Q: And when you reached the underground where your mother usually stays, what did you discover, if any?

A: I called her, I checked on her and I found out that she was already lifeless.

x x x x

Q: What else did you do aside from crying and shouting?

A: I called up my son James and after I cried and shouted, I noticed that James was already at my back.

Q: And what did you tell to *(sic)* James, if any?

A: I asked him, “What were you doing because only the two of you were left in the house?”

Q: And what did James tell you, if any?

A: James answered, “Ma, “*nahinayakan nako si Lola*” because I was slapped by her”.

²⁷ TSN, June 25, 2018, p. 10.

Q: Aside from that, what else did James tell you, if any?

A: **He choked my mother to death.**²⁸ (Emphasis supplied.)

Erlinda's testimony gains special significance and consequently, credibility, considering that it was made against accused-appellant, her own child. Logic dictates that naturally, a mother would refuse to testify against and to the detriment of her own child, even at the risk of her own safety and well-being, unless impelled by a strong sense of justice or moral obligation. We believe that Erlinda's testimony was motivated by such factors.

Also relevant is Rule 130, Sec. 25 of the Rules of Court which states:

Section 25. Parental and filial privilege. – No person shall be compelled to testify against his or her parents, other direct ascendants, children or other direct descendants, except when such testimony is indispensable in a crime against the person or by one parent against the other. (25a)

Erlinda simply could have refused to testify if she wanted to, to save her own child. But she did not. Instead, she chose, on her own absolute free will, to reveal what she knows and what really happened. In this light, the Court completely agrees with the RTC in according full credence to such testimony. In fine, We hold that the RTC and the CA did not err in convicting accused-appellant of the crime of Parricide.

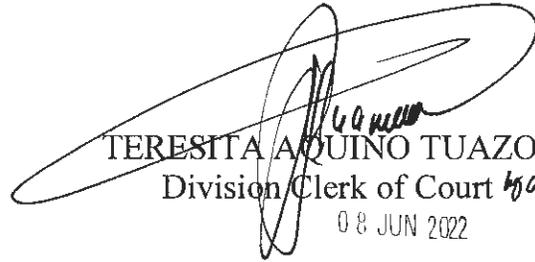
The CA correctly sentenced accused-appellant to suffer the penalty of *reclusion perpetua*. However, there is a need to modify the damages awarded. Pursuant to *People v. Jugueta*,²⁹ accused-appellant is ordered to pay the heirs of Benedicta the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱75,000.00 as exemplary damages, and ₱50,000.00 as temperate damages. In addition, these monetary awards shall earn interest at the rate of six percent (6%) per *annum* from date of finality of this Resolution until fully paid.

WHEREFORE, the appeal is hereby **DISMISSED**. The November 26, 2020 Decision of the Court of Appeals in CA-G.R. CR-HC No. 02192 finding accused-appellant James Antenero a.k.a. "Jimboy" guilty of Parricide and sentencing him to suffer the penalty of *reclusion perpetua* is **AFFIRMED** with **MODIFICATION** in that accused-appellant is ordered to pay the heirs of Benedicta P. Mondejar 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. In addition, these monetary awards shall earn interest at the rate of six percent (6%) per *annum* from date of finality of this Resolution until fully paid.

²⁸ TSN, April 16, 2018, pp. 6-7.

²⁹ 783 Phil. 806, 848 (2016).

By authority of the Court:


 TERESITA AQUINO TUAZON
 Division Clerk of Court *by O/S*
 08 JUN 2022

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HON. PRESIDING JUDGE (reg)
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 (Crim. Case No. XXI-2253[18])

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*with copy of CA Decision dated 26 November 2020
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