



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **June 14, 2023** which reads as follows:*

“G.R. No. 261810 (PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee, v. AELDRID TORRELIZA y ENRIQUEZ alias “DONDON,” Accused-Appellant). — This is an appeal assailing the October 22, 2021 Decision¹ of the Court of Appeals in CA-G.R. CR-HC No. 03089, which affirmed the conviction of accused-appellant for parricide.

Aeldrid Torreliza y Enriquez,² alias Dondon (Dondon), was charged with parricide under the following Information:

That on or about the 9th day of October 2012, in the Barangay of Poblacion, Municipality of Getafe, Province of Bohol, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, who is the biological son of the victim, with intent to kill, did then and there willfully, unlawfully and feloniously attack and hack his mother, LEONILA TORRELIZA, with the use of a bolo, inflicting fatal wounds on the victim, which injuries caused and resulted to (*sic*) the instantaneous death of the victim; to the damage and prejudice of the heirs of the victim in the amount to be proved during trial.

Acts committed contrary to the provisions of Article 246 of the Revised Penal Code.³

¹ CA rollo, pp. 90–112, Penned by Associate Justice Bautista G. Corpin, Jr. with the concurrence of Associate Justices Gabriel T. Ingles and Nancy C. Rivas-Palmones of the Special Eighteenth Division, Court of Appeals, Cebu City.

² Also referred to as Aelrid in some parts of the records.

³ CA rollo, p. 40.

Upon arraignment, Dondon pleaded not guilty. Trial ensued.⁴

Michelle Torreliza Condas (Michelle) testified that around 8:50 a.m. on October 9, 2012, her mother Leonila Torreliza (Leonila) told her that she was going to visit their parcel of land to gather fallen coconut fruits. Leonila told Michelle that she would not take long. When Leonila had not returned home by 11:00 a.m., Michelle went to look for her mother. Michelle did not find her mother in the lot so she went to a nearby property owned by a relative and overseen by Leonila. Michelle found her mother in a bushy area, behind the nearby houses, already dead. Leonila was drenched with her own blood and sustained injuries on her face, chin, head, and arms, showing that she struggled to parry the attack. Michelle saw the *lagaraw* her mother brought along that morning about 3 meters away. Upon examination of her mother's body, Michelle noticed that the necklace her mother was wearing and the money she had were missing. Michelle asked her cousin, Christopher Enriquez (Christopher), instead of her brother Dondon, to report the crime. While Dondon lived in the ancestral home beside the house Michelle and Leonila resided in, Michelle was not on good terms with Dondon, who was jealous of her because she was their mother's favorite. Leonila was also on bad terms with Dondon because she demanded payment of the money Dondon and his wife owed her. After Christopher went to the police to report the incident, Dondon arrived.⁵

On cross-examination, Michelle added that Noel Torregosa (Noel) was initially a suspect in the killing of her mother. However, Noel had an alibi for the time of the incident and the prosecutor decided not to charge him with murder. Michelle did not move for reconsideration of the recommendation of the prosecutor.⁶

Jehan Taping (Jehan), a 16-year old working student who lived with Leonila and Michelle, testified that she was in school when she learned that her *Lola* Leonila had been killed. She rushed to the coconut plantation behind Noel's house where *Lola* Leonila's body was found. Soon after, Michelle directed her to go to the ancestral house, occupied by Dondon, to clean up as the body of *Lola* Leonila would be brought there. Jehan complied. She picked up a blue short pants and began to clean. However, she noticed that there appeared to be blood on the short pants. She smelled the cloth and confirmed the presence of blood. Afraid, she threw the pants under the kitchen table and ran to Christopher's house. She returned to the ancestral house around 3:00 p.m., when the body of *Lola* Leonila was carried to the house. About 7:30 p.m., Jehan saw the same short pants soaked in a pail of water; the water in the pail was red. Out of fear and since Michelle brought the remains of *Lola* Leonila to St. Peter Funeral Homes, Jehan slept in the house of a certain Menmen Fuentes.⁷

⁴ *Id.* at 41.

⁵ *Id.* at 41-42 & 92-93.

⁶ *Id.* at 42.

⁷ *Id.* at 43 & 93-94.

The following day, Jehan was on her way to the house of her *Lola Leonila* when she was met by Dondon and Noel, who lived across the street. They asked her who killed *Lola Leonila* and if they were suspects in the killing. Later, she went to the ancestral house and saw the short pants hanging dry in the bathroom. On the same afternoon, Jehan saw Dondon carrying a bolo and washing it. The water used to clean the bolo became reddish. She left Dondon alone out of fear. Before *Lola Leonila*'s death, Jehan often saw *Lola Leonila* and Dondon fighting. Two days before the incident, Jehan heard *Lola Leonila* and Dondon quarreling. Dondon was livid and told *Lola Leonila* that he might kill her if he lost his temper. *Lola Leonila* replied that it was okay since she was already old. On the day of the incident, Jehan heard *Lola Leonila* and Noel fighting. Noel was angry at *Lola Leonila* for telling his wife that he was selling *shabu*. He warned her that he would slash or chisel her mouth if she repeated it.⁸

Ma. Lourdes Ortiz (Lourdes), housekeeper and caretaker, testified that she attended a meeting of CARD Lending on the morning of the incident. She was walking back to the house of her employer at past 8:00 a.m. when she saw Dondon, wearing a white t-shirt, inside the fence of the Fabiosas. He was looking toward the back portion of the lot where there were coconut trees. Lourdes continued to walk to the house of her employer. She later learned that Leonila had been killed.⁹

Manicurist Dory Garcia (Dory) testified that around 9:00 a.m. on October 9, 2012, she was on her way to the gas station to refuel. As Dory was on her way to the town plaza to watch the Foundation Day festivities, after refueling her motorcycle, she passed by the houses of Leonila and Dondon. She saw Dondon near the house of Noel and the Fabiosas, across the street. It seemed to Dory that Dondon was not in the right state of mind; he was lifting his hand to his head and he kept looking at his surroundings. Dory also noticed that there was blood stain on Dondon's arm and a bloody handprint on his white t-shirt. She thought that Dondon was drunk and that he injured himself. Dondon hid his hand behind his back when he saw Dory. Dory was certain that it was blood because Dondon's appearance reminded her of how her husband looked whenever he slaughtered pigs. Dory continued to make her way to the plaza. After the festivities, she learned that Leonila had been killed. Dory then inquired about the whereabouts of Dondon, whom she saw 40 to 50 meters away from where Leonila's body was found. Dory asked because one needed to pass by the area where she saw Dondon standing to get to the place where Leonila's remains were found.¹⁰

Four days later, Dory told her client Franco, a police officer, about what she saw. Dory added that she had been going to the house of Leonila every Saturday for over two years because Michelle was her customer. She often heard Leonila and Dondon fighting. Dondon always said "*Patyon ta hinuon kang*

⁸ *Id.* at 43-44 & 94-95.

⁹ *Id.* at 46 & 96-97.

¹⁰ *Id.* at 44-45 & 95-96.

tiguwanga ka, wa kay imo.” (I’m going to kill you, old woman, nothing is left for you.) They usually fought about money.¹¹

Finally, Dr. Leila Cuyos (Dr. Cuyos), Municipal Health Officer of Getafe, Bohol, testified that she examined the remains of Leonila and prepared her Certificate of Death. The immediate cause of Leonila’s death was cardiorespiratory arrest secondary to excessive bleeding.¹² The bleeding was caused by multiple incised wounds on the face and the neck; Leonila sustained 17 wounds. Dr. Cuyos prepared the Medico Legal Certificate containing the results of the post-mortem examination.¹³ Dr. Cuyos first saw Leonila’s body at the scene of the crime but she examined it at the house where it was carried. At the scene of the crime, Dr. Cuyos saw a bolo without bloodstains. She was told that the bolo was brought by the victim.¹⁴

Dondon denied the charge. He claimed that he was only accused of the crime because his neighbor and relative, Noel, pointed to him as the assailant. Noel, also previously a suspect, stated during inquest proceedings that it was not impossible for Dondon to have committed the crime because he often quarreled with his mother over properties. Dondon maintained that around 8:50 a.m. on October 9, 2012, he was at home taking care of his three-year old child. They were alone because their housekeeper had gone home. About 11:45 a.m., he heard his sister shouting for help and saw her proceed to the house of their cousin Christopher. He followed his sister and cousin and saw his mother, lifeless and bloodied. Dondon suspected that Noel killed their mother because at around 6:00 a.m. that day, Noel threatened to hurt the mouth of his mother “*Ikaw tiguwanga ka, tibtiban ko nang imong baba,*” because his mother reported to Noel’s wife that Noel sold and/or sniffed *shabu*. Noel warned Leonila that he would slash/chisel her mouth if she did it again. Leonila also demanded payment of Noel’s debts.¹⁵

In the Decision¹⁶ dated December 8, 2015, the Regional Trial Court, Branch 52, Talibon, Bohol (RTC) found Dondon guilty of parricide. While no one saw Dondon kill his mother, circumstantial evidence pointed to him as the perpetrator of the crime, thus:¹⁷

Wherefore, finding the accused Aelrid Torreliza alias Dondon guilty beyond reasonable doubt of the crime of parricide, he is hereby sentenced to suffer the penalty of reclusion perpetua. He is also hereby ordered to pay the heirs of the victim the amount of P50,000.00 as civil indemnity ex delicto, which is mandatory upon proof of the fact of death of the victim and the culpability of the accused for the death.

Likewise, moral damages in the amount of P50,000.00 should be awarded even in the absence of allegation and proof of emotional suffering by

¹¹ *Id.* at 45 & 96.

¹² *Id.* at 46 & 97.

¹³ *Id.*

¹⁴ *Id.* at 46–47 & 97.

¹⁵ *Id.* at 47–48 & 97–98.

¹⁶ *Id.* at 40–53. Penned by Presiding Judge Irma Zita V. Masamayor.

¹⁷ *Id.* at 52–53.

the heirs of the victim. Exemplary damages should also be awarded in the sum of P25,000.00 considering that qualifying circumstance of relationship is present, this being a case of parricide. Finally, temperate damages in the amount of P25,000.00 should likewise be awarded.

SO ORDERED.¹⁸

Dondon appealed and claimed that the prosecution failed to prove his guilt beyond reasonable doubt. In the Decision dated October 22, 2021,¹⁹ the Court of Appeals (CA) affirmed the decision of the RTC with modification in that the awards were increased. The CA affirmed the finding that the prosecution was able to prove Dondon's guilt through circumstantial evidence, thus:

WHEREFORE, premises considered the Appeal is **DENIED**. The Decision dated December 8, 2015 of the Regional Trial Court, 7th Judicial Region, Branch 52, Talibon, Bohol, for Criminal Case No. 13-2885, is hereby **AFFIRMED WITH MODIFICATION**.

Accused-appellant Aeldrid Torreliza y Enriquez alias "Dondon" is found **GUILTY** beyond reasonable doubt of **PARRICIDE** and sentenced to suffer the penalty of *reclusion perpetua*. He is **ORDERED** to pay the heirs of the victim civil indemnity of P75,000.00, moral damages of P75,000.00, exemplary damages of P75,000.00, and temperate damages of P50,000.00 for burial and funeral expenses. In addition, interest at the rate of six percent (6%) per annum shall be imposed on all monetary awards from the date of finality of this decision until fully paid.

SO ORDERED.²⁰ (Emphasis in the original)

Hence, the present appeal. Dondon maintains that the prosecution failed to prove his guilt beyond reasonable doubt. There is no direct evidence that he killed his mother and the circumstantial evidence presented by the prosecution failed to clearly establish an unbroken chain showing that he is the author of the killing. The evidence does not preclude the possibility that another person/s perpetrated the crime.

The appeal is unmeritorious.

Article 246 of the Revised Penal Code (RPC) defines and penalizes the crime of parricide:

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.

Based on the foregoing, the crime of Parricide is committed when: 1) a person is killed; 2) the accused is the killer; and 3) the deceased is either the

¹⁸ *Id.* at 52–53.

¹⁹ *Id.* at 90–112.

²⁰ *Id.* at 111–112.

legitimate spouse of the accused, or any legitimate or illegitimate parent, child, ascendant or descendant of the accused.²¹ Among the three elements, the relationship between the offender and the victim is the most crucial. This relationship is what distinguishes the crime of parricide from homicide. In parricide, oral evidence may be considered in proving the relationship between the two as long as such proof is not contested.²²

As to the first element, there is no doubt that a person — Leonila— was killed. The prosecution presented Leonila's Certificate of Death and the testimony of Dr. Cuyos, who conducted a post-mortem examination on the remains of Leonila and prepared the Certificate of Death. As to the third element, it is similarly undisputed that Leonila was the parent of Dondon. Dondon's sister, Michelle, testified about Dondon's and Leonila's filiation. Dondon also admitted that Leonila was his mother.

The bone of contention is on the second element — whether Dondon killed Leonila. The Court finds that the prosecution was able to satisfactorily establish that it was Dondon who killed Leonila. While none of the witnesses saw the attack, direct evidence of the actual killing is not indispensable to convict an accused. Due to the inherent attempt to conceal a crime, it is not always possible to obtain direct evidence.²³ Circumstantial evidence is adequate for conviction if: 1) there is more than one circumstance; 2) the facts from which the inferences are derived have been proven; and 3) the combination of all circumstances is such as to produce a conviction beyond reasonable doubt.²⁴

As found by the RTC and the CA, the following circumstances surrounding October 9, 2012 demonstrate an unbroken chain of facts which establish Dondon's culpability beyond reasonable doubt:

First, Dondon frequently fought with Leonila, primarily due to money and other properties. He often told his mother that he would kill her, the last time a mere two days before Leonila was killed;

Second, in the morning of October 9, 2012, Leonila left their home to gather fallen coconut fruit. She told her daughter Michelle that she would not take long;

Third, at past 8:00 a.m. on the day of the incident, Lourdes saw Dondon wearing a white t-shirt, inside the fence of the Fabiosas, looking toward the back portion of the lot where there were coconut trees;

Fourth, around 9:00 a.m., Dory passed by Leonila's house and saw Dondon near the houses of the Fabiosas and Noel, across the street. He was

²¹ *People v. Antenero*, G.R. No. 257271, March 14, 2022 [Per Notice, Second Division].

²² *People v. Labago*, G.R. No. 249150, December 7, 2021 [Per Notice, First Division].

²³ *Bartolome v. People*, G.R. No. 227951, June 28, 2021 [Per J. Inting, Third Division].

²⁴ *People v. Lumbo*, G.R. No. 246541, March 28, 2022 [Per Notice, Second Division].

wearing the same white t-shirt with a bloody handprint and he had blood on his arm. When he saw Dory looking at him, he placed his arm at his back;

Fifth, at past 11:00 a.m., Michelle looked for her mother who had not yet returned home. She found her mother lifeless and bathed in her blood in a bushy area behind nearby houses. Leonila sustained wounds on her face, head, and arms, showing that she defended herself against the attack;

Sixth, according to Dory, Dondon was standing meters away from where Leonila was found. In order to get to the area where Leonila's body was discovered, one would have to pass by the area where Dory saw Dondon standing;

Seventh, after Leonila's remains were discovered, Jehan went to the ancestral house occupied by Dondon to clean as the body of Leonila would be brought there. Jehan picked up a piece of cloth, which turned out to be blue short pants, intending to use it to clean the house. However, the short pants had blood. Alarmed, she threw the short pants under the kitchen table and left;

Eight, that evening, Jehan saw the same short pants soaking in a pail. The water in the pail was red;

Ninth, the following day, Jehan saw the short pants hanging dry inside Dondon's bathroom;

Tenth, Dondon and Noel approached Jehan, asked her who killed her *Lola* Leonila, and whether they were suspects in the killing; and

Eleventh, Jehan saw Dondon carrying a bolo and later washing it; the water ran reddish.

It is worth noting that the trial court regarded the testimonies of the prosecution witnesses as credible and convincing. Absent any error on the part of the trial court, the Court will not disturb its evaluation, more so because it was affirmed by the CA.²⁵

Since the prosecution adduced the requisite circumstantial evidence to prove the guilt of Dondon beyond reasonable doubt, the burden of evidence shifted to Dondon to controvert the evidence of the prosecution.²⁶ However, Dondon only interposed the defenses of denial and alibi. He claimed that he did not leave his house from 8:50 a.m. until after the body of their mother was discovered at past 11:00 a.m. He was alone in the house with his 3-year old child because their housekeeper went home. As often held, denial and alibi are weak defenses which are viewed with disfavor,²⁷ especially since Dondon failed to substantiate his defenses. More importantly, they deserve scant consideration

²⁵ *People v. Bertoldo, Sr.*, G.R. No. 251920, January 5, 2022 [Per Notice, Second Division].

²⁶ *People v. Rosalita*, G.R. No. 239776, February 22, 2023 [Per Notice, First Division].

²⁷ *People v. Rollan*, G.R. No. 253661, September 13, 2021 [Per Notice, Second Division].

because both Lourdes and Dory testified that they saw Dondon outside his house and meters away from where Leonila's body was found, at past 8:00 a.m. and at past 9:00 a.m., respectively. Their positive identification prevails over the denial of Dondon. Denial is an intrinsically weak defense that further crumbles when faced with the positive identification and straightforward narration of the prosecution witnesses.²⁸ Consequently, the RTC and the CA did not err in finding Dondon guilty of parricide for the killing of his mother Leonila.

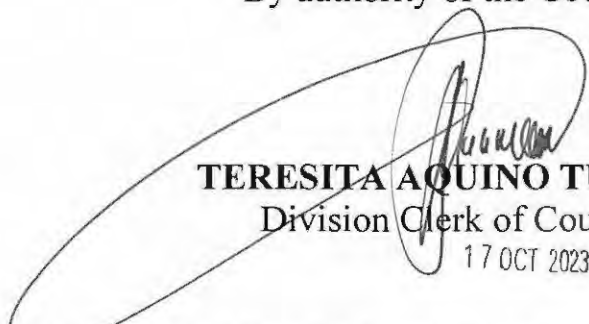
As to the penalty, parricide is punishable by *reclusion perpetua* to death. Applying Article 63(2) of the RPC, the lesser of the two indivisible penalties shall be imposed provided there is no mitigating or aggravating circumstance which attended the killing, as in this case.²⁹ Both the RTC and the CA, therefore, properly sentenced Dondon to *reclusion perpetua*. Also, the CA correctly increased the awards of civil indemnity, moral damages, and exemplary damages to PHP 75,000.00 and temperate damages to PHP 50,000.00 and imposed interest of 6% per annum from the finality of the Resolution in accordance with *People v. Jugueta*.³⁰

FOR THESE REASONS, the Appeal is **DISMISSED**. The Decision of the Court of Appeals dated October 22, 2021 in CA-G.R. CR-HC No. 03089 is **AFFIRMED**. Accused-appellant Aeldrid Torreliza y Enriquez, alias Dondon, is found guilty beyond reasonable doubt of parricide and sentenced to suffer the penalty of *reclusion perpetua*. He is ordered to pay the heirs of the victim the amounts of PHP 75,000.00 as civil indemnity, PHP 75,000.00 as moral damages, PHP 75,000.00 as exemplary damages, and PHP 50,000.00 as temperate damages. The monetary award shall earn 6% legal interest per annum from finality of this Resolution until fully paid.

The Court **NOTES** the manifestation (in lieu of supplemental brief) dated April 14, 2023 of the Public Attorney's Office, in compliance with Resolution dated December 7, 2022, adopting its brief filed before the Court of Appeals as its supplemental brief as the same had adequately presented and discussed all the issues inclined to accused-appellant's innocence.

SO ORDERED." (Leonen, J., on official leave; J.Y. Lopez, J., on sick leave)

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court
17 OCT 2023

²⁸ *Gunawid v. People*, G.R. No. 248311, March 23, 2022 [Per J. Hernando, Second Division].

²⁹ *People v. Agustin*, G.R. No. 250140, February 15, 2021 [Per Notice, Second Division].

³⁰ 783 Phil. 806, 854 (2016) [Per J. Peralta, *En Banc*].

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