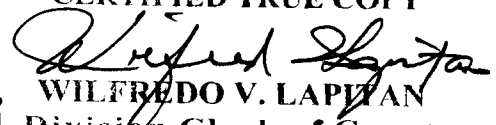




Republic of the Philippines
Supreme Court
 Manila

CERTIFIED TRUE COPY

 WILFREDO V. LAPITAN
 Division Clerk of Court
 Third Division

MAR 27 2018

THIRD DIVISION

THE PEOPLE OF THE PHILIPPINES,
 Plaintiff-Appellee,

G.R. No. 225745

Present:

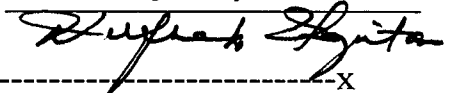
VELASCO, JR., J.,
Chairperson,
 BERSAMIN,
 LEONEN,
 MARTIRES, and
 GESMUNDO, JJ.

- versus -

ARSENIO ENDAYA, JR. Y PEREZ,
 Accused-Appellant.

Promulgated:

February 28, 2018



X -----X

DECISION

MARTIRES, J.:

On appeal is the 24 September 2015 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 05156, which affirmed with modification the 10 December 2010 Decision² of the Regional Trial Court, Branch 87, Rosario, Batangas (RTC), in Criminal Case Nos. RY2K-058 and RY2K-059 finding accused-appellant Arsenio Endaya, Jr. y Perez (*Endaya*) guilty of Parricide and Homicide, respectively.



¹ *Rollo*, pp. 2-11; penned by Associate Justice Noel G. Tijam (now a member of this Court), and concurred in by Associate Justices Francisco P. Acosta and Eduardo B. Peralta, Jr.

² Records (Criminal Case No. RY2K-059), pp. 163-173; penned by Acting Presiding Judge Noel M. Lindog.

THE FACTS

Endaya was charged with the crimes of Parricide and Murder committed against Jocelyn Quita-Endaya (*Jocelyn*), Endaya's wife, and her mother Marietta Bukal-Quita (*Marietta*), under the following Informations:

Criminal Case No. RY2K-058

That on or about the 21st day of November, 1999, at about 6:30 o'clock in the evening, at Barangay Talahiban 2nd, Municipality of San Juan, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a bladed weapon with intent to kill, with treachery and with evident premeditation and without any justifiable cause, did then and there wilfully, unlawfully and feloniously attack, assault and stab with the said bladed weapon one Jocelyn Quita-Endaya, his legitimate wife, suddenly and without warning, thereby inflicting upon the latter stab wounds, which directly caused her instantaneous death.³

Criminal Case No. RY2K-059

That on or about the 21st day of November 1999, at about 6:30 o'clock in the evening, at Barangay Talahiban 2nd, Municipality of San Juan, Province of Batangas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a bladed weapon with intent to kill, with treachery and with evident premeditation and without any justifiable cause, did then and there wilfully, unlawfully and feloniously attack, assault and stab with the said bladed weapon one Marietta Bukal-Quita, suddenly and without warning, thereby inflicting upon the latter stab wounds, which directly caused her instantaneous death.⁴

On 11 May 2000, Endaya, assisted by counsel, was arraigned and pleaded not guilty to the charges against him. Trial ensued thereafter, during which the parties stipulated the following amounts in civil liabilities: (1) ₱80,000.00, as expenses incurred in relation to the death of the victims; (2) ₱350,000.00, for Jocelyn's loss of income and earning capacity; and (3) ₱20,000.00, for loss of income and earning capacity of Marietta.⁵

Evidence for the Prosecution

The evidence presented by the prosecution, mainly through the testimony of Jennifer de Torres (*De Torres*), Jocelyn's son from her previous marriage,⁶ tended to establish the following:



³ Records (Criminal Case No. RY2K-058), p. 1.

⁴ Records (Criminal Case No. RY2K-059), p. 1.

⁵ Id. at 46; Order dated 16 August 2001.

⁶ TSN, 8 February 2001, p. 3.

Endaya was Jocelyn's second husband.⁷ They established their dwelling at Barangay Talahiban II, San Juan, Batangas.⁸ However, several months prior to 21 November 1999, Jocelyn parted ways with Endaya and left him to live in the same barangay with her mother and son.⁹

On 21 November 1999, at around 6:30 in the evening, De Torres was watching television at their neighbor's house when he heard his mother shouting for help.¹⁰ De Torres immediately ran towards their house where he saw Endaya in the comfort room stabbing his mother twice with a bladed weapon.¹¹ De Torres charged towards Endaya and pushed him, then ran inside their house to get a bolo.¹²

After arming himself with the bolo, De Torres ran out of their house and rushed to his mother's aid. De Torres saw Endaya stab his grandmother once just outside the comfort room. When Endaya saw De Torres approaching, he fled.¹³ The victims were rushed to the San Juan District Hospital where they were pronounced dead on arrival.¹⁴

The prosecution also offered in evidence the postmortem examinations for both Jocelyn¹⁵ and Marietta¹⁶ which revealed that each of them had sustained four (4) stab wounds.

Evidence for the Defense

The defense presented Endaya himself as witness who admitted the killings but claimed that he had acted in self-defense.

Endaya testified that Jocelyn left him and their children to live with her mother and Jocelyn's son from a previous marriage.¹⁷

On 21 November 1999, at about 6:30 in the evening, Endaya went to Marietta's house to convince Jocelyn to return per request of their children.¹⁸ However, he was met with Jocelyn's ardent refusal, thus, a heated argument and altercation ensued. During the confrontation, De Torres suddenly arrived and hacked Endaya with a bolo several times. Endaya was hit at the back of

⁷ Id. at 4.

⁸ Id.

⁹ Id. at 5.

¹⁰ Id. at 5-6.

¹¹ Id. at 6-7.

¹² Id. at 7.

¹³ Id. at 8.

¹⁴ Id. at 9.

¹⁵ Records, p. 12; Exhibit "B."

¹⁶ Id. at 20; Exhibit "C."

¹⁷ TSN, 14 May 2003, p. 2.

¹⁸ Id. at 3.

his shoulder, in his face, and in several other parts of his body.¹⁹ Blood oozed from his eyes and blurred his vision causing him to fall to the ground.²⁰ De Torres was still hacking Endaya when the latter tried to get up. In order to defend himself, Endaya got hold of a knife and tried to stab De Torres with it more than once.²¹ Unfortunately, because it was dark at that time, he stabbed Jocelyn instead.²²

Thereafter, Endaya attempted to leave but De Torres and Marietta blocked his path.²³ Again, due to the darkness, Endaya mistakenly stabbed Marietta.²⁴ He then left the premises and proceeded to his cousin Eddie Almario's house where he spent the night.²⁵ The following day, he surrendered to the San Juan, Batangas police.²⁶

The defense further offered in evidence the anatomical sketch,²⁷ dated 22 November 1999, allegedly issued by a certain Dra. Olga Aceron Virtucion, Municipal Health Officer of San Juan, Batangas, to prove the injuries sustained by Endaya and that he had acted in self-defense; and the certification²⁸ from the San Juan Municipal Police Station to prove that he surrendered on 22 November 1999.

The RTC Ruling

In its decision, the RTC found Endaya guilty beyond reasonable doubt of the crimes of parricide and homicide. The trial court ratiocinated that Endaya failed to satisfy the requirements of self-defense. It found ludicrous Endaya's claim that he had mistakenly stabbed both Jocelyn and Marietta. It further noted that the anatomical sketch presented by the defense indicated no hack wound, but mere scratches and contusions. Lastly, the trial court opined that the multiple stab wounds sustained by the victims proved that the means used by Endaya to repel the alleged aggression were not reasonable nor necessary. It, nevertheless, credited in his favor the benefit of the mitigating circumstance of voluntary surrender. The dispositive portion reads:

WHEREFORE, in view of the foregoing, judgment is hereby rendered as follows:



¹⁹ Id. at 4.

²⁰ Id. at 4-6.

²¹ TSN, 4 November 2004, p. 6.

²² TSN, 14 May 2003, p. 4; id. at 5.

²³ Id. at 6.

²⁴ Id. at 7.

²⁵ TSN, 22 October 2003, pp. 3-4.

²⁶ Id. at 4.

²⁷ Records (Criminal Case No. RY2k-059), p. 152; Exhibit "1."

²⁸ Id. at 153; Exhibit "2."

In **Criminal Case No. 058**, the Court finds the accused **Arsenio Endaya Jr. alias "Pugo" GUILTY** [of] the crime of *Parricide* defined in and penalized by *Article 246 of the Revised Penal Code* and hereby imposes on said accused the penalty of *Reclusion Perpetua* with all the accessory penalties of the law.

In **Criminal Case No. 059**, the Court finds the same accused **GUILTY** [of] the crime of *Homicide* defined in and penalized under *Article 249 of the Revised Penal Code* with the mitigating circumstance of voluntary surrender to a person in authority. Applying the Indeterminate Sentence Law, the Court hereby imposes upon the said accused the penalty of imprisonment of Six (6) years and One (1) day of *prision mayor* as minimum to Eight (8) years of *prision mayor* as maximum.

Accused is ordered to pay the heirs of the victims the stipulated amounts of Eighty Thousand Pesos (Php 80,000.00) as actual damages for the wake, funeral and burial of the deceased; Three Hundred Fifty Thousand Pesos (Php 350,000.00) for the loss of income of victim **Jocelyn Quita-Endaya**; and Twenty Thousand Pesos (Php 20,000.00) for the loss of income of **Marietta Bukal-Quita**.

Accused is further ordered to pay death indemnity of Fifty Thousand Pesos (Php 50,000.00) for each victim.

The period [in] which accused has undergone preventive imprisonment during the pendency of these cases shall be credited to him provided he agreed in writing to abide by and comply strictly with the rules and regulations imposed upon committed prisoners.²⁹

Aggrieved, Endaya appealed before the CA.

The CA Ruling

In its assailed decision, the CA affirmed with modification the RTC's decision. The appellate court concurred with the trial court that the defense failed to prove that the acts charged were committed in self-defense, thus, it affirmed Endaya's conviction for parricide and homicide. The appellate court, however, noted that the RTC erred in its imposition of the penalty for homicide. It noted that applying the Indeterminate Sentence Law, the maximum penalty, considering the attendant mitigating circumstance, should be *reclusion temporal* in its minimum period, and not *prision mayor*. The appellate court further updated the award of civil indemnity to conform to prevailing jurisprudence on the matter. The dispositive portion of the assailed decision provides:

WHEREFORE, the appeal is **DENIED**. The Regional Trial Court (RTC), Branch 87 of Rosario, Batangas, dated December 10, 2010, in Criminal Case No. Ry2K-058 and Criminal Case No. RY2K-059 finding Accused-Appellant Arsenio [E]ndaya, [Jr.] guilty of the crimes charged is

²⁹ Id. at 172-173.



AFFIRMED with MODIFICATION. As modified, the ruling of the trial court should read as follows:

WHEREFORE, in view of the foregoing, judgment is hereby rendered as follows:

In Criminal Case No. [RY2K-]058, the Court finds the accused Arsenio [E]nday[a] Jr., alias “Pugo” GUILTY for the crime of Parricide defined in and penalized by Article 246 of the Revised Penal Code and hereby imposes on said accused the penalty of Reclusion Perpetua with all the accessory penalties of the law.

In Criminal Case No. [RY2k-]059, the Court finds the same accused GUILTY for the crime of Homicide defined in and penalized under Article 249 of the Revised Penal Code with tmitigating circumstance of voluntary surrender to a person in authority. Applying the Indeterminate Sentence Law, the Court hereby imposes upon the said accused the penalty of imprisonment of Six (6) years and One (1) day of prision mayor as minimum to **Twelve (12) years and One (1) day of reclusion temporal.**

Accused is ordered to pay the heirs of the victims the stipulated amounts of Eighty Thousand Pesos (Php80,000.00) as actual damages for the wake, funeral and burial of the deceased; Three Hundred Fifty Thousand Pesos (Php350,000.00) for the loss of income of victim Jocelyn Quita-Endaya; and Twenty Thousand Pesos (Php20,000.00) for the loss of income of Marietta Bukal-Quita.

Accused is further ordered to pay the death indemnity of **Seventy Five Thousand Pesos (Php75,000.00), and moral damages of Fifty Thousand Pesos (Php50,000.00)** for each victim.

Finally, interest at the rate of six percent (6%) per annum shall be applied to the award of civil indemnity, moral damages and exemplary damages from the finality of judgment until fully paid in the two (2) aforementioned criminal cases.

The period which accused has undergone preventive imprisonment during the pendency of these cases shall be credited to him provided he agreed in writing to abide by and comply strictly with the rules and regulations imposed upon committed prisoners.³⁰ (emphases in the original)

Undaunted, Endaya elevated the present appeal to this Court.



³⁰ Rollo, pp. 9-10.

THE ISSUE

WHETHER THE TRIAL AND APPELLATE COURTS ERRED WHEN THEY FAILED TO APPRECIATE THE JUSTIFYING CIRCUMSTANCE OF SELF-DEFENSE IN FAVOR OF ENDAYA.

THE COURT'S RULING

The appeal lacks merit.

Requisites for the appreciation of self-defense

There is no question that Endaya was the author of the deaths of his wife, Jocelyn, and his mother-in-law, Marietta. What is left for the Court to determine whether the defense satisfied the requisites of self-defense to exculpate Endaya from criminal liability for parricide and homicide.

It is settled that when the accused pleads self-defense and effectively admits that he killed the victim, the burden of evidence shifts to him. By admitting the commission of the act charged and pleading avoidance based on the law, he must rely on the strength of his own evidence to prove that the facts that the legal avoidance requires are present; the weakness of the prosecution's evidence is immaterial after he admitted the commission of the act charged.³¹ It becomes incumbent upon the accused to prove his lack of criminal responsibility by clear and convincing evidence.³²

To successfully claim self-defense, the accused must satisfactorily prove that: (1) the victim mounted an unlawful aggression against the accused; (2) that the means employed by the accused to repel or prevent the aggression were reasonable and necessary; and (3) the accused did not offer any sufficient provocation.³³

Measured against these criteria, the Court finds that Endaya's claim of self-defense must fail. His appeal must, perforce, be dismissed for utter lack of merit.



³¹ *Sabay v. People*, 744 Phil. 760, 773 (2014); *People v. Duavis*, 678 Phil. 166, 175 (2011).

³² *People v. Samson*, 768 Phil. 487, 496 (2015).

³³ *People v. Roxas*, G.R. No. 218396, 10 February 2016, 784 SCRA 47, 55.

The defense failed to establish self-defense.

It is elementary that unlawful aggression on the part of the victim is the primordial consideration in self-defense. Absent this element, there could be no self-defense, whether complete or incomplete.³⁴ For unlawful aggression to be appreciated there must be an actual, sudden and unexpected attack or imminent danger thereof, not merely a threatening or intimidating attitude.³⁵

Endaya miserably failed to establish unlawful aggression on the part of De Torres and/or the victims. Aside from their absurdity, Endaya's claims are unsubstantiated by any physical evidence. The anatomical sketch, which was taken the day after the incident, bore nothing which would be consistent with his claims that De Torres hacked him several times. The anatomical sketch made no mention of any hack wound on Endaya's face, back, shoulder, or any other part of his body, but merely indicated that Endaya sustained scratches, the gravest of which being a laceration on his left hand. Contrary to his claims, these minor injuries suggest that they may have been inflicted by Jocelyn and Marietta who resisted the attacks of their ruthless assailant. Thus, the Court could not simply accept Endaya's bare claim that he was hacked by De Torres several times considering the absence of wounds matching his allegation.

Assuming *arguendo* that there was indeed unlawful aggression on the part of De Torres and/or any of the two victims, the defense failed to sufficiently explain how the victims ended up with four (4) stab wounds each, nor to establish that the means employed by Endaya to repel the alleged unlawful aggression was reasonable and necessary. Indeed, Endaya admitted that he stabbed Jocelyn at least twice. The fact that the victims suffered multiple stab wounds – four each – which caused their deaths belies and negates Endaya's claim of self-defense. If at all, these stab wounds demonstrate a criminal mind resolved to end the life of the victims.³⁶

Clearly, there is no showing that the trial court nor the appellate court overlooked, misunderstood, or misapplied facts or circumstances of weight which would have affected the outcome of the case. Thus, the Court finds no reason to deviate from the findings of both the trial and appellate courts.

³⁴ *Flores v. People*, 705 Phil. 119, 758 (2013).

³⁵ *People v. Arnante*, 439 Phil. 754, 758 (2002).

³⁶ *People v. Sevillano*, 753 Phil. 412, 419 (2015); *People v. Lalog*, 733 Phil. 597 (2014).

Penalties and Monetary Awards

The Court further concurs with the modifications made by the appellate court with respect to the penalty for homicide.

Under Article 249 of the Revised Penal Code, any person found guilty of homicide shall be meted the penalty of *reclusion temporal*, a penalty which contains three (3) periods. In this regard, Article 64(2) states that when only a mitigating circumstance attended the commission of the felony, the penalty shall be imposed in its minimum period. Thus, applying the Indeterminate Sentence Law, the maximum penalty shall be *reclusion temporal* in its minimum period, while the minimum penalty shall be *prision mayor* in any of its periods.

The Court further affirms the monetary awards as adjusted by the appellate court, but modifies it with respect to the amount of moral damages in Criminal Case No. RY2K-058. In *People v. Jugueta*,³⁷ the Court opined that when parricide is consummated and *reclusion perpetua* is imposed for reasons other than Republic Act No. 9346, the court may award moral damages in the amount of ₱75,000.00 and exemplary damages in the amount of ₱75,000.00.³⁸ Thus, the Court finds it just to increase the amount of moral damages awarded to the heirs of Jocelyn from ₱50,000.00 to ₱75,000.00. In addition, exemplary damages in the amount of ₱75,000.00 is also awarded to the heirs of Jocelyn.

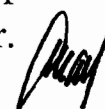
WHEREFORE, the assailed Decision, dated 24 September 2015, of the Court of Appeals in CA-G.R. CR-HC No. 05156 which affirmed with modifications the 10 December 2010 Decision of the Regional Trial Court, Branch 87, Rosario, Batangas, in Criminal Case Nos. RY2K-058 and RY2K-059, is hereby **AFFIRMED** with **MODIFICATION**.

In Criminal Case No. RY2K-058, accused-appellant Arsenio Endaya, Jr. y Perez is found **GUILTY** beyond reasonable doubt of the crime of Parricide attended by the mitigating circumstance of voluntary surrender. He is hereby sentenced to suffer the penalty of *reclusion perpetua* with all the accessory penalties imposed by law. He is further ordered to pay the heirs of the deceased Jocelyn Quita-Endaya the following amounts: (1) ₱75,000.00 as civil indemnity; (2) ₱75,000.00 as moral damages; and (3) ₱75,000.00 as exemplary damages.

In Criminal Case No. RY2K-059, accused-appellant Arsenio Endaya, Jr. y Perez is found **GUILTY** beyond reasonable doubt of the crime of Homicide attended with the mitigating circumstance of voluntary surrender.

³⁷ G.R. No: 202124, 5 April 2016, 788 SCRA 331, 382.

³⁸ Id.




He is hereby sentenced to suffer the indeterminate penalty of six (6) years and one (1) day of *prision mayor*, as minimum, to twelve (12) years and one (1) day of *reclusion temporal*, as maximum. He is ordered to pay the heirs of the deceased Marietta Bukal-Quita the following amounts: (1) ₱75,000.00, as civil indemnity, and (2) ₱50,000.00, as moral damages.

Accused-appellant Arsenio Endaya, Jr. y Perez is further ordered to pay the heirs of the victims the stipulated amounts of ₱80,000.00 as expenses for the wake, funeral, and burial of the two deceased; ₱350,000.00 for the loss of income of victim Jocelyn Quita-Endaya; and ₱20,000.00 for the loss of income of Marietta Bukal-Quita.


All monetary awards shall earn interest at the rate of six percent (6%) per annum reckoned from the finality of this decision until their full payment.³⁹

SO ORDERED.

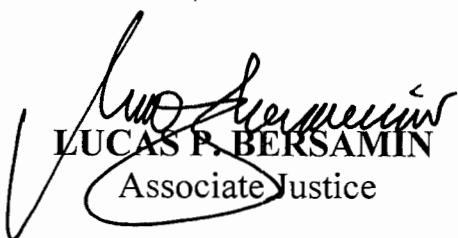


SAMUEL R. MARTIRES
Associate Justice

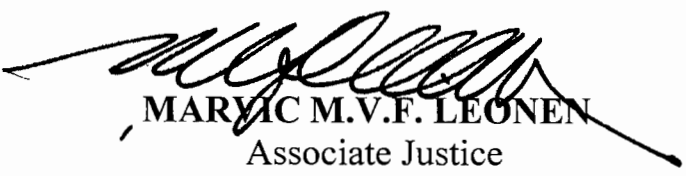
WE CONCUR:



PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson



LUCAS P. BERSAMIN
Associate Justice



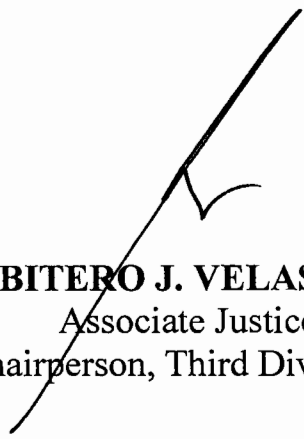
MARYIC M.V.F. LEONEN
Associate Justice

³⁹ *People v. Combate*, 653 Phil. 487, 518 (2010).


ALEXANDER G. GESMUNDO
 Associate Justice


ATTESTATION

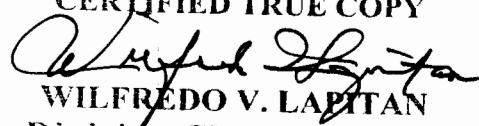
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


PRESBITERO J. VELASCO, JR.
 Associate Justice
 Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARIA LOURDES P. A. SERENO
 Chief Justice

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WILFREDO V. LAPIDAN
 Division Clerk of Court
 Third Division
 MAR 27 2018