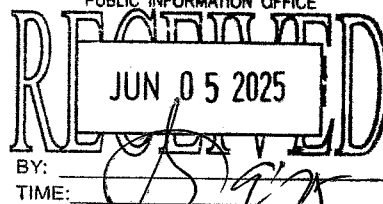




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



PEOPLE OF THE PHILIPPINES,
Plaintiff-appellee,

G.R. No. 275139

Present:

GESMUNDO, C.J.,
Chairperson,
HERNANDO,
ZALAMEDA,
ROSARIO, and
MARQUEZ, JJ.

- versus -

LEOPOLDO SINGCOL,
Accused-appellant.

Promulgated:

MAY 07 2025

noted

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DECISION

HERNANDO, J.:

Before the Court is the appeal¹ by Leopoldo Singcol (Leopoldo) of the Court of Appeals (CA)'s Decision² dated March 15, 2024, affirming the Consolidated Judgment³ dated January 19, 2023 rendered by Branch 21, Regional Trial Court, Bansalan, Davao del Sur (RTC), which convicted Leopoldo for the crimes of parricide and homicide.

¹ Rollo, pp. 6–8.

² *Id.* at 12–31. The March 15, 2024 Decision in CA-G.R. CR No. 02401-MIN was penned by Associate Justice Evalyn M. Arellano-Morales and concurred in by Associate Justices Anisah B. Amanodin-Umpa and John Z. Lee, Twenty-Second Division, Court of Appeals, Cagayan de Oro City.

³ RTC records, pp. 75–84. The January 19, 2023 Consolidated Judgment in Crim. Cases Nos. XXI-1199(06), XXI-1200(06), and XXI-1201(06) was penned by Presiding Judge Alexander B. Yarra of Branch 21, Bansalan, Davao del Sur.

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The Facts

On April 25, 2006, Leopoldo was formally indicted for frustrated murder, murder, and parricide. The Informations accused him as follows:

For frustrated murder, docketed as Criminal Case No. XXI-1199(06), as regards the attack against Jonathan Singcol (Jonathan):

That on or about the 4th day of February 1986, in the Municipality of Magsaysay, Province of Davao del Sur, Philippines and within the jurisdiction of the Honorable Court, the aforementioned accused, with intent to kill, armed himself with bladed weapon and with treachery, that is the attack was so made giving the victim no chance to defend himself, did then and there wilfully, unlawfully and feloniously attack[,] assault[,] and stab one Jonathan Singcol, hitting and seriously wounding him, that had there been no immediate medical assistance, he would have died thus the accused performed all the acts of execution which would produce the crime of murder as a consequence but which, nevertheless, did not produce it by reason of causes independent of the will of the accused, that is the immediate medical assistance rendered.

[CONTRARY TO LAW].⁴

For murder, docketed as Criminal Case No. XXI-1200(06), as regards the attack against Egmedia Singcol (Egmedia), Leopoldo's sister-in-law:

That on or about the 4th day of February 1986, in the Municipality of Magsaysay, Province of Davao del Sur, Philippines and within the jurisdiction of the Honorable Court, the aforementioned accused, with intent to kill, armed himself with bladed weapon and with treachery, that is the attack was so made giving the victim no chance to defend himself and with evident premeditation, that is the killing was well-planned, did then and there wilfully, unlawfully and feloniously attack[,] assault[,] and stab to death Egmedia Singcol, hitting and wounding her in the different parts of her body[,] which caused her instantaneous death.

CONTRARY TO LAW.⁵

For parricide, docketed as Criminal Case No. XXI-1201(06), as regards the attack against Andres Singcol (Andres), Leopoldo's father:

That on or about the 4th day of February 1986, in the Municipality of Magsaysay, Province of Davao del Sur, Philippines and within the jurisdiction of the Honorable Court, the aforementioned accused,

⁴ Per Consolidated Judgment, pp. 2-3. RTC records, pp. 76-77. No copy of the Information against Leopoldo for frustrated murder was appended to the records.

⁵ RTC records, pp. 1-2.

with intent to kill, armed himself with bladed weapon and with treachery, that is the attack was so made giving the victim no chance to defend himself, did then and there wilfully, unlawfully and feloniously attack[,] assault[,] and stab to death his legitimate father, Andres Singcol, hitting him in the breast/chest[,] which caused his instantaneous death.

CONTRARY TO LAW.⁶

The cases had been archived as the authorities had been unable to implement the warrant of arrest and Leopoldo had remained at large.⁷

On January 17, 2022, Leopoldo was found and arrested in Zamboanga.⁸ Consequently, the trial court ordered the cases reopened.⁹

During his arraignment, Leopoldo pleaded not guilty to the charges. Trial proceeded.

Version of the Prosecution

The prosecution's witnesses were Rubelin Singcol (Rubelin), Jaime Sarona, Jonathan, and Annaliza Singcol Infanta (Annaliza).

Their testimonies formed the following story:

On February 4, 1986, at Sitio Balod, Barangay Bala, Magsaysay, Davao del Sur, Andres went to Leopoldo's house. An altercation between Andres and Leopoldo followed. Andres cautioned Leopoldo not to do whatever he was planning against Egmedia, Leopoldo's sister-in-law. Leopoldo then got a *pisaw*, a 12-inch-long knife, and stabbed Andres, hitting his chest and causing his death.¹⁰

Leopoldo thereafter went to the nearby *bugak* (spring) and met Egmedia along the way. Egmedia was with Rubelin, her daughter, Jonathan, her son, and Flaviana Mara Singcol (Flaviana), Leopoldo's mother. They were leaving the *bugak* upon hearing news that there was trouble back home as Leopoldo was getting mad. Egmedia was carrying Jonathan, who was two years old at the time, on an uphill terrain. When they met, Leopoldo approached and tried to

⁶ *Id.* at 3-4.

⁷ *Id.* at 17.

⁸ *Id.* at 24.

⁹ *Id.*

¹⁰ *Rollo*, p. 15.

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hack at Egmedia, but ended up slitting out the intestines from Jonathan's abdomen. Leopoldo again lunged at Egmedia and struck her chest that resulted in her death. After initially resisting, Leopoldo surrendered the knife to Flaviana when he sensed that Egmedia was dead.¹¹

Jonathan survived with timely medical intervention. Immediately after the incident, Leopoldo went into hiding. He was only arrested in Zamboanga after his grandchild posted on Facebook a video of Leopoldo's birthday celebration.¹²

Version of the Defense

The witnesses for the defense were Leopoldo and Rosalie Puyos (Rosalie).

Leopoldo described himself as an abused child. Leopoldo believed that he was not Andres's son, but a child of Flaviana and her paramour. In several instances during Leopoldo's youth, Andres and Flaviana would fight, and Andres would turn his anger at Leopoldo by attacking him with a *bolo*. Andres's violent attitude towards Leopoldo persisted even in his adulthood.¹³

Leopoldo admitted that he stabbed Andres. However, he claimed that it was Andres who suddenly started attacking him when the latter went to the former's house armed with a *bolo*. Andres continuously hacked Leopoldo but the former lost his balance and tripped. Leopoldo was able to avoid the attacks, got hold of the *bolo*, and stabbed Andres. Realizing what he did, Leopoldo carried Andres and asked for his forgiveness. Andres, however, was already lifeless. In utter despair, Leopoldo got a pair of scissors and slit his own throat and abdomen.¹⁴

Leopoldo also admitted stabbing Egmedia and Jonathan, but he did so only because he was already out of his senses.¹⁵

Rosalie, Leopoldo's daughter, who was 11 years old at the time, witnessed the incident. She saw Andres, her grandparent, arrive at their house. She heard them arguing in loud voices, but she did not see them grappling with a bladed

¹¹ *Id.*

¹² *Id.* at 16.

¹³ *Id.*

¹⁴ *Id.* at 36.

¹⁵ *Id.*

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weapon. When she saw her grandparent, he was already bloodied. She tried to stop her father from hurting himself.¹⁶

After the incident, Leopoldo fled to and lost consciousness in a sugarcane plantation. There, he survived for two weeks until he went home to his wife. His wife's cousin brought him to Zamboanga in May 1986.¹⁷

Ruling of the Regional Trial Court

In light of Leopoldo's admissions, the RTC convicted Leopoldo for parricide, per Article 246 of the Revised Penal Code, and homicide, per Article 248 of the same law.¹⁸

On the parricide of Andres, the trial court believed that Leopoldo was not the aggressor. However, Leopoldo's act of self-defense was incomplete as his use of the bolo against Andres was unreasonable, since Andres already fell when Leopoldo stabbed him. Hence, the trial court considered his incomplete self-defense only as a privileged mitigating circumstance in the imposition of penalty.¹⁹

On the homicide of Egmedia, the trial court ruled that there was no treachery. Egmedia, Rubelin, and Flaviana were already aware that Leopoldo was already enraged when they left the *bugak*. Also, Egmedia was facing Leopoldo when she was stabbed and had all the chance to escape or defend herself. Thus, the crime committed against Egmedia was homicide, not murder.²⁰

The RTC dismissed the charges of frustrated murder for the attack against two-year-old Jonathan. Leopoldo's target was Egmedia when he hit Jonathan. Thus, what was proven was frustrated homicide, not frustrated murder.²¹

Still, the RTC exculpated Leopoldo from criminal liability for frustrated homicide considering that the complaint was filed before the prosecutor's office only in January 2006, or almost 20 years after February 4, 1986, the date of the commission of the crime. As the crime of frustrated homicide prescribes in 15 years, Leopoldo's criminal liability therefor was already extinguished.²²

¹⁶ *Id.*

¹⁷ *Id.* at 36-37.

¹⁸ *Id.* at 41-42.

¹⁹ *Id.* at 37-38.

²⁰ *Id.* at 39-40.

²¹ *Id.* at 40.

²² *Id.* at 40-41.

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In its Consolidated Judgment dated January 19, 2023, the RTC declared:

WHEREFORE:

In the light of the foregoing JUDGMENT is hereby rendered as follows:

A. FINDING accused LEOPOLDO SINGCOL, GUILTY by proof of guilt beyond reasonable doubt of the felony of parricide defined and punished in Article 246 of the Revised Penal Code and he is therefore sentenced to suffer the indeterminate penalty of imprisonment of four (4) years and two (2) months of *prision correccional*, as minimum, to 10 years of *prision mayor*, as maximum in Criminal Case No. XXI-1201(06) after appreciating the mitigating circumstance of incomplete self-defense under Article 69 in relation to Article 11(1) of the Revised Penal Code and the Indeterminate Sentence Law being applicable;

B. FINDING accused LEOPOLDO SINGCOL, GUILTY by proof of guilt beyond reasonable doubt of the felony of homicide defined and punished in Article 246 of the Revised Penal Code and he is therefore sentenced to suffer the indeterminate penalty of imprisonment of eight (8) years and one (1) day of *prision mayor*, as minimum to fourteen (14) years, eight (8) months and one (1) day of *reclusion temporal*, as maximum in Criminal Case No. XXI-1200(06), there being no aggravating or mitigating circumstance and the Indeterminate Sentence Law being applicable;

C. FINDING accused LEOPOLDO SINGCOL civilly liable to the heirs of Andres Singcol and Egmedia Singcol, respectively, the following:

- 1.) The amounts of [PHP]30,000.00 for each victim as indemnity;
- 2.) The amounts of [PHP]30,000.00 for each victim as moral damages;
- 3.) The amounts of [PHP]30,000.00 for each victim as exemplary damages;
- 4.) Plus 6% per annum interests from finality of this judgment until fully paid.

D. Criminal Case No. XXI-1199(06) is ordered DISMISSED on ground of prescription.

E. Costs against accused.

Let a mittimus order be issued for accused to be committed to Davao Penal Colony (DAPECOL) in Criminal Cases Nos. XXI-1200(06) & XXI-1201(06). Accused is ordered RELEASED from custody in Criminal Case No. XXI-1199(06) unless being held for some other lawful cause or causes.

SO ORDERED.²³ (Emphasis in the original)

Leopoldo appealed the RTC's Consolidated Judgment to the CA.

²³ RTC records, pp. 83-84.

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Ruling of the Court of Appeals

The appellate court affirmed Leopoldo's conviction for parricide for the killing of Andres, but rejected Leopoldo's incomplete self-defense. It ruled that, as Andres's aggression already ceased when Leopoldo dealt the killing blow, the latter cannot claim self-defense, whether complete or incomplete.²⁴

As regards the death of Egmedia, the trial court's ruling of homicide was elevated to murder. Treachery was present when Leopoldo attacked Egmedia while she was carrying two-year-old Jonathan on a sloping terrain, without warning, and without any opportunity or means to defend herself.²⁵

In its March 15, 2024 Decision, the CA held:

WHEREFORE, the instant Appeal is **DENIED**. The assailed January 19, 2023 Consolidated Judgment of the Regional Trial Court (RTC), 11th Judicial Region, Branch 21, Bansalan, Davao del Sur, in Criminal Case No. XXI-1200(06) for Murder, and Criminal Case No. XXI-1201(06) for Parricide is **AFFIRMED** with **MODIFICATIONS**, as follows:

1. In Criminal Case No. XXI-1201(06), accused-appellant **LEOPOLDO SINGCOL** is found **GUILTY** beyond reasonable doubt of the crime of **Parricide**; and is hereby meted the penalty of **Reclusion Perpetua**; and ordered to pay the heirs of the victim Andres Singcol the sums 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;

2. In Criminal Case No. XXI-1200(06), accused-appellant **LEOPOLDO SINGCOL** is found **GUILTY** beyond reasonable doubt of the crime of **Murder**; and is hereby meted the penalty of **Reclusion Perpetua**; and ordered to pay the heirs of the victim Egmedia Singcol the sums 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; and

3. Interest at the rate of six percent (6%) per annum shall be imposed on all monetary awards in Criminal Case No. XXI-1201(06) and Criminal Case No. XXI-1200(06) from the date of finality of this Decision until fully paid.

For the purpose of facilitating service of Court processes, the Court resolves to **DIRECT** the following: *i*) the Penal Superintendent of the Davao Prison and Penal Farm, Dujali, Davao del Norte to manifest, to this Court, within five (5) days from notice, whether accused-appellant is committed in their penal institution; *ii*) the Provincial Rehabilitation Center Officer, Provincial

²⁴ *Rollo*, pp. 21–22.

²⁵ *Id.* at 26–27.

Rehabilitation, Mati, Digos City to manifest before this Court, within five (5) days from notice, whether accused-appellant is committed thereat[;] and *iii*) the counsel for accused-appellant to manifest, within five (5) days from notice, the present whereabouts of his client.

SO ORDERED.²⁶ (Emphasis in the original)

Thus, Leopoldo's present appeal before this Court.

Issue

The Court decides whether or not the prosecution was able to prove beyond reasonable doubt accused-appellant's criminal liability for murder and parricide.

Our Ruling

The appeal is dismissed. However, We modify the CA Decision as regards accused-appellant's conviction for parricide.

Accused-appellant is guilty of parricide for the killing of Andres, mitigated by the circumstance of passional obfuscation

Parricide is defined and penalized under Article 246 of the Revised Penal Code. It states:


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.

Parricide is committed when:

- (1) A person is killed;
- (2) The deceased is killed by the accused; and
- (3) The deceased is the father, mother, or child, whether legitimate or illegitimate, or a legitimate other ascendants or other descendants, or the legitimate spouse of the accused.²⁷

²⁶ *Id.* at 29–30.

²⁷ *People v. Dalmaceda*, G.R. No. 262051, November 6, 2023 [Notice, Second Division].



All of these concurred in the killing of Andres. Accused-appellant admitted that he stabbed Andres, his biological father, which resulted to the latter's death.

The RTC found that accused-appellant was able to prove incomplete self-defense. On appeal, the CA rejected the incomplete self-defense theory and applied the full brunt of the law in the killing of Andres.

The Court agrees with the appellate court in dismissing accused-appellant's claims of self-defense.

Self-defense exempts one from criminal liability if the following requisites concur:

- (1) Unlawful aggression by the victim;
- (2) Reasonable necessity of the means employed by the accused to prevent or repel the victim's unlawful aggression; and
- (3) Lack of sufficient provocation on the part of the accused.²⁸

If not all of the foregoing elements are present, the criminal liability of the accused can only be mitigated, per Article 13, paragraph 1, of the Revised Penal Code:

ART. 13. *Mitigating circumstances.* — The following are mitigating circumstances:

1. Those mentioned in the preceding chapter^[29], when all the requisites necessary to justify the act or to exempt from criminal liability in the respective cases are not attendant.

Trial courts, by virtue of their duty to receive evidence firsthand, have always been in the best position to scrutinize the demeanor of the witnesses appearing before them, and assess whether or not they are telling the truth. As such, the findings and conclusions of trial courts on the credibility of witnesses enjoy a badge of respect and will not be disturbed, except upon a showing that the trial court overlooked facts and circumstances that could substantially alter the resolution of the case.³⁰

²⁸ *People v. Lopez, Jr.*, 830 Phil. 771, 778 (2018) [Per J. Peralta, Second Division].

²⁹ Justifying Circumstances and Circumstances which Exempt from Criminal Liability.

³⁰ *People v. Banguilan*, G.R. No. 268355, June 10, 2024 [Per J. Lopez, M., Second Division].

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The Court applies the exception in this case and reviews the trial court's records.

An accused claiming the justifying circumstance of self-defense necessarily admits to the commission of the crime. Upon such admission, the burden of evidence shifts to the accused to prove with clear and convincing evidence all the elements of self-defense, most particularly the fact of the victim's unlawful aggression against the accused.³¹

*People v. Advincula*³² elaborates on the matter:

The presence of unlawful aggression, which is a condition *sine qua non* for upholding self-defense, has been described as follows:

Unlawful aggression on the part of the victim is the primordial element of the justifying circumstance of self-defense. Without unlawful aggression, there can be no justified killing in defense of oneself. The test for the presence of unlawful aggression under the circumstances is whether the aggression from the victim put in real peril the life or personal safety of the person defending himself[/herself]; the peril must not be an imagined or imaginary threat. Accordingly, the accused must establish the concurrence of three elements of unlawful aggression, namely: (a) there must be a physical or material attack or assault; (b) the attack or assault must be actual, or, at least, imminent; and (c) the attack or assault must be unlawful.

Unlawful aggression is of two kinds: (a) actual or material unlawful aggression; and (b) imminent unlawful aggression. **Actual or material unlawful aggression means an attack with physical force or with a weapon, an offensive act that positively determines the intent of the aggressor to cause the injury. Imminent unlawful aggression means an attack that is impending or at the point of happening; it must not consist in a mere threatening attitude, nor must it be merely imaginary, but must be offensive and positively strong (like aiming a revolver at another with intent to shoot or opening a knife and making a motion as if to attack). Imminent unlawful aggression must not be a mere threatening attitude of the victim, such as pressing his[/her] right hand to his[/her] hip where a revolver was holstered, accompanied by an angry countenance, or like aiming to throw a pot.**³³ (Emphasis supplied)

³¹ *People v. Advincula*, 829 Phil. 516 (2018) [Per J. Martires, Third Division].

³² 829 Phil. 516 (2018) [Per J. Martires, Third Division].

³³ *Id.* at 527–528, citing *People v. Dulin*, 762 Phil. 24, 37 (2015) [Per J. Bersamin, First Division].

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The RTC based its conclusion of unlawful aggression on its finding that “while [accused-appellant] was taking his breakfast after plowing his cornfield in the morning, his father Andres arrived, they had a heated argument and Andres attempted to hack him as what always happened prior to that incident whenever Andres got angry.”³⁴

Accused-appellant advanced his version of Andres’s alleged unlawful aggression in this manner:

Q: What was the reason why your father hacked you at that time?
A: I do not know of his reason for hacking me.

Q: How many times, if you remember, did your father attempt to hack you, Mr. Witness?
A: Many times.

Q: And every time he attempts to hack you, what did you do?
A: I always evade his thrust.

Q: For how long have you been evading his thrust?
A: Not long.

Q: What happened after you continued evading his thrust?
A: I was able to get hold of the bolo because he stumbled to the ground when his one foot tripped off the stone.

Q: After you got hold of the bolo, what happened next, Mr. Witness?
A: I stabbed him because he continuously hurt me.³⁵

There is no unlawful aggression from this narration.

Indeed, Andres attacked accused-appellant with a *bolo* first. However, We deviate from the findings of the trial court as to who is the actual unlawful aggressor. At the time when accused-appellant stabbed Andres, the latter already lost full control of the bladed weapon, as accused-appellant has gotten hold of it and Andres has stumbled to the ground. At that point, there was no more unlawful aggression to speak of, whether actual or imminent, and accused-appellant had no more need to defend himself. Still, accused-appellant proceeded to stab Andres, which resulted to the latter’s death. From then on, accused-appellant can only be seen as the aggressor.

³⁴ RTC records, p. 80.

³⁵ TSN, Leopoldo Singcol, September 1, 2022, p. 8.

The CA made a similar note, which the Court echoes:

The [CA] finds inescapable the conclusion that, by [Leopoldo]'s testimony, when his father had stumbled to the ground, the alleged aggression has stopped.³⁶

Accused-appellant further betrayed himself on cross examination:

Q: You said, Mr. Witness, that your father fell off balance and dropped to the ground?

A: Yes, Ma'am.

....

Q: And you stabbed him?

A: I stabbed him because he continued hurting, Ma'am.

Q: But at that time, Mr. Witness, he was already lying on the ground when you picked up the bolo?

A: No, not yet. He was still holding the bolo.

Q: When he fell off [sic] the ground, Mr. Witness, you stabbed him?

A: No, not yet.

Q: At what point in time, Mr. Witness, did you take the bolo?

A: He continued hacking and when I held his arms, I twisted them and so I was able to get hold of the bolo.

Q: At what time after you got the bolo, Mr. Witness, he fell off the ground?

A: He fell to the ground after I stabbed him.

Q: After he fell to the ground, you stabbed him?

A: No, not yet. He was still holding the bolo.

Q: So, he was on the ground, Mr. Witness, when you were grappling with the bolo?

A: Yes. He was about to fall down to the ground, I was able to get hold of the bolo.

Q: And eventhough [sic] he was already on the act of tripping off on the ground, you stabbed him?

A: Yes.³⁷

Accused-appellant presented a story on Andres's unlawful aggression, which the trial court believed completely. This ruling by the RTC favoring the fact of Andres's unlawful aggression against accused-appellant, however, seems to be impelled by pity rather than evidence. From his testimony, accused-

³⁶ *Rollo*, p. 21.

³⁷ TSN, Leopoldo Singcol, September 1, 2022, pp. 16-17.

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appellant failed to prove by clear and convincing evidence that Andres made an *overwhelming first attack* that endangered accused-appellant's life and which continued until accused-appellant had to inflict a fatal blow upon Andres as a necessary means of self-preservation.

With this, accused-appellant's defense-of-self theory fails. Self-defense, whether complete or incomplete, is unavailing as an exempting circumstance if there was no unlawful aggression by the victim in the first place.

Further discussions on the second and third elements of self-defense, which are the reasonable necessity of the accused's defense and lack of sufficient provocation on the part of the accused, are rendered irrelevant and ineffectual by the absence of the first element, that is, the victim's unlawful aggression.

The Court, however, appreciates a different mitigating circumstance in favor of Leopoldo.

Article 13 of the Revised Penal Code lists the following as mitigating circumstances:

1. Those mentioned in the preceding chapter, when all the requisites necessary to justify or to exempt from criminal liability in the respective cases are not attendant.
2. That the offender is under eighteen years of age or over seventy years. In the case of the minor, he shall be proceeded against in accordance with the provisions of Article 80.
3. That the offender had no intention to commit so grave a wrong as that committed.
4. That sufficient provocation or threat on the part of the offended party immediately preceded the act.
5. That the act was committed in the immediate vindication of a grave offense to the one committing the felony (*delito*), his spouse, ascendants, descendants, legitimate, natural, or adopted brothers or sisters, or relatives by affinity within the same degrees.
6. **That of having acted upon an impulse so powerful as naturally to have produced passion or obfuscation.**
7. That the offender had voluntarily surrendered himself[herself] to a person in authority or his[her] agents, or that he[she] had voluntarily confessed his[her] guilt before the court prior to the presentation of the evidence for the prosecution;
8. That the offender is deaf and dumb, blind or otherwise suffering some physical defect which thus restricts his[her] means of action, defense, or communications with his[her] fellow beings.

9. Such illness of the offender as would diminish the exercise of the will-power of the offender without however depriving him[/her] of the consciousness of his[/her] acts.

10. And, finally, any other circumstances of a similar nature and analogous to those above mentioned. (Emphasis supplied)

In this case, the Court observes a mitigating circumstance of passion and obfuscation.

For passional obfuscation to mitigate one's criminal liability, the following must concur:

- (1) That there be an act both unlawful and sufficient to produce such condition of mind; and
- (2) That the said act which produces the obfuscation was not far removed from the commission of the crime by a considerable length of time, during which the perpetrator might recover his[/her] normal equanimity.³⁸

Both elements are in this case's parricide.

It is extractable from all of the witnesses' testimonies that accused-appellant killed Andres when the latter deliberately went to the former's house to confront the former. The Court also assents to the trial court's conclusions that Andres tried to hack accused-appellant with a *bolo* first.

What catches the Court's attention but escapes its understanding, and which were not at all considered by the courts *a quo*, are the events that transpired immediately after accused-appellant stabbed Andres.

Upon seeing Andres bloodied and motionless, accused-appellant took Andres in his arms, carried him, and asked for his father's forgiveness. Accused-appellant thereafter obtained a pair of scissors, which he used to slice his own throat and abdomen.

Accused-appellant testified in this manner:

- Q: After you stabbed him, Mr. Witness, what did you do, if any?
A: I carried him and asked for his forgiveness.
- Q: How did you say sorry to your father, Mr. Witness?
A: I carried him and I said, "*Tay*, I am sorry. I cannot do it if not because of you."
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³⁸ *People v. Gravino*, 207 Phil. 107, 118 (1983) [Per J. Gutierrez, Jr., *En Banc*].

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Q: After you said sorry to your father, Mr. Witness, what did your father tell you, if any?

A: He wasn't able to say anything.

....

Q: You said that your father was no longer able to answer after you asked forgiveness from him, you said that you carried him and asked forgiveness, what happened next after that, Mr. Witness?

A: I stabbed myself.

Q: Will you please tell to this Honorable Court how did you attempt to kill yourself at that time?

A: I slashed my throat. (*Witness is pointing to his neck.*)

Q: After that, Mr. Witness, what did you do next?

A: I also stabbed myself. (*Witness is showing the scar on his stomach.*)

Q: Earlier you pointed to your neck, Mr. Witness, what's with your neck?

A: My scar.

....

Q: What did you use in slashing your throat, Mr. Witness?

A: Scissors.

....

Q: Where did you get the scissors, Mr. Witness?

A: On the table.

Q: Why is there a pair of scissors on the table?

A: Because my wife is a dressmaker.³⁹

Accused-appellant's daughter, Rosalie, confirmed this act of self-harm, as she expressed in open court that she tried to stop her father from hurting himself:

Q: When you saw your grandfather blooded [sic], what did you do?

A: I asked helped [sic] but during that time my father went upstairs so, I followed him.

³⁹ TSN, Leopoldo Singcol, September 1, 2022, pp. 8–10.

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Q: You mentioned that you followed your father and what did you witness when you followed him?

A: I saw him getting the scissor[s] wherein my mother used that for sewing.

Q: What did he do with that scissor[s] Ms. Witness?

A: He got the scissor[s] and used that in slicing his throat.

ATTY. [SENIT]:

May we put that on record, Your Honor, that the witness is crying, Your Honor.

COURT:

Put that on record that the witness is crying while testifying.

ATTY. [SENIT]:

Q: When you saw your father [slash] his neck what did you do?

A: I first struggle[d] to [get] the scissor[s] and it took me quite a time then, after I got hold [of] the scissor[s] I [threw] that on the [grass].

Q: After you threw the scissor[s] [on] the [grass] what did you do next?

A: I was looking for a medicine for him to put some medication.

Q: Were you able to get the medicine Ms. Witness?

A: I [was] not, ma'am.

Q: After you were unable to find a medicine what did you do next?

A: I went back to where my father was but I noticed that he was no longer there.⁴⁰

Passion or obfuscation is a state of mind present when a crime is committed as a result of an uncontrollable burst of passion provoked by prior unjust or improper acts or by a legitimate stimulus so powerful as to overcome reason.⁴¹ By "legitimate stimulus," the causes that mitigate the criminal responsibility for the loss of self-control must originate from legitimate feelings, not those which arise from vicious, unworthy, and immoral passions.⁴² They must arise from lawful sentiments and not from a spirit of lawlessness or revenge or from anger and resentment.⁴³

⁴⁰ TSN, Rosalie Puyos, September 15, 2022, pp. 6–7.

⁴¹ *People v. Genosa*, 464 Phil. 680, 741 (2004) [Per J. Panganiban, *En Banc*].

⁴² *United States v. De la Cruz*, 22 Phil. 429, 431 (1912) [Per J. Carson, First Division], citing *United States v. Hicks*, 14 Phil. 217, 222 (1909) [Per J. Torres, First Division].

⁴³ *People v. Bates*, 448 Phil. 109, 124–125 (2003) [Per J. Austria-Martinez, Second Division], citing *People v. Caber, Sr.*, 399 Phil. 743, 753 (2000) [Per J. Mendoza, Second Division], *People v. Rabanillo*, 367 Phil. 114, 127 (1999) [Per C.J. Davide, Jr., *En Banc*], *People v. Pampanga*, 223 Phil. 550, 553 (1985) [Per J. Aquino, Second Division], *People v. Gravino*, 207 Phil. 107, 118 (1983) [Per J. Gutierrez, Jr., *En Banc*], and *People v. Caliso*, 58 Phil. 283, 295 (1933) [Per J. Abad Santos, *En Banc*].

By no means can the Court dismiss accused-appellant's feelings as illegitimate. Accused-appellant intimated before the trial court that he was an abused child. He testified that whenever Andres is enraged, he would turn his anger towards accused-appellant using a *bolo*; that he did all the farming labor growing up; that he felt that he was not Andres's son because of how he looked and how he was treated very differently from his siblings, and how Andres would direct his anger at accused-appellant whenever Andres quarreled with accused-appellant's mother, Flaviana; that Andres continued to routinely maltreat and hack at accused-appellant with a *bolo* in adulthood, even after the latter got married.⁴⁴

Any allegation of psychological trauma is preferably confirmed by expert testimony. Still, the mental status of a person is readily discernible from one's outward and actual behavior. While the story of Andres's abusive parenting rested entirely on the sole account of accused-appellant, the latter's actions of slicing his own neck and stomach spoke louder than his words and corroborated his version of maltreatment. From the above narrations by accused-appellant, coupled with his extreme and illogical acts of self-harm immediately after he killed Andres as corroborated by Rosalie, impel Us to view the parricide as a fit of uncontrolled emotions. The Court deems the parricide in this case as a product of a sudden surge of the accused's bottled-up feelings caused by paternal neglect since childhood, detonated by the usual hurtful acts towards him by his father, or even just the mere presence of the latter, being the accused's chronic abuser. Accused-appellant's violent stance against Andres was to be expected and symptomatic of passion and obfuscation.

Parricide is punishable by *reclusion perpetua* to death.⁴⁵ Where there is one mitigating circumstance and no aggravating circumstance in the commission of parricide, the penalty to be imposed is *reclusion perpetua*,⁴⁶ following Article 63⁴⁷ of the Revised Penal Code.

⁴⁴ TSN, Leopoldo Singcol, September 15, 2022, pp. 4–6.

⁴⁵ REV. PEN. CODE, art. 246.

⁴⁶ *People v. Brusola*, 814 Phil. 808, 815–816 (2017) [Per J. Leonen, Second Division], citing *People v. Sales*, 674 Phil. 150, 166 (2011) [Per J. Del Castillo, First Division].

⁴⁷ Art. 63. *Rules for the application of indivisible penalties.* — In all cases in which the law prescribes a single indivisible penalty, it shall be applied by the courts regardless of any mitigating or aggravating circumstances that may have attended the commission of the deed.

In all cases in which the law prescribes a penalty composed of two indivisible penalties, the following rules shall be observed in the application thereof:

1. When in the commission of the deed there is present only one aggravating circumstance, the greater penalty shall be applied.
2. When there are neither mitigating nor aggravating circumstances and there is no aggravating circumstance, the lesser penalty shall be applied.
3. When the commission of the act is attended by some mitigating circumstances and there is no aggravating circumstance, the lesser penalty shall be applied.
4. When both mitigating and aggravating circumstances attended the commission of the act, the court shall reasonably allow them to offset one another in consideration of their number and importance, for

The CA's awards of civil indemnity, moral damages, exemplary damages, and temperate damages to Andres's heirs are affirmed as it conformed to prevailing jurisprudence.⁴⁸

Accused-appellant is guilty of murder for the killing of Egmedia

As regards Egmedia's death, We agree with the CA's ruling convicting accused-appellant of murder.

To successfully prosecute an accused for murder, the following elements must be proven:

- (1) A person was killed;
- (2) The accused killed him or her;
- (3) The killing was attended by any of the qualifying circumstances mentioned in Article 248 of the Revised Penal Code; and
- (4) The killing is not parricide or infanticide.

Pertinent to this case, Article 248 of the Revised Penal Code provides:

Article 248. Murder. – Any person who, not falling within the provisions of Article 246 shall kill another, shall be guilty of murder and shall be punished by *reclusion temporal* in its maximum period to death, if committed with any of the following attendant circumstances:

1. With treachery. . .

....

5. With evident premeditation.

Treachery is the use of means, methods, or forms in the execution of the crime against persons that tend directly and specially to insure its execution, without risk to the offender arising from the defense which the victim might make.⁴⁹

The essence of treachery is an attack that is deliberate and without warning, swift and unexpected, affording the hapless, unarmed, and unsuspecting victim no chance to resist or escape.⁵⁰

the purpose of applying the penalty in accordance with the preceding rules, according to the result of such compensation.

⁴⁸ *People v. Jugueta*, 783 Phil. 806, 847 (2017) [Per J. Peralta, *En Banc*].

⁴⁹ *People v. Racal*, 817 Phil. 665, 677 (2017) [Per J. Peralta, Second Division].

⁵⁰ *Id.*

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Treachery requires two conditions: *first*, the employment of means of execution that gives the victim no opportunity to defend or retaliate; and *second*, the means of execution was deliberately or consciously adopted by the accused.⁵¹

Both of the above elements of treachery obtain in this case. Indeed, Egmedia was informed of the impending danger to her life that was accused-appellant. This is precisely why she immediately fled the *bugak* with her children: to avoid a face-to-face encounter with accused-appellant when they learned from Flaviana that “there was trouble in the house;”⁵² that accused-appellant “was getting mad.”⁵³

Aware of the danger, however, is not synonymous to being prepared to defend oneself against such danger. The Court quotes with approval the findings of the appellate court on this point:

In this case, the testimony of [Rubelin], the prosecution witness[,] had proven treachery on the part of accused-appellant; thus:

[...]

Q: So, upon the arrival of your grandmother[,] [Flaviana,] telling you to immediately leave the spring what did you, your brother[,] [Jonathan,] and your mother[,] [Egmedia,] do?

A: We immediately left the spring and we passed at the small terrain because according to our Lola we will [use] this terrain so that we will not come across [accused-appellant].

Q: Now, can you [describe] the terrain you used?

A: It's [sloping].

Q: While going home [you are] going up or going down?

A: We are on that sloping terrain going uphill.

Q: No, while walking in that terrain Madam Witness, what transpired if any?

A: We were able to meet [accused-appellant].

[...]

Q: What if any, did [accused-appellant] do?

A: He [met] and directly stabbed my mother.

⁵¹ *Id.*

⁵² TSN, Rubelin Singcol, June 24, 2022, p. 6.

⁵³ *Id.*

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Q: And what happened when you said he [met] your mother and directly stabbed her?

A: Then, my brother was also stabbed and after stabbing my brother my mother [lost her hold on] my brother and he again [stabbed] my mother.

Q: By the way, what is the position of your mother at that time when [you were] going up the slope going home?

A: She was carrying . . . my younger brother.

Q: You said that during the first blow who was hit by the stab?

A: My younger brother, ma'am.

Q: And what happened when your younger brother was hit by the first blow delivered by [accused-appellant]?

A: He was hit on his stomach and the intestine went out from his stomach.

Q: What was the position of your mother and your brother at the time when the first blow was delivered by [accused-appellant]?

A: My mother was carrying my brother and after the stabbing of my younger brother my mother fell to the ground because she was [outbalanced] at the time of the stabbing [by accused-appellant].

Q: And what happened to your [mother]?

A: My mother [lost her hold on] my brother because she got outbalanced so, after that [accused-appellant] again [stabbed] my mother.


Q: Could you remember what part of the body of your mother was stabbed by your uncle?

A: At her chest, ma'am.

The Court notes that the victim was carrying her [two-year-old] son on a sloping terrain when accused-appellant, without warning and through an almost stealthy manner, stabbed her. Apparently, accused-appellant had adopted means, a method or form of attack, to ensure its commission and without giving the victim the opportunity to defend herself.

A frontal attack may be regarded as treacherous when it was so sudden on an unsuspecting, or an unarmed victim, who had no chance to repel the attack or avoid it.

The trial court is incorrect when it ruled that there was no treachery on the ground that the victim, [Egmedia], was already warned that accused-appellant was mad at her. In *People v. Napalit*, the High Court ruled that even when the



victim was forewarned of the danger to his person, treachery may still be appreciated since what is decisive is that the execution of the attack made it impossible for the victim to defend himself/herself or to retaliate.

Moreover, the victim, [Egmedia], at that time, was unarmed, carrying her [two-year-old] child and walking on an uphill terrain. Thus, even if she was forewarned of the impending danger, it was unlikely that she could be able to defend herself from the attack of accused-appellant.⁵⁴ (Citations omitted)

Thus, Egmedia's killing is attended by treachery, which qualifies the crime to murder.

The Court also takes the occasion to rule out the second alleged aggravating circumstance of evident premeditation in the killing of Egmedia.

To appreciate the circumstance of evident premeditation, it is necessary to establish the following: *first*, a previous decision to commit the crime; *second*, an overt act or acts manifestly indicating that the accused has clung to their determination; and *third*, a sufficient lapse of time between the decision to commit the crime and its actual execution to allow the accused to reflect upon the consequences of their act(s) and to allow their conscience to overcome the resolution of their will, had they desired to hearken to its warnings.⁵⁵

None of the above elements of evident premeditation is established. Per Annaliza, a witness for the prosecution, Andres had advised accused-appellant "that whatever plan [accused-appellant] had [against Egmedia], [accused-appellant should] not do it,"⁵⁶ and that he is "not to harm"⁵⁷ or "not to pursue his plan [on Egmedia]."⁵⁸ These statements are too vague and unspecific to constitute evident premeditation. There is no clear or direct proof showing beyond a reasonable doubt that accused-appellant decided to kill Egmedia; that he meditated and reflected upon his decision to kill Egmedia; and that, despite such calm retrospect and the lapse of a sufficient amount of time within which he could have changed his mind, he still proceeded to kill Egmedia.

Murder is punishable by *reclusion perpetua* to death.⁵⁹ Where there is no aggravating circumstance other than that which is established in the commission

⁵⁴ Rollo, pp. 24–27.

⁵⁵ *People v. Gravino*, 207 Phil. 107, 114 (1983) [Per J. Gutierrez, Jr., *En Banc*]; see also *People v. Macaraig*, G.R. No. 257963, September 7, 2022 [Notice, First Division].

⁵⁶ TSN, Annaliza Singcol Alfanta, July 14, 2022, p. 6.

⁵⁷ *Id.* at 13.

⁵⁸ *Id.* at 14.

⁵⁹ REV. PEN. CODE, art. 248.

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of murder, the penalty to be imposed is *reclusion perpetua*,⁶⁰ following Article 63⁶¹ of the Revised Penal Code.

The CA's awards of civil indemnity, moral damages, exemplary damages, and temperate damages to Egmedia's heirs are affirmed as it conformed to prevailing jurisprudence.⁶²

FOR THESE REASONS, the appeal is **DISMISSED**. The March 15, 2024 Decision of the Court of Appeals in CA-G.R. CR No. 02401-MIN is **AFFIRMED**. Accused-appellant Leopoldo Singcol is **GUILTY** beyond reasonable doubt of the crimes of

1. Parricide, for the death of Andres Singcol. He is to suffer the penalty of *reclusion perpetua* and to pay the heirs of Andres Singcol the following amounts:
 - a. PHP 75,000.00, as civil indemnity,
 - b. PHP 75,000.00, as moral damages,
 - c. PHP 75,000.00, as exemplary damages, and
 - d. PHP 50,000.00, as temperate damages;

and

2. Murder, for the death of Egmedia Singcol. He is to suffer the penalty of *reclusion perpetua* and to pay the heirs of Egmedia Singcol the following amounts:
 - a. PHP 75,000.00, as civil indemnity,
 - b. PHP 75,000.00, as moral damages,
 - c. PHP 75,000.00, as exemplary damages, and
 - d. PHP 50,000.00, as temperate damages.

All monetary awards shall earn interest at the rate of 6% per *annum* from date of finality of this Decision until fully paid.

⁶⁰ *People v. Macaraig*, G.R. No. 257963, September 7, 2022 [Notice, First Division].

⁶¹ Art. 63. *Rules for the application of indivisible penalties*. — In all cases in which the law prescribes a single indivisible penalty, it shall be applied by the courts regardless of any mitigating or aggravating circumstances that may have attended the commission of the deed.


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⁶² *People v. Jugueta*, 783 Phil. 806, 847 (2017) [Per J. Peralta, *En Banc*].

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SO ORDERED.”


RAMON PAUL L. HERNANDO
Associate Justice
Working Chairperson

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice
Chairperson

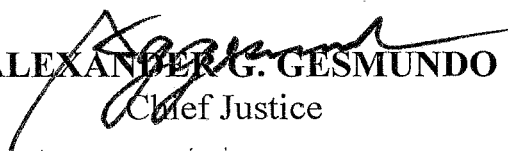

RODIL V. ZALAMEDA
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, 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.


ALEXANDER G. GESMUNDO
Chief Justice