



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

SHIELA MARIE B. CAFRANCA G.R. No. 244071
and MA. JOSEPHINE B.
CAFRANCA

Petitioners,

- versus -

PEOPLE OF THE PHILIPPINES
Respondent,

X ----- X

RAYMARK VELASCO @ G.R. No. 244208
"MAMARK" and CARLITO
ORBISO Y ABIQUE @ "CARLA"

Petitioners,

Present:

- versus -

GESMUNDO, C.J., Chairperson
ZALAMEDA,
LOPEZ, M.,*
ROSARIO, and
MARQUEZ, JJ.

PEOPLE OF THE PHILIPPINES
Respondent,

Promulgated:

MAY 15 2024

metubate

X ----- X

DECISION

ZALAMEDA, J.:

* Designated as additional Member per Raffle dated April 16, 2024.

The barking of a dog in the dead of night caused a heated verbal tussle between neighbors, ending in the death of one and the incarceration of four. The family of the departed seeks retribution, while those incarcerated plead innocence.

The Court is once again tasked to determine whether guilt beyond reasonable doubt has been established in these consolidated Petitions for Review on *Certiorari*¹ emanating from the same factual backdrop in appeal of the Decision² (Assailed Decision) and Resolution³ of the Court of Appeals (CA). The CA affirmed the Decision⁴ of the Regional Trial Court of Muntinlupa (RTC), finding petitioners Shiela Marie Cafranca y Bello (Shiela), Raymark Velasco (Mamark), Carlito Orbiso y Abique (Carla), and Ma. Josephine Cafranca y Bello (Majo)(collectively, petitioners) guilty beyond reasonable doubt of the crime of homicide under Article 249 in relation to Article 4(1) of the Revised Penal Code.⁵

Antecedents

Petitioners were charged with homicide in relation to Article 4(1) of the Revised Penal Code for the death of Oscar Duran (Oscar). The accusatory portion of the Information reads:

That on or about the **23rd day of March 2011**, in the City of Muntinlupa, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping and aiding one another, threaten victim **OSCAR DURAN y DEL CARMEN** then 76 years old, with the infliction upon his person of a wrong amounting to a crime that is, by attempting to hit him with a steel chair and, thereafter, shouting invective or slanderous words such as ‘Putang ina mong matanda ka, ididimanda kita’, ‘Matanda ka na walang pinagkatandaan’, and such other words of similar import, which thus threatened and caused irritation or annoyance on the said victim; that as a direct, natural and logical consequences of such threatening acts and vexations or annoying words uttered by the herein accused against Oscar Duran, the latter suffered heart seizure or Cardiorespiratory arrest which directly caused his untimely death.

Contrary to law.⁶

¹ *Rollo* (G.R. No. 244071), pp. 11–28; *rollo* (G.R. No. 244208), pp. 13–38.

² *Rollo* (G.R. No. 244071), pp. 29–49. The February 28, 2018 Decision in CA-G.R. CR No. 38832 penned by Associate Justice Ramon Paul L. Hernando (now a Member of this Court) and concurred in by Associate Justices Marlene B. Gonzales-Sison and Rafael Antonio M. Santos of the Special Fifteenth Division, Court of Appeals, Manila.

³ *Id.* at 50–52. The January 15, 2019 Resolution in CA-G.R. CR No. 38832 was penned by Associate Justice Rafael Antonio M. Santos and concurred in by Associate Justices Marlene Gonzales-Sison and Maria Filomena D. Singh (now Member of this Court) of the Former Special Fifteenth Division, Court of Appeals, Manila.

⁴ *Id.* at 53–73. The May 23, 2016 in Criminal Case No. 11-434 was penned by Presiding Judge Antonietta Pablo-Medina of Branch 276, Regional Trial Court, Muntinlupa City.

⁵ An Act Revising the Penal Code and Other Penal Laws (1930).

⁶ RTC records, p. 1.

On arraignment, petitioners pleaded not guilty.⁷ Trial on the merits ensued thereafter.

Version of the Prosecution

The prosecution presented the affidavits⁸ and testimonies⁹ of Ruby Ann Ocop (Ruby Ann), Raynor Simbolas (Raynor), and Jenette Deuna (Jenette), recounting the circumstances prior to the death of Oscar. Their narrations are summarized as follows:

On March 23, 2011, around 12:00 a.m., Ruby Ann and Jenette were chatting with Ana Neyra (Ana), Raynor, and some friends in front of Ana's store located at Bldg. 3, Filinvest Socialized Housing in Alabang, Muntinlupa City. They heard Shiela's dog barking loudly outside her residence at Unit 106 of the same building. Then, they saw Oscar emerge from his residence, adjacent to Shiela's unit, and walking towards Armin Niera¹⁰ (Armin), who was in front of Bldg. 3 having a drinking spree. Oscar angrily complained to Armin about the dog.¹¹

Armin advised Oscar to defer the matter until the next day as it was already late. Oscar, however, proceeded to Shiela's unit. The witnesses then heard loud noises coming from Shiela's unit. Worried for the old man, Ana asked Raynor to follow Oscar. Raynor obliged and saw Oscar having a heated argument with Shiela. He heard Oscar telling Shiela to stop her dog from barking to which Shiela replied, "*what can I do?*" Oscar got angry and hit Shiela's door with his cane. Mamark and Carla, who were inside Shiela's unit, came out and joined in the verbal tussle. To pacify Oscar, Raynor pulled him outside the building, but Shiela, Mamark, and Carla followed. Ruby Ann and Jennete, who went to Shiela's unit after Raynor, heard Shiela saying "*putang ina ka, matanda ka.*" They also saw Shiela holding a steel chair, but Raynor positioned himself in between Shiela and Oscar to protect the latter from being hit.¹²

Raynor led Oscar away from the scene and brought him to Armin's unit. After several minutes, petitioners came out of Shiela's unit looking for Oscar. Shiela angrily asked, "*nasaan na yung matandang iyan[?]*" When Oscar replied, "*o, bakit?*", Shiela approached Oscar and said, "*you old man, you hurt me.*" Oscar retorted, "*oo, bakit, pagkatapos ng videoke, aso naman.*" Shiela replied, "*aso nga eh.*" Mamark chimed in saying, "*oo nga*

⁷ *Id.* at 154.

⁸ *Id.* at 16-A, 17, 232, 233, 262, 263, 240-241, 270-271.

⁹ TSN, Ruby Ann Ocop, May 2012; Raynor Simbolas, October 29, 2012 and November 12, 2012; and Jenette Devna, February 18, 2013.

¹⁰ In his affidavit, he signed as "Armin Neyra." RTC records, pp. 49-50.

¹¹ RTC records, p. 11.

¹² *Id.*

aso iyan maiintindihan ba tayo niyan.” Armin tried to stop petitioners by telling them not to quarrel with Oscar because he is old and something bad might happen to him. Shiela responded, “*wala akong pakialam sa putang inang matandang iyan. Bigla ako hinampas, pwede kitang idemanda sa ginawa mo* [referring to Oscar].” Mamark seconded Shiela’s statement.¹³

At this point, Oscar tried to hit Mamark with his cane. However, a scuffle for the cane ensued, with Shiela continuing to hail invectives at Oscar such as “*ikaw ang matandang walang pinagkatandaan.*” Armin urged the petitioners to stop, while leading Oscar away from petitioners. Petitioners eventually stopped and left. Oscar, who was made to sit down, lost consciousness a few minutes later. Jenette tried to make Oscar drink water, but he was no longer responsive. Oscar was immediately brought to the Alabang Medical Clinic where he was attended to by the doctor on duty, Dr. Rene Oriel S. Retuerma (Dr. Retuerma).¹⁴

In addition to the eye-witness testimonies, the prosecution also presented the testimonies of Dr. Retuerma,¹⁵ Dr. Rowena Tan¹⁶ (Dr. Tan), and Lilia Duran¹⁷ (Lilia).

Dr. Retuerma confirmed that Oscar was already dead when the latter arrived at the clinic. He also identified the medical certificate¹⁸ he issued. Meanwhile, Dr. Tan identified Oscar’s death certificate,¹⁹ wherein it was stated that the cause of death was “cardio-respiratory arrest prob. [sic] due to myocardial infarction.”

Lilia, Oscar’s daughter, testified that a result of the death of her father, she incurred hospital expenses in the amount of PHP 1,881.00 and funeral expenses in the amount of PHP 20,000.00, as evidenced by official receipts²⁰ issued by the clinic and funeral parlor, as well as attorney’s fees in the amount of PHP 5,000.00 per hearing.

Version of the Defense

Petitioners denied the charges against them. They testified²¹ that at around 10:30 p.m. on March 22, 2011, petitioners were with Edwin Astillero (Edwin) and Jeffrey Baylon (Jeffrey) inside Shiela’s unit. Except for Majo

¹³ *Rollo* (G.R. No. 244071), p. 32.

¹⁴ *Id.*

¹⁵ TSN, Dr. Rene Oriel S. Retuerma, September 2, 2013.

¹⁶ TSN, Dr. Rowena Tan, June 10, 2013.

¹⁷ TSN, Lilia Duran, February 20, 2012.

¹⁸ RTC records, p. 265.

¹⁹ *Id.* at 264.

²⁰ *Id.* at 277 and 279.

²¹ RTC records, pp. 21–34; TSN, Sheila Marie Cafranca, June 25, 2014; Josephine Cafranca, November 24, 2014; Carlito Abique, February 10, 2016; and Raymark Velasco, March 2, 2016.

who was asleep at that time, everyone else was watching a movie on DVD. Shiela's dog kept on barking from outside the unit, so she opened the door to let it in. Oscar, who was just outside Shiela's unit, was furious and tried to hit the dog with his cane, shouting, "*pagsabihan niyo yang aso niyo, maingay, perhuwisyo kayo.*" Shiela closed the door, but Oscar continued to hit the unit's door and window.²²

Shiela once again opened the door and calmly asked Oscar what the problem was. Oscar replied, "*pagsabihan niyo aso mo, perhuwisyo kayo, ano gusto ninyo, gulo?*" In response, Shiela said "*kahit po itali ko at ipasok sa loob ng bahay tatahol at tatahol din yan.*" Oscar was livid and tried to strike Shiela with his cane. Shiela evaded but Oscar struck the former again with his cane. This time, he struck Shiela's right thigh.²³

Surprised, Carla intervened and told Shiela to go inside the unit. Carla asked Oscar to stop, but the latter tried to hit Shiela again. This time, Carla deflected the cane, which hit his left arm. Raynor, who was watching nearby, pulled Oscar away. Shiela and Carla went inside the unit. At this point, Majo woke up and asked them what happened.²⁴

Once inside, Shiela saw the bruise on her thigh. She decided to talk to Oscar. Carla, Mamark, and Edwin went with her to look for Oscar. When they found Oscar, Mamark explained the incident to him, which only made Oscar angrier. Oscar again attempted to hit Shiela with the cane. However, Majo, who apparently followed Shiela, warded it off causing the cane to fall on the ground. Shiela then stepped on the cane to prevent Oscar from picking it up and hurting them. Armin intervened and pacified Oscar. Thereafter, petitioners left the scene and returned to Shiela's unit. They later heard that Oscar suffered a heart attack.²⁵

Jeffrey²⁶ and Edwin²⁷ corroborated petitioners' testimonies.

The defense also presented Dr. Cesar Berroya²⁸ (Dr. Berroya) to identify the medico-legal report²⁹ and medical certificate³⁰ he issued based on his examination of Shiela and Carla. Dr. Berroya found that Shiela sustained a contusion hematoma on her right anterior thigh, while Carla sustained an abrasion on his left arm.

²² RTC records, pp. 21–22.

²³ *Id.* at 22.

²⁴ *Id.*

²⁵ *Id.*

²⁶ RTC records, pp. 39–42; TSN, Jeffrey Baylon, February 16, 2015.

²⁷ RTC records, pp. 35–38; TSN, Carlito Abique, February 10, 2016.

²⁸ TSN, Dr. Cesar Berroya, December 9, 2015.

²⁹ RTC records, pp. 478, 499.

³⁰ *Id.* at 479.

Ruling of the RTC

In its Decision dated March 23, 2016, the RTC found petitioners guilty beyond reasonable doubt of the crime of homicide, viz.:

WHEREFORE, in view of the foregoing, this Court finds accused **SHIELA MARIE CAFRANCA y Bello @ "Yette"**, **RAYMARK VELASCO @ "Mamark"**, **CARLITO ABIQUE y Orbiso @ "Carla"**, and **MA. JOSEPHINE CAFRANCA y Bello @ "Majo"** **GUILTY** beyond reasonable doubt of the crime of Homicide under Article 249 in relation to Article 4 paragraph 1 of the Revised Penal Code and applying the Indeterminate Sentence Law, they are hereby sentenced to suffer an indeterminate penalty of four (4) years and two (2) months of *prision correccional*, as minimum, to eight (8) years and one (1) day of *prision mayor* medium, as maximum.

They are further ordered to pay the heirs of the victim Oscar Duran y Del Carmen the following:

1. [PHP] 50,000.00 as civil indemnity;
2. [PHP] 50,000.00 as moral damages; and
3. [PHP] 21,881.00 as actual damages.

SO ORDERED.³¹ (Emphasis in the original)

The RTC observed that there were three phases of confrontation between Oscar and petitioners: (1) in front of Shiela's unit; (2) when Oscar was pulled by Raynor followed by Shiela, Mamark, and Carla; and (3) when petitioners went outside the unit to confront Oscar.

It found that Oscar's death was caused by petitioners, applying Article 4, paragraph (1) of the Revised Penal Code.³² It ruled that the requisites for the application of the said provision, i.e., (i) an intentional felony has been committed; and (ii) the wrong done to the aggrieved party be the direct, natural, and logical consequence of the felony committed by the offender, were present.

Anent the first requisite, it ruled that Shiela committed the offense of other light threats under Article 285 of the Revised Penal Code when she attempted to strike Oscar with a steel chair in the heat of anger. Ill-treating another by deed under Article 266 of the Revised Penal Code was also committed by Shiela, Mamark, and Carla when they uttered impolite and disrespectful words at Oscar during the second phase of altercation, and by the four petitioners when they jointly confronted Oscar through verbal

³¹ *Id.* at 72-73.

³² *Id.* at 66.

insults and impolite languages in the third phase of altercation.³³

As to the second requisite, the RTC held that while Oscar died of a heart attack, the proximate cause of his death was the threat and ill-treatment received from petitioners.³⁴ It also ruled that conspiracy exists as proven by the joint and collective attack of petitioners against Oscar, especially during the third phase.³⁵

Since death resulted, even if there was no intent to kill, petitioners were found guilty of homicide.³⁶ The RTC nevertheless appreciated two mitigating circumstances in favor of petitioners, i.e., lack of intention to commit so grave a wrong as that committed and sufficient provocation.

Aggrieved, petitioners elevated the case before the CA.

Ruling of the CA

In its Assailed Decision, the CA denied the appeal and affirmed the ruling of the RTC with modification as to the interest rate of the monetary awards, to wit:

WHEREFORE, the instant appeal is **DENIED**. The assailed *Decision* of the Regional Trial Court, Branch 276, of Muntinlupa in Criminal Case No. 11-434 dated May 23, 2016 is hereby **AFFIRMED with MODIFICATION** in that all the monetary awards shall have an interest rate of 6% *per annum* from the finality of this Decision until fully paid.

SO ORDERED.³⁷ (Emphasis in the original)

It found that the RTC carefully considered the evidence from which it based the factual and legal basis for its conclusion that the felonious acts of the petitioners were the proximate cause of Oscar's death.

The CA also denied petitioners' Motion for Reconsideration in its Resolution dated January 15, 2019.³⁸

Hence, petitioners Shiela and Majo, and petitioners Mamark and Carla separately filed their petitions, which were consolidated pursuant to Our Resolution³⁹ dated February 18, 2019.

³³ *Id.* at 67.

³⁴ *Id.* at 69.

³⁵ *Id.* at 70.

³⁶ *Id.* at 71-72.

³⁷ *Id.* at 48.

³⁸ *Id.* at 50-52.

³⁹ *Rollo* (G.R. No. 244208), pp. 10-11.

Issue

For the Court's determination in this case is whether the CA committed reversible error in affirming Petitioners' conviction for the crime of homicide under Article 249 of the Revised Penal Code in relation to Article 4(1) of the same Code.

Ruling of the Court

At the outset, it is noted that the consolidated Petitions raise questions of fact, which are generally beyond the purview of an appeal by *certiorari* under Rule 45 of the Rules of Court.⁴⁰ The issue of whether the prosecution was able to prove beyond reasonable doubt that petitioners committed the alleged felonious acts and that said acts resulted in the death of Oscar requires Us to re-examine the evidence on record. Clearly, these are questions of fact.

Concededly, jurisprudence has established exceptions to said rule, such as when the trial court ignored, misunderstood, or misconstrued cogent facts and circumstances of substance which, if considered, would alter the outcome of the case.⁴¹ Petitioners insist that this case falls under said exception.⁴²

The contention is well-taken.

Praeter Intentionem

Criminal liability is incurred by any person committing a felony although the wrongful act be different from that which is intended. This is embodied in Article 4(1) of the Revised Penal Code, which provides:

Criminal Liability. — Criminal liability shall be incurred:

1. By any person committing a felony (*delito*) although the wrongful act done be different from that which he intended.

In order that a person may be criminally liable for a felony different from that which the offender intended to commit, it is indispensable that (a) that a felony was committed; and (b) that the wrong done to the aggrieved person be the direct consequence of the crime committed by the offender.⁴³

⁴⁰ See RULES OF COURT, Rule 45, sec. 1.

⁴¹ See *Unera v. Shin Heung Electro Digital, Inc.*, 872 Phil. 1008, 1026–1027 (2020) [Per J. Zalameda, Third Division].

⁴² *Rollo* (G.R. No. 244208), p. 21.

⁴³ *People v. Cagoco*, 58 Phil. 524, 528–529 (1933) [Per J. Vickers, *En Banc*].

One who commits an intentional felony is responsible for all the consequences which may naturally or logically result therefrom, whether foreseen or intended or not. The rationale of the rule is found in the doctrine, *el que es causa de la causa es causa del mal causado*, or the person who is the cause of the cause is the cause of the evil caused.⁴⁴ Thus, the Court has held that even if the victim is suffering from an internal ailment, there is criminal liability if the act of the accused is the efficient cause of death, accelerated the death, or the proximate cause of death.⁴⁵

Guided by the foregoing principles, We now resolve the present case.

The prosecution failed to establish all the requisites of Article 4(1) of the Revised Penal Code

Upon careful examination of the records, acquittal of petitioners for the crime of homicide is warranted.

Petitioners argue that their confrontation with Oscar was not the proximate cause of his death. Specifically, petitioners question the finding that Oscar's death was due to heart attack considering that no confirmatory autopsy was made and Dr. Tan's declaration on the cause of death was based, not on her personal examination of Oscar, but only on statements of Oscar's relatives.⁴⁶

The Court agrees with petitioners.

On several occasions, the Court did not hesitate to acquit an accused based on reasonable doubt when the prosecution failed to establish the nexus between the act of the accused and the death of the victim.

In *Yadao v. People*,⁴⁷ accused slapped the face of the victim, who lost his balance and hit his head on the edge of a table. The victim was able to go home and had his wound treated, only to die two days later. Based on the autopsy conducted on the day the victim died, the cause of death was "cardiorespiratory arrest due to pulmonary tuberculosis." At the instance of the victim's father, another autopsy was conducted eight days after the first autopsy. This time, the cause of death was stated to be "cerebral edema, severe, secondary to traumatic injuries; head." Accused was charged with and convicted of homicide. The conviction was reversed by the Court, elucidating thus:

Though it was established that petitioner Yadao slapped the victim, and as a result of which the latter fell down and struck his head on the

⁴⁴ *People v. Rolly Adriano*, 764 Phil. 144, 157 (2015) [Per J. Perez, First Division], citing *People v. Herrera*, 422 Phil. 830, 857 (2001) [Per J. Ynares-Santiago, *En Banc*].

⁴⁵ *People v. Ulep*, 245 Phil. 157, 165 (1988) [Per J. Cancayo, First Division], citing *People v. Ilustre*, 54 Phil. 594 (1930) [Per J. Villamor].

⁴⁶ *Rollo* (G.R. No. 244071), pp. 21-24; *rollo* (G.R. No. 244028), pp. 27-29.

⁴⁷ 534 Phil. 619 (2006) [Per J. Chico-Nazario, First Division].

edge of a table, **the prosecution nonetheless failed to show the nexus between the injury sustained by the victim and his death. It failed to discharge the burden to show beyond a reasonable doubt that the death of the victim resulted from the use of violent and criminal means by petitioner Yadao.**

The fact that the victim herein was wounded is not conclusive that death resulted therefrom. To make an offender liable for the death of the victim, it must be proven that the death is the natural consequence of the physical injuries inflicted. If the physical injury is not the proximate cause of death of the victim, then the offender cannot be held liable for such death.

....

Indeed, the evidence of the defense might not, by itself, suffice to emphatically negate the causal relationship between the actions of petitioner Yadao causing injury to the victim and the cause of his death, but the same must be considered in conjunction with the weakness of the evidence given by the prosecution's witness discussed above. Defense witness Dr. Alambra's Autopsy Report, on top of her testimony that upon opening the skull of the victim, she found nothing out of the ordinary in the brain, tend to reinforce the doubt already engendered by the weakness of the prosecution's evidence about the fundamental correlation of the injury and the cause of death. **It was incumbent upon the prosecution to demonstrate petitioner Yadao's culpability beyond a reasonable doubt, independently of whatever the defense has offered to exculpate the latter. Conviction must rest on the strength of the prosecution's evidence, not merely on conjectures or suppositions, and certainly not on the weakness of the accused's defense; otherwise, the phrase "constitutional presumption of innocence" will be reduced to nothing but an innocuous grouping of words; worse, to a conspicuous exercise in futility.** As a rule, findings of fact of trial courts are accorded great weight, even finality, on appeal, unless the trial court has failed to appreciate certain facts and circumstances that, if taken into account, would materially affect the result of the case. In this case, prescinding from the above discussion, it is arrantly manifest that the RTC, as well as the Court of Appeals, overlooked material and relevant facts that could affect the outcome of the case. **The constitutional presumption of innocence aforementioned requires us to take "a more than casual consideration" of every circumstance or doubt favoring the innocence of the accused as court have the imperative duty to "put prosecution evidence under severe testing."**

The principle has been dinned into the ears of the bench and the bar that in this jurisdiction, accusation is not synonymous with guilt. The proof against him must survive the test of reason; the strongest suspicion must not be permitted to sway judgment. If the evidence is susceptible of two interpretations, one consistent with the innocence of the accused and the other consistent with his guilt, the accused must be acquitted. The overriding consideration is not whether the court doubts the innocence of the accused but whether it entertains a reasonable doubt as to his guilt. **If there exist even one iota of doubt, this Court is "under a long standing**



legal injunction to resolve the doubt in favor of herein accused-petitioner.”

From the foregoing, the inevitable conclusion is that the guilt of petitioner Yadao has not been proved beyond reasonable doubt. The facts of the case, the autopsy reports, as well as the testimony of Dr. Llavore do not definitely establish that the assault was the proximate cause of the death of the victim. Even assuming for the sake of argument that the blow inflicted on the head of the victim resulted in an edematous condition of the brain, petitioner Yadao would still not be held liable for the death as the prosecution failed to present proof that said act was the efficient and proximate cause of the victim's demise. **An acquittal based on reasonable doubt will prosper even though the accused's innocence may be doubted. It is better to free a guilty man than to unjustly keep in prison one whose guilt has not been proved by the required quantum of evidence.** For only when there is proof beyond any shadow of doubt that those responsible should be made answerable.⁴⁸ (Citations omitted; emphases and underscoring supplied)

In *U.S. v. Embate*,⁴⁹ a child died two days after he was struck on the thighs with a slipper, pushed, dragged, and thrown heavily on a mat, by the accused. Prior to the incident, the child was seriously ill with fever for three weeks. Accused was convicted of physical injuries, instead of homicide, since the true cause of the child's death was not proved. The Court stated:


All the witnesses attribute the death of the child to the illness it was suffering; but the doctor, who did nothing more than to examine the body and give his certificate as to certain bruises on the thighs, in his testimony states that the body showed unequivocal signs of serious disease of the heart, and that the bruises could not have caused the death of the child, but might have contributed to accelerate the fatal result of that illness, which was a serious affection of the heart. Being asked by the judge whether the gravity of the child's illness, owing to the affection of the heart, was such that it might have died without the blows which were inflicted upon him, the witness replied that "if in the first place the age of the child is taken into consideration, and in the second its surrounding circumstances, its conditions was such as to lead one to expect a fatal result, no physician being in attendance."

Upon being further questioned as to whether he believed that the blows inflicted upon the child and which produced the bruises were the cause of its death, he replied that "as no other approximate cause is known that the great excitement produced by those blows, it may be inferred that they were the sole cause which precipitated the fatal result of the illness of the child."

We do not find in this testimony, given solely upon the result of the examination of the body, sufficient evidence as to the true cause of the

⁴⁸ *Id.* at 633, 639-641.

⁴⁹ 3 Phil. 640 (1904) [Per C.J. Arellano, First Division].



death of the child[.]⁵⁰

The foregoing cases illustrate the heavy burden on the part of the prosecution, as well as the care that must be taken by the courts in holding a man liable for the demise of another. More so when the felonious act committed does not ordinarily result in the death of a person, such as in this case.

It is undisputed that Oscar's body was not autopsied.⁵¹ What was established by the eye-witness testimonies of the prosecution was that Oscar died shortly after his verbal altercation with petitioners. As pointed out by petitioners, however, the cause of death was not established.

Based on the records, the prosecution offered the medical certificate⁵² issued by Dr. Retuerma and the death certificate⁵³ signed by Dr. Tan to prove their claim that the cause of death was heart attack.⁵⁴

The medical certificate issued by Dr. Retuerma states:

I saw the patient last March 23, 2011 at 12:55 AM, few minutes prior to consult after a heated argument with neighbors, person patient loss of consciousness (LOC) and was brought to the E.R. At the E.R, BP: 0, cardiac rate: 0, RR- zero, Pupils was fixed indiligent. CPR started, epinephrine given. Despite CPR, patient succumbed at 1:35 AM.⁵⁵

Such certificate does not further the case of the prosecution. Nothing therein points to the conclusion that the cause of death was heart attack. Dr. Retuerma even testified that he refused to issue the death certificate of Oscar because he did not know the cause of death:

Q. Now, what do you usually do after you pronounced the patient expired?

A. We informed the patient's relatives that despite the resuscitative measures that we did, the patient still succumbed or expired and *advised them since this is a DOA case or Dead on Arrival, we usually advised them to have an autopsy to determine the cause of death. Since that was the only time that I saw the patient as the patient is not really my patient or clinic patient or patient of the hospital, so he did not have any records, so I did not know what other sickness does he have.*

Q. Now, do you accomplish any document to prove the death of the patient?

A. ECG tracing, which traces the heart if there is any activity. At this point, none. Then, I examine the patient, we checked the pupils and the

⁵⁰ *Id.* This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

⁵¹ TSN, Lilian Duran, February 20, 2012. p. 28-31.

⁵² RTC records, p. 265.

⁵³ *Id.* at 264.

⁵⁴ *Id.* at 255.

⁵⁵ RTC records, p. 265.

pupil is one of the determinance if there is a brain activity. In this case, the pupil of the patient was dilated, so there was no brain activity.

Q. Afterwards, do you fill up any other form?

A. *If it is DOA, we don't issue a Death Certificate because we don't know the cause of death. That's one of the requirements in filling up the Death Certificate. That's why I asked my patient's relatives to have an autopsy to determine the cause of death.*⁵⁶ (Emphases supplied)

The Court also cannot give much weight to the death certificate issued by Dr. Tan considering that she admittedly never examined the victim.⁵⁷

During trial, Dr. Tan explained how she arrived at the conclusion relative to Oscar's cause of death as stated in the death certificate, in this wise:

Q. When you said cardio-respiratory arrest probably due to myocardial infarction, what do you mean by this?

Court: In layman's language.

A. That means that the immediate cause of death of the deceased was due to a heart and respiratory failure secondary to heart attack.

Q. Now, what brought heart attack to a certain person?

A. There are many factors that can cause a heart attack of a person. There are too many to mention, but I wrote that the cause of death, *I entered that cause of death in that particular death certificate because as I interviewed the relatives, they said that the deceased had history of hypertension and diabetes melitus, and since I wasn't able to see or attend to the deceased, so I presumed that since most common complication of hypertension and diabetes is myocardial infarction, so that's the disease of the victim I wrote in the death certificate.*

....

Q. *What other causes that will aggravate the condition of one suffering from hypertension?*

A. *Well, aside from what I had mentioned, there were studies that a strong emotion can also contribute to the aggravation of hypertension to a certain patient.*

Q. When you say strong emotion, what are the instances that you consider strong emotions?

A. Like depression, anxiety, over excitement, anger, sort of those things.

⁵⁶ TSN, Dr. Rene Oriel S. Retuerma, September 2, 2013, pp. 5-6.

⁵⁷ See *Seguritan v. People*, 632 Phil. 415 (2010), where the Court refused to give weight to the notation in the certificate of death issued by the doctor who did not examine the cadaver of the victim.

Q. So when you said anger, you mean the person was aggravated because of that kind of emotion?

A. It can, maybe, it's possible.

Q. How about myocardial infarction, what do you understand by this?

A. Myocardial infarction, in layman's terms, heart attack, it means that the blood supply of the heart is diminished or decreased. So that depending on the arteries that is involved. If the major arteries involved in myocardial infarction [sic] or heart attack, then a larger portion of the heart could be damaged that may cause to death, but if only small arteries or vessels that are involved somehow the patient can survive because there are collaterals in heart that can help in supplying blood to the heart.

Q. So that, because of hypertension, one may suffer myocardial infarction, is that correct?

A. Yes, it can lead to myocardial infarction.

Q. Now, let me go back to the strong emotion you stated as anger. Do you consider a verbal altercation of a person and a victim, one of those types of anger you have defined, verbal altercation may result, does it one of the categories of anger that you have described?

A. I cannot answer. I think, depending on the person.⁵⁸ (Emphases supplied)

It is clear then that Dr. Tan's medical opinion as to the cause of death was premised on Oscar's alleged pre-existing conditions, i.e., hypertension and diabetes. Notably, both the RTC and the CA treated as a fact such alleged pre-existing conditions. However, such a conclusion was based was based purely on Dr. Tan's interview with Oscar's relatives, which was done when the relatives were securing Oscar's death certificate.

On cross-examination, Dr. Tan again confirmed that the cause of death indicated in the death certificate was based only on her interview with Oscar's relatives. Moreover, she admitted that she was not certain as to the exact cause of death:

Q. Now, with respect to the death of Oscar Del Carmen Duran, you would agree with me Madam Witness that you never saw the dead body of this person, isn't it?

A. Yes, maám.

Q. And you were not able to conduct any autopsy or examine this person?

A. Yes, maám.

Q. And that's why you stated probably?

⁵⁸ TSN, Dr. Rowena Tan, June 10, 2013, p. 13-15.

A. Yes, maám.

Q. So, you were not also sure that it could have caused his death?

A. Yes, maám. I'm not definite.

Q. So, it could have been due to other causes also?

A. Probably, maám.

Q. Since there was no autopsy conducted on this patient, we are not certain on what really caused his death?

A. Yes, maám.

Q. So, all of these are just based on presumption, based on your interview of the relatives of the deceased?

A. Yes, maám. If I may?

....

Q. Since there was no autopsy conducted on this deceased person, we are not really certain on what probably cause his death? No certainty of the exact cause of death?

A. Yes, maám. That's why, I wrote probably.⁵⁹

In fact, Dr. Tan required Oscar's relatives to have the body autopsied, and she only signed the death certificate upon the execution of a waiver by said relatives absolving Dr. Tan of liability for not doing autopsy to the patient due to their request.⁶⁰

Verily, there is nothing in the records that would support the conclusion reached by the RTC and the CA that Oscar died of a heart attack.

Indeed, as argued by petitioners, the prosecution failed to establish the exact cause of death in the absence of an autopsy. This was brushed off by the CA stating that "[e]ven if Oscar's cadaver did not undergo an autopsy, it does not necessarily mean that performing one would rule out the possibility that the accused-appellants' [petitioners] actions triggered the heart attack."⁶¹

To disregard the significance of an autopsy in said manner is inconsistent with the rule that the prosecution has the burden to present evidence that meets the standard to support the conviction. If we are to uphold the constitutionally enshrined presumption of innocence of the accused,⁶² the prosecution must first establish its claim that Oscar died of a heart attack before the burden of evidence shifts to petitioners to prove otherwise. The autopsy would have been instrumental in establishing that the cause of death was indeed a heart attack as theorized by the prosecution.

⁵⁹ *Id.* at 18-22.

⁶⁰ *Id.* at 22.

⁶¹ *Rollo* (G.R. No. 244071), p. 44.

⁶² CONST., art. III, sec. 14, paragraph (2).

The lack of proper autopsy, or the total absence thereof, has previously been taken against the prosecution's case.

In *People v. Matyaong*,⁶³ accused was convicted of parricide by the lower courts for the death of his wife, who died two days after the former beat the latter with a piece of wood. The Court found that the prosecution failed to prove beyond reasonable doubt that the beating was the proximate cause of victim's death. The Court considered the lack of ante-mortem and post-mortem examination that would ascertain the precise cause of death and the fact that the victim was reportedly suffering from other affliction prior to and after the assault.⁶⁴

Meanwhile, in *People v. Palalon*,⁶⁵ the victim contracted a fever and died two days after accused struck the victim with the back of his hand. The Court acquitted the accused of the charge of homicide for failure to establish the cause of death. In rejecting the findings of the examining physician who had linked the blows sustained by the victim to his death, the Court observed the lack of proper autopsy made in the body, the examination appearing to have been incomplete and the conclusions partly based upon the statements of the members of the family of the deceased.⁶⁶

Significantly, the Court has also emphasized the importance of an autopsy even in cases where the accused's conviction was upheld.

In *Garcia v. People*,⁶⁷ accused punched and struck the victim with a bottle but the victim was able to escape to his home, where he was later found unconscious and salivating. The victim was pronounced dead on arrival at the hospital and autopsy confirmed that he died of myocardial infarction. The Court affirmed accused's conviction for homicide and rejected the defense that only slight physical injuries was inflicted on the deceased. Relying on the autopsy report and the testimonies of the medical doctors, the Court concluded that the myocardial infraction suffered by the victim was the direct, natural, and logical consequence of the felony that accused intended to commit.⁶⁸

The Court, in *People v. Cagoco*,⁶⁹ found that the victim's death was the direct consequence of blow to the head delivered by the defendant, which caused the former to fall and hit his head on the asphalt pavement. The post-mortem examination revealed that the deceased had sustained a lacerated wound and fracture of the skull in the occipital region, and that he had died from cerebral hemorrhage. The Court held that the death of the victim therein was the direct consequence of the defendant's felonious act.⁷⁰

⁶³ 411 Phil. 938 (2001) [Per J. Gonzaga-Reyes, Third Division].

⁶⁴ *Id.* at 948.

⁶⁵ 49 Phil. 177 (1926) [Per J. Ostrand].

⁶⁶ *Id.*

⁶⁷ 614 Phil. 40 (2009) [Per J. Quisumbing, Second Division].

⁶⁸ *Id.* at 52.

⁶⁹ 58 Phil. 524 (1933) [Per J. Vickers].

⁷⁰ *Id.*

In *People v. Martin*,⁷¹ meanwhile, the accused, who strangled his wife who was suffering from a heart disease, was found guilty of parricide. In rejecting the argument that the victim died due to heart disease, not the strangling, the Court noted that the cause of death was heart failure due to fright or shock, as testified by the physician who conducted the autopsy on the victim.⁷²

Finally, in *Seguritan v. People*,⁷³ accused punched the victim on the latter's right and left temple, causing the latter to fall to the ground and hit a hollow block. The victim was able to go home after regaining consciousness. In the evening of the same day, however, the victim expired. Autopsy revealed that the cause of death was traumatic head injury. The Court affirmed the conviction for homicide and rejected the theory of the defense that the victim died of a heart attack.⁷⁴

Indeed, a conviction cannot be made to rest on probabilities or possibilities, and the strongest suspicion must not be permitted to sway judgment.⁷⁵ The due process clause embodied in the Constitution demands no less than proof beyond reasonable doubt.⁷⁶ Even if we concede that strong emotions may cause a heart attack, the Court cannot leap to a conclusion that the victim died of a heart attack based only on the eyewitness testimonies regarding the verbal altercation that occurred prior to Oscar's death.

This does not mean, however, that petitioners are already in the clear.

As a rule, an accused can only be convicted of the crime with which they are charged.⁷⁷ This is grounded on the constitutional right of the accused to be informed of the nature and cause of the accusation against them.⁷⁸

To recap, the Information charged petitioners with homicide committed by "*threaten[ing] victim OSCAR DURAN y DEL CARMEN then 76 years old, with the infliction upon his person of a wrong amounting to a crime that is, by attempting to hit him with a steel chair and, thereafter, shouting invective or slanderous words such as 'Putang ina mong matanda ka, ididimanda kita', 'Matanda ka na walang pinagkatandaan', and such other words of similar import.*" Notwithstanding the designation of the crime as homicide in the said Information, what determines that real nature and cause of accusation against an accused is the actual facts recited in the Information as constituting the offense charged, not its caption or

⁷¹ 89 Phil. 18 (1951) [Per J. Jugo].

⁷² *Id.*

⁷³ 632 Phil. 415 (2010) [Per J. Del Castillo, Second Division].

⁷⁴ *Id.* at 422-423.

⁷⁵ *Lopez v. People*, G.R. No. 249196, April 28, 2021 [Per J. Zalameda, First Division], citing *People v. Estibal*, 748 Phil. 850 (2014) [Per J. Reyes, Third Division].

⁷⁶ *People v. Arnado*, G.R. Nos. 250100-02, March 21, 2022 [Per J. Zalameda, Second Division], citing *People v. Rodriguez*, 818 Phil. 625, 634 (2017) [Per J. Martires, Third Division].

⁷⁷ *People v. XXX*, G.R. No. 233463, 19 February 2020.

⁷⁸ CONST., Art. III, Section 14, par. (2).

designation.⁷⁹

Based on the allegations in the Information, the RTC and the CA found petitioners to have committed other light threats under Article 285, and ill-treating another by deed under Article 266 of the Revised Penal Code, when they discussed the first element of Article 4(1) in relation to the charge of homicide. Accordingly, the Court shall now discuss if petitioners may be convicted for said felonies.

*Other Light Threats
under Article 285 of the
Revised Penal Code*

Article 285 of the Revised Penal Code states:

ARTICLE 285. Other Light Threats. — The penalty of *arresto menor* in its minimum period or a fine not exceeding 200 pesos shall be imposed upon:

1. *Any person who, without being included in the provisions of the next preceding article, shall threaten another with a weapon, or draw such weapon in a quarrel, unless it be in lawful self-defense.*
2. Any person who, in the heat of anger, shall orally threaten another with some harm not constituting a crime, and who by subsequent acts shows that he did not persist in the idea involved in his threat, provided that the circumstances of the offense shall not bring it within the provisions of Article 282 of this Code.
3. Any person who shall orally threaten to do another any harm not constituting a felony. (Emphasis supplied)

It is settled that the factual findings of the trial court are entitled to great weight, and it is conclusive and binding unless shown to be tainted with arbitrariness or unless, through oversight, some fact or circumstance of weight and influence has not been considered. The rule finds an even more stringent application where the said findings are sustained by the CA.⁸⁰

Shiela denies the claim that she threatened Oscar with a steel chair, but, in the same breath, claims self-defense in the alternative.⁸¹

Self-defense, when invoked as a justifying circumstance, implies the admission by the accused that they committed the criminal act.⁸² On the

⁷⁹ *Carbonell v. People*, G.R. No. 246702, April 28, 2021 [Per J. Delos Santos, Third Division], citing *Espino v. People*, 713 Phil. 377, 385–386 (2013) [Per J. Sereno, First Division].

⁸⁰ See *People v. Ivero*, 888 Phil. 751, 759 (2020) [Per CJ. Peralta, First Division].

⁸¹ *Rollo* (G.R. No. 244071), pp. 18–20.

⁸² *People v. Macaraig*, 810 Phil. 931, 937 (2017) [Per J. Tijam, Third Division].

other hand, in denial, one disavows any involvement in the crime. As such, defenses of denial and self-defense are diametrically opposed to each other.⁸³ Truly, the Court cannot appreciate the theory of self-defense when the accused denies the act claimed to be done in defense of oneself.

Nevertheless, the testimonies of the prosecution witnesses belie the defenses of denial and self-defense. Denial cannot be appreciated in view of Raynor's testimony that he led Oscar away from Shiela's unit. The latter, however, followed them carrying a steel chair, prompting Raynor to stand between the two to protect Oscar.⁸⁴ This was corroborated by Ruby Anne and Jennette who testified to seeing Shiela holding a chair about to hit Oscar.⁸⁵ Self-defense cannot also be successfully invoked in the absence of unlawful aggression.⁸⁶ As found by the RTC, at the time of Shiela's threat, there was no unlawful aggression on Oscar's part as Raynor already led him away from Shiela's unit.

The penalty for other light threats is *arresto menor* in its minimum period. Notably, Section 3⁸⁷ of Republic Act No. 11362,⁸⁸ or the Community Service Act, allows the imposition of community service in lieu of the penalty of *arresto menor*. However, to avail of said privilege, accused must first apply for community service in the court of origin pursuant to paragraph 12⁸⁹ of A.M. No. 20-06-14-SC, or the Guidelines in the

⁸³ *People v. Abina*, 830 Phil. 352, 360 (2018) [Per J. Del Castillo, First Division].

⁸⁴ TSN, Ruby Ann Ocop, May 28, 2012, p. 18, and TSN, Jenette Duena, February 18, 2013, pp. 8-9.

⁸⁵ TSN, 28 May 2012, p. 18 and TSN, 18 February 2013, pp. 8-9.

⁸⁶ *People v. Macaraig*, supra note 68.

⁸⁷ SECTION 3. Community Service. — Article 88a of Act No. 3815 is hereby inserted to read as follows:

“ART. 88a. Community Service.— The court in its discretion may, in lieu of service in jail, require that the penalties of *arresto menor* and *arresto mayor* be served by the defendant by rendering community service in the place where the crime was committed, under such terms as the court shall determine, taking into consideration the gravity of the offense and the circumstances of the case, which shall be under the supervision of a probation officer: *Provided*, That the court will prepare an order imposing the community service, specifying the number of hours to be worked and the period within which to complete the service. The order is then referred to the assigned probation officer who shall have responsibility of the defendant.

“The defendant shall likewise be required to undergo rehabilitative counseling under the social welfare and development officer of the city or municipality concerned with the assistance of the Department of Social Welfare and Development (DSWD). In requiring community service, the court shall consider the welfare of the society and the reasonable probability that the person sentenced shall not violate the law while rendering the service.

“Community service shall consist of any actual physical activity which inculcates civic consciousness, and is intended towards the improvement of a public work or promotion of a public service.

“If the defendant violates the terms of the community service, the court shall order his/her re-arrest and the defendant shall serve the full term of the penalty, as the case may be, in jail, or in the house of the defendant as provided under Article 88. However, if the defendant has fully complied with the terms of the community service, the court shall order the release of the defendant unless detained for some other offense.

“The privilege of rendering community service in lieu of service in jail shall be availed of only once.”

⁸⁸ The Community Service Act (2019).

⁸⁹ 12. If the accused is sentenced with a penalty higher than *arresto menor* or *arresto mayor*, and on appeal the penalty was lowered to *arresto menor* or *arresto mayor*, which became final and executory, the

Imposition of Community Service as Penalty in Lieu of Imprisonment, issued by this Court.

Thus, pending the application for community service, if availed and qualified,⁹⁰ Shiela is sentenced to suffer the straight penalty of imprisonment of 10 days of *arresto menor*.⁹¹

Ill-treating Another by Deed under Article 266 of the Revised Penal Code

Petitioners, however, cannot be held liable for ill-treating another by deed under Article 266 of the Revised Penal Code.

The provision reads:

ARTICLE 266. Slight Physical Injuries and Maltreatment. — *The crime of slight physical injuries shall be punished:*

1. By *arresto menor* when the offender has inflicted physical injuries which shall incapacitate the offended party for labor from one to nine days, or shall require medical attendance during the same period.
2. By *arresto menor* or a fine not exceeding 200 pesos and censure when the offender has caused physical injuries which do not prevent the offended party from engaging in his habitual work nor require medical attendance.
3. By *arresto menor* in its minimum period or a fine not exceeding 50 pesos when the offender shall ill-treat another by deed without causing any injury.⁹² (Emphasis supplied)

The Court is not convinced that petitioners committed said felony by their acts of uttering impolite and disrespectful languages and threat to sue.

The alleged threat to sue does not constitute a wrong constituting a crime. In one case, the accused was acquitted of the crime of grave coercion charged to have been allegedly committed by “shouting at the complainant with piercing looks” and “threats to file charges against her.” The Court in that case stated that “[t]here is nothing unlawful on the threat to sue.”⁹³

accused may, upon written application with the court of origin, seek community service in lieu of imprisonment, which may be acted upon subject to the provisions of these guidelines.

With respect hereto, in no case shall community service be allowed if the defendant is a habitual delinquent.

⁹⁰ See *Ruego v. People*, G.R. No. 226745, May 3, 2021 [Per J. Leonen, Third Division].

⁹¹ See *Escolano v. People*, 845 Phil. 129; 149 (2018) [Per CJ. Gesmundo, Third Division].

⁹² This has been amended by Republic Act No. 10951, which increased the fine for Article 266 (2) and (3) to PHP 40,000.00 and PHP 5,000.00, respectively.

⁹³ *Lee v. Court of Appeals*, 278 Phil. 421, 426 (1991) [Per J. Medialdea, First Division].



Further, the Court is of the view that the use of impolite and disrespectful language does not fall within the purview of Article 266(3) of the Revised Penal Code.

A statute's clauses and phrases must not be taken as detached and isolated expressions, but the whole and every part thereof must be considered in fixing the meaning of any of its parts in order to produce a harmonious whole.⁹⁴

Article 266 is under Chapter 2, Title 8 (Crimes Against Persons) of the Revised Penal Code. In addition to Article 266, the crimes under Chapter 2 are Mutilation (Article 262), Serious Physical Injuries (Article 263), Administering Injurious Substance (Article 264), and Less Serious Physical Injuries (Article 265). Except for Article 266, paragraph (3), the common element of the crimes under Chapter 2 is that a victim sustained physical damage, in varying degrees of seriousness, due to the overt act of the accused. Otherwise stated, in crimes under Chapter 2, accused commits an overt act that can cause physical damage.

There is a dearth of jurisprudence on what constitutes ill-treatment by deed under Article 266, paragraph (3) of the Revised Penal Code. In *People v. Mapalo*,⁹⁵ the Court held that when the offender shall ill-treat another by deed without causing any injury, and without causing dishonor, the offense is Maltreatment under Article 266, paragraph (3) of the Revised Penal Code. Therein accused was convicted of said crime for *hitting* the victim, without proof of injury offered.⁹⁶

The application of Article 266, paragraph (3) was also briefly mentioned in the following cases: (i) in *People v. Mendoza*,⁹⁷ where the Court stated that the act of a student in *slapping* the cheek of his teacher may be considered under the provisions of Article 359 (Slander by Deed), or Article 266 (Maltreatment) of the Revised Penal Code; (ii) in *People v. Palmon*,⁹⁸ where the Court upheld the jurisdiction of the justice of peace over *assaults* causing no physical injuries penalized under Article 266, paragraph (3); and (iii) in *People v. Matyaong*,⁹⁹ where the Court stated that it was possible to convict accused under Article 266, paragraph (3) for *beating* his wife despite absence of evidence on injuries sustained. While these cases do not clearly discuss the elements of the crime under Article 266, paragraph (3), they are illustrative of the types of acts that may be covered under the said provision.

Based on textual analysis of Article 266, paragraph (3) in relation to the other offenses under Chapter 2, Title 8 of the Revised Penal Code, as well as the cited jurisprudence on the matter, the Court agrees with petitioners that Article 266(3) of the Revised Penal Code should be

⁹⁴ *People v. Sullano*, 827 Phil. 613, 624 (2018) [Per J. Gesmundo, Third Division], citing *Philippine International Trading Corporation v. Commission on Audit*, 635 Phil. 447, 454 (2010) [Per J. Perez, En Banc].

⁹⁵ 543 Phil. 651 (2007) [Per J. Chico-Nazario, Third Division].

⁹⁶ *Id.* at 682.

⁹⁷ 59 Phil. 163 (1933) [Per J. Diaz].

⁹⁸ 86 Phil. 350 (1950) [Per J. Ozatea].

⁹⁹ 411 Phil. 938 (2001) [Per J. Gonzaga-Reyes, Third Division].

interpreted to mean that the act of the accused must be some form of physical violence or assault, albeit the same never resulted to injury.¹⁰⁰ Words, no matter how poisonous or sharp, does not fall within the purview of said provision. This interpretation is also consistent with another rule in statutory construction that penal statutes are strictly construed against the State and that all doubts are to be resolved liberally in favor of the accused.¹⁰¹

To be clear, the Court does not condone the disrespectful acts of petitioners against Oscar. Indubitably, love and respect for the elderly are values deeply rooted in our culture. The Court, however, cannot allow such feelings, noble as they may be, to lead to a path that betrays the duty of upholding constitutionally protected rights of an accused.

ACCORDINGLY, the Petitions are **GRANTED**. The Decision dated February 28, 2018 and the Resolution dated January 15, 2019 of the Court of Appeals in CA-G.R. CR No. 38832 are **MODIFIED**.

Petitioners Shiela Marie Cafranca y Bello, Raymark Velasco @ "Mamark," Carlito Orbiso y Abique @ "Carla," and Ma. Josephine Cafranca y Bello are **ACQUITTED** of the crime of homicide under Article 249 in relation to Article 4, paragraph (1) of the Revised Penal Code.

Petitioner Shiela Marie Cafranca y Bello is found **GUILTY** beyond reasonable doubt of the crime of Other Light Threats under Article 285 of the Revised Penal Code. She is sentenced to imprisonment of 10 days of *arresto menor*, without prejudice to any application of Republic Act No. 11362 and A.M. No. 20-06-14-SC.


SO ORDERED.


RODIL V. ZALAMEDA
Associate Justice

¹⁰⁰ *Rollo* (G.R. No. 244071), pp. 17-18.

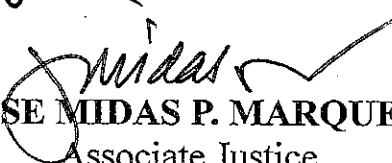
¹⁰¹ *De Leon v. Luis*, G.R. No. 226236, July 6, 2021 [Per J. Zalameda, First Division], citing *People v. Mendoza*, 324 Phil. 273, 295 (1996) [Per J. Panganiban, Third Division].

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice

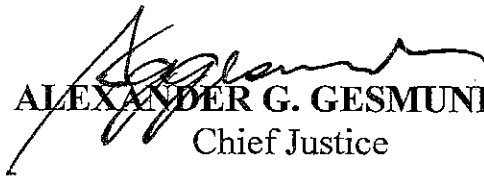

MARIO V. LOPEZ
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII 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