



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated November 10, 2020 which reads as follows:

“G.R. No. 248844 (*People of the Philippines v. Christopher G. Caballero*). – This is an appeal¹ under Section 2 of Rule 125 in relation to Section 3 of Rule 56 of the Rules of Court which seeks to reverse and set aside the Decision² dated June 26, 2019 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 02023-MIN, which affirmed the Decision³ dated July 9, 2018 of the Regional Trial Court (RTC) of Sindangan, Zamboanga del Norte, Judicial Region 9, Branch 11 in Criminal Case No. S-5101 finding accused-appellant Christopher G. Caballero guilty of the crime of Parricide under Article 246 of the Revised Penal Code (RPC).

Facts of the Case

In an Information dated June 8, 2015, accused-appellant was charged of Parricide under Article 246 of the RPC, the accusatory portion thereof reads:

That on or about the 6th day of June 2015, in the Municipality of Sindangan, Zamboanga del Norte, within the jurisdiction of this Honorable Court, the said accused, armed with a knife and with intent to kill, did then and there, willfully, unlawfully, and feloniously attack, assault, and stab his father, GAUDENCIO CABALLERO, while the latter was sleeping, thereby inflicting upon said Gaudencio Caballero fatal injury in his back, which caused his instantaneous death, and that as a result

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¹ *Rollo*, p. 19.

² Penned by Associate Justice Loida S. Posadas-Kahulugan, with the concurrence of Associate Justices Walter S. Ong and Florencio M. Mamauag Jr.; *id.* at 4-18.

³ *CA rollo*, pp. 70-83.

of the commission of the crime, the heirs of the herein victim suffered civil damages.

CONTRARY TO LAW, (Viol. of Art. 246 of the Revised Penal Code).⁴

According to the prosecution as testified by Ricky Alicayos (Alicayos), on the night of June 6, 2015, accused-appellant went to his house and woke him up and his wife. Allegedly, accused-appellant told Alicayos that he killed his father, Gaudencio Caballero and that the body could be found in a cabin near the seashore. Alicayos is a barangay tanod at Barangay Inuman, Sindangan, Zamboanga del Norte.⁵

Upon learning this, Alicayos advised accused-appellant to stay put in his house. He then proceeded to his colleague's house, Jimmy Chico (Chico), who was also a barangay tanod so that the latter could accompany him to the place of incident and verify what accused-appellant told him.⁶

When they arrived at the shanty near the seashore, which was about 200 meters from his house, Alicayos and Chico saw a body with face down on the floor of the cabin. Upon going near the body and lighting a flash light thereon, they saw that it was indeed Gaudencio.⁷ They tried calling him to check if he was still alive but Gaudencio did not respond nor move. They also saw blood oozing from his body. According to them, they no longer tried to check his pulse or breathing because they assumed that he was already dead since Gaudencio no longer responded to them.⁸

They immediately called the other barangay officials to the place of incident. Upon arriving thereat, the barangay officials identified the body of Gaudencio. One of the barangay officials called the police while the others went to the house of Alicayos where accused-appellant was staying. Alicayos told them that accused-appellant was at his house and accused-appellant was willing to surrender to the authorities. The barangay captain and the chief tanod went to Alicayos' house to talk to accused-appellant. When they arrived at Alicayos' house, accused-appellant surrendered to them.⁹

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⁴ Records, p.1.

⁵ TSN dated October 26, 2015, pp. 5-7.

⁶ Id. at 7.

⁷ Id. at 7-8.

⁸ Id. at 9-10.

⁹ Id. at 18-21.

According to the police, they received a report from a barangay official of Barangay Inuman that a stabbing incident occurred at Lower Inuman, Sindangan, Zamboanga del Norte. Upon receipt of the report, a team of police officers responded to the place of incident. When they arrived at the seashore, they saw a lifeless body lying on the floor of a shanty. Thereafter, they went to the house of Alicayos where they were met by the barangay officials. When the police arrived, Alicayos and Chico turned over accused-appellant to the police officers.¹⁰

Meanwhile, the Investigation PNCO Moner Sapihi and the Rural Health Unit (RHU) representative Bernardo Nayre conducted a post mortem examination on the body of Gaudencio at the place of the incident. After the examination, the body of the deceased was turned over to his brother, Jose Caballero, who arranged for the burial of Gaudencio the next day.¹¹

Upon arriving at the police station, accused-appellant allegedly admitted to the police that he was responsible for the killing of his father because Gaudencio raped his sister. Accused-appellant used a kitchen knife to kill his father which he threw out to the sea. Thereafter, they informed him of his rights under the Constitution and the Anti-Torture Act.¹²

On the other hand, the defense denied the allegations. Accused-appellant testified that on the night of June 6, 2015, he was at his aunt Lita Caballero's house. He only learned of the death of his father the morning after when he heard it from their neighbors.¹³ The police just went to his aunt's house looking for him and telling him that he was a suspect to his father's death. He tried to explain to them that he did not do it but to no avail. He further averred that he did not know Alicayos prior to the incident.¹⁴

The defense tried to present as witness accused-appellant's aunt, Lita Caballero. However, she could no longer be found at the address provided by accused-appellant. Thus, her testimony was dispensed with.¹⁵

On July 9, 2018, the RTC convicted accused-appellant of parricide under Article 246 of the RPC, ruling in this wise:

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¹⁰ TSN dated February 16, 2016, pp. 5-7.

¹¹ Id.

¹² Id. at 7-8.

¹³ TSN dated January 19, 2017, pp. 5-6.

¹⁴ Id. at 7-8.

¹⁵ CA rollo, p. 54.

WHEREFORE, premises considered, judgment is rendered finding accused Christopher G. Caballero GUILTY beyond reasonable doubt for the crime of PARRICIDE and he is hereby sentenced to suffer the penalty of *reclusion perpetua* with all the accessory penalties provided by law.

Further, the accused is sentenced to pay the Heirs of Gaudencio Caballero the following amounts: civil indemnity of P75,000.00, moral damages of P75,000.00 and exemplary damages of P75,000.00. All monetary awards for damages shall earn interest at the legal rate of six percent (6%) *per annum* from date of finality of this Decision until fully paid.

The entire period of his preventive imprisonment shall be credited in full in the service of his sentence provided he is qualified according to Article 29 of the Revised Penal Code.

SO ORDERED.¹⁶

The RTC ruled that the elements of parricide are present in the case. It was admitted that accused-appellant is the son of the deceased, Gaudencio. Further, RTC found that accused-appellant killed his father as established through circumstantial evidence. The trial court gave credence to the testimony of Alicayos who testified that accused-appellant told him that it was accused-appellant who killed his father and that the body could be found in the shanty near the sea shore.¹⁷

The RTC found the confession to have been made voluntarily and without any influence, force or intimidation from Alicayos. Even assuming that the confession was not made, RTC ruled that the following circumstantial evidence supported the conviction of the accused: (a) accused-appellant surrendered to Alicayos and informed him where his father's body could be found; (b) Alicayos confirmed that Gaudencio's body was at the shanty near the seashore, as told by accused-appellant; (c) accused-appellant surrendered to the police when he was turned over by Alicayos; and (d) accused-appellant did not present his aunt Lita Caballero to corroborate his defense nor other witnesses to substantiate his denial and alibi.¹⁸

On appeal, the CA affirmed the ruling of the RTC convicting accused-appellant, *viz.* :

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¹⁶ Id. at 55.

¹⁷ Id. at 49-50.

¹⁸ Id. at 51.

WHEREFORE, the instant appeal is **DENIED**. The Decision of the Regional Trial Court in CRIM. CASE No. S-5101 dated 9 July 2018 is **AFFIRMED IN TOTO**.

SO ORDERED.”¹⁹ (Emphasis in the original)

The CA discussed the errors raised by accused-appellant. First, CA found that the confession made by accused-appellant to Alicayos is admissible. The proscription under Article III, Section 12(1) and (3) of the Constitution does not apply in the case because accused-appellant was not under custodial investigation when he made his extrajudicial confession to Alicayos.²⁰

The CA also ruled that the confession was also admissible for being part of the *res gestae*. It found that the killing of Gaudencio was a startling occurrence and when accused-appellant went to the house of Alicayos, he was still under the influence of that startling occurrence. The confession was made before accused-appellant had time to contrive or devise other stories.²¹

Likewise, the CA sustained the findings of the trial court that accused-appellant’s conviction was proven based on circumstantial evidence. It ruled that when the circumstances are considered as a whole, it created an unbroken chain leading to the conclusion that accused-appellant authored the crime.²²

Lastly, CA found that the admission made to the police is inadmissible for being contrary to the proscription under the Constitution on extrajudicial confession. The police failed to comply with the requirements under Article III, Section 12(1) before they elicited accused-appellant’s confession. The admission was made prior to informing accused-appellant of his rights and he was also not assisted by counsel when he made the same.²³

Aggrieved, accused-appellant filed an appeal.

In its Manifestation and Motion²⁴ dated February 11, 2020, the Office of the Solicitor General manifested that it would no longer file

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¹⁹ *Rollo*, p. 18.
²⁰ *Id.* at 11-12.
²¹ *Id.* at 13.
²² *Id.* at 14-15.
²³ *Id.* at 16.
²⁴ *Id.* at 28-29.

a Supplemental Brief having thoroughly discussed all the issues in its Appellee's Brief dated February 22, 2019 but reserved its right to file a supplemental brief should the appellant raise new matters and issues in his supplemental brief. In its Manifestation in Lieu of Supplemental Brief²⁵ dated February 19, 2020, the Public Attorney's Office manifested that it would no longer file a supplemental brief since it already extensively discussed its arguments in the Appellant's Brief²⁶ dated October 25, 2018.

Ruling of the Court

After a perusal of the records of the case, this Court resolves to dismiss the appeal for failure of accused-appellant to sufficiently show that the CA committed reversible error in upholding his conviction for the crime of Parricide.

Under Article 246 of the RPC, the following elements must be established before a person may be convicted of the crime of Parricide, to wit: (a) a person was killed; (b) the deceased was killed by the accused; and (c) the deceased is the father, mother, or child, whether legitimate or illegitimate, or a legitimate other ascendant or other descendant, or the legitimate spouse of the accused.

It was admitted that the deceased Gaudencio is the father of accused-appellant. What the prosecution needed to prove was whether the deceased was killed by accused-appellant.

In order to prove that accused-appellant committed the crime, the prosecution offered in evidence the testimony of Alicayos, the person to whom accused-appellant allegedly confessed the commission of the crime. The defense argues that the confession is inadmissible for violating the Constitutional protection against extrajudicial confessions. Article III, Section 12(1) and (3) of the Constitution provides:

Section 12. (1) Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.

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²⁵ Id. at 32.

²⁶ CA *rollo*, pp. 21-42.

(3) Any confession or admission obtained in violation of this or Section 17 hereof shall be inadmissible in evidence against him.

We affirm the ruling of the RTC and the CA that the extrajudicial confession of accused-appellant to Alicayos is not proscribed by the Constitution.

The inadmissibility of an extrajudicial confession or the exclusionary rule is premised on the presumption that the accused is thrust into an unfamiliar atmosphere and runs through menacing police interrogation procedures where the potentiality for compulsion, physical and psychological, is forcefully apparent. It precludes the use of coercion by the State that would lead an accused to admitting something false, rather than to prevent him from freely and voluntarily telling the truth.²⁷ It is to safeguard the accused from admitting facts out of fear, undue influence, violence, torture, duress, threat or intimidation. It likewise prevents admissions that the accused did not fully understand or comprehend. The proscription was adopted in order to ensure that the police would not concoct testimonies or elicit statements that would incriminate the accused, without the latter knowing the consequences thereof.

The rule applies when a person is arrested, detained or under a custodial investigation. A custodial investigation refers to the instance when a person is taken into custody and is singled out as a suspect in the commission of a crime under investigation and the police officers begin to ask questions on the suspect's participation therein and which tend to elicit an admission.²⁸ It is only after the investigation ceases to be a general inquiry into an unsolved crime and begins to focus on a particular suspect, which suspect is taken into custody, and the police carries out a process of interrogations that lends itself to eliciting incriminating statements that the rule begins to operate.²⁹ Under Republic Act No. 7438, custodial investigation also includes "the practice of issuing an 'invitation' to a person who is investigated in connection with an offense he is suspected to have committed, without prejudice to the liability of the 'inviting' officer for any violation of law."

In this case, the extrajudicial confession made by accused-appellant to Alicayos is admissible because the same was not done during a custodial investigation. According to Alicayos, accused-

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²⁷ *People v. Andan*, 336 Phil. 91, 106 (1997).

²⁸ *People v. Cabanada*, 813 Phil. 586, 594 (1994).

²⁹ *People v. Marra*, 306 Phil. 586, 594 (1994).

appellant went to his house and admitted to him that accused-appellant killed his father. Accused-appellant was not in custody of the police nor was he under any investigation for the crime charged of when he made the confession to Alicayos. He was not invited by the police for questioning. What the Constitution prohibits is the conduct of extrajudicial confession in a custodial investigation absent any assistance of counsel and appraisal of the accused of his rights. Further, accused-appellant was not arrested or detained when he made the confession to Alicayos.

In the case of *People v. Dacanay*,³⁰ this Court ruled that reliance on constitutional safeguards against extrajudicial confession is misplaced when the confession was not made during a custodial investigation. Similar to that case, accused-appellant could not rely on the exclusionary rule because the extrajudicial confession was given spontaneously and not during a custodial investigation, an arrest or detention.

Moreover, the CA is correct in ruling that the confession was also admissible as part of the *res gestae*, an exception to the hearsay rule. Under Rule 130, Sec. 42 of the Rules of Court, statements made by a person while a startling occurrence is taking place or immediately prior or subsequent thereto with respect to the circumstances thereof, may be given in evidence as part of *res gestae*.

By *res gestae*, exclamations and statements made by either the participants, victims, or spectators to a crime, immediately before, during or immediately after the commission of the crime, when the circumstances are such that the statements constitute nothing but spontaneous reaction or utterance inspired by the excitement of the occasion there being no opportunity for the declarant to deliberate and to fabricate a false statement become admissible in evidence against the otherwise hearsay rule of inadmissibility.³¹

A declaration is deemed part of the *res gestae* when these requisites concur: (a) the principal act, the *res gestae*, is a startling occurrence; (b) the statements were made before the declarant had time to contrive or devise; and (c) the statements concern the occurrence in question and its immediately attending circumstances.

In this case, the killing of Gaudencio was a startling occurrence. Accused-appellant made his confession before he had time to contrive

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³⁰ 798 Phil. 132, 141 (2016).

³¹ *People v. Dianos*, 357 Phil. 871, 885 (1998).

or devise another story. The confession he made was in relation to the startling occurrence, which is the admission of killing his father. Therefore, We rule that the testimony of Alicayos with respect to the extrajudicial confession of accused-appellant is admissible as evidence.

Rule 133, Section 3 of the Rules of Court provides that an extrajudicial confession made by an accused shall not be sufficient ground for conviction, unless corroborated by evidence of *corpus delicti*.

To discharge its burden of proof, the State should establish the *corpus delicti*, or the body of the crime itself. *Corpus delicti* is defined as the body or substance of the crime and, in its primary sense, refers to the fact that a crime was actually committed. As applied to a particular offense, the term means *the actual commission by someone of the particular crime charged*. The *corpus delicti* is a compound fact made up of two elements, namely: the existence of a certain act or result forming the basis of the criminal charge, and the existence of a criminal agency as the cause of the act or result.

In cases of death, *corpus delicti* does not necessarily mean the body of the victim but the fact of his death and the cause or reason of his death. In absence of direct evidence to prove the *corpus delicti*, circumstantial evidence may be used to prove the same.

According to Section 4, Rule 133 of the Rules of Court, circumstantial evidence is sufficient to support a conviction if the following elements are present: (a) there is more than one circumstance; (b) the facts from which the inferences are derived are proven; and (c) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.

We hold that the prosecution was able to prove the *corpus delicti* of the crime. It is not disputed by accused-appellant that Alicayos and Chico saw the lifeless body of Gaudencio in the place pointed out by accused-appellant. The police corroborated their statements that the body of Gaudencio was found dead in a cabin near the seashore. Jose, the brother of Gaudencio, testified that he buried the body of his brother the day after his death. We quote the finding of the CA, *viz.*:

The Court agrees with the court *a quo*. The circumstances considered as a whole created an unbroken chain leading to the conclusion that the

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(sic) Christopher authored the crime. The barangay tanods, Ricky and Jimmy, would not have known of the incident and location of the dead body if not for the voluntary confession of Christopher. Evidence on record does not point to other possible perpetrators, except for Christopher who confessed of the killing, knew of the location of the body, and subsequently admit to the police that he is the author of the crime.³²



The fact of Gaudencio's death was duly established by his lifeless body as seen by the prosecution's witnesses. All the witnesses testified that the dead body found in the cabin near the sea shore was Gaudencio Caballero. The cause or reason of his death was duly established by the testimony of Alicayos on the extrajudicial confession of accused-appellant. Thus, We rule that the *corpus delicti* of the crime has been duly proved by the prosecution.

Hence, the extrajudicial confession of accused-appellant as corroborated by the evidence of *corpus delicti* aptly supports his conviction for parricide. We affirm the decision of the CA finding accused-appellant guilty of parricide beyond reasonable doubt. Likewise, the monetary awards given by the RTC, as affirmed by CA, is proper and in keeping with the ruling in *People v. Jugueta*³³ and thus, is hereby affirmed.

WHEREFORE, the instant appeal is **DISMISSED**. The Decision dated June 26, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 02023-MIN which found accused-appellant Christopher G. Caballero **GUILTY** in Criminal Case No. S-5101 for the crime of Parricide is **AFFIRMED**.

SO ORDERED."

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court 

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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³² *Rollo*, p. 15.

³³ 783 Phil. 806 (2017).



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