

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. PURIFICACION PLATA LUZON, DEFENDANT-APPELLANT.

G.R. No. L-35016. August 12, 1983

Ponente: RELOVA, J.

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RELOVA, J.:

Automatic review of a death sentence with accessory penalties imposed on January 29, 1972 upon accused-appellant Purificacion Plata Luzon by the Circuit Criminal Court, 7th Judicial District, Pasig, Rizal in Criminal Case No. CCC-VII-746-Cavite, for the killing of Sancho Luzon.

The information for parricide filed by Assistant Provincial Fiscal Candido P. Villanueva of Cavite alleges:

"That on or about February 14, 1971, in the barrio of Puting Kahoy, Municipality of Silang, Province of Cavite, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, together with MAXIMINO MERCADO y SUAREZ alias 'Mino', 'Minong', 'Max' and 'Mike', SALVADOR GALON y TROMPETA alias 'Nonong', and ROMEO SANTIAGO y MERCADO alias 'Tabako', against whom the corresponding information for MURDER is filed and one JOHN DOE alias 'Rey' whose true identity is still unknown and who is still at-large, after having conceived, deliberated and plotted with all the aforementioned individuals to kill her husband Sancho Luzon, with whom she was united in lawful wedlock, in consideration of a price or promise of reward, conspiring, confederating, acting jointly and mutually helping one another, with intent to kill, and with evident premeditation and treachery, after bringing him with the use of a motor vehicle to an isolated place within the said barrio of Puting Kahoy, one of them being armed with a bladed weapon and another with a lead pipe, suddenly and without warning, while employing means, methods and forms in the execution of the crime which tended directly and specially to insure its commission without danger to the persons of the said accused, did, then and there, wilfully, unlawfully and feloniously attack, assault, beat, wound and stab the said Sancho Luzon, thereby inflicting upon him multiple mortal wounds on the different parts of his body which directly caused his instantaneous death."

On March 30, 1971, Maximino Mercado, Salvador Galon and Romeo Santiago pleaded guilty and were sentenced accordingly. Appellant Purificacion Plata Luzon pleaded not guilty to the charge and, thereafter, trial with respect to her proceeded. After trial, the lower court found Purificacion Plata Luzon guilty beyond reasonable doubt of the crime of parricide and sentenced her "to suffer the penalty of DEATH; to indemnify the heirs of the offended party the amount of Twelve Thousand Pesos (P12,000.00), to pay moral damages in the amount of Ten Thousand Pesos (P10,000.00), and to pay exemplary damages in the amount of Ten Thousand Pesos (P10,000.00); and to pay the costs." (p. 34, Rollo)

The People's version of the case appears in the appellee's brief filed by the Solicitor General, thus:

"Accused Purificacion Plata Luzon and deceased Sancho Luzon were husband and wife. Sancho Luzon worked in Vietnam as a technician of the Eastern Construction Company. He came home to the Philippines occasionally to visit his family until January 23, 1971 when he finally returned home. (t.s.n., Dec. 15, 1971, p. 21)

"While her husband was away, Purification Plata Luzon had illicit relations with one Alejandro Oblea, Jr. The affair began in 1968 (t.s.n., Dec. 15, 1971, p. 20) and lasted up to the time Sancho Luzon was killed on February 14, 1971 (t.s.n., Jan. 18, 1972, pp. 4-5). The accused and Alejandro Oblea, Jr. frequented the Jai-Alai Fronton on Taft Avenue Manila, and other gambling places. (t.s.n., May 13, 1971, pp. 3-5). They rented an apartment at 185 Int. de la Fuente St., Sampaloc, Manila, and lived together as husband and wife. During the period of extramarital affair, the accused assumed the name Mrs. Purita Oblea. (Exhs. 'F', 'F-I', 'F-2'). It was as Purita Oblea that the accused came to be known to Maximino Mercado, a betting usher at the Jai-Alai. (t.s.n., May 13, 1971, p. 3).

"On February 10, 1971, after leaving the Manila Fiscal's Office together with Maximino Mercado and Alejandro Oblea, Jr., the accused asked Mercado to see her in the afternoon of that day. They met as agreed, in the course of which meeting the accused told Maximino Mercado of her desire to have her husband killed because of financial problems she was having with him. It was only then that Maximino Mercado learned that Alejandro Oblea, Jr. was not Purita Oblea's husband. The accused told Mercado that she was willing to pay P5,000.00 to anybody who would kill her husband. (Exh. 'I', pp. 1-2; t.s.n., June 9, 1971, pp. 19-20).

"The next day, February 11, 1971, the accused met Maximino Mercado, Boy Pamintuan, Salvador Galon and two others at the 5th Avenue Hotel. She reiterated her desire to have her husband killed. There was haggling over the price, with the accused insisting that she could afford only P5,000.00. The other co-accused agreed to said amount. It was likewise agreed that 'whatever (they) will take from the husband, (that) is not included in the P5,000.00 after (they) have accomplished their mission.' (t.s.n., May 13, 1971, pp. 8-17)

"The parties agreed that the accused would take along her husband the following afternoon (February 12, 1971) to the corner of Antipolo and Abad Santos Streets in Manila on the pretext that they would buy spare parts at the San Vicente Auto Supply. The others would way-lay them there. (Exh. 'E'; t.s.n., May 13, 1971, pp. 22-24).

"The conspirators, however, were not able to carry out their plan to kill Sancho Luzon on February 12, 1971 because of the presence of policemen and mobile patrol cars in the vicinity of the San Vicente Auto Supply. (Exh. 'E'). Later in the day, the accused met Maximino Mercado at the Jai-Alai and asked him to meet her the following morning, February 13, 1971. (t.s.n., May 13, 1971, pp. 28-30). They met as arranged and Mrs. Plata Luzon expressed disgust at the failure of the first plot. (t.s.n., *ibid*, p. 30). What happened later is fairly set forth in the following portion of the appealed decision:

"They then devised another plan to kill the husband of the accused and they agreed that the following day, February 14, 1971, Mrs. Plata Luzon would bring along her husband to Laguna de Bay on a pretext to buy a motor from a friend of 'Rey.' That Maximino Mercado, Salvador Galon and Rey would do the killing and that Mrs. Plata Luzon and her husband would wait for them at Mandaluyong near the crossing of Shaw Boulevard and Highway 54.

"In the morning of February 14, 1971, Maximino Mercado and Rey contacted Romeo Santiago, a nephew of the former and asked him to hire an owner-type jeepney which they will use in their plan to kill the deceased. (EXH. 'G'). The jeep was hired and Santiago, Rey and Mercado went to the latter's house to eat their lunch and while there, they were joined by Salvador Galon. After lunch, they rode in the jeep and proceeded to Mandaluyong near the crossing, and they arrived there at about 1:00 p.m. of February 14, 1971. After waiting for about ten minutes, Mrs. Plata Luzon and her husband arrived (*id*; See also t.s.n., Jan. 28, 1972, p. 23). They all got in the jeep and proceeded on their way with Santiago driving the jeep, the accused seated to his right and the deceased seated on the right side of the accused, while Rey, Galen and Mercado were seated at the back. (Exh. 'F'; p. 42, t.s.n., May 13, 1971). While along the Superhighway, the deceased gave money to Santiago and they had the jeep filled with 10 liters of gasoline. (Exh. 'G').

"Unknown to the deceased, they were on their way to Cavite, instead of Laguna and when they reached Puting Kahoy, Silang, Cavite, Rey ordered Santiago to stop on the pretext of answering a call of nature and they all alighted from the jeep. The accused, on the pretext of answering a call of nature, walked ahead followed by Maximino Mercado. (Exh. 'G'). The deceased, followed by Rey and by Galon, walked farther behind. When the accused was a little further ahead, on a pre-arranged signal, Salvador Galon struck the deceased with a lead pipe at the back. The deceased was stunned and as he was falling down, Rey stabbed him repeatedly, separately on the chest, nape and stomach (Exh. 'N'). Even as the victim was already down, Rey kept stabbing him, inflicting a total of nine (9) wounds (t.s.n., p. 3, May 12, 1971). When the victim was already dead, Rey divested the body of its wrist watch, wallet and lighter.

'Meanwhile, Santiago had already reversed the direction of the jeep and Rey and Galon ran toward and boarded the jeep. Maximino Mercado and Mrs. Plata Luzon returned to the scene of the crime and upon seeing the body, Mercado tried to convince the accused to come with them and return to Manila. But the accused refused to go with them saying that she will pretend that she and her husband were held-up and in the course of the hold-up, her husband was killed by the holduppers. (t.s.n., pp. 46-47, May 13, 1971). Santiago, Rey, Galon and Mercado returned to Manila. They sold the wrist watch and divided the proceeds equally together with the P50.00 taken from the wallet after deducting the P20.00 as rental for the jeep. Mrs. Plata Luzon, on the other hand, told her fabricated story to the authorities.' (Exh. 'F') (Sentence pp. 26-28, p. 221 Record. References to the transcript and to the exhibits in brackets added).

"The crime was discovered and the accused-appellant Maximino Mercado, Salvador Galon and Romeo Santiago were arrested and detained. On the basis of their statements (Exhs. 'E', 'T', 'N', 'O', 'P', 'G'), and with the active participation of Purificacion Plata Luzon, Maximino Mercado, Salvador Galon and Romeo Santiago, and the assistance of some CIS and PC Personnel who posed for the co-accused 'Rey' and the deceased Sancho Luzon, a re-enactment of the crime in all its material aspects was held on March 6, 1971 (pp. 20-22, t.s.n., March 6, 1971). Photographs were taken of the re-enactment and presented (Exhs. 'H' to 'H-17') at the hearing of May 13, 1971. (t.s.n., pp. 51 et seq., May 13, 1971)."

Accused-appellant claims that the trial court erred: (1) in giving full credence and weight to the uncorroborated testimony of Maximino Mercado; (2) in ruling that the issue of credibility of Mercado should be affirmatively resolved in his favor since he pleaded guilty to the charge of murder to the exclusion of other relevant factors; (3) in not finding as a fact that Maximino Mercado had been blackmailing the accused and had demanded P10,000.00 from the accused, otherwise, he will implicate her in the murder of her husband; (4) in not giving credence to the testimony of the accused; (5) in failing to rule that the testimony of Mercado does not constitute clear and convincing evidence on the alleged conspiracy; and, (6) in not acquitting the accused on reasonable doubt.

As already stated, the trial court convicted the accused-appellant for parricide. The main issue raised by appellant in this case is the matter of credibility. The trial court rejected the testimony of appellant that she had no participation in the slaying of her husband and that they were robbed by her co-accused in an isolated place and when her husband would not give them the money, they slew him with a bladed weapon until he finally succumbed to death. On the other hand, the trial court gave more weight and believed the testimonies of Maximino Mercado and Salvador Galon who confessed their guilt in the killing of Sancho Luzon and who pointed to Purificacion Luzon as the person who engaged their services to kill the deceased on a promise of a reward of P5,000.00. Hereunder is the testimony of Maximino Mercado:

"FISCAL: (to the witness)

Q What else transpired?

A When Boy Pamintuan asked her 'what do you like to happen', she said to intercept the money in going to

Bicol and to have her husband killed.

Q What was the reply of Boy Pamintuan and the other companions?

A She said 'I would like to have my husband killed and I am willing to pay what the amount you want.' Boy Pamintuan answered 'How much can you afford?'

Q What did Purificacion Plata answer?

A Boy Pamintuan answered 'just in case, are you willing to pay P20,000.00?'

Q What else?

A Mrs. Purificacion Plata Luzon answered she could not afford that amount.

Q What else happened?

A Boy Pamintuan said to wait for him and he will call a person and talk to him.

Q Did Boy Pamintuan call that person?

A Boy Pamintuan left and Mrs. Purificacion Plata Luzon gave him P20.00 and told him to hurry up and use the money for transportation fare.

Q What else?

A It did not take long Boy Pamintuan returned with two men whom I did not know.

ATTY. VILLASECA:

May I insert the answer of the witness 'hindi nagluwat.'

FISCAL:

(to the witness)

Q What transpired as soon as Boy Pamintuan returned with the two men?

A They talked about the amount to be paid for the killing of her husband and the two men were the ones who answered. I heard the two persons were asking for P15,000.00 and Mrs. Purificacion Plata Luzon answered she could not afford P15,000.00 and she said if they want she can afford P5,000.00.

Q What happened next?

A The other person asked Mrs. Luzon. 'Does your husband bring money whenever he goes out?'

Q What was the answer of Mrs. Luzon?

A She said whenever her husband goes out, he bring with him no less than P2,000.00.

Q This person who asked that question, was he one of the two persons brought by Boy Pamintuan?

A Yes, sir.

Q And then what else transpired?

A After they have talked again, the person answered 'in that case, we will agree for P5,000.00 but whatever we will take from your husband, that is not included in the P5,000.00 after we have accomplished our mission.' After they have agreed on the matter, they came now to the place where they will carry out the plan. Mrs. Luzon was asked by the two persons where she would like to execute the plan 'kung saan ninyo barahin namin

ang inyong asawa' and where we can see your husband.

Q What did Mrs. Luzon answer?

A Mrs. Luzon told the men that in a week she will be collecting P10,000.00 showing an affidavit certifying that she will really collect P10,000.00. Then she told us 'If you like I will take along with me my husband and if you like you can intercept us between Pasig and Taytay and we will make it appear as a hold up.' (tsn. pp. 14-18, May 13, 1971)

x x x x x

Q That place where Mr. and Mrs. Sancho Luzon alighted, do you know what place is that?

A I only know this time it is called Puting Kahoy.

Q What province is that?

A I understand it is in Cavite.

Q What town?

A Silang.

x x x x x x x x

Q Upon reaching that place that is the time you said Rey said to stop the jeep?

A Yes, sir.

Q Who alighted first?

A Mrs. Luzon requested her husband to alight first.

Q You refer to Sancho Luzon?

A Yes, sir.

Q Who alighted next?

A Followed by Mrs. Luzon.

Q Who alighted next?

A Rey. (tsn. pp. 43-44, May 13, 1971)

x x x x x x x x

Q What happened?

A When we have gone far, about 120 meters away from the road, I heard a 'kalatok.' When I glanced back, I saw Salvador Galon holding a lead pipe in this position (witness demonstrating by holding an imaginary lead pipe with both hands as if holding a baseball bat) and I saw Mr. Luzon faced downward. So I ran towards Mrs. Luzon and Mrs. Luzon was standing. I told her 'let us go,' when I heard that 'kalatok.' Mrs. Luzon answered me 'never mind. Leave me here. I will take charge of everything here and if the policemen arrive, I will tell them we were held up.' I said 'how is that. I know you will go with us. They have left already.' She said 'go ahead. You leave me here and if the policemen arrive, I will tell them we were held up and we will have him buried in Bicol.' So I ran and took the shortcut thru the canefield. When I went out of the road, I saw the jeep was already fifty (50) meters away from me. So I shouted 'wait for me.'" (tsn. pp. 46-47, May 13, 1971)

Likewise, there is the testimony of Salvador Galon as follows:

"Q You are the same Salvador Galon who pleaded guilty in this case?

A Yes, sir.

FISCAL MELENDRES:

Q Now, in connection with this case, you gave these statements: one on March 5, another on March 6, and another one on March 8, is it not?

A Yes, sir.

FISCAL MELENDRES:

I request, your Honor, that these statements be marked as Exhibit 'N', statement of Salvador Galon dated March 5, 1971, consisting of 5 pages; Exhibit 'O', his statement dated March 6, 1971, consisting of one page; and Exhibit 'P', another statement of Salvador Galon dated March 8, 1971, consisting of two pages.

COURT:

Mark them.

Q Now, in Exhibit 'O', you were made to identify the person of Mrs. Luzon and you pointed to the person of Mrs. Luzon. That is in question and answer No. 6 of Exhibit 'O' and I request that the same be marked as Exhibit 'O-1'.

COURT:

Mark it.

Q Now, will you point to her again if she is present?

A Yes, sir. She is there. (Witness pointed to a woman in black and who answered by the name of Purificacion Plata Luzon.)

Q In Exhibit 'P', in answer to question No. 9, you identified a knife marked as Exhibit 'J-A.' Can you identify that knife?

A Yes, sir.

Q I am showing to you Exhibit 'D', is this the knife you are referring to?

A Yes, sir.

Q In question No. 10 of Exhibit 'O', you pointed to a person who gave his name as Maximino Mercado. Can you identify him again if he is now present?

A Yes, sir that person with eyeglasses. (Witness pointed to a person inside the courtroom who gave his name as Maximino Mercado.)

Q How is Maximino Mercado also called?

A Mino and Max, sir." (tsn., pp. 1-2, June 28, 1971)

The Solicitor General in his brief aptly stated that "Conceding arguendo the contradictions between the two sworn statements (Exhs. 'E' and 'I') of Maximino Mercado and his testimony in open court, appellant can hardly draw comfort from it. It is significant to note that both in his sworn statements and in his testimony in court, Maximino

Mercado never wavered in his claim that Purification Plata Luzon masterminded her husband's killing (Exhs. 'E' and 'I'; see t.s.n., pp. 14-15, May 14, 1971, t.s.n., p. 16, June 9, 1971). There may have been variations in certain details, but in the main, Mercado's statements in and out of court were consistent to the effect that it was appellant who proposed the killing of her husband."

Likewise, on the question of Maximino Mercado's credibility, the trial judge who saw and was able to observe him in the witness stand was convinced that he was telling the truth for, despite searching questions from defense counsel, Mercado never wavered in his claim that it was appellant Purificacion Plata Luzon who masterminded the killing of her husband.

Further, the testimony of Mercado linking appellant in the slaying of her husband is confirmed by the written statements given by the other accused, namely: Salvador Galon and Romeo Santiago (Exhs. "G", "N", "O" & "P"). They disclosed that the plan to kill Sancho Luzon took place at the 5th Avenue Hotel on February 11, 1971; that appellant told them about her financial problem with her husband and her desire to have the latter killed and her willingness to pay a price for the same. It was on February 14, 1971 when Galon and Santiago met at the house of Mercado and, together with Rey, they waited for appellant and her husband for the proposed trip to Laguna. When the two arrived (appellant and her husband), they thereafter proceeded to Cavite where Sancho Luzon was killed (Exhs. "G", "E" and "N"). On the other hand, appellant Purificacion Plata Luzon admitted her meeting with Mercado at the 5th Avenue Hotel. Thus, she testified on December 15, 1971, as follows:

"Q When you went in the hotel, were you with anybody?

A The two (2) of us, I and Mang Mike.

Q And then what happened there?

A When we were already inside the hotel I saw Mang Mike took off his shoes and polo shirt and told me we will rest. I did not like to lie beside him because I was nervous.

COURT:

Q Where did you lie?

A I sat on a chair, sir.

Q While he was lying in bed?

A Yes, sir.

Q And you were lying on a sofa?

A I was sitting on a chair, sir.

Q You were watching him?

A I often go to the comfort room to urinate.

ATTY. VILLASECA:

Q Why?

A Because I was chilling when he told me to go to the bed.

Q After that what happened?

A I told him I will go now. He told me, wait I will see if they are downstairs.

COURT:

Q How many minutes did you stay in that room with Mang Mike?

A About 35 minutes, sir."

(tsn. pp. 9-10, Dec. 15, 1971)

Besides, appellant admitted having given money to Maximino Mercado on different occasions, otherwise the latter would tell her children that she has an affair with another man, Alejandro Oblea, Jr., as early as two years prior to the death of her husband. This is her testimony on this point:

"ATTY. VILLASECA:

Q Did you give him other loan after that?

A Yes, sir.

Q When?

A January 29, before we went to Bicol with my husband.

Q How much?

A P200.00.

Q When did he ask again?

A P50.00 on February 9. When he needs money very badly, he usually pass our house even in the middle of the night and ask money.

COURT:

Q Do you mean to say Mang Mike has that power to pass by your house even in the middle of the night to ask money from you? Has he an influence over you?

A Because he told me that if I will not give him money he will tell my children that I have a boy friend.

Q That is it you are being blackmailed by Mang Mike?

A May be, your Honor.

Q Because you really have a boy friend?

A Yes, sir.

Q And that boy friend of yours is Mang Mike?

A No, sir.

Q Who is this boy friend of yours?

A Alejandro Oblea.

Q Why did you happen to fall in Love with this man, Alejandro Oblea?

A Because my husband is not always around.

Q That means you are unhappy because your husband is away, being a navy commander?

A Sometimes, sir.

Q And your husband did not know anything about this thing?

A He does not know anything about this, sir.

Q And as a matter of fact you were afraid of your husband?

A Yes, sir.

Q Since when did you have relationship with this man, Alejandro Oblea?

A In 1968, sir.

Q That was two (2) years prior to the death of your husband?

A Yes, sir." (tsn., pp. 19-20, December 15, 1971)

With these admissions in open court how can appellant now claim that she does not even know her co-accused with whom she even had a meeting at the 5th Avenue Hotel on February 11, 1971. Why did she deny knowing these persons who, according to her, held them (she and her husband) up? And, if it is true that they were held up, why was she not injured or even touched by the alleged robbers or even killed considering that she would be the lone witness to the robbery? These circumstances are inconsistent with her innocence and compatible with her guilt.

Finally, the findings of the trial court on the relative credibility of the opposing witnesses will generally not be disturbed but given high respect, unless it has been shown that the lower court has overlooked or misconstrued certain facts of substance and value which would affect the result of the case. Appellant failed to make such a showing.

WHEREFORE, the appealed decision is hereby **AFFIRMED** with the modification that for lack of the necessary votes, appellant Purificacion Plata Luzon shall suffer the penalty of reclusion perpetua.

SO ORDERED.

Teehankee, Acting C.J., Makasiar, Aquino, Concepcion, Jr., Guerrero, Abad Santos, Melencio-Herrera, Plana, Escolin, and Gutierrez, Jr., JJ., concur.

Fernando, C.J., on official leave.

De Castro, J., on sick leave.

Vasquez, J., on leave.

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