

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE VS. ARACELI DE CASTRO, DEFENDANT AND APPELLANT.*G. R. No. L-3950. August 30, 1951*

Ponente: JUGO, J.

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Araceli de Castro was accused before the Court of First Instance of Mindoro of parricide. After trial she was found guilty and sentenced to suffer the penalty of reclusion perpetua, with the accessories of the law, to indemnify the heirs of the deceased in the sum of P3,000, with costs, crediting the defendant with one-half of the preventive imprisonment suffered by her. She appealed.

The deceased Hospicio Castillo and the appellant were legitimate spouses.

In the early morning of October 11, 1948, Brigido Maranan, lieutenant of the barrio of Anuling, municipality of Pinamalayan, Mindoro, was called from his house because Hospicio Castillo was wounded. The lieutenant, in the company of other neighbors, repaired to the scene of the crime and found Hospicio Castillo lying on the ground, dead and bleeding, in front of the store of Lupo Podico in Anuling. Maranan sent a rural policeman to notify the chief of police, but without waiting for the latter, he went to the house of the deceased, which was about twenty meters distant from the place where the corpse was found. In the house the lieutenant found the wife of the deceased, the herein accused. When Maranan asked her who had inflicted the wounds on her husband she answered that she did not know, stating that her husband had left the house at about eight o'clock the previous evening. The lieutenant found that several articles were scattered on the floor, the sleeping mat being smeared with blood. There were blood stains on the stairs and on the ground below the house. He noticed that the defendant had changed her clothes, but her chemise had spots of blood in the borders. The lieutenant took her to the place where the corpse of her husband was lying. She held him by the arm, trying to talk to him, but he did not answer as he was dead. The lieutenant proceeded to take her to the poblacion. As they were met by a policeman who came to investigate the case, the lieutenant delivered her to the latter. During the investigation by the chief of police in the presence of the mayor, she freely confessed that she had killed her husband. The mayor, still having some doubts, later visited her in the municipal jail and again asked her who had killed her husband. She once more answered in the affirmative.

Colonel Roman Alejandre, provincial constabulary commander, who was then inspecting the municipality, saw the accused in the municipal jail. He asked her why she was there. She replied that she had killed her husband with a bolo on account of jealousy, at about three o'clock in the morning of said day. She, however, refused to make her confession in writing.

On the same day Doctor Prisco S. de Joya, an official of the Charity and Maternity Clinic of the municipality, performed an autopsy of the corpse. He found eleven wounds described in his autopsy report, Exhibit A, which were caused by a cutting instrument. The death was due to external hemorrhage. As the doctor was in doubt whether the wounds could have been caused by the woman, for they must have required greater strength than she

possessed, the doctor summoned her and asked her who had inflicted the wounds. She answered that she was the author of them.

A few days before the commission of the crime, the barrio lieutenant Maranan happened to talk with Matias de Castro, father of the appellant. Matias was complaining that his daughter, the appellant, was jealous of her husband because she suspected that he was having a love affair with Aurora Lazarte, wife of her brother.

The appellant denied at the trial having inflicted the wounds which caused the death of her husband. She denied likewise having admitted that she was the author of same. She testified that at about two o'clock in the morning of October 11, 1948, she was awakened by the creaking of the door of the house and saw a shadow or dark object, but she again went to sleep with her two small children, until she was aroused by the barrio lieutenant later in the same morning. She noticed the disappearance of P1,000 wrapped in a piece of paper which she had placed before sleeping the previous evening on the bundle of pieces of cloth which her husband was going to carry the next day to sell in Lipa, Batangas. The pieces of cloth were scattered on the floor of the house, she not knowing who had done it. She further testified that a few days before the incident, while her husband was selling cloth on the road toward the central part of Pinamalayan, he had been attacked by a purchaser. This trouble, however, had been amicably settled according to the testimony of Matias, father of the appellant.

The four errors assigned by the appellant may be reduced to the question as to the sufficiency of the evidence for the prosecution.

There can be no doubt that she confessed being the author of the crime to three reliable and disinterested witnesses: the mayor, Dr. Prisco S. de Joya, and Col. Roman Alejandre of the Philippine Constabulary. There could have been no motive on the part of these three witnesses to testify falsely, especially Dr. De Joya who expressed his doubt as to whether the accused could have inflicted the wounds. We do not include the Chief of Police because he did not testify at the trial. It is said that if it is true that the appellant confessed, she would have had no objection to reducing her confession to writing signed by her, which she did not do. This circumstance cannot diminish the weight of the testimony of said witnesses. It is to be noted in this connection that she even refused to sign acknowledgment of the promulgation of the judgment, which could not have done her any harm.

The version given by the appellant at the trial as to what had occurred on the occasion in question is unbelievable. If she was awakened by the creaking of the door and saw a shadow, why did she resume her sleep? It would have been natural for an adult person to keep awake and be alert for any possible danger; and having resumed her sleep for only a minute or two, would she not have heard, perceived, or noticed the scattering on the floor of the goods that had been wrapped before she slept? Was she not concerned with what would possibly happen to the P1,000 which she had placed on the top of the bundle of cloth? Would she not have heard or noticed the person or persons who were scattering the cloth and attacking her husband, inflicting on him eleven wounds? It cannot be believed that her slumber was so deep that she could not have noticed anything that occurred, as if she had been a child.

Dr. De Joya testified that personally he could not believe that the appellant was strong enough to inflict the wounds. This is only the personal opinion of the doctor, which may be beyond his competency; a jealous woman becomes a fury, impelled by her passion to exert extraordinary effort, drawing from her reserve energy, to cause the wounds. The fact that there were eleven wounds would show that the assailant must have been furious, for if the assailant had been a robber, he would have inflicted fewer wounds, without unnecessarily repeating the strokes, unless there had been a struggle, but we have seen that if there had been a struggle the testimony of the woman that she did not wake up would be more unbelievable. It should be considered that the instrument used must have been heavier than a knife, such as a bolo, whose weight increased the force of the impact made by a

weak woman.

If the deceased received the wounds in the house, the question is how could he have gone to the place in front of the store of Podico which was about twenty meters away. It should be considered that the death was due to hemorrhage and, consequently, not instantaneous; hence he might have had enough strength to walk the twenty meters distance.

In view of the foregoing, the judgment appealed from is affirmed, with costs against the appellant. It is so ordered.

Paras C, J., Feria, Pablo, Bengzon, Padilla, Tuason, Reyes and Bautista Angelo, JJ., concur.

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