

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. JOSE NARANJA, DEFENDANT AND APPELLANT.

G.R. No. L-13288. June 30, 1960

Ponente: PARAS, C.J.

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PARAS, C.J.:

The accused was charged with and convicted of murder under the following information filed in the Court of First Instance of Pangasinan:

"That on or about the 28th day of December, 1956, at night, in barrio Caraol-Malimpin, municipality of Dasol, province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with treachery and evident premeditation, with intent to kill and armed with a blunt instrument, did, then and there, willfully, unlawfully and feloniously assault, attack, and beat to death one MAMERTO SIGNEY, alias Berto, with the use of the said blunt instrument."

The accused has appealed, contending that the alleged crime has not been established, particularly because there is no evidence (1) as to the kind of blunt instrument that killed the deceased; (2) as to the position of the assailant when he allegedly killed the deceased; (3) as to the possession of a blunt instrument by the accused on the night of the crime, and (4) as to the cause of the death of the victim. The accused considers the testimony of Maria Diaz, wife of the deceased mainly relied upon by the trial court, as weak, uncorroborated, self-serving, unnatural and not direct.

According to Maria Diaz, it appears that in the afternoon of December 28, 1956, while she was pounding rice in her yard, the accused arrived and was thereupon told by her to stop coming to her house because her husband (the deceased) knew that she and the accused had been carrying on illicit relations; that the accused had asked her to leave her husband and, as she refused, he indicated that he would seek means to separate her from her husband; that before leaving in that afternoon of December 28, 1956, the accused told her to wait for him in the evening; that, when she inquired about his purpose, the accused answered that he would kill his compadre (the deceased) who was then harvesting palay in the farm; that in the evening of December 28, 1956, as the dogs were barking, her husband went out of the house and proceeded to the place where there were stocks of palay; that, becoming impatient for her husband's return, she went to the kitchen where she saw the accused at the stairs; that the accused confessed to her that he had killed her husband whose dead body she ought to take and bury; that cautioning her not to tip anyone, the accused informed that her husband lay dead at the creek east of the house; that she awakened her mother and children and told them about the occurrence; that, upon advice of her mother, she requested her neighbors, Santiago Balderas and one surname Baraan, to "help her bring her husband's body to the house.

Maria Diaz displayed courage in admitting having had illicit relations with the accused and thereby dishonoring and humiliating herself, obviously to bring out the truth and let justice prevail. Her testimony is not self-serving because she has not gained any beneficial interest. There is no point in the allegation that she was jealous as the accused had taken for himself another woman. The accused already had a common-law wife before the crime was

committed; and if Maria Diaz was in fact jealous, she would have wanted to eliminate the other woman, not the accused.

As regards the contention that the elements of the crime have not been shown, suffice it to say that the confession of the accused to Maria Diaz is strong evidence falling under the *res gestae* rule.

"SEC. 33, Part of the *res gestae*. 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 a part of the *res gestae*. So, also, statements accompanying an equivocal act material to the issue, and giving it a legal significance may be received as a part of the *res gestae*." (Rule 123, Rules of Court.)

Quoting Professor Greenleaf, Chief Justice Moran, in his *Comments on the Rules of Court*, 1957 Ed., Vol. III, pp. 348-349, explains the *res gestae* rule as follows:

"There are other declarations which are admitted as original evidence, being distinguished from hearsay by their connection with the principal fact under investigation. The affairs of men consist of a complication of circumstances so intimately interwoven as to be hardly separable from each other. Each owes its birth to some preceding circumstances, and in its turn becomes the prolific parent of others, and each, during the existence, has its inseparable attributes and its kindred facts, materially affecting its character, and essential to be known for a right understanding of its nature. These surrounding circumstances, constituting parts of the *res gestae*, may always be shown to the jury along with the principal fact and their admissibility is determined by the judge according to the degree of their relation to that fact, and in the exercise of his sound discretion: it being extremely difficult, if not impossible to bring this class of cases within the limits of a more particular description."

Maria Diaz made reference to what the accused intended to do with the deceased; and the implementation of his evil design is borne out by the actual and physical facts of the case. The testimony of Santiago Balderas to the effect that, when Maria Diaz came to his house for help, she told him that her husband was dead and could be found at a certain place, amply proves the fact of the crime as confessed by the accused. The presence of the bluish black spot at the nape of the deceased, Mamerto Signey, and the opinion of Dr. Valera that a blow delivered right on the medulla oblongata could have caused instantaneous death, confirm the admission of the accused to Maria Diaz.

The defense of alibi is miserably weak. The testimony of defense witness Bisquera is incredible. While she could recall the events of December 28, 1956, the date of the crime, she could remember nothing about other days, not even Christmas. Moreover it is not impossible, much less improbable, that even if the accused was with his common law wife and others harvesting at the ricefield of Regino Naranja, he still could have gone in the afternoon to the house of Maria Diaz and killed the latter's husband in the evening, considering that Maria's place was only about one kilometer away.

Wherefore, the decision appealed from is affirmed with costs against the accused. So ordered.

Bengzon, Padilla, Montemayor, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, and Gutierrez David, JJ., concur.

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