

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
VALENTINA MANANQUIL Y LAREDO, DEFENDANT-APPELLANT.**

G.R. No. L-35574. September 28, 1984

Ponente: CUEVAS, J.

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CUEVAS, J.:

In an amended Information[1] filed before the then Court of First Instance of Rizal, VALENTINA MANANQUIL y LAREDO was accused of PARRICIDE allegedly committed as follows:

"That on or about the 6th day of March, 1965, in Pasay City, Philippines, and within the jurisdiction of this Hon. Court, the above-named accused, did then and there wilfully, unlawfully and feloniously, with evident premeditation, that is, having conceived and deliberated to kill her husband, Elias Day y Pablo, with whom she was united in lawful wedlock, enter (sic) the NAWASA building situated at Pasay City, where said Elias Day y Pablo was working as a security guard; and the said accused, having in her possession a bottle containing gasoline suddenly and without warning, poured the contents on the person of her husband, Elias Day y Pablo, ignited the gasoline, as a result of which, said Elias Day y Pablo suffered burns and injuries which subsequently caused his death.

Contrary to law."[2]

Tried after pleading "NOT GUILTY" upon arraignment, accused was convicted and thereafter sentenced to reclusion perpetua; to indemnify the heirs of the deceased in the amount of P12,000.00; and to pay costs.

From the aforesaid judgment, she ventilated an appeal to the then Court of Appeals (which referred the appeal to us considering that the penalty imposed was reclusion perpetua) assailing her aforesaid conviction and contending that the trial court erred: 1) in convicting her solely on the basis of the alleged extrajudicial confession; 2) in finding that Pneumonia was a complication of the burns sustained by the victim; 3) in not finding her not to have caused the death of the deceased; and 4) in not acquitting her at least on ground of reasonable doubt.

The prosecution's version of the incident as summarized in the People's Brief is as follows:

"On March 6, 1965, at about 11:00 o'clock in the evening, appellant went to the NAWASA Building at Pasay City where her husband was then working as a security guard. She had just purchased ten (10) centavo-worth of gasoline from the Esso Gasoline Station at Taft Avenue which she placed in a coffee bottle (t.s.n., p. 13, January 13, 1969). She was angry at her husband, Elias Day y Pablo, because the latter had burned her clothing, was maintaining a mistress and had been taking all the food from their house. Upon reaching the NAWASA Building, she knocked at the door. Immediately, after the door was opened, Elias Day shouted at the appellant and castigated her saying, "PUTA BUGUIAN LAKAW GALIGAON" (t.s.n., p. 14, id). The appellant tired of hearing the victim, then got the bottle of gasoline and poured the contents thereof on the face of the victim (t.s.n., p. 14 id). Then, she got a matchbox and set the polo shirt of the victim aflame. (Exhs. "A" and "A-1", p. 197, Rec.)

The appellant was investigated by elements of the Pasay City Police to whom she gave a written statement (Exh.

"A", p. 197, Rec.) where she admitted having burned the victim.

Upon the other hand, the victim was taken first to the Philippine General Hospital and then to the Trinity General Hospital at Sta. Ana, Manila, when he died on March 10, 1965. (Exh. "C", p. 208, rec.) due to 'Pneumonia, lobar bilateral. Burns 2° secondary'."[3]

Appellant's story on the other hand runs, thus:

"It was before 10:00 o'clock p.m. when appellant returned from Olongapo City. She fed her grandson and put him to bed. After filling the tank with water, she remembered that the next day was a Sunday and she had to go to church. Her shoes were dirty but there was no gasoline with which to clean them. Taking with her an empty bottle of Hemo, she left for a nearby gasoline station and bought ten centavos worth of gasoline. Then she remembered that her husband needed gasoline for his lighter so she dropped by his place of work. (p. 13, *ibid.*)

Appellant saw her husband inside a building of the NAWASA standing by the window. As the iron grille was open, she entered and knocked at the wooden door. Elias opened the door, but when he saw his wife he shouted at her. Appellant said that she had brought the gasoline which he needed for his lighter, but Elias, who was under the influence of liquor, cursed her thus: 'PUTA BUGUIAN LAKAW GALIGAON'. Elias continued shouting and cursing even as appellant told him that she had come just to bring the gasoline that he wanted. Appellant trembled and became dizzy. She was beside herself and did not know that she was sprinkling the gasoline on her husband's face. She was tired and dizzy and had to sit down for a while. Then she remembered her grandson who was alone in the house so she went home leaving her husband who was walking to and fro and not paying attention to her (pp. 13-14, *Ibid.*, p. 2, March 20, 1969)

She went to bed but could not sleep. She went back to the NAWASA compound to apologize to her husband. Upon reaching the NAWASA, however, she found that police officers were present. Her husband was walking all around still fuming mad, and when he saw her he chased her. A policeman pulled appellant aside and asked if she was the wife of Elias. When she replied in the affirmative, the police officer accused her of burning her husband. She denied the accusation. But the police took her to the headquarters, and prepared a written statement, Exhibits A, A-1. Appellant was made to sign said statement upon a promise that she would be released if she signed it. Although she did not know the contents, she signed it because of the promise. (pp. 14-16, *Id.*; p. 5, March 20, 1969)"[4]

Appellant's assigned errors boil down to two (2) main issues: (1) whether or not appellant's extrajudicial confession was voluntarily given; and (2) whether or not the burns sustained by the victim contributed to cause pneumonia which was the cause of the victim's death.

Right after the burning incident, appellant was picked up by the police operatives of Pasay City. She was thereafter investigated by Sgt. Leopoldo Garcia of the Pasay City Police who took her statement in Tagalog and in Question and Answer form which was reduced into writing.[5] After Sgt. Garcia was through taking her statement, she was brought to Fiscal Paredes who asked her questions regarding the said statement and its execution and before whom said statement was subscribed and sworn to by her. In that investigation, appellant categorically admitted having thrown gasoline at her husband and thereafter set him aflame as evidenced by this pertinent portion of her statement –

"T Ano ang nangyari ay iyong binusan ng gasolina ang iyong asawa na si Elias Day?

S Dahil may sala siya, at sinonog niya ang aking mga damit, at may babae pa, at saka lahat ng aming pagkain sa bahay ay hinahakot.

T Ng dahil dito sa mga binanggit mong ito ay ano ang ginawa mo sa iyong asawa?

S Ako po ay nagdilim ang aking isipan at ang ginawa ko ay naisip kong buhusan ng gasolina, kaya ang aking ginawa ay bumili ako ng halagang 10 sentimos sa Esso Gasoline Station sa Taft Avenue at inilagay ko sa isang boti.

T Pagkatapos na ikaw ay makabili ng gasolina sa station ng Esso sa Taft Avenue dito sa Pasay City, ay ano ang ginawa mo?

S Ako po ay nagpunta sa kanya na pinaggoguardiahan sa Nawasa at pagdating ko ruon ay kumatok ako sa pintuan ng Nawasa, at nang marinig niya ang aking katok sa pinto ay binuksan niya ang pintuan, at pagkabukas ng pintuan ay nakita niya ako, at nagalit siya at ako ay minura ng puta putan Ina Mo, lalakak ka ng gabi, at namumuta raw ako, at pagkatapos na ako ay mamura ay hinahabol pa ako ng suntok, kayat ang ginawa ko po kinuha ko ang aking dalang bote na may gasolina at aking ibinuhos sa kanyang katawan, at aking kinuha ang posporo at aking sinindihang at hangang magliya ang suot niyang polo shirt, na may guhit na itim at puti.

T Alam mo ba na kung ano ang iyong ginawa sa iyong asawa kanginang humigit kumulang na mag-iika alas 11:00 ng gabi Marzo 6, 1965?

S Opo, aking sinonog ang aking asawa." (Exhs. A & A-1- Italics supplied)

She would now like her aforesaid extrajudicial confession discredited by asserting that she did not understand its contents because she is not a Tagala aside from having reached only the primary grades; and furthermore, that said statement was signed by her merely upon the promise of the policemen that she will later be released.

We find appellant's aforesaid assertions a mere pretense too flimsy to be accepted as true. For the truth is that appellant knew and understood Tagalog despite her not being a Tagala, having stayed in Manila since 1951, continuously up to the time of the burning incident in question for which she was investigated. During this period of almost fourteen years, she was in daily association with Tagalogs communicating with them in Pilipino. This is clear from her admission on cross-examination which runs thus –

"Q But you can understand Tagalog because of the length of time that you have been living here in Manila?

A Yes.

Q And as a matter of fact, when you buy something from the store, you speak Tagalog?

A Yes.

Q And when you ride in a jeep or bus, you speak Tagalog?

A Yes.

Q And you were well understood by these Tagalog people?

A Yes.

Q And as a matter of fact, you can understand Tagalog?

A Yes.

Q And you can also read Tagalog?

A Yes.

Q You can read?

A Yes, but I do not have interest to read." (TSN, March 29, 1969, pp. 11-12).

All throughout the entire investigation and even at the time appellant was before Fiscal Paredes, before whom she subscribed and swore to the truth of all what appeared in her statement,[6] no denunciation of any sort was made nor leveled by her against the police investigators. Neither was there any complaint aired by her to the effect that she merely affixed her signatures thereto because of the promise by the police that she will be released later. We therefore find her aforesaid claim highly incredible and a mere concoction. For why will the police still resort to such trickery when the very sworn statement given by her proved by its contents that appellant was indeed very cooperative. In fact, almost all the recitals and narrations appearing in the said statement were practically repeated by her on the witness stand thus authenticating the truth and veracity of her declarations contained therein. Moreover, We find said statement replete with details which could not have been possibly supplied by the police investigators who have no previous knowledge of, nor acquaintance with her and the victim, especially with respect to the circumstances and incidents which preceeded the fatal incident that brought about the death of the latter. We therefore find no error in the trial court's pronouncement that appellant's sworn statement was voluntarily given by her; that she fully understood its contents; and that she willingly affixed her signatures thereto.

Well settled is the rule that extrajudicial confession may be regarded as conclusive proof of guilt when taken without maltreatment or intimidation[7] and may serve as a basis of the declarant's conviction.[8] It is presumed to be voluntary until the contrary is proven. The burden of proof is upon the person who gave the confession.[9] That presumption has not been overcome in the instant case.

Indeed the trial court could not be faulted for relying heavily on accused-appellant's sworn statement in assessing her guilt since it was given shortly after the incident took place. By then, she had yet no time to concoct any fabrication favorable to her. Shock by the aftermath consequences of her criminal design she must have been motivated by no other purpose except to admit the undeniable. On the other hand, when she took the witness stand, disclaiming any responsibility for the burning of her husband, it was already January 13, 1969.....more than five years after the incident and decidedly after she had the benefit of too many consultations.

That appellant has murder in her heart and meant to do harm to her husband when she went to the latter's place of work on that fatal night and intended all the consequences of her nefarious act finds clearer manifestation and added support in her total indifference and seemingly unperturbed concern over the fate that had befallen the victim.....her husband.....especially at times when he needed her most. Being the wife, she must be the closest to him and the hardest hit by the mishap if she has not authored the same nor voluntarily participated therein. She was then reasonably expected to come to his succor and alleviate him from his sufferings. And yet, the records do not show her having seen her husband even once while the latter lay seriously ill at the hospital hovering between life and death. Neither did she attend his funeral nor was she ever present during the wake while the victim's remains lay in state. That she was under detention does not excuse nor justify those glaring and significant omissions. For she could have asked the court's permission for any of the enumerated undertakings which we believe would not have been denied. But she did not even attempt.

Indeed, the more we scrutinize appellant's alibi and explanation, we become more convinced of the falsity and incredibility of her assertions. For instance, her claim that her purpose in buying gasoline at so an unholy hour of the night, past ten o'clock in the evening, solely for the purpose of cleaning her shoes which she would wear in going to church the following Sunday, hardly recommend acceptance. That she dropped at her husband's place of work also at the middle of the night for no other purpose except to deliver to him gasoline for his cigarette lighter, is likewise too taxing upon one's credulity.... more so if we have to consider the previous spat she had with the deceased in the morning of that fatal day.

In her vain attempt to exculpate herself, appellant would like Us to believe that her husband died of pneumonia

because the latter drank liquor as shown by the toxicology report indicating presence of alcohol in the victim's body. Hence, assuming she set her husband on fire, she is not criminally liable for her husband's death.

We are not persuaded by appellant's aforesaid ratiocination.

The claim that the victim drank liquor while confined in the hospital would not suffice to exculpate the appellant. For as testified by Dr. Reyes, pneumonia could not be caused by taking alcohol. In fact, alcohol, according to him, unless taken in excessive dosage so as to produce an almost comatose condition would not cause suffocation nor effect a diminution of the oxygen content of the body.[10] In fine, as correctly pointed out by the Hon. Solicitor General, the victim's taking of liquor was not an efficient supervening cause of his death which took place on March 10, 1965, just four days after the burning.

The cause of death as shown by the necropsy report is pneumonia, lobar bilateral. Burns 2° secondary. There is no question that the burns sustained by the victim as shown by the post-mortem findings involved about 62% of the victim's entire body. The evidence shows that pneumonia was a mere complication of the burns sustained. While accepting pneumonia as the immediate cause of death, the court a quo held on to state that this could not have resulted had not the victim suffered from second degree burns. It concluded, and rightly so, that with pneumonia having developed, the burns became as to the cause of death, merely contributory. We agree.

Appellant's case falls squarely under Art. 4, Par. 1 of the Revised Penal Code which provides:

"Art. 4. 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."

the essential requisites of which are: (a) that an intentional felony has been committed; and (b) that the wrong done to the aggrieved party be the direct, natural and logical consequence of the felony committed by the offender.[11]

The reason for the rule as spelled out in the earlier cases of *PP vs. Moldes*, 61 Phil. 1, 3 & 4; and *PP vs. Quianzon*, 62 Phil. 162, citing 13 RCL, 748, 751 is as follows -

"One who inflicts injury on another is deemed guilty of homicide if the injury contributes immediately or immediately to the death of such other. The fact that other causes contribute to the death does not relieve the actor of responsibility. He would still be liable "even if the deceased might have recovered if he had taken proper care of himself, or submitted to surgical operation, or that unskilled or improper treatment aggravated the wound and contributed to the death, or that death was immediately caused by a surgical operation rendered necessary by the condition of the wound. The principle on which this rule is founded is one of universal application. It lies at the foundation of criminal jurisprudence. It is that every person is held to contemplate and be responsible for the natural consequences of his own acts. If a person inflicts a wound with a deadly weapon in a manner as to put life in jeopardy, and death follows as a consequence of this felonious and wicked act, it does not alter its nature or diminish its criminality to prove that other causes cooperated in producing the fatal result. Neglect of the wound or its unskilled and improper treatment which are themselves consequences of the criminal act, must in law be deemed to have been among those which are in contemplation of the guilty party and for which he must be responsible." The rule has its foundation on a wise and practical policy. A different doctrine would tend to give immunity to crime and to take away from human life a salutary and essential safeguard. Amidst the conflicting theories of medical men and the uncertainties attendant upon the treatment of bodily ailments and injuries it would be easy in many cases of homicide to raise a doubt as to the immediate cause of death, and thereby open a wide door by which persons guilty of the highest crime might escape conviction and punishment."

In convicting the accused, the trial court imposed upon her the obligation to indemnify the heirs of the deceased only in the amount of P12,000.00. That should now be increased to P30,000.00

WHEREFORE, except as thus modified, the judgment appealed from is hereby AFFIRMED with costs against appellant.

It appearing however that appellant Valentina Mananquil is now 71 years of age, this Court recommends her for executive clemency. For the purpose, let His Excellency, President Ferdinand E. Marcos, be furnished with a copy of this decision thru the Hon. Minister of Justice.

SO ORDERED.

Makasiar (Chairman), Aquino, Abad Santos, and Escolin, JJ., concur.

Concepcion, Jr., and Guerrero, JJ., on leave.

[1] Appellant was accused merely of Frustrated Parricide in the original information filed on March 8, 1965.

[2] Pages 44-45, Record.

[3] Appellee's Brief, pp. 1 and 2.

[4] Pages 4, 5 and 6, Appellant's Brief.

[5] Exhibits "A" and "A-1".

[6] Exhibits "A" and "A-1".

[7] PP vs. Pincalin, 102 SCRA 137; PP vs. Carias, 122 SCRA 783.

[8] PP vs. Perez, 102 SCRA 313.

[9] PP vs. dela Cruz, 115 SCRA 154.

[10] TSN, February 6, 1974, page 30.

[11] US vs. Brobst, 14 Phil. 310; US vs. Mallare, 29 Phil. 14.

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