

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. ANICETO MARTIN, DEFENDANT AND APPELLANT.

G. R. No. L-3002. May 23, 1951

Ponente: JUGO, J.

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JUGO, J.:

Aniceto Martin was accused of the complex crime of parricide with abortion before the Court of First Instance of Ilocos Norte. After trial he was acquitted of abortion, but found guilty of parricide and was sentenced to suffer the penalty of reclusion perpetua, to indemnify the heirs of the deceased in the sum of P2,000, with the accessory penalties of the law, and to pay the costs. He appealed.

We shall not consider the charge of abortion as he was acquitted of it, confining our review to that of parricide.

The defendant, twenty-eight years old, a farmer, was living in the barrio No. 12 of the municipality of Laoag, Ilocos Norte. He courted the girl Laura Luiz of the same barrio for several months and was accepted. They had sexual intercourse before marriage and she became pregnant. In an advanced stage of pregnancy, she came to live with the family of the defendant and demanded marriage, which was duly solemnized on June 7, 1948, and they continued to live as husband and wife.

Between four and five o'clock in the morning of August 1, 1948, the corpse of Laura was found inside the family toilet, which was at a certain distance from their home, with a maguey rope, six meters long; and one centimeter in diameter, around her neck, leaving a circular mark around it with the exception of the nape which was unmarked undoubtedly due to her long and thick hair covering it. The corpse was first seen by Anselma Martin, sister of the accused, who was living in the same house, and Saturnino Tumaneng, brother-in-law of Laura, who happened to be passing by. The defendant was absent from home.

The barrio lieutenant immediately reported the matter to the chief of police who, accompanied by a policeman, came to the barrio that same morning to make an investigation. When the chief of police arrived, the defendant had not yet returned home. A relative looked for him, finding him in a farm which was at a considerable distance from the defendant's house, and brought him to the latter. Upon being interrogated by the police officer, the defendant at first denied any knowledge of the event, but later promised to make a statement in the municipal building.

The police took possession of the rope and put the defendant in a jeep bound for the municipal building. There the defendant made a confession in the Ilocano language, which he signed and swore to at about noon before the provincial fiscal at the latter's house. Said confession, as translated into English, reads as follows:

"I, Aniceto Martin, married, 27 years old, resident of Bo. No. 12, Laoag, Ilocos Norte, after having been aworn to in accordance with law, do hereby declare the following:

"Policeman:—Why are you here in the office of the Chief of Police of Laoag-, Iloco sNorte, this 1st day of August, 1948?

"Aniceto:—I am here, sir, in the office of the Chief of Police of Laoag as I came to report what I did to my wife, Laura Luiz, because I killed her and the killing was perpetrated as follows:

"That at dawn, today August 1, 1948, at about 4 o'clock, I awoke and my wife also awoke and she said to me, 'Why is it that you seem to have no interest in me?', and I answered her I do not have interest in you and I did not love you with intent to marry you because I am not the author of your pregnancy; again she said to me, 'Why is it that you consented to be wedded with me if you did not love me?', and in answer, I again told her that I merely consented to be married to you, because otherwise, you would file an action against me, I then went down to our closet west of our house at barrio No. 12, Laoag, Hocos Norte, for major personal necessity, and my wife, Laura Luiz, came after me to the toilet with a rope in her hands and, as she approached me while I was in the very act of ejecting waste matters inside the toilet she placed around my neck the rope which she had in her hands, and immediately, I gripped the rope and took it off and I said, 'Why did you do this?' my wife also said, 'Yes, because you do not love me.' I snatched the rope from my wife and in turn I placed same around her neck, and in that position I tightened the rope with my two hands and when my wife, Laura Luiz, died I laid her then and there at the foot of the door of our closet with her head towards the east. Soon after my wife expired I left her already and I proceeded to the country where we use to go, barrio Barit, No. 05, Laoag, west of the barrio school thereat.

"Q. How did you place the rope around the neck of your wife, Laura Luiz, for which reason she died?

—

A. I wound the rope one turn around the neck of my wife, Laura Luiz, and my two hands tightened the rope and when she expired I laid her at the foot of the door of the toilet and then I went away.

"Q. The rope which you used in throttling your wife, where is it?

—

A. It was just laid down at the place where she was, sir.

"Q. Who knows about and who saw what had you done to your wife which caused her death?

—

A. Nobody knows about it and saw it, sir, I, alone.

"Q. Is it not true that the reason why you killed your wife was that you made a preconcerted plan with your sister, Anselma Martin and your mother, Ciriaca Tomas to commit the crime?

—

A. No, sir, I have no companion, I am alone.

"Q. Why did you treat your wife in that way?

—

A. I became obfuscated, sir, when she placed the rope around my neck, and in turn, I tried the same in her person but, in so trying she died.

"Q. Are you, therefore, very positive that the death of your wife, Laura Luiz, was caused by you in having tightened the rope that was wound around her neck?

—
A. Yes, six, that was the cause of her death, I have no doubt that I was the one who killed my wife, Laura Luiz, today August 1, 1948. I killed her in our toilet at barrio No. 12, Laoag.

"Q. Hare you some more to say?

—
A. I say, no more, sir.

"Q. Were you, in any manner compelled, threatened, maltreated or remunerated by somebody in having made this declaration of yours?

—
A. Absolutely, there was none, sir, that compelled me, but I spontaneously made my declaration above, it being the whole truth that I committed against my wife, Laura Luiz.

"Q. Are you willing to sign your name at the bottom and at the margin of your declaration?

—
A. Willingly, sir, because said declaration is what in truth and in fact I did, and in testimony hereof, I sign my name in the presence of attending witnesses this 1st day of August, 1948, at Laoag, Ilocos Norte."

Dr. Roman de la Cuesta, resident physician of the Uo-cos Norte Provincial Hospital, performed an autopsy on the corpse of Laura and issued a certificate which reads as follows:

"TO WHOM IT MAY CONCERN:

"This is to certify that the undersigned performed an autopsy on the person one Laura Luiz Martin, on August 1, 1948, at 9 o'clock a. m. at the request of the Chief of Police of Laoag, Ilocos Norte, with the following findings:

"(a) Acute dilatation, heart

"(b) Spleen, enlarged, malarial

"(c) Pregnancy, 8 month, female foetus

"(d) Almost circular contusion around the neck, but absent in the occipital region "

(e) No evidence of strangulation in the lungs.

"In the opinion of the undersigned the cause of death was acute dilatation of the heart. (Heart failure.)"

Dr. De la Cuesta testified that Laura must have died five or six hours before he examined her corpse at about nine o'clock in the morning of August 1; that the cause of death was heart failure due to fright or shock; that the deceased was eight months pregnant at the time of her death; that there was no expulsion of the foetus; and that the foetus must have been alive at the time of the death of Laura.

At the trial the defendant testified that while he was moving his bowels in the toilet with his back toward the door of the same, he felt that a rope was being put around his neck from behind. He forthwith snatched the rope and wound it around the neck of the person who had attempted to strangle him without knowing who that person was. The person fell and upon looking at the same he found that it was his wife.

This version cannot be believed, for although it was dark, his wife must have shouted or given some sign of who she was when she felt the rope tightening around her neck. Furthermore, this version is against that freely given by him in his spontaneous confession made before the chief of police and sworn to before the provincial fiscal. There is no reason for supposing that either the chief of police or the provincial fiscal had any motive for wringing from him a forced false confession.

As to the motive of the defendant, it may be found in the fact that the defendant married Laura unwillingly due to fear of being sued, because he suspected that he was not responsible for her pregnancy.

The appellant contends that the death of Laura was not due to the strangling, but to her heart disease. It should be noted, however, that the heart failure was due to the fright or shock caused by the strangling, and consequently, the defendant was responsible for the death, notwithstanding the fact that the victim was already sick. Had not the defendant strangled the deceased, the latter, notwithstanding her illness, would not have died. In other words, the defendant directly caused her death.

In the case of *People vs. Reyes* (61 Phil 341, 343,) the Court held:

"* * * A person is responsible for the consequences of his criminal act and even if the deceased had been shown to be suffering from a diseased heart (which was not shown), appellant's assault being the proximate cause of the death, he would be responsible. (*U. S. vs. Luciano*, 2 Phil., 96; *U. S. vs. Lugo & Lugo*, 8 Phil., 80; *U. S. vs. Brobet*, 14 Phil. 310; *U. S. vs. Rodriguez*, 23 Phil 22)"

In the case of *U. S. vs. Brobst* (14 Phil. 310), the following doctrine was established:

"Where death results as the direct consequence of the use of illegal violence, the mere fact that the diseased or weakened condition of the injured person contributed to his death, does not relieve the illegal aggressor of criminal responsibility." (Syllabus)

The trial court considered two mitigating circumstances in favor of the defendant: (1) that of unlawful aggression on the part of the deceased without any sufficient provocation on the part of the defendant—which in this case is equivalent to incomplete self-defense on the part of the defendant, for after having snatched the rope from the deceased, he should not have wound it around her neck and tightened it—and (2) the lack of instruction, without any aggravating circumstance to offset them. We agree with this finding of the trial court. There being two mitigating circumstances without any aggravating circumstance to offset them, the penalty next lower in degree should be imposed, which is that of reclusion temporal.

In view of the foregoing, the judgment appealed from is modified by imposing upon the appellant the penalty of from twelve (12) years of prision mayor to twenty (20) years of reclusion temporal, with the accessory penalties of the law, to indemnify the heirs of the deceased in the sum of P6,000, without subsidiary imprisonment in case of insolvency, and to pay the costs. It is so ordered.

Paras, C. J., Feria, Pablo, Bengzon, Tuason and Montemayor, JJ., concur.

PARAS, C. J.:

Mr. Justice Padilla voted with the majority.

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