

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE VS. MACARIO MANZANARES, ACCUSED AND APPELLANT

G. R. No. L-1293. May 24, 1948

Ponente: PERFECTO, J.

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PERFECTO, J.:

On September 15, 1943 at noon, the barrio of Canlalay, municipality of Bantayan, Cebu, had been the scene of a bloody tragedy in which Perfecto Manzanares, an octogenarian, received a bolo thrust on his abdomen from one of his sons, killing him on the spot in less than an hour.

Due to the collapse of civil government occasioned by enemy occupation as alleged by defense counsel, criminal action could not be taken until the machinery of justice in the town of Bantayan was fully restored, and it took many months since its restoration in June, 1945, before formal prosecution was instituted in August, 1946, when a complaint for the crime of parricide was filed against Macario Manzanares.

The lower court found him guilty and sentenced him to suffer reclusion perpetua, with the accessories of the law, to pay an indemnity in the amount of P2,000 to the heirs of the deceased, and to pay the costs of the proceedings. Appeal against said decision is now under our consideration.

The whole disception in this case centers on the Controversial fact as to who delivered the fatal thrust. The opposing theories of prosecution and defense are, respectively, made to stand on the testimonies of their witnesses, which we have carefully analyzed and weighed.

The substance of the testimonies of the four witnesses for the prosecution presented in direct evidence is as follows:

1. Dr. Alejandro Gaerlan, 42, married, testified that he examined the cadaver of Perfecto Manzanares on August 15, 1943, in the schoolhouse of Bantayan "where we have the emergency hospital of the guerrilla unit. I was then the medical officer, and I was treating patients." "When I examined the cadaver I found a stab wound in the epigastric region, which penetrated all the internal organ, causing instantaneous death." There was only one wound, which must have been inflicted by a sharp instrument. The wound had an opening of about two inches. It was a stab wound, penetrating the whole abdominal cavity. At about the time, the witness treated Macario and Pio Manzanares. Pio had a serious wound "on the left of the chest and I remembered that the heart also as interested. If he exerts strong efforts, it may produce hemorrhage in his wounds and may cause serious consequences. He may die. There is a 50-50 chance."
2. Pio Manzanares, 37, married, farmer, resident of Canlalay, Bantayan, Cebu, testified that on August 15, 1943, he went to work with his father, Perfecto Manzanares, in the latter's farm. On that day his father was stabbed by Macario. At noon, the witness returned to his house with the deceased Perfecto Manzanares. "When we arrived at my house, he (Macario) was standing near our house," Macario is the witness elder brother. Macario beckoned to his father saying: " 'Come near to me.' My father approached him. He stabbed immediately my father, with a

flamenco. He fell to the ground. He just remained lying down, after having been hit. The father was not able to stand up anymore. "He was in a serious condition. He died." He was hit in the abdomen. Perfecto had a bolo, but it was in its scabbard. I was at the foot of my house. I approached and Macario went home. When I approached my father lying down, I asked Macario: 'Why was it that you stabbed our father?', and he said: 'Do you also want to be stabbed?', and immediately he stabbed me. I was hit just near the breast. When I was hit, I picked up a piece of bamboo for carrying water and struck him, and I used it to defend myself, I could strike him on the arm. I dropped down the piece of bamboo with the intention to get hold. of the flamenco that Macario had; but when I tried to that he drew his hand so that my left hand was wounded and also my right thigh. When he saw that his father was already dead, he turned his back and went home. At that time his children were in the house of the witness. Francisco and Regino Manzanares arrived at the place after the killing, Francisco went to my house and got some piece of cloth and dressed my wound. Regino and Francisco placed me in a hammock and took me to the town. He (Macario) stabbed my father because he got angry due to the fact that his corn just sown was scratched by the chicken of my father. The deceased had a piece of land which Macario "claimed to be his own." My father said: "You are yet young, I am already old, you cannot claim for this." Macario Manzanares is not in good terms with my father; when they meet each other, he did not good evening to my father. The discussion concerning the land took place first. The scratching by the chicken took place "in the morning of August 15, 1943." Perfecto was about 80 years old. When the witness started defending himself from the aggression of Manzanares, he had already received the wound on the left breast. "When he advanced toward me with the intention to stab me, I stopped him with the piece of bamboo. But when he insisted in advancing toward me and I was in hard position, I struck him on the left arm. I did not have a bolo with me." The bolo carried the deceased is called binotete, and is superior to the flamenco used by the accused.

3. Isabel Manzanares, 12 years, student, resident of Canlalay, testified that Perfecto Manzanares was stabbed by Macario Manzanares on August 14, 1943, and he died. "I was at our house and I was near to them. When my grandfather was already killed, my father approached Macario and asked him: 'Why did you stab our father?', and Macario answered: 'Do you want also to be stabbed?' and immediately he stabbed my father." Perfecto was stabbed by Macario with a flamenco. "He was hit in the abdomen. He fell to the ground." The killing took place on August 15, 1943. On the morning in question, the witness of her grandfather. "He had a bolo on the scabbard which as tied to his waist." When her father was attacked the accused, he was waving his arm horizontally from one side to the other. He was only carrying a pinga or a piece of bamboo to defend himself. After a short time, as Macario always advanced to him, my father struck him on the arm." The witness was frightened. She cried and wept. When Francisco and Regino Manzanares arrived, "we went to the house of our neighbors, because of fear."

4. Rodolfo Manzanares, 10, student, grade one, testified that Perfecto Manzanares is dead, "because he was stabbed by Macario." Macario is a son of Perfecto. When my father saw that my grandfather was already wounded, my father came to assist him. He (Macario) stabbed my father. My grandfather was hit on the abdomen. Macario used a flamenco. My grandfather fell to the ground. My father was at our house; when he saw that my grandfather was already wounded, he ran to assist him. I cried, because my father was wounded." Perfecto "had a bolo in the scabbard tied in his waist." His father used a piece of bamboo to defend himself. Macario beckoned to my grandfather saying: 'Come here,' and when my grandfather approached Macario. Macario immediately stabbed him. My father went to assist or to aid my grandfather because my grandfather was wounded. "Macario stabbed my father. He picked up a pinga or a piece of bamboo with which to defend himself from the blows." Francisco and Regino Manzanares were not present at the time of the quarrel. When the witness saw them, his grandfather was already dead. His father was taken to the hospital.

The substance of the testimonies of the four witnesses for the defense is as follows:

1. Rosario Manzanares, 70, widow, residing at Bantayan, testified that she is the widow of Perfecto Manzanares and mother of Macario and Pio Manzanares. She is living in the house of his son Regino in Bantayan. She heard that her husband was stabbed to death on August 15, 1943. "I was informed about that, but I was then sick." She did not present any complaint nor intervened in the prosecution because I have no money to spend. Perfecto and the accused "did not have any difference or any bad feeling." It is not true that the accused and the deceased had a quarrel concerning a piece of land. The witness knows that Macario Manzanares was wounded, but she did not visit him at the hospital.

2. Francisco Manzanares, 48, married, laborer, resident of Bantayan, testified that he is a brother of Macario and Pio Manzanares. He is aware that his father Perfecto was killed on August 15, 1843. I was plowing or working in the of Hermogenes Bula. I heard the voice of Pio. He said to his elder brother: 'Come near to me my foolish elder brother, because we are going to kill each other.' Macario was the one with whom he had a quarrel about chickens. I released my cow from the plow, I tied it at corner of the farm and went to the place where they were in order to inquire what happened to them, "When I went the house of Pio, they were not there; then I went to the farm of Macario, and there I found my father, while Pio was sitting down. When I saw my father standing, wounded already in the abdomen, I approached him. I asked him what happened to him, who was his adversary. He was already pale. I approached my father and asked him: 'What happened to you and with whom you were quarrelling? He answered that those who were quarrelling were Pio and Macario, He said that while Macario and Pio were fighting, when Pio pushed weapon or thrust his weapon against Macario, he (my father) tried, to intervene and he was hit instead of Macario. I saw him (Perfecto) that he was pale and I saw he was dying. I asked him if the wound would not cause his death, and he answered: 'This would cause my death.' The incident took place at noon, and Perfecto died in the spot "because we were not able to carry him." When he propounded questions to his father, Pio was at the place of the fight, at about 3 brazas from the old man. "I asked who killed our father, and he did not say any word, but he told me to take him downtown, because he wanted his wound to be treated." The witness saw a weapon beside Pio. It was a flamenco. Pio had a scabbard in his waist, but his bolo was on the ground. It was a flamenco, a little more than a foot long. It was pointed. The spot where Perfecto lay dying was about 100 brazas from the house of Pio Manzanares. The witness did not see Isabel and Rodolfo, the children of Pio. Pio was begging to be 'brought to town. The witness called a tuba gatherer of his father to accompany Pio to town "because I had no time to carry Pio," As I was not able to carry Pio to town I went to my brother Regino Manzanares in his farm to inform him that I could not carry Pio to town, because I had to stay where my father was. Before the incident, Pio and Macario had a quarrel, because, the chickens of Pio had scratched the corn sown by Macario. Macario asked Pio to tie his chickens, but Pio did not do that." The quarrel .was serious. Macario trapped the chickens of Pio. He caught some of them. Pio got angry and he said: "If I could see Macario, I could either break his bone or kill him." When the witness arrived at the place where his father was founded, he saw Pio sitting. His father was standing, already founded. "They did not talk to each other. I did not see any other person except the two. I went to work in the house of Pio. I looked for them, because I heard Pio shouting 'Come to me my foolish elder brother, because let us kill each other.' I was yet at my farm. The voice came from the house of Pio. I thought they were quarrelling at the house of Pio, because it was there from which Pio was shouting." From the place where the witness was, he could not see the house of Pio, "because my sight was intercepted by trees." The land between "was not yet cultivated." When his father informed him that Pio was the one who wounded him, the witness asked Pio "who wounded our father, but he did not say a word. I asked Pio in order to find out if there was some other person who wounded my father. They did not investigate us, because it was a hard time; they did not even permit civilians to enter the town. I did not present any complaint because during that time there was no justice of the peace. How could I present complaint? When I asked Pio he said Macario was the author of the killing." When the witness arrived at the place Pio was already wounded "on the left side below the breast. He was pale; he appeared well."

3. Regino Manzanares, 36, married, farmer, resident of Bantayan, testified that on the morning of August 14, 1943, he had a conversation with his brother Pio "because of his chickens which were trapped by Macario at his farm. He denounced to me the fact that Macario trapped his chickens and he said: 'If I find Macario, I either break his bone or kill him.' Then I told him: 'That is not good what you are going to do; he is your brother, elder brother, you would not do anything against him, because that would result in a shame to all of our family.' " The conversation took place where "coconut trees of ours were; he had then tied to his waist a flamenco." It happened at 7 o'clock in the morning toward noon. "I was at my farm. I saw Pio in the morning of that day, and even my father admonished Pio." The witness went to the spot where his father was killed, "because my brother Francisco Manzanares went to get me at my farm, telling me that our father was wounded, because Pio and Macario were fighting. When I arrived at the spot, I saw my father already seated down and Pio was there. I asked my father what happened to him; he said that Macario and Pio were fighting and when Pio thrust his weapon against Macario, he, my father was hit instead. I asked him (Pio) why our father was wounded, but he did not say any word. We carried Pio to the town to have his wound treated. Pio was only the one carried to town, because we were only two we could not carry more than one, and Francisco remained in the place with my father." The witness saw on the spot a flamenco beside Pio. The witness accompanied Pio to town and he was treated by Dr. Gaerlan. They arrived at the place at about 2 o'clock in the afternoon. Macario was also in the hospital having his wound treated. The wound of Macario was on the head, on the right of his neck and on his right arm. "I reported to Isidro Escario, the Mayor of Bantayan, but he said that there was no justice of the peace at that time. I told the mayor that it was Pio who killed our father, while our father tried to intervene in the fight. He ordered the burial of my father."

4. Macario Manzanares, 45, married, farmer, resident of Bantayan, testified that on August 15, 1943, his father Perfecto was stabbed to death by Pio Manzanares. The incident took place "at noon, at my farm in Canlalay, Bantayan." Minutes before the killing, I went to visit my farm, because the chickens of Pio Manzanares damaged the corn seed. It happened that my father advised us, Pio and myself because we were quarrelling. The witness saw Pio for the first time, "at his house. He was standing at the premises of his house. When he saw me, he shouted: 'Here you are my foolish elder brother, we are going to kill each other.' He advanced to me. He had a pinga or a piece of bamboo in his right hand." The piece of bamboo was one braza long, three fingers wide. His purpose is to fight. Immediately he struck me with the piece of bamboo. I was hit on the back of my head. I tried to dodge, but I was reached by his blow and I staggered to the ground. When I was hit, he threw away the bamboo and he unsheathed his bolo and tried to stop him, but he could not stop because he was old and he was hit by the bolo on the abdomen. When my father was hit, he cried: 'I am hit.' When my father withdrew because he could not stop Pio, I unsheathed my bolo for defense. While I was defending myself, we came to fighting. In the course of our fight, I was hit on the frontal region of my head. The next wound I received is found here (witness showing a scar at the base on the right of his neck). I also received wound on my left forearm. I raised my left hand up to my head in order to stop the blow but the blow hit my left arm. I also received on the knee. The witness was able to injure Pio on the right thigh. When I struck him, my bolo hit his bolo and his bolo flew away. Then he grasped the blade of my bolo and when he pulled it he got wound on the palm of his hand. I thrust my bolo to him. He was hit on the left breast. When I was hit I was made to sit down, I was compelled to sit down. I ran downtown, to the hospital to have my wound treated." He arrived at the hospital at one o'clock in the afternoon. The killing took place at about 12 o'clock. From the place of the killing to the hospital there is a distance of about six kilometers. Pio "got angry because his chickens damaged my seed of corn." The witness was treated by Dr. Gaerlan and the treatment lasted for three days. The witness went to visit his farm, because my corn seed was damaged by chickens. When I arrived there, very soon after Pio came up also. From the farm, the witness went to the premises of Pio's house, "He was at the premises of his house. He was standing there. The witness saw Pio and my father. Upon seeing me he said: 'Here you are foolish man, stupid person, we are going to kill each other now.' He

addressed me saying: 'We are going to kill each other now.' 'I did not approach him because it was not my purpose to fight. He approached me. He immediately hit me with the pinga. He immediately struck me reaching me, in the presence of my father, while my father was advising him," When the witness was struck, their father gave us advice. When he gave his advice to me, I was already wounded on the back of my head. His father was not yet wounded. When he struck me I staggered and it was the time that Pio unsheathed his bolo stabbed me. When he stabbed me my father was hit instead. The distance from the house of Pio to the place of the stabbing is about 50 brazas. When the witness saw Pio for the first time, he was at about 50 brazas' distance. The witness heard Pio shouting. "I did not approach him, because it was not my purpose to fight. He (Pio) was running because his purpose was to kill me. He had his bolo tied to his waist. My father followed Pio giving him advice. Before Pio could strike me, my father advised him, He said: 'Pio, listen to my advice.' My father was following him. He was not able to hold Pio. I remained standing at my farm. I remained there because it was not my purpose to fight and my father was giving advice to Pio not to quarrel. I tried to evade when I was already wounded." When Pio took hold of his bolo, "I was about to stumble. My two hands reached the ground. He threw away his piece of bamboo, he unsheathed his bolo and immediately stabbed me." At that moment, the witness had his two hands on the ground. Pio took the pinga from his house. "I suspected that he was going to kill me, because he shouted that he wanted a death combat with me, I intended to escape, but he pursued me. I stepped backwards with the purpose of not being killed by him. But he pursued me. It was when he was about to hit me that I stepped backwards. I had a bolo tied to my waist to clean the farm. It was a binotete." Page 168.

Consuelo Carabaña, 29, married, teacher, resident of Bantayan, as a rebuttal witness for the prosecution, testified that in August, 1943, she was a first aider in the army hospital in Bantayan, located in the Bantayan Central School. In the afternoon of August 15, 1943, she was with Dr. Gaerlan when the latter treated Macario, "In his forearm I found lacerated wound, in the head and in the knee." The wound in the forearm was one inch and a half." It was a lacerated wound. A wound caused by a bolo is incised, "because the edge is even" in a lacerated wound, "the edges are irregular." The wound at the neck of Macario was a lacerated wound. "The edges are not even there were small stones and earth." What Macario had at the upper part of the knee is an abrasion. On the head he had, on the front head, a lacerated wound. "There were earth found." The lacerated wound on the forearm was treated for two weeks. "I asked: 'What happened to you?' He said he was hit by pinga on the forearm. I noticed that he has some scars there (in his hand); he has already some scars."

Dr. Alejandro Gaerlan, testified that the wound at the base of the neck of Macario was irregular. It could have been caused by semi-blunt instrument, like a bamboo pinga. The scar in the anterior part of the forearm could have been caused by a sharp instrument and by a blunt instrument. The witness remembers having treated the lacerated wounds of Macario. The lacerated wound in the forearm could have been caused by a blunt instrument. The witness has seen the accused only once, because the one who treated him always was the first aider Consuelo Carabaña.

As can be gathered from the above testimonial excerpts, according to the prosecution it was appellant Macario Manzanares who killed his own father; while according to the defense it was Pio Manzanares who, labile engaged in a bloody affray with Macario, accidentally hit the deceased with a bolo thrust aimed at Macario.

Weighty reasons compel us to accept the prosecution's theory. The testimony of Pio Manzanares appears to us to be natural, positive, straight forward and convincing, including the part given under cross-examination by the defense. It is fully corroborated by two ocular witnesses, Isabel-Manzanares and Rodolfo Manzanares, whose declarations, notwithstanding their tender age, had remained unscathed under the severe test of cross-examination. The judge presiding the lower court, who had the opportunity of hearing for himself the testimonies and observing how the witnesses testified, gave credence to the witnesses for the prosecution.

We are convinced that the events in dispute happened as narrated by Pio, Isabel and Rodolfo Manzanares.

There are inherent improbabilities and contradictions in the declarations of the witnesses for the defense that induce us to reject their testimonies. Appellant testified that Pio advanced to him inviting him to a death combat, saying: "We are going to kill each other." But, Instead of unsheathing the bolo in his waist, he advanced With a piece of bamboo to attack Macario, who was wearing a bolo. If Pio was the attacker, intent on a death combat at, shouting "We are going to kill each other," why did he not take hold of his bolo right away, instead of availing himself of a piece of bamboo? Why did he prefer a weapon of doubtful deadliness to one positively deadly to attack an adversary who had at his disposal a deadly weapon? These unanswered questions suggest a queer conduct which cannot be logically attributed to Pio, a person who, according to the record, appears perfectly normal.

Appellant would want it to be believed that it was when Pio "unsheathed his bolo and stabbed" appellant, when "my father tried to stop him." But, why is it that father failed or abstained from stopping Pio when, according to the accused, he started the fratricidal Combat with a piece of bamboo? If we have to believe that there was such a paternal intervention to stop a mortal combat among brothers, is it not logical to expect the intervention to take place at the start of the fight, and not after it had actually started? Were the mental processes of the father so slow as to need first to witness Pio delivering blows with the piece of bamboo, to see him tired with the use of said weapon, throw it away, and then unsheath his bolo, before coming to realize that it was his duty to stop the fight? Such imputation of senile dodgery, implied from appellant's version of the incident is belied by his own declaration into the effect that, before the fight, "my father advised us, Pio and myself, because we were quarrelling."

Appellant capitalizes on the fact that it took many months after the restoration of civil government in Bantayan, in June, 1945, before the prosecution filed its complaint in August, 1946. Such delay in the filing of the complaint cannot be adduced to attack the credibility of the witnesses for the prosecution. This Case is just one of many criminal cases based on offenses committed during the enemy occupation which had been started long after the liberation. Actually, there are several criminal cases of such nature in this Court. We take judicial notice of the fact that it took many months after liberation before normalcy had been reestablished In the country. The unsettled conditions in many parts during the first year after liberation were such that many persons did not feel safe to bring their grievances to courts of justice.

We conclude that appellant is guilty of the crime of parricide as defined and punished by the Revised Penal Code, without any modifying circumstances.

The appealed decision is affirmed with costs appellant.

Feria, Bengzon, and Tuason, JJ., concur.

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