

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. IGNACIO GONZALES, JR. Y OLIVEROS, DEFENDANT-APPELLANT.*G.R. No. L-44409. February 21, 1990*

Ponente: PARAS, J.

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Appellant was found in a decision[*] rendered by the trial court guilty of the crime of parricide and sentenced him to suffer the penalty of reclusion perpetua, to indemnify the heirs of the deceased Gloria Balleza, in the amount of P12,000.00, to pay by way of moral damages the amount of P20,000.00, without subsidiary imprisonment in case of insolvency and to pay the costs.

The statement of facts as presented by the prosecution is as follows:

"Appellant Ignacio Gonzales, his wife, Gloria Balleza Gonzales, and their niece, May Balleza, lived in a house located at the Municipality of Sagay, Province of Negros Occidental. At about 5:30 o'clock in the morning of February 11, 1974, Gloria Gonzales woke up May and asked her to cook food for breakfast (p. 4, tsn, Oct. 21, 1974). While May was cooking, Gloria Gonzales went to the table to prepare her lesson plan (pp. 4-5, tsn, id.). About five minutes later, appellant came out from the bedroom and pulled his wife, Gloria, towards their room (pp. 5 and 16, tsn, id.). After they had entered the room, May heard her aunt utter: 'why are you going to kill me?' followed by the sound of commotion inside the room (p. 18, tsn, id.). Again, she heard her aunt say: 'May, please help me.' (p. 6, tsn, id.). Grippled with fear, May wept downstairs and hid under the balcony of their house, observing what was going on upstairs (Ibid.). While she was under the balcony, she saw blood dripping through the space between the wooden slots of the floor and also saw the body of her aunt (pp. 6-8, tsn, id.). Immediately, she ran towards the fence, broke its lower portion and crawled through it and proceeded to the house of Porento, a neighbor, which was about 15 meters away (pp. 33-37, tsn, id.). At Porento's house, she peeped thru a window and saw the appellant pacing the sala and kitchen of their house (pp. 9-10, tsn, id.). After a while, she noticed that their house was on fire (p. 10, tsn, id.). She brought a child of Porento with her and hid in the house of a certain Talo, where she watched the fire until their house was completely burned. Then she returned to their house, and saw the burned body of her aunt, which she was able to identify by her size and the ring and earring on her person. Her uncle, the accused was no longer around (pp. 10-11, tsn, id.).

"At about 5:30 o'clock that same morning, Wilfredo Gregorio, a public school teacher and whose house is about four meters away from appellant's house heard the voice of Gloria shouting for help (pp. 2, 4, 16, tsn, July 6, 1974). He came down from his house and went towards appellant's house (p. 5, tsn, id.). He saw appellant walking back and forth at their balcony (p. 6, tsn, id.). He called the appellant and asked him 'Mig, what happened?' Appellant did not say anything but just looked at him. So, he returned to his house (Ibid.). After about five minutes, his nephew told him that he smelled clothes burning from appellant's house. Wilfredo went down again and looked at the house of the appellant. He saw thick smoke coming from appellant's house (Ibid.). He shouted to his neighbors to call for fireman and policemen. Then he called the appellant, 'Mig, Mig'. Appellant did not answer. He shouted, 'Mig, your house is burning' (p. 7, tsn, id.). He rushed to his house and tried to prevent the fire from spreading to his house (Ibid.). After the appellant's house was totally burned and the fire had stopped, he went to appellant's house and saw the burned body of Gloria (p. 8, tsn, id.).

"While the fire was raging, policemen arrived (p. 3, tsn, Jan. 8, 1975). After the fire was put out, Corporal Victor Eduardo sent somebody to fetch the Municipal Health Officer and a photographer (pp. 3-4, tsn, id.). He also ordered Patrolmen Montebon and Canal to pursue the appellant who ran away (p. 7, tsn, id.). A photographer arrived and took some pictures (Exhs. E, E-1, F, F-1, G, G-1, H, H-1, I, I-1, I-2) while the Municipal Health Officer, Dr. Pedro de Ocampo, examined the burned cadaver of the victim (p. 7, tsn, id.). Dr. Ocampo saw fresh blood dripping on the ground when he examined the body of the deceased. The back portion of the victim's chest was still intact. He found the skin still intact and the stab wounds could still be seen (p. 8, tsn, April 22, 1974). After conducting an examination of the deceased, Dr. de Ocampo prepared the following report:

"Autopsy Findings

Name — Gloria Balleza-Gonzales

Age — 47 years old

Address — Crossing Sagay, Sagay
Negros Occidental

Occupation — Public School Teacher
Sagay District No. 1

Date — Time & Place of Autopsy
2-11-74 a. m. Deceased
Residence

FINDINGS

- Wound, stab, one and a half (1-1/2) cm, located at the chest, posterior aspect, left side, at the level of the 3rd rib, directed forward and downward penetrating the chest cavity perforating the left lung and its major blood vessels.
- Wound, stab, one and a half (1-1/2) cm. located at the chest, anterior aspect, right side, at the level of the 3rd rib, directed forward, downward penetrating the chest cavity perforating the right lung and its major vessels.
- The body is severely burned from head to foot, anteriorly with the muscle exposed due to absence of the skin, only the posterior portion of the chest and abdomen are with intact skin and not burned. The upper extremities are without toes.

CAUSE OF DEATH

Shock secondary to severe hemorrhage due to multiple stab wounds (p. 6, rec.).'

"At about 2:30 o'clock in the afternoon of that same day, the appellant was apprehended by Patrolman Edgardo Montebon and Rolando Canal at Hacienda Panikion at Sagay, Negros Occidental which is about 8 kilometers from his house (p. 27, tsn, July 16, 1974; p. 28, tsn, April 22, 1974). Appellant surrendered a matchbox (Exh. D) and his knife (Exh. C) called 'maiz-maiz' to the policemen (p. 28, tsn, April 22, 1974; p. 27, tsn, July 16, 1974). Upon being asked by Pat. Canal if he used the knife in stabbing his wife, the appellant did not say anything (p. 28, tsn, April 22, 1974). But when he was asked by Pat. Montebon why he killed his wife, the appellant answered that his wife had a paramour and he was jealous (p. 30, tsn, July 16, 1974).

"At the police station where he was brought, the appellant was told by Corporal Eduardo that the cadaver found in his burned house was that of his wife and that he stabbed his wife in a fit of jealousy while they were in their bedroom. However, appellant refused to give any statement in writing (pp. 8-10, tsn, Jan. 1, 1975)." (Brief for the Appellee, pp. 2-6; Rollo, p. 66)

Appellant on the other hand claims that on that fateful day he and his wife had a violent discussion on money matters; that his wife struck him with a wooden cane but he was able to evade the blow by ducking and pushing his wife; that the cane hit a gas lamp and lamp was broken; that his wife slipped and the gas lamp fell on her causing her hair and dress to catch fire; that he ran to May's room to get a blanket to extinguish the fire, but when he forcibly pulled the blanket it accidentally hit the gas lamp in that room causing the lamp to fall on a pile of clothes and the clothes caught fire; that he tried to carry his wife but she was too heavy; that he wrapped the body of his wife with the blanket and rolled her body in the floor from the sala to the balcony; that he noticed that their house was already in flames; that when he looked at his wife she was already dead; and that because the fire had already spread to the other parts of the house, he ran away.

Appellant now assigns the following alleged errors:

I

THAT THE LOWER COURT ERRED IN NOT HOLDING THAT THE DEATH OF THE WIFE OF THE ACCUSED WAS PURELY ACCIDENTAL.

II

THAT THE LOWER COURT ERRED IN NOT ORDERING ACQUITTAL OF THE ACCUSED ON THE GROUND THAT HIS GUILT HAD NOT BEEN PROVEN BEYOND REASONABLE DOUBT.

III

THAT THE LOWER COURT ERRED IN NOT HOLDING THAT WHERE THERE WAS NO AUTOPSY CONDUCTED THE PHYSICIAN COULD HAVE NO PERSONAL KNOWLEDGE OF INJURIES OF THE WIFE OF THE ACCUSED.

IV

THAT THE LOWER COURT ERRED IN NOT HOLDING THAT CIRCUMSTANTIAL EVIDENCE RELIED UPON BY THE PROSECUTION CAN NOT CONVICT THE ACCUSED.

(pp. 7-8, Brief for the appellant; p. 54, Rollo)

While the prosecution claims that the appellant wilfully and deliberately killed the deceased, the defense maintains that appellant did not stab his wife and that she was accidentally burned to death. Since the prosecution

failed to conclusively show that the deceased was already dead before their house was destroyed by fire, appellant should be acquitted on the expert-testimony of Dr. Lavada at the same time alleging the failure of Dr. de Ocampo to conduct an autopsy of the deceased. The defense also questions the fact that the prosecution failed to present any witness who actually saw the accused stab his wife or set fire to the house.

The contentions of the defense are not well-taken.

Appellant's actuations before, during, and immediately after the occurrence of the fire belie his claim of innocence. Furthermore, the chain of circumstantial evidence so closely linked together leads to one unquestionable conclusion that the guilt of the accused has been established beyond reasonable doubt.

Let Us consider the following: On that fateful day, appellant admits that he had a heated argument with the victim, which led the appellant to threaten the victim with a slap to which the victim uttered "Why, are you going to kill me?" Such statements were overheard by May Balleza, the victim's niece. This was followed by a commotion inside the room with the victim shouting for help overheard by May Balleza and the next door neighbor Wilfredo Gregorio. May Balleza, while hiding under the stairs of the house, saw blood dripping from the floor of the balcony and immediately thereafter saw the appellant walking back and forth in the sala and kitchen of their house. There was no fire yet. When Wilfredo Gregorio, a neighbor of the appellant, heard the deceased cry for help, he approached appellant's house and asked the appellant what was happening but the latter did not answer and merely stared at Gregorio (p. 6, tsn, July 16, 1974). When Gregorio approached the house of the appellant for the second time to tell him that his house was on fire, appellant did not say anything but merely looked at Gregorio (p. 7, tsn, id.). The appellant never shouted for help from the time the fire started until he ran away from the house (pp. 54-55, tsn, June 23, 1975). Instead of proceeding to the municipal building which was only about 40 meters from his house to ask the authorities for assistance to save his burning house and wife, appellant ran towards the sugar cane field until he had reached a distance of about eight (8) kilometers and stayed there until he was found by Patrolmen Canal and Montebon (pp. 36 and 40, tsn, id.; p. 29, tsn, July 16, 1974). When Patrolmen Canal and Montebon apprehended the appellant at the sugar cane field, appellant had in his possession a knife and a matchbox (pp. 28 & 30, tsn, April 22, 1974). The appellant surrendered the knife to the policemen (p. 30, tsn, April 22, 1974). When Patrolman Canal asked him whether he used the knife to stab his wife, the appellant did not answer him (p. 28, tsn, id.). After appellant's apprehension, he never told the policemen that his wife died because of an accidental burning (p. 56, tsn, June 23, 1975). On the contrary, he told Patrolman Montebon that he killed his wife because she had a paramour and he was jealous (p. 30, tsn, July 16, 1974). The examination conducted on the body of the deceased by Dr. Ocampo shows that the deceased had several stab wounds in her body (Exh. B, p. 6, rec.).

Furthermore it is not true that Dr. de Ocampo (the municipal health officer, who certified that the deceased died of shock secondary to severe hemorrhage due to stab wounds), admitted that he did not conduct an autopsy on the cadaver of the deceased. It must be pointed out that the report on the examination conducted by Dr. de Ocampo on the cadaver of the deceased is an autopsy report marked as Exh. "B" (p. 6, Record). In answer to the cross-examination of counsel for the appellant on how he conducted the autopsy, Dr. de Ocampo declared that upon arrival at the scene of the crime, he examined the burned cadaver which was then lying on the floor at the porch of the house, facing upward, with legs and arms bent and constricted. He also saw fresh "blood drippings" on the ground. He turned over the body of the deceased and saw that the back portion of the chest was still intact. He found a stab wound on the posterior side of the left chest and another stab wound on the anterior aspect of the chest, both wounds described thoroughly in his autopsy report. As between the testimony of Dr. Lavada who declared that the deceased suffered fifth and sixth degree burns and therefore any stab wound on the body of the deceased would no longer be visible and the testimony of Dr. de Ocampo that the stab wounds were still visible,

the latter's testimony should be entitled to greater weight considering that Dr. de Ocampo actually saw and examined the body of the deceased on the day of the incident, whereas Dr. Lavada merely based his testimony on the photographs showing the burns sustained by the chest.

Moreover, a closer examination of the photograph of the cadaver (Exh. A) shows that the layers of tissue on the back and buttocks of the deceased can still be seen and have not been charred or carbonized, thus giving weight to the testimony of Dr. de Ocampo that he found the back portion of the chest still intact.

In trying to discredit the testimonies of the witnesses for the prosecution, May Balleza and Wilfredo Guerrero, the defense claims that May Balleza was biased because appellant scolded her in the presence of her friends and that Wilfredo Guerrero was partial in testifying against him because appellant refused to lend him money on several occasions. Such incidents are to be disregarded as these are not considered sufficient motives for the witnesses to falsely testify against the appellant. While discrediting the testimonies of the two aforementioned witnesses, the defense did not present any evidence to discredit witnesses Pat. Canal and Pat. Montebon in testifying that appellant admitted to them that he killed his wife because she allegedly had a lover. For this reason, the trial court was constrained to accept the testimony of Pat. Montebon and credited appellant with the mitigating circumstance of passion and obfuscation.

We completely agree with the trial court that the issue of whether the deceased was already dead as a consequence of the stab wounds before she was burned is of no vital consequence considering that the prosecution adduced evidence to show that the deceased did indeed die either because of the stab wounds or because of the burning of the house or because of both. What is decisive therefore in this case is whether the attack upon the victim and/or the burning of the house was deliberate and willful to cause the victim's death or whether the burning of the house was purely accidental without the accused willfully causing his wife's death.

WHEREFORE, premises considered, except with the modification that the indemnity to the heirs of the deceased is increased to a total of P60,000 (P30,000 for the death and an additional P30,000 as moral damages), the appealed decision is hereby AFFIRMED in all other respects.

SO ORDERED.

Melencio-Herrera, (Chairman), Padilla, Sarmiento, and Regalado, JJ., concur.

[*] Penned by Judge Jose L. Coscolluela, Jr., Judge of the Court of First Instance of Negros Occidental, 12th Judicial District, Branch VII.

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