

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE VS. ESTANISLAO MANGAHAS, DEFENDANT AND APPELLANT.*G.R. No. L-13982. January 28, 1961*

Ponente: LABRADOR, J.

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Appeal from a judgment of the Court of First Instance of Bulacan declaring defendant-appellant Estanislao Mangahas guilty of parricide for the death of his wife Virginia Coderes, with two mitigating circumstances, namely, obfuscation and lack of intent to commit so grave a crime as that committed, and sentencing him to reclusion perpetua, and to pay indemnity.

The evidence for the prosecution shows that defendant was married to Virginia Coderes on March 22, 1952. After marriage they lived in a house of their own in the barrio of Santa Catalinang Bata, San Ildefonso, Bulacan. At around 8 o'clock in the evening of March 8, 1956, their neighbors were attracted by the weeping of the inmates of the house. They went up the house and saw the defendant holding their baby and sitting beside the dead body of his wife. Both defendant and the baby were crying. When the barrio lieutenant, the brother-in-law of defendant, came up the house, the defendant told him that he had left the house, and upon his return found his wife hanging from a beam connecting the hall of the house to an addition or extension, close thereto, already dead. His brother-in-law did not care to investigate him because of their relationship, so he called his assistant to conduct the investigation. The assistant barrio lieutenant examined the place where the deceased had been hanged or had hanged herself, and saw the rope tied to the beam still hanging therefrom, the end of which appeared to have been cut with a knife. The defendant also explained to the official that his wife had hanged herself. One of those who came to the house was Narciso Roque. Roque asked defendant why he and his wife had not forgiven each other, but defendant did not answer.

When the municipal authorities, who had been called to the scene, came, they ordered the dead body to be brought to Manila for the corresponding post-mortem examination. The results of the examination appear in Exhibit "A", and are as follows:

"Body in the moderate state of postmortem decomposition.

the court a quo as follows:

Tip of tongue protruding between the upper and lower anterior teeth.

Post-mortem discoloration, marked, face and neck above ligature marks.

Cyanosis, finger nails.

Contusions, purplish in color; 4.3 x 1.2 cm., upper lateral portion, left mammary region; 1.9 x 0.8 cm. dorsum, left hand; 2.8 x 1.2 cm. left hip. Bluish in color; 5.9 x 3.4 cm. dorso-lateral aspect, right elbow; 12.3 x 6.0 cm., antero-lateral aspect, distal third, right thigh.

Contused abrasion; 4.0 x 1.3 cm. and 3.8 x 0.8 cm., involving the upper portion, anterior axillary fold and axillae, right and left sides respectively; three (3) in number, 0.2 x 0.2 cm. anterior aspect, left shoulder: 5.0 x 0.6 cm. involving the medial and dorso-medial aspect, middle third, right arm; 0.3 x 0.2 cm. dorso-medial

aspect, middle 3rd, right forearm.

Hematoma. scalp; 6.0 x 5.2 cm, left parietal region; 5.4 x 3.3 cm, right parieto-occipital region.

Ligature mark, 28.0 x 0.9 depressed, with irregularly eroded base, red in color, running downward and forward at the upper anterior region of neck, both sides; in front it lies 1.0 cm. above the tip of thyroid cartilage, left extremity is 3.7 cm. below and 3.5 cm. behind and right extremity 5.0 cm. below and 1.7 cm. behind the external auditory meatus.

Emphysematous areas lungs, both sides, more prominent at the margins.

Punctiform hemorrhages, sub-pleural, bilateral, and sub-pericardial.

Congestion, brain and abdominal organs. Spleenomegaly, stale like colored. Stomach contains moderate amount of partly digested food.

Heart contains small amount of frothy fluid blood.

Cause of death: Asphyxia by hanging."

When the body of the deceased was taken away by the authorities for examination, defendant offered to stay in the municipal building explaining to the police that the relatives of his wife might take revenge against him. So the police had him sign a statement that his stay in the municipal building was at his own request. The defendant appears to have been in continuous communication with the police, who must have tried to convince him to tell the truth, for on May 14, he made a clean breast of everything by admitting having caused the death of his wife. The gist of his statement, which was taken on a typewriter by a clerk, and signed by him, is that in the morning of May 8, his wife had been asking that they attend the town fiesta at San Miguel, Bulacan, but that he refused to go to the fiesta as requested by her; that upon his refusal, his wife started insulting him and deriding his person; that when he could no longer bear her chiding and insults, he gave her blows on the face, neck and other parts of the body which he could no longer remember; that as she wanted to fight back, he decided to leave the house; that upon his return, he saw her waiting for him, armed with a bolo, and so he picked up a piece of bamboo and with it hit the hand holding the bolo; that thereafter, a struggle took place between them. As she refused to stop fighting he hit her on the head and upon seeing that she was still breathing, he hanged her with a rope, as a result of which she died. This incident is described by defendant in the following words:

"T. Hindi ba lumaban ang iyong asawa ng siya ay binugbog mo?

S:

Nang lalaban po siya sa akin kung kaya ang ginawa ko po ay iniwanan ko po siya sumandali at ng balikan ko po siya ay nakita ko po may hawak na gulok kaya't ang ginawa ko po ay hinampas ko po siya sa kamay na siyang mayhawak ng gulok at ng tamaan po siya sa kamay ay nalaglag po ang gulok ngunit ng wala na po siyang gulok ang ginawa po niya ay dinagukan po niya ako ngunit ako po ay nakailag, at sa dahilan siya ay ayaw pang huminto ng pagsuntok sa akin ay hinampas ko po siya sa ulo sa patutu o gililan ng bahay.

T: Ano pa ang ginawa mo nang makita mong nabuwal ang iyong asawa sa pagkakapalo mo?

S:

Ang ginawa ko po ay nilapitan ko siya upang tingnan kung siya ay buhay pa, at ng makita kong siya ay humihinga pa ay ang ginawa ko po ay kumuha po ako ng lubid at tinalian sa leeg at ibinitin ko po siya sa loob ng bahay na siyang naging dahilan ng kanyang kamatayan.

T: Bakit mo inisip na ibitin pa ang iyong asawang si Virginia Coderes?

S:

Sapagkat doon po sa pagkakapalo ko sa kanyang ulo ay grave na siya ay iniisip ko po ang paraan upang ako'y makaligtas at huwag mapagbintangan ay ibinitin ko po siya upang ang lumitaw ay nagbigti po siya ngunit ang

aking pong budhi ang ayaw magpatahimik sa akin, kayat ipinagtapat kong ang buong katotohanan." (Exhibit "8" p. 8 of record).

The statement was prepared by the chief of police. After it was finished, defendant read it and then affixed his signature thereto. Later on it was taken to the justice of the peace and sworn to before him by the defendant.

The information for parricide having been filed in the justice of the peace court, defendant was brought before the court for arraignment. When asked if he needed a lawyer to defend him, he answered that he had no need for one. The information, translated into Tagalog, was then read to him, after which he admitted the truth of the charge and his guilt (Exhibit "F")

The justice of the peace was asked to testify in court and he declared that the confession Exhibit "A" was voluntarily sworn to before him by the defendant, and that the latter entered a plea of guilty after the complaint against him was read.

At the trial the defendant-appellant testified and denied having hanged his wife, explaining that when he came home on the night of May 8, after staying away because of the quarrel that he had with her earlier that day, he found his wife hanging from the beam projecting from the hall of the house; that upon seeing her thus, he untied the rope that hanged her and then shouted for the neighbors to come. He denied having sought refuge in the municipal building, or having hanged his wife, alleging that he could not have done so as she was bigger than he. He admitted having signed the confession Exhibit "A", prepared by the chief of police, but explained that he did so because the chief had told him that even if he signed the confession and charges were filed, he would not be convicted because of the fact that he had acted in self-defense. All of these explanations, however, were denied by the witnesses for the prosecution on rebuttal.

A consideration of the evidence submitted by the prosecution readily convinces us that appellant is guilty of the crime charged. The contusions found on the person of his wife corroborate the statements made in his confession insofar as he declares that a fight ensued between them in which he beat her, kicked her, and hit her on the head with a piece of wood, rendering her unconscious, and thereafter hanged her. The photograph of the dead body of his wife, Exhibit "A-2", shows the contusion on her head and the contusion on her left side. We note especially the bulging contusion on the top of her head, and we believe that when she received the blow on the head she lost consciousness and that defendant, taking advantage of her condition, hanged her from the cross beam in the house. With these evidence of the different blows inflicted upon the person of the deceased, which are explained in the confession, we are fully convinced that the defendant had beaten his wife and had hanged her while she was in an unconscious condition, and that she died as a result of asphyxiation.

At the trial the defense made a vain and futile attempt to show that the deceased had hanged herself. But this defense is entirely discredited by the confession of the defendant-appellant and his plea of guilty before the justice of the peace court. The defense tried to prove that the various contusions on her body must have been produced by friction or hitting against the wall near the beam from which she had hanged herself. But considering that the said wall was made only of split bamboo it is improbable that the contusions in the person of the deceased could have been produced while hanging, in the manner indicated by the defense. The conduct of the barrio lieutenant, his brother-in-law, in allowing his assistant to investigate him, indicated a strong belief on his part that defendant was guilty.

We are, therefore, of the belief that the evidence submitted proves beyond reasonable doubt that the defendant had beaten his wife, had hanged her, and that she died as a result of such hanging. The court below found that two mitigating circumstances attended the commission of the crime—obfuscation and lack of intent to commit so grave a wrong. We believe that the second mitigating circumstance has not been sufficiently proved, because if the

defendant had somehow lost control of himself when he hanged his wife, this cannot be considered as lack of intent to commit so grave a wrong, but is part of the obfuscation produced by the quarrel between the defendant and his wife. We, therefore, find obfuscation as the only mitigating circumstance attending the commission of the crime.

With the modification above indicated, we hereby affirm the decision appealed from, with costs.

Paras, C. J., Bengzon, Padilla, Bautista Angelo, Concepcion, Reyes, J. B. L., Barrera, Gutierrez David, and Dizon, JJ., concur.

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