

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CONSTANCIO L. CAUYAN, DEFENDANT-APPELLANT.***G.R. No. L-33697. April 02, 1984*

Ponente: RELOVA, J.

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Constancio L. Cayuan was convicted by the then Court of First Instance of Quezon of the crime of murder in Criminal Case No. 14735 and of frustrated murder in Criminal Case No. 14737. In the murder case, said accused was sentenced "to suffer twenty (20) years of reclusion temporal, with the accessory penalties provided by law; to indemnify the heirs of the deceased Claudia Amat in the sum of P6,000.00 with subsidiary imprisonment in case of insolvency; and to pay the costs." In the frustrated murder case, he was sentenced "to suffer an indeterminate penalty of from two (2) years and four (4) months of prision correccional, as minimum, to twelve (12) years of prision mayor, with the accessory penalties prescribed by law; and to pay the costs."

From his conviction in both cases, Constancio L. Cayuan appealed to the then Court of Appeals. In its resolution, dated January 18, 1971, the appellate court certified to Us Criminal Case No. 14735 (CA-G.R. No. 06224-Cr.) for final determination because "eliminating passion and obfuscation as a mitigating circumstance, the proper penalty should be reclusion perpetua."

Prosecution evidence shows that about 9:30 in the evening of April 7, 1961, Claudia Amat, then 58 years old, was heard by her husband, Maximo Patron, and her son, Andres Patron, shouting "Huag, pare! tama na, pare!." Andres Patron, 21 years old, rushed to the stairs of their house where he saw appellant Constancio L. Cayuan stabbing his mother. When appellant saw him he stabbed Andres on the armpit and other parts of his body. Whereupon, Andres went to their yard and took a piece of wood with which to defend himself and his mother. Appellant still holding the knife ran after Andres who fell to the ground. The neighbors shouted at him to rise up immediately as Cayuan might catch up with him and kill him. Rising up, he continued to run and shouted for help. Roman Natividad responded by firing his gun in the air to scare appellant and to alarm the police. As this juncture, Cayuan stopped chasing Andres.

Claudia Amat, who suffered four (4) stab wounds, one in the heart, and contusions in the left leg, died few minutes thereafter. Andres suffered several stab wounds also which could have caused his death were it not for the timely and able medical assistance given him.

In his defense, appellant testified that it was Andres who first hit him on the head and it was only then that he drew his knife and stabbed Andres. During their struggle, Andres jumped back and his mother, Claudia, who was holding him (Andres) was exposed and she was hit instead by the stab blows. Thus, appellant contends that the knife thrusts at Claudia were accidental; and, with respect to Andres, he inflicted the wounds in legitimate self-defense.

The Special First Division of the then Court of Appeals with the then Presiding Justice Salvador V. Esguerra, as the ponente, and with Justices Ramon Nolasco and Manuel Barcelona, concurring, made the following findings on

how the stabbing occurred.

"After a careful study of the two versions, we are more inclined to believe as true that given by the prosecution. As motive for the stabbing, the prosecution contends that the appellant was actuated by hate and resentment against the Patron family because the father of Andres had bailed out a certain Rev. Fr. Palilio in connection with a criminal case which the appellant had filed against the priest. But we are not persuaded by this alleged motive in arriving at the conclusion that Claudia was indeed stabbed in the manner and under the circumstances given by the prosecution. The evidence is clear from the testimonies of the witnesses for the prosecution that Claudia was stabbed by appellant at the foot of the stairs of her house. When her husband, Maximo Patron, rushed to her side upon hearing her cries, Claudia told him 'Ako ay hinarang ni Pareng Asing (referring to Constancio Cauyan) sa makapanaog ng hagdanan at ako'y pinagsasaksak.' When appellant failed to overtake Andres, appellant was heard to have shouted 'Kayo pala ay hanggang diyan, mga hayop kayo' (referring to the Patrons).

Andres Malanas, a barber, testified, among others, that before the stabbing appellant went to his barber shop and sharpened his knife, and when asked why he was so doing that, appellant answered that it was necessary to keep the same sharp because he had many enemies.

The witnesses, most of whom were in the immediate neighborhood of appellant and victims, appear not to have been actuated by bias, interest, or bad motives, that would impugn the veracity of their testimonies. Moments before the incident, appellant admitted having had a drinking spree with a friend at which they drank one bottle of whisky. Appellant's claim that the stabbing of Claudia was accidental cannot physically fit into any of the facts and situations duly established. In the first place, Claudia received no less than four stab wounds on different parts of her body. This circumstance alone would be sufficient to belie the claim of accidental stabbing. True indeed, appellant was boxed by Andres when the latter saw his mother being mercilessly stabbed by appellant. But the fist blow was no match against the pointed and sharp-bladed knife of appellant. And when Andres was stabbed in the armpit and other parts of his body he looked around and was able to pick up a piece of wood with which to defend himself against appellant.

We agree with the trial court that in Criminal Case No. 14735 (CA-G.R. No. 06224-CR) treachery had qualified the crime of murder. But we do not accept its finding of passion and obfuscation as a mitigating circumstance in favor of appellant. In sentencing appellant to the minimum penalty of 20 years of reclusion temporal, the trial court considered in his favor this mitigating circumstance for the reason, according to the court, that Maximo Patron, husband of the deceased, had bailed out Rev. Fr. Palilio against whom appellant had filed a criminal case. We do not agree that the act of Maximo Patron of having bailed out Rev. Fr. Palilio could have by its very nature effectively caused passion and obfuscation upon appellant. An offended party who feels sore and is enraged at the bondsman of one he charges with a crime is a rare specimen of mankind. That behavior is not in line with the natural tendencies and experience of an ordinary human being. One who so reacts must have been harboring in his heart something sinister against the bondsman which drove him to wreak vengeance on the latter's wife. This is not the kind of passion and obfuscation contemplated by law as an extenuating circumstance in favor of the accused." (pp. 173-176, Rollo).

We fully agree with the appellate court in its rejection of passion and obfuscation as a mitigating circumstance in favor of appellant Constancio L. Cauyan. In order that the circumstance of passion and obfuscation can be considered, it is necessary to establish the existence of an unlawful act sufficient to produce such a condition of mind, and it must be shown that the act which produced the passion and obfuscation is not far removed from the commission of the crime by a considerable length of time, during which the perpetrator might recover his normal equanimity (People vs. Gervacio, 24 SCRA 960; People vs. Layson, 30 SCRA 92). In the case at bar, it was not unlawful on the part of Maximo Patron, husband of the deceased Claudia, when he acted as bondsman for Rev. Father Palilio whom appellant had criminally charged in court. And, it has not been shown that the act of having bailed Fr. Palilio was so proximate in point of time to the commission of the crime as to preclude a sober

realization of the wrongfulness of the course of action taken by appellant.

ACCORDINGLY, appellant Constancio L. Cauyan, in Criminal Case No. 14735 (CA-G.R. No. 06224-CR), is guilty of the crime of murder and is hereby sentenced to suffer the penalty of reclusion perpetua, to indemnify the heirs of Claudia Amat in the sum of P30,000.00 and to pay the costs.

SO ORDERED.

Melencio-Herrera, (Acting Chairman), Plana, Gutierrez, Jr., and De la Fuente, JJ., concur.

Teehankee, J., (Chairman), on leave.

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