

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LEONARDO PAMINTUAN Y DAVID, ACCUSED-APPELLANT.

G.R. No. L-39563. February 29, 1984

Ponente: ESCOLIN, J.

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ESCOLIN, J.:

Appeal from the judgment of the Court of First Instance of Pampanga finding appellant Leonardo Pamintuan guilty of parricide and sentencing him to reclusion perpetua and to indemnify the heirs of the deceased in the sum of P12,000.00.

The judgment of conviction was based solely on circumstantial evidence, the prosecution having failed to produce an eyewitness to the crime. Contending that the evidence is grossly insufficient to support a finding of guilt beyond reasonable doubt, appellant seeks reversal of the judgment.

The facts established by the testimonies of the six (6) witnesses for the prosecution, namely: Pat. Baldomero Maneses and Pat. Cesar Ocampo of the Angeles City Police Department, Dr. Ponciano Malonzo, Dr. Leo Sabio, Romulo Samonte de Jesus, and Jaime Padilla, are as follows: At about 2:45 in the afternoon of February 18, 1971, Pat. Baldomero Maneses received a report that appellant and his wife Corazon de Jesus were engaged in a fight at their house in Bo. Lourdes Northwest, Angeles City. Pat. Maneses, Pat. Cesar Ocampo and PC Constable Macapugay immediately responded to the call. When they knocked at the house of appellant, the latter and his sister Anastacia appeared at the window and informed the police officers that everything was alright and that the incident between appellant and his wife was a minor incident. When asked about his wife, appellant replied that she was resting inside their bedroom.

After the police left, appellant called Dr. Leo Sabio. Upon his arrival at the appellant's house, the doctor saw Corazon de Jesus ("the same woman shown in the picture Exhibit G and G-1") lying on the floor, with multiple injuries on her body. He examined her with a stethoscope and found her bereft of any sign of life. She had no heartbeat and was no longer breathing. The doctor's attempt to revive her was of no avail. Before Dr. Sabio left, he told appellant that he could not do anything because his wife was already dead.

At 5:00 in the afternoon, Pat. Maneses received a call from a person who identified himself as Leonardo Pamintuan, brother of the appellant. He reported that his sister-in-law Corazon de Jesus had been murdered. When the policemen arrived at the appellant's dwelling, appellant and his sister were no longer in the house. The lifeless body of Corazon was on the floor, lying on a pool of blood.

Dr. Ponciano Malonzo, City Health Officer of Angeles City, who conducted an autopsy, described the victim's injuries as follows:

"EXTERNAL FINDINGS:

[1] Presence of multiple stab wounds and second degree burns of the scalp.

- [2] Contusion about 1/2 inch in area at the bridge of the nose.
- [3] Contusion about 1 inch in area at the tip of the chin.
- [4] Second degree burns about 1 inch in area around both nipples.
- [5] Presence of multiple contusions all over the upper chest right side.
- [6] Multiple contusions and abrasion at the posterior aspect of both lower arms.
- [7] Presence of multiple contusions and abrasions over both buttocks.
- [8] Multiple second degree burns over vulva and mons veneris.
- [9] Presence of contusions around both wrists and ankles indicating victim's ankles and wrists were tied.

INTERNAL FINDINGS:

- [1] Fracture of the left clavicle.
 - [2] Fracture of the 3rd, 4th, 5th and 6th ribs, right side and of the 5th rib, left side.
 - [3] Laceration about 2 inches on the under side of the right lobe of the liver.
- No other extraordinary findings.

CAUSE OF DEATH:

Rupture of the liver due to external violence."

That evening, appellant's sister Anastacia Pamintuan executed an affidavit,[1] stating therein, among others, that early that afternoon her younger sister arrived to inform her that appellant and his wife were quarrelling in their house; that she (Anastacia) ran to the house of her brother at Lourdes Northwest; that at said house, she noticed that Corazon had a wound on her eyebrow and was moaning in pain; and that when she asked what happened, her brother answered that it was none of her business.

Meanwhile, appellant had disappeared, leaving no trace as to his whereabouts. He was not apprehended until October 12, 1973, or more than two and a half years after the commission of the crime.

The evidence for the defense consists of the lone testimony of the appellant himself. He declared that he and his deceased wife were married nine or ten years ago and they had four children. He was a barber at the Airman's Club. On February 18, 1971, he did not report for work because he went to Baby's Kitchenette at Mirasol Village. When he returned home at about 9:00 in the evening, the house was pitch dark. Upon turning on the lights, he saw a man jump out of the window. His wife Corazon was lying on the floor, completely naked and hurting from her wounds. Her hands were tied together with an electric wire and her mouth gagged with a piece of cloth. He untied her and asked what had happened. She cried and embraced him, muttering the name of their neighbor "Datda", a policeman named Leonardo Salas, whom he had suspected of being his wife's paramour. At that moment, his wife admitted to him that she was carrying on an illi-cit relationship with Datda.

Because of the serious condition of his wife, appellant called Dr. Sabio and the latter examined her and gave her an injection. When the doctor left, Corazon was still very much alive.

Some policemen later arrived and knocked at the door of appellant's house. Appellant went out; and when the peace officers inquired what the trouble was, appellant told them that nothing was the matter. After the policemen had left, appellant told his wife that he was going out to take a stroll. He went to Pauline's Place where he boarded

a Philippine Rabbit bus. He alighted at the town of San Fernando. After taking a bottle of coca-cola at a store, he decided to take a bus bound for Manila. He returned to Angeles City on February 2, 1972 when he learned that his father died. According to appellant, he left Angeles City because he was being hunted for liquidation by the BSDUs and the Monkeys.

We find no cogent reason to set aside the trial court's judgment. While the prosecution failed to present an eyewitness to the crime, the chain of circumstances, prior and subsequent to the killing, leaves no room for doubt that appellant is the guilty person. The rule is that before conviction upon circumstantial evidence, the circumstances proved should constitute an unbroken chain which leads to one fair and reasonable conclusion pointing to the accused, to the exclusion of all others, as the author of the crime.[2] In the case at bar, this requisite has been fully met.

Appellant testified that when he arrived home at 9:00 in the evening of the day in question, he found his wife Corazon a victim of violence; that she was covered with blood and completely naked; that her hands tied with an electric wire and her mouth covered with a piece of cloth. Yet, when the police officers came to his house and inquired what the trouble was, he told them that nothing was the matter. Obviously, he turned away the police officers in order to prevent discovery of his own dastardly deed.

The Solicitor General noted that the burns on the nipples, the vulva and mons veneris of the deceased demonstrate the sexual motivation of the killing. We agree.

Even before the incident, appellant had been suspicious of his wife's infidelity, and this suspicion was confirmed when, according to the appellant himself, Corazon admitted to him that she had been carrying on an illicit affair with their neighbor Datda. This fact, coupled with the findings of the Assistant City Health Officer as to the sadistic nature of the wounds sustained by the victim, lead to no other conclusion than that the injuries had been inflicted by an enraged and jealous husband.

The conduct of the appellant after the incident strongly establish his guilt. Dr. Sabio testified that when he examined the victim in the afternoon of February 28, 1975, the latter was already dead. Appellant, however, insists that his wife was still alive when the doctor left his house. But whether Corazon was dead or alive at that time, it certainly appears most unnatural that a husband and father of four children of tender years would have abandoned his family, especially when his wife was in serious physical condition. Indeed, appellant fled in order to avoid arrest, knowing as he did that the fight between himself and his wife had already been reported to the police. As has been enunciated by this Court time again, "flight is considered as evidence tending to establish guilt." [3]

Appellant asserts that Datda or Leonardo Salas could have been the author of the crime. Such theory must be rejected considering that appellant himself did not even denounce Datda when the police came to his house. As correctly noted by the lower court: "The accused implies that another man, a certain Datda or Leonardo Salas, was probably the one responsible for the death of his wife; however; he admits that this person is already dead and therefore' this prevents any verification of his claim. This is his defense which he should prove, and certainly he has not proven it."

In fine, the absence of an eyewitness account of the killing notwithstanding, the circumstantial evidence established affords sufficient basis for a reasonable inference that the victim was killed by her own husband, the appellant herein.

ACCORDINGLY, the judgment appealed from is hereby affirmed. With costs against appellant.

SO ORDERED.

Makasiar, (Chairman), Aquino, Concepcion, Jr., Guerrero, Abad Santos, and De Castro, JJ., concur.

[1] Exhibit A.

[2] US vs. Lim Sip, 10 Phil. 627; People vs. Subano, 73 Phil. 692.

[3] People vs. Samonte, 64 SCRA 319; US vs. Alegado, 25 Phil. 310; People vs. Aposaga, 108 SCRA 574; People vs. Realon, 99 SCRA 422.

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