

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROLANDO CENTENO, ET AL., DEFENDANTS, ROLANDO CENTENO, DEFENDANT-APPELLANT.

G.R. No. L-33284. April 20, 1989

Ponente: CRUZ, J.

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CRUZ, J.:

It all started, innocuously enough, with a drinking spree. On that afternoon of December 1, 1968, Rolando Santos was enjoying himself with some friends and plenty of beer that he eventually could not carry. Within the hour, he would be dead of a massive brain hemorrhage. The venue would be the municipal building itself. And the police chief himself, together with one of his policemen, would be accused of murdering him.

How Santos died is the question we have to settle. The prosecution says he was killed with karate blows dealt by the accused-appellant. The defense denies this. It says Santos drunkenly staggered and fell and hit his head and bled to death.

The trial court believed the prosecution and convicted the police chief while absolving his co-accused.[1] Rolando Centeno is now before us on appeal of his conviction.

The medical evidence is not disputed. It is accepted that Santos died as a result of internal bleeding in the brain due to trauma. The victim's head showed various contusions and abrasions but not in the nape of the neck where the karate blows were allegedly delivered.[2]

Besides Dr. Plaridel F. Vidal, the NBI medico-legal officer who testified on the autopsy of Santos, two important witnesses who gave a first-hand version of how Santos was allegedly killed by the accused-appellant were presented by the prosecution. These were Dionisio Violago and Eulogio Villanueva, who were both friends of the victim.

According to Violago, he and Santos, together with their other companions, were in the store of one Aling Goreng when Patrolman Valeriano Reyes approached Santos and told the young man to come with him. Santos demurred, protesting that he had done nothing wrong, whereupon Reyes boxed him in the chest and forcibly brought him to the police station. There Santos loudly objected to his detention, prompting Police Chief Centeno to say, "Matigas ka yatang talaga," although he relented later and allowed him to go home. But as Santos was leaving, Centeno had a change of mind and asked Reyes to bring Santos back. Reyes was holding Santos's arm when Centeno administered the first karate blow on the nape of Santos's neck that made the victim fall forward on the backrest of a bench. This was followed by two more karate blows that crumpled him to the cement floor where he lay prostrate and motionless. On Centeno's order, two policemen then picked up Santos and took him inside the locker room adjacent to the municipal jail.[3]

Villanueva corroborated Violago and said he cried out, "Why are you doing this to my friend?" when he saw Santos being mauled by Centeno. He also declared that Santos was felled with three karate blows from Centeno.

This witness claimed he got a glass of water and gave it to Santos, who could not drink it any more as he was already dying then. He felt Santos's pulse but there was none. He opened Santos's shirt and put his ear to his chest but could hear no heartbeat. He said that the other persons who witnessed the killing, besides the policemen, were Violago, Romy Salao and Serafin Punzalan.[4]

The theory of the defense was that Santos was so intoxicated that he reeled and fell and hit his head and suffered the internal brain hemorrhage that killed him. To support this claim, it introduced Mercedes Bautista, chief forensic chemist of the NBI, who testified that at the time of Santos's death he had 0.21% of alcohol in his blood. She declared on cross-examination that the effect of such quantity would vary according to the person's physical condition although there would surely be emotional instability in every case.[5]

The defense conjectured that as a result of his inebriation, Santos must have crashed down and hurt his head, resulting in internal bleeding. Valeriano Reyes, the other accused, testified that after they had brought Santos to the locker room, they heard a noise ("kalabog") suggesting that Santos had hit something; and sure enough they found him dying on the floor when they went in to investigate.[6] It is doubtful though how they could have heard the alleged sound, considering the thick concrete walls of the room and the fact that they were then some ten meters away.[7]

There is also the argument that no external injuries were found on the nape of the neck, where the karate blows were administered although there were abrasions and contusions elsewhere in the victim's head. As Dr. Vidal explained, however, even if no marks were left on the neck, karate blows thereon could cause the generalized and extensive bleedings that caused the victim's death. Thus:

Q. Will you please explain, if a karate blow delivered on the nape of a person without necessarily producing contusions or abrasions will cause brain hemorrhage?

A. Depending on the position of the fist that one will apply on the person. A karate blow will produce inner injury but without any outside injury especially this portion of the hand, (witness pointing to the hypothenar) unlike this portion (witness pointing to the knuckles) and especially when the karate blows delivered with the hypothenar on a muscular portion of the body like the nape, there will be no external injuries but the injury is internal. To further explain, I will cite to you an example. The boxers who use gloves on their hands and when they will deliver blows on a person, that person will not sustain external injuries but there is severe injury inside the brain and that could justify that karate blows will not produce external injuries but internal injuries.[8]

The defense itself submitted that Santos shouted drunkenly within hearing distance of Centeno and Reyes, "Putang inang mga pulis iyan! Walang kuwenta sa akin iyan!"[9] They claimed to be tolerant and simply admonished him to go home, but subsequent events showed they were really annoyed by his remarks. This was the motive that prompted Reyes to drag Santos to the municipal building and led Centeno later to kill him.

We are satisfied that Violago and Villanueva were telling the truth about the killing of their friend although there were indeed inconsistencies in their statements. These were minor lapses only and did not impair the essential truthfulness of their narrations. As for the defense, its explanation of the death of Santos while he was in the custody of the police is hardly plausible and mainly speculative. Murder cannot be excused on such improbable conjectures.

Murder it was indeed with the qualifying circumstance of treachery. There was alevosia because Santos was suddenly attacked from behind when in his weakened and intoxicated condition, coupled with the fact that his arm was then being held by Reyes, he could not defend himself. The accused-appellant had employed means aimed at achieving his purpose without risk to himself from any defense the victim could have made.

Even assuming there was abuse of superior strength, on which issue we do not have to rule here, this aggravating circumstance is deemed absorbed by treachery. As for the mitigating circumstances claimed by the defense, the Court holds that they cannot be allowed. The derogatory statement made by Santos which so irritated Certeno did not constitute such a grave provocation as to warrant the lessening of his penalty for reacting as he did in punishing the victim to death. Neither can Centeno argue now that he had not intended to commit so grave a wrong as the actual killing of Santos as he knew, or should have known, that the karate chops on the nape of the neck would have a lethal effect upon the defenseless and drunken victim.

There being no generic aggravating or mitigating circumstances, the term of imprisonment was correctly fixed at reclusion perpetua, the medium penalty for murder. The civil indemnity is, however, increased to P30,000.00 consistent with present policy.

It was not only Rolando Santos who was intoxicated when he died at 22 on December 1, 1968. There was another kind of drunkenness that afflicted the chief of police, who misused his power and lawlessly took a life.

WHEREFORE, the appealed judgment is AFFIRMED except as to the civil indemnity, which is increased to P30,000.00. Costs against the accused-appellant. It is so ordered.

Narvasa, (Chairman), Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] Rollo, pp. 21-42. Decision penned by Judge Carlos L. Sundiam.

[2] Original Records, p. 194.

[3] TSN, July 2, 1969, pp. 88-109; July 3, 1969, pp. 32-39.

[4] TSN, September 17, 1969, pp. 2-7; pp. 14-16.

[5] TSN, February 23, 1970, p. 2; p. 9.

[6] TSN, June 24, 1970, pp. 4-5.

[7] Rollo, p. 36.

[8] TSN, November 20, 1969, pp. 30-31.

[9] TSN, August 5, 1970, p. 19.

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