

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE. VS. TEOPISTA CANJA, DEFENDANT AND APPELLANT.

G.R. No. L-2800. May 30, 1950

Ponente: BENGZON, J.

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BENGZON, J.:

For having killed her husband Pedro Jongque, the appellant Teopista Canja was convicted of parricide by the court of first instance of Antique, and was sentenced to imprisonment for life, plus indemnity of P2,000, and costs.

The spouses resided at Barrio Badiangan, Patnongon, province of Antique. Squandering the family funds in gambling and even keeping a paramour, Pedro got the drinking habit that sometimes led him to lay violent hands on his wife.

The slaying occurred at night, about ten o'clock, May 25, 1948, in the conjugal home, where the family had gone to bed earlier in the evening, the husband sleeping in one small room, and the wife with the children in another.

The eldest daughter Exuperia, twenty years old, declared substantially as follows: "That night my mother woke me up and told me my father was dead. She told me she had killed him otherwise he would kill her. At her indication I helped carry the corpse to the creek where we left it. Before we retired that evening my parents had a discussion. They often quarrelled before. I am aware that my testimony may send mother to jail for life, but what I say is the truth. I am displeased with her because she killed my father".

Leonardo Reluta, chief of police of the town, testified that at noon of May 26, 1948, he proceeded to the barrio in company with the sanitary inspector and the justice of the peace; that they found Pedro's corpse in the creek; that the health officer examined the body; that after conferring with Exuperia he arrested Teopista Canja; that the confession Exhibit C was signed by her, and that he prepared such exhibit, which contains the statements she made to him.

Manuel Flores, the health officer, ratified the contents of the post-mortem examination he conducted (Exhibit D). According to him the man died of "Internal hemorrhage, the concussion and compression of the brain as the result of blows of hard instrument such as a hammer which fractured or crushed the ethmoid or nasal bone, the right molar or cheek bone and the upper and lower jaw bones. The dental arches were so smashed that there were no more teeth left. There are 11 face incised wounds of 1 1/2 inches wide with exception of 1 1/2 inch on the left side of the forehead and 5 inches at left side behind the ear. The wounds penetrated up to the bones of the head."

Benjamin Valente, the justice of the peace, declared that on May 27, 1948, the accused appeared before him accompanied by the chief of police and one policeman; that answering his questions, she stated that she had signed the Exhibit C freely and voluntarily; that he read to her the entire document and after reading it asked her whether the contents were true, and she answered "yes"; that she swore to the same in the presence of the witnesses Juan Victoriano and Carlos Tandoy. This official further said that before talking with the accused, as

above related, he took the precaution of excluding the police officers from the room.

The pertinent part of the confession Exhibit C reads as follows:

"That on Tuesday, May 25, 1948 at about six o'clock in the evening, my husband Pedro arrived from the tuba-drinking place and he was very drunk. And when he was already inside our house, because he was drunk, he immediately boxed in my stomach and I immediately fainted. When I gained consciousness, I asked him why he boxed me. And he answered me that if I will still resist he will do it again. So I just kept quiet and immediately prepared our supper. While we were eating our supper with our children, he did not eat but instead threw away the rice from the plate. After we had [eaten, he went down according to him to look for tobacco-to-chew in the house of my brother. In a short while, he returned, he again boxed me because according to him I am always jealous of him. From that moment, I felt a resentment moreover because he sold all our lands to other people and gambled and I knew he was keeping a mistress. That is why while our children[and he (Pedro) were sleeping, I immediately got the hammer and chisel near his head and struck his head and face until he was dead. When I knew that he was no longer breathing, I immediately wrapped him with the mat where he slept and went to my daughter who is the eldest of all who was still sleeping. She was reluctant to help me but I threatened her.

* * * * *

"Q. Why did you have to kill your husband?

"A. Because of his maltreatment of me, I felt as though the Evil Spirit has possessed me and I lost control of myself, and I forgot my children who are still small."

Declaring in her defense, Teopista swore that that night she suddenly awoke when a man was strangulating her; that she grabbed a piece of wood and gave the assailant two blows on the face; that she thereby was able to free herself; that she then lighted a lamp and found to her amazement that she had killed her husband.

This self-defense version was correctly rejected. Firstly, because the wounds found¹ on the dead man could not have been the effect of two strokes with a blunt instrument. There were eleven incised wounds. Secondly, because she never mentioned that piece of wood to the chief of police, and there is enough evidence; that she signed the confession Exhibit C voluntarily, with full knowledge of its contents. Thirdly, because she pleaded guilty at the preliminary investigation on June 2, 1948. Fourthly, if the facts had really happened as she relates, there is every reason to expect that she had given the same explanation to her children, who would undoubtedly have absolved her; and yet we have Exuperia declaring against her mother, and openly resentful of her.

After reading the record, we have no hesitation to affirm the verdict of guilt. Our opinion arises not only from the view that her explanation is non-acceptable, but from the conviction that her declarations before the police chief and the justice of the peace in Exhibit C reflected the true facts, and were uttered at a time when the culprit overwhelmed by remorse had not yet had the opportunity to yield to ideas evolved by the irresistible instinct of self-preservation.

Appellant must be declared to have feloniously extinguished the life of her husband. He may have been unworthy. He may have been a rascal and a bully; but that is no excuse for murdering him. His badness is not even a mitigating circumstance.

Wherefore, inasmuch as the penalty imposed on appellant is in accordance with law (Article 246, Revised Penal Code), the appealed judgment is affirmed, with costs.

Ozaeta, Pablo, Tuason and Reyes, JJ., concur.

MONTEMAYOR, J., concurring:

I agree with the majority as to the guilt of the appellant and the correctness of the penalty imposed according to the provision of law pertinent to the case. But I wish only to add that if a person properly convicted and sentenced according to law was ever 'deserving of executive clemency, then the herein appellant is that one.

The very majority opinion pictures her as a martyr in her marital life. Her deceased husband not content with squandering away the family substance, and not satisfied with keeping a mistress upon whom he must have spent some of the money that properly belonged to his own family, including his wife, got into the habit of drinking until he became a habitual drunkard. In other words, he developed and indulged in all the major vices, and to cap it all, when he came home, drunk, he would even beat up his wife. That the poor wife, the appellant could put up with all this, still keep house for that kind of a husband, thriftless, faithless, vicious, and brutal and continue to be a wife to him, speaks volumes for her. It implies patience, forbearance, devotion and sacrifice in the extreme. In countries where divorce laws are more liberal, one in her place would, long ago, have divorced her worthless husband, set up a home of her own to live her remaining years at least in peace, if not in moderate contentment free from fear and brutality, and keep her self-respect.

On the very day that she killed her husband, according to her own confession on which her conviction was based, he came home, drunk, forthwith laid hands on her, striking her on the stomach until she fainted, and when she recovered consciousness and asked for the reason for the unprovoked attack, he threatened to renew the beating. At the supper table instead of eating the meal set before him, he threw the rice from his plate, thus adding insult to injury. Then he left the house and when he returned he again boxed his wife, the herein appellant. The violence with which appellant killed her husband reveals the pent-up righteous anger and rebellion against years of abuse, insults and tyranny seldom heard of. Considering all these circumstances and provocations, including the fact as already stated, that her conviction was based on her own confession, I repeat that the appellant is deserving of executive clemency, not of full pardon but of a substantial if not a radical reduction or commutation of her life sentence.

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