

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MARIO A. BRAVO, ACCUSED-APPELLANT.*G.R. No. 101191. October 18, 1993*

Ponente: CRUZ, J.

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Fact imitated fiction when Mario Bravo, the herein accused-appellant, killed his mother-in-law, Elena Sta. Maria. He denied the killing, claiming that the old woman's death was due to an accident. The trial court disbelieved him and convicted him of murder.[1] He now asks this Court to reverse the decision on the ground that he is innocent.

At his trial before the Regional Trial Court of Malolos, Bulacan, the prosecution presented six witnesses, namely his wife Teofila,[2] his 11-year old daughter Mary Joy,[3] Natividad Sta. Maria,[4] Luisito Sta. Maria,[5] Maxima Rodriguez,[6] and Dr. Benito Caballero.[7] Only the accused-appellant testified in his defense.

Pieced together, the separate testimonies of the prosecution witnesses disclosed the following version of Elena's death.

In the morning of June 28, 1989, Mary Joy was studying in the living room of their house at Caingin, San Rafael, Bulacan. Her grandmother was in the kitchen and her father was in the yard. Her father told her to go to the bedroom and, rather cryptically, also not to mind anything she might later hear. Minutes later, she heard the sound as of a scuffle (kalabog) and then her grandmother's scream. She rushed out to see what was happening and found her father in the kitchen with his hands on her grandmother's head. The old woman was lying prostrate on the floor. Mary Joy ran out to call her other grandmother, Natividad Sta. Maria, whose house was nearby. On the way, she met her Lola Natividad, who had heard Elena call her name twice. Mary Joy told her what had happened and then went out with Rommel Munsayoc to fetch her mother from her office.[8]

Natividad proceeded to the house and saw Mario choking the helpless Elena, who looked very pale. The old woman's head was bleeding. Natividad loosened Mario's hold on Elena and asked him what he was doing. Mario slumped to the floor and said nothing. She told him to help her carry Elena to her bed and to get a piece of cloth to stop the bleeding. Mario complied. Elena moaned and said, "Pinalo ako ni Mario. May tama rin ako sa dibdib." [9]

Some neighbors, hearing the commotion, went to Elena's house and helped bring her to the hospital. Teofila Bravo, Mario's wife, followed and was able to talk to her mother, who said to her, "Pinalo ako ng asawa mo. Pinalo ako ni Mario." [10] Luisito Sta. Maria, who was only a foot away from her Tia Elena, also heard what she said. [11] Elena died that same day.

Dr. Benito Caballero, who conducted the autopsy on the victim, reported the cause of her death as "shock due to cerebral hemorrhage and brain concussion with internal hemorrhage, fractured ribs, ruptured lungs, pericardium due to multiple traumatic force in the head, neck, extremity, shoulder and chest." [12]

Mario maintained that all the injuries were caused by the victim's fall in the kitchen and not by any violence exerted by him on the old woman. [13] Elena was 80 years old at the time of her death. She usually wore a brace

but she was not wearing it when she fell and sustained the fatal injuries.[14] When Elena fell, he immediately went to assist her and it was at this point that Natividad came upon them.[15] He said that Natividad had testified against him because he had quarreled with her over the bad odor coming from her poultry. He also questioned the motive of another prosecution witness, his neighbor Maxima Rodriguez, whom he had earlier denied the use of their artesian well.[16]

Mario's version of Elena's death was disputed by Dr. Caballero, who declared on cross-examination that the wounds sustained by Elena could not have been caused by the alleged fall on the kitchen floor. Neither could they have been the result of an earlier accident because all the fractures were new or fresh.[17]

After assessing the evidence, Judge Agustin S. Dizon found for the prosecution and disposed as follows:

WHEREFORE, in the light of the foregoing, the Court hereby finds the accused Mario Bravo guilty beyond reasonable doubt of the crime charged. Accordingly, he is hereby sentenced to suffer the penalty of reclusion perpetua together with all the accessory penalties provided by law and to indemnify the heirs of the victim Elena Sta. Maria the amount of P30,000.00 for her death.

We sustain his factual findings, which are adequately supported by the record. Like him, we are particularly persuaded by the narration made by the 11-year old Mary Joy, who knew that she was testifying against her own father. We do not think she invented a tale out of pure cloth to condemn her father to possibly the rest of his life in prison. Moreover, she was corroborated by the other witnesses, especially Natividad Sta. Maria, who came to succor Elena when she heard her call for help.

But the best witness was Elena herself, who complained to Natividad and later to her own daughter that it was Mario who attacked her. To Natividad she said: "Pinalo ako ni Mario. May tama rin ako sa dibdib." To Teofila she said: "Pinalo ako ng asawa mo. Pinalo ako ni Mario."

As she died soon afterwards, these statements may be considered dying declarations, made with the consciousness of impending death.[18] Elena, who was then already 80 years old, must have realized when she made these statements that she would not recover from her injuries. The statements may also be regarded as part of the res gestae as they were made soon after the startling occurrence without the opportunity for fabrication or concoction.[19]

The appellant's version of that incident is nothing if not absurd in light of the massive injuries sustained by Elena. It is inconceivable how one simple fall could have caused all the many serious and fatal injuries specified in the autopsy report. The defense now argues that if Mario had inflicted all these injuries, Elena should have said "Pinagpapalo ako ni Mario" and not "Pinalo ako ni Mario," suggesting only one single blow. This is semantic quibbling. A woman on the verge of violent death is not expected to be finicky about her grammar.

The "failure" to present the blunt instrument that caused the injuries was not fatal to the prosecution. In fact, the instrument could have been Mario's hands. At any rate, we have held that:

Likewise, the presentation or non-presentation of the weapons in evidence (the knife in stabbing and the carbine used in shooting the victim) is not vital to the cause of the prosecution. Corpus delicti means the fact of the crime or that a crime has actually been perpetrated. It does not refer to the corpse of the victim or the weapon used to kill him. It is not therefore imperative that the weapons used in the commission of the crime be presented in court.[20]

The appellant says he had no motive for killing his mother-in-law but there are testimonies to the effect that he often quarreled with her.[21] He has not denied this. In any event, the familiar doctrine is that proof of motive is not essential where, as in this case, the culprit has been positively identified, significantly by no less than Mario's

own daughter, Mary Joy. He had earlier told her to go to the bedroom, presumably so she would not see his attack upon her grandmother.

There is a queer assignment of error in the appellant's brief, viz., that the challenged decision does not contain "the facts of the case for or against and only of selected facts in favor of a party." It is argued that this is unconstitutional.

The relevant constitutional provision is found in Article VIII, Section 14, which says that "no decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based." We do not find it has been violated in the challenged decision. It is for the judge to determine from the narration of facts, relevant or irrelevant, and the assertions by the parties, truthful or not, what actually happened in the case before him. Judge Dizon did this when he made what the appellant calls a "selective finding of facts." Of course, it had to be selective. That is how a trial judge separates the chaff from the grain, extracts the truth from the mass of conflicting claims, and determines the basis of the decision he will have to make.

The other issues raised in the appellant's brief are not substantial enough to deserve anything less than short shrift. One does not argue only for the sake of argument. Arguments are not counted or measured but weighed.

We agree that Mario Bravo killed Elena Sta. Maria but find that treachery and evident premeditation, as alleged in the information, were not proved at the trial. The crime is nonetheless still qualified as murder because it was, as also alleged in the information, committed with abuse of superior strength.[22] Mario Bravo was in the prime of life at 43 years of age. Elena Sta. Maria was near death because alone of her years when he dealt her the heavy blows that killed her.[23] This is a fact stranger than fiction that only the killer can explain.

WHEREFORE, the appeal is DISMISSED and the challenged decision is AFFIRMED except as here modified, particularly with regard to the civil indemnity, which is increased to P50,000.00 in accordance with the existing policy of the Court. It is so ordered.

Davide, Jr., Bellosillo, and Quason, JJ., concur.
Griño-Aquino, J., on leave.

[1] Through Judge Agustin S. Dizon; Rollo, p. 16.

[2] TSN, February 21, 1990, pp. 2-14.

[3] TSN, January 24, 1990, pp. 2-10.

[4] TSN, November 17, 1989, pp. 3-14.

[5] TSN, November 20, 1989, pp. 2-12.

[6] TSN, October 6, 1989, pp. 2-12.

[7] TSN, December 20, 1989, pp. 2-9.

[8] TSN, January 24, 1990, pp. 3-9.

[9] TSN, November 17, 1989, pp. 7-12.

[10] TSN, February 21, 1990, p. 7; Ibid., pp. 7-8.

[11] TSN, November 20, 1989, pp. 8-9.

[12] Exhibit "C," Original Records, p. 92.

[13] Brief for Accused-Appellant, p. 16.

[14] Order, September 13, 1989, Records, p. 21.

[15] TSN, August 15, 1990, pp. 8-10.

[16] Ibid., pp. 18-19, 23.

[17] TSN, December 20, 1989, pp. 10-12.

[18] Section 37, Rule 130, Rules of Court; *People vs. Pama*, 216 SCRA 385; *People vs. Bocatcat*, 188 SCRA 175; *People vs. Nabor*, 185 SCRA 615.

[19] Section 42, Rule 130, Rules of Court; *People vs. Siscar*, 140 SCRA 316; *People vs. Roca*, 162 SCRA 696; *People vs. Became*, 72 SCRA 184.

[20] *People vs. Ferrera*, 151 SCRA 113.

[21] Brief for Accused-Appellant, p. 28; TSN, February 21, 1990, pp. 13-16; November 17, 1989, pp. 5-6; November 20, 1989, p. 18.

[22] Article 248 (1), Revised Penal Code; *People vs. People vs. Sadia*, 203 SCRA 62; *People vs. Malinao*, 184 SCRA 148; *People vs. Berbal*, 176 SCRA 202.

[23] TSN, August 15, 1990, p. 3; Order, September 13, 1989, Original Records, p. 21.

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