

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LEONARDO P. DE LA CRUZ, ACCUSED-APPELLANT.

G.R. No. 116726. July 28, 1997

Ponente: BELLOSILLO, J.

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BELLOSILLO, J.:

LEONARDO P. DE LA CRUZ was charged with parricide before the Regional Trial Court of Pampanga for having beaten his wife to death.[1] He was found guilty as charged and sentenced to reclusion perpetua, to indemnify her heirs in the amount of P50,000.00, and to pay the costs.[2]

The facts: At around eight o'clock in the evening of 12 September 1991 Leonardo P. de la Cruz arrived home from the birthday party of a friend where they had a drinking spree. He was met by his three (3) children and wife Violeta Tulud who served him dinner. After eating, he confronted Violeta, "I heard you have a lover." Her vehement denial led to a violent quarrel between husband and wife. Leonardo boxed and slapped Violeta. Their children could only cry like helpless spectators. She went down the house and ran out to the field. Leonardo pursued her. He overtook her some three (3) to four (4) meters away from their house. With both hands he pushed her head hard against the ground and fractured her skull. Annabelle witnessed this incident through their window. Violeta then returned to their house and lay down on the papag.[3] She asked her son Mac-Mac for a glass of water. A few minutes later she died.

After midnight, Violeta's mother Lourdes was fetched by a brother of Leonardo and brought to the house of their mother where Violeta's children were crying over the lifeless body of their mother. Annabelle, 8-year old daughter of Violeta and Leonardo, narrated to her grandmother that her father killed her mother. The information shocked Lourdes and she lost consciousness.

The following morning the Municipal Health Officer autopsied the victim. The examination disclosed these findings -

Head: Hematoma measuring 1-1/2 x 1/2 cm. at the outer brim of the left eyebrow; abrasions measuring 3 x 1-1/2 cm., 2 x 1/2 cm. and 2 x 1/2 cm., left side of the face. Nose: Presence of blood clots on both nostrils. Neck: Fracture at the base of the skull, on examination the head rotates. Extremities: Abrasion measuring 3 x 1 cm. at extensor surface of right forearm. Hematoma measuring 1/2 x 1/2 cm. at the upper 1/3 of left thigh and 1 x 1/2 on the leg, middle portion. Cause of Death: Internal hemorrhage secondary to fracture, base of the skull. Approximate Date of Death: Sept. 13, 1991, between 12 -1 A.M.[4]

The accused admitted that he confronted his wife that evening regarding her infidelity and slapped her once. She then went out of their house and ran away. As he was about to step down from the house to follow her she stumbled and fell face up on the earth dike. Intending to slap her again he approached her but desisted because she was crying. He also cried and then returned to their house without assisting her. Afterwards he saw her crawling her way back to their house. He went to the house of his mother. When he returned home he informed his wife of his decision to leave her with their children. She suddenly stood up and trembled. He gave her a glass of water. He

noticed that she had difficulty swallowing so he rushed her to the hospital. But it was an effort in futility because she was pronounced dead on arrival.

As aforesaid, the trial court found the accused liable for the death of his wife based on the testimony of their daughter Annabelle as well as the medical findings. Thus -

x x x x The testimony of the only eyewitness, the couple's 8-year old first grader daughter Annabelle, was telling. She did not say so in so many words, but when she told her grandmother when asked about the circumstances of her mother's death, that her parents had quarrelled and that her father had killed her mother she in effect said everything that needed to be said. The things that she left unsaid reveal far more than what she said. When she testified that her father "dikduk(ed)" her mother's face to the ground, she must have tried to convey that accused dashed the victim's head to the ground with such force as to cause the neck to snap and be wrenched from its base such that, as found by the doctor who examined the body, the neck was broken and the head could be rotated full circle. The girl's young and immature mind could not have concocted or made up such a story even if she were so minded.

The number and nature of the injuries sustained by the victim give the lie to the claim of the accused that she died because of an accidental fall. If she had merely tripped and fell as she ran away from him, as he claimed in court or fell from their house to the ground after he had slapped and boxed her as he stated in his statement Exhibit "F" given before the chief investigator of the Lubao PNP, the body would have (borne) only a lump in the head and none of the other injuries. The number and nature of the injuries instead support the prosecution version of the incident.[5]

Appellant now assails the credibility of his daughter Annabelle. According to him Annabelle could not have witnessed the incident in the field because of her testimony that although there was light on the electric post it could not reach the place of the incident so much so that some of her answers to the questions propounded by the prosecutor were vague.

The conclusion drawn by appellant from the particular testimony of Annabelle is misleading. She testified that the light on the electric post could not reach or light their house;[6] nowhere in her testimony did she mention that it could not reach or light the place of the incident. Thus, contrary to the protestation of appellant, the place of the incident was sufficiently illumined as to enable Annabelle to witness and recount her mother's ordeal in the hands of her father -

Q: Will you please tell us what your father did to your mother, Violeta Tulud on that date?

A: Pemugbug ne pu.

Q: When you said "pemugbug ne pu" do I gather from that statement of yours that your father mauled your mother?

A: Yes, sir.

Q: When your father mauled your mother, what happened to your mother?

A: She ran away, sir.

Q: Where did your mother go when she ran away?

A: In the field, sir.

Q: Did your father Leonardo de la Cruz follow your mother?

A: Yes, sir.

Q: Can you tell us what your mother did to your father in the field? (sic)

A: Dikduk ne pu (he pushed her head to the ground).[7]

Indeed, her narration was clear and spontaneous. She was even asked on cross-examination to demonstrate how her father pushed down her mother's head and without hesitation she answered-

A: By pushing both his hands downward, sir.[8]

She was also asked regarding the position of her mother at that time and her quick response was -

A: She was lying face down, Sir.[9]

The above testimonies were even strengthened by the post-mortem findings. The examining physician explained that the hematoma on the outer brim of the left eyebrow of the victim could have been caused by a fall.[10] The three (3) abrasions on the left side of her face could have been brought about through friction, force on materials or rough surface or by hitting something hard.[11] The abrasion on the extensor surface of the right forearm could have been brought about by the rubbing of the skin against hard or rough objects.[12] Both testimonial and documentary evidence of the prosecution thus effectively destroyed the claim of appellant that the victim stumbled by herself and fell face up on the earth dike.

Annabelle may have supplied unresponsive answers to some questions; yet a child of tender age cannot be expected to understand every question asked of her in the course of examination. Ample margin of error and understanding should be accorded to young witnesses who, much more than adults, would be gripped with tension due to the novelty of the experience of testifying before a court.[13]

With regard to the competence of a child to testify, the decision on this question rests primarily with the trial judge who sees the proposed witness, notices his manner, his apparent possession or lack of intelligence, as well as his understanding of the obligation of an oath. As many of his manners cannot be photographed into the record, the decision of the trial judge will not be disturbed on review unless from what is preserved, it is clear that it was erroneous. It was not so in the case at bench.[14] Moreover, there was no reason for Annabelle to fabricate charges against her own father. Clearly, appellant's guilt has been established beyond reasonable doubt.

WHEREFORE, the Decision appealed from convicting LEONARDO P. DE LA CRUZ of parricide and sentencing him to reclusion perpetua and to indemnify the heirs of Violeta Tulud P50,000.00 plus costs is AFFIRMED.

SO ORDERED.

Padilla, (Chairman,) and Vitug, JJ., concur.

Kapunan, and Hermosisima, Jr., JJ., on leave.

[1] Information, 8 October 1991; Rollo, p.16.

[2] Decision penned by Judge Cesar P. Javier, RTC - Br. 49, San Fernando, Pampanga; Rollo, p. 22.

[3] An improvised bamboo bench.

[4] Exh. "B;" Folder of Exhibits, p. 3.

[5] Rollo, pp. 21-22.

[6] TSN, 5 March 1992, p. 3.

[7] TSN, 30 January 1992, p. 4.

[8] TSN, 5 March 1992, p. 5.

[9] Ibid.

[10] TSN, 2 June 1992, p. 4.

[11] Id., p. 5.

[12] Id., p. 7.

[13] People v. Salazar, G.R. No. 84391, 7 April 1993, 221 SCRA 170.

[14] People v. Libungan, G.R. No. 102351, 22 March 1993, 220 SCRA 315.

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