

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROBERT CLOUD, ACCUSED-APPELLANT.*G.R. No. 119359. December 10, 1996*

Ponente: REGALADO, J.

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The universal outcry and multinational campaign against child abuse can draw added impetus from this extreme case of a little boy, just barely two and a half years old, who was beaten to death by his own father. So it was alleged in an information for parricide filed against accused-appellant Robert Cloud in the Regional Trial Court, Branch 103, Quezon City.[1]

The case for the prosecution is presented by the Solicitor general[2] by adopting the factual findings of the trial court, with the pages of the stenographic notes being supplied by the People. Having painstakingly reviewed and analyzed the evidence of record, we find that such findings merit reproduction hereunder:

At around 11:00 o'clock in the morning on August 2, 1988 while a certain Mrs. Josephine Aguilar was at the emergency room of St. Luke's Hospital, Quezon City to have some stitches removed from her daughter's head her attention was called by a limpid boy being carried by a man followed by an old woman who was shouting hysterically. The boy is John Albert Cloud. She noticed that the face of the boy was swollen and bruised and his body covered with dry blood. A nurse commented that the little boy - not more than three years old - must have been hit by a truck (tsn, J. Aguilar, June 21, 1993, pp. 7-10, 14-15, 33).

But the words of the old woman - the lola - of the little boy, showed the cause of the injury to be otherwise for she was repeatedly saying in a potpourri of cries and tears: "Pinatay siya nf sariling ama!" The old woman told the people inside the Emergency Room that the boy's father - Robert Cloud - wouldn't allow John Albert to come with her and when the boy started to cry and wouldn't stop crying his father began to beat the boy hard, tied his hands, and made "tusok, tusok" in his body. The father continued beating the boy even when excrements were already coming out from the boy's anus (tsn. J Aguilar, June 21, 1993, pp. 12-13, 22).

The male companion of the boy said to the old woman: "Hoy, tigil ka na!" "Wag kang maingay." And told the people at E.R.: "Sira and ulo ng matanda, eh!" (tsn, J Aguilar, July 12, 1993, pp. 8-9). But the old woman wouldn't stop and continued to say: "Putang-ina ang ama niya . . . Hayop siya!"

When the doctor pronounced the boy dead the old woman knelt before him and cried like (Ix)ion (tsn, J. Aguilar, June 21, 1993, p. 10). His baptismal certificate says that John Albert was born on October 2, 1987 to Janet Villagrancia and John Robert Cloud (Exh. '3').

The ear-piercing would probably have ended there but for the fact that Mrs. Aguilar's conscience was bothered by what she saw and heard as narrated above and decided to do something about it. She approached Atty. Remedios Balbin, Chairman in Quezon City of a civil liberties organization. Atty. Balbin, after a few weeks of research found out that Robert Cloud and family left his house at No. 69 San Isidro Street, barangay Sto. Niño, Quezon City[;] the boy's body was brought to Rey Funeral Homes[;] Dr. E. Cacas certified that the cause of death of John Albert Cloud is broncho pneumonia with heart complications (exh. D-48) [;] and that

the autopsy on the cadaver was waived by Natividad Calpito Cloud who claimed to be the boy's mother per her "Affidavit" dated August 3, 1988 (Exh. "D-47). Atty Balbin thereafter contacted the NBI and requested for the exhumation of the boy's cadaver (tsn, J. Aguilar, June 21, 1994, pp. 17-21, 32, 35-37, 42; R. Balbin, March 8, 1994, pp. 6, 17-21, 23, 25-27, 29-30, 36, 50, 54-55).

The exhumation was done on November 8, 1988 by the NBI at the Manila South Cemetery. The exhumation report stated the following findings:

"Upper incisor, right, missing.

Contusions; face, right side, 9.0 x 6.0 cm;

buttocks, right and left sides, 20.0 x 12.0 cm;

Knees, anterior aspect, right, 6.0 x 4.5 cm;

And left 8.0 x 5.0.;

Contused-abrasion: face, left side, 14.0 x 6.0 cm;

arm, left, postero-lateral aspect, 6.0 x 4.0 cm;

hand, right, dorsal aspect, 7.0 x 5.0 cm;

thigh, right posterior aspect,

extending to the lateral and anterior aspects 15.0 x 7.0 cm.

Hematoma - fronto-temporal region, left side 13.0 x 6.0 cm.

Hemorrhages, subdural and subarachnoidal, left cerebral hemisphere.

Heart chambers contain a small amount of embalmed blood.

Brain markedly congested and edematous.

Other visceral organs, congested.

Stomach, empty (Exhibits "E" and "E-1")

Although the crime was supposedly committed on August 2, 1988, for reasons hereinafter explained the information dated May 10, 1990 was filed on June 5, 1990. The decision of the trial court states that the accused was arrested only on April 15, 1993. That is why, with the proceedings that then had to be undertaken and the trial which had to be conducted, it was only in a decision dated November 11, 1994 that judgment was ultimately handed down, decreeing as follows:

ACCORDINGLY, judgment is hereby rendered finding herein accused ROBERT CLOUD GUILTY beyond reasonable doubt as principal of the crime of PARRICIDE for the violent death of his son JOHN ALBERT CLOUD and he is hereby sentenced to suffer the penalty of RECLUSION PERPETUA and ordered to pay the heirs of the victim the sum of P50,000.00 as damages. Costs vs. the accused.[3]

That it took more than six years to obtain a verdict for the child's death is a distressing indictment of the criminal justice system, particularly its investigative and prosecutory pillars. How the case managed to reach its logical denouement, however, is a tribute and does honor to the other component of the system - the community participation - which is the redeeming feature in this bizarre and repulsive case of barbarity to an innocent, helpless victim who was just a stage out of infancy.

As stated earlier, the events that later became the subject of testimonial evidence for the prosecution unfolded before the eyes of prosecution witness Josephine Aguilar who was then inside the emergency room of the hospital having stitches removed from her daughter's head. Although she was a perfect stranger to the family involved, but haunted by the sight and memory of the lifeless and battered child, she sought the help of Atty. Remedios Balbin, chairperson of a civil liberties organization in Quezon City. It was through their joint, unrelenting and selfless efforts that this case eventually wound up in the court a quo for judicial action.

Atty. Balbin conducted an investigative research which enabled her to coordinate with the National Bureau of Investigations (NBI). Her efforts led to the discovery of the following facts: (1) Robert Cloud and his family left their house at No. 69 San Isidro Street, barangay Sto, Niño, Quezon City immediately after the death of John Albert;^[4] (2) John Albert's body was brought from the hospital to the Rey Funeral Homes;^[5] (3) a certain Dr. E. Gacas certified that the cause of the death of John Albert was broncho pneumonia with heart complications;^[6] and (4) the autopsy of the cadaver was waived by a certain Natividad Calpito Cloud who falsely claimed to be the mother of John Albert.^[7] Incidentally, despite her active participation in various aspects of this case, she was never called upon by appellant to testify and corroborate his assertions therein.

Atty. Balbin thereafter requested for the exhumation of the body of the little boy for purposes of autopsy. The exhumation was made on November 8, 1988, almost three months after the burial of John Albert. The exhumation report, which has been quoted by the People in its brief and is set out in full at the start of this opinion, revealed the grave and fatal injuries, internal and external, which caused the boy's death and could have resulted only from violence or strong physical force. On the strength of that report of the NBI, the sworn statement of Josephine Aguilar and the evidence gathered by Atty. Balbin, an information for parricide was eventually filed against herein appellant.

A warrant for the arrest of Robert Cloud was issued on June 11, 1990 which was returned unserved. Alias warrants were issued on June 29, 1992 and September 22, 1992 and finally on April 15, 1993. Appellant was arrested by the police at No. 22 Lourdes Castillo Street, Galas, Quezon City and was thereafter committed to jail. On April 26, 1993, duly assisted by counsel, he was arraigned and he pleaded not guilty to the charge.

The prosecution built up its case on the basis of a sworn affidavit and testimony in open court of its principal witness, Josephine Aguilar. For a clearer appreciation of what she actually witnessed and overheard inside the emergency room of St. Luke's Hospital, we quote her testimony:

FISCAL PONFERRADA:

Q

Madam witness, do you recall where were you on August 2, 1998 at around 11:00 in the morning, madam witness?

A

I was in the emergency room of St. Luke's Hospital in Quezon City, sir."

x x x

Q

While you were there after a couple of minutes, what happened? Do you recall any unusual incident, madam witness?

A

An old woman came with a boy of dried blood, sir.

Q

You said old lady with a little boy, what happened after that, madam witness?

A

Well she came in and she was crying, I heard the old woman, I heard the doctor as(k) the old lady what happened and the old lady told the doctor that it's the father who bit (sic) him up again and the old lady put the kid on the table and I saw the kid died, sir.

Q

What happened next, what else did the old lady say, madam witness?

A

The doctor told the old lady "wala na" then the old lady sitdown (sic) on the floor crying and crying h(y) sterically, sir.

Q

Did you come to know the old woman, madam witness?

A

No, sir.

Q

How about the boy, did you come to know the name of the boy who died, madam witness?

A

Albert Cloud, sir.

Q

What happened after the boy died, madam witness?

A

The lola started shouting telling everybody there how it happened, to the nurses and to the doctors.

Q

You said the lola started telling the doctor what actually happened, did you hear these what the lola tell (sic) madam witness?

A

Yes, sir.

Q

Please narrate before this Honorable Court what you hear(d) as narrated by the lola, madam witness?

A

Yes, sir.

COURT:

Q

What did you hear when she tells (sic) everybody?

A

The father of the boy who died has burned in the skin, he was tie(d) and thrown against the wall, punch(ed) the boy, sir.

FISCAL PONFERRADA:

Q

Did you have any occasion to see whether there are marks in the hands or the body of the boy, madam witness?

A

At that time the boy was full of dried blood, sir.

Q

After that?

A

I see (interrupted)

Q

What did you see, madam witness?

A

He had dried blood here. The boy had dried blood in the forehead, sir.

COURT:

Q

What else did you see?

A

He has bruises, blood inside the skin, "mga pasa".

Q

At that time?

A

I only saw full of dried blood, sir.

Q

Did you see the condition of the body of the boy?

A

No, I only saw dried blood from head to foot, sir.

FISCAL PONFERRADA:

Q

So at that time in the hospital you did not see the boy, madam witness?

A

Only dried blood, sir.[8]

The defense, on the other hand, argues that at the time of the commission of the alleged crime, appellant was not in his house and that the boy, John Albert, must have fallen from the stairs leading to the second floor of the house. The defense presented appellant and he testified that he left the house on the day in question and only learned upon his return that his son was already dead, thus:

Q

Do you know how your son died, Mr. Witness?

A

I don't know, sir.

Q

By the way where were you on August 2, 1988 in the morning, Mr. Witness.

A

I was at home, sir.

Q

Did you leave that house on that day, August 2, 1988, Mr. Witness?

A

Yes, sir.

Q

What time did you leave the house, Mr. Witness?

A

Around 10:30, sir.

Q

In the morning?

A

Yes, sir.

Q

Now, your son, where was he at the time you left the house, Mr. Witness?

A

He was upstairs, sir.

Q

Do you know what he was doing at the time you left, Mr. Witness?

A

He was sleeping, sir.

Q

Also, evidence already adduced in this case indicates that your son was brought to the St. Luke's Hospital, Quezon City by an old woman with a male companion on or about (12:00 o'clock noon on August 1, 1988 and by there (sic) your son died. Did you know that Mr. Witness?

A

No, sir.

Q

Why not, Mr. Witness?

A

I was not at home that night, sir.

x x x

Q

Did you ever come to know on that very day that your son, John Albert Cloud, died, Mr. Witness?

A

Yes, sir.

Q

How did you come to know that your son died Mr. Witness?

A

My "tiyahin" told me "nadisgrasya raw po ang anak ko".

Q

Who is this auntie, what is her name, Mr. Witness?

A

Teresita Alconyes.

Q

Was that the old woman together with the male person (who) brought your son to the hospital, Mr. Witness?

A

No, sir.

x x x

Q

Where did this aunt of yours Ms. Alconyes tell you that your son died, Mr. Witness?

A

I was at Paco at that time, sir.

Q

Is that the place where you were when you left your house at 10:00 o'clock in the morning?

A

Yes, sir.

Q

By the way, what is the address of your house on August 2, 1988?

A

In Quezon City, sir.

Q

What specific address?

A

No. 69 San Isidro St., Barangay Sto. Niño Santol, Quezon City.

Q

Did your aunt tell you how she came to know that your son died, Mr. Witness?

A

No, sir.

Q

When you learned that your son died from your aunt, what did you do?

A

I went home immediately, sir.

Q

Did you see any person in your house or did you reach your house?

A

Yes, sir.

Q

Whom did you meet in your house upon your return?

A

None, sir.

Q

So what did you do, Mr. Witness?

A

I waited there, sir.

Q

For whom did you wait, Mr. Witness?

A

The one who brought my son to the hospital.

Q

Were you able to wait for them, Mr. Witness?

A

Yes, sir.

Q

Who were those persons whom you waited for, Mr. Witness?

A

My Lola and our houseboy, sir.

Q

What did your Lola tell you upon their return, about your son, Mr. Witness?

A

My Lola told me that my son is dead.

Q

Did she tell where your son was at that time?

A

That he was at the hospital, sir.

Q

Did you ask her whether she was the one who brought the child to the hospital?

A

No, sir.

Q

Was she the one or was she not the one who brought (him) to the hospital?

A

"Sila ho."

Q

Your Lola, is she your grandmother of your grandaunt?

A

Grandmother, sir.

Q

Mother of your mother?

A

Yes, sir.

x x x

Q

Did you go to the hospital, Mr. Witness, to verify?

A

No, sir.

Q

Why not, Mr. Witness?

A

"Masama ang loob ko" that is why I did not go anymore to the hospital, sir.[9]

The defense also alleged that John Albert was a sickly child from birth and was often hospitalized due to difficulty in breathing, as shown by some medical records.[10] Further presented was the death certificate of John Albert Cloud issued by one Dr. Gacas and dated August 6, 1988, stating that the cause of death was broncho pneumonia with heart complications,[11] and the report made by Patrolman Ulep showing that he investigated the death of the child, John Albert Cloud.[12]

On this aspect, Dr. Alberto M. Reyes, the medical specialist at the NBI who examined the exhumed body of the little boy, was presented as a prosecution witness. His report[13] indicated "hemorrhage, intracranial, severe, traumatic" as the cause of death. He testified that "the upper incisor, right was missing, contusions on the face, right side, buttocks, knees and on the head. And the said injuries could have been caused by a hard blunt object, hitting by a fist or a piece of wood." He did give hypothetical concession "that it was also possible that it was the result of a fall from a building and as result of said injuries the suffered internal hemorrhage which was the immediate cause of his death." [14]

However, as to what would be the more credible cause of death, this is what he had to say:

Q

In your best judgment as a physician, (h)is injury, could have been caused by any force applied, what about the handle of a gun?

A

We do not rule out that possibility.

Q

Could this finding also with (sic) the result of the excessive of physical hitting (sic)?

A

Yes, ma'am.

COURT:

Q

Both buttocks sustained injuries according to your findings?

A

Yes, right and left side.

Q

If baby boy like this boy fall on the high building would sustain injury on the buttocks, the injury on the buttocks as well as the knees?

A

The contusion on the buttocks are very extensive. They are 20 by 20 centimeters. So if the buttocks first (sic) is very different, if he falls it is very difficult for him and also on his knees. And the knees are anterior portion it is highly improbable.

FISCAL RAMOS:

Q

So as far as the probabilit(ies) are concerned, are you looking for a possibility that he fell on (sic) a high place?

A

All in all the fall of (sic) a high place is very remot(e).[15]

To recall, the court a quo rendered its decision on November 11, 1994 or six years after the death of John Albert Cloud, and we find its observations therein to be very perceptive and significant, to wit:

The court also considers as inculpatory, corroborative circumstances, the following which the prosecutor elicited from the accused himself and which, in the court's opinion, do not constitute normal, reasonable or compatible with innocent behavior of a father with respect to the horrifying death of his son;

(a) the accused was told that his son died from a fall and he did not even bother to go to the hospital where his son lay dead;

(b) he did not bother to see the medical records or the medical certificate when he knew already that his son did not die of an ordinary, natural cause. And corollarily, said certificate is false and even the alleged doctor who made (it) is a false or non-existent doctor;

(c) the accused took his entire household to Paco, Manila away from Quezon City for years. There must have been some other reason than his alleged sorrow over John Albert's death. For, if it were just his sadness over it, then the Quezon City house could have been rented out or a caretaker left thereat. As it is, even Herminio Acosta left and did not return there anymore to date. Was there cause to shudder about in the death of a 2-1/2 year old boy that the Quezon City house of accused had to be abandoned thus like a haunted castle? Under the circumstances, the court believes that it could only be the hounding darts and howls of the memory of what the accused did there rather than what he told the court supposedly happened there, that can furnish such a strong reason for the sudden abandonment of the house at 69 San Isidro St., Sto. Niño (quite an irony), Quezon City; and

(d) despite the alleged unusual cause of death of his son, he allowed his wife Natividad who is not the real mother of John Albert, to be the one to waive the autopsy on his son. We thus find a father very much afraid to face his own baby son freshly lying cold and dead. This is another eerie but nonetheless clear sign of circumstantial guilt.[16]

The prosecution's primary evidence that it was appellant who beat up and killed the boy was the testimony of its principal witness Josephine Aguilar who declared that she heard appellant's grandmother herself shouting that it was appellant who killed his own son by beating him to death. The said grandmother, Rufina Alconyes, was not presented in court, since at the time of the trial she was already dead.

The Solicitor General posits the view that the outbursts of that grandmother constituted exceptions to the hearsay rule since they were part of the *res gestae*. These inculpatory and spontaneous statements were: (1) "Pinatay siya ng kanyang ama" (he was killed by his own father); (2) Putang ina ang ama niya . . . walang awa sa anak niya . . . hayop siya" (His father is a son of a bitch . . . without pity for his son . . . he is an animal); and (3) Appellant did not allow his son, John Albert, to accompany her and when the boy started to cry and would not stop, appellant beat his son very hard, tied his hands, and continued beating him until excreta came out of his anus.[17]

The trial court was of the opinion that what Ms. Aguilar heard or saw does not merely constitute an independently relevant statement which it considered as an "exception to the hearsay rule, only as to the tenor rather than the intrinsic truth or falsity of its contents." [18] We will clarify this. Insofar as the statements of Rufina Alconyes are concerned, they are admissible as part of the *res gestae* they having been caused by and did result from the startling, if not gruesome, occurrence that she witnessed; and these were shortly thereafter uttered by her with spontaneity, without prior opportunity to contrive the same. The report made thereof by Josephine Aguilar is not hearsay since she was actually there and personally heard the statements of Alconyes which she recounted in court. Her account of said statements of Alconyes are admissible under the doctrine of independently relevant statements, with respect to the tenor and not the truth thereof, since independent of the truth or falsity of the same they are relevant to the issue on the cause of the death of the victim.

Against the foregoing facts which came from the lips of these two women who had no ill motives whatsoever against appellant and the circumstantial evidence arising from his abnormal and inexplicable post-incident behavior, as well as the physical evidence which will hereafter be discussed, we have merely the bare denial of appellant and the testimony of his faithful houseboy cum driver, Herminio Acosta. Since the latter is the star witness of the defense, we will consider his testimony in extenso.

These are the pertinent parts of his representations in the trial court:

Q

Mr. Acosta, where were you on August 2, 1988?

A

I was at home, sir.

Q

Where was your home then?

A

At Santol but don't know specific address.

Q

Do you know whose house was that?

A

Mr. Robert Cloud the accused.

Q

How long have you been staying there at that time?

A

About three years.

Q

What was your function in that house as a member of the family?

A

I know a lot of things, cooking, taken child in the school, driving.

Q

In other words you were utility man in that house

A

Yes, sir.

x x x

Q

Let us go back to August 2, 1988, who were member(s) of the household present, in the morning and afternoon?

x x x

A

Myself, Natividad and Abet and Lola the old woman.

Q

What is the full name of Naty?

A

Natividad, the wife of Robert Cloud.

COURT:

Q

Who is this Abet?

A

The one who fell in the stairs.

x x x

Q

Who were inside that house, by the way what time of that day when the boy fell from the stairs?

A

It was still early maybe 9:00 or 10:00 in the morning.

Q

Now let us see, you said that there were six members of the household?

A

Yes, sir.

Q

Where was Naty, was Naty still there when the boy fell in the stairs?

A

She was there at that time.

Q

Why?

A

I did not notice that she left.

Q

What about Mr. Cloud the accused here Robert Cloud, was he there when the child fell from the stairs?

A

He was not there also.

Q

What about the Lola? Was she there when the boy fell?

A

Yes, sir.

Q

What do you mean there, when the boy fell the Lola was already there?

A

No, sir.

Q

Where was she?

A

She left perhaps she buy (sic) something, sir

Q

Who were there in that house

A

I was there, Jonald also.

Q

What about the boy?

A

He was upstairs in the room.

Q

Now let us see at what time was that boy John Robert Cloud was upstairs?

A

In the morning.

Q

What was he doing there?

A

I don't know because I was in the grandfloor.

x x x

Q

What time were you at the groundfloor?

A

Morning when I heard something "kalabog" that I went there

Q

What were you doing there?

A

I was preparing food and water for Jonald, the old brother.

x x x

Q

While you were doing this work, do you know what happened.

A

As I said I heard "kalabog" as if something fell.

Q

But before that you did not know that Mr. Cloud left?

A

Yes, sir.

Q

What about Mr. Cloud, what time did he leave?

A

I don't remember.

Q

What about the old woman what time did she leave?

A

I could not remember the time.

Q

Who left ahead Mr. Cloud or the old woman?

x x x

A

The Lola first the one who left then Naty then Robert Cloud.

Q

Now when you said that (they) left and you heard the "Kalabog" did you know what kalabog is that?

A

Yes, sir, I went to the stairway.

Q

And what did you find out?

A

I saw Abet.

Q

So what did you do?

A

I held him, I don't know how he fell and I don't expect that he fall in the stairway.

Q

Can you tell the Honorable Court the appearance of the boy if you can still remember?

A

He had blood.

Q

Where?

A

On the arms in the face I cannot remember the other.

Q

While you were holding that boy what transpired next?

A

Lola arrived.

Q

Did the lola see what happened to the boy while you were holding the boy, did the lola see the boy in your arm?

A

Yes, sir.

Q

Was there any remark made by an old woman while you were holding the boy?

A

Yes, sir.

Q

Please tell us as far as you can remember?

A

She was angry with the father because according to her "pinabayaan daw and bata."

Q

Can you represent all as you can the statement of the lola?

A

She was already angry and she was telling a lot of things that is all, I don't know what she said.

Q

After that what happened?

A

The baby was brought to the hospital.

x x x

COURT:

Q

Who brought the boy to the hospital?

A

The two of us, lola and I.

ATTY. MADAMBA:

Q

What time?

A

Pas(t) ten o'clock in the morning.

Q

Do you know what happened in the hospital?

A

I don't know I just left there.

Q

I am calling your attention to the testimony of one Ms. Aguilar, according to her while she was attending to her child for treatment inside the hospital she saw John Albert Cloud and the old woman and according to her the old woman (was) hysterical and she was stating aloud the following words or expression "Pinatay siya ngsariling ama, pinatay siya ng sariling ama," did you hear that?

x x x

A

I did not hear that because I left already?

Q

There is also here a statement by, I think this is alluded to you, you said while the old woman (was) shouting you said "Hoy tumigil ka na at huwag kang maingay?"

A

Yes, your honor because she was saying a lot of thing that is why I left already.

Q

When you said he was telling a lot of thing, what do you mean?

A

"Parang ano ho iyung matanda, kasi may pagkaulyanin iyun."

Q

Now after that you left, where did you go?

A

I went home to Santol.

Q

Whom did you see there?

A

Mr. Robert Cloud.

Q

Did you notice what he was doing at that time?

A

He was already crying.

Q

Did you ask him why he was crying?

A

No, sir.

Q

Did he talk to you?

A

He just asked me what happened to the child.

Q

What did you tell him?

A

I told him that the child was dead.[19]

Standing out in bold relief from this orchestrated story narrated by Acosta for the first time after six years of silence is his clearly deliberate effort to make it appear that appellant, his wife and grandmother were not in the house at the time of the incident, thus paving the way for him to claim that he alone saw and could testify to what

happened to the victim. Yet, comparing his declarations thereon and those of appellant, they could not even agree or be specific as to when appellant supposedly left the house and stayed away in Paco, Manila. There was not even an attempt on their part to explain why it took more than two hours from the alleged accidental fall from the stairs to take the boy to the hospital which was not a considerable distance away.

The second floor could not be more than four meters from the ground floor, not so highly elevated even for a straight fall therefrom. In fact, as the trial court elicited from appellant, the stairs from which the boy allegedly fell had only nine steps. It did not even go straight down but went four steps to the first landing then turned right where another five steps led to the ground floor.[20] Evidently, if one merely fell down such stairs, that fall would be broken at the landing where the stairs turned at a right angle, and even if he still continued rolling in that new direction, the momentum would have been greatly reduced. That would be true even if that person did not merely slip or fall, but was pushed or thrown, down the stairs.

And this brings us to the irrefutable physical evidence which, as medico-legal experts say, belies the adage that dead men tell no tales. Indeed, to the trained eye, the inanimate remains of the dead give testimony of their own and, in the present case, that is true even of the young victim who in life could not have been as articulate. We refer to the report of the NBI after the exhumation and autopsy which have taken pains to completely set out here.

It would be the nadir of gullibility to believe that a small boy with his nominal weight could fall down the stairs above described with such velocity as to result in the injuries which even the experienced hospital staff initially believed were caused by his being run over by a truck. One needs to merely look at the description of the contusions on his face, buttocks and knees; the contused abrasions on his face, hand and thigh; the hematoma on the temporal region of his head; the severe hemorrhages on the cerebral hemisphere of his skull; and the congestion in his brain and visceral organs, to see that appellant and his star witness are gravely imposing upon the patience and credulity of this Court.

That is why when the victim was brought to the hospital, Acosta never even mentioned at all that the boy merely fell down the stairs. The normal action of any person bringing a patient to a hospital, especially a medico-legal case, is to give informations even tentatively as to how the injuries were sustained. Yet, although the grandmother was announcing to everybody that the boy was killed through violent maltreatment by his own father, Acosta says he merely told her to keep quite, and he forthwith left the hospital. He never dared to tell his present cock-and-bull story or mention the conjured accident on the stairs, especially to the medical staff whom he knew he could not delude, and yet he has the effrontery to do so before this Court.

The circumstances which the court below considered as reactions betraying a sense and knowledge of guilt on the part of appellant and his cohorts have already been catalogued. One of them is the fact that immediately after the death of the victim in the hospital, appellant took his entire household to Paco, Manila, abandoned their house in quezon City and never came back until several years later. This is admitted by appellant[21] and Acosta.[22] In fact, appellant admitted that, while investigation into the death of his son were going on, he left for Japan in 1990 and returned in 1993,[23] only to be arrested since the investigation had by then zeroed in on his culpability. This circumstances was even sought by the trial court to be clarified by Acosta, but this is what transpired:

Q

Do you know or did you come to know why after the death of this boy in the house at Santol everybody left the house and did not return anymore for a long long time?

A

I don't know.[24]

The Court is not unaware of the caution to be observed when circumstantial evidence is to be considered as inculpatory indicia in a criminal prosecution. That is why it has spent unusual time and effort to reflect upon all facets of the circumstances which the lower court accepted as an unbroken chain of events, reinforced by corroboration and yielding a conclusion of guilt, all consonant with the requisites therefor.[25] But, from whatever angle we take the view, the catena of facts cannot but produce an inference consistent with guilt and not with innocence. All these, even aside from the tenet that flight bespeaks guilt, a further strike against appellant in addition to the cover-up running the gamut from falsification to false testimony.

From such ruminations, we are fully convinced that the conscience of the Court can rest easy only by doing justice to an innocent child whose parents had heartlessly failed him. Somehow, a mystical cause may have called upon two good Samaritans -- a mother with a sense of humanity and a lady lawyer with a passion for justice -- to seek redress for his untimely death. On this consoling thought, we write finis to this case.

ACCORDINGLY, the appealed judgment of the court a quo in Criminal Case No, Q-90-12660 convicting accused-appellant Robert Cloud of parricide is hereby **AFFIRMED** in toto, with costs in both instances.

SO ORDERED.

Romero, Puno, Mendoza, and Torres, Jr., JJ., concur.

[1] Rollo, 3.

[2] Appellee's Brief, 3-5; rollo, 73-77.

[3] Rollo, 37; penned by Jedge Jaime N. Salazar, Jr.

[4] Original Record, 146; TSN, July 4, 1994, 99.

[5] Ibid., 202; Exhibit D-30.

[6] Ibid., 219; Exhibit D-48.

[7] Ibid., 218; Exhibit D-47. As found by the trial court and admitted by appellant, the victim was his illegitimate son by one Janet Villagrancia who later abandoned the child (TSN, June 6, 1994, 51-53).

[8] TSN, June 21, 1993, 6-16.

[9] TSN, June Exhibits 1, 1-A 2 and 2-A.

[10] Exhibits 1, 1-A, 2 and 2-A.

[11] Exhibit 5.

[12] Exhibits 4 and 4-A.

[13] Original Record, 211; Exhibit D-39.

[14] TSN, February 28, 1994, 12-17.

[15] Ibid., id., 15-18

[16] original Record, 148-149.

[17] TSN, June 21, 1993, 12-13, 22.

[18] Original Record, 147.

[19] TSN, July -4, 1994, 57-81.

[20] TSN, July 4, 1994, 10-11.

[21] TSN, July 4, 1994, 20-21.

[22] Ibid., id., 96-97.

[23] Ibid., June 6, 1994, 44-45.

[24] Ibid., July 4, 1994, 99.

[25] Section 4, Rule 133, Rules of Court.

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