

PEOPLE OF THE PHILIPPINES, PLAINTIFF- APPELLEE, VS. RUBY MARIANO Y LARA AND RUTH MARIANO Y LARA, ACCUSED-APPELLANTS.*G.R. No. 134847. December 06, 2000*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-134847/>**PER CURIAM:**

Heinous crimes are grievous, odious and hateful offenses which, by reason of their inherent wickedness, viciousness, atrocity and perversity, are repugnant to the common standards and norms of decency and morality in a just, civilized and ordered society.[1] To this genre belong the acts charged in the instant case - a bizarre and nauseating tale of outrageous cruelty and brutality. The Court is now called upon to determine whether the accused are responsible therefor.

Driven by grinding poverty in her home province and lured by the prospect of a lucrative employment in the big city, Michelle Priol, then only sixteen (16), left home for Manila in January 1996 to work as a domestic help. Soon enough Michelle found herself hired at the household of the sisters Ruth Mariano and Ruby Mariano in Bambang, Pasig City.

Jenny Priol, Michelle's older sister, testified that she often visited Michelle at the Mariano residence. However, whenever she would visit Michelle, she and her sister could not freely talk as Ruth and Ruby were always hovering about.[2] Apparently unhappy with the manner she was allowed to visit Michelle - they being constantly watched by the Mariano sisters and denied their privacy - Jenny never went to her sister again after her last visit in November 1996.[3] Sometime afterwards, Ruth and Ruby brought Michelle to her sister Jenny to complain to her that their rice cooker no longer functioned and heaped the blame on Michelle. On that occasion Jenny noticed that Michelle's hair was unevenly cut to the scalp. When asked what happened, Michelle told her that it was Ruby who gave her the ugly haircut.[4] Concerned with the condition of her sister, Jenny confronted Ruby. But the latter angrily replied: "Why are you so bold to ask me that question; why don't you ask your sister!"[5] Jenny then told Ruby that she was going to take her sister back from them but the furious Ruby hurriedly left with Ruth, taking Michelle with them. That was the last time Jenny saw her younger sister alive.

On 17 August 1997 at around 6:00 o'clock in the evening, SPO2 Edgardo Hernandez of the Pasig Police Station received an anonymous call reporting that a woman was seen in Bambang, Pasig City, carrying a rectangular box with a human leg protruding. The caller further informed SPO2 Hernandez that the woman then placed the box inside the compartment of a car bearing plate number UPR-561.[6] On the basis of this information SPO2 Hernandez together with SPO1 Ruben Fidelino immediately conducted a "stake-out and surveillance operation" in the vicinity of Bambang as reported. After a couple of minutes, the police officers spotted two (2) women boarding a car with the reported plate number. They turned out to be accused-appellants Ruth Mariano y Lara and Ruby Mariano y Lara.[7] The vehicle was owned and driven by Ruby. The law enforcers, riding in their patrol car with SPO1 Fidelino on the wheels, followed the vehicle. But the women, perhaps sensing that they were being trailed, drove fast. Alarmed by the suspects' reaction to their presence, the policemen sounded their siren. After a brief chase, the officers overtook the suspects' vehicle and blocked its path. SPO2 Hernandez and SPO1 Fidelino

alighted, from their patrol car and introduced themselves as police officers. They ordered Ruth and Ruby to alight from their vehicle.[8]

The lawmen then announced that they would be conducting a visual search of the luggage compartment of the vehicle. Initially, Ruby refused saying that only dirty clothes were in the compartment but later relented the police officers insisted.[9] Upon opening the compartment, SPO2 Hernandez was greeted by a putrid odor emanating from a decomposing body inside the box. Ruth and Ruby identified the body as that of their maid Michelle Priol.[10] Ruth and Ruby were then arrested and taken to the Pasig Police Station. Their vehicle was driven to the station by SPO2 Hernandez.

Senior Police Inspector Emmanuel L. Aranas, Medico-legal Officer of the PNP Crime laboratory, conducted an autopsy on the cadaver of Michelle. The result was appalling and beyond belief. The body was found to be poorly nourished and already in a state of decomposition. The skin and underlying soft tissues on the chest appeared to have been gnawed by rats apparently attracted to the exposed scalded flesh resulting from the repeated splashing of boiling water, and that the victim had died two (2) to three (3) days prior to the autopsy. The autopsy findings were: (a) healed and healing lacerated wounds on the upper lip caused by hard blunt object or fist blows healed lacerated wound on the lower lip; (c) multiple lacerated swelling wounds on the right and left ear; (d) two (2) healing wounds on the left iliac region; and, (e) the cause of death was multiple traumatic wounds, and first and second degree scalding burns on the head, trunk, upper and lower extremities comprising about 72% of the body surface, caused by hot liquid within the range of boiling point inflicted at various times prior to the death of the victim.[11]

With the foregoing findings, Ruth and Ruby were charged with murder. Ruth denied the charge claiming that the victim "died because she got sick, and not because I mauled her." [12] Nevertheless, by her own narration and admission during the trial, Ruth described in lurid details what really happened to Michelle. According to Ruth, Michelle was kind, industrious and respectful at first. However, sometime November 1996 she and her sister Ruby caught Michelle stealing money and jewelry from their bedroom. Thus, they brought her to the police but later desisted from prosecuting Michelle when she pleaded for a second chance and promised that she would not do it again.[13] After that incident, Michelle's attitude changed completely. Ruth claimed that she often caught her stealing money from them and destroying the appliances whenever she cleaned the house, and that whenever she scolded Michelle she would answer back, triggering a fight between them.[14]

Ruth confessed in her testimony that she doused boiling water on Michelle several times whenever she was angry.[15] In those occasions, according to her, they were quarrelling and Michelle would fight back.[16] Ruth further said that only by pouring boiling water on Michelle could she (Ruth) "pacify her (and stop her) from fighting back." [17]

Ruth likewise admitted having pulled Michelle's hair and banged her head (inuumpog ang ulo), [18] and that in the month of July 1997 alone they fought at least six (6) times. She added that she was remorseful afterwards for what she had done and treated Michelle's seared flesh with antibiotics and washed her wounds with guava leaves. As if explaining the fresh-looking wounds on the body of Michelle, Ruth said that Michelle sometimes scratched her wounds thereby removing the scabs and exposing the fresh wounds. But by August 1997 Michelle lost her appetite and her condition started to deteriorate. Not long thereafter, she died. Ruth further testified, that when she was about to wake Michelle up in the morning of 17 August 1997 she discovered Michelle's body already bent and flexed forward (nakabaluktot) lying in bed, lifeless.[19] So she panicked and hurriedly placed the body in a box, which she then loaded inside the luggage compartment of Ruby's car. According to Ruth, she was afraid that her 74-year old mother who was suffering from a heart ailment would see the body, thus she concealed the corpse in the trunk of the vehicle.[20] When Ruby arrived that evening, Ruth met her at the gate of their house and told

her that she had a problem. Ruth then asked Ruby to drive and promised to tell her about it on the way. It was then that they were apprehended by elements of the Pasig Police force.

On 22 June 1998 Ruth and Ruby were convicted of murder by the trial court. Accordingly, Ruth was sentenced to death while Ruby was found guilty as an accomplice and sentenced to reclusion temporal. The trial court explained its Decision -

With such evidence on record, there is no doubt that Ruth was responsible for the death of Michelle Priol and the killing was aggravated with (sic) cruelty making it a crime of murder. Splashing boiling water six (6) times a month, even when the previous injuries were not yet healed, is cruelty of the highest order. Splashing boiling water while the previous scalding burns were not yet healed was deliberately done. Such act was inhumanly augmenting the suffering of the victim. Ruth Mariano admitted this in her oral testimony and in her counter-affidavit x x x x therefore, Ruth Mariano should be held to answer for the crime of murder as defined and penalized under Article 248 of the Revised Penal Code x x x x

As to the liability of Ruby Mariano, the evidence appears to be circumstantial. [She] knew of the death of Michelle Priol prior to the time her body was put in a box and loaded in the car x x x x she [was] living with Ruth in the same apartment and as such, that place is not too big not to see or know that a member of the household is (sic) dead.

Moreover, as admitted by Ruth Mariano in her testimony in Court that she poured boiling water on Michelle Priol six (6) times a month. That alone must have been known to Ruby Mariano. For her failure to prevent Ruth from pouring boiling water on Michelle Priol, which according to Dr. Aranas was the cause of Priol's death, that constitute cooperation on her part in killing Michelle Priol.

All the foregoing circumstances taken together constitute violation of Article 18 of the Revised Penal Code, hence, Ruby Mariano is liable as an accomplice.

Considering that the act of putting the cadaver of victim Michelle Priol in a box and loading it in the baggage compartment of a car is an outraging act, or, an act of scoffing at her person or corpse which is an aggravating circumstance coupled with evident premeditation and taking advantage of superior strength, the fact that the accused Ruth Mariano is a big buxom matured woman while the victim Priol was a slim teenager, such aggravating circumstances, and there being no mitigating circumstance, the imposition of the death penalty would be proper as against accused Ruth Mariano y Lara.[21]

Hence, this automatic review of the death penalty imposed by the trial court.

The errors assigned by accused-appellants in their brief may be subsumed under the basic contention that the trial court erred in convicting them as principal and accomplice to the crime of murder notwithstanding the fact that the prosecution evidence was grossly insufficient to prove their guilt beyond reasonable doubt.

Aware that the life of a human being is here at stake, we have carefully examined every piece of evidence on record as well as the arguments raised by accused-appellants in their pleadings no matter how specious and ridiculous they may appear to be, but we fail to find any compelling reason to overturn the findings of fact and conclusions of the court a quo, except as may be stated hereunder.

First, on the criminal liability of Ruth Mariano. The defense at once crumbles in the face of accused-appellant's own admission in open court that she employed violence on Michelle, dousing her with boiling water and battering her into insensibility in the course of their supposed quarrels. She virtually painted in her testimony a harrowing portrait of the barbaric episode culminating in the death of the victim, thus -

A: Whenever I scolded her, she became angry and told me that I'm (sic) not the one who is (sic) paying her salary and I am (sic) "masungit."

Q: And what else transpired, if any?

A: We have (sic) exchanges of word and that started our quarrel.

Q: When you said quarrel, what do you mean quarrel, just by exchanging words or what? You have any physical contact?

A: We were engaged in physical fight.

Q: What else happened, if any?

A: If she fought back and I'm (sic) being hurt and if I'm (sic) already angry, I splashed (nasasabuyan) her with boiling water x x x x[22]

Q: When for the first time did you have any occasion of splashing hot water on the person of Priol?

A: July 1997.

Q: When was the second time?

A: I cannot remember.

Q: Also in the month of July?

A: Every time she fought against me.

Q: When was the third time?

A: I cannot remember anymore.

Q: More or less, how many times did you splash her with hot water?

COURT: Hot or boiling water?

PROSECUTOR LEONARDO: Boiling water.

A: Twice (2x) x x x x[23]

Q: You splashed her frontally?

A: Yes, Ma'am.

Q: Facing each other?

A: Yes, Ma'am xxxx

Q: She does not run away when you saw her holding the airpot?

A: When I splashed her she told me, that is (sic) enough, I will (sic) not fight anymore.[24]

Q: Just answer my question.

A: No, your honor.

Q: She waits (sic) until you poured the boiling water on her?

A: Yes, your honor.

Q: And when she tried to pull your hair, what do you do?

A: I pulled her hair also and sometimes banged (inuumpog) her head.[25]

Accused-appellant's brutality was confirmed by Dr. Emmanuel L. Aranas who concluded in his autopsy report that the cause of death of the victim was "multiple traumatic wounds, and first and second degree scalding burns covering 72% of the body surface," which were the very same injuries accused-appellant admitted she had inflicted on the victim. Dr. Aranas testified -

Q: And after conducting the examination, what was the cause of death that you found?

A: Well, the cause of death Ma'am, is the multiple traumatic injuries, as well as the scalding burns, first to second degree recovering 72% of the surface area.

Q: Combined together?

A: Yes, your honor. All these are contributory to the death of the deceased.[26]

These medical findings when combined with accused-appellant's judicial admission, certainly wove a tight web of evidence as to accused-appellant's culpability. They clearly established her guilt to a moral certainty, for which she could not escape punishment.

Accused-appellant however, by way of avoidance, maintains that she did not kill the victim, insisting that the latter "died because she got sick, and not because I mauled her."

The Court is not persuaded. It is evident that the death of the victim was the direct, natural and logical consequence of the injuries she sustained in the hands of accused-appellant Ruth Mariano. The wounds inflicted on the victim were of extremely dangerous nature, i.e., calculated to destroy life, although they did not immediately result in the victim's death. A person is to be held to contemplate and be responsible for the natural consequences of her own acts. If she inflicts wounds of such gravity as to put the life of the victim in jeopardy, and death follows as a consequence of her felonious and wicked acts, it does not alter the nature nor diminish the criminality of the acts to prove that other causes cooperated in producing the fatal result. Es que es causa de la causa es causa del mal causado. He who is the cause of the cause is the cause of the evil caused.

Accused-appellant further asserts that (a) her acts of pouring boiling water on Michelle were accidental; (b) she was unaware of the effects or danger of pouring boiling water on a human being; and, (c) she treated the wounds and burns of the victim with antibiotics (Bactrim Forte) and washed it with guava leaves until she got well.

The artificiality of these assertions is self-evident. They are but fabrications to explain away the numerous mortal wounds of the victim. As to the alleged accidental pouring of boiling water, the physical evidence shows that the victim suffered first and second degree scalding burns covering 72% of the body surface, caused by accused-appellant's repeated acts of pouring boiling water on the victim while they were allegedly embroiled in a quarrel. Clearly, the sheer number, and severe nature and extent of the wounds suffered by the victim attest to their deliberate infliction.

As regards her claim that she was unaware of the effects or danger of pouring boiling water on a human being, accused-appellant must have seen how the boiling water she poured the first time on Michelle seared the flesh of the victim, permanently disfiguring her body even as she agonized in pain. Accused-appellant, who was thirty-four (34) years old then, was not shown to be a person of diminutive intelligence as not to realize the lethal effects of repeatedly dousing boiling water on a human being. Neither can we attach any importance to her pretension that she administered antibiotics and herbal medicine on the burns of Michelle until she recuperated, for it is contrary to the findings of Dr. Aranas who observed that there was no evidence of medical intervention notwithstanding the character and number of the victim's injuries.[27]

To compound accused-appellant Ruth Mariano's woes, her confessed act of putting the lifeless body of Michelle

in a box and loading it in the luggage compartment of a car is obviously inconsistent with her profession of innocence. As observed by the Solicitor General, to which we agree, "an innocent person would have lost no time in reporting to the police her discovery, right in her own house, of the death of a household member instead of taking pains in concealing it." [28]

Quite obviously, accused appellant exceeded the limits of her credibility, as she was plainly incredible. Her attempts to lessen the impression of sadism and viciousness of her crime only assault the intelligence of this Court. We are not that naive and gullible as the defense perhaps thought.

Second, on the complicity of accused-appellant Ruby Mariano. There is no solid evidence on record effectively linking accused-appellant Ruby Mariano to the gruesome killing of Michelle Priol. There is no showing that she ever laid hands on the deceased nor was she ever seen helping her sister Ruth on those occasions when Ruth reportedly manhandled Michelle, nor was there any positive act of assent or cooperation on her part with Ruth ever satisfactorily established or proved by the prosecution. All that can be gathered from evidence are: (a) Ruth and Ruby were staying with Michelle in the same apartment, together with their 74-year old mother and Ruby's children; (b) the victim had been dead for two (2) to three (3) days when placed in the car; and, (c) Ruby owns the vehicle where the body of the victim was concealed and was in fact driving the vehicle when the police intercepted them and found the body of Michelle in the trunk of their vehicle. While these circumstances strongly indicate that Ruby had knowledge of what her sister Ruth did to Michelle, they are too insufficient to support a finding that Ruby had something to do with the crime so that she should likewise be answerable. With her nominal role, we cannot conscientiously declare that Ruby was a principal or even an accomplice in the crime. The presumption of innocence in her favor has not been overcome by proof beyond reasonable doubt.

We cannot agree with the Solicitor General that Ruby should have been convicted as an accessory after the fact -

x x x since her act of driving the car where the corpse of Michelle was hidden, her resistance to stop the car when chased by the police and to immediately open the luggage compartment as requested by the police, her act of lying to the police by claiming that the box in the compartment contained only dirty clothes, and her refusal to open said box sufficiently indicate knowledge of the crime and assistance to Ruth Mariano in concealing the corpus delicti to prevent its discovery.

Accused-appellant Ruby Mariano is the sister of accused-appellant Ruth Mariano. As such, their relationship exempts appellant Ruby Mariano from criminal liability under Art. 20 of The Revised Penal Code -

Art. 20. Accessories who are exempt from criminal liability. - The penalties prescribed for accessories shall not be imposed upon those who are such with respect to their spouses, ascendants, descendants, legitimate, natural and adopted brothers and sisters, or relatives by affinity within the same degrees, with the single exception of accessories falling within the provisions of paragraph 1 of the preceding article (underscoring supplied).

The reason for exemption is obvious; it is based on ties of blood and the preservation of the cleanliness of one's name, which compels one to conceal crimes committed by relatives so near as those mentioned in the above-quoted article. This Court is thus mandated by law to acquit accused-appellant Ruby Mariano.

Third, the crime committed by accused-appellant Ruth Mariano was evidently murder, the killing of the victim being qualified by cruelty. The autopsy report of Dr. Aranas abundantly shows irrefutable evidence of cruelty -

FINDINGS: Poorly nourished, fairly developed female cadaver, in the beginning stage of decomposition. Embalmed. The skin and underlying soft tissues on the chest gnawed by small animals. HEAD, TRUNK AND EXTREMITIES: Healed lacerated wound, upper lip, measuring 1 by 0.7 cm., 1.5 cm., right of the anterior midline; Healing lacerated wound, upper lip, measuring .07 by .3 cm., left of the anterior midline; Healed lacerated wound, non-coaptated, lower lip, measuring 1 by 1 cm., just left of the anterior midline; Multiple

lacerated wounds, right ear, with multiple contusions and swelling; Multiple lacerated wounds, left ear, with multiple contusions and swelling.

CONCLUSION: Cause of death is multiple traumatic injuries and scalding burns, 1st and 2nd degrees, 72% of the body surface area.

The wounds and scalding burns listed in the autopsy report were inflicted at different times but did not immediately result in death, as some of the wounds were still in the process of healing at the time of the autopsy. This clearly suggests that the victim was still alive even after those injuries were sadistically and inhumanly inflicted on her. The nature and extent of those injuries undoubtedly caused terrible sufferings on the victim for a long period of time resulting in a slow, painful death. Explaining his medical findings on the cadaver of the victim, Dr. Aranas testified -

Q: In such a situation where there are several injuries, would you tell the Court how long after the infliction of those injuries will the victim die?

A: Well, your Honor, there is evidence of a slow regression of the physical condition of the deceased, so, the moment that injuries were inflicted on her a few days or may be a week prior to death, there is already a regression of the body of the deceased considering the presence or the observation of a collapsed lung and the presence of yellowish fluid on the lungs. This only means that there was already a slow regression on the physical condition.

COURT: In a layman's language, what do you mean by slow regression?

A: Well, your Honor, there is an evidence of the process of weakening of the system of the body and slowing down the function of the vital organs of the deceased.

Q: In other words, you would like to tell the Court that the victim has suffered for a long time before she actually died?

A: Precisely, your Honor.

Q: Can you tell the Court, with the injuries that you have found in the body of the victim, how long did that victim suffer before she died?

A: Well, your Honor, there are healed wounds and these would have been inflicted a week or more prior to the death; and there are healing wounds and these were inflicted within a week prior to the death; there were fresh wounds which were inflicted may be a few hours or day prior to the death. So, she has been suffering for quite a long time prior to the death.[29]

Indeed, to the trained eye of medico-legal specialists, the inanimate remains of the dead give an eloquent testimony of their own, and that is true even of the young victim, Michelle, who in life could not have been as articulate. The test in appreciating cruelty, as a qualifying circumstance is whether the accused deliberately augmented the wrong by causing another wrong not necessary for its commission, or inhumanly increased the victim's sufferings or outrage, or scoffed at his person or corpse.[30] The prosecution evidence surmounted this test beyond any peradventure of doubt.

We also find that the circumstance of abuse of superior strength aggravated the killing of the victim. There was gross physical disparity between the age, built and strength of accused-appellant Ruth Mariano viz-a-viz the victim Michelle. The former is a big and burly matured woman in her thirties, several inches taller than the victim, and "who could subdue her [victim] even without a weapon." [31] While the latter was merely a teenager, five (5) feet tall, slim and poorly nourished and weighed less than 100 pounds according to Dr. Aranas.[32] The records also show that accused-appellant Ruth Mariano pulled the victim's hair, banged her head, and repeatedly doused

boiling water on her. On those occasions, the victim was not shown to be equipped with reasonable means of defense. Abuse of superior strength depends upon the age, size and strength of the parties. To take advantage of superior strength is to purposely use excessive force out of proportion to the means of defense available to the person attacked.[33]

Abuse of superior strength is a generic aggravating circumstance which is capable of being proved and taken into consideration in imposing the sentence, even if it was not alleged in the information. The evidence of its existence merely forms part of the proof of the actual commission of the offense and does not violate the constitutional right of the accused to be informed of the nature and cause of the accusation against him.

We are not in accord with the trial court, however, in appreciating evident premeditation as an aggravating circumstance. The essential elements of evident premeditation are: (a) the time when the offender determined to commit the crime; (b) an act manifestly indicating that the culprit had clung to his determination; and, (c) a sufficient interval of time between the determination and execution of the crime to allow him to reflect upon the consequences of his act.[34] These requisites must be established with equal certainty and clarity as the criminal act itself before it can be appreciated as an aggravating circumstance.[35] In the instant case, the records are bereft of any evidence to show the nature of accused-appellant Ruth Mariano's planning and preparation to slay her victim, or how much time had elapsed before it was carried out. Evident premeditation must be based on external facts which are evident, not merely suspected, and which indicate deliberate planning. Mere presumptions and inferences, no matter how logical or probable they might be, would not be enough to sustain a finding of this aggravating circumstance.[36]

Article 248 of The Revised Penal Code, as amended by Sec. 6, RA 7659, punishes murder with reclusion perpetua to death. The presence of the aggravating circumstance of abuse of superior strength warrants the imposition of the higher penalty of death on accused-appellant Ruth Mariano in accordance with Art. 63 of The Revised Penal Code.[37] In addition, the same accused-appellant should be made to pay the heirs of the victim P50,000.00 for civil indemnity, conformably with prevailing jurisprudence,[38] P35,000.00 for actual damages, and P300,000.00 for moral damages. Moreover, since there is present an aggravating circumstance, and considering the peculiar circumstances of this case, an award of P50,000.00 for exemplary damages is proper.

Finally, we cannot write *finis* to this case without expressing our abhorrence to the manner by which the crime was perpetrated. Accused-appellant Ruth Mariano's atrocious character, which transfixes the soul with such horror and revulsion, truly merits the severest condemnation of this Court. By her savagery and ruthlessness - by a woman to another woman - she forfeits her rightful place in civilized society. Michelle, even in death, is entitled no less to the full measure of justice as any other victim of a gruesome and senseless killing.

WHEREFORE, the Decision of the court *a quo* of 22 June 1998 is MODIFIED. Accused-appellant Ruth Mariano is found guilty beyond reasonable doubt of the crime of MURDER qualified by extreme cruelty and is sentenced to DEATH. She is further ORDERED to pay the heirs of victim Michelle Priol y Beronio the following amounts: P50,000.00 for civil indemnity, P35,000.00 for actual damages, P300,000.00 for moral damages, another P50,000.00 for exemplary damages, and to pay the costs.

As for accused-appellant Ruby Mariano, the Court finds the evidence insufficient to establish beyond reasonable doubt her guilt as an accomplice in the commission of the said crime. Neither can she be held liable as an accessory after the fact, as she is exempt from criminal liability by reason of her relationship with her co-accused pursuant to Art. 20 of The Revised Penal Code. Consequently, she is ACQUITTED of the crime charged and her immediate release from custody is ordered unless she is being detained for some other lawful cause. The Director of Prisons is DIRECTED to report to this Court the action taken hereon within five (5) days from receipt hereof.

Four (4) members of the Court, although maintaining their adherence to the view that RA 7659, insofar as it prescribes the death penalty, is unconstitutional, nevertheless, bow to the ruling of the Court, by a majority vote, that the law is constitutional and that the death penalty should accordingly be imposed. In accordance with Sec. 25 of RA 7659, amending Art. 83 of The Revised Penal Code, upon the finality of this Decision, let the records of this case be forthwith forwarded to the Office of the President for the possible exercise of his pardoning power.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago and De Leon, Jr., JJ., concur.

[1]RA 7659.

[2]During the direct-examination, Jenny Priol testified: "I am not able to talk to her fully xxxx everytime I visited her the two (2) sisters were always in front of us" (TSN, 20 October 1997, p. 11).

[3]TSN, 20 October 1997, pp. 10-11.

[4]Id., p. 13.

[5]Id., p. 14.

[6]TSN, 24 October 1997, p. 5.

[7]Id., p. 6.

[8]Id., p. 7.

[9]Id., pp. 9-10.

[10]Id., p. 12. See also Exhs. "H-1" to "H-16."

[11]Medico-Legal Report No. M-0493-97, Exh. "C;" Records, p. 96.

[12]Accused-appellant Ruby Mariano was not presented to testify during the trial.

The prosecution and the defense stipulated that if Ruby Mariano would be allowed to testify she would merely corroborate the testimony of Ruth Mariano and reiterate the contents of her counter-affidavit. Hence, her testimony was dispensed with.

[13]TSN, 19 February 1998, pp. 5-7.

[14]Id., p. 8.

[15]The first time she splashed boiling water on victim Michelle Priol was in July 1997; the second time, she could not remember.

[16]Id., pp. 19-20.

[17]Id., p. 21.

[18]Id., p. 23.

[19]Id., p. 9.

[20]Id., pp. 10, 29.

[21]Decision penned by Judge Aurelio C. Trampe, RTC-Br. 163, Pasig City.

[22]TSN, 19 February 1998, p. 8.

[23]Id., p. 19.

[24]Id., p. 22.

[25]Id., p. 23.

[26]TSN, 10 October 1997, p. 30.

[27]Id., p. 16.

[28]Appellee's Brief, p. 16; Rollo, p. 80.

[29]TSN, 10 October 1997, pp. 30-31.

[30]People v. Ferrer, G.R. No. 102062, 14 March 1996, 255 SCRA 19.

[31]See Annexes "H-12" to "H-16," "1" and "9." See also TSN, 19 February 1998, p. 22.

[32]TSN, 10 October 1997, p. 38.

[33]People v. Bernal, G.R. No. 101 332, 13 March 1996, 254 SCRA 659.

[34]People v. Villanueva, G.R. No. 116610, 2 December 1996, 265 SCRA 216.

[35]People v. Reyes, G.R. No. 118649, 9 March 1998, 287 SCRA 229.

[36]People v. Buka, G.R. Nos. 68311-13, 30 January 1992, 205 SCRA 567.

[37]Art. 63. Rules for the application of indivisible penalties. - x x x x In all cases in which the law prescribes a penalty composed of two indivisible penalties, the following rules shall be observed in the application therefor: 1. When in the commission of the deed there is present only one aggravating circumstance, the greater penalty shall be applied x x x x (underscoring supplied).

[38]People v. Española, G.R. No. 119308, 18 April 1997, 271 SCRA 689.

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