

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MANUEL CASTILLO Y GOMEZ, ACCUSED-APPELLANT.

G.R. No. 139339. January 19, 2001

Ponente: DAVIDE JR., C.J.

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DAVIDE JR., C.J.:

We are here confronted with the death of an invalid woman, allegedly at the hands of her own son.

Accused-appellant Manuel Castillo y Gomez (hereafter MANUEL) appeals from the decision[1] of 19 April 1999 of the Regional Trial Court, Branch 9, Davao City, in Criminal Case No. 34,701-94, finding him guilty beyond reasonable doubt of the crime of parricide and sentencing him to suffer the penalty of reclusion perpetua and the attending accessory penalties, and to pay the costs of the suit.

MANUEL was charged with parricide in an information[2] dated 19 November 1994, whose accusatory portion reads as follows:

That on or about November 17, 1994, in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, willfully, unlawfully, and feloniously mauled (sic) one Rosenda Gomez,[3] his (accused) mother, thereby inflicting upon the latter injuries on her body and injury particularly at the forehead which caused her death.

With the assistance of counsel, MANUEL pleaded not guilty upon arraignment and waived the pre-trial of the case.[4]

The prosecution presented as witnesses Dr. Danilo P. Ledesma, Maria Theresa Castillo and Anacorita Castillo B. Jayson.

Dr. Danilo P. Ledesma, a medico-legal officer of the Davao City Health Office, conducted an autopsy on the body of Rosenda Castillo (hereafter Rosenda) and prepared a necropsy report.[5] He found her to have suffered from several injuries and contusions on the left side of the face and on the left hand, severe brain hemorrhage, multiple fractures on the ribs, and laceration of both lungs. Blood was also present in the left chest cavity. The immediate cause of death was intracranial hemorrhage.[6] The contusions and fractures, he explained, were caused by an undetermined number of blows, like her head being banged on a door or wall, or her chest being kicked or stepped upon.[7] He prepared and identified the death certificate[8] of Rosenda.

On cross-examination, Dr. Ledesma declared that it was impossible for the deceased to have sustained the injuries, particularly the intracranial hemorrhage, by merely falling off her bed.[9]

Maria Theresa Castillo (hereafter Theresa) is the niece of MANUEL, being the daughter of Salvador, MANUEL's brother. Prior to her grandmother Rosenda's death, they lived in the house of MANUEL in Bucana, Davao City, with his children, Rosabella and Rodel. Theresa took care of her grandparents, the spouses Rosenda and Emilio, by feeding and bathing them.[10]

Theresa testified that in the early evening of 16 November 1994, she and her grandparents were home, where MANUEL had been drinking liquor with his son. At around 10:00 p.m., the inebriated MANUEL approached Rosenda, who was groping for the urine pan. He kicked her several times, cutting her right eyebrow and causing her to hit a piece of wood protruding from the corner of the house, and continued assaulting her even when she was already crawling and pleading for him to stop. MANUEL eventually did when Theresa cried and rushed to help Rosenda, who was at that point already seriously injured and dying. He rushed to his mother and cradled her in his arms, all the while blaming Rosenda for what had happened.[11]

Anacorita Castillo B. Jayson, MANUEL's older sister, testified that she initiated the filing of the complaint[12] for parricide against MANUEL after she learned of her mother's death from MANUEL's sons on 18 November 1994. Her father was spared from filing the complaint because he was sickly. As a matter of fact, he had already died at the time she testified.[13]

The witnesses for the defense were Rodel Castillo, Josie Castillo, MANUEL, Atty. Isaac Robillo, Jr., and State Prosecutor Manuel M. Batao.

Rodel Castillo testified that in 1994, his father MANUEL fetched his grandparents, Emilio and Rosenda, from a nunnery to live with them. Among seven children, only MANUEL decided to take care of them. His cousin Theresa also stayed with them. They had no room or partition in the house, which was then under renovation. With nine occupants, everybody slept in the living room.[14]

On 16 November 1994, he was at home when his father arrived from work at around 7:30 p.m. Rodel denied having a drinking spree with his father, as they were not in the habit of drinking. He admitted, however, that they had a few shots of liquor because MANUEL likes to drink before bedtime. In fact, MANUEL rested, took supper and proceeded to drink before sleeping at 8:00 p.m. Theresa also retired around that time. He noticed nothing unusual that night. The following morning, MANUEL woke them up after discovering that their grandmother had died. MANUEL bathed Rosenda's body, then called a funeral parlor.[15]

On cross-examination, Rodel testified that Rosenda had no injuries at the time of her death. He also confirmed that MANUEL was arrested at noon of 17 November 1994. Initially he was unaware of the reason why the police arrested his father. Upon inquiry from their neighbors, however, he learned that MANUEL had been arrested on suspicion of having killed Rosenda.[16]

Josie Castillo, MANUEL's common-law wife since 1979, corroborated most of Rodel's testimony.[17] She added that she did not notice anything irregular about Rosenda's corpse when MANUEL discovered it. It was a natural death, which was easily accepted by the family.[18] The following day, she saw Theresa, who informed her that Fe Regalado, MANUEL's legal wife, fetched and brought her (Theresa) to the police station, and prodded her to give a statement. It was allegedly Fe's way of retaliating against MANUEL.[19] After attending Rosenda's wake, Theresa supposedly confessed to her that it was Fe who convinced her to tell the police that MANUEL killed Rosenda. She later learned that Theresa had been living with Fe until the latter asked her to leave.[20]

Lisa Castillo, MANUEL's daughter with Josie, and who was only thirteen years old when she testified, described the physical layout of their house. Her grandparents slept in the middle of the house, while she and her parents slept near the door, with MANUEL between her and Josie. In the evening of 16 November 1994, when MANUEL went to bed, her grandparents were already asleep. She woke up at 6:00 a.m. the following day and soon learned that her grandmother Rosenda had died. MANUEL was then cleaning her body.[21]

For his part, MANUEL admitted that since 1978 he had been living separately from his legal wife, Fe Regalado, with whom he has five children. In 1979 he started to cohabit with Josephine Castillo, and Lisa is their only child.

They rented a one-room house with his children Rodel and Lisa, his parents, and niece Theresa. The latter was on vacation and stayed with him in 1994, and helped him in caring for his parents.[22]

MANUEL was the sole provider for his parents. Theresa took care of them, but it was he and Josie who cleaned them after learning that some people thought his parents were malodorous. He affirmed his love for Rosenda, and made sure that her birthdays were always celebrated.[23]

When he arrived home early in the evening of 16 November 1994, he joined his son Rodel who was drinking and had two shots of liquor. By then, his parents were already asleep. At 8:00 p.m., he went to bed, followed by Josie, while his daughter remained awake. Upon waking up at 4:00 a.m. of the following day, he noticed that Rosenda's color was different. He touched her but she was already cold and dead. Her body emitted a foul smell, so he immediately cleaned her. He also woke up the rest of the household and asked Theresa why she neglected Rosenda. Theresa replied that Rosenda was already old and her death was inevitable.[24]

MANUEL called the funeral parlor and left the house to arrange the funeral details. When he returned, Theresa was no longer home. Around noon, the police arrested him based on a complaint filed against him. The police advised him to settle the case privately as it involved the family. At the police station, MANUEL saw Fe, who complained to him about the enrollment of their daughter. She reminded him that he owed her a lot, which appeared to be the reason behind his arrest. He presumed that the case involved his abandonment of Fe.[25]

At the prosecutor's office where he was brought for inquest, MANUEL saw Fe and his sister Anacorita, but the police prevented him from approaching them. The investigating prosecutor merely asked him if the charge against him was true or not; no other question was asked. He was not even provided a copy of the complaint nor was he assisted by counsel. After ten minutes, he was sent back to jail. He asked Josie to get a copy of the complaint, and it was only then that he realized he was being charged with parricide.[26]

On New Year's day of 1995, MANUEL was visited in jail by Theresa, who asked for his forgiveness. She allegedly said it was Fe who coached her on what to tell the police, but she did not expect him to land in jail. Anacorita likewise visited him and informed him that she and Theresa separately executed affidavits of desistance. Anacorita also signed a joint affidavit with Salvador. Although MANUEL had in his possession photocopies thereof, Anacorita had already passed away by the time he testified.[27]

Atty. Isaac Robillo, a former state prosecutor, testified that he was the one who administered oaths to Theresa and Anacorita when they executed their affidavits of desistance.[28] He could no longer recall, however, if he actually asked either of them the reasons for their desistance.[29]

State Prosecutor Manuel M. Batao, on the other hand, affirmed having administered the oath on Anacorita and Salvador in relation to a Joint Affidavit[30] executed by them on 15 May 1996. Before they signed the affidavit, he repeated to them the contents thereof and was satisfied that both voluntarily executed and understood the allegations therein.[31]

When recalled to the witness stand, Josie testified that Salvador suffered a stroke when Theresa ran away from home after testifying for the prosecution. It led to his paralysis, disabling him from walking, such that he was unable to testify for the defense. Upon cross-examination, Josie admitted that she had no personal knowledge of Salvador's physical condition. She never visited him when he was sick, neither did she have in her possession a medical certificate to establish the status of Salvador's health.[32]

In its decision[33] of 19 April 1999, the trial court decreed as follows:

WHEREFORE, finding the accused MANUEL CASTILLO y GOMEZ guilty beyond reasonable doubt of the crime of PARRICIDE, as defined in Article 246 of the Revised Penal Code, he is hereby sentenced to suffer

the penalty of RECLUSION PERPETUA, and to suffer the accessory penalties attendant thereto. No civil indemnity is awarded considering the affidavits of desistance by Anacorita and Salvador Castillo which constitutes [sic] a waiver of the civil liability of the accused. (People vs. Renato Linsangan, Jr., et al., G.R. No. 95232 and 95592, January 31, 1992).

His immediate confinement at the National Penitentiary is hereby ordered.

Costs de oficio.

The trial court gave credence to the eyewitness account of Theresa and held that her positive testimony prevailed over the denial of MANUEL. No ill motive could be imputed to her for testifying against him. The frequent sermons she allegedly received from him were not sufficient reason for her damning testimony. Theresa was purely motivated by her desire to seek justice for the wrongful death of her grandmother.

When the defense failed to confront prosecution witnesses Theresa and Anacorita with their respective affidavits of desistance, which they executed before they testified, such omission was taken against MANUEL by the trial court. It resolved that the only possible explanation was that they would have repudiated the said affidavits.

The trial court likewise did not give any weight to the affidavit of desistance of Theresa and Anacorita, as well as the joint affidavit of desistance of Anacorita and Salvador. None of the affiants was presented to attest to the truth of the allegations therein. Besides, Anacorita and Salvador were not eyewitnesses to the commission of the crime.

However, the trial court appreciated in favor of MANUEL the mitigating circumstance of lack of intent to commit so grave a wrong as that committed.[34]

MANUEL timely appealed his conviction to this Court, claiming that the trial court erred:

I

... IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED IN THE INFORMATION DESPITE THE INSUFFICIENCY OF THE PROSECUTION EVIDENCE TO SUSTAIN THE FINDING OF GUILTY (sic) BEYOND REASONABLE DOUBT.

II

... IN HOLDING THAT NO WEIGHT CAN BE GIVEN TO THE AFFIDAVITS OF DESISTANCE (EXH. 1, 2, & 3), WHILE IN THE SAME BREATH ABSOLVING THE ACCUSED-APPELLANT OF HIS CIVIL LIABILITY ON THE BASIS THEREOF.

As to the first assigned error, MANUEL argues that a scrutiny of Theresa's testimony would show that he mauled Rosenda continuously for five hours, from 10:30 p.m. until 3:00 a.m. the following day. Considering that there were other occupants in the house, the disturbance should have awakened the rest of the family members. It was too incredulous to assume that his father, wife and children were too indifferent to allow such violence. Moreover, the prosecution failed to establish any proof that he had earlier harmed his mother or shown any animosity toward her.

MANUEL also cites certain inconsistencies in Theresa's statements in her affidavit vis-à-vis those she made in open court. In her affidavit, she stated that MANUEL drank alone, consumed one bottle of rum, and started mauling Rosenda at around 12:30 a.m. on 17 November 1994. On the other hand, she testified that MANUEL and his son Rodel had a drinking spree and consumed two bottles of rum, and MANUEL started beating Rosenda at around 10:00 p.m.

As to Anacorita's affidavit, MANUEL claims that the allegations therein were not of her personal knowledge.

Anacorita merely repeated what she heard from MANUEL's sons, one of whom was Rodel. Yet, when Rodel testified for the defense, he denied that anything suspicious happened in connection with the death of Rosenda.

Anent the second ground, MANUEL assails the trial court's failure to give weight to the affidavits of desistance despite the fact that said court conveniently referred to them in absolving him from any civil liability. Moreover, the prosecution failed to object to the admission of the affidavits of desistance. Finally, efforts to produce the affiants in court and to let them testify proved futile. Theresa's whereabouts was unknown, Anacorita had died, and Salvador was bedridden. Subpoenas issued to them were returned unserved. He was compelled to present the state prosecutors before whom the affidavits of desistance were subscribed and sworn to.

After poring over the evidence on record, we are fully convinced from the evidence on record that MANUEL's culpability for the crime charged was established beyond reasonable doubt.

Theresa's testimony was unwavering and she absolutely had no ill motive to incriminate and testify against MANUEL, her uncle and benefactor. It is well settled that the absence of evidence as to an improper motive strongly tends to sustain the conclusion that none existed and that the testimony is worthy of full faith and credit.[35]

Moreover, Theresa's testimony is corroborated by the medical findings contained in the necropsy report,[36] which we quote:

Postmortem Findings

Pallor, marked, generalized.

Body in rigor mortis.

Contusions: face, left aspect 9.0 x 8.0 cms; left mandibular region, 6.0 x 4.0 cms.; nose, 4.0 x 4.0 cms.; hand, left, posterior aspect, 4.0 x 4.0 [cms.]

Lacerated wound, head, frontal region, left side, 4.0 cms. long.

Fractures: right 2nd, 3rd, 4th, 5th, 6th, and 7th ribs at the anterior axillary line; right 1st, 2nd, 3rd, 4th, 5th, and 6th ribs at the anterior axillary line; left 2nd, 3rd, 4th 5th and 6 ribs at the posterior axillary line.

Lacerated: right and left lungs.

Hemorrhage, intracranial, cerebral, cerebellar, meningeal, generalized.

Hemothorax, right, 500 ml.

Hemothorax, left, 1000 ml.

Other visceral organs, pale.

Stomach, empty.

CAUSE OF DEATH: Hemorrhage, Intracranial, Severe, Traumatic.

DANILO P. LEDESMA MD [Sgd.]

Medico-Legal Officer

Indeed, the internal and external injuries discovered were serious and extensive. They refute any argument that Rosenda's death was natural and are incompatible with the picture of a frail and old body that the defense tried to paint. Rather, they demonstrate beyond doubt an abused and battered being. Other than simple denial, the defense failed to give any reasonable explanation why Rosenda's body bore such injuries.

We are mindful of the inconsistencies raised by the defense between Theresa's affidavit and her testimony made

in open court. The inconsistencies pointed out, however, are immaterial and pertain to minor details of no consequence. They do not obviate from the fact that MANUEL mauled Rosenda continuously to her death. We have long adhered to the rule that a sworn statement or affidavit, taken ex parte, is almost always incomplete and inaccurate due to partial suggestions or want of suggestions and inquiries. Its infirmities as a species of evidence are a matter of judicial experience. As such, affidavits taken ex parte are generally considered to be inferior to testimonies made in open court.[37]

If there are doubts to be pondered, these certainly pertain to the failure of Josie and Rodel to immediately inquire about the charge filed against him and to proclaim his innocence. Neither of them volunteered to tell the police what they testified on during the trial. MANUEL initially said that he learned of the charge of parricide after instructing Josie to get a copy of the complaint when the latter visited him in jail.[38] He later contradicted himself by declaring that it was only upon his arraignment that he was informed of the charge.[39]

Regarding MANUEL's contention that the trial court erred in not considering the evidential weight of the three affidavits, we hold that all three affidavits of desistance cannot be accorded any probative value. Theresa's affidavit of desistance[40] stated that she did not actually witness MANUEL maul Rosenda for she was asleep on the night in question and that she was no longer interested in testifying in the case against MANUEL. The affidavit was dated 7 June 1995. Anacorita's affidavit of desistance[41] declared her doubt on the truthfulness of the account to her of what transpired that fateful night by MANUEL's sons by his first marriage. She therefore sought the dismissal of the case against MANUEL. The affidavit was dated 22 May 1995.

The joint affidavit[42] of Anacorita and Salvador showed their skepticism as to the sources of the information that MANUEL killed Rosenda. They respectively referred to MANUEL's sons by his first marriage, who could have been motivated by hatred and contempt for MANUEL since he abandoned them, and Theresa, who was actually asleep the whole night. The joint affidavit was dated 15 May 1996.

All three affidavits were executed prior to the testimony of Theresa and Anacorita in open court. Theresa testified on 5 October 1995 or nearly four months after she executed the said affidavit of desistance. Anacorita testified on 21 November 1995 or six months after she signed two affidavits of desistance. Their testimonies betray what they alleged in their respective affidavits of desistance. Needless to say, we have ruled that affidavits of recantation are easily obtained for monetary consideration or through intimidation. They are, therefore, regarded with suspicion and reservation.[43] The defense had all the opportunity to assail their credibility by confronting them with said affidavits, yet, it chose not to. In view of the defense's failure to present the affiants as witnesses, no probative value can be given to these affidavits.[44]

Lastly, we rectify the error of the trial court in absolving MANUEL of any civil liability on the basis of the affidavits of desistance executed by MANUEL's siblings, Anacorita and Salvador. In conformity with current jurisprudence,[45] we hereby award P50,000 to the heirs of Rosenda Castillo, as civil indemnity for the latter's death.

WHEREFORE, the decision of 19 April 1999[46] of the Regional Trial Court of Davao City, Branch 9, in Criminal Case No. 34,701-94, finding accused-appellant MANUEL CASTILLO y GOMEZ guilty beyond reasonable doubt of parricide, is hereby AFFIRMED with the modification that accused-appellant is ordered to pay the heirs of Rosenda Castillo the amount of P50,000 as civil indemnity.

No pronouncement as to costs.

SO ORDERED.

Puno, Kapunan, Pardo, and Ynares-Santiago, JJ., concur.

[1] Original Record (OR), 163-172; Rollo, 18-27. Per Judge Wenceslao E. Ibabao.

[2] OR, 1; Rollo, 7.

[3] Rosenda Gomez and Rosenda Castillo are one and the same person. Gomez is the maiden name of Rosenda Castillo.

[4] OR, 15.

[5] Exhibit "A"; OR, 178.

[6] TSN, 27 February 1995, 3-6.

[7] Id., 6-8.

[8] Exhibit "B"; OR, 179.

[9] TSN, 27 February 1995, 12-13.

[10] TSN, 5 October 1995, 17-18, 19.

[11] Id., 18-20, 22, 26, 28, 29.

[12] Exhibit "C"; OR, 180.

[13] TSN, 21 November 1995, 4-7.

[14] TSN, 16 December 1997, 33-34, 40, 49.

[15] TSN, 16 December 1997, 36-37.

[16] Id., 43, 45.

[17] TSN, 22 January 1998, 54-55, 58-60.

[18] Id., 61-64.

[19] Id., 66-67.

[20] Id., 67-69; TSN, 30 January 1998, 75.

[21] TSN, 26 February 1998, 79-82, 84.

[22] Id., 91-92, 95, 96.

[23] Id., 98-99; 107-108.

[24] Id., 93-98, 99-100.

[25] TSN, 26 February 1998, 100-103.

[26] Id., 103-106; TSN, 28 July 1998, 135, 138.

[27] Id., 110-111; 112, 116.

[28] Exhibit "1" is the Affidavit of Desistance of Maria Theresa Castillo; OR, 181; Exhibit "2" is the Affidavit of Desistance of Anacorita Ayson B. Castillo; OR, 182.

[29] TSN, 28 July 1998, 126-127, 128.

[30] Exhibit "3"; OR, 183.

[31] TSN, 19 November 1998, 146-147.

[32] Id., 149-150, 151.

[33] Supra note 1.

[34] Article 13(3), Revised Penal Code, as amended.

[35] People v. Excija, 258 SCRA 424, 439-440 [1996]; People v. Abrecinoz, 281 SCRA 59, 72 [1997]; People v. Estares, 282 SCRA 524, 535 [1997].

[36] Exhibit "A."

[37] People v. Bayani, 262 SCRA 660, 680 [1996]; People v. Villonez, 298 SCRA 566, 581 [1998]; People v. Bermudez, 309 SCRA 124, 136 [1999].

[38] TSN, 26 February 1998, 105.

[39] TSN, 28 July 1998, 138.

[40] Exhibit "1," supra note 28.

[41] Exhibit "2," supra note 28.

[42] Exhibit "3," supra note 30.

[43] People v. Soria, 262 SCRA 739, 749 [1996]; People v. Bermudez, supra note 37, at 137.

[44] See People v. Manhuyod, Jr., 290 SCRA 257, 270-271 [1998].

[45] Philtranco Service Enterprises, Inc. v. Court of Appeals, 273 SCRA 562, 573 [1997]; People v. Galapin, 293 SCRA 474, 494 [1998]; People v. Conde, G.R. No. 133647, 12 April 2000.

[46] In the OR, the Decision is dated 19 April 1999; however, in the original copy attached to the Rollo, the Decision is dated 27 April 1999. A close scrutiny of both decisions shows that except for the date of promulgation the wording of both copies remains the same in all respect.

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