

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. JAIME BAÑO ALIAS
“JIMMY,” APPELLANT.***G.R. No. 148710. January 15, 2004*

Ponente: DAVIDE JR., CJ.

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Jaime Baño and Virginia Bolesa were married on 12 October 1992 at Bilabila, Sallapadan, Abra.[1] Barely two months after their 4[th] wedding anniversary, or on 15 December 1996, Virginia was found dead, floating in a basin of water along the river bank of Abra River at Barangay Pagala, Bucay, Abra.[2] Rumors immediately circulated that she drowned.[3]

A wake for five days was held in the conjugal house of the Baños at Bucay, Abra. After which, Virginia was brought to her hometown in Bilabila, where her mortal remains were interred.[4] It was known in both towns that Jaime did not attend the wake and burial of his wife. He was later hospitalized for drinking Vasedine, an insecticide.[5] On 19 March 1997, after it was found upon autopsy that Virginia did not die of drowning, Jaime was charged with parricide in an information docketed as Criminal Case No. N-0133, which reads:

That on or about December 15, 1996, between 4:00 and 5:00 o'clock in the morning in the Municipality of Bucay, Province of Abra, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with intent to kill and without legal justification, while armed with a hard object, did then and there, wilfully, unlawfully and feloniously assault, attack and maul his legitimate wife VIRGINIA BAÑO, thereby inflicting a depressed skull fracture on the left frontal area lateral to the midline of her head, which caused her instantaneous death.[6]

Jaime pleaded “not guilty” to the charge upon his arraignment.[7] At the trial, the prosecution presented evidence to establish his guilt, thus:

At around 9:00 p.m. of 14 December 1996, Kagawad Raymund Marquez of Barangay Siblong, Bucay, Abra, saw Jaime Baño at the funeral wake of one Antonina Babida. Jaime was very unruly while drinking liquor. He even challenged Raymund to a fight, but the latter kept his cool and refused to be provoked. A policeman even requested the people around to give money to Jaime to induce him to go home. As nobody did, the policeman gave Jaime P20. Jaime went home with his mother at around 12:00 a.m. of 15 December 1996. A few minutes later, however, Jaime returned to the wake, looking for his wife. He angrily mentioned the name of his wife, Virginia Baño, three times, and said: “Vulva of her mother. Where is that woman? I am very angry with her and if I will see her I will kill her.” After that, Jaime walked towards the direction of his house.[8]

At about the same time that Raymund was observing an unruly and drunk Jaime, Alicia Respicio was informing Soledad Piid that Virginia had a quarrel with Jaime that night. At Alicia’s house, Soledad saw Virginia crying with a reddish face, which she interpreted as the result of Jaime’s maltreatment. As Virginia was their relative, Soledad and Alicia advised her to stay with Alicia for the night. Soledad then returned to her house. By 11:00 p.m., however, Alicia again reported to her that Virginia disregarded their advice and, instead, went home.

However, another quarrel between Jaime and Virginia ensued, with the former threatening the latter to kill her. Virginia sought again the refuge of Alicia's house. Soledad and Alicia pleaded with Virginia to sleep in Alicia's house. Virginia agreed.[9]

At about 2:00 a.m. of 15 December 1996, Alicia once more reported to Soledad that Virginia was not in her bed and left the door open. Very much worried, Soledad and her husband, Valentin, searched for Virginia. At around 3:00 a.m., while they were standing about seven meters away from the Baños' house, they witnessed Jaime repeatedly box Virginia. They saw the mauling incident through the window at the southwestern portion of the house. They even overheard Virginia remark: "Ouch, why don't you get tired of beating me, would it not be better if you just kill me." Upon observing, however, that the quarrel was apparently subsiding, Soledad and Valentin left.[10]

Two and a half hours later, Valentin related to Soledad that while plying his tricycle, he heard from the vegetable vendors that Virginia was found dead along the river bank at Barangay Pagala. When Soledad went to see the body of Virginia, she saw Jaime walking to and fro beside the cadaver, but not crying. She requested Jaime to change the clothes of his dead wife, but he did not do or say anything. It was Soledad's companions who changed Virginia's clothing.[11]

Dr. Rolex Gonzales, Medical Officer III of the Abra Provincial Hospital, conducted an autopsy on Virginia's cadaver. While he heard stories about the victim's drowning, his examination revealed otherwise. He observed that the victim's lungs and stomach were devoid of water, fluid, or any debris or foreign material, thus negating the theory that she drowned. He noticed lacerations, abrasions, and hematoma on different parts of the victim's body. He opined that they were probably inflicted with the use of a hard object on the early morning of 15 December 1996. The wound that caused a depressed portion on the skull caused the intracerebral hemorrhage, which resulted in the victim's death.[12]

Melecio Bolesa and Cristeta Bolesa Maaño, Virginia's brother and sister, respectively, testified having spent P30,710 relative to the death and burial of their sister. Jaime did not share a single centavo in the expenses.[13] Melecio recalled that Virginia would often go to Bilabila and complain that Jaime would maltreat her whenever he was drunk and even make her dance naked.[14]

After the prosecution rested its case, the defense filed a Demurrer to Evidence[15] with prior leave of court on the ground that the prosecution failed to present any eyewitness to the commission of the crime or circumstantial evidence sufficient to support a conviction beyond reasonable doubt. In an Order of 14 May 1998,[16] the trial court denied the demurrer to evidence. The trial then continued, with the defense, through Jaime Baño and his mother, Linda Baño, proffering a different version of the events.

Jaime admitted to having engaged in a drinking spree at the wake of Antonina Babida from 9:00 p.m. to 12:00 midnight of 14 December 1996. There, he met his mother, who was selling balut. Since he was so drunk that he could no longer carry his body, he just sat and slept beside her mother at the gate where the wake was being held. At 4:30 a.m. of the following day, his mother woke him up, and they proceeded home.[17]

Jaime's house was, however, locked. He peeped through the window and called his wife. No answer came. Jaime, therefore, opted to go to his mother's house, which was about a hundred meters away. There, he slept only to be later awakened by his mother with the news that his wife drowned. He proceeded to the place where the body of his wife was found but met a police car along the way. He went inside the police car, found and embraced the lifeless body of his wife, and cried. He did not see any laceration, abrasion, or contusion on her body at the time. Jaime claimed that he could not have mauled, much less killed, his wife in their house on the early morning of 15 December 1996 because at the time he was still asleep beside his mother at the wake. He did not attend his wife's

wake and funeral at Bilabila, for his wife's family suspected that he was responsible for his wife's death and threatened him not to go there. [18]

In its decision of 3 August 2000,[19] the Regional Trial Court of Abra, Branch 58, convicted Jaime Baño of parricide for killing his legitimate wife, Virginia Bolesa Baño, anchored on circumstantial evidence, thus:

It is clear from the facts established that on the night of December 14, 1996 the accused JAIME BAÑO was heavily drunk; that he maltreated his wife, and acted violently against her, prompting his wife Virginia to seek refuge in the house of Alicia Respicio; that after midnight of December 14, 1996, Jaime Baño was angrily looking for his wife Virginia, that he threatened to kill his wife when he finds her, even in public which caught the attention of Raymond Marquez, Barangay Kagawad; that he was unruly, provoking and making trouble; that he denied his wife suffered physical violence as shown in the physical injuries of the cadaver, like lacerations, abrasions and hematoma on her face, a fractured skull; that he tried to poison and kill himself and commit suicide by drinking insecticide, and that he never attended the burial of his wife at Bilabila, Sallapadan, Abra, for her final wake. This chain of events taken together points to no other than the accused JAIME BAÑO as the one who killed his wife Virginia Baño sometime after midnight of December 14, 1996.[20]

Accordingly, the trial court sentenced Jaime to suffer the penalty of reclusion perpetua and to indemnify the family of Virginia Baño in the amounts of P100,000 as "civil indemnity for moral damages"; P40,000 for actual expenses; and the costs of the proceedings. Hence, this petition ascribing to the trial court grave error in finding him guilty beyond reasonable doubt of the crime of parricide on the basis of circumstantial evidence.

In support of his lone assigned error, Jaime avers that the prosecution failed to prove the requisites for circumstantial evidence to be sufficient basis for conviction. He claims that the inferences were drawn not from facts established by direct evidence, but from other inferences. Only the circumstance that he regularly drinks liquor was proved, and the rest are mere presumptions. The fact that Virginia's death was caused by intracerebral hemorrhage does not in any way evince that he inflicted the fatal wound. Neither his failure to attend the wake and burial of his wife at Bilabila nor his attempted suicide could be considered as indicia of his guilt. Instead, the first circumstance should be accepted as a normal reaction to a threat directed at his person by his wife's family, while the second should be deemed as the normal deportment of a grieving husband who loved his wife dearly. Additionally, the fact that Virginia returned to their house from Alicia's house on the eve of her death proves that he did not maltreat her. His wife would not have sought the refuge of their conjugal home if, indeed, her life was threatened there. And even granting that he beat up his wife, such would not lead to a logical conclusion that he killed her.

For its part, the Office of the Solicitor General (OSG) agrees with the trial court that the guilt of Jaime Baño was established through circumstantial evidence. The circumstances that lead to Virginia's death constitute an unbroken chain of events pointing to Jaime as the author of her death. It recommends, however, the reduction of the award for actual damages from P40,000 to P30,710, in line with settled jurisprudence that only expenses supported by receipts and which appear to have been actually incurred shall be allowed as actual damages.

We affirm the conviction of appellant Jaime Baño for the crime of parricide. While there was no eyewitness to the killing of Virginia, the following pieces of circumstantial evidence have indubitably established that he was responsible for her brutal demise.

- Virginia would often go to her hometown to complain to her family about the beatings she had been receiving from Jaime whenever he was inebriated. Even Kagawad Raymund Marquez, a barangay official and a long-time resident of Bucay, confirmed the regularity of the beatings whenever Jaime was drunk.

- On the night of 14 December 1996, Virginia sought refuge in the house of her relative and tearfully related her quarrel with Jaime that night. Afterwards, she came back and reported that her husband threatened to kill her.
- On that same night, Jaime was unruly and violent while drinking liquor at the funeral wake of one Antonina Babida.
- Jaime and his mother left the wake at 12:00 midnight. A few minutes later, he returned to the wake alone and very angry. He was looking for his wife and badmouthing her: “Vulva of her mother. Where is that woman? I am very angry with her and if I will see her I will kill her.” Not finding his wife, he left the wake and headed home, which the appellant estimated to be 200 meters away.
- By 3:00 a.m. of the following day, Soledad and Valentin saw, through the window of the Baños’ house, that Jaime was mauling Virginia. They also overheard Virginia utter: “Ouch, why don’t you get tired of beating me, would it not be better if you just kill me.”
- Barely two hours after Soledad and Valentin left this brutal scenario, or at about 5:30 a.m., Virginia was found dead along Abra River.
- The autopsy findings indicate that the lacerations, abrasions, and hematoma on Virginia’s dead body were about two to three hours old, consistent with the physical abuse she received from Jaime’s cruel hands at around 3:00 a.m.

Also notable is Jaime’s disturbing behavior after the death of his wife. He was not seen grieving. He neither attended the wake and funeral rites at Bilabila nor shared in the expenses relative thereto. He attempted to end his life by drinking a form of insecticide. His deportment could not possibly be that of a sincerely bereaving husband. Restricted within the confines of the case, there is merit in the trial court’s observation that Jaime’s attempt at suicide by poisoning himself with insecticide was a form of “escapism” equivalent to flight, which is an indication of guilt.

Contrary, therefore, to Jaime’s assertions, the following requisites for circumstantial evidence to sustain a conviction are present in the case at bar: (a) there is more than one circumstance; (b) the facts from which the inferences are derived are proved; and (c) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.[21]

A review of Jaime’s arguments in support of his lone assigned error discloses that they have no factual bases. His contention that the cause of Virginia’s death, intracerebral hemorrhage, does not necessarily mean that he inflicted the wound that produced such hemorrhage might appear at first glance to be plausible. But it loses persuasive value in face of the overall evidentiary strength of the circumstances proven and the logical consistency of one circumstance to the other, as well as the inferences deduced from them.

Verily, a judgment of conviction based on circumstantial evidence can be upheld when the circumstances established would lead to a fair and reasonable conclusion pointing to the accused, to the exclusion of all others, as being the author of the crime.[22] Stated in another way, the chain of events, perhaps insignificant when taken separately and independently, nevertheless, produces the effect of conviction beyond reasonable doubt when considered cumulatively. Indeed, it is the quality of the circumstances, rather than the quantity, that draws the line on whether the circumstances presented consist of an unbroken chain that fulfills the standard of moral certainty to sustain a conviction.[23]

We also uphold the trial court’s rejection of the defenses of alibi and denial. For alibi to prosper, an accused must show that he was at some other place for such a period of time that it was impossible for him to have been at the

crime scene at the time of the commission of the crime.[24] Virginia died between 3:00 a.m. and 5:30 a.m. of 15 December 1996. Jaime's claim that he was asleep beside his mother from 2:00 a.m. to 4:30 a.m. of that tragic day at the gate where the wake was held was belied by Kagawad Raymund Marquez. The latter testified that a few minutes after 12:00 a.m., after looking for his wife and threatening to kill her, Jaime left the wake and treaded back to his house, which was only about 200 meters away. Jaime's alibi was also negated by Soledad's testimony that she saw him brutally hitting his wife at around 3:00 a.m. of that fateful day.

Truly, the incriminating testimonies of prosecution witnesses Soledad Piid and Kagawad Raymund Marquez remain firm and unchallenged. There being no evidence of undue bias or ill motive that would have impelled them to falsely testify against Jaime and implicate him in so despicable a deed as parricide, we conclude that none existed and that their testimonies are worthy of full faith and credit.[25] Jaime's unsubstantiated defenses of denial and alibi, being negative and self-serving, deserve no weight in law and cannot, therefore, be given evidentiary value over the testimonies of credible witnesses who testify on affirmative matters.[26]

A fortiori, Jaime should be held guilty of parricide, which is defined under Article 246 of the Revised Penal Code as follows:

Art. 246. Parricide. – Any person who shall kill his father, mother, or child, whether legitimate or illegitimate, or any of his ascendants, or descendants, or his spouse, shall be guilty of parricide and shall be punished by the penalty of reclusion perpetua to death.

The elements of parricide are (1) a person is killed; (2) the deceased is killed by the accused; and (3) the deceased is the father, mother, or child, whether legitimate or illegitimate, or a legitimate ascendant, descendant, or spouse of the accused.[27]

Linda Baño, Jaime's legitimate spouse,[28] was shown by circumstantial evidence to have been killed by appellant Jaime Baño himself. There being neither aggravating nor mitigating circumstances, he should be meted the penalty of reclusion perpetua, which is the lower of the prescribed penalty of reclusion perpetua to death.

Now, on Jaime's civil liability. The victim's heirs should be awarded civil indemnity of P50,000, which is mandatory upon proof of the fact of death of the victim and the culpability of the accused for the death. Likewise, moral damages in the sum of P50,000 should be awarded even in the absence of allegation and proof of the emotional suffering by the victim's relatives conformably with *People v. Carillo*,[29] *People v. Panela*,[30] and *People v. Panado*. [31]

We, however, delete the award of actual damages, it appearing that it is supported by a mere list of expenses and not by official receipts.[32] A list of expenses cannot replace receipts when the latter should have been issued as a matter of course in business transactions. Neither can the mere testimonies of the victim's siblings, Melecio Bolesa and Cristeta Bolesa Maaño, on the amount they spent suffice. It is necessary for a party seeking an award for actual damages to produce competent proof or the best evidence obtainable to justify such award.[33]

Nonetheless, in the absence of substantiated and proven expenses relative to the wake and burial of the victim, temperate damages in the amount of P25,000 shall be awarded to the heirs of the victims, since they clearly incurred funeral expenses.[34]

WHEREFORE, the assailed decision of 3 August 2000 of the Regional Trial Court of Abra, Branch 58, in Criminal Case No. N-0133 convicting appellant JAIME BAÑO of parricide under Article 246 of the Revised Penal Code and sentencing him to suffer the penalty of reclusion perpetua is hereby AFFIRMED with the modification that he is ordered to pay the heirs of Virginia Bolesa Baño the sums of P50,000 as civil indemnity; P50,000 as moral damages; and P25,000 as temperate damages.

SO ORDERED.

Panganiban, Ynares-Santiago, Carpio, and Azcuna, JJ., concur.

[1] Exhibit “H,” Original Record (OR), 17.

[2] TSN, 9 October 1997, 5.

[3] TSN, 8 August 1997, 5.

[4] TSN, 10 July 1997, 6-7.

[5] TSN, 25 March 1999, 3.

[6] OR, 1.

[7] Id., 29.

[8] TSN, 9 October 1997, 8-11.

[9] TSN, 4 September 1997, 5-8.

[10] Id., 8-10.

[11] Id., 10-12.

[12] TSN, 8 August 1997, 4-11.

[13] TSN, 10 July 1997, 7; TSN, 24 October 1997, 4-5; Exh. “K,” OR, 68.

[14] TSN, 10 July 1997, 8.

[15] OR, 77-80.

[16] Id., 85.

[17] TSN, 21 January 1999, 6-10; TSN, 30 July 1998, 8. TSN, 4 February 1999, 6.

[18] TSN, 21 January 1999, 11-16, 22-24; TSN, 4 February 1999, 7-11, 15-18.

[19] OR, 96-122; Rollo, 21-49. Per Presiding Judge Alberto V. Benesa.

[20] OR, 120.

[21] Sec. 4, Rule 133, Rules on Evidence; *People v. Estrellanes Jr.*, G.R. No. 111003, 15 December 1994, 239 SCRA 235; *People v. Operaña*, G.R. No. 120546, 13 October 2000, 343 SCRA 43.

[22] *People v. Genobia*, G.R. No. 110058, 3 August 1994, 234 SCRA 699; *People v. Velasco*, G.R. No. 128089, 13 February 2001, 351 SCRA 539.

[23] *People v. Operaña*, *supra* note 21.

[24] *People v. Bolivar*, G.R. No. 130597, 21 February 2001, 352 SCRA 438; *People v. Alarcon*, G.R. Nos. 133191-93, 11 July 2000, 335 SCRA 457.

[25] *People v. Excija*, 327 Phil. 1072 (1996); *People v. Abrecinoz*, 346 Phil. 37 (1997); *People v. Estares*, 347

Phil. 202 (1997); People v. Castillo, G.R. No. 139339, 19 January 2001, 349 SCRA 732.

[26] People v. Gallarde, 382 Phil. 718 (2000).

[27] 2 LUIS B. REYES, THE REVISED PENAL CODE 461 (14th ed. 1998).

[28] Exh. "H," OR, 17.

[29] G.R. No. 129528, 8 June 2000, 333 SCRA 338.

[30] G.R. No. 124475, 29 November 2000, 346 SCRA 308.

[31] 388 Phil. 1010 (2000).

[32] Exh. "K," OR, 68.

[33] People v. Caraig, G.R. Nos. 116224-27, 28 March 2003.

[34] People v. Bajar, G.R. No. 143817, 27 October 2003.

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