PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ISAIAS CASTILLO Y COMPLETO, APPELLANT.

G.R. NO. 172695. June 29, 2007

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

In an Information[1] dated January 19, 1994, appellant Isaias Castillo y Completo was charged with the crime of parricide, committed as follows:

> That on or about November 5, 1993, in the Municipality of Cabuyao, Province of Laguna and within the jurisdiction of this Honorable Court, accused Isaias Castillo y Completo, while conveniently armed with illegally possessed sling and deadly arrow, with intent to kill his wife Consorcia Antiporta with whom he was united in lawful wedlock did then and there wilfully, unlawfully and feloniously shot and hit his wife Consorcia Antiporta with the aforesaid deadly arrow, hitting the latter on the right side of her neck causing the laceration of the jugular vein which caused her instantaneous death.
>
> CONTRARY TO LAW.[2]

The case was docketed as Criminal Case No. 8590-B and raffled to Branch 24 of the Regional Trial Court of Biñan, Laguna.

Appellant entered a plea of not guilty when arraigned on April 15, 1994. Trial thereafter ensued.

The facts as found by the trial court are as follows:

> There is no dispute that the victim, Consorcia Antiporta Castillo, died violently in the evening of November 5, 1993. The cause of her death was massive hemorrhage due to "laceration of the jugular vein of her neck". According to Dr. Solita P. Plastina, Municipal Health Officer of Calamba, Laguna, who conducted the autopsy on the victim's body, the fatal weapon could have been a "pointed instrument like a nail". There is no dispute likewise that the accused shot with a dart from a rubber sling, his wife hitting her at the neck and causing her instantaneous death. The letters written by the accused from his detention cell addressed to his mother-in-law, to his father-in-law, and lastly, the victim's sister, speak so eloquently of someone who accepts the fault for the early demise of the victim. Asking forgiveness from the close relatives of the victim is a clear admission of authorship of the fatal act.
>
> In the same letters, the accused raised as an issue his lack of intent to do the fatal harm to his wife. This is the same issue to be resolved by this Court. Whether or not the fatal injury sustained by the victim was accidental.
>
> x x x x
>
> Guillermo Antiporta, father of the victim, narrated in Court that in the evening of November 5, 1993, between 9:00 o'clock to 10:00 o'clock, the accused came home drunk and was in an angry mood. The accused kicked the door and table, and then threw the electric fan away. He was prevailed upon by Guillermo to take a rest. But the accused did not heed the advice of Guillermo as he took instead his sling and arrow from the house ceiling where he was keeping them. Dejectedly, Guillermo transferred to the adjacent house of her x x x

> daughter [in-law] Yolanda. From there, Guillermo heard the victim crying and, afterwards, shouting at the accused. Guillermo concernedly ordered Yolanda to see what was happening inside the house of Consorcia, and Yolanda obeyed. On her way, Yolanda met the accused carrying the bloodied body of Consorcia. Guillermo, the accused, and Yolanda brought Consorcia to the hospital but to no avail.
>
> From all the circumstances gathered, the infliction of the fatal injury upon Consorcia was preceded by a quarrel between her and the accused. This spat negated the accused's version that he was practicing the use of the weapon when Consorcia was hit by the arrow, and lends credence to the prosecution's contention that the shooting was intentional.
>
> x x x To sustain the accused's assertion that he was practicing the use of said weapon at the time of the incident is patently absurd. The defense even failed to rebut Guillermo Antiporta's testimony that the accused was keeping said sling and arrow inside his house.
>
> It might be true that the accused was one of those who rushed the victim to the hospital and while on the way, he sounded remorseful. But Guillermo Antiporta further testified that while the victim was being attended to by the medical personnel of said hospital, the accused stayed outside the hospital premises, then he disappeared. He was later on apprehended by police authorities while hiding inside the comfort room of a premises in an adjoining barangay. The accused's omission to surrender himself to the authorities is a clear indication of guilt.[3]

After several hearings, the trial court rendered on October 5, 1998, a decision,[4] the dispositive portion of which reads:

> WHEREFORE, this Court hereby finds accused ISAIAS CASTILLO Y COMPLETO GUILTY beyond reasonable doubt of the crime of PARRICIDE and hereby sentences him to a penalty of RECLUSION PERPETUA and to indemnify the heirs of the victim in the sum of P50,000.00, as moral damages.
>
> SO ORDERED.[5]

Appellant filed an appeal with the Court of Appeals, alleging that the prosecution failed to sufficiently establish his guilt beyond reasonable doubt. However, in a Decision[6] dated February 28, 2005, the Court of Appeals denied appellant's appeal and affirmed with modification the decision of the trial court, to wit:

> WHEREFORE, premises considered, the decision dated October 5, 1998 of the Regional Trial Court, Branch 24 of Biñan, Laguna is hereby AFFIRMED with the modification that accused-appellant Isaias Castillo y Completo is further ordered to indemnify the heirs of the victim the amount of P50,000.00 as civil indemnity.
>
> SO ORDERED.[7]

Appellant filed a motion for reconsideration but it was denied in a Resolution dated June 16, 2005.

Hence, this appeal.

Appellant alleged that the pieces of circumstantial evidence on which his conviction was based did not sufficiently establish his guilt beyond reasonable doubt; that the prosecution failed to prove his motive in killing his wife; or that they had a quarrel immediately prior to the incident.

Appellant likewise claimed that it was not established that he was the one who shot his wife with a deadly arrow considering that at the time of the incident, he and his drinking buddies were all engaged in target shooting using the sling and arrow. Hence, he surmised that any one of them could have shot the victim. At any rate, even assuming that he was the one who killed his wife, the same was accidental and not intentional.

Furthermore, he claimed that his presence at the crime scene did not establish his guilt beyond reasonable doubt.

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His arrest while hiding inside a toilet in the adjoining barangay, while his wife was being treated in the hospital, likewise does not prove his complicity since the prosecution did not prove that he deliberately hid inside the toilet.

Finally, the letters he sent to his father-in-law, mother-in-law and sister-in-law where he asked for forgiveness should not be considered as admission of guilt.

The petition lacks merit.

Direct evidence of the commission of the offense is not the only matrix wherefrom a trial court may draw its conclusions and finding of guilt. Conviction can be had on the basis of circumstantial evidence provided that: (1) there is more than one circumstance; (2) the facts from which the inferences are derived are proven; and (3) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt. While no general rule can be laid down as to the quantity of circumstantial evidence which will suffice in a given case, all the circumstances proved must be consistent with each other, consistent with the hypothesis that the accused is guilty, and at the same time inconsistent with the hypothesis that he is innocent, and with every other rational hypothesis except that of guilt. The circumstances proved should constitute an unbroken chain which leads to only one fair and reasonable conclusion that the accused, to the exclusion of all others, is the guilty person.[8] Proof beyond reasonable doubt does not mean the degree of proof excluding the possibility of error and producing absolute certainty. Only moral certainty or "that degree of proof which produces conviction in an unprejudiced mind" is required.[9]

In the instant case, all the essential requisites for circumstantial evidence to sustain a conviction, are present. As correctly found by the Court of Appeals, the following pieces of circumstantial evidence indubitably established that appellant was the perpetrator of the crime, to wit:

> - Consortia would often confide to her sister Leticia about the violent behavior of her (Consortia) husband, herein accused-appellant. And even if Consortia would not tell Leticia about the beatings, the latter would see her face with black eyes as evident proofs of maltreatment.
>
> - On the night of the incident, accused-appellant arrived at their house drunk and displaying violent behavior, kicking the door and table.
>
> - Accused-appellant was last seen holding and practicing his sling and arrow.
>
> - Immediately afterwards, Consortia was heard crying and shouting.
>
> - Accused-appellant was thereafter seen carrying Consortia, bloodied and unconscious, to be brought to the hospital where she later died.
>
> - The autopsy findings indicate that Consortia sustained a punctured wound in the neck which fatally lacerated her jugular vein. The cause of the wound was a pointed object.
>
> - While detained, accused-appellant wrote letters to the parents and sister of Consortia asking for forgiveness.
>
> Also notable is accused-appellant's behavior immediately after the incident. He disappeared and did not enter the clinic where Consortia was rushed for treatment. And when Consortia's sister later sought police assistance in searching for accused-appellant, the latter was found by the police hiding inside a toilet at a nearby barangay.[10]

There is no merit in appellant's contention that the prosecution failed to prove motive in killing his wife. Intent to kill and not motive is the essential element of the offense on which his conviction rests.[11] Evidence to prove intent to kill in crimes against persons may consist, inter alia, in the means used by the malefactors, the nature, location and number of wounds sustained by the victim, the conduct of the malefactors before, at the time, or

immediately after the killing of the victim, the circumstances under which the crime was committed and the motives of the accused. If the victim dies as a result of a deliberate act of the malefactors, intent to kill is presumed.[12]

In the instant case, the following circumstances satisfactorily established appellant's intent to kill his wife:

First: The killing was immediately preceded by a quarrel between the appellant and his wife. Leticia, the victim's sister, testified that the deceased suffered from the violent behavior of the appellant who would often lay hand on the victim during their marital squabbles.

Guillermo, appellant's father-in-law, testified that on the night of the incident, appellant arrived in their conjugal abode drunk and in a foul mood. He kicked the door and table and threw away the electric fan. Guillermo tried to prevail upon appellant but to no avail. Instead, appellant got his sling and arrow which he kept near the ceiling.

Guillermo left appellant's house and went to the house of his daughter-in-law, Yolanda, located about four meters away; but he could still hear the victim and appellant arguing and shouting at each other. After a while, Guillermo requested Yolanda to look on her sister-in-law. On her way, Yolanda met the appellant carrying Consorcia soaked in blood.

Second: It has always been said that criminal cases are primarily about human nature.[13] In the instant case, appellant disappeared after his wounded wife was rushed to the hospital. This is indeed contrary to human nature. A husband is expected to lend comfort to his dying wife up to her last breath. In this case, however, appellant took flight. It is well-established that the flight of an accused is competent evidence to indicate his guilt, and flight, when unexplained, as in this case, is a circumstance from which an inference of guilt may be drawn.[14]

Appellant alleged that his arrest by police authorities inside a toilet at the adjoining barangay is not an indication of guilt because the prosecution failed to prove that he deliberately hid in order to evade being arrested.[15]

The contention lacks merit.

As above-discussed, it is contrary to human nature for a husband to leave his dying wife, more so if his absence is unexplained. Appellant did not offer any explanation for his flight. In appellant's brief, he claimed that in "all probability, it might have happened that he (appellant) was merely answering the call of nature at the precise time when he was arrested."[16] However, we find it is highly illogical for appellant to go as far as the adjoining barangay to answer the call of nature especially since he could do so inside the premises of the hospital. Moreover, the allegation that he was fearful of reprisal coming from the victim's relatives[17] is contrary to his claim of innocence.

Third: The location of the wound and its extent likewise proved appellant's intent to kill the victim. The autopsy report revealed that the victim sustained a punctured wound in the neck, a vital organ, which fatally lacerated her jugular vein causing massive hemorrhage. The extent of the physical injury inflicted on the deceased manifests appellant's intention to extinguish life.[18]

Fourth: As regards appellant's act of carrying the body of his wounded wife and bringing her to the hospital, the same does not manifest innocence. It is merely an indication of an act of repentance or contrition on the part of appellant.[19]

In fine, all these circumstances prove appellant's intent to harm his wife.

There is likewise no merit in appellant's contention that he was not the one who shot the deadly arrow because at the time of the incident, he and his drinking buddies were all playing and practicing target shooting with the use of the sling and arrow.

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Prosecution witness Guillermo Antiporta categorically testified that appellant was alone with his wife inside their house when the incident happened. This completely discounts the possibility that other than appellant, there could be another person or persons who could have perpetrated the crime. There is no paucity of evidence because the time when Guillermo left the appellant and the victim up to the time Yolanda saw him carrying his wife, were all accounted for. Moreover, the testimony of defense witness Galang supports the prosecution's contention that appellant was alone with his wife at the time of the incident. As noted by the Court of Appeals:

> Defense witness, Jose Nelson Galang, testified that he left his drinking buddies and headed home at about 9:00 p.m., as in fact he was already in bed at about 10:00 p.m. when he saw that Consortia was being rushed to the hospital. Instead of weakening the evidence for the prosecution, Galang's testimony even supports the prosecution's version that between 9:00 p.m. and 10:00 p.m. of that fateful night, accused-appellant arrived at their house drunk, presumably going home from that drinking session with his friends. x x x[20]

There is likewise no merit in appellant's contention that assuming he was the one who killed his wife, the same was accidental and not intentional. The exempting circumstance of accident is not applicable in the instant case. Article 12, par. 4 of the Revised Penal Code, provides:

> ART. 12. Circumstances which exempt from criminal liability. – The following are exempt from criminal liability:
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> x x x x
>
> - Any person who, while performing a lawful act with due care, causes an injury by mere accident without fault or intention of causing it.

"Accident" is an affirmative defense which the accused is burdened to prove, with clear and convincing evidence.[21] The defense miserably failed to discharge its burden of proof. The essential requisites for this exempting circumstance, are:

> - A person is performing a lawful act;
>
> - With due care;
>
> - He causes an injury to another by mere accident;
>
> - Without fault or intention of causing it.[22]

By no stretch of imagination could playing with or using a deadly sling and arrow be considered as performing a "lawful act." Thus, on this ground alone, appellant's defense of accident must be struck down because he was performing an unlawful act during the incident. As correctly found by the trial court:

> Furthermore, mere possession of sling and arrow is punishable under the law. In penalizing the act, the legislator took into consideration that the deadly weapon was used for no legal purpose, but to inflict injury, mostly fatal, upon other persons. Let it be stressed that this crude weapon can not attain the standards as an instrument for archery competitions. To sustain the accused's assertion that he was practicing the use of said weapon at the time of the incident is patently absurd. The defense even failed to rebut Guillermo Antiporta's testimony that the accused was keeping said sling and arrow inside his house.[23]

Furthermore, by claiming that the killing was by accident, appellant has the burden of proof of establishing the presence of any circumstance which may relieve him of responsibility, and to prove justification he must rely on the strength of his own evidence and not on the weakness of the prosecution, for even if this be weak, it can not be disbelieved after the accused has admitted the killing.[24] Other than his claim that the killing was accidental, appellant failed to adduce any evidence to prove the same.

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Likewise, we cannot lend credence to appellant's contention that the letters he wrote to his parents-in-law and sister-in-law, where he asked for forgiveness, should not be considered as an implied admission of guilt. He claimed that he wrote the letters in order to explain that what happened was an accident and that he was to be blamed for it because he allowed his drinking buddies to play with the sling and arrow.

Settled is the rule that in criminal cases, except those involving quasi-offenses or those allowed by law to be settled through mutual concessions, an offer of compromise by the accused may be received in evidence as an implied admission of guilt. Evidently, no one would ask for forgiveness unless he had committed some wrong and a plea for forgiveness may be considered as analogous to an attempt to compromise.[25] Under the present circumstances, appellant's plea for forgiveness should be received as an implied admission of guilt. Besides, contrary to appellant's assertion, the killing of Consorcia was deliberate, and not by accident.

Finally, we find no cogent reason to review much less depart now from the findings of the lower court as affirmed by the Court of Appeals. When the trial court's factual findings have been affirmed by the appellate court, said findings are generally conclusive and binding upon this Court, for it is not our function to analyze and weigh the parties' evidence all over again except when there is serious ground to believe a possible miscarriage of justice would thereby result. Our task in an appeal via certiorari is limited, as a jurisdictional matter, to reviewing errors of law that might have been committed by the Court of Appeals.[26]

Parricide under Article 246 of the Revised Penal Code is punishable by reclusion perpetua to death. The trial court and the Court of Appeals correctly imposed the penalty of reclusion perpetua. Likewise, civil indemnity in the amount of P50,000.00 and moral damages in the amount of P50,000.00 were properly awarded by the courts below.

WHEREFORE, the petition is DENIED. The Decision of the Court of Appeals dated February 28, 2005 which affirmed with modification the judgment of the Regional Trial Court of Biñan, Laguna, Branch 24, finding appellant Isaias Castillo y Completo guilty of parricide and sentencing him to suffer the penalty of reclusion perpetua and ordering him to pay the heirs of his victim P50,000.00 as moral damages and P50,000.00 as civil indemnity, is AFFIRMED.

With costs.

SO ORDERED.

Austria-Martinez, and Chico-Nazario, JJ., concur.
Nachura, J., No part. Followed law office counsel de officio.

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[1] CA rollo, p. 9.

[2] Id.

[3] Id. at 20-25. Citations omitted.

[4] Penned by Judge Pablo B. Francisco.

[5] CA rollo, p. 25.

[6] Id. at 141-149. Penned by Associate Justice Rosalinda Asuncion-Vicente and concurred in by Associate Justices Godardo A. Jacinto and Bienvenido L. Reyes.

[7] Id. at 148-149.

[8] Dissenting Opinion of Associate Justice Consuelo Ynares-Santiago, People v. Galvez, G.R. No. 157221, March 30, 2007.

[9] People v. Operaña, Jr., G.R. No. 120546, October 13, 2000, 343 SCRA 43, 45-46.

[10] CA rollo, pp. 144-145.

[11] Dissenting Opinion, supra note 8.

[12] Rivera v. People, G.R. No. 166326, January 25, 2006 480 SCRA 188, 197.

[13] People v. Operaña, Jr., supra note 9 at 64.

[14] People v. Sabalones, G.R. No. 123485, August 31, 1998, 294 SCRA 751, 798.

[15] CA rollo, p. 90.

[16] Id.

[17] Id.

[18] People v. Nepomuceno, Jr., G.R. No. 127818, November 11, 1998, 298 SCRA 450, 461.

[19] Id. at 462.

[20] CA rollo, p. 147.

[21] Toledo v. People, G.R. No. 158057, September 24, 2004, 439 SCRA 94, 104.

[22] Id. at 105.

[23] CA rollo, p. 24.

[24] People v. Nepomuceno, Jr., supra note 18 at 464.

[25] People v. Abadies, G.R. Nos. 139346-50, July 11, 2002, 384 SCRA 442, 449.

[26] Danofrata v. People, G.R. No. 143010, September 30, 2003, 412 SCRA 357, 364.

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