

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. PACIANO CRUZ, DEFENDANT AND APPELLANT.

G.R. No. 47795. August 24, 1942

Ponente: MORAN, J.

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MORAN, J.:

Appellant Paciano Cruz and the deceased Remedios Eustaquio lived in San Juan del Monte, Rizal, as husband and wife from October 17, 1928, when they were married until her disappearance on May 2, 1937, their marital peace having been disturbed every now and then by occasional jealousies of appellant against one Emong whom he suspected of sustaining illicit relations with his wife. Remedios was last seen in life in the "afternoon of the latter date when she went to her husband's poultry farm in barrio Once, San Juan del Monte, to bring him his merienda. Appellant having disclaimed knowledge of her whereabouts at the inquiry of her father the day following her disappearance, Antonino Eustaquio (Remedios' father) reported the matter to the chief of police of San Juan who informed him that, according to appellant, she ran away with another man. On August 11, 1939, acting on the information of his brother-in-law, Angel Angeles, that the apparition of a woman used to be seen in barrio Once and that the well near appellant's house in said barrio was filled with earth and covered on top with the framework of a roof, Antonino Eustaquio, in the presence of the mayor of San Juan, the chief of police, a representative of the provincial fiscal's office, a sergeant and other government officers, caused the well to be dug up. The excavation brought to light a human skeleton with a locket bearing the initial "M," slipper soles, and an iron bolt. The skeleton was found upside down and two gold crowns and four ivory teeth were found in the skull. The analysis of the skeleton by a medico-legal officer of the Division of Investigation disclosed that the mortal remains pertained to a female individual between 25 and 30 years of age, about 153 centimeters in height; that the body must have been interred two years prior to its exhumation; that the skull, the fourth, fifth and sixth ribs, and the left scapula exhibited signs of violence; and that from what might necessarily be inferred from the fractures of the skull, the immediate cause of death was concussion or intra-cranial hemorrhage which might have been produced by a violent blow with a blunt, solid instrument. On August 12, 1939, appellant was charged in the justice of the peace court of San Juan with the crime of parricide. After the information was filed, appellant made a written confession before constabulary agents Luis Alfonso and Cornelio Dungao and sworn to before Lieutenant Villafria in which he narrated in detail the circumstances which impelled him to kill his wife and how she was killed and interred in the well. He also identified all the articles found with the skeleton as those pertaining to his wife. In the afternoon of August 13, 1939, he reconstructed on the spot the manner he committed the crime and shortly thereafter he subscribed to another statement wherein he made certain explanations regarding his first confession. Convicted, after due trial, of the crime charged and sentenced to reclusion perpetua and the accessory penalties of the law and to indemnify the heirs of the deceased in the sum of P1,000, he interposed the present appeal.

Appellant's counsel de oficio seeks the reversal of the judgment of conviction on two grounds: (1) that it is not certain from the evidence that the unearthed skeleton is that of Remedios Eustaquio; and (2) that even if it were, the proof of the case leaves room for reasonable doubt that the appellant caused her death.

The extrinsic evidence of the case hardly, if at all, leaves room for doubt on the identity of the unearthed skeleton as that of Remedios Eustaquio. Dr. Manuel Francisco identified the two gold crowns and four ivory teeth in the skull as tallying exactly with the dental work he had performed on her. This is corroborated by appellant's admission in open court of the existence of said two gold crowns and four ivory teeth in the mouth of his wife, and by the testimony of her father to the same effect. The locket bearing the initial "M" meaning "Miding" (Remedios' nickname in life) and the soles of a pair of slippers found with the skeleton were also identified as belonging to Remedios. The analysis of the mortal remains by the medico-legal officer of the Division of Investigation disclosed that they pertained to a female individual between 25 and 30 years of age and of about 153 centimeters in height, and Remedios was of this age and height in life; that the victim must have been interred two years prior to its exhumation on August 11, 1939, and this tallies with the space of time which had elapsed from the disappearance of Remedios on May 2, 1937; and, that there existed on the skull, on the left fourth, fifth and sixth ribs and on the left scapula, signs of violence which might have been caused by violent blow with a hard solid instrument like the iron bolt found with the skeleton. Lastly, we have the direct testimony of Enrique Quendo who was an eyewitness to the killing and had a hand in the interment of the victim, Thus the evidence as to the corpus delicti is clear and convincing.

From our view of the case, appellant's confession, if voluntary, is decisive of his guilt and, as a necessary consequence, of the identity of the unearthed skeleton. The confession recites in detail how appellant first chanced to know the deceased after his arrival from America; his courtship until their marriage in November, 1928; and the domestic quarrels they were having every now and then in view of his suspicion that his wife was sustaining illicit relations with one Emong. Narrating the immediate circumstances of her violent death, he proceeded:

"En aquel dia (May 2, 1940) pero antes de que llegiramo a pelearnos, fuimos a atender la fiesta en San Juan. En el camino, despues do llegar nosotros en el barrio Once y estando ya nosotros cerea del pozo, nos pelearmo, y por la rabia que yo tenia le di un puñetazo en el costado y estando ella medio tumbada, le di un golpe con una barra de hierro que yo llevaba y que liabia comprado por diez centimes en la tahleria en Riverside con el proposito de utilizarlo contra Emong pero que no llegue a usarlo asi porque yo y mi esposa llegamos a pelearnoa antes. Denpues de haberlo yo pegado a ella con la barra de hierro, ella so tumbo y se cayo al suelo inmovil. Cuando yo vi que ella no movia, yo me ful a la cana de Hilarion que estaba al lado de nuestra casa y le dije a el que yo pagaria P25 si el enterrara a mi esposa mientras que yo vigilaba a la gente que pasaba por alia y el se conformo con eats proposition mta y ae hira como yo propuae." (Parentheses supplied.)

Appellant thereupon identified the locket, the slippers, the gold crowns and ivory teeth found in the skull as those of his wife and the iron bolt as the one with which he struck her.

Upon its face, the confession by no means exhibits to any fair-minded man any sign of suspicious circumstances tending to cast doubt upon its integrity. It is replete with details which could possibly be supplied only by the accused. The narration reflects spontaneity and coherence which psychologically cannot be associated with a mind to which violence and torture have been applied. And the response to every interrogatory is so fully informative, even beyond the requirements of the question, as to indicate that the mind of the appellant was wholly free from extraneous restraints. Objectively considered, therefore, we are satisfied that the confession is voluntary.

Appellant claimed that his confession was signed by him after he was tortured by the Constabulary agents who tied a piece of cloth four inches wide and half an inch thick around his head, after which one of said agents struck him several times on the protected portions of his head with a hammer-like instrument while the other agents struck him on the stomach with their fists. This is, however, denied by the prosecution, and Major Guido, Lieutenant Villafria, agents Luis Alfonso, Cornelio Dungao, and Pablo Rosalos, and the chief clerk of the provincial fiscal's office unanimously testified that appellant's confession was voluntarily given. We cannot but be

slow to believe that these officers would be so totally devoid of conscience and so recreant to official duty as to confabulate together in pinning a capital offense on an innocent man without apparently any reason therefor. And no such reason has here been shown.

Appellant's counsel sought also to impugn the integrity of the first confession by its inconsistency on certain matters with the subsequent statement subscribed to by appellant. This inconsistency, the way we look at it, is additional proof that the confession was indeed voluntary. Ordinarily, if the confession was prepared by the Constabulary agents themselves and imposed upon the appellant, it would be as perfectly tight as the agents could have done it leaving the appellant no possibility of escape from his guilt. Besides, the direct testimony of Enrique Quendo who was an eyewitness to the killing of the deceased and had aided in her interment; his having hidden himself near the scene of the crime at the time of the exhumation and his unexplained flight from his place of hiding when he saw the skeleton of his victim recovered; his having voluntarily reenacted on the spot the manner of the commission of the offense in the presence of bystanders; and his refusal to receive the iron bolt when it was handed to him during his reconstruction of the crime stating that he might kill again another person, strongly corroborate his confession.

Appellant's counsel considers it unbelievable that appellant, after having successfully hidden his crime for two years, would, on the pressure of "nothing more than a gentle talk," readily confess his guilt. We do not, however, think it strange for a criminal, after several years of successful concealment of his crime and suddenly finding himself confronted with the discovery of the body of his victim and the evidence unearthed with it pointing eloquently to him as the author of the crime, to come out in the open and confess. Hedged in on the one side by a troubled conscience and on the other by clear evidence of his culpability from which he feels escape is no longer possible, confession, under such, circumstances, is generally his only recourse.

Judgment is affirmed, with costs against appellant.

Yulo, C. J., Paras, Bocobo, and Lopez Vito, JJ., concur.

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