

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. PACALSO MAT-AN Y KUTBING/KATUBING, ACCUSED-APPELLANT.

G.R. No. 91115. December 29, 1992

Ponente: NOCON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-91115/>

NOCON, J.:

This is an appeal from a decision[1] dated March 7, 1989 of the Regional Trial Court of Baguio City, Branch 5 in Criminal Case No. 4230 wherein accused-appellant Pacalso Mat-an y Kutbing or Katubing was found guilty beyond reasonable doubt of the crime of PARRICIDE in an Information filed on January 19, 1987 which reads:

"The undersigned accuses PACALSO MAT-AN y KUTBING or KATUBING of the crime of PARRICIDE, committed as follows:

"That on or about the 24th day of December, 1986, in the City of Baguio, Philippines and within the jurisdiction of this Honorable Court, the above named accused, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and strike his mother, Martha Mat-an, with a branch of pine tree, hitting the latter on the head, thereby inflicting upon the victim neurogenic shock secondary to contrecoup injuries of the brain, subdural hemorrhage, and basal skull fracture all due to application of physical violence of the head, which injuries directly caused the death of said Martha K. Mat-an."[2]

Upon arraignment, accused-appellant pleaded "NOT GUILTY" to the offense charged and after due trial, the court a quo rendered a judgment against him, the dispositive portion of which reads as follows:

"WHEREFORE, the Court finds and declares the accused PACALSO MAT-AN y "KATUBING" or "KUTBING" guilty beyond reasonable doubt of the crime of parricide as charged, and hereby sentences him to suffer reclusion perpetua; to indemnify the heirs of the deceased Martha Katubing y Mat-an in the amounts of: P30,000.00 for the latter's death and P30,869.75 as consequential damages, representing the burial expenses; and to pay the costs.

"In the service of his sentence, the accused shall be credited with his preventive imprisonment under the terms and conditions prescribed in Article 29 of the Revised Penal Code, as amended."[3]

It appears on record that at around 6 p.m. of December 24, 1986, David Mat-an, youngest brother of the accused-appellant, was walking towards a nearby store with his four (4) friends when he met accused-appellant, Pacalso Mat-an.

Accused-appellant told David that he was going to talk to their sister, Brenda, and upon noticing that the former was holding a long piece of wood, drunk and only in his briefs, the latter decided to follow accused-appellant who is known to make trouble whenever he is drunk and had, in fact, killed their brother, Witty, in 1968.

When accused-appellant reached the compound of the house of his sister, the former confronted the latter about the spilled water at his residence and told her to pay for one-half (1/2) of his water bill to which his sister readily agreed. In spite of this, accused-appellant hit his sister's right jaw and left arm with the pine tree branch he was

holding causing the latter to fall down on the ground.

David, who followed accused-appellant and witnessed the incident tried to pacify the latter and told him to go home but accused-appellant, instead, hit his mother on the head with another piece of wood after arguing with her about an indebtedness involving money.

To prevent the accused-appellant from inflicting further harm on their mother, David got an axe and hit the chest of the accused-appellant with it and the latter fled.

Thereafter, David called his friends to help him bring his mother to Baguio Medical Center where the latter was pronounced dead on arrival.

On the following day or on December 25, 1986, accused-appellant was arrested and a pine tree branch (Exhibit "A") used by the accused-appellant in hitting his mother was recovered from the scene of the crime.

An autopsy conducted on the body of the victim by Dr. Emmanuel N. Fernandez, the medico-legal officer of the Baguio Health Department on the evening of December 25, 1986 reveal the following per his report, to wit:

"AUTOPSY FINDINGS:

1. Body of a female; medium built; height of 4'7" and weight of about 90 lbs.
2. Rigor mortis beginning to disappear; postmortem lividity fully developed on the neck, back and buttocks; cornea cloudy; pupils dilated; pinkish conjunctivae.
3. Presence of the following external injuries:
 - a) Contusion-hematoma on the left malar region of the face.
 - b) Contusion-hematoma on the right forearm, lateral aspect.
 - c) Contusion on the medial aspect of the left knee.
4. INTERNAL FINDINGS:
 - a) Presence of a subdural hemorrhage located over the left occipital lobe and the left cerebellar hemisphere.
 - b) Presence of a basal skull fracture on the left middle cranial vault.
 - c) The rest of the internal organs are within normal limits.

CAUSE OF DEATH

Neurogenic shock secondary to contrecoup injuries of the brain, subdural hemorrhage and basal skull fracture due to application of physical violence on the head."^[4]

On the other hand, accused-appellant testified that at around 6 p.m. of December 24, 1986, he went to the house of his sister to advise the latter not to connect her water hose to his water hose as the connection was causing water to spill since his water hose does not have a gate valve.

After informing his sister of said situation, his sister got mad and started cursing him causing accused-appellant to get mad that he slapped his sister causing the latter to fall down on the ground unconscious. Stricken by a guilt complex, accused-appellant was about to help his sister when his brother David suddenly lunged at him and hit his left clavicle with an axe causing him to fall on the ground. As he was struggling to get up from the ground, he saw David about to hit him again with the axe and, in order to save himself from further injury, he picked up a piece of wood and swung the same towards David but instead hit his mother Martha who was about to embrace

David to prevent the latter from hitting accused-appellant. Thereafter, accused-appellant ran away and proceeded to the Dr. Efrain Montemayor Medical Center for the treatment of his wound.

Accused-appellant further denied that he was drunk when he went to his sister's house, although he admitted to have previously drunk a bottle of beer before proceeding to her house.

The appeal is devoid of merit.

It is well settled that appellate courts will generally not disturb the conclusions and findings of fact of the trial court considering that it is in a better position to decide the question, having heard the witnesses themselves and observed their deportment and manner of testifying during the trial, unless the court has plainly overlooked certain facts of substance and value that, if considered, might affect the result of the case.[5]

The conflicting testimonies of the accused-appellant and the prosecution witnesses with regards to the chain of events that occurred on that fateful day were properly assessed by the trial court in its decision which states that:

"The Court finds more credible the version of the prosecution that Pacalso deliberately struck his mother Martha with a piece of wood after picking up a quarrel with her over an indebtedness which he was insisting to be still subsisting but which Martha claimed to have already been paid. From all appearances, when Pacalso went to confront Brenda, with whom Martha was living, about Brenda's use of his water supply, he was ready for trouble. He went there only in his briefs and was holding a piece of wood. He even imbibed of liquor to embolden himself. In fact, he admitted to slapping Brenda although the latter asserted that he hit her with a piece of wood. His violent temper even towards his next of kin is amply shown by his having already killed his own brother, Witty, an attribution which he did not bother to deny.

"x x x.

"Otherwise stated, it is more probable that David hit Pacalso with the axe only after the latter had struck Martha with a piece of wood in order to prevent Pacalso from inflicting further harm on Martha. This explains why Pacalso has not seen it right to complain against David up to the present time."[6]

Furthermore, the testimonies of the prosecution witnesses were rendered in a direct, simple and consistent manner and there is no showing of any improper motive on their part to testify falsely against the accused-appellant. Besides, the injury sustained by the accused-appellant makes his claim of self-defense highly improbable since the wound inflicted upon him was such as to immobilize the latter's usage of his arms immediately after he was hit by his brother David. Thus, defense witness Dr. Samuel Lachica, resident physician of Dr. Efrain Montemayor Medical Center who treated accused-appellant's wound, testified that:

Q. Now, what would happen to the person if hit by an axe?

A. Due to this fracture and this wound, the first problem of the patient would be of course, the limitation of range of motion over the left shoulder due to pain and there will be massive bleeding. Not only will it cause massive bleeding but it would also affect the neuro-vascular structures in which the patient cannot move the extremities, not even a little range of motion.[7] (Underscoring Supplied)

There is no doubt that accused-appellant killed his mother when he hit the latter with a piece of wood. His contention that her death was accidental and without any criminal intent as he was only defending himself from the unlawful attack of his brother is unavailing since it was accused-appellant himself who started the unlawful aggression when he slapped his sister which led to the untimely death of their mother.

For the exempting circumstance of accident to be properly appreciated in accused-appellant's favor, the following requisites must concur: (1) that the accused person was performing a lawful act with due care; (2) that the injury is caused by mere accident; and (3) that there was no fault or intent of causing the injury (Paragraph 4, Article 12 of

the Revised Penal Code). In the case at bar, accused-appellant is liable for his unlawful act even if he never intended to hit his mother since his act of hitting his mother was not done in the performance of a lawful act as required by the aforementioned Article.

WHEREFORE, finding no error in the decision appealed from, the same is hereby **AFFIRMED** but with **MODIFICATION** that the civil indemnity to be awarded to the heirs of the victim be increased to P50,000.00 in accordance with our present jurisprudence.

SO ORDERED.

Narvasa, C.J., (Chairman), Feliciano, Regalado, and Campos, Jr., JJ., concur.

[1] Penned by Judge Salvador J. Valdez, Jr.

[2] Rollo, p. 12.

[3] Id., at pp. 18-19.

[4] Original Records, p. 225.

[5] People vs. Natan, 193 SCRA 355.

[6] Rollo, p. 17-18.

[7] T.S.N., January 24, 1989, p. 18.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.