

## SECOND DIVISION

[ G.R. No. 130492, January 31, 2001 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
SALVADOR ARROJADO, ACCUSED-APPELLANT.**

### D E C I S I O N

**MENDOZA, J.:**

This is an appeal from the decision<sup>[1]</sup> of the Regional Trial Court, Branch 19, Roxas City, finding accused-appellant Salvador Arrojado guilty of murder and sentencing him to suffer the penalty of 30 years of *reclusion perpetua* and to pay the amounts of P60,000.00 as civil indemnity, P80,000.00 as moral damages, and the costs to the heirs of the victim Mary Ann Arrojado.<sup>[2]</sup>

The information against accused-appellant alleged:

That on or about the 1<sup>st</sup> day of June, 1996, in the City of Roxas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a knife, with intent to kill, with treachery and evident premeditation, did then and there willfully, unlawfully, and feloniously attack, assault, and stab one Mary Ann Arrojado, on the different parts of the body, to wit:

1. Stab wound, gaping, 1.5 cm. in length with a depth of 5 cm. located at the supra sternal area;
2. Stab wound, elongated, gaping, measuring 3 cm. in length, 10 cm. depth, directed downward 5 cm. above the left nipple area at the level of midclavicular line;
3. Stab wound, elongated, gaping, measuring 2.5 cm. in length, 5.5 cm. depth, located 4 cm. above the left nipple area, midclavicular line;
4. Stab wound, elongated, gaping, measuring 3 cm. in length, 18.5<sup>[3]</sup> cm. in depth, directed medially downward, located 3 cm. above the left nipple, midclavicular line;
5. Stab wound, elongated, gaping, measuring 3 cm. in length, 5 cm. depth, located 3 cm. medial to the left nipple;
6. Stab wound, elongated, gaping, measuring 4 cm. in length, 10.5 cm. in depth, directed laterally downward, located 2 cm. medial to the left nipple;

7. Stab wound, elongated, gaping, measuring 3.5 cm. in length, 12 cm. in depth, directed laterally, located 2 cm. medial to the left nipple;
8. Stab wound, elongated, gaping, measuring 3 cm. in length, 5.5 cm. in depth directed downward, located at the xiphoid area;
9. Stab wound, elongated gaping, measuring 3 cm. in length, 4 cm. in depth, directed medially, located 4 cm. below the left nipple;
10. Stab wound penetration, measuring 4 x 4 cm. in length with [e]visceration of the small intestine;

thereby inflicting upon her serious and mortal wounds which were the direct and immediate cause of her death.

That by reason of the death Mary Ann Arrojado, her heirs incurred actual and moral damages which may be awarded under the Civil Code of the Philippines.

CONTRARY TO LAW.<sup>[4]</sup>

The information was read and explained to accused-appellant in his native dialect, after which he pleaded not guilty.<sup>[5]</sup> Trial on the merits then ensued.

The evidence for the prosecution shows the following:

Accused-appellant Salvador Arrojado and the victim Mary Ann Arrojado are first cousins, their fathers being brothers. The victim's father, Alberto Arrojado, who was living in Canada, suffered a stroke for which reason he decided to come home to Roxas City and spend the remainder of his days there. The victim accompanied her father to the Philippines. They eventually settled in a house in Barangay Tanque, Roxas City, where they lived on the financial support of the victim's sister Asuncion, who continued to live in Canada, and her brother Buenaventura, who lived in Manila.

Starting February 15, 1996, accused-appellant lived with the victim and her father. He helped care for the victim's father, for which he was paid a P1,000.00 monthly salary.<sup>[6]</sup>

In the early morning of June 1, 1996, accused-appellant went to the house of his cousin, Erlinda Arrojado Magdaluyo, and reported that the victim had committed suicide. In response, Erlinda, together with her husband Romulo Magdaluyo and her father Teodorico Arrojado, went with accused-appellant to the house in Barangay Tanque where they found the victim dead. The victim, who was bloodied, was lying on her left side facing the bedroom door with her hands clasped together. On her bed was a rosary and a crucifix. Near her was a knife (Exh. C).<sup>[7]</sup> Erlinda recognized it to be the knife kept in the kitchen. Erlinda also noticed that the electric fan was turned on full blast, while all the windows were closed except the window on the east side which was slightly open. As he went to the other room, where the victim's father stayed, accused-appellant told Erlinda that he was afraid he might be suspected as the one responsible for the victim's death.<sup>[8]</sup>

The matter was reported to the police which noticed that the victim's room "was very neat as if nothing happened." The police saw no signs of forcible entry.<sup>[9]</sup> They made a sketch of the victim's position in relation to the whole house (Exh. D)<sup>[10]</sup> and took pictures of her (Exhs. E--E-3).<sup>[11]</sup>

Dr. Ma. Lourdes Roldan, of the Roxas City Health Office, conducted the postmortem examination of the victim at 1:30 p.m. of June 1, 1996. Her findings revealed that the victim sustained the following stab wounds:

1. Stab wound, gaping, 1.5 cm. in length with a depth of 5 cm. located at the supra sternal area;
2. Stab wound, elongated gaping, measuring 3 cm. in length, 10 cm. depth, directed downward, located 5 cm. above the left nipple area at the level of midclavicular line;
3. Stab wound, elongated, gaping, measuring 2.5 cm. in length, 10.5 cm. depth, located 4 cm. above the left nipple area, midclavicular line;
4. Stab wound, elongated, gaping, measuring 3 cm. in length, 18.5 cm. in depth directed medially downward located 3 cm. above the left nipple, midclavicular line;
5. Stab wound, elongated, gaping, measuring 3 cm. in length, 5 cm. in depth, located 3 cm. medial to the left nipple;
6. Stab wound, elongated, gaping, measuring 4 cm. in length, 10.5 cm. in depth, directed laterally downward, located 2 cm. medial to the left nipple;
7. Stab wound, elongated, gaping, measuring 3.5 cm. in length, 12 cm. in depth, directed laterally, located 2 cm. medial to the left nipple;
8. Stab wound, elongated gaping measuring 3 cm. in length and 5.5 cm. in depth, directed downward, located at the xiphoid area;
9. Stab wound, elongated, gaping, measuring 3 cm. in length, 4 cm. in depth, directed medially, located 4 cm. below the left nipple;
10. Stab wound penetration, measuring 4 x 4 cm. in length with evisceration of the small intestine;<sup>[12]</sup>

Dr. Roldan testified that the victim died at around midnight of May 31, 1996 from wound nos. 2, 4, 6, 7, and 10, which she deemed fatal.<sup>[13]</sup> Thus, in the victim's death certificate (Exh. B),<sup>[14]</sup> she listed "HEMORRHAGIC SHOCK" as the victim's immediate cause of death and "multiple stab wounds" as the antecedent cause.

Erlinda Arrojado Magdaluyo testified that the relationship between the victim and

accused-appellant had been strained as the victim constantly picked on accused-appellant even for the slightest mistake. Erlinda remembered the scolding that the victim gave accused-appellant on May 27, 1996 over the loss of keys. Accused-appellant was badly hurt by the victim's tongue-lashing, according to Erlinda, and complained to the victim, "You're too much." Erlinda said she offered to take the victim in her house, but the latter refused, saying that her place was with her father. The victim entrusted, however, her jewelry and bank book with signed withdrawal slips to Erlinda. Three days later, on May 30, 1996, Erlinda returned the same and told the victim that she should not be afraid of accused-appellant because he was taking care of both her (the victim) and her father. Erlinda said she again met the victim on May 31, 1996 when she reminded the latter of their agreement to go out the following day, June 1, 1996. On that day, however, the victim was found dead.

[15]

Another relative of accused-appellant and the victim, Thelma Arrojado, corroborated Erlinda's testimony. The father of Thelma's husband, Roque Arrojado, is a brother of the victim's father and that of accused-appellant. Thelma said that she and her husband lived at one time with the victim, and she knew the latter to be a snob ("*suplada*") and overly strict. Because they did not get along with the victim, Thelma and her husband eventually left. She testified that accused-appellant was angry at the victim and in fact passed by her store thrice (on May 27, 29, and 31, 1996), complaining to her of the victim's maltreatment of him.<sup>[16]</sup>

Accused-appellant testified in his behalf. He told the court that on June 1, 1996, at around 6:00 a.m., Alberto Arrojado asked him for food, so accused-appellant went to the kitchen to find out if the victim had already prepared breakfast. When accused-appellant found that the victim was not in the kitchen, he proceeded to the victim's room. From the doorway, he saw the victim lying on her bed, bloodied. He thought that the victim had committed suicide because the victim had told him that she felt tied down taking care of her father. She in fact once remarked that "It would be better that my father and I commit suicide." Accused-appellant said that the victim scolded him only once and that was for buying rotten cabbage.<sup>[17]</sup> He said that the victim was the one who was constantly being scolded by her father who often found fault with her. When presented with the knife found on the victim's bed (Exh. C), accused-appellant admitted he was familiar with the knife as he saw the victim using it in the kitchen.

On April 21, 1997, the trial court rendered its decision, the dispositive portion of which reads:

WHEREFORE, in view of all the foregoing, this Court finds and declares accused Salvador Arrojado GUILTY beyond reasonable doubt of the heinous crime of murder, defined and penalized by Art. 248 of the Revised Penal Code, as amended by Section 6 of Republic Act 7659, and, there being no aggravating circumstance, hereby sentences him to imprisonment of thirty (30) years of *reclusion perpetua*, and to indemnify the heirs of the deceased Mary Ann Arrojado in the amount of P60,000.00, pay them moral damages of P80,000.00, and pay the costs of this action.

In the service of his sentence consisting of deprivation of liberty, the

accused, who is a detention prisoner and not otherwise disqualified, shall be credited with the full time of his confinement under preventive imprisonment, provided he voluntarily agrees in writing to abide by the same disciplinary rules imposed on convicted prisoners, pursuant to Art. 29 of the Revised Penal Code.

SO ORDERED.<sup>[18]</sup>

The trial court held that there was sufficient circumstantial evidence to convict accused-appellant for the victim's death. In its decision, the trial court said:

The accused was the only person in the world who had the strong motive to eliminate from earthly existence the deceased, who had no known enemies, as he could no longer endure the verbal abuse to which he was frequently subjected, even on trivial matters, by the deceased whom he must have perceived as his evil tormentor. Being older [but] every now and then scolded, insulted, and humiliated, he must have felt that the deceased had no respect for him as a person and elder cousin. Suicide being physically impossible and there being no shred of evidence showing that an intruder could have surreptitiously entered the house as all doors and windows were securely closed, the killing could have been done only by someone who was already inside the house. Certainly it could not have been the deceased's old and invalid father who could not stand on his own, much less walk from his room to the kitchen, get the fatal weapon, the kitchen knife, from where it was placed therein, walk to his daughter's room, and then stab her. As there were only the three of them inside the house, that leaves no one else, by the process of elimination, who could have perpetrated the dastardly act but the accused who had the only motive to do it and who was inside the house at the time of the commission of the crime. Reinforcing this conclusion is the admission of the accused that when he peeped into the room of the deceased and allegedly saw for the first time the lifeless body of the victim, he was already sure, even without going near or touching her body and asking aloud what happened to her, that she was already dead because he himself killed her. He saw to it that she would die because he stabbed her not only once, but ten (10) times, inflicting five (5) mortal wounds. And he had the gall to attribute his cousin's untimely death to suicide because he could not concoct any other reason to save himself.<sup>[19]</sup>

Hence this appeal. Accused-appellants assigns the following errors as allegedly having been committed by the trial court:

THE REGIONAL TRIAL COURT ERRED IN FINDING THAT MARY ANN ARROJADO WAS STABBED TEN TIMES AT HER HOME.

THE REGIONAL TRIAL COURT ERRED IN RULING THAT MARY ANN ARROJADO COULD NOT HAVE COMMITTED SUICIDE.

THE REGIONAL TRIAL COURT ERRED IN FINDING THAT THE HOUSE OF MARY ANN ARROJADO WAS TOTALLY CLOSED AND LOCKED AGAINST INTRUDERS.

THE REGIONAL TRIAL COURT ERRED IN FINDING THAT ACCUSED-