

FIRST DIVISION

[G.R. No. 139339, January 19, 2001]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
MANUEL CASTILLO Y GOMEZ, ACCUSED-APPELLANT.**

D E C I S I O N

DAVIDE JR., C.J.:

We are here confronted with the death of an invalid woman, allegedly at the hands of her own son.

Accused-appellant Manuel Castillo y Gomez (hereafter MANUEL) appeals from the decision^[1] of 19 April 1999 of the Regional Trial Court, Branch 9, Davao City, in Criminal Case No. 34,701-94, finding him guilty beyond reasonable doubt of the crime of parricide and sentencing him to suffer the penalty of *reclusion perpetua* and the attending accessory penalties, and to pay the costs of the suit.

MANUEL was charged with parricide in an information^[2] dated 19 November 1994, whose accusatory portion reads as follows:

That on or about November 17, 1994, in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, willfully, unlawfully, and feloniously mauled (sic) one Rosenda Gomez,^[3] his (accused) mother, thereby inflicting upon the latter injuries on her body and injury particularly at the forehead which caused her death.

With the assistance of counsel, MANUEL pleaded not guilty upon arraignment and waived the pre-trial of the case.^[4]

The prosecution presented as witnesses Dr. Danilo P. Ledesma, Maria Theresa Castillo and Anacorita Castillo B. Jayson.

Dr. Danilo P. Ledesma, a medico-legal officer of the Davao City Health Office, conducted an autopsy on the body of Rosenda Castillo (hereafter Rosenda) and prepared a necropsy report.^[5] He found her to have suffered from several injuries and contusions on the left side of the face and on the left hand, severe brain hemorrhage, multiple fractures on the ribs, and laceration of both lungs. Blood was also present in the left chest cavity. The immediate cause of death was intracranial hemorrhage.^[6] The contusions and fractures, he explained, were caused by an undetermined number of blows, like her head being banged on a door or wall, or her chest being kicked or stepped upon.^[7] He prepared and identified the death certificate^[8] of Rosenda.

On cross-examination, Dr. Ledesma declared that it was impossible for the deceased to have sustained the injuries, particularly the intracranial hemorrhage, by merely falling off her bed.^[9]

Maria Theresa Castillo (hereafter Theresa) is the niece of MANUEL, being the daughter of Salvador, MANUEL's brother. Prior to her grandmother Rosenda's death, they lived in the house of MANUEL in Bucana, Davao City, with his children, Rosabella and Rodel. Theresa took care of her grandparents, the spouses Rosenda and Emilio, by feeding and bathing them.^[10]

Theresa testified that in the early evening of 16 November 1994, she and her grandparents were home, where MANUEL had been drinking liquor with his son. At around 10:00 p.m., the inebriated MANUEL approached Rosenda, who was groping for the urine pan. He kicked her several times, cutting her right eyebrow and causing her to hit a piece of wood protruding from the corner of the house, and continued assaulting her even when she was already crawling and pleading for him to stop. MANUEL eventually did when Theresa cried and rushed to help Rosenda, who was at that point already seriously injured and dying. He rushed to his mother and cradled her in his arms, all the while blaming Rosenda for what had happened.^[11]

Anacorita Castillo B. Jayson, MANUEL's older sister, testified that she initiated the filing of the complaint^[12] for parricide against MANUEL after she learned of her mother's death from MANUEL's sons on 18 November 1994. Her father was spared from filing the complaint because he was sickly. As a matter of fact, he had already died at the time she testified.^[13]

The witnesses for the defense were Rodel Castillo, Josie Castillo, MANUEL, Atty. Isaac Robillo, Jr., and State Prosecutor Manuel M. Batao.

Rodel Castillo testified that in 1994, his father MANUEL fetched his grandparents, Emilio and Rosenda, from a nunnery to live with them. Among seven children, only MANUEL decided to take care of them. His cousin Theresa also stayed with them. They had no room or partition in the house, which was then under renovation. With nine occupants, everybody slept in the living room.^[14]

On 16 November 1994, he was at home when his father arrived from work at around 7:30 p.m. Rodel denied having a drinking spree with his father, as they were not in the habit of drinking. He admitted, however, that they had a few shots of liquor because MANUEL likes to drink before bedtime. In fact, MANUEL rested, took supper and proceeded to drink before sleeping at 8:00 p.m. Theresa also retired around that time. He noticed nothing unusual that night. The following morning, MANUEL woke them up after discovering that their grandmother had died. MANUEL bathed Rosenda's body, then called a funeral parlor.^[15]

On cross-examination, Rodel testified that Rosenda had no injuries at the time of her death. He also confirmed that MANUEL was arrested at noon of 17 November 1994. Initially he was unaware of the reason why the police arrested his father. Upon inquiry from their neighbors, however, he learned that MANUEL had been arrested on suspicion of having killed Rosenda.^[16]

Josie Castillo, MANUEL's common-law wife since 1979, corroborated most of Rodel's testimony.^[17] She added that she did not notice anything irregular about Rosenda's corpse when MANUEL discovered it. It was a natural death, which was easily accepted by the family.^[18] The following day, she saw Theresa, who informed her that Fe Regalado, MANUEL's legal wife, fetched and brought her (Theresa) to the police station, and prodded her to give a statement. It was allegedly Fe's way of retaliating against MANUEL.^[19] After attending Rosenda's wake, Theresa supposedly confessed to her that it was Fe who convinced her to tell the police that MANUEL killed Rosenda. She later learned that Theresa had been living with Fe until the latter asked her to leave.^[20]

Lisa Castillo, MANUEL's daughter with Josie, and who was only thirteen years old when she testified, described the physical layout of their house. Her grandparents slept in the middle of the house, while she and her parents slept near the door, with MANUEL between her and Josie. In the evening of 16 November 1994, when MANUEL went to bed, her grandparents were already asleep. She woke up at 6:00 a.m. the following day and soon learned that her grandmother Rosenda had died. MANUEL was then cleaning her body.^[21]

For his part, MANUEL admitted that since 1978 he had been living separately from his legal wife, Fe Regalado, with whom he has five children. In 1979 he started to cohabit with Josephine Castillo, and Lisa is their only child. They rented a one-room house with his children Rodel and Lisa, his parents, and niece Theresa. The latter was on vacation and stayed with him in 1994, and helped him in caring for his parents.^[22]

MANUEL was the sole provider for his parents. Theresa took care of them, but it was he and Josie who cleaned them after learning that some people thought his parents were malodorous. He affirmed his love for Rosenda, and made sure that her birthdays were always celebrated.^[23]

When he arrived home early in the evening of 16 November 1994, he joined his son Rodel who was drinking and had two shots of liquor. By then, his parents were already asleep. At 8:00 p.m., he went to bed, followed by Josie, while his daughter remained awake. Upon waking up at 4:00 a.m. of the following day, he noticed that Rosenda's color was different. He touched her but she was already cold and dead. Her body emitted a foul smell, so he immediately cleaned her. He also woke up the rest of the household and asked Theresa why she neglected Rosenda. Theresa replied that Rosenda was already old and her death was inevitable.^[24]

MANUEL called the funeral parlor and left the house to arrange the funeral details. When he returned, Theresa was no longer home. Around noon, the police arrested him based on a complaint filed against him. The police advised him to settle the case privately as it involved the family. At the police station, MANUEL saw Fe, who complained to him about the enrollment of their daughter. She reminded him that he owed her a lot, which appeared to be the reason behind his arrest. He presumed that the case involved his abandonment of Fe.^[25]

At the prosecutor's office where he was brought for inquest, MANUEL saw Fe and his

sister Anacorita, but the police prevented him from approaching them. The investigating prosecutor merely asked him if the charge against him was true or not; no other question was asked. He was not even provided a copy of the complaint nor was he assisted by counsel. After ten minutes, he was sent back to jail. He asked Josie to get a copy of the complaint, and it was only then that he realized he was being charged with parricide.^[26]

On New Year's day of 1995, MANUEL was visited in jail by Theresa, who asked for his forgiveness. She allegedly said it was Fe who coached her on what to tell the police, but she did not expect him to land in jail. Anacorita likewise visited him and informed him that she and Theresa separately executed affidavits of desistance. Anacorita also signed a joint affidavit with Salvador. Although MANUEL had in his possession photocopies thereof. Anacorita had already passed away by the time he testified.^[27]

Atty. Isaac Robillo, a former state prosecutor, testified that he was the one who administered oaths to Theresa and Anacorita when they executed their affidavits of desistance.^[28] He could no longer recall, however, if he actually asked either of them the reasons for their desistance.^[29]

State Prosecutor Manuel M. Batao, on the other hand, affirmed having administered the oath on Anacorita and Salvador in relation to a Joint Affidavit^[30] executed by them on 15 May 1996. Before they signed the affidavit, he repeated to them the contents thereof and was satisfied that both voluntarily executed and understood the allegations therein.^[31]

When recalled to the witness stand, Josie testified that Salvador suffered a stroke when Theresa ran away from home after testifying for the prosecution. It led to his paralysis, disabling him from walking, such that he was unable to testify for the defense. Upon cross-examination, Josie admitted that she had no personal knowledge of Salvador's physical condition. She never visited him when he was sick, neither did she have in her possession a medical certificate to establish the status of Salvador's health.^[32]

In its decision^[33] of 19 April 1999, the trial court decreed as follows:

WHEREFORE, finding the accused MANUEL CASTILLO y GOMEZ guilty beyond reasonable doubt of the crime of PARRICIDE, as defined in Article 246 of the Revised Penal Code, he is hereby sentenced to suffer the penalty of RECLUSION PERPETUA, and to suffer the accessory penalties attendant thereto. No civil indemnity is awarded considering the affidavits of desistance by Anacorita and Salvador Castillo which constitutes [sic] a waiver of the civil liability of the accused. (People vs. Renato Linsangan, Jr., et al., G.R. No. 95232 and 95592, January 31, 1992).

His immediate confinement at the National Penitentiary is hereby ordered.

Costs de oficio.

The trial court gave credence to the eyewitness account of Theresa and held that her positive testimony prevailed over the denial of MANUEL. No ill motive could be imputed to her for testifying against him. The frequent sermons she allegedly received from him were not sufficient reason for her damning testimony. Theresa was purely motivated by her desire to seek justice for the wrongful death of her grandmother.

When the defense failed to confront prosecution witnesses Theresa and Anacorita with their respective affidavits of desistance, which they executed before they testified, such omission was taken against MANUEL by the trial court. It resolved that the only possible explanation was that they would have repudiated the said affidavits.

The trial court likewise did not give any weight to the affidavit of desistance of Theresa and Anacorita, as well as the joint affidavit of desistance of Anacorita and Salvador. None of the affiants was presented to attest to the truth of the allegations therein. Besides, Anacorita and Salvador were not eyewitnesses to the commission of the crime.

However, the trial court appreciated in favor of MANUEL the mitigating circumstance of lack of intent to commit so grave a wrong as that committed.^[34]

MANUEL timely appealed his conviction to this Court, claiming that the trial court erred:

I

... IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED IN THE INFORMATION DESPITE THE INSUFFICIENCY OF THE PROSECUTION EVIDENCE TO SUSTAIN THE FINDING OF GUILTY (sic) BEYOND REASONABLE DOUBT.

II

... IN HOLDING THAT NO WEIGHT CAN BE GIVEN TO THE AFFIDAVITS OF DESISTANCE (EXH. 1, 2, & 3), WHILE IN THE SAME BREATH ABSOLVING THE ACCUSED-APPELLANT OF HIS CIVIL LIABILITY ON THE BASIS THEREOF.

As to the first assigned error, MANUEL argues that a scrutiny of Theresa's testimony would show that he mauled Rosenda continuously for five hours, from 10:30 p.m. until 3:00 a.m. the following day. Considering that there were other occupants in the house, the disturbance should have awakened the rest of the family members. It was too incredulous to assume that his father, wife and children were too indifferent to allow such violence. Moreover, the prosecution failed to establish any proof that he had earlier harmed his mother or shown any animosity toward her.

MANUEL also cites certain inconsistencies in Theresa's statements in her affidavit vis-à-vis those she made in open court. In her affidavit, she stated that MANUEL drank alone, consumed one bottle of rum, and started mauling Rosenda at around 12:30 a.m. on 17 November 1994. On the other hand, she testified that MANUEL and his son Rodel had a drinking spree and consumed two bottles of rum, and