

FIRST DIVISION

[G.R. Nos. 130634-35, March 12, 2001]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
MANOLITO OYANIB Y MENDOZA, ACCUSED-APPELLANT.**

D E C I S I O N

PARDO, J.:

Accused Manolito Oyanib y Mendoza appeals from the joint decision^[1] of the Regional Trial Court, Branch 02, Iligan City finding him guilty beyond reasonable doubt of homicide and parricide and sentencing him to an indeterminate penalty^[2] of six (6) months one day (1) to six (6) years of *prision correccional* as minimum to six (6) years one (1) day to eight (8) years of *prision mayor* as maximum,^[3] and to pay P50,000.00 civil indemnity and the costs for the death of Jesus Esquierdo, and to *reclusion perpetua*, to pay P50,000.00 and the costs for the death of his wife, Tita T. Oyanib.^[4]

On September 11, 1995, Iligan City Prosecutor Ulysses V. Lagcao filed with the Regional Trial Court, Iligan City two (2) separate informations charging accused Manolito Oyanib y Mendoza with murder and parricide, as follows:

Criminal Case No. 6012

"That on or about September 4, 1995, in the City of Iligan, Philippines, and within the jurisdiction of this Honorable Court, the said accused, armed with a deadly weapon to wit: a hunting knife about six inches long and with intent to kill and evident premeditation and by means of treachery, did then and there willfully, unlawfully and feloniously attack, assault, stab and wound one Jesus Esquierdo, thereby inflicting upon him the following physical injuries, to wit:

Cardiorespiratory arrest
Hypovolemic shock irreversible
Multiple organ injury
Multiple stab wound chest & abdomen

and as a result thereof the said Jesus Esquierdo died.

"Contrary to and in violation of Article 248 of the Revised Penal Code with the aggravating circumstances (*sic*) of evident premeditation."^[5]

Criminal Case No. 6018

"That on or about September 4, 1995, in the City of Iligan, Philippines, and within the jurisdiction of this Honorable Court, the said accused,

having conceived and (*sic*) deliberate intent to kill his wife Tita Oyanib, did then and there willfully, unlawfully and feloniously and with evident premeditation, attack, assault, stab and wound his wife, as a result of said attack, the said Tita Oyanib died.

"Contrary to and in violation of Article 246 of the Revised Penal Code."^[6]

The prosecutor recommended no bail for the temporary liberty of accused Manolito Oyanib y Mendoza in both cases.

On September 11, 1995, accused voluntarily surrendered to the police authorities^[7] and was immediately detained at the Iligan City Jail.^[8]

On January 17, 1996, the trial court arraigned accused Manolito Oyanib y Mendoza by reading the informations against him and translating them into the Visayan dialect.^[9] He pleaded not guilty to both charges.

As the two (2) cases arose from the same set of facts, the trial court conducted a joint trial.

Accused Manolito Oyanib y Mendoza (hereafter Manolito) and Tita T. Oyanib (hereafter Tita) were married on February 3, 1979^[10] and had two (2) children, Desilor and Julius. They lived in Purok 1, Tambacan, Iligan City.

In 1994, due to marital differences, Manolito and Tita separated, with Manolito keeping custody of their two (2) children. Tita rented a room at the second floor of the house of Edgardo Lladas (hereafter Edgardo), not far from the place where her family lived.

At about 9:30 in the evening of September 4, 1995, while Edgardo and his family were watching TV at the *sa/a* located at the ground floor of their house at Purok 3-A, Tambacan, Iligan City, they heard a commotion coming from the second floor rented by Tita. The commotion and the noise lasted for quite some time. When it died down, Edgardo went upstairs to check.^[11]

Upstairs, Edgardo saw Tita wearing a duster, bloodied and sprawled on the floor. He saw Manolito stabbing Jesus Esquiedo (hereafter Jesus) while sitting on the latter's stomach. Jesus was wearing a pair of long black pants. When Edgardo asked Manolito what he was doing, accused told Edgardo not to interfere.

Thereafter, Edgardo left the house and called the police. Meanwhile, the neighbors brought Tita to the hospital. She died on the way to the hospital.^[12]

SPO3 Eduard Tubil, police investigator, General Investigation Office, Iligan City Police Command, Precinct I, Poblacion, Iligan City said that at about 9:00 in the evening of September 4, 1995, while he was on duty, he received an information regarding a stabbing incident at the Llagas residence at Purok 3-A, Tambacan, Iligan City.^[13]

At the crime scene, SPO3 Tubil saw the lifeless body of Jesus lying face up with several stab wounds in different parts of the body. Jesus was clad in t-shirt and long

pants. From the crime scene, he recovered a knife. Afterwards, he went to Dr. Uy Hospital to check on Tita; he was informed that she was dead. Manolito was the suspect in the killing of Jesus and Tita.^[14] The incident was recorded in the police blotter as Entry No. 137138.^[15]

On September 5, 1995, Dr. Leonardo A. Labanon, Medico-Legal Officer, Iligan City examined the bodies of Jesus and Tita.^[16] Jesus sustained multiple stab wounds, and those inflicted in the right and left chests and stomach were fatal.^[17] The cause of death was "cardiorespiratory arrest, hypovolemic shock irreversible, multiple organ injury and multiple stab wound chest and abdomen."^[18]

Likewise, Tita sustained several stab wounds, with the fatal wounds inflicted in the left chest and right side of the abdomen. The cause of death was "cardiorespiratory arrest, hypovolemic shock and multiple stab wound."^[19]

As heretofore stated, in 1994, following a series of arguments, Manolito and Tita decided to live separately. Manolito retained custody of their two (2) children. Immediately after the separation, Tita stayed at her friend Merlyn's house for two (2) months. Afterwards, she transferred to the Lladas residence, located at Purok 3, G. Tambacan, Iligan City, and rented the second floor.^[20] The rented space consisted mainly of a *sala* with one adjoining room. It was arranged in a manner that if one enters the main entrance door, one is immediately led to the *sala* and from the *sala*, directly to the door of the adjoining room.

Despite their separation, Manolito tried to win Tita back and exerted all efforts towards reconciliation for the sake of the children. However, Tita was very reluctant to reconcile with Manolito.^[21] In fact, she was very open about her relationship with other men and would flaunt it in front of Manolito. One time, he chanced upon his wife and her paramour, Jesus, in a very intimate situation by the hanging bridge at Brgy. Tambacan, Iligan City.^[22] Manolito confronted Tita and Jesus about this. He censured his wife and reminded her that she was still his wife. They just ignored him; they even threatened to kill him.^[23]

In the evening of September 4, 1995, after supper, his daughter Desilor handed Manolito a letter from the Iligan City National High School. The letter mentioned that his son Julius failed in two (2) subjects and invited his parents to a meeting at the school. Because he had work from 8:00 in the morning until 5:00 in the afternoon the next day, Manolito went to Tita's house to ask her to attend the school meeting in his behalf.^[24]

Upon reaching Tita's rented place, he heard "sounds of romance" (kissing) coming from the inside. He pried open the door lock using a hunting knife. He caught his wife Tita and Jesus having sexual intercourse. Jesus was on top of Tita and his pants were down to his knees.

Upon seeing him, Jesus kicked Manolito in the cheek. Manolito immediately stabbed Jesus. Though Jesus was 5'9" in height and weighed about 70 kg., the suddenness of the assault caused him to lose his balance and fall down. Manolito took advantage of this opportunity and stabbed Jesus in the stomach. Tita left the room upon seeing Manolito, only to come back armed with a Tanduay bottle. She hit Manolito in the

head, while at the same time shouting "kill him Jake, kill him Jake."^[25]

In the commotion, Manolito stabbed Jesus, hitting him in the abdomen. Jesus fell down and Manolito stabbed him again. Meanwhile, Tita stabbed Manolito in the arm with the broken Tanduay bottle. This angered Manolito and he stabbed Tita in the left breast. He stabbed her three (3) more times in different parts of her body. Tita fell near the lifeless body of her paramour. It was at this point that Edgardo, the owner of the house Tita was renting, appeared from the ground floor and inquired about what had happened. Manolito told Edgardo not to interfere because he had nothing to do with it.

Thereafter, Manolito left the house of Edgardo and went to Kylumco, Camague, Iligan City and stayed at the wake of his friend's neighbor. He threw away the knife he used in stabbing his wife and her paramour. At around 4:00 in the morning of the following day, he went to Camague Highway to catch a bus for Lentogan, Aurora, Zamboanga. While in Lentogan, he heard over radio DXIC that there was a call for him to surrender. He heeded the call and gave himself up to the police authorities in Precinct 2, Nonocan, Iligan City.^[26]

When asked why he was carrying a knife when he went to his wife's place, Manolito said that he brought it for self-defense. Prior to the incident, he received threats from his wife and her paramour, Jesus, that they would kill him so they could live together.^[27]

After trial, on May 26, 1997, the trial court promulgated a joint decision finding accused guilty beyond reasonable doubt of the crimes charged. The dispositive portion reads:

"WHEREFORE, in the light of the foregoing findings and pronouncements and having carefully observed the demeanor of witnesses, this Court hereby declares accused MANOLITO OYANIB y Mendoza GUILTY beyond reasonable doubt of the crime of Homicide (Crim. Case No. II-6012) and Parricide (Crim. Case No. II-6018) and appreciating the two (2) mitigating circumstances of passion or obfuscation and voluntary surrender without any aggravating circumstances to consider, this Court sentences accused Manolito Oyanib y Mendoza to suffer an imprisonment as follows:

"1) In Criminal Case No. II-6012:

To an Indeterminate Penalty ranging from SIX (6) MONTHS ONE (1) DAY to SIX (6) YEARS as Minimum to Six (6) YEARS ONE (1) DAY to EIGHT (8) YEARS as Maximum; to indemnify heirs of Jesus Esquierdo the sum of P50,000.00 as civil indemnity, and to pay the costs.

"2) In Criminal Case No. II-6018:

To RECLUSION PERPETUA pursuant to Republic Act No. 7659; to indemnify heirs of his wife P50,000.00 as civil indemnity and to pay the costs.