

EN BANC

[G.R. No. 141767, April 02, 2001]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
HILARION TEVES Y CANTOR, ACCUSED-APPELLANT.**

DECISION

DE LEON, JR., J.:

Before us on automatic review is the Decision^[1] of the Regional Trial Court of Binan, Laguna, Branch 25, in Criminal Case No. 9620-B convicting the appellant, Hilarion C. Teves, of the crime of parricide and sentencing him to suffer the supreme penalty of death.

The lifeless body of Teresita Teves y Capuchino was found by a group of barangay tanods in Barangay Macabling, Santa Rosa, Laguna in the late evening of August 25, 1996. The body of the victim bore strangulation marks around the neck and a stab wound just below the left armpit. During the investigation of the case, the husband of the victim, herein appellant, Hilarion C. Teves, was identified as the driver of the passenger jeep that was allegedly met by the barangay tanods shortly before they chanced upon the dead body of the victim on that fateful evening of August 25, 1996. It was also gathered by the police that the spouses purportedly had misunderstanding prior to the incident.

On December 3, 1996, Hilarion Teves y Cantor was charged with the crime of parricide defined and penalized under Article 246 of the Revised Penal Code, as amended, in an Information^[2] that reads:

That on or about August 25, 1996, in the Municipality of Santa Rosa, Province of Laguna, Philippines and within the jurisdiction of this Honorable Court, accused HILARION TEVES y CANTOR, while conveniently armed with a deadly weapon, with intent to kill his wife TERESA CAPUCHINO y TEVES (sic) with whom he was united in lawful wedlock, did then and there wilfully, unlawfully and feloniously stab and strangle the said TERESA CAPUCHINO TEVES with the aforesaid deadly weapon, stabbing the latter on the left side of her chest causing her instantaneous death, to the damage and prejudice of her surviving heirs.

CONTRARY TO LAW.

Upon being arraigned on January 13, 1997, herein appellant, assisted by his counsel, entered the plea of "Not guilty" to the charge as contained in the Information. Thereafter, trial on the merits ensued.

It appears from the evidence adduced by the prosecution that on August 25, 1996 at around 10:30 o'clock in the evening four (4) barangay tanods, namely: Milagros

Tayawa, Jerry Pantilla, Angel Lapitan and Jose Bello, were patrolling on board a barangay patrol vehicle in Barangay Macabling, Santa Rosa, Laguna. Milagros was behind the steering wheel. From the old national highway, they entered the NIA road which was an isolated dirt road seldom used by commuters due to its narrow width. There were no houses and streetlights along the immediate vicinity as the road was bound by an irrigation canal on one side and a stretch of rice field on the other. Subsequently, they met a passenger jeep that was coming from the opposite direction. Milagros had to maneuver backward to accommodate the other vehicle.^[3]

As the patrol vehicle advanced, the barangay tanods saw a body of a woman lying on the left side of the NIA road. The woman's white polo shirt was raised above the chest exposing her right breast and a small wound just below her armpit; while her black pants were lowered down to her knees. Upon ascertaining that the woman was dead, Milagros and her companions immediately informed their chief before proceeding to the Santa Rosa, Laguna Police Station to report the incident.^[4] The police examined the cadaver, and then took the sworn statement^[5] of Milagros Tayawa on the same evening of August 25, 1996.

Dr. Erwin Escal, medico-legal officer, conducted the autopsy on the body of Teresa Teves upon the request of PO2 Tony Gangano. Dr. Escal identified in court the Autopsy Report^[6] which shows the following findings:

Post Mortem Examination:

Fairly developed, fairly nourished female cadaver in rigor mortem with post mortem lividity at the dependent portion of the body. Palpabral conjunctive are pale. Lips and nail beds are cyanotic.

There are petechial hemorrhages on the face and neck and subconjunctival hemorrhage on the left lateral conthal region.

Head, Neck, Trunk and Extremeties:

1. Hematoma 0.5 x 0.5 cm. mid-pariento occipital area left.
2. Hematoma 0.5 x 0.5 cm. parieto occipital area right.
3. Contusion hematoma right lateral neck, measuring 6 cm. x 0.1 cm.
4. Punctured wound triangular in shape at the mid-axillary line, left pectoralis region measuring 1 x 0.5 x 0.5 cm., non-penetrating.
5. Contusion hematoma 12 x 4 cm. right lateral abdominal region.
6. Abrasion 4 x 2 cm. right lumbar region.
7. Area of contusion hematoma with abrasion right buttocks measuring 7 x 6 cm.

On opening up: The scalp was deflected to expose the skull and was sawing it off coronally. No skull fracture noted and the brain was grossly normal.

Conclusion:

The cause of death is asphyxia by strangulation.

According to Dr. Escal, the victim could have been strangled ("binigti") with the use of a constricting material which may be a wire, a rope or a nylon cord and that the victim may have been dead for not less than thirty-six (36) hours when it was brought to him for autopsy examination at 5:00 o'clock in the afternoon on August 26, 1996.^[7]

On August 29, 1996 Milagros was invited to the Santa Rosa, Laguna Police Station by the PNP Provincial Director, Supt. Arthur Castillo, to identify a certain person and a passenger jeep in connection with the incident on August 25, 1996. She remembered the person, who turned out to be the husband of the victim, herein appellant Hilarion C. Teves, as the driver of the passenger jeep that they met on the NIA road in Barangay Macabling, Santa Rosa, Laguna shortly before they chanced upon the body of a dead woman later identified as Teresa C. Teves. She recognized the appellant when their respective vehicles momentarily stopped facing each other with their headlights switched on. She had also seen the appellant while the latter was sitting on a bench at the back of the Santa Rosa, Laguna Police Station when she came to verify the status of the case on August 27, 1996.

Milagros likewise recognized the passenger jeep^[8] as the same vehicle being driven by the appellant when they met on the NIA road in the late evening of August 25, 1996. Milagros explained that she instructed her fellow barangay tanods to train their flashlight on its direction after the passenger jeep sped away and she read partly the plate number at the back as "DJN 6" which she wrote on a cigarette foil^[9] ("palara"). She also noted the distinguishing features of the passenger jeep such as: a) the maroon paint on the bumper; b) the small lights attached to the bumper; and c) the green reflectorized paints on the bumper. After identifying the appellant and the passenger jeep, Milagros executed another sworn statement^[10] before the police.

Upon his detention on the same date of August 29, 1996, the appellant allegedly requested the aunt of the victim, Maria Alulod, who was present at the Santa Rosa, Laguna Police Station, to send his Tata Enteng (Vicente Alulod) to the police station and to bring money for a certain barangay tanod of Barangay Macabling so that his sentence for the commission of the crime would be reduced.^[11] Vicente turned down the request as he noted during the wake of Teresa that Hilarion was not actually sorry for his wife's death although he appeared worried ("balisa").^[12]

It also appears that before her untimely demise, Teresa was able to confide with an aunt, Paula Beato Dia, that she had a marital problem. Paula counseled her that it was natural for any husband and wife to have occasional problems. She even suggested to Teresa to seek the advice of her Tata Felix.^[13]

In July 1996 Teresa approached her uncle, Felix Padua, to seek the latter's advice concerning her marital problem. Apparently, her husband, herein appellant Hilarion Teves, proposed that they live separately. He also wanted to secure an arrangement regarding the custody of their children and his wife's consent regarding the

disposition of their house and lot. Teresa could not recall any serious reason for her husband's behavior but she surmised that the appellant resented her comment that his peers were all "dalaga" and "binata". Since Felix was busy at that time, he advised Teresa to visit him on another occasion so that they could discuss her problem thoroughly.^[14]

In the same month of July, Teresa and the appellant went to the house of Felix Padua in Santa Rosa, Laguna. When asked about their problem, the appellant disclosed that he could no longer put up with Teresa's jealousy that often caused him embarrassment before his friends. Felix tried to explain that it was common between any husband and wife to get jealous and that appellant should realize that his wife simply loved him very much. However, the appellant would not listen and even imputed that his wife had a bad character.^[15]

On July 20, 1996 Paula Beato Dia learned from Teresa that the couple had finally decided to live separately after conferring with their Tata Felix. On July 30, 1996 Teresa informed Paula that the appellant became violent ("nagwala") over her refusal to sell their properties. Paula then, advised her niece to bring the matter to the barangay officials.^[16]

The evidence of the defense shows that the appellant stayed in their house during the day on August 25, 1996. He helped his wife, Teresa, washed their clothes. In the afternoon, he watched basketball game on the television and also helped his children with their school assignments. He started to ply the Binan-Cabuyao route with his passenger jeep at 6:30 o'clock in the evening as it was his usual schedule. Before leaving however, he told his wife that he would spend the night in the house of his uncle Caloy in Barangay Tagapo, Santa Rosa, Laguna.^[17] It appears that the daughter of his uncle Caloy celebrated her debut which the appellant and his children attended on August 24, 1996. When the party ended, he was requested by the family to help in returning some of the borrowed equipment on the following day.

Teresa also left the house at about 8:30 o'clock in the evening on the same day allegedly to confer with somebody. She instructed her daughter, Leizel, not to lock the door when they go to sleep. Leizel saw her mother board a tricycle behind the driver, inasmuch as there were already two passengers in its sidecar.^[18] Teresa was also seen by another tricycle driver, a certain Edwin Carapatan, at around 9:00 o'clock in the evening while she was on board a tricycle behind the driver which was bound for the town proper. Both even greeted each other.^[19]

Meanwhile due to heavy traffic, the appellant managed to ply his route 2½ times only after which he proceeded to the house of his Tiyo Caloy in Barangay Tagapo, Santa Rosa, Laguna. Upon arrival at exactly 8:30 o'clock in the evening, the appellant ate his supper. Thereafter, they arranged the things for him to bring home on the following day. Before going to sleep, the appellant joined the family in watching basketball game on the television until the same was over at 10:00 o'clock in the evening.^[20]

When the appellant arrived home in Barangay Sinalhan, Santa Rosa, Laguna on August 26, 1996, he was informed by his youngest child that his wife was not

around. According to appellant, he thought that his wife left early on that day to look for a job. He learned that his wife left the house at 8:30 o'clock in the previous evening upon arrival of his second eldest daughter, Lalaine, from school at 12:00 o'clock noon.^[21]

The appellant and his neighbors searched for Teresita in the entire afternoon but in vain. At 10:00 o'clock in the evening, he heard of talks that a body of a dead woman was found in Barangay Balibago, Santa Rosa, Laguna. He went to Santa Rosa, Laguna Police Station together with a certain Lebong Dia and was instructed by the police to proceed to Funeraria Lim after hearing his description of his wife. At 11:30 in the evening, he saw the dead body of his wife at the funeral parlor which he brought home after midnight.^[22]

On August 27, 1996, the appellant went back to the police station in Santa Rosa, Laguna where he was initially informed by a certain police officer Laurel that his wife might be a victim of gang rape. However, he learned later that he was a suspect in the killing of his wife when he was investigated by the police.

On August 29, 1996, he returned to the police station in Santa Rosa, Laguna upon being informed that Supt. Arthur Castillo would investigate the case. Three (3) barangay tanods, namely: Angel Lapitan, Milagros Tayawa and Gerry Pantilla were present in the police station. Castillo requested them to identify the appellant; however, none of the three (3) was able to recognize him. The appellant was asked to sit behind the steering wheel of his passenger jeep and was even ordered to wave his hand while pictures of him were being taken. Subsequently, Castillo urged the three (3) barangay tanods to take a good look at the appellant to refresh their memory after which he asked: "Ano sa tingin niyo?" When no response from the tanods was forthcoming, Castillo again asked: "Hindi pa ba ninyo nakikilala yan?" After putting his hand on the shoulder of Barangay Tanod Milagros Tayawa, the latter remarked: "Parang kahawig niya." Thereafter, Col. Castillo ordered the appellant's arrest.^[23]

On December 7, 1999, the trial court rendered a Decision, the dispositive portion of which reads:

WHEREFORE, this court finds accused Hilarion Teves y Cantor, GUILTY beyond reasonable doubt of the crime of Parricide, defined and penalized under Article 246 of the Revised Penal Code, restored in R.A. No. 7659, Imposing Death Penalty on Certain Heinous Crimes, and there being present the aggravating circumstances the herein accused killed his wife (a) during nighttime; (b) in an uninhabited place; and (c) with the use of a motor vehicle (jeepney), hereby imposes upon him the DEATH PENALTY and orders him to indemnify the heirs of Teresa Teves the sum of P100,00.00, as moral damages.

The Provincial Jail Warden of Santa Rosa, Laguna is hereby ordered to transfer accused Hilarion Teves y Cantor to the National Penitentiary, New Bilibid Prison, Muntinlupa City, immediately upon receipt hereof.

SO ORDERED.