

## EN BANC

[ G.R. No. 125053, March 25, 1999 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
CHRISTOPHER CAÑA LEONOR, ACCUSED-APPELLANT.**

### D E C I S I O N

**DAVIDE, JR., C.J.:**

In the decision<sup>[1]</sup> of 22 March 1996 in Criminal Case No. 95-212, the Regional Trial Court of Parañaque, Branch 274, found accused-appellant Christopher Caña Leonor guilty beyond reasonable doubt of the crime of robbery with homicide and sentenced him to suffer the penalty of death and to pay the heirs of the victim P50,000 as death indemnity; P44,318 as actual damages; P2 million as moral damages; and P50,000 as attorney's fees.

CHRISTOPHER was charged in an information<sup>[2]</sup> whose accusatory portion reads as follows:

That on or about the 15<sup>th</sup> day of May 1995, in the Municipality of Parañaque, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to gain and against the will of complainant Ma. Teresa Tarlengco and by means of force, violence and intimidation employed upon the person of said complainant did then and there willfully, unlawfully and feloniously divest her cash money worth P900.00 and Titus wrist watch valued at an undetermined amount, belonging to said Ma. Teresa Tarlengco, to the damage and prejudice of the latter, in the aforementioned amount; that on the occasion of the said Robbery, the above-named accused, with intent to kill, without justifiable reason, did then and there willfully, unlawfully and feloniously attack, assault and stab said Ma. Teresa Tarlengco, thereby inflicting upon the latter serious stab wounds which caused her death.

At his arraignment on 14 June 1995, CHRISTOPHER entered a plea of not guilty.<sup>[3]</sup>

It is undisputed that on 15 May 1995 at the Hermanos Building in General Santos Avenue, Bicutan Extension, Parañaque City, at around 11:30 a.m., CHRISTOPHER stabbed dentist Dr. Maria Teresa Tarlengco, which wound ultimately led to her death. That much is admitted by CHRISTOPHER. The prosecution and the defense differ, however, in the circumstances surrounding the incident.

The prosecution had as witnesses Reynaldo Baquilod, SPO1 Luis F. Galeno, PO3 Mateo Interia, Dr. Ravell Ronald Baluyot, Dr. Edgardo de Guzman, Dr. Paul Pepa, Beverly Vidanes, Dr. John Enrique Franco, Fernando Tarlengco, Geraldine Tarlengco, Joseph Sumalbar, and Asst. Public Prosecutor Elizabeth Yu Guray. The defense

presented CHRISTOPHER, Leopoldo Leonor Leonidas, Dr. Alfredo Besa, Renato Leonor and Alexander Pagubasan.

The Office of the Solicitor General partly summarized the evidence for the prosecution as follows:

In the morning of May 15, 1995, Dr. Maria Teresa Tarlengco, a dentist by profession, was at her clinic at the third floor of the Hermanos Building, Bicutan, Parañaque, Metro Manila, when a man entered and inquired about the cost of tooth extraction. After Dr. Tarlengco quoted her professional fee, the man, who was later on identified as Christopher Leonor, said that he would come back and then left in a hurry. Minutes later, Leonor came back[,] and Dr. Tarlengco told him to take a seat and wait. Dr. Tarlengco was preparing her dental instruments when Leonor barged in and demanded money. Dr. Tarlengco told Leonor that her money [was] on the table. On hearing this, Leonor stabbed Dr. Tarlengco, grabbed her watch and ran away. Dr. Tarlengco struggled out of the clinic and saw the man running out of the building, Dr. Tarlengco shouted for help.

Reynaldo Baquilod, building security guard, heard Dr. Tarlengco shouting, "Tulungan ninyo ako, sinaksak ako ng taong iyon." Baquilod noticed that Dr. Tarlengco was referring to the man "running out of the building, coming from upstairs." Baquilod chased Leonor up to Daang Hari Street where he was joined by traffic policeman Luis Galeno who was alerted by people running after a person with bloodied shirt. When Galeno and Baquilod caught up with Leonor, Baquilod grabbed Leonor's hand and took therefrom a Titus wristwatch and P900 cash. When queried, Leonor readily answered, "Sir, hindi ko naman gusto po ito. Ginawa ko lang ito dahil kailangan ng pamilya ko." Leonor was brought to the Parañaque Police Block Station, PO3 Interia who was instructed to investigate proceeded to Dr. Tarlengco's clinic, where they saw, among other[ ] [things], a bloodied *balisong* (fan knife) at the ground floor of the Hermano's building. Baquilod turned over the watch and money he took from Leonor to Interia. Thereafter, Galeno and Interia returned to the police station where they were interrogated.

Dr. Tarlengco was brought to the South Super Highway Medical Center where she underwent an emergency operation for a stab wound on her chest. After the operation, Dr. Tarlengco's father, with the doctor's permission, was allowed to talk to his daughter inside the operating room. Although Dr. Tarlengco was gasping for breath, she spoke to her father, viz:

Q: So were you able to talk with your daughter while in the Operating Room? What did she say, if any, Mr. Tarlengco?

A: She said that this man pretended to be a patient.

Q: And what else did she say?

A: He asked her how much would it cost to pull a tooth and then she said, "Dad, when I quoted my price, he said that he would come back and left in a hurry."

Q: What else did she say, if any, Mr. Tarlengco?

A: "After a minute, he came back, I told him to wait, to sit down first at my Waiting Area because I [had] to still prepare the instruments needed."

Q: Then, what happened after that?

A: She said, "while I was busy preparing my instrument, Dad, this man barged in. He demanded for my money. I told him it [was] on my table. And after telling that, Dad, he stabbed me and then he grabbed my watch and he [ran] away" and she said, "I struggled Dad, to come out of the clinic and when I was on the porch, I saw this man coming [sic] out of the building. I shouted for help, I said "Saklolo, saklolo, sinaksak ako ng taong iyan. Hulihin ninyo."

Q: Then what else did she say after she narrated to you that incident, Mr. Tarlengco?

A: After that, in tears, she said that "Dad, I don't know, why inspite of getting my money this man stabbed me" and I was numbed at that point of time, I [could not] talk anymore, I [could not] tell anything to her anymore, I just combed her hair with my fingers.

Thereafter, Dr. Tarlengco was brought to a private room where she subsequently died.

Dr. Ronaldo Baluyot, the NBI Medico-legal Officer who conducted the post-mortem examination of the deceased, testified that Tarlengco's stab wound on the chest could have been caused by single bladed "fan" knife.

Geraldine Tarlengco, who stayed with her sister Dr. Tarlengco while reviewing for the BAR Examination, owned a Titus watch similar to that of her sister. Both watches were given to them by another sister Cecille. On the morning of May 15, 1995, Geraldine saw Dr. Tarlengco strap the watch on her wrist. Geraldine, likewise, saw her sister, Dr. Tarlengco, place in her wallet one 500-peso bill and four 100-peso bills, after showing the same to Geraldine, who earlier was teasing her sister, Dr. Tarlengco, that the reason why she did not buy the dress she wanted to buy at Cinderella's was because she had no money. If only to prove her sister Geraldine wrong, Dr. Tarlengco showed her money which she took from her wallet.<sup>[4]</sup>

Additionally, Dr. John Enrique Franco, a friend of the victim, testified that he got to talk with Dr. Tarlengco at the hospital. He asked Dr. Tarlengco what happened, and she answered that a man posing as a patient held her up and stabbed her.<sup>[5]</sup>

Joseph B. Sumalbar, Dr. Tarlengco's fiance, testified that when he learned about his fiancée's killing, he immediately went to the crime scene and, thereafter, to the Block 7 police station where he confronted the suspected killer, Christopher. Sumalbar recalled his conversation with the latter, thus:

Q: And what happened after that, when you proceeded to the cell

of this suspect?

A: I found this man who was half naked from the waist up. I found this man without any shirt on and he was sitting at the corner and he was trying to avoid me and I asked him, "Bakit mo ginawa iyon?" Sabi niya, "hindi ko po naman gusto. Kailangan ko lamang ang pera."

Q: When you confronted the accused at Block 7, what else did he say, if any?

A: While I was shouting at him, "Hinold-up mo na, sinaksak mo pa. Bakit mo ginawa iyon?" "Hindi ko po naman gusto iyon, mahuhuli na po ako," sabi niya. "Mahuhuli na po ako kaya ginawa ko iyon."

Q: Then what else did he say when you confronted him, if any?

A: And he told me that he needed the money.<sup>[6]</sup>

SPO3 Mateo Interia testified that on 16 May 1995, he took the statement of Dr. Tarlengco's father and executed a Referral<sup>[7]</sup> to the Provincial Prosecutor of Rizal for CHRISTOPHER's inquest. Interia reported in the referral that CHRISTOPHER was being held for robbery with homicide but forgot to state the property stolen from Dr. Tarlengco. After Mr. Tarlengco reminded Interia of the stolen items, the latter intercalated into the referral a reference to P900 and a Titus wristwatch forming part of the evidence against CHRISTOPHER.<sup>[8]</sup>

Fernando Tarlengco, father of the victim, described the impact of her daughter's death, viz.:

Q: In connection with the death of your daughter, Mr. Tarlengco, did your family incur any expenses?

A: Not just expenses but more on the agony, the tribulations we are having up to this time. You know, up to this time, we kept on weeping. My father, the grandfather of my daughter, was shocked and in anguish, he also succumbed to death in less than two months, because of what this evil person [had] done to us. My work was affected. My wife's work is affected. There are times when we are at home, we don't know what to do anymore. We are in total misery. I don't know why this was done to us by the devil deeds of this person has done to us [sic].<sup>[9]</sup>

In relation to Dr. Tarlengco's death, her family spent P8,718 for hospital expenses; about P2,500 to P3,500 charged by Funeraria Malaya where she was brought; P22,500 for her casket; P8,250 paid to Manila Memorial, Inc.; P5,000 for the masses held for Dr. Tarlengco; and about P10,000 for the food served to the guests at Dr. Tarlengco's wake.<sup>[10]</sup>

CHRISTOPHER, on the other hand, testified that on 15 May 1995, at about 6:00 a.m., he left his town Calauag, Quezon, and boarded a Jam Transit bus bound for Manila, with P800 and a fan knife in his pocket. He was to fetch his family for the town fiesta to be held on 25 May 1995. His head and two of his molar teeth were then aching. He alighted at Alabang and took a bus bound for Bicutan Extension.<sup>[11]</sup>

Upon reaching Bicutan Extension, he looked for a dentist to have his aching teeth pulled. He found Dr. Tarlengco's dental clinic at the third floor of a certain building in General Santos Avenue. He asked Dr. Tarlengco how much an extraction cost, and was told that the fee was P150 per tooth. CHRISTOPHER negotiated a charge of P100 per tooth, but Dr. Tarlengco rejected the offer. CHRISTOPHER then proceeded to look for another dentist, but before he could make his way out of the clinic, Dr. Tarlengco stopped him and agreed to charge P100 per extraction. CHRISTOPHER was made to sit on the dental chair as Dr. Tarlengco prepared the instruments for the extraction. Just as she was about to inject anesthesia, she remarked that she changed her mind and would charge P150 per tooth pulled. CHRISTOPHER pushed away Dr. Tarlengco's hand, which angered her. She castigated and cursed CHRISTOPHER for asking for an extraction without being able to pay for it.<sup>[12]</sup>

As CHRISTOPHER was making his way out of the clinic, Dr. Tarlengco cursed and pushed him, at which moment he blacked out.<sup>[13]</sup> He then sensed that the dentist was in pain, and he saw blood spurting. He realized that he had stabbed the dentist. In shock, CHRISTOPHER stepped back, lost the grip on his fan knife, and ran out of the clinic and out of the building. When he looked back at the clinic, he saw Dr. Tarlengco shouting for help. A security guard, with his shotgun aimed at CHRISTOPHER, ran after the latter.<sup>[14]</sup>

CHRISTOPHER ran to where there were many people. Then he came across Police Officer Galeno, who grabbed him by the hand and asked what happened. He replied, "Sir, *nakadisgrasya ako*."<sup>[15]</sup> Galeno warded off the pursuing security guard who insisted on apprehending CHRISTOPHER. Galeno brought CHRISTOPHER to Block 7, Parañaque Police Station, and later, to the Police Headquarters along the Coastal Road in Parañaque. Four policemen, including PO3 Interia, took turns in mauling and kicking him, and one policeman even took money from his wallet. Also, his clothes were confiscated.<sup>[16]</sup>

During the investigation, CHRISTOPHER admitted that he had stabbed Dr. Tarlengco, but denied that he had taken P900 and a Titus wristwatch from the victim. He was surprised when later, he was informed by Assistant Public Prosecutor Elizabeth Yu Guray that he would be charged with Robbery with homicide, not homicide only.<sup>[17]</sup>

Leopoldo Leonor Leonidas, CHRISTOPHER's uncle, revealed that at about noon of 15 May 1995, while he was at home, he received a telephone call from CHRISTOPHER saying that he had stabbed someone. When he asked CHRISTOPHER why he stabbed someone the latter answered, "*Aburido ako*, Kuya Ding, *aburido ako*" ("I am troubled, Kuya Ding, I am troubled").<sup>[18]</sup>

Renato Leonor, CHRISTOPHER's father, testified that he went to see his son at his detention cell but could hardly recognize him because he was bloodied. He remembered that CHRISTOPHER complained of toothache before he left for Manila.<sup>[19]</sup>

Dr. Alfredo Besa, a dentist, examined CHRISTOPHER three hours before the former took the stand. Unassisted by any "dental aid" or nurse, he determined that two of CHRISTOPHER's teeth were due for extraction<sup>[20]</sup> and, at the condition they were in,