

EN BANC

[G.R. No. 125518, July 20, 1998]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
BENJAMIN REYES Y GUTIERREZ, ACCUSED-APPELLANT.**

D E C I S I O N

PUNO, J.:

Accused-appellant Benjamin Reyes was charged with the crime of parricide before the Regional Trial Court of Batangas,^[1] for stabbing to death his 13-year old daughter, Cherry Reyes. The Information^[2] against him reads:

"That on or about the 10th day of March, 1994, at about 7:00 o'clock in the evening, at Sitio Lumbangan, Ilaya, Barangay Poctol, Municipality of San Juan, Province of Batangas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a fan knife (balisong), with intent to kill and without any justifiable cause, did then and there wilfully, unlawfully and feloniously attack, assault and stab several times with the said fan knife, his daughter Cherry Reyes y Colegio, thereby inflicting upon the latter stab wounds on the different parts of her body which directly caused her death.

"Contrary to law."

When arraigned, accused-appellant pleaded not guilty.^[3]

The records reveal that Benjamin Reyes and Julieta Colegio lived together as husband and wife in barangay Poctol, San Juan, Batangas. They had four (4) children, viz: Aguinaldo (deceased), Billy, Cherry (the victim) and Donnie (the eyewitness).

Cherry was a typical teenager who loved watching television shows. Every night, she would go to the house of Patricia Salud located several meters away from their house and the duo would proceed to the house of a neighbor, Angelina Bustamante, to watch T.V. After watching T.V., Cherry and Patricia would pass the night in the house of Patricia's father. Cherry would return to her house the next day, at 7:00 a.m.^[4]

On March 10, 1994, shortly after dinner, Cherry told her mother, Julieta, that she would go to Patricia's house. Cherry did not ask permission from her father because she was afraid of him. After receiving her mother's blessing, Cherry left. When Benjamin learned from Julieta that Cherry left, he got furious. He got out of the house, taking with him their nine-year old son, Donnie. Julieta felt strange ("kinutuban") after Benjamin left.^[5]

That evening, Patricia was in her house having dinner with her family. She heard a young girl scream ("irit") three (3) times. Patricia did not check what it was all about as she was attending to the needs of her eleven (11) children. After dinner, Patricia waited for Cherry to come. Cherry did not pass by her house. Nonetheless, Patricia went to Angelina's house and watched T.V. She found Cherry's elder brother, Billy, at Angelina's house. When she asked Billy where his sister was, he did not reply.^[6]

The following day, at about 7:30 a.m., Cherry's lifeless body was found lying prostrate on the ground a few meters away from Patricia's house. The victim's body bore eleven (11) stab wounds and ten (10) incised wounds. The postmortem examination of Dr. Emelita Abacan, Rural Health Physician of Poctol, revealed that the victim died due to "hemorrhage, secondary to multiple stabbed wounds."^[7]

When the Philippine National Police of San Juan, Batangas, received a report that a young girl was found dead in barangay Poctol, SPO1 Wilfredo De Castro and PO3 Arnulfo Amakin repaired to the crime scene. The crowd at the scene told them that the victim had been taken by her parents to their house. SPO1 De Castro then proceeded to the house of the victim. Benjamin was not home so SPO1 De Castro interviewed Julieta. She seemed afraid and had no suspects. SPO1 De Castro also tried to talk to Donnie, but the boy was crying and was afraid to talk to him.^[8]

On March 16, 1994, the barangay chairman of Poctol brought Benjamin to the police station and requested the police to let Benjamin stay there for his safety as his brothers-in-law were furious at him. Julieta and Donnie also went to the police station.^[9] Julieta gave her sworn statement,^[10] claiming that she and her nine-year old son, Donnie, saw Benjamin stab the victim to death.

SPO1 De Castro tried to get Donnie's statement but Donnie refused to talk because his father was at the police station. Consequently, on March 18, 1994, SPO1 De Castro conducted the investigation in the house of Marino Colegio, Julieta's brother, where Donnie was temporarily sheltered.^[11] SPO1 De Castro brought with him an office typewriter. He took Donnie's sworn statement^[12] in the presence of Barangay Chairman Banaag, PO3 Amakin, Florenda Colegio and others. Donnie's account of the gruesome killing of his sister is as follows:

16. T:- Nasaan na ang iyong Ate Nene (Cherry)?
S:- Patay na po ang Ate Nene (Cherry).
- "17. T:- Ano ang ikinamatay ni Nene (Cherry)?
S:- Sinaksak po.
- "18. T:- Sino ang sumaksak kay Nene (Cherry)?
S:- Ang aking pong Ama.
- ".19 T:- Anong patalim ang isinaksak ng iyong Ama kay Nene (Cherry)?
S:- Lanseta po.
- "20. T:- Kailan sinaksak ng iyong Ama si Nene (Cherry)?
S:- Nuon pong ika-10 ng Marso 1994.
- "21. T:- Anong oras sinaksak ng iyong Ama si Nene (Cherry)?
S:- Gabi po, mga 6:30 po ng gabi.
- "22. T:- Saan lugar sinaksak ng iyong Ama si Nene (Cherry)?

- S:- Malapit po sa bahay ng Ate Patring Salud.
- "23. T:- Ilang beses sinaksak ng iyong Ama si Nene (Cherry)?
- S:- Madaming beses po.

x x x

x x x

x x x

- "26. T: Bago sinaksak ng iyong Ama si Nene (Cherry), ano muna ang ginawa ng iyong Ama dito kay Nene?
- S:- Ginature (sic) po muna ng aking Ama.
- "27. T:- Anong bagay ang iginature (sic) ng iyong Ama kay Nene (Cherry)?
- S:- Uyo po ng niyog.

x x x

x x x

x x x

- "29. T:- Ilang beses ginature (sic) ng iyong Ama si Nene (Cherry)?
- S:- Dalawang beses po.
- "30. T:- Saan ginature (sic) ng iyong Ama si Nene (Cherry)?
- S:- Sa puwit po.
- "31. T:- Matapos magature (sic) ng iyong Ama si Nene, ano pa ang ginawa ng iyong Ama kay Nene (Cherry)?
- S:- Ako po ay pinatago na ng aking Ama sa puno ng niyog at sinaksak na po ng aking Ama si Nene (Cherry).
- "32. T:- Saan ba kayo galing ng iyong Ama?
- S:- Amin pong sinundan ng Ama si Nene.
- "33. T:- Bakit ninyo sinundan ng iyong Ama si Nene (Cherry)?"
- S:- Galit po ang aking Ama.

x x x

x x x

x x x

- "35. T:- Pasaan naman si Nene (Cherry) ng ito ay sundan ninyong mag-Ama?
- S:- Papunta po sa bahay ng Ate (P)atring.
- "36. T:- Matapos na masaksak ng iyong Ama si Nene (Cherry), ano pa ang ginawa ng iyong Ama?
- S:- Ako po ay isinamang paalis ng aking Ama.
- "37. T:- Saan kayo nagpunta ng iyong Ama?
- S:- Kami pong mag-ama ay nagpunta sa ilog.
- "38. T:- Ano ang ginawa ng iyong Ama sa ilog?
- S: Naghinaw po ng kamay.
- "39. T:- Pagkatapos ng makapaghinaw ng iyong ama ng kamay, saan pa kayo nagpunta?
- S:- Kami pong mag-ama ay umuwi na sa aming bahay at

tumulog na.

- "40. T:- Nang kayo ay pauwi na sa inyo buhat sa ilog, ano naman ang sabi sa iyo ng iyong ama?
S:- Sinabi po sa akin ng aking ama na huwag sasabihin ang nangyari kay Nene (Cherry)."

On the basis of the evidence gathered, the police filed the corresponding criminal charge against Benjamin. One (1) year after the incident, the case was finally tried. At the trial, the prosecution called Julieta and Donnie, among others, to the witness stand.^[13]

Julieta initially testified that she felt that something bad would happen to her daughter the moment her husband stepped out of their house so she followed him. Julieta caught up with Benjamin and Donnie near the house of Patricia. She was, however, too late for Benjamin was already stabbing Cherry. Julieta begged him to stop but he warned her not to interfere or else he would also kill their other child. Engulfed with fear, she headed back home and brushed her teeth. Moments later, Benjamin and Donnie arrived. They slept afterwards.^[14]

For reasons only known to her, Julieta retracted her testimony that Benjamin was the culprit. In the latter part of her direct examination and during the cross-examination, she claimed that she did not report the stabbing incident to the barangay chairman because the first time she learned that her daughter had died was in the morning of March 11, 1994. She did not know then who killed her daughter.^[15]

Julieta further admitted that it was her son, Donnie, who actually witnessed the stabbing incident. She said that she learned that her husband was involved in the killing because Donnie had confided to her niece, Florenda Colegio, that he saw his father repeatedly stab Cherry.^[16]

For his part, Donnie maintained that Benjamin killed Cherry. Donnie testified that Cherry is now in heaven because his father killed her on March 10, 1994, at about 7:00 p.m., near the house of his "Ate Patring" (Patricia Salud). His father stabbed to death his "Ate Nene" (Cherry), using a fan knife ("balisong"). He saw everything because he was about an arm's length from where his father was. He just kept quiet and did nothing because he was afraid. His father also threatened to kill him so he did not report the incident to anyone, not even to his mother. Donnie revealed to his "Ate Ening" (Florenda Colegio) that his father killed Cherry due to the latter's constant threats on him.^[17]

Donnie affirmed that the police authorities went to the house of Florenda Colegio in connection with the case. At that time, his mother was not around. Florenda convinced him to sign a sworn statement. He acknowledged his signature at the bottom of the sworn statement prepared by the police, although he claimed that no one explained it to him.^[18]

Benjamin denied the charge and claimed that he never left his house during the commission of the crime. He maintained that nothing unusual occurred that tragic evening. After having dinner with his family, he allegedly went to bed while Julieta

washed the dishes.^[19]

The following morning, he woke up early and watered the plants. He returned to the house, drank coffee, took a tool for picking coconuts ("kalawit") and, thereafter, headed to the coconut plantation. He was trekking the road near the house of Patricia when he saw his daughter lying on the ground in a pool of blood. He shouted for help as he carried Cherry. Soon after, Patricia arrived. When he asked Patricia what happened to his daughter, she did not answer.^[20]

Accused claimed he had a harmonious relationship with his family, particularly his wife. He surmised that his wife and son testified against him because he did not weep when Cherry died.^[21]

Patricia corroborated Benjamin's testimony. She testified that in the early morning of March 11, 1994, she heard a man shouting: "NAKU, ANAK KO ITO, ITO AY GINAHASA, ITO AY INIWAAAN (sic), TULUNGAN NINYO AKO." She went to the place where the voice came from. There, she saw Benjamin holding the bloodied and lifeless body of Cherry. Cherry's face was dirty and she had several stab wounds on the different parts of her body.^[22]

After trial, the court a quo rendered judgment,^[23] holding Benjamin guilty of parricide. Thus, the court a quo sentenced him as follows:

- "1. To suffer the penalty of death;
- "2. To pay the heirs of Cherry Reyes civil indemnity in the amount of P50,000.00;
- "3. To pay the heirs of Cherry Reyes moral damages in the amount of P50,000.00; and
- "4. To pay the costs of (the) suit."

"Pursuant to Republic Act 7659, the death sentence shall be executed with preference to any other offense and shall consist in putting the person under sentence to death by electrocution.

"The death sentence shall be carried out not later than one (1) year after the judgment has become final.

"SO ORDERED."

Hence, the present appeal.

The sole issue is whether the guilt of the accused-appellant has been established beyond reasonable doubt.

The defense contends that the prosecution witnesses' testimonies are incredible and run counter with the common experience and observation of mankind. For instance, Julieta testified that she saw accused-appellant stab her daughter but, instead of helping her daughter, she went home. The defense points out that it is unnatural for