

## **FIRST DIVISION**

**[ G.R. No. 113116, October 30, 1996 ]**

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
RONALD DE VERA, ACCUSED-APPELLANT.**

### **D E C I S I O N**

**VITUG, J.:**

Ronald De Vera was charged with the crime of parricide under an information that read:

"That on or about the 30th day of September, 1990, in Quezon City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with evident premeditation, did, then and there wilfully, unlawfully and feloniously attack, assault and employ personal violence upon the person of one IRMA ASPURIAS DE VERA, his wife, by then and there strangling her neck with a sash, thereby causing her instantaneous death, to the damage and prejudice of the heir of the said Irma Aspurias de Vera.

"CONTRARY TO LAW."<sup>[1]</sup>

He pleaded "not guilty" to the accusation.

The prosecution's account of the incident may be narrated, as follows:

In the afternoon of 30 September 1990, Irma Aspurias De Vera, the young housewife of the accused, was at home with household helper Francisca Eugenio (Francing), their tenant Lorna Anteola, the accused's sister Rowena de Vera Jesuitas and the latter's husband Arnel Jesuitas. At about 3:00 p.m., Irma's husband, accused Ronald De Vera, arrived. Ronald asked Irma, who was then at the kitchen with Francing and Lorna, to join him in the bedroom upstairs in order to "discuss an important matter." Within minutes, Lorna heard a commotion in the couple's bedroom. She could hear that the two were engaged in a shouting match. Then, there was complete silence. After a while, sensing that all was well again, Lorna went upstairs. To her surprise, she saw Ronald, assisted by Arnel, carrying a disabled Irma out of the room. The latter was brought to the Quezon City Medical Center where she was pronounced dead on arrival. Looking over at the couple's bedroom, Lorna and Francing saw that the place was in disarray.

The Quezon City Police conducted that evening an investigation of the incident. SPO1 Jose Gil Gregorio made an ocular inspection. He reported that the built-in cabinets in the couple's bedroom were open, the bedsheets were crumpled, and clothes and perfume bottles were scattered all over the place.

In the medico-legal examination conducted on 04 October 1990, by the police, the

cause of death was said to be asphyxia by hanging.<sup>[2]</sup>

The National Bureau of Investigation ("NBI"), at the request of the Commission on Human Rights,<sup>[3]</sup> undertook its own investigation of the case. Irma's body was exhumed, and a second autopsy was conducted.<sup>[4]</sup> This time, the cause of death was found to be "asphyxia compatible with strangulation."<sup>[5]</sup>

The defense sought to convince the trial court that Irma took her own life. It's version of the incident follows:

Ronald and his wife had a heated argument about their failure to attend the wedding of his sister, Rowena, to Arnel Jesuitas. Irma and Rowena's relationship concededly was strained. According to Ronald, Irma became hysterical during the confrontation. Ronald tried, but failed, to calm down his wife. He later left the room, purportedly "to get his toothbrush from the bathroom." When he returned, he found the door of their room already locked. He knocked at the door repeatedly but Irma would not let him in. Ronald went downstairs and, after about ten minutes, he went back but he still could not get in. Finally, he decided to enter the room through the window. He found Irma sitting with her head down and motionless. He tapped her on the shoulder and called her name but she did not respond. He felt pulse. He notice a sash around her neck which was tied to an iron bar of the cabinet. Ronald removed the sash from the cabinet and took it off from Irma's neck. He then, with the help of Rowena and Arnel, rushed Irma to the hospital where the attending physicians tried, but failed, to revive his wife.<sup>[6]</sup>

On 14 December 1993, the trial court<sup>[7]</sup> decided the case; it concluded:

"WHEREFORE, the Court finds accused Ronald De Vera guilty beyond reasonable doubt of the crime of parricide charged herein, defined and punished in Art. 246 of the Revised Penal Code, as principal in the commission thereof and, accordingly, he is hereby sentenced to suffer the penalty of reclusion perpetua; to indemnify the heirs of the deceased Irma Aspurias De Vera in the sum of fifty thousand pesos as death indemnity; to pay her mother, Melanda Aspurias, the sum of fifteen thousand four hundred fifteen pesos as actual damages; and, to pay the costs, without prejudice to the application of Rep. Act No. 6127 in his favor.

"SO ORDERED."<sup>[8]</sup>

In his appeal to this Court, accused-appellant makes the following submissions:  
That -

"THE LOWER COURT ERRED IN FINDING THAT THE PHYSICAL EVIDENCE PROVED BEYOND REASONABLE DOUBT THAT IRMA'S DEATH WAS CAUSED BY ASPHYXIA THROUGH HOMICIDAL STRANGULATION.

"THE LOWER COURT ERRED IN RELYING ON CIRCUMSTANTIAL EVIDENCE TO SUPPORT ITS CONCLUSION THAT RONALD CAUSED IRMA'S DEATH THROUGH STRANGULATION.

"THE LOWER COURT ERRED IN FINDING THE ACCUSED GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED."<sup>[9]</sup>

Dr. Renato Bautista, the Medico-Legal Officer of the NBI, concluded that the cause of death was asphyxia compatible with strangulation. While Dr. Bautista conceded that an autopsy on a fresh cadaver would normally be more reliable in determining the cause of death than that conducted at a later time, much would depend, however, he said, on how the autopsy was undertaken and on the condition of the cadaver. It would appear that the post-mortem investigation on the cadaver conducted by the NBI was decidedly more extensive and exhaustive than the cursory examination previously made by the police. Dr. Bautista testified:

- "Q What made you conclude, Mr. witness that the cause of death was asphyxia compatible with strangulation?
- "A Well, sir, aside from the absence of any ligature mark on the neck, the presence of the different injuries located on the neck and the findings on the inferior third of the thyroid cartilage towards and including superior part of the first portion of the trachea revealed marked congestion, I believed that the cause of death was strangulation.
- "x x x x x x x x
- "Q Mr. witness, based on your findings, how was the strangulation done, in your opinion, Mr. witness?
- "A It was done manually, sir.
- "Q What made you conclude Mr. witness that it was done manually?
- "A Well, sir, since the different contused-abrasions on the neck of the victim made me conclude said opinion because this could have been caused, these contused-abrasions could have been caused by fingernails, sir.
- "x x x x x x x x
- "Q How about these things which you are referring to as ligature marks, is that not also a specific example of vital evidence that is usually tempered with or even destroyed by the process of embalming?
- "A No, your Honor.
- "Q Could you enlighten us why you say so?
- "A On the contrary, there are injuries especially these ligature marks which might appear on the cadaver which might not be seen immediately after death of the victim and in this particular case, if there were ligatures marks present on the neck, I should have readily seen it.
- "Q Could you kindly explain the nature of the ligature marks?
- "A A ligature mark, your Honor is the inflictment of the ligatures on the skin.

"Q Is it usually inflicted or produced in the skin?  
Because of the tightness on the particular portion of the skin, ligature mark will leave its mark therefore, there is that situation now if it is a case of soft material, let us say, the linen in most cases that don't leave a mark but definitely on autopsy you will see that there is a vital reaction underneath the skin.

"A

"Q What is the vital reaction underneath the skin?  
There is reddening of the muscle tissue sometimes congestive, sometimes there is fractures on the trachea.

"A

"Q Could you still see the reddening or the congestion left by such even after embalming?  
Yes, sir.

"A

"Q So these marks of evidence can survive the process of embalming?  
Yes, sir.

"A

"Q And in your autopsy, none of these evidence is present in this particular victim?  
There was, sir.

"A

"Q What was that?  
There was a slight congestion, and there was a marked congestion of the lower third of the thyroid cartilage towards and including the superior part of the first portion of the trachea revealed marked congestion (cricoid cartilage).  
"x x x x x x x x.

**"ATTY. MARTINEZ:**

"Q Will not the lapse of time of about one and one half month between death and autopsy erase or blurred the trace of the ligature marks?  
May I qualify my answer, in cases of victim that were not embalmed and submerged in water, yes, but in case of embalming, no.

"A

"Q So if the victim is not embalmed and not submerged in water, it will erase the marks?  
Yes, sir.

"A

"Q And you would like us to understand that the embalming would preserve ligature marks?  
Yes, sir.

"A

"Q And you are 100% certain that the cadaver had undergone embalming?  
Yes, sir, and there were no ligature marks in the neck.

"A

**"COURT:**

"I have some clarificatory questions. (to the witness)

"Q You said that there were no ligature marks in the