

## THIRD DIVISION

[ G.R. No. 190892, August 17, 2015 ]

**VICENTE H. MANULAT, JR., PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.**

### DECISION

**PERALTA, J.:**

Before this Court is a petition for review on *certiorari* dated January 14, 2010, seeking the reversal of the Decision<sup>[1]</sup> dated December 7, 2009, of the Court of Appeals (CA) affirming with modification the Decision<sup>[2]</sup> dated February 12, 2007 of the Regional Trial Court (RTC) of Tagum City, Davao del Norte, Branch 2, finding petitioner Vicente H. Manulat, Jr. guilty beyond reasonable doubt of the crime of parricide.

The accused is charged with the crime of parricide<sup>[3]</sup> as follows:

That on or about September 5, 2005, in the City of Tagum, Province of Davao del Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and choke and hang and strangle with the use of a nylon rope one Genebe Manulat, his wife, which caused her death, and further causing actual, moral and compensatory damages to the heirs of the victim.

CONTRARY TO LAW.<sup>[4]</sup>

Upon arraignment, petitioner Vicente Manulat, Jr. entered a plea of not guilty.

The evidence of the prosecution is summed up as follows:

Petitioner is the husband of the deceased Genebe Manulat. They have two children, Vince Earl and Leslie Kate, aged three and two years old, respectively. In the afternoon of September 4, 2005, Mary Jane Soriano, neighbor of the spouses, heard the spouses quarreling. She heard petitioner telling Genebe "Day, if I get hurt I would box you." She also heard sounds of breaking ceramics and a thud, then there was silence.<sup>[5]</sup>

Around 6:40 in the evening of the same day, petitioner, with his two children left their home and went to the house of his mother-in-law, Carmen Abarquez. Petitioner confided to Carmen that Genebe scolded and shouted at him for arriving late. He said that Genebe was throwing things. He quipped that "had the children been hit, he could have killed her (Genebe)." (Carmen ignored it and advised petitioner to just do his best since Genebe was not difficult to deal with. After dinner, petitioner left his children with Carmen and went home at 11 o'clock in the evening.

[6]

The following morning, September 5, 2005, Carmen bathed the two children and asked them what happened to their parents. Leslie Kate answered, "Father threw the cellphone, mother's mouth bled," while Vince Earl said, "Father choked mama" and "Mama was left home dead." Carmen did not mind what the children told her and instead told them that their mother was on duty at Gold City.<sup>[7]</sup>

Around 4 o'clock in the afternoon of the same day, Nilda Canabiral rushed to the house of the spouses upon hearing the petitioner's shout for help. She saw Genebe hanging from the ceiling on top of the bed.<sup>[8]</sup> Her body was somewhat bent with her feet touching the bed.<sup>[9]</sup> Then, petitioner slipped out the knot and laid the body of his wife on the bed while crying.<sup>[10]</sup> Petitioner did not do anything but cry and asked his wife why she had done it. The neighbors began gathering in the house.

George Biñan, one of the neighbors, was drinking at home with some visitors.<sup>[11]</sup> He then noticed the commotion from his neighbors and someone told him that somebody committed suicide.<sup>[12]</sup> He ran to the spouses' house and went inside the bedroom. He saw Genebe lying on the bed with petitioner shaking his wife and heard him uttering why their problem had gone that far. He saw the yellow rope hanging about 14 inches above the bed and another rope on top of the mattress.<sup>[13]</sup>

Police officers came around 5 o'clock in the afternoon of the same day, after receiving a radio call from the barangay kagawad that there was a dead person inside the house of petitioner. They arrived at the spouses' house and immediately called for the photographer to record the crime scene. SP03 Bonifacio Santillana told the petitioner to bring his wife to the hospital for they might resuscitate her. Petitioner replied that he could not come with her because he still has to inform his parents-in-law.<sup>[14]</sup> Santillana detached the rope and noticed that the noose could not be tightened.<sup>[15]</sup>

A neighbor of the spouses informed Carmen that her daughter committed suicide. She and her husband immediately rushed to the Davao Regional Hospital where Genebe was first brought. They were informed that Genebe was already brought to the Topaz Funeral Parlor when they arrived. They proceeded to the house of the spouses instead of going to the funeral parlor. Nobody was there when they arrived and she observed that the house was in total disarray and that many things were hurled around it.<sup>[16]</sup>

Doubting the real cause of death of their daughter, Carmen and her husband went to the office of Criminal Investigation and Detention Group (CIDG) and requested assistance for the autopsy of the cadaver of Genebe. Police Chief Inspector, Dr. Tomas Dimaandal, Jr., the Medico-legal Officer, responded favorably and conducted an autopsy. He concluded that Genebe died of asphyxia by strangulation.<sup>[17]</sup> He submitted Medico-Legal Report No. M-0165-2005:<sup>[18]</sup>

#### **POSTMORTEM FINDINGS:**

A well-nourished, developed previously embalmed female cadaver with embalming incisions at the umbilical region (right of the anterior midline)

and at right inguinal region.

**EXTERNAL and INTERNAL FINDINGS OF INJURY at: NECK and THORAX:**

1. Postmortem ligature mark, measuring 38 x 0.6 cm located circling around the neck from the right posterior auricular region running obliquely downward and anteriorward, and horizontally to the left and posteriorward passing the anterior midline at the level of thyroid cartilage, obliquely upward at the nape crossing the posterior midline and terminating at the right temporo-occipital region.

**PLEURAL, PERICARDIAL and PERITONEAL CAVITIES**

The pleural and pericardial cavities are free from adhesions and fluid accumulations.

**LARYNX, TRACHEA and ESOPHAGUS:**

The mucosal linings of the laryngopharynx, trachea up to the bronchus are markedly congested and hemorrhagic while the mucosal linings of the esophagus are pale. The hyoid bone is intact while the thyroid cartilage is fractured.

**OTHER FINDINGS:**

The entire length of the ligature mark is pale in color with no signs of inflammatory reaction on both margins as well as the adjacent tissues surrounding the ligature mark.

A small hemorrhage is visible at the anterior and left portion of the body of fourth (4th) cervical vertebrae.

x x x   x x x   x x x

**CONCLUSION**

Cause of death is due to asphyxia by strangulation.

In addition, Antonio Zaragoza, operator of the Topaz Funeral Parlor and embalmer, recounted that he and his assistant embalmed the body of Genebe on September 5, 2005. He noticed a cut, about one centimeter, on the upper lip of the deceased, and sutured it.<sup>[19]</sup> He only noticed the wound in the process of embalming as they had to clean the mouth.<sup>[20]</sup>

The defense, in refutation of the prosecution's evidence presented the following:

The petitioner's defense consisted mainly of denial. He averred that around 6 o'clock in the evening of September 4, 2005, he arrived home from Apokon, Tagum City. His wife, Genebe, got mad at him for coming home late. Despite his explanation, she did not listen and continued hurling things at him. She even brushed aside the borrowed CD player. To avoid altercation, he left their house with his children and

brought them to his parents-in-law. He ate supper with them at the insistence of his mother-in-law and left at about 11 o'clock in the evening and went home. Fie checked his wife inside the bedroom, albeit it was locked. He proceeded to his office and slept there. He went home at 4 o'clock in the afternoon and found his wife hanging in their bedroom. Fie shouted for help and his neighbors Canabiral and one Christine Tojong came. His neighbors brought his wife's body to the hospital and he did not go with them because he could not bear looking at his wife. Fie said that he loved his wife so much.<sup>[21]</sup>

Consequently, the RTC rendered a Decision dated February 12, 2007, finding petitioner Manulat, Jr. guilty beyond reasonable doubt of the crime charged, thus:

WHEREFORE, this court finds the accused guilty beyond reasonable doubt of the crime of Parricide under Article 246 of the Revised Penal Code as amended by Section 5 of Republic Act No. 7659 and hereby sentences him to serve an imprisonment of Reclusion Perpetua. He is likewise ordered to pay the heirs of the victim the sum of P75,000.00 as civil indemnity.

SO ORDERED.<sup>[22]</sup>

Petitioner elevated the matters to the CA which then affirmed the decision of the RTC with modification that he indemnify the heirs of the victim with an additional P50,000.00 and P25,000.00 for moral and exemplary damages, respectively. The *fallo* of the said decision reads:

WHEREFORE, premises considered, the Decision of the Regional Trial Court, Branch 2, Tagum City, Davao del Norte dated February 12, 2007 appealed from finding the accused-appellant Vicente Manulat Jr. guilty beyond reasonable doubt of the crime of Parricide is AFFIRMED WITH MODIFICATION. Accused-appellant is sentenced to suffer the penalty of Reclusion Perpetua and to pay the heirs of the victim, Genebe Manulat, the amounts of P75,000.00 as civil indemnity, P50,000.00 as moral damages, and P25,000.00 as exemplary damages.

SO ORDERED.<sup>[23]</sup>

Hence, petitioner filed before this Court the present petition stating the following grounds:

A. THE PUBLIC RESPONDENT COURT OF APPEALS ERRED IN AFFIRMING THE COURT A QUO THAT SUFFICIENT CIRCUMSTANTIAL EVIDENCE EXISTS TO ESTABLISH THE GUILT OF THE ACCUSED-PETITIONER MANULAT JR. FOR PARRICIDE BEYOND REASONABLE DOUBT

B. THE PUBLIC RESPONDENT COURT OF APPEALS ERRED IN NOT HOLDING THAT THE VICTIM GENEBE COMMITTED SUICIDE BY HANGING HERSELF BY STRANGULATION

In its Comment dated June 15, 2010, the Office of the Solicitor General (OSG) stated that under Section 1,<sup>[24]</sup> Rule 45 of the Revised Rules of Civil Procedure, only pure questions of law may be raised to this Court via Petition for Review on *Certiorari*. The petitioner submitted an issue that requires a re-evaluation by the

Court of the facts and evidence on record. He failed to specifically cite the errors committed by the CA that show that its findings of fact are at variance with those of the trial court or that its findings of fact are contradicted by the evidence on record or its inferences are manifestly absurd, mistaken or impossible.<sup>[25]</sup>

At the outset, it bears stressing that this Court is not a trier of facts, and only errors of law are generally reviewed in petitions for review on *certiorari* under Rule 45. A reading of the petition would reveal that petitioner actually raised questions of fact - the sufficiency of the circumstantial evidence against him and the issue that his wife took her own life. Nonetheless, this Court, in the exercise of its sound discretion and after taking into account the attendant circumstances, may take cognizance of and decide the factual issues raised in the interest of the proper administration of justice.<sup>[26]</sup> Considering the gravity of the crime of parricide and its imposable penalty, we opt to take cognizance of and decide on the present petition.

We now delve on the issues posed by the accused. Petitioner claims there is no sufficient evidence to establish his guilt beyond reasonable doubt. He submits that the circumstances appreciated by the court *a quo* and sustained by the CA as bases for conviction invite two (2) inferences, hence, should be resolved in his favor as they do not lead to a logical conclusion that petitioner feloniously killed his wife, but rather the latter willfully took her own life.<sup>[27]</sup>

We do not agree.

In the case at bar, although there was no eyewitness or direct evidence presented, that categorically point to the petitioner as the one who killed his wife, there was also no direct evidence establishing that the victim took her own life. The court *a quo*, in convicting the petitioner, relied solely on the circumstantial evidence established by the prosecution.

It is settled that the lack or absence of direct evidence does not necessarily mean that the guilt of the accused cannot be proved by evidence other than direct evidence. The crime charged may also be proved by circumstantial evidence,<sup>[28]</sup> sometimes referred to as indirect or presumptive evidence. Circumstantial evidence, if sufficient, can supplant the absence of direct evidence.<sup>[29]</sup> Where the court relies solely on circumstantial evidence, the combined effect of the pieces of circumstantial evidence must inexorably lead to the conclusion that the accused is guilty beyond reasonable doubt. Conviction must rest on nothing less than moral certainty, whether it proceeds from direct or circumstantial evidence.<sup>[30]</sup>

The series of circumstances duly proved must be consistent with each other and must likewise be consistent with the accused's guilt and inconsistent with his innocence. The circumstantial evidence must exclude the possibility that some other person has committed the offense.<sup>[31]</sup>

Furthermore, it is the quality of the circumstances, rather than the quantity, that will draw the line on whether the circumstances presented, consist of an unbroken chain that will inescapably lead to the conclusion that the accused is guilty without an iota of doubt.<sup>[32]</sup>