

## THIRD DIVISION

[ G.R. No. 187683, February 11, 2010 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. VICTORIANO DELA CRUZ Y LORENZO, APPELLANT.**

### DECISION

**NACHURA, J.:**

Before this Court is an Appeal,<sup>[1]</sup> seeking the reversal of the Court of Appeals (CA) Decision<sup>[2]</sup> dated October 31, 2008, which affirmed with modification the Decision<sup>[3]</sup> of the Regional Trial Court (RTC) of Malolos,

Bulacan, Branch 11, dated August 15, 2005, convicting appellant Victoriano dela Cruz y Lorenzo<sup>[4]</sup> (Victoriano) of the crime of Parricide.

#### *The Facts*

Victoriano was charged with the crime of Parricide in an Information<sup>[5]</sup> dated January 2, 2003, which reads:

That on or about the 18<sup>th</sup> day of August, 2002, in the municipality of Malolos, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill his wife Anna Liza Caparas-dela Cruz, with whom he was united in lawful wedlock, did then and there willfully, unlawfully and feloniously attack, assault, use personal violence and stab the said Anna Liza Caparas-dela Cruz, hitting the latter on her trunk and on the different parts of her body, thereby inflicting upon her serious physical injuries which directly caused her death.

Contrary to law.

Upon arraignment, Victoriano, with the assistance of counsel, pleaded not guilty to the offense charged.<sup>[6]</sup> Thereafter, trial on the merits ensued. In the course of the trial, two varying versions arose.

#### *Version of the Prosecution*

Joel Song (Joel) testified that between 3:30 and 4:00 p.m. on August 18, 2002, he and two others, including the aunt of Victoriano, were playing a card game known as *tong-its* just three to four arms length away from the latter's house.

While playing, Joel saw Victoriano punching and kicking his wife, herein victim Anna

Liza Caparas-dela Cruz<sup>[7]</sup> (Anna), in front of their house. Joel knew the wife's name as "Joan." Victoriano then dragged Anna inside the house by pulling the latter's hair, then slammed the door. Joel overheard the couple shouting while they were already inside the house.<sup>[8]</sup>

Suddenly, Victoriano and Anna came out of the house, together with their young daughter. Victoriano was behind Anna, with his arms wrapped around her. He asked for Joel's help. Joel noticed blood spurting out of Anna's mouth. He took the couple's daughter and gave her to Victoriano's aunt. He then went with them to the Bulacan Provincial Hospital (hospital) on board a tricycle. However, Anna died.<sup>[9]</sup>

On the same day, at about 6:30 p.m., Senior Police Officers 1 Condrado Umali and Eligio Jose, responding to the call of duty, went to the hospital for investigation. There, Victoriano was turned over to the police officers by the hospital's security guard on duty.<sup>[10]</sup>

The Certificate of Death,<sup>[11]</sup> prepared by Police Senior Inspector and Medico-Legal Officer, Dr. Ivan Richard Viray (Dr. Viray), showed that Victoriano's wife died of "*hemorrhagic shock as a result of a stab wound, trunk.*" Moreover, in his Medico-Legal Report<sup>[12]</sup> dated August 21, 2002, Dr. Viray had the following findings:

#### **HEAD and NECK:**

- 1) Hematoma, frontal region, measuring 3 x 3 cm, 3 cm right of the anterior midline.
- 2) Hematoma, left orbital region, measuring 2 x 2 cm, 3 cm from the anterior midline.

#### **CHEST and ABDOMEN:**

- 1) Stab wound, penetrating, right shoulder region, measuring 2 x .5 cm, 2 cm right of the posterior midline, about 12 cm deep, directed lateralwards and slightly downwards, piercing the underlying tissues and muscle, lacerating the upper lobe of the right lungs.

x x x x

There are about 2000 cc of blood and blood clots at the thoracic cavity.

#### **UPPER and LOWER EXTREMITIES:**

- 1) Hematoma, distal 3<sup>rd</sup> of the left forearm, measuring 7 x 4 cm, bisected by its posterior midline, with superimposed abrasion, measuring 1.5 x 7 cm, along its anterior midline.

#### ***Version of the Defense***

Victoriano testified that, at around 6:30 p.m. on August 18, 2002, he came home

very drunk from a friend's house. Before he could enter their house, his wife, Anna, started nagging him saying, "*Hindi ka naman pala namamasada, nakipag-inuman ka pa.*" He asked her to go inside their house but she refused. Thus, Victoriano slapped Anna and dragged her inside their house.

Due to the continuous nagging of Anna, Victoriano pushed her aside so he could go out of the house. However, she fell on a jalousie window, breaking it in the process. When he helped her stand up, Victoriano noticed that her back was punctured by a piece of shattered glass of the jalousie. He brought her outside immediately and asked the help of his neighbors who were playing *tong-its* nearby. Victoriano admitted that Joel accompanied him and his wife to the hospital.

At the hospital, Victoriano was taken into custody by policemen for questioning. It was only in the following morning that Victoriano learned of his wife's passing.

Victoriano also testified that he does not usually drink; that he consumed hard liquor at the time of the incident; that Anna was not immediately treated in the hospital; that he loved his wife; and that he did not intentionally hurt her.<sup>[13]</sup>

### ***The Lower Courts' Ruling***

On August 15, 2005, the RTC rendered a Decision, the dispositive portion of which reads:

WHEREFORE, this Court finds the accused Victoriano L. dela Cruz Guilty beyond reasonable doubt of Parricide under Art. 246 of the Revised Penal Code and hereby sentences him to suffer the penalty of Reclusion Perpetua and to pay the heirs of the late Anna Liza Caparas-dela Cruz the following sums of money, to wit:

1. P60,000.00 as civil liability
2. P50,000.00 as moral damages, and
3. P30,000.00 as exemplary damages.

SO ORDERED.<sup>[14]</sup>

Aggrieved, Victoriano appealed to the CA.<sup>[15]</sup>

On October 31, 2008, the CA affirmed with modification the findings of the RTC, thus:

**WHEREFORE**, the *Decision* dated 15 August 2005 of the Regional Trial Court, Third Judicial Region, Malolos, Bulacan, Branch 11, is hereby **AFFIRMED** with **MODIFICATIONS**. The award of civil indemnity is reduced to P50,000.00 and the award of exemplary damages is deleted.

**SO ORDERED.**<sup>[16]</sup>

Hence, this appeal.

In its Manifestation<sup>[17]</sup> filed before this Court, appellee, People of the Philippines, as represented by the Office of the Solicitor General, intimated that it was no longer filing any Supplemental Brief in support of its position.

Meanwhile, in his Supplemental Brief,<sup>[18]</sup> Victoriano, as represented by the Public Attorney's Office, claimed that the CA erred in appreciating Joel's testimony, since the latter merely testified on the non-mortal wounds that Anna suffered when the couple were outside the house. Insofar as the actual killing was concerned, Joel's testimony was merely circumstantial. Moreover, Victoriano averred that he did not intend to commit so grave a wrong against his wife, evident from the facts that he carried the injured body of his wife; that he sought for help after the accident; and that he brought her to the hospital for medical treatment. Furthermore, Victoriano asseverated that he was very drunk at the time. Thus, he prayed that these mitigating circumstances be appreciated in his favor.

### ***Our Ruling***

The instant appeal is bereft of merit.

The crime of Parricide is defined and punished under Article 246 of the Revised Penal Code (RPC), to wit:

Art. 246. *Parricide*. -- Any person who shall kill his father, mother, or child, whether legitimate or illegitimate, or any of his ascendants, or descendants, or his spouse, shall be guilty of parricide and shall be punished by the penalty of reclusion perpetua to death.

It is committed when: (1) a person is killed; (2) the deceased is killed by the accused; and (3) the deceased is the father, mother, or child, whether legitimate or illegitimate, or a legitimate other ascendant or other descendant, or the legitimate spouse of the accused. The key element in Parricide • other than the fact of killing • is the relationship of the offender to the victim. In the case of Parricide of a spouse, the best proof of the relationship between the accused and the deceased would be the marriage certificate. In this case, the testimony of the accused that he was married to the victim, in itself, is ample proof of such relationship as the testimony can be taken as an admission against penal interest.<sup>[19]</sup> Clearly, then, it was established that Victoriano and Anna were husband and wife.

Victoriano claims that Joel's testimony coincides with his own, which refers to the slapping incident that occurred outside their house. It does not at all point to him as the actual perpetrator of the crime. Thus, Victoriano submits that Joel's testimony is merely circumstantial.

But circumstantial evidence is sufficient for conviction, as we ruled in *People v. Castillo*:<sup>[20]</sup>

Direct evidence of the commission of the offense is not the only matrix wherefrom a trial court may draw its conclusions and finding of guilt. Conviction can be had on the basis of circumstantial evidence provided