

## THIRD DIVISION

[ G.R. No. 140206, June 21, 2001 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
RODOLFO MATYAONG, ACCUSED-APPELLANT.**

### D E C I S I O N

**GONZAGA-REYES, J.:**

On 28 March 1996, accused appellant Rodolfo Matyaong was charged with the crime of parricide before the Regional Trial Court of Palawan and Puerto Princesa City, for hitting his wife Rufina Matyaong with a piece of wood, in an information which states -

That on or about the 27<sup>th</sup> day of December, 1995, at Brgy. Latud, Municipality of Rizal, Province of Palawan, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with evident premeditation, treachery and with intent to kill, while armed with a round wood (*Bakawan*), did then and there wilfully, unlawfully and feloniously attack, assault, maul and club one RUFINA MATYAONG Y PAZ, his lawfully wedded wife, hitting her in the different vital parts of her body and inflicting upon her multiple contusion and hematuous [sic] in the body which were the direct and immediate cause of her death shortly thereafter.

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

Upon arraignment, accused-appellant denied culpability.<sup>[2]</sup> Thus, trial ensued, with the prosecution presenting four witnesses, namely Rodolfo Matyaong, Jr., Wilfredo Tablazon, Roberta Paz, and Sgt. Almirante Caburnay.

Rodolfo Matyaong, Jr., who was ten years old at the time his testimony was taken, is the eldest child of accused-appellant and Rufina Matyaong. Rodolfo testified that on the evening of 27 December 1995, he was at home cooking dinner for his family. His mother sat nearby reading a letter from his Auntie Ventura, while at the same time nursing his youngest brother. The domestic calm was interrupted, however, by the arrival of accused-appellant who, upon seeing Rufina reading a letter and being illiterate, immediately suspected that it was about another man. Turning a deaf ear to his wife's explanation that the letter was actually about God, accused-appellant grabbed a piece of mangrove wood, commonly known as *bakawan*, which was two feet in length and 1 ½ inches wide, and beat Rufina. As a result, Rufina lost consciousness and fell to the floor. Accused-appellant revived Rufina by pouring water on her, after which he threw the lighted wick lamp at her and then grabbed the *bakawan*. Rufina fled her house and ran towards the forest.

Rodolfo also declared that prior to the attack, his mother was suffering from diarrhea and vomiting spells, as were many other people in their locality. [3]

Wilfredo Tablazon, barangay kagawad of Canipaan, declared that on the same evening, he was supervising a benefit dance at a local school in a neighboring barangay when he was approached by Soling Balahing asking for his help. Soling told him that Rufina Matyaong was hurt and hiding from her husband in the grassy area near her [Soling] house. After some hesitation, Tablazon finally agreed to go with Soling to the place where Rufina was hiding. Tablazon saw Rufina lying on the ground with three of her children. She was in a very weak condition. Sobbing, Rufina pleaded with him to bring her to Canipaan. Tablazon acceded to her request and Rufina was taken by Jun Makauling to Canipaan by pumpboat. The following morning, she was brought to the barangay health center. Tablazon testified that, while at the health center, Rufina vomitted once and suffered diarrhea. Also, he noticed that she had large contusions on both her arms. Due to Rufina's worsening condition, and at the instance of Rufina and her mother, Tablazon decided to fetch accused-appellant to see his wife. When they arrived at the health center, Tablazon heard accused-appellant say to his wife, "Hindi rin mangyari yan kung hindi mo kasalanan." Accused-appellant remained at the health center, assisting his wife, until she expired on 29 December 1995. [4]

Another witness for the prosecution was Roberta Paz - the mother of the victim. Roberta learned about the assault on her daughter only the day after it occurred. On 28 December 1995, at 7 a.m., Delfin Tabo went to Roberta's house and informed her that Tablazon was looking for her. Roberta went with Delfin to the house of Tablazon where she found her daughter, who told her that she was mauled by accused-appellant. Roberta noticed that her daughter had bruises all over her body. They made a mock hammock for Rufina to lie in and then, together with Tablazon and the barangay captain, brought her to the barangay health center. [5]

At the Canipaan health center, Rufina was treated by Sgt. Almirante Caburnay. [6] Sgt. Caburnay belonged to the Philippine Marines' 6<sup>th</sup> Marine Battalion Landing Team, Western Command. From October 1995 to January 1996, he was assigned to Canipaan, Rizal, Palawan as a first aider. On 28 December 1995, Sgt. Caburnay was at the marine detachment in Canipaan when Roberta Paz asked him for assistance for her daughter. He proceeded to the health center where he saw Rufina. He noticed that she had bruises and hematoma on her left arm and back. He was also informed that the patient was suffering from diarrhea. In order to prevent dehydration, Sgt. Caburnay gave Rufina dextrose and, in addition, he administered antibiotics. After assessing Rufina's condition, he advised Roberta to bring her daughter to the health center in the town proper of Rizal so that she could receive better medical attention. Unfortunately, Rufina did not live long enough to receive further treatment in Rizal. On 29 December 1995, at five in the morning, Rufina Matyaong breathed her last at the Canipaan health center. [7]

In his defense, accused-appellant claimed that his wife died from dehydration caused by diarrhea and vomiting, which started on 27 December 1995. He said that Rufina told him that she got sick after she ate *sarimbura* (fish). Accused-appellant testified that, from December 28, until she died the following day, he took care of his wife while she was at the health center in Canipaan. With him at the

health center were Roberta Paz, Vilma Apostol and barangay captain Belo Fernando. According to accused-appellant, he cooked *lugaw* for his wife, and emptied ten chamber pots which she used whenever she vomitted or defecated. Furthermore, accused-appellant declared that three of his children were also retching and suffering from diarrhea, but that they all recovered. Finally, it was insisted by accused-appellant that his son Rodolfo Matyaong, Jr. was induced by Roberta Paz to testify falsely against him.<sup>[8]</sup>

To buttress accused-appellant's testimony, the defense presented Vilma Apostol, a resident of Canipaan and a barangay health worker. Vilma declared that on 27 December 1995, she was fetched from her house by Roberta Paz to help care for Rufina at the health center. When she arrived thereat, she observed that Rufina was already in serious condition - she could no longer speak or ingest any solids, she was being given dextrose, and she was always vomitting and experiencing severe diarrhea.<sup>[9]</sup>

After trial, the court *a quo* rendered judgment,<sup>[10]</sup> finding accused-appellant guilty of parricide, and sentencing him to *reclusion perpetua*, as the mitigating circumstance of lack of intention to commit so grave a wrong was appreciated in his favor. In addition, the court ordered accused-appellants to pay the heirs of Rufina Matyaong P50,000.00 as civil indemnity. The trial court held that, although he may not have intended to kill her, Rufina's death was the direct and natural consequence of accused-appellant's felonious act of clubbing her, and therefore, pursuant to Article 4 of the Revised Penal Code, he is liable for the same.<sup>[11]</sup>

Hence, the present appeal.

Accused-appellant contends that the prosecution failed to establish that he had inflicted any injuries upon his wife. No medical certificate or autopsy report was introduced in evidence that would prove that Rufina had sustained any wounds or bruises due to the alleged beating by her husband. Even assuming that accused-appellant had mauled his wife, the prosecution did not present any evidence that such beating caused her death. It is the position of the defense that Rufina died due to her vomitting and diarrhea, and not from the beatings.<sup>[12]</sup>

In lieu of an appellee's brief, the Solicitor General filed a "Manifestation and Motion" asking the Court to acquit accused-appellant since his guilt was not proven beyond a reasonable doubt. It is the Solicitor General's opinion that, although it was established that accused-appellant beat up Rufina, the prosecution nevertheless failed to establish the nexus between the beatings and her death.<sup>[13]</sup>

The elements of parricide are as follows: (1) a person is killed; (2) the deceased is killed by the accused; (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.<sup>[14]</sup>

In every criminal case, the evidence presented must be sufficient to prove the *corpus delicti* - that is, the actual offense committed. In this case, the prosecution must first establish that the life of a human being was taken, and second, that the death was occasioned by the accused's criminal act or agency.<sup>[15]</sup> If the evidence

clearly discloses that a certain person is dead, and that his death resulted from the use of violent and criminal means by another, then the *corpus delicti* is sufficiently proved.<sup>[16]</sup>

In the case at bar, it has been established that accused-appellant beat his wife with a piece of wood. This conclusion is based upon the unrebutted testimony of Rodolfo Matyaong, Jr. - an eyewitness to the assault. Having failed to prove that the witness was impelled by improper motives, the Court has no reason to disbelieve the child's testimony, which the trial court found to be credible.<sup>[17]</sup> It is also undisputed that the victim died on 29 December 1995, or almost two days after the assault. However, we agree with the Solicitor General that the prosecution has not established the crucial link between the assault and the death. In other words, it has not been proven beyond a reasonable doubt that the beatings inflicted by accused-appellant upon his wife were the proximate cause of her death.

It is significant that, in this particular case, no post mortem examination was conducted in order to determine the precise cause of death. There was neither an ante mortem nor post mortem examination of the victim's body for purposes of ascertaining the nature and extent of any wounds that may have been sustained as a result of the beating. The significance of evidence on the precise nature of the injuries sustained by the deceased is that it often leads the careful examiner to uncover the real cause of death. Therefore, the examination of a wound, from the legal point of view, should lead to the determination as to when the wound was inflicted, what the degree of danger of the wound is, with its dangers to life or function, whether the wound was given by the injured man himself, or by some one else, and with what manner of instrument the wound was produced.<sup>[18]</sup> *Wharton and Stille's* provides a valuable discussion on the importance of ascertaining the degree of injury sustained by the victim -

In considering the extent of injury done, account must be taken of the injury to the function of the various organs, and also the danger to life. A division into mortal and nonmortal wounds, if it could be made, would be very desirable; but the unexpected complications and the various extraneous causes which give gravity to the simplest cases, and, on the other hand, the favorable termination of some injuries apparently the most dangerous, render any such classification impracticable. The general classification into slight, severe, dangerous, and mortal wounds may be used, but the possibility of the slight wound terminating with the loss of the person's life, and the apparently mortal ending with only a slight impairment of some function, must always be kept in mind. x x x

The danger to life of any wound is dependent upon a number of factors: the extent of the injury, the form of the wound, the region of the body affected, the blood vessels, nerves, or organs involved, the entrance of disease-producing bacteria or other organisms into the wound, the age and constitution of the person injured, and the opportunities for administering proper surgical treatment. No one should be willing, on theoretical grounds alone, to give an opinion as to the agency of the wound in producing death. A careful post-mortem examination will usually show the violent cause of death, and it is the duty of the