

## FIRST DIVISION

[ G.R. No. 116726, July 28, 1997 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
LEONARDO P. DE LA CRUZ, ACCUSED-APPELLANT.**

### D E C I S I O N

**BELLOSILLO, J.:**

LEONARDO P. DE LA CRUZ was charged with parricide before the Regional Trial Court of Pampanga for having beaten his wife to death.<sup>[1]</sup> He was found guilty as charged and sentenced to reclusion perpetua, to indemnify her heirs in the amount of P50,000.00, and to pay the costs.<sup>[2]</sup>

The facts: At around eight o'clock in the evening of 12 September 1991 Leonardo P. de la Cruz arrived home from the birthday party of a friend where they had a drinking spree. He was met by his three (3) children and wife Violeta Tulud who served him dinner. After eating, he confronted Violeta, "I heard you have a lover." Her vehement denial led to a violent quarrel between husband and wife. Leonardo boxed and slapped Violeta. Their children could only cry like helpless spectators. She went down the house and ran out to the field. Leonardo pursued her. He overtook her some three (3) to four (4) meters away from their house. With both hands he pushed her head hard against the ground and fractured her skull. Annabelle witnessed this incident through their window. Violeta then returned to their house and lay down on the papag.<sup>[3]</sup> She asked her son Mac-Mac for a glass of water. A few minutes later she died.

After midnight, Violeta's mother Lourdes was fetched by a brother of Leonardo and brought to the house of their mother where Violeta's children were crying over the lifeless body of their mother. Annabelle, 8-year old daughter of Violeta and Leonardo, narrated to her grandmother that her father killed her mother. The information shocked Lourdes and she lost consciousness.

The following morning the Municipal Health Officer autopsied the victim. The examination disclosed these findings -

Head: Hematoma measuring 1-1/2 x 1/2 cm. at the outer brim of the left eyebrow; abrasions measuring 3 x 1-1/2 cm., 2 x 1/2 cm. and 2 x 1/2 cm., left side of the face. Nose: Presence of blood clots on both nostrils. Neck: Fracture at the base of the skull, on examination the head rotates. Extremities: Abrasion measuring 3 x 1 cm. at extensor surface of right forearm. Hematoma measuring 1/2 x 1/2 cm. at the upper 1/3 of left thigh and 1 x 1/2 on the leg, middle portion. Cause of Death: Internal hemorrhage secondary to fracture, base of the skull. Approximate Date of Death: Sept. 13, 1991, between 12 -1 A.M.<sup>[4]</sup>

The accused admitted that he confronted his wife that evening regarding her infidelity and slapped her once. She then went out of their house and ran away. As he was about to step down from the house to follow her she stumbled and fell face up on the earth dike. Intending to slap her again he approached her but desisted because she was crying. He also cried and then returned to their house without assisting her. Afterwards he saw her crawling her way back to their house. He went to the house of his mother. When he returned home he informed his wife of his decision to leave her with their children. She suddenly stood up and trembled. He gave her a glass of water. He noticed that she had difficulty swallowing so he rushed her to the hospital. But it was an effort in futility because she was pronounced dead on arrival.

As aforesaid, the trial court found the accused liable for the death of his wife based on the testimony of their daughter Annabelle as well as the medical findings. Thus -

x x x x The testimony of the only eyewitness, the couple's 8-year old first grader daughter Annabelle, was telling. She did not say so in so many words, but when she told her grandmother when asked about the circumstances of her mother's death, that her parents had quarrelled and that her father had killed her mother she in effect said everything that needed to be said. The things that she left unsaid reveal far more than what she said. When she testified that her father "dikduk(ed)" her mother's face to the ground, she must have tried to convey that accused dashed the victim's head to the ground with such force as to cause the neck to snap and be wrenched from its base such that, as found by the doctor who examined the body, the neck was broken and the head could be rotated full circle. The girl's young and immature mind could not have concocted or made up such a story even if she were so minded.

The number and nature of the injuries sustained by the victim give the lie to the claim of the accused that she died because of an accidental fall. If she had merely tripped and fell as she ran away from him, as he claimed in court or fell from their house to the ground after he had slapped and boxed her as he stated in his statement Exhibit "F" given before the chief investigator of the Lubao PNP, the body would have (borne) only a lump in the head and none of the other injuries. The number and nature of the injuries instead support the prosecution version of the incident.<sup>[5]</sup>

Appellant now assails the credibility of his daughter Annabelle. According to him Annabelle could not have witnessed the incident in the field because of her testimony that although there was light on the electric post it could not reach the place of the incident so much so that some of her answers to the questions propounded by the prosecutor were vague.

The conclusion drawn by appellant from the particular testimony of Annabelle is misleading. She testified that the light on the electric post could not reach or light their house;<sup>[6]</sup> nowhere in her testimony did she mention that it could not reach or light the place of the incident. Thus, contrary to the protestation of appellant, the