



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

VICENTE H. MANULAT, JR.,
Petitioner,

G.R. No. 190892

Present:

VELASCO, JR., J., *Chairperson*,
LEONARDO-DE CASTRO,*
PERALTA,
PEREZ,** and
JARDELEZA, JJ.

- versus -

Promulgated:

PEOPLE OF THE PHILIPPINES,
Respondent.

August 17, 2015

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DECISION

PERALTA, J:

Before this Court is a petition for review on *certiorari* dated January 14, 2010, seeking the reversal of the Decision¹ dated December 7, 2009, of the Court of Appeals (CA) affirming with modification the Decision² 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.

* Designated Acting Member in lieu of Associate Justice Martin S. Villarama, Jr., per Special Order No. 2144 dated August 10, 2015.

** Designated Acting Member in lieu of Associate Justice Bienvenido L. Reyes, per Special Order No. 2084 dated June 29, 2015.

1 Penned by Associate Justice Ruben C. Ayson, with Associate Justices Rodrigo F. Lim, Jr. and Leoncia Real-Dimagiba, concurring; *rollo*, pp. 26-42.

2 Penned by Presiding Judge Justino G. Aventurado; *id.* at 61-70.

The accused is charged with the crime of parricide³ 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.⁴

Upon arraignment, petitioner Vicente H. 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.⁵

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.⁷

³ 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.

⁴ *Rollo*, p. 44.

⁵ *Id.* at 27.

⁶ *Id.*

⁷ *Id.* at p. 28.

Around 4 o'clock in the afternoon of the same day, Nilda Cañabiral 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.⁸ Her body was somewhat bent with her feet touching the bed.⁹ Then, petitioner slipped out the knot and laid the body of his wife on the bed while crying.¹⁰ 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.¹¹ He then noticed the commotion from his neighbors and someone told him that somebody committed suicide.¹² 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.¹³

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. SPO3 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.¹⁴ Santillana detached the rope and noticed that the noose could not be tightened.¹⁵

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.¹⁶

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.

⁸ TSN, August 16, 2006 p. 8.

⁹ *Id.* at 17.

¹⁰ *Id.* at 9.

¹¹ TSN, December 14, 2005, p. 9.

¹² *Id.* at 10.

¹³ *Id.* at 11.

¹⁴ TSN, June 20, 2006.

¹⁵ *Rollo*, p. 66.

¹⁶ *Id.* at 29.

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.¹⁷ He submitted Medico-Legal Report No. M-0165-2005:¹⁸

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.

xxx

xxx

xxx

CONCLUSION

Cause of death is due to asphyxia by strangulation.

¹⁷ *Id.*

¹⁸ *Id.* at 60.

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.¹⁹ He only noticed the wound in the process of embalming as they had to clean the mouth.²⁰

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. He 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. He shouted for help and his neighbors Cañabiral 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. He said that he loved his wife so much.²¹

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 ₱75,000.00 as civil indemnity.

SO ORDERED.²²

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 ₱50,000.00 and ₱25,000.00 for moral and exemplary damages, respectively. The *fallo* of the said decision reads:

¹⁹ *Rollo*, p. 65.

²⁰ TSN, December 14, 2005, p. 8.

²¹ *Rollo*, p. 66.

²² *Id.* at 70.

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 ₱75,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱25,000.00 as exemplary damages.

SO ORDERED.²³

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 1,²⁴ 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.²⁵

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

²³ *Id.* at 41-42.

²⁴ SECTION 1. *Filing of Petition with Supreme Court* - A party desiring to appeal by certiorari from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on *certiorari*. The petition shall raise only questions of law which must be distinctly set forth.

²⁵ *Rollo*, pp. 83-84.

justice.²⁶ Considering the gravity of the crime of parricide and its impossible 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.²⁷

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,²⁸ sometimes referred to as indirect or presumptive evidence. Circumstantial evidence, if sufficient, can supplant the absence of direct evidence.²⁹ 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.³⁰

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.³¹

²⁶ *Bon v. People*, 464 Phil. 125, 135-136, citing *Santos v. Sandiganbayan*, 400 Phil. 1175, 1201 (2000).

²⁷ *Rollo*, p. 13.

²⁸ Rules of Court, Rule 133, Section 4. *Circumstantial evidence, when sufficient*. — Circumstantial evidence is sufficient for conviction if:

- (a) There is more than one circumstances;
- (b) The facts from which the inferences are derived are proven; and
- (c) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.

²⁹ *Bacolod, v. People*, G.R. No. 206236, July 15, 2013, 701 SCRA 229, 233.

³⁰ *People v. Canlas*, 423 Phil. 665, 669 (2001).

³¹ *Id.*

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.³²

In this case, the circumstantial evidence at hand convincingly prove petitioner's culpabilities in the crime, and foreclose the possibility that another person is liable for it or the victim took her own life.

A careful perusal and review of the records and the evidence established in the court *a quo*, would reveal an unbroken chain that unquestionably lead this Court to conclude that the petitioner is responsible for the death of his wife, to wit:

First, in the afternoon of September 4, 2005, Soriano, the spouses' neighbor, heard a heated quarrel with sounds of breaking ceramics and a thud; she also heard the petitioner telling his wife that he would box her if he get hurt; Soriano thus testified as follows:

PROS. PALMA:

Q: While you were folding the clothes of your children, did you hear anything that might arose?

A: Yes, sir.

Q: And what is it that you heard?

A: I heard that the couple were quarreling.

x x x x

Q: And what did you hear?

A: I heard that they were quarreling then I heard the husband saying that "Day, if I get hurt, perhaps I would box you".

Q: What other things that you heard other than those utterances?

A: I heard thud aside from the breaking sounds of ceramics that were broken.

x x x³³

Second, around 6:40 in the evening of the same day, petitioner, with his two children, went to the house of Carmen, the victim's mother and his mother-in-law. Petitioner told Carmen that his wife (victim) had an emergency duty contrary to the established evidence that the wife was not on emergency duty. Carmen testified during direct and cross examinations:

³² *People v. Operaña, Jr.*, 397 Phil. 48, 70 (2000).

³³ TSN November 22, 2005, pp. 4-5.

PROS. PALMA:

Q: Did you ask your son-in-law (petitioner) what was his purpose in going there to your house together with their children?

A: Yes, sir.

Q: And what was his purpose?

A: He left the children with me because he said that she (victim) has an emergency duty at Gold City.

x x x x

ATTY. TAASAN:

Q: Did you tell us that when Vicente (petitioner) arrived in their house, you mean when he arrived in your house, his wife was already going to Gold City, is that what you mean?

A: Yes, he said his wife was rendering duty at Gold City and he left the children with me.

x x x³⁴

Third, during dinner, petitioner quipped that had the children been hit, he could have killed her; Carmen, during direct examination, testified:

PROS. PALMA:

Q: While having dinner, did you have a conversation with the accused?

A: Yes, sir.

Q: What was the tenor of your conversation?

A: We were talking about the incident wherein they have an [argument].

Q: And can you still recall what was that particular conversation wherein your curiosity is called?

A: When he uttered these words, "had the children been hit, I could have killed her."

x x x³⁵

Fourth, petitioner admitted to Carmen that he and his wife had a violent altercation as he said that he was going home after dinner to clean the house as their things were in disarray; during direct examination, Carmen testified:

Q: Did you ask the accused if after leaving his children where was he going?

A: Yes, sir. He said he is going home after dinner, sir.

³⁴ TSN, November 29, 2005, pp. 6 and 18.

³⁵ *Id.* at 7.

Q: Did you ask him why he was going back?

A: Yes, sir, I asked him.

x x x x

Q: My question is, what was his purpose in going back to their house?

A: He said, he is going to clean up the house.

Q: You said, he is going to clean up their house. Why? Is their house dirty?

A: The things were in disarray, sir.

x x x³⁶

Fifth, the petitioner checked on his wife at around 11 o'clock in the evening, contrary to what he told his mother-in-law that the victim was on duty. It was testified that the victim normally reported for duty at 8 o'clock in the evening until 2 o'clock in the morning; in his direct testimony, the accused testified:

ATTY. TAASAN:

Q: After you left at about 11:00 o'clock in the evening, where did you go?

A: I went back home.

Q: Why did you go home?

A: To check if my wife was still there.

Q: And were you able to check on you wife?

A: Yes, she was in our room.

x x x³⁷

However, Carmen, during cross examination, testified the usual working hours of the victim, contrary to what the accused said.

COURT:

(To the witness)

Q: The accused's wife worked at Gold City?

A: Yes, sir.

Q: She worked even on Sundays?

A: Yes, sir.

x x x x

Q: And what time does she report to work? Up to what time?

A: She reports on duty at 8:00 o'clock in the evening until 2:00 o'clock dawn.

³⁶ *Id.* at 6-7.

³⁷ TSN, August 9, 2006, p. 6.

x x x³⁸

Sixth, at 8 o'clock in the morning, the following day, September 5, 2005, the petitioner and victim's daughter candidly responded that "father threw cellphone, mother's mouth bled" and their son said that "father choked mama. Mama was left at home dead" when asked by their grandmother what happened to their parents. The pertinent portions of her direct testimony about her conversation with the children are as follows:

PROS. PALAMA:

Q: Now, while assisting them in taking a bath, did you have any conversation with the two children?

A: Yes, sir.

Q: Did you ask the children what happened to their papa and mama?

A: Yes, sir.

Q: And who was the first to respond on what happened?

A: The girl, Leslie Kate, sir.

Q: And how did she answer?

A: Leslie said, "father threw the cellphone, mother's mouth bleed."

x x x x

Q: After uttering those words, what was the reaction of the other child of there was any?

A: Vince Earl said, "father choked mama."

COURT INTERPRETER:

(Witness is demonstrating by choking her own neck.)

Q: And after that, what other things that they said?

A: Vince Earl said, "mama was left at home, dead."

Q: And what was your reply?

A: I told him, "no she was not. Your mother was rendering duty at the Gold City."

x x x³⁹

Seventh, his own witness, Cañabiral, saw the victim hanging from a rope tied to a piece of wood from the ceiling with her body somewhat bent and her feet touching the bed, which only puts doubt on the claim of petitioner that his wife committed suicide, considering that she was not freely hanging from the ceiling, but was in a bent position and her feet were

³⁸ TSN, November 29, 2005, pp.18-19.

³⁹ *Id.* at 8-10.

touching the bed. The pertinent portions of her testimony during cross examination state:

PROS. PALMA:

Q: And what was the position of the victim at time you first saw her?

A: She was hanging.

Q: Will you please demonstrate to us?

A: Her body was somewhat bent while hanging.

Q: How about her feet, was it touching the bed at that time?

A: Yes.⁴⁰

Eighth, for more than an hour before the police came, petitioner was resigned that his wife was already dead and did not do anything to revive her aside from his initial attempt after he detached her body as testified by his own witness, Cañabiral, during cross examination -

PROS. PALMA:

Q: You said that after the accused removed the rope from the neck of the victim he laid her down?

A: Yes.

Q: And what did he do after that?

A: He cried.

Q: After crying, what else did he do?

A: He kept on saying why did you leave your children?

x x x x

Q: Are you sure, the accused, other than crying did nothing to the victim when the victim was laid down?

A: No, he just kept on crying while making her wife lie down on the bed.⁴¹

Ninth, petitioner refused to rush his wife to the hospital and merely gave his flimsy reasons for not doing so, thus:

COURT:

Q: You said you tried to revive your wife, is that correct?

A: Yes, your Honor.

Q: Because you love her very much?

A: Yes, your Honor.

⁴⁰ TSN, August 16, 2006, p. 17.

⁴¹ *Id.* at 18.

Q: Why did you not decide to bring her (victim) to the hospital?

A: After I had detached her from the rope and after I felt her pulse and feeling that she was already cold and having told myself that she was already dead.

Q: So, you gave up already?

A: Then knowing that she was already dead, my neighbor suggested that we bring her to the hospital and I confirmed. Then I suggested that they themselves, would bring her there because I cannot bear to look at her.

x x x⁴²

Tenth, when the victim's mother went to the spouses' house, she found that things were in shambles and disarray. Carmen stated in her direct testimony that:

PROS. PALMA:

Q: Did you go straight to Topa[z] Funeral Parlor?

A: No I did not.

Q: Where did you go?

A: I went home (petitioner and victim's house) yet.

x x x x

Q: Did you observe the things inside the house of your daughter?

A: Yes, sir.

Q: And what can you see on the things around inside the house of your daughter?

A: Many things were hurled around it. The place was totally in disarray.

x x x⁴³

Eleventh, Zaragoza, the embalmer, found a one centimeter cut on the upper lip of the victim strongly corroborating the statement of the minor daughter Leslie Kate, as told to her grandmother Carmen, that her Mama was hit by a cellular phone thrown by the petitioner that caused a bleeding on her Mama's mouth, thus:

PROS. PALMA:

Q: Aside from embalming the said dead body, did you notice anything on the face of the dead body?

A: I had noticed a cut on her right upper lip.

Q: Did you measure how long was the cut on the right upper lip?

⁴² TSN, August 9, 2006, p. 29.

⁴³ TSN, November 29, 2005, pp. 11-12.

A: That was more or less one (1) cm or 10mm.

x x x x

COURT:

Q: Was the injury linear or round?

A: From the outside to inside it is not so obvious.

Q: So from the mere glance of the face you can hardly notice the wound?

A: I think so, because on the process of embalming we have to clean the mouth.

x x x⁴⁴

Twelfth, Dr. Dimaandal, Jr.'s physical findings of the presence of ligature mark, pale in color, located at the neck of the victim and his findings that the absence of tissue reaction or any inflammatory reaction of the said ligature mark that could have caused the ligature mark, made him conclude that the ligature mark was postmortem, thus:

PROS. PALMA:

Q: Let us go to the postmortem findings specifically on the external/internal findings on the injury. Can you please explain to us in layman's term of your findings in number 1. Postmortem ligature mark, measuring 38 x 0.6 cm., so on and so forth?

A: There was a ligature mark located at the neck of the said victim. However, said ligature mark is pale in color, There was no tissue reaction or any inflammatory reaction of the said ligature mark. I categorically label it as postmortem ligature mark, which means that the ligature mark happened after the death of the said victim.⁴⁵

The above-mentioned circumstances are all consistent with each other clearly establishing that the victim was killed by her own husband and not by the claim of the accused that his wife took her own life.

In order to discredit the evidence of the prosecution, petitioner claims that the testimony of Carmen was purely hearsay and not reliable since the prosecution never presented the children as witnesses to testify as what was told by them to Carmen, their own grandmother.⁴⁶ Hence, inadmissible in evidence being hearsay and not statements as part of the *res gestae*. Said argument is untenable.

The *res gestae* exception to the hearsay rule provides that the declarations must have been "voluntarily and spontaneously made *so nearly*

⁴⁴ TSN December 14, 2005 pp. 4; 7-8.

⁴⁵ TSN, November 29, 2005, p. 30.

⁴⁶ *Rollo*, p. 14.

*contemporaneous as to be in the presence of the transaction which they illustrate and explain, and were made under such circumstances as necessarily to exclude the idea of design or deliberation.”*⁴⁷

There are three essential requisites to admit evidence as part of the *res gestae*, namely: (1) that the principal act, the *res gestae* be a startling occurrence; (2) the statements were made before the declarant had the time to contrive or devise a falsehood; and (3) that the statements must concern the occurrence in question and its immediate attending circumstances.⁴⁸

In *People v. Salafranca*,⁴⁹ the Court cited two tests in applying the *res gestae* rule: (a) the act, declaration or exclamation is so intimately interwoven or connected with the principal fact or event that it characterizes as to be regarded as a part of the transaction itself; and (b) the said evidence clearly negatives any premeditation or purpose to manufacture testimony.

There is no hard and fast rule by which spontaneity may be determined although a number of factors have been considered, including, but not always confined to, (1) the time that has lapsed between the occurrence of the act or transaction and the making of the statement, (2) the place where the statement is made, (3) the condition of the declarant when the utterance is given, (4) the presence or absence of intervening events between the occurrence and the statement relative thereto, and (5) the nature and the circumstances of the statement itself.⁵⁰

In the case of *People v. Villarama*,⁵¹ the Court held that the ability or chance to invent a story is a critical factor in determining the spontaneity of a statement. In the said case, the four-year-old victim, at her age, could not have had the sophistication or malice to fabricate statements and invent a story of rape.⁵² It was also settled in the case of *People v. Bisda*⁵³ that children of sound mind are likely to be more observant of incidents which take place within their view than older persons, and their testimonies are likely more correct in detail than that of older persons.⁵⁴

In this case, this Court finds that the statements of the petitioner and victim's three-year-old son and two-year-old daughter were spontaneously made. They had no opportunity or chance to invent a story although they

⁴⁷ *People of the Philippines vs. Anecito Estibal y Calungsag*, G.R. No. 208749, November 26, 2014.

⁴⁸ *People v. Manhuyod, Jr.*, 352 Phil. 866, 882 (1998).

⁴⁹ 682 Phil. 470, 484 (2012).

⁵⁰ *People v. Dianos*, 357 Phil. 871, 885-886 (1998)

⁵¹ 445 Phil. 323 (2003).

⁵² *People v. Villarama, supra*, at 335.

⁵³ 454 Phil. 194 (2003).

⁵⁴ *People v. Bisda, supra*, at 224.

made the statements the morning after the occurrence while being bathed by their grandmother Carmen. Their statements were unreflected and instinctive since a three-year-old and a two-year-old children, given their age, do not have the capability, sophistication or malice to fabricate such an incredible story of a violent altercation between their parents and to impute their own father to the killing of their mother.

Thus, this Court finds the above requites of *res gestae* present. First, the principal act, which by any measure was undoubtedly a startling occurrence, was the violent altercation between petitioner and the victim, as witnessed by their young children, which led to the killing of his own wife of which he is being charged. Second, the statements were made spontaneously to which we ruled that given the tender age of the children, they could not have contrived or concocted such a story. Lastly, the statements refer to the violent altercation that led to the killing of the victim.

Petitioner insists that careful examination of the physical evidence and medico-legal clearly reveal that Genebe died of suicide without findings of foul play. He further claims that he could not have killed his wife whom he loved so much.

Petitioner avers that the testimony of Dr. Dimaandal, Jr., an expert witness, is not very certain nor persuasive and that the ligature mark on the victim's neck can be caused by manual strangulation. Finally, petitioner alleges that the single ligature mark on the victim's neck clearly infers that his wife had committed suicide.

This Court is not persuaded. There is nothing on record that would compel this Court to believe that said prosecution witness, Dr. Dimaandal, Jr., has improper motive to falsely testify against the petitioner nor was his testimony not very certain. In the absence of evidence of an improper motive actuating the witness, his testimony is worthy of full faith and credit. Furthermore, his straightforward and consistent testimonies bear the earmarks of credibility.

He positively concluded that the ligature mark on the neck of the victim was post-mortem. He further explained that a pale ligature mark implied that there was already no circulation of the blood in the body. Hence, no inflammatory reaction was noted on the ligature mark found on the victim and its color was the same as the entire body. The color of the ligature mark would remain the same even if there's a lapse from time of death and time of examination/ autopsy. If there are tissue reactions, whether the cadaver would be embalmed, there will be no color changes until the body will be fully decomposed. To support his assertions, Dr. Dimaandal,

Jr., presented the photographs of the victim that he took, clearly establishing that the injuries he found from the victim were indeed post-mortem.

PROS. PALMA:

Q: Briefly, Doctor, can you tell us what would be the significance of pale ligature mark on this first cadaver of which allegedly have been exhumed after you have examined?

A: For comparative purposes, this is the photo I have taken on one Genebe Manulat, your Honor wherein the ligature mark on the said cadaver if you can distinguish, this is the ligature mark, I caused this in sessions. If you have noticed the color of the ligature mark is the same as that of the entire skin of the cadaver.

Q: What would be the significance if the color of the ligature mark is the same as that of the body?

A: There is no tissue reaction that happened on this area.

Q: Why is it so?

A: One reason is that, there is [already no] blood circulation going on the body wherein we can see that the heartbeat had already stopped.

Q: You mean to say that this ligature mark was caused after death of the victim?

A: Yes, sir.

Q: What about if the color of the ligature mark is different than that of the body? What would be the significance on that?

A: The significance if there is a tissue reaction of the ligature mark, since in hanging incidents or strangulation caused by other person, before the time of death because the skin is rubbed on the rope, there would be friction created. Friction is going on as the rope tightens. The roughness of the rope will cause the skin to be abraded slightly. And if there is circulation going on the body, it will cause somehow a certain blood in the skin which will cause the darkening or the tissue reaction on the said area. But if there is no more blood circulation even though rope tightens and tightens until obstruction comes in on the airway passage. There will be no blood flow or even though the skin would be abraded, there will be no blood that will slightly ooze on the abraded area. So the color will still be pale.

x x x x

Q: Would the color of the ligature mark be changed considering the span of time of her death at the time of the examination if the strangulation is made by hanging or manual?

A: No, sir. Well in fact, I have photo samples wherein this was already conducted many days and were in fact that was already buried. Wherein the ligature mark had no change before this was decomposed.

Q: So the color would be the same even if you have examined days after the death?

A: If there is tissue reactions, whether the cadaver would be embalmed, there will be no color changes until the body will be fully decomposed.

x x x⁵⁵

Thus, from the testimony of the Doctor, an expert witness whose opinion deserves respect and great weight, the telltale absence of abrasions or the reddish or pink bands or linear streaks along the side of the neck of the victim, coupled with other attendant circumstances are strong indications that this was not a case of ante-mortem hanging, instead the pale ligature mark found on the victim was clearly postmortem, ruling out the possibility of suicide as claimed by the accused.

It has always been said that criminal cases are primarily about human nature.⁵⁶ This is a case of a husband refusing to rush his wife to the hospital even for possible resuscitation for flimsy reasons that there was nobody left at their house and that he still had to inform his parents-in-law. It is noted that from the time he supposedly discovered his wife, he only cried, did not exert any effort to rush her to the hospital, and, instead, waited for the police officers to arrive. Such inaction of a supposed loving husband is contrary to human nature. It was only an hour and upon the arrival of the police and through their suggestion that the wife was finally brought to the hospital, but it was already too late.

All considered, the CA did not err in affirming the trial court's conclusion that the presumption of innocence of petitioner has been overcome by the totality of the physical and testimonial evidence against him. The aforesaid circumstances, as presented, constitute an unbroken chain leading to no other conclusion than that the petitioner is guilty of parricide. Petitioner's mere denial is self-serving, speculative, and uncorroborated and cannot outweigh the circumstantial evidence which clearly establish his culpability in the crime charged.

It has been settled that the commission of parricide is punished more severely than homicide since human beings are expected to love and support those who are closest to them.⁵⁷ Recent jurisprudence fixes civil indemnity in the amount of ₱75,000.00, which is automatically granted to the offended party, or his/her heirs in case of the former's death, without need of further evidence other than the fact of the commission of murder, homicide, parricide and rape.⁵⁸ As regards to the penalty, the court a quo and CA were correct in imposing *reclusion perpetua* under Article 246 of the Revised Penal Code. However, the award of moral damages should be increased from ₱50,000.00 to ₱75,000.00 in view of the award of ₱75,000.00 as civil

⁵⁵ TSN, November 29, 2005, pp. 32-33.

⁵⁶ *People v. Operaña, Jr.*, *supra* note 32.

⁵⁷ *People v. Tibon*, 636 Phil. 521, 532 (2010).

⁵⁸ *Id.* at 532-533.

indemnity. Furthermore, petitioner should pay the heirs of the victim ₱30,000.00 by way of exemplary damages to deter others from committing such bestial act of killing one's spouse.

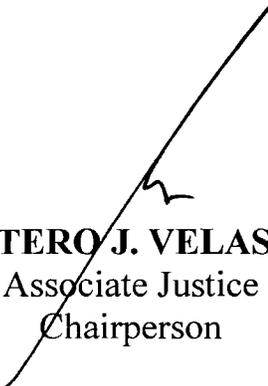
WHEREFORE, the Petition for Review on *Certiorari* dated January 14, 2010, of petitioner Vicente H. Manulat, Jr. is hereby **DENIED**. Consequently, the Decision dated December 7, 2009 of the Court of Appeals, affirming with modification the Decision dated February 12, 2007 of the Regional Trial Court of Tagum City, Davao del Norte, Branch 2, finding petitioner 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, are hereby **AFFIRMED** with **MODIFICATION**. Petitioner Vicente H. Manulat, Jr. is hereby sentenced to *reclusion perpetua*, with all its accessory penalties and to indemnify the heirs of the victim the amount of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱30,000.00 as exemplary damages.

SO ORDERED.



DIOSDADO M. PERALTA
Associate Justice

WE CONCUR:



PRESBITERO J. VELASCO, JR.

Associate Justice
Chairperson



TERESITA J. LEONARDO-DE CASTRO
Associate Justice



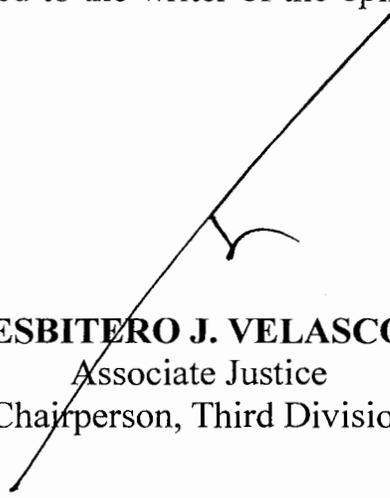
JOSE PORTUGAL PEREZ
Associate Justice



FRANCIS H. JARDELEZA
Associate Justice

ATTESTATION

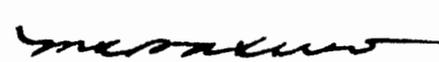
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice