

Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE
PHILIPPINES,

Plaintiff-appellee,

-versus-

GIANNE CARLA THANARAJ
y GLORIA,

Accused-appellant.

G.R. No. 262944

Present:

LEONEN, *SAJ.*, Chairperson,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., and
KHO, JR., *JJ.*

Promulgated:

JUL 29 2024

X-----X

DECISION

LOPEZ, J., J.:

This Court resolves an Appeal¹ assailing the Decision² and Resolution³ of the Court of Appeals (CA), which affirmed with modification the Judgment⁴ of the Regional Trial Court (RTC) finding accused-appellant Gianne Carla Thanaraj y Gloria (Gianne) guilty beyond reasonable doubt of parricide under Article 246 of the Revised Penal Code against her husband, Mervin Roy Richard Thanaraj y Manansala (Mervin).

¹ Rollo, pp. 3–6.

² *Id.* at 9–28. The October 12, 2020 Decision in CA-G.R. CR-HC No. 11732 was penned by Associate Justice Ramon M. Bato, Jr. and concurred in by Associate Justices Maria Elisa Sempio Diy and Carlito B. Calpatura of the Sixth Division, Court of Appeals, Manila.

³ *Id.* at 30. The May 26, 2022 Resolution in CA-G.R. CR-HC No. 11732 was penned by Associate Justice Ramon M. Bato, Jr. and concurred in by Associate Justices Maria Elisa Sempio Diy and Carlito B. Calpatura of the Former Sixth Division, Court of Appeals, Manila.

⁴ *Id.* at 32–42. The July 16, 2018 Judgment in Criminal Case No. C-100499 was penned by Presiding Judge Remigio M. Escalada, Jr. of Branch 123, Regional Trial Court, Caloocan City.

The Antecedents

The instant case stemmed from an Information⁵ filed against Gianne, the accusatory portion of which reads:

That on or about the 5th day of April 2017 in Caloocan City, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without any justifiable cause, with deliberate intent to kill, did then and there willfully, unlawfully and feloniously stab her husband MERVIN ROY RICHARD THANARAJ y MANANSALA, on the neck, thereby inflicting upon the said victim serious physical injuries, which injuries caused the accused's husband's death.

CONTRARY TO LAW.⁶

During the arraignment on May 30, 2017, Gianne pleaded not guilty to the charge against her.⁷ After, she filed a Petition for Bail that was denied by the RTC in an Order.⁸ Trial then ensued.⁹

The prosecution presented the following witnesses: (1) Jimar C. Moranta (Jimar); (2) Dr. Jian Meryl C. Co (Dr. Co); (3) Police Officer I Jingle Laleo (PO1 Laleo); (4) Dr. Dominic L. Aguda (Dr. Aguda); (5) Police Chief Inspector Argentina S. Casiño (PCINSP Casiño); and (6) Araceli C. Manansala (Araceli).¹⁰

On April 5, 2017, Jimar testified that he was working as a stay-in construction worker on a house situated beside Gianne and Mervin's. At around 3:10 p.m., during his break, Jimar heard Gianne yell "*tulungan niyo po ako, nasaksak ko ang asawa ko!*" Gianne then emerged from their house and rushed towards Jimar and his coworkers for help.¹¹

At that moment, Jimar noticed Mervin standing by their front door, who was vomiting blood and his neck was covered with blood. Jimar immediately removed his jacket and urged his coworkers to help apply pressure on Mervin's neck with it. Then, he boarded Mervin onto Gianne's car, while Gianne drove it to the nearest hospital.¹²

At first, Jimar and Gianne brought Mervin to the Divine Heart Hospital, but as they were not accommodated, they went to the World of Hope General

⁵ Records, p. 2.

⁶ *Id.*

⁷ *Id.* at 45.

⁸ *Id.* at 188–192. The May 15, 2018 Order in Criminal Case No. C-100499 was penned by Presiding Judge Remigio M. Escalada, Jr. of Branch 123, Regional Trial Court, Caloocan City.

⁹ *Rollo*, p. 10.

¹⁰ *Id.* at 11.

¹¹ *Id.*

¹² *Id.*

Hospital instead. Along the way, Gianne exclaimed to Jimar, "*Kuya, mahal na mahal ko po ang asawa ko. Hindi ko sinasadya na saksakin siya.*" After Mervin was admitted, Jimar went home.¹³

Meanwhile, Dr. Co testified that on even date, she was working at World of Hope General Hospital and that she tended to Mervin. She recalled him sustaining a fatal stab wound on the right side of his neck. Due to Mervin's unstable vital signs, Dr. Co performed an intravenous access and cardiopulmonary resuscitation on him. She also administered epinephrine and requested for an electrocardiogram for him, but, in the interim, Mervin died.¹⁴

Dr. Aguda, a medico-legal officer of the National Bureau of Investigation, stated that he conducted an autopsy on Mervin.¹⁵ He found that Mervin suffered a fatal stab wound on the right side of his neck.¹⁶

In the Autopsy Report,¹⁷ Dr. Aguda described that Mervin's wound was gaping. It was three centimeters in length with clean cut edges and diagonal in orientation, and around 10 centimeter deep, severing a carotid artery and other blood vessels, as well as perforating the esophagus causing massive bleeding. Dr. Aguda opined that it was possible that the injury was inflicted by a sharp, pointed, and single bladed instrument such as a kitchen knife and that the assailant may have been shorter than him given the downward trajectory of the wound.¹⁸

On redirect examination, Dr. Aguda stated that on a scale of one to 10, the possibility that the stab wound could have been self-inflicted was one to two, while the possibility that it was inflicted by another person was nine to 10. On recross examination, Dr. Aguda clarified that the possibility that Mervin's injury was self-inflicted was remote.¹⁹

Next, PCINSP Casiño testified that she was assigned at the Crime Laboratory Office in Camp Crame, Quezon City. On April 6, 2017, she received a DNA Examination Request and made DNA Laboratory Report with Control No. 03511.²⁰ During trial, she presented a sealed brown envelope which had smaller sealed letter envelopes inside marked "MTM-1" to "MTM-4" respectively containing a kitchen knife, a photograph of the knife, and three pieces of cotton buds with blood stains.²¹ However, there was no identity on the DNA profile obtained from the evidence analyzed as no

¹³ *Id.*

¹⁴ *Id.* at 11-12.

¹⁵ Records, p. 158.

¹⁶ *Id.*

¹⁷ *Id.* at 159.

¹⁸ *Rollo*, p. 12.

¹⁹ *Id.* at 13.

²⁰ Records, pp. 162-164.

²¹ *Id.* at 168-169.

reference sample was taken from the accused or victim when the request was made.²²

SPO1 Narciso claimed that after he was informed by their desk officer of the incident between Gianne and Mervin, he proceeded to the scene and was able to interview three construction workers. They informed him that a person was stabbed and that one of the construction workers assisted in bringing the victim to the hospital. However, SPO1 Narciso was unable to get the names of the construction workers he interviewed.²³

SPO1 Narciso also prepared the Judicial Affidavits of Jimar and William L. Gonzales (William), the subdivision security guard. They both confirmed that Gianne told them that she unintentionally stabbed her husband but SPO1 Narciso had no personal knowledge of Gianne's statement. When he asked Gianne if she was the one who stabbed Mervin, she told him that she did not mean to do it. However, SPO1 Narciso was not able to put this in writing.²⁴

Next, PO1 Laleo narrated that she was assigned at Police Community Precinct 6, Caloocan City. On the day of the incident, a duty officer informed her that a stabbing victim was brought to World of Hope General Hospital. PO1 Laleo proceeded there with another police officer and met with the Quezon City police who arrived earlier. They pointed PO1 Laleo to a room where Gianne was held. When PO1 Laleo interviewed Gianne, there was no counsel present. Gianne introduced herself as Mervin's wife and that Mervin was the victim of the stabbing. Gianne also told PO1 Laleo that she did not intend to stab her husband, but this statement was not reduced into writing. After they spoke, Gianne was brought to Dr. Jose Rodriguez Memorial Hospital for a medical examination.²⁵

Finally, Araceli, Mervin's mother, was presented. During trial, she identified Gianne in open court and presented a duly authenticated copy of Gianne and Mervin's Report of Marriage²⁶ issued by the Philippine Statistics Authority as well as Mervin's Death Certificate.²⁷

On the day of the incident, Araceli disclosed that she was in Malaysia, but after learning about Mervin's death, she booked a flight to the Philippines the following day. Two hours before Mervin's death, Araceli claimed that she spoke to him on Viber regarding the delivery of the brand-new Honda CRV she purchased for him. She stated that Mervin did not inform her of any difficult problems he was facing, though Araceli was aware that Gianne and

²² *Rollo*, pp. 13-14.

²³ *Id.* at 14.

²⁴ *Id.*

²⁵ *Id.* at 15.

²⁶ *Records*, p. 156.

²⁷ *Rollo*, p. 15.

Mervin would often quarrel due to Gianne's fear that Mervin was being unfaithful to her.²⁸

Araceli also raised that she shouldered Mervin's hospital bills amounting to PHP 30,000.00 and that she spent around PHP 2 to 3 million for his funeral expenses. However, she was unable to provide receipts for this. She also claimed to have spent a total of PHP 200,000.00 for attorney's fees and litigation expenses.²⁹

On the part of the defense, Gianne was presented as its lone witness. Gianne narrated that she and Mervin married on August 3, 2012. They resided in Malaysia from the time they were wed until July 2016, when they moved back to the Philippines.³⁰

On April 5, 2017, Gianne and Mervin had lunch together in their house. After that, Gianne washed the dishes and went upstairs to put their two children to sleep. At 1:30 p.m., she went back down to bake brownies in the kitchen while Mervin sat in the living room.³¹

While Gianne baked, Mervin suddenly approached Gianne to hug and kiss her from behind. Mervin then asked her for PHP 100,000.00, but she refused to give him any for she claimed that he would only gamble with it. Because of this, Mervin grew angry and told her that she was useless and a good for nothing.³²

Out of frustration, Gianne walked away from him. At the time, she wanted to leave the house to cool down her emotions, so she went upstairs to grab her wallet and one of their children. However, when she went downstairs, she saw Mervin standing in front of the main door with a knife in his hand. At first, Gianne tried to appease Mervin and told him "*tama na, nakakapagod na, maghiwalay na lang tayo.*" He replied "*puro hiwalay na lang, lagi na lang hiwalay.*" Then, using his right hand, Mervin held the knife on the right side of his neck gesturing that he was going to stab himself.³³

At that point, Gianne claimed that she was unphased by Mervin's behavior because it was not the first time he threatened her. Mervin would often say that he would kill himself if they separated.³⁴

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.* at 16.

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.* at 17.

Still, Gianne tried to move past him to open the front door. During their scuffle, Gianne saw blood on Mervin's neck. She then went outside to call for help from a group of construction workers nearby, as well as the subdivision security guard, William.³⁵

Gianne averred that Jimar, one of the construction workers, accompanied her, Mervin, William, and one of her children to Divine Heart Hospital. However, the hospital staff informed them that they could not be accommodated, so they went to World of Hope General Hospital instead where Mervin was admitted.³⁶

Gianne denied intentionally stabbing Mervin or causing his death. She insisted that Mervin accidentally cut himself when she attempted to pass by him to get to their front door. Gianne also recalled that on the day of the incident, Mervin was troubled over their household's financial expenses and losses in their food business.³⁷

In its Judgment,³⁸ the RTC found Gianne guilty of the crime of parricide. The dispositive portion of the Judgment states:

WHEREFORE, in light of the foregoing, accused GIANNE CARLA THANARAJ y GLORIA is hereby found **GUILTY** beyond reasonable doubt of the crime of Parricide, defined and penalized under Article 246 of the Revised Penal Code, for the death of her husband Mervin Roy Richard Thanaraj y Manansala, and she is thus sentenced to suffer the penalty of *reclusion perpetua*.

As to civil liability, the accused is adjudged **LIABLE** to the heirs of Mervin Roy Richard Thanaraj y Manansala, excluding herself, for civil indemnity of Seventy-Five Thousand Pesos ([PHP] 75,000.00), moral damages of Seventy-Five Thousand Pesos ([PHP] 75,000.00), and exemplary damages of Seventy-Five Thousand Pesos ([PHP] 75,000.00).

Costs against the accused.

SO ORDERED.³⁹ (Emphasis in the original)

The RTC found that the prosecution was able to prove the elements of parricide and establish Gianne's guilt with proof beyond reasonable doubt. It gave credence to the testimonies of the witnesses, particularly Jimar's, when he heard Gianne say that she stabbed Mervin as this was corroborated by PO1 Laleo. The RTC likewise appreciated Gianne's statements to them as extrajudicial confession that she committed the crime.⁴⁰

³⁵ *Id.* at 16.

³⁶ *Id.*

³⁷ *Id.* at 17.

³⁸ *Id.* at 32-42.

³⁹ *Id.* at 42.

⁴⁰ *Id.* at 41.

More, it found that the prosecution witnesses were able to narrate what transpired in a clear, categorical, and straightforward manner without any showing of ill motive on their part in testifying on the matter.⁴¹ The RTC also emphasized the nature and location of the stab wound sustained by Mervin on his neck, which was found by Dr. Aguda as remotely possible to have been self-inflicted. Thus, it convicted Gianne of parricide.⁴²

However, the RTC did not award actual damages to the heirs of the victim for lack of evidence presented by the prosecution regarding the funeral and burial expenses spent by Araceli. Nonetheless, it awarded civil indemnity, moral damages, and exemplary damages in the amount of PHP 75,000.00 each.⁴³

Aggrieved, Gianne appealed to the CA.⁴⁴

In the assailed Decision,⁴⁵ the CA affirmed Gianne's conviction but increased the amount of damages to be paid to the victim's heirs. The dispositive portion of the Decision reads:

WHEREFORE, the appeal is **DENIED** for lack of merit. The Judgment dated [July 16, 2018] of the Regional Trial Court, Branch 123 of Caloocan City, NCJR, in Criminal Case No. C-100499, convicting Gianne Carla Thanaraj y Gloria of the crime of parricide penalized under Article 246 of the Revised Penal Code and sentencing her to suffer the penalty of *reclusion perpetua* is **AFFIRMED** with **MODIFICATION** in that, Gianne is directed to pay the heirs of Mervin Roy Richard Thanaraj y Manansala, excluding herself, the sum of [PHP] 100,000.00 as civil indemnity, [PHP] 100,000.00 as moral damages, and [PHP] 100,000.00 as exemplary damages.

SO ORDERED.⁴⁶ (Emphasis in the original)

In upholding Gianne's conviction, the CA also found that the elements of the crime were proven by the prosecution.⁴⁷ It found that Gianne's statement that she did not intend to stab Mervin did not absolve her from criminal liability as it was not just an extrajudicial confession, but a *res gestae* statement admissible in evidence against her under Rule 130, Section 26 of the Rules of Court.⁴⁸

However, the CA disregarded Gianne's statement to PO1 Laleo as it was obtained through questioning without the assistance of counsel while

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Records, pp. 274–276.

⁴⁵ *Rollo*, pp. 9–28.

⁴⁶ *Id.* at 28.

⁴⁷ *Id.* at 19.

⁴⁸ *Id.* at 20.

under custodial investigation, which is violative under Article III, Section 12 of the Constitution.⁴⁹

Lastly, the CA did not consider Gianne's argument that Mervin's stab wound was self-inflicted as Dr. Aguda testified that the chances of it being one were low.⁵⁰

Undeterred, Gianne moved for reconsideration, which was denied by the CA in a Resolution.⁵¹

Hence, Gianne filed the instant Appeal.

Gianne argues that the CA erred in upholding her conviction.

Gianne contests the credibility of Jimar, whose testimony formed the basis of the RTC's ruling. To recall, Jimar heard her say "*tulungan niyo po ako, nasaksak ko ang asawa ko!* (Help me, I stabbed my husband!) and "*kuya, mahal na mahal ko po ang asawa ko. Hindi ko sinasadya na saksakin siya*" (I love my husband so much. I didn't mean to stab him). These were admitted by the CA as *res gestae*.⁵²

Next, Gianne points out that in the prosecution's Formal Offer of Evidence,⁵³ it dispensed with William's testimony as it corroborated Jimar's. However, in denying Gianne's Petition for Bail, the RTC considered the same.⁵⁴ As stated in the Order regarding Gianne's Petition for Bail, the RTC ratiocinated:

Such is the kind of declaration [*res gestae*] of the accused in this case. To witness Moranta, the accused stated, "*tulungan nyo po ako nasaksak ko ang asawa ko*" and "*kuya mahal na mahal ko po ang asawa ko hindi ko sinasadya na saksakin sya [. . .]*" And to witness Gonzales, she uttered, "*Kuya tulong si Mervin [. . .] Kuya di ko sinasadya, mahal na mahal kita Mervin [. . .]*" The principal act involved here is the killing complained of which is the "startling occurrence[.]" and it appears that all the statements in question refer to the said occurrence and were apparently made by the accused before she had time to contrive a falsity. The essential requisites for the Court to admit the declarations of the accused as part of the *res gestae* are present, and unless the defense could prove otherwise by its own evidence, then these declarations shall be regarded as not covered by the hearsay evidence rule.

....

⁴⁹ *Id.* at 21.

⁵⁰ *Id.* at 22.

⁵¹ *Id.* at 30.

⁵² *Id.* at 61.

⁵³ Records, pp. 143-153.

⁵⁴ *Rollo*, p. 62.

In the main then, in the light of the evidence offered by the prosecution, particularly the testimony of Jimar Moranta, which the Court finds credible, straightforward[,] and trustworthy, the Court finds the evidence against the accused for the crime of Parricide to be strong.⁵⁵

Gianne counters, however, that a reading of William's Judicial Affidavit⁵⁶ would show that he heard her say the following:

5. *Tanong: Ano ang sumunod na nangyari?*

*Sagot: Agad [namin] sinugod sa ospital, habang nasa loob kami ng sasakyan ay paulit-ulit na sinasabi ni Mam Carla na "Kuya, di ko sinsadya. Mahal na mahal kita Mervin" habang nagmamaneho at umiiyak, kaya sinabi ko kay Ma[']m Carla na relax lang dahil parang wala na ito sa sarili kaya kinuha ko ang anak nito.*⁵⁷ (Emphasis supplied)

Gianne insists that this differs from Jimar's recollection. In William's statement, there were no particulars supplanted as to whether Gianne admitted that she was the one who stabbed Mervin intentionally or otherwise. Further, William observed that she looked confused and seemed out of her mind due to shock. Thus, Jimar's statement that she admitted stabbing her husband was involuntarily made and inaccurate. Also, both Jimar and William had no knowledge on how Mervin sustained the wound.⁵⁸

Lastly, Gianne immediately called for help after Mervin accidentally hurt himself, which controverts the prosecution's argument that she intended to kill him.⁵⁹

This Court's Ruling

We acquit.

In cases of parricide, Article 246 of the Revised Penal Code provides:

Article 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.

Parricide is committed when: (1) a person is killed; (2) the accused is the killer; and (3) the deceased is either the legitimate spouse of the accused, or any legitimate or illegitimate parent, child, ascendant or descendant of the

⁵⁵ Records, pp. 190, 192.

⁵⁶ *Id.* at 10–12.

⁵⁷ *Id.* at 11.

⁵⁸ *Rollo*, p. 66.

⁵⁹ *Id.* at 68.

accused. Notably, the relationship of the offender to the victim is an essential element to the crime.⁶⁰

Here, the fact of Mervin's death remains undisputed and was proven through the presentation of his Death Certificate.⁶¹ Further, the marriage between the parties was established through the presentation of their Report of Marriage which, likewise, formed part of the stipulations⁶² during pre-trial, having been admitted by accused-appellant herself.

After a review of the records, this Court is inclined to rule in favor of accused-appellant as the prosecution was unable to prove her guilt beyond reasonable doubt.

One of the primary considerations of the CA in upholding accused-appellant's conviction was the extent, nature, and trajectory of the wound sustained by Mervin through the findings of Dr. Aguda.

In the Autopsy Report, it was emphasized by Dr. Aguda that Mervin's stab wound does not appear to be self-inflicted:

Atty. Lobo

Q: Will you describe to the Court the size, the depth of the stab wound sustained by the victim?

A: The stab wound on the right side of the neck is [three] centimeters in length with clean cut edges, diagonally oriented with medial extremity and the later extremity sharp located at the right side of the neck, specifically around 10 centimeters below and one centimeter in front of the right external [auditory meatus] and the stab wound was directed downward, forward, and [medially] involving the skin and underline muscle tissues severing the artery and other blood vessel, perforating the esophagus with a depth of around 10 centimeters, sir.

Q: That stab wound or injury sustained by the victim in that part of the body is actually ascertained, is that correct?

A: Yes[,] sir.

Q: And as a medico legal officer[,] were you able to at least determine the probable object used to inflict that injury?

A: Well, the object inflicting the injury could have been a sharp, pointed, single bladed instrument, an example of which is a kitchen knife, sir.

Q: *As a medico legal officer, were you able to at least approximate or determine the probable person, in other words, is the stab wound [could] be inflicted by the deceased himself to his body or to his neck?*

⁶⁰ *People v. Delos Santos*, 889 Phil. 482, 490 (2020) [Per J. Lazaro-Javier, Second Division].

⁶¹ Records, pp. 154-155.

⁶² *Id.* at 51.

- A: *It could be far from reality that it was self-inflicted, it must have been inflicted by another person, sir.*
- Q: *Why do you say that doctor?*
- A: *Considering that a stab wound at the right side of the neck, the direction or the trajectory of the wound was the forward, downward[,] and [medially], and papunta po sa gitna, so [it's] very impossible for him to have inflicted that injury himself, sir.*
- Q: *In other words, what are you saying is the one who inflicted the stab wound must have been another person and not the deceased?*
- A: *Yes[,] sir.*⁶³ (Emphasis supplied)

Dr. Aguda highlighted that the incision made on Mervin's neck was three centimeters in length and around 10 centimeters deep, which caused massive bleeding. He further emphasized that it was improbable that the stab wound was caused by him as it was aimed from a frontwards direction towards Mervin's neck and not backwards, which would have been the case, had it been self-inflicted. Thus, it was highly unlikely for Mervin to have done the same to himself even if accidental. This was confirmed by Dr. Aguda during cross-examination:

- Q: You said earlier that you discounted the possibility that the victim made a self[-]infliction to him, is that correct?
- A: Yes[,] sir.
- Q: But there is also a probability that when for instance a person [commits] suicide[,] that is the trajectory made?
- A: I would say a small, slim possibility, sir.
- Q: But nonetheless doctor[,] there is a possibility?
- A: There is a small possibility, sir.⁶⁴

In redirect and recross examination, Dr. Aguda maintained his stance:

- Q: In your answer earlier doctor is to the effect that in the scale of one to [10], you said only one or two is the possibility that the wound was self[-]inflicted?
- A: Yes[,] sir.
- Q: While you gave a scale of nine to [10] that the said wound was inflicted by another person?
- A: Yes[,] sir.
- Q: That is only your opinion?
- A: That is my opinion, sir.
- Q: *You cannot show to the Court any findings which would support that opinion of yours?*

⁶³ TSN, Dr. Dominic L. Aguda, September 18, 2017, pp. 17–19.

⁶⁴ *Id.* at 22–23.

A: *Well, I just based it on the trajectory of the stab wound, it is more or less inflicted by another person considering that the trajectory is forward, downward[,] and [medially], because if it was self[-]inflicted[,] it is very awkward and the trajectory should have been backward and not forward, sir.*

Q: *Doctor[,] when you say that the thrust of the instrument that was used in inflicting the injury was forward, you meant that the thrust was towards the face?*

A: *Yes[,] your honor.*

Q: *If it's backward, it's against the direction of the face?*

A: *Yes[,] your Honor.*

Q: *One more point doctor[,] since you are talking of the probabilities. You are talking of intentional infliction, what could be the likelihood that the injury was caused accidentally?*

A: *That would be remote, your Honor.*

Q: *Very remote?*

A: *Very remote, your Honor.*

Q: *Even if the thrust was made accidentally by the victim himself?*

A: *That would be remote also, your Honor.*⁶⁵

However, We find that Dr. Aguda's statements are not conclusive proof of accused-appellant's guilt. To this Court's mind, it merely establishes that there was a remote possibility for the wound to have been self-inflicted. Further, the attending circumstances, which led to the stabbing incident particularly the trajectory of the wound, negates whether a wound is self-inflicted or not.

To recall, during their fight, accused-appellant went upstairs to retrieve her keys and get their second child. At the time, she claimed that she wanted to leave the house in order to cool her emotions, until Mervin again threatened her with suicide.

Mervin's constant threats of suicide imposed a psychological burden on accused-appellant. In her testimony, she disclosed the following:

Q: *Let's go back to the incident that transpired at your house, you said that Mervin placed the knife that he was holding at the right portion of his neck and he was trying to prevent you from leaving the house, is that correct?*

A: *Yes[,] sir.*

⁶⁵ *Id.* at 32, 34.

Q: Why did you still try to leave notwithstanding that Mervin was trying to prevent you and that he was holding a knife against his neck?

A: Because I was used to him doing that, telling me that if we will separate or part ways[,] he will kill himself, sir.

Q: You said that you were already used to that, that Mervin was doing that thing, you mean there were already previous incidents that Mervin told you that he will kill himself when you told him that you will separate?

A: Yes[,] sir.

Q: When was the last time did Mervin do that, if you can recall?

A: In 2014, sir.

Q: You mentioned that at around 2014, you were living in Malaysia, is that right?

A: Yes[,] sir.

Q: So that incident happened at your house in Malaysia?

A: In the house of my in-laws, sir.

Q: Do you still recall the incident leading to that action of Mervin in 2014 where he threatened to kill himself if you will separate?

A: Yes[,] sir.

Q: What was the cause of that?

A: Mervin was very jealous at that time and he was confused, sir.

Q: Aside from that[,] was there any other incident?

A: Yes[,] sir.

Q: When was that?

A: Around 2015, sir.

Q: What was that incident all about?

A: About his temper and being jealous, sir.

Q: You mean he also threatened you that he will kill himself also on that occasion?

A: Yes[,] sir.

Q: Prior to your quarrel on April 5, 2017, do you recall if you had any quarrel with Mervin also?

A: Yes[,] sir.

Q: When was that?

A: In February 2017, sir.

Q: Do you still recall what was the quarrel all about?

A: Yes[,] sir.

Q: What?

A: About the casino, sir.

Q: What was about pagka-casino, you mean you had quarrel because of his frequenting the casino?

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A: Yes[,] sir.⁶⁶

It appears that in three separate instances, in 2014, 2015, and this particular incident, Mervin threatened accused-appellant with suicide if she would leave him. Notably, during accused-appellant's testimony, she was visibly distraught as she recounted the incident between her and Mervin.⁶⁷ Yet, despite this, the parties would often reconcile until they quarreled again.

Continuing with the testimony of accused-appellant, after she refused to give money to Mervin to gamble, they argued:

Q: Did you give him the said amount?

A: No sir, because I knew where Mervin will use the money.

Q: Where did Mervin supposed to use the money, if you know?

A: I know that he will go to a casino, sir.

Q: Where?

A: In Solaire Manila, sir.

....

Q: Why was he asking the money from you, were you the custodian of your fund?

A: Some of our money was in my custody because Mervin already used all the money that was withdrawn from the bank, sir.

Q: When you refused to give Mervin the amount of one hundred thousand pesos, what was the reaction of Mervin?

A: He got mad, sir.

Q: And what did he do?

A: Mervin told me so many things and among those was I'm not working and I was useless, I was good for nothing, sir.

Q: And what was your reply to those utterances by Mervin?

A: We had a confrontation at that time that's why I walk[ed] out, sir.⁶⁸

These instances show the desire of accused-appellant to leave the house together with their child, despite the threats of Mervin to kill himself. In doing so, it was unclear whether she stabbed Mervin as the latter was pointing a knife at his own neck. In her testimony, she stated that:

Q: When you tried to open the door, what did Mervin do?

A: I was carrying my youngest son Cayleb[,] and when I reached the [doorknob] to go out, it was then that Mervin [tapped] my hand for me not to be able to go out of the house, sir.

⁶⁶ TSN, Gianne Carla Thanaraj y Gloria, April 18, 2018, pp. 22-25.

⁶⁷ *Id.* at 8.

⁶⁸ *Id.* at 10-11.

Q: Which hand did Mervin use in tapping your hand?

A: He used his left hand, sir.

Q: And which hand of yours did Mervin tap, right or left?

A: My left hand, sir.

Q: After Mervin tapped your hand, what did you do?

....

A: This made me step back and it was at that time that I saw Mervin's neck bloodied already, sir.

Q: After seeing that there was already blood on Mervin's neck, what did you do?

A: At that point[,] we looked at each other and we were both shocked at what just happened, I put down Cayleb and I immediately went out of the door of the house, sir.

Q: Why did you go out?

A: I asked for help, sir.

Q: When you said humingi ako ng tulong, in what particular way did you ask for help?

A: I shouted out loud "tulong-tulong[.]" and I saw construction workers responding to my call for help and I went back inside the house, sir.⁶⁹

As seen in her narration, accused-appellant never admitted to stabbing Mervin during her testimony.

We reiterate that proof of *corpus delicti* is indispensable in the prosecution of crimes. *Corpus delicti* refers to the body or substance of the crime, or the fact of its commission and what must be proven is the criminal act and the defendant's agency in the commission of the act.⁷⁰

Yet, aside from proving the elements of parricide, which is a crime *mala in se*, the prosecution is likewise tasked to prove that there is a concurrence of *actus reus* and the *mens rea* in the commission of the crime.

Actus reus pertains to the external or overt acts or omissions included in a crime's definition, while *mens rea* refers to the accused's guilty state of mind or criminal intent accompanying the *actus reus*.⁷¹

Here, the prosecution failed to prove *mens rea*, that is accused-appellant's criminal intent to kill her husband.

⁶⁹ *Id.* at 15–16.

⁷⁰ *Acharon v. People*, G.R. No. 224946, November 9, 2021 [Per J. Caguioa, *En Banc*].

⁷¹ *Id.*

When accused-appellant tried to leave the family home, Mervin was already holding a knife to his neck. Mervin attempted to stop accused-appellant by blocking the doorway with his entire body, and threats to kill himself. If at all, it was Mervin's intention to kill himself should accused-appellant leave their house, while the intention of accused-appellant was to leave their house together with their child. The absence of malice on the part of accused-appellant to kill Mervin negates murder.

Notably, Dr. Aguda's testimony tended to establish the remote possibility that the stab wounds sustained by Mervin were not accidental and could not have been self-inflicted. This is because of the forward trajectory of the stab found on Mervin's neck as opposed to a backward trajectory. However, it was not shown how Mervin was holding the knife at the time of the incident. It bears noting that the trajectory of a wound would have to depend on how a person is holding a knife. Mervin, being the one threatening to kill himself, could have positioned the knife in a manner that would ensure his own death if only to convince accused-appellant to stay with him. More, the wounds sustained by Mervin would not really be accidental as he had the intention to kill himself. With this circumstance, it is necessary for the prosecution to exclude any possibility that the killing was done by a person other than accused-appellant and the failure to do so, it is the constitutional presumption of innocence that shall prevail. As explained in *People v. Maglinas*:⁷²

The judicial determination of guilt or innocence of the person necessarily starts with the recognition of his or her constitutional right to be presumed innocent of the charge he or she faces. *Apropos* is the case of *People v. Lumikid*, wherein the Court held:

While an accused stands before the court burdened by a previous preliminary investigation finding that there is probable cause to believe that he committed the crime charged, the judicial determination of his guilt or innocence necessarily starts with the recognition of his constitutional right to be presumed innocent of the charge he faces. This principle, a right of the accused, is enshrined no less in our Constitution. It embodies as well a duty on the part of the court to ascertain that no person is made to answer for a crime unless his guilt is proven beyond reasonable doubt. Its primary consequence in our criminal justice system is the basic rule that the prosecution carries the burden of overcoming the presumption through proof of guilt of the accused beyond reasonable doubt. Thus, a criminal case rises or falls on the strength of the prosecution's case, not on the weakness of the defense. Once the prosecution overcomes the presumption of innocence by proving the elements of the crime and the identity of the accused as perpetrator beyond reasonable doubt, the burden of evidence then shifts to the defense which shall then test the strength of the prosecution's case either by showing that no crime was, in fact, committed or that the accused could not

⁷² G.R. No. 255496, August 10, 2022 [Per C.J. Gesmundo, First Division].

have committed or did not commit the imputed crime or, at the very least, by casting doubt on the guilt of the accused.

To overcome this constitutional right in favor of the accused, the prosecution must hurdle two things: *first*, the accused enjoys the constitutional presumption of innocence until final conviction; conviction requires no less than evidence sufficient to arrive at a moral certainty of guilt, not only with respect to the existence of a crime, but, more importantly, of the identity of the accused as the author of the crime. *Second*, the prosecution's case must rise and fall on its own merits and cannot draw its strength from the weakness of the defense.

Indeed, a crime is the doing of that which the penal code forbids to be done, or omitting to do what it commands. A necessary part of the definition of every crime is the designation of the author of the crime upon whom the penalty is to be inflicted. An ample proof that a crime has been committed has no use if the prosecution is unable to convincingly prove the offender's identity. The constitutional presumption of innocence that an accused enjoys is not demolished by an identification that is full of uncertainties.⁷³ (Emphasis in the original, citations omitted)

Still, the CA focused greatly on accused-appellant's statements to Jimar, which they held formed part of the *res gestae* under Rule 130, Section 42⁷⁴ of the Rules of Court, and are admissible in evidence against her.

At the level of the CA, Jimar's testimony regarding accused-appellant's admission to him that she stabbed her husband was offered to establish the events leading to Mervin's death.

However, We do not agree with this characterization. We find that accused-appellant's statements to Jimar are not covered by *res gestae*.

Rule 130, Section 36⁷⁵ of the Rules of Court states that a witness can only testify to those facts which they know of their personal knowledge, that is, which are derived from their own perception, except as otherwise provided in these rules. Hearsay evidence, or those derived outside of a witness's personal knowledge, are generally inadmissible due to serious concerns on their trustworthiness and reliability. Such evidence, by their nature, are not

⁷³ *Id.* at 8–9. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

⁷⁴ RULES OF COURT, Rule 130, sec. 42 states:

Section 42. Part of *res gestae*. — Statements made by a person while a startling occurrence is taking place or immediately prior or subsequent thereto with respect to the circumstances thereof, may be given in evidence as part of the *res gestae*. So, also, statements accompanying an equivocal act material to the issue, and giving it a legal significance may be received as part of the *res gestae*.

A declaration is deemed part of the *res gestae* and is admissible as an exception to the hearsay rule when the following requisites are present: (1) the principal act, the *res gestae*, is a startling occurrence; (2) the statements were made before the declarant had time to contrive or devise; and (3) statements must concern the occurrence in question and its immediately attending circumstances.

⁷⁵ RULES OF COURT, Rule 130, sec. 36 states:

Section 36. *Testimony generally confined to personal knowledge; hearsay excluded.* — A witness can testify only to those facts which [they know] of [their] personal knowledge; that is, which are derived from [their] own perception, except as otherwise provided in these rules.

given under oath or solemn affirmation and likewise have not undergone the benefit of cross-examination to test the reliability of the out-of-court declarant on which the relative weight of the out-of-court statement depends.⁷⁶

Prior to the Rules of Court and its succeeding amendments in *People v. Toledo*,⁷⁷ this Court clarified the nature of the hearsay rule:

We would like finally to turn attention to what was said by the editor of L.R.A. in his note in volume 37 hereinbefore referred to, viz.:

*The purpose of all evidence is to get at the truth. The reason for the hearsay rule is that the extrajudicial and unsworn statement of another is not the best method of serving this purpose. In other words, the great possibility of the fabrication of falsehoods, and the inability to prove their untruth, requires that the doors be closed to such evidence. So long therefore as a declarant is available as a witness, [their] extrajudicial statement should not be heard. Where, however, the declarant is dead or has disappeared, [their] previous statements out of court, if not inadmissible on other grounds, are the best evidence. But they are not rendered inadmissible by the mere fact that the declarant is unavailable,—something else is necessary. One fact which will satisfy this necessity is that the declaration is or was against the declarant's interest, and this is because no sane person will be presumed to tell a falsehood to [their] own detriment.*⁷⁸ (Emphasis supplied)

Yet, in order for a statement to be considered part of *res gestae*, the following elements must concur: (a) the principal act, the *res gestae*, is a startling occurrence; (b) the statement was made before the declarant had time to contrive or devise; and (c) the statement concerns the occurrence in question and its immediately attending circumstances.⁷⁹

In *People v. Loma*,⁸⁰ this Court cited instances where the *res gestae* rule was applied. Notably, in all of these, the victim of the crime or incident is the one who testified leading to the rule's application, thus:

In *People v. Villarama*, the accused, uncle of the non-testifying 4-year-old rape victim, was convicted on the basis of what she told her mother. The Court ruled:

In the case at bar, there is no doubt that the victim was subjected to a startling occurrence when she pointed to appellant as her assailant. It is evident from the records that the statement was spontaneous because the time gap from the sexual assault to the time the victim recounted her

⁷⁶ *People v. XXX*, 839 Phil. 252, 265 (2018) [Per J. Caguioa, Second Division].

⁷⁷ 51 Phil. 825 (1928) [Per J. Malcolm, *En Banc*].

⁷⁸ *Id.* at 838–839.

⁷⁹ *People v. Calinawan*, 805 Phil. 673, 682 (2017) [Per J. Mendoza, Second Division].

⁸⁰ 887 Phil. 117 (2020) [Per J. Gaerlan, Third Division].

harrowing experience in the hands of appellant was very short. Obviously, there was neither capability nor opportunity for the 4-year-old victim to fabricate her statement.

In *People v. Lupac*, the Court convicted the accused based on the 10-year-old victim's denunciation of her uncle to a neighbor whom she met soon after she managed to get away from her uncle after the rape. It was held that:

The requisites were met herein. AAA went to Tita Terry's house immediately after fleeing from Lupac and spontaneously, unhesitatingly and immediately declared to Tita Terry that Lupac had sexually abused her. Such manner of denunciation of him as her rapist was confirmed by Tita Terry's testimony about AAA's panic-stricken demeanor that rendered it difficult to quickly comprehend what the victim was then saying. Of course, AAA's use of the words *hindot* and *inano ako ni Kuya Ega* said enough about her being raped.

In *People v. Velasquez*, the Court also considered as part of the *res gestae* the declarations of the 2-year-old rape victim to her mother. The Court found that the victim's statement, as well as her acts, constitutes the *res gestae*, as it was made immediately subsequent to a startling occurrence, uttered shortly thereafter by her with spontaneity, without prior opportunity to contrive the same. Her mother's account of her words and gestures constitutes independently relevant statements distinct from hearsay and likewise admissible not as to the veracity thereof but to the fact that they had been thus uttered.

Here, the declarations of AAA were correctly considered by the trial court as part of the *res gestae* as the same was uttered immediately after the rape, an undoubtedly startling event, committed against her by someone she considered as family. Also, there is no question that AAA had no opportunity to concoct a story different from what actually transpired as when she arrived home and immediately declared what accused-appellant did to her, her mother still found blood stains near her anus and in between her legs. Verily, all the requisites for a declaration to be considered as part of the *res gestae* were present.⁸¹ (Citations omitted)

In contrast, the case at bar presents a different situation where the declarant, the accused-appellant herself, is the assailant, and not the victim. More, she took the witness stand and was subjected to cross-examination. Thus, the *res gestae* rule does not apply.

As accused-appellant actually took the witness stand, her statements were subjected to scrutiny as Mervin's alleged perpetrator. In light of this, her statements to Jimar must be examined under either declarations against interest or admissions against interest.

⁸¹ *Id.* at 130-131.

In *Lazaro v. Agustin*,⁸² this Court distinguished the two concepts as follows:

Admissions against interest are those made by a party to a litigation or by one in privity with or identified in a legal interest with such party, and are admissible whether or not the declarant is available as a witness. Declaration against interest are those made by a person who is neither a party nor in privity with a party to the suit, are secondary evidence and constitute an exception to the hearsay rule. They are admissible only when the declarant is unavailable as a witness.⁸³ (Citations omitted)

As accused-appellant herself was available as a witness to testify regarding her utterances and actually took said witness stand, her statements cannot be classified as a declaration against interest. Thus, they must be examined under the rule of admission against interest.

An admission against interest is governed by Rule 130, Section 27 of the Rules of Court stating that an act, declaration, or omission of a party as to a relevant fact may be given in evidence against him or her.⁸⁴ To be admissible, an admission must: (a) involve matters of fact, and not of law; (b) be categorical and definite; (c) be knowingly and voluntarily made; and (d) be adverse to the admitter's interests, otherwise it would be self-serving and inadmissible.⁸⁵

In *People v. Catacutan*,⁸⁶ this Court held that:

Indeed, the central issue involved under the hearsay rule is the trustworthiness and reliability of hearsay evidence, since the statement testified to was not given under oath or solemn affirmation, and more compellingly, the declarant was not subjected to cross examination by the opposing party to test his or her perception, memory, veracity and articulateness, on whose reliability the entire worth of the out-of-court statement depends. *However, in admissions against interest, the admission is made by a party to a litigation. Verily, the rule excluding hearsay testimony, which rests mainly on the ground that there is no opportunity to cross-examine the person to whom statements or writings are attributed, does not apply.*

In *People v. Reyes*, the Court ordained that the conversation among the accused, mentioning that they had shot the victims, which was overheard by the prosecution witness, is admissible in evidence as an admission.⁸⁷ (Emphasis supplied, citations omitted)

⁸² 632 Phil. 310 (2010) [Per J. Peralta, Third Division].

⁸³ *Id.* at 320.

⁸⁴ 2019 Amendments to the 1989 Revised Rules on Evidence.

⁸⁵ *Lacbayan v. Samoy, Jr.*, 661 Phil. 306, 318 (2011) [Per J. Villarama, Jr., Third Division].

⁸⁶ G.R. No. 260731, February 13, 2023 [Per J. Lazaro-Javier, Second Division].

⁸⁷ *Id.* at 12. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

In this case, accused-appellant's utterances to Jimar that she allegedly stabbed Mervin cannot be said to be unequivocal. The circumstances show that accused-appellant was in a state of shock and was seeking help so that her husband could be taken to a hospital. The previous threats of Mervin to kill himself should accused-appellant leave the house left her in a state of mind that any action on her part to leave the house would lead to his stabbing. As she was able to leave the house, she would necessarily blame herself for the eventual stabbing of Mervin. The psychological state of accused-appellant at the time she made the alleged admissions to Jimar prevents this Court from concluding that said statements against her interest were categorical and definite.

In addition, We agree with accused-appellant's argument that the RTC erroneously considered William's testimony. An examination of William's Judicial Affidavit shows that accused-appellant only told William the words "*kuya, di ko sinasadya.*" This Court cannot comprehend this statement to mean that accused-appellant was the perpetrator of the crime.

We also note that accused-appellant's statements to PO1 Laleo are inadmissible in evidence as her verbal admission that she stabbed her husband was elicited during custodial investigation. Article III, Section 12 of the Constitution expressly provides:

Section 12. (1) *Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.*

(2) No torture, force, violence, threat, intimidation, or any other means which vitiate the free will shall be used against him. Secret detention places, solitary, incommunicado, or other similar forms of detention are prohibited.

(3) Any confession or admission obtained in violation of this[,] or Section 17 hereof shall be inadmissible in evidence against him.

(4) The law shall provide for penal and civil sanctions for violations of this section as well as compensation to and rehabilitation of victims of torture or similar practices, and their families. (Emphasis supplied)

At the time, accused-appellant was not informed of her rights and the same were not validly waived by her. Further, her verbal admission was made without assistance from counsel, and was also not reduced into writing.

On its own, the prosecution's reliance on accused-appellant's statement to Jimar cannot serve as the lone basis of her conviction as it does not constitute proof beyond reasonable doubt. More, the knife Mervin was

stabbed with was never subjected to DNA testing by the prosecution. Accused-appellant's children were also never presented to testify, despite one of them being a witness to the moment before the stabbing incident.

In *People v. Ordiz*,⁸⁸ this Court held that:

It is an ancient principle of our penal system that no one shall be found guilty of crime except upon proof beyond reasonable doubt. Thus, in proving the existence of the aforesaid elements of the crime charged, the prosecution has the heavy burden of establishing the same. The prosecution must rely on the strength of its own evidence and not on the weakness of the defense.⁸⁹ (Citation omitted)

Again, the burden to prove Gianne's guilt beyond reasonable doubt rests with the prosecution and this, they failed to do.

Under the equipoise rule, where the evidence in a criminal case is evenly balanced, the constitutional presumption of innocence tilts the scales in favor of the accused.⁹⁰ It follows then that if there exists even an iota of doubt, this Court is under a longstanding legal injunction to resolve the doubt in favor of the accused.⁹¹

As a final note, in *People v. Urzais*,⁹² this Court held that:

It is the primordial duty of the prosecution to present its side with clarity and persuasion, so that conviction becomes the only logical and inevitable conclusion. What is required of it is to justify the conviction of the accused with moral certainty. *Upon the prosecution's failure to meet this test, acquittal becomes the constitutional duty of the Court, lest its mind be tortured with the thought that it has imprisoned an innocent man for the rest of his life. The constitutional right to be presumed innocent until proven guilty can be overthrown only by proof beyond reasonable doubt.*⁹³ (Emphasis supplied, citations omitted)

Taking these into consideration, accused-appellant must be acquitted.

While this Court condemns the senseless crime, which led to Mervin's death and commiserates with the bereaved family, accused-appellant's acquittal of the crime of parricide does not signify that this Court affirms her absolute innocence of the charge, but that the prosecution failed to present sufficient amount of evidence to establish her guilt beyond reasonable doubt.

⁸⁸ 862 Phil. 614 (2019) [Per J. Caguioa, Second Division].

⁸⁹ *Id.* at 624.

⁹⁰ *Lagao v. People*, G.R. No. 217721, September 15, 2021 [Per J. Gaerlan, Second Division].

⁹¹ *People v. Maglinas*, G.R. No. 255496, August 10, 2022 [Per C.J. Gesmundo, First Division] at 20. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

⁹² 784 Phil. 561 (2016) [Per J. Perez, Third Division].

⁹³ *Id.* at 580.

ACCORDINGLY, the Appeal is **GRANTED**. The October 12, 2020 Decision and May 26, 2022 Resolution of the Court of Appeals in CA-G.R. CR-HC No. 11732 are **REVERSED**. Gianne Carla Thanaraj y Gloria is **ACQUITTED** of parricide under Article 246 of the Revised Penal Code. She is **ORDERED** to be **IMMEDIATELY RELEASED** from detention unless she is being held for some other valid or lawful cause.

Let a copy of this Decision be furnished to the Superintendent of the Correctional Institution for Women for immediate implementation. The Superintendent of the Correctional Institution for Women is **DIRECTED** to **REPORT** to this Court, within five days from receipt of this Decision, the action he/she has taken.

Let an entry of judgment be issued immediately.

SO ORDERED.

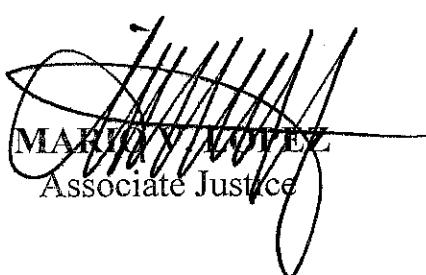

JHOSEPH V. LOPEZ
Associate Justice

WE CONCUR:


MARVIC M.V.F. LEONEN
Senior Associate Justice

With concurrence of Associate


AMY C. LAZARO-JAVIER
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice


ANTONIO T. KHO, JR.
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 this Court's Division.

9

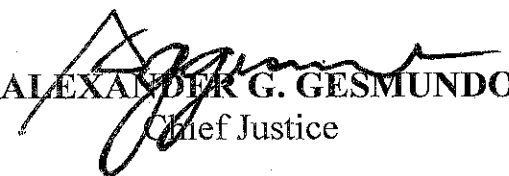


MARVIC M.V.F. LEONEN

Senior Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Article VIII, Section 13 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 this Court's Division.



ALEXANDER G. GESMUNDO

Chief Justice

9

SECOND DIVISION

G.R. No. 262944 (PEOPLE OF THE PHILIPPINES, Plaintiff-appellee, v. GIANNE CARLA THANARAJ y GLORIA, Accused-appellant.)

Promulgated:

JUL 29 2024

X-----X

CONCURRENCE AND DISSENT

LAZARO-JAVIER, J.:

In the *ponencia*, accused-appellant Gianne Carla Thanaraj (Gianne) was acquitted of the crime of parricide. Nonetheless, a portion of the *ponencia* ruled that the statements of Gianne to the prosecution witness Jimar C. Moranta (Jimar) were not admissible as part of the *res gestae* **as the out-of-court declarant Gianne actually took the witness stand and her statements were subjected to scrutiny.** For context, Gianne appeared to have told Jimar right after the stabbing incident “*Kuya, mahal na mahal ko po ang asawa ko. Hindi ko sinasadya na saksakin siya*” (statement).

The *ponencia* instead ordained that the statement is properly characterized as an admission against interest under Rule 130, Section 27 of the Rules of Court **as Gianne took the witness stand and testified on her statement.** According to the *ponencia*, when the out-of-court statements are made by a party to a litigation, and the said party testified in court, the statements can only be admissible as an admission against interest. In doing so, the *ponencia* concluded that the subject statement is inadmissible as an admission against interest as it was not categorical and definite.

While I agree that Gianne should be acquitted, I take exception to the *ponencia*’s characterization of her statement.

Time and again, the Court has ruled that even the out-of-court statements of witnesses who testified during trial can be considered as part of the *res gestae*. This was ruled in *People v. Lupac*,¹ where the out-of-court statements of the victim herself were considered as part of the *res gestae* even if she likewise testified during the trial, viz.:

Firstly, both the RTC and the CA considered AAA as a credible witness. We accord great weight to their assessment of the credibility of AAA as a witness as well as of her version. Verily, the personal observation

¹ 695 Phil. 505, 511–516 (2012) [Per J. Bersamin, First Division].

of AAA's conduct and demeanor enabled the trial judge to discern if she was telling the truth or inventing it.

.....

The Court holds that AAA's denunciation of Lupac as her rapist to Tita Terry and her own mother with the use of the words *hindot* and *inano ako ni Kuya Ega* without any appreciable length of time having intervened following her discovery of the rape was part of the *res gestae* (that is, rape). Section 42, Rule 130 of the Rules of Court states:

Section 42. *Part of the res gestae.* — Statements made by a person while a startling occurrence is taking place or immediately prior or subsequent thereto with respect to the circumstances thereof, may be given in evidence as part of the *res gestae*. So, also, statements accompanying an equivocal act material to the issue, and giving it a legal significance, may be received as part of the *res gestae*.

Similarly, in *People v. Paycana, Jr.*,² the Court held that the out-of-court statements of a witness who was presented during trial may be considered as part of the *res gestae*. This ruling was made in conjunction with admission against interest showing that the Court was cognizant of the difference between the two doctrines and still ruled that an out-of-court statement by a presented witness may be part of the *res gestae*, viz.:

In any event, self-defense on the part of appellant is further negated by the physical evidence in the case. Specifically, the number of wounds, fourteen (14) in all, indicates that appellant's act was no longer an act of self-defense but a determined effort to kill his victim. The victim died of multiple organ failure secondary to multiple stab wounds.

The Court agrees with the trial court's observation, thus:

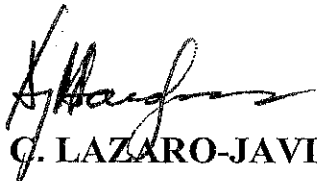
Angelina who is 15 years old will not testify against her father were it not for the fact that she personally saw her father to be the aggressor and stab her mother. Telling her grandfather immediately after the incident that accused stabbed her mother is part of the *res gestae* hence, admissible as evidence. Between the testimony of Angelica who positively identified accused to have initiated the stabbing and continuously stabbed her mother and on the other hand, the testimony of accused that he killed the victim in self-defense, the testimony of the former prevails.

The RTC, as affirmed by the Court of Appeals, properly convicted appellant of the complex crime of parricide with unintentional abortion in the killing of his seven (7)-month pregnant wife.

² 574 Phil. 780, 788-739 (2008) [Per J. Tinga, Second Division].

Bearing the penalty of *reclusion perpetua* to death, the crime of parricide 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 is the relationship of the offender with 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. The testimony of the accused of being married to the victim, in itself, may also be taken as an admission against penal interest.

In this regard, I agree with the findings of the appellate court that the statement of Gianne formed part of the *res gestae*.


AMY C. LAZARO-JAVIER
Associate Justice

