



Republic of the Philippines
 Supreme Court
 Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff-Appellee,

G.R. No. 215750

Present:

- versus -

CARPIO, J., Chairperson,
 BRION,*
 DEL CASTILLO,
 MENDOZA, and
 LEONEN, JJ.

CARLITO TAYAO y LAYA,
 Accused-Appellant.

Promulgated:
 17 AUG 2016

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DM Cabalag Perfecto

DECISION

MENDOZA, J.:

Subject of this appeal is the June 3, 2014 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 05532, which affirmed with modification the July 27, 2011 Decision² of the Regional Trial Court, Branch 90, Dasmariñas, Cavite (RTC), finding the accused-appellant, Carlito Tayao y Laya (Carlito) guilty beyond reasonable doubt of the crime of parricide, defined and penalized under Article 246 of the Revised Penal Code (RPC). The Information charging Carlito with the crime of parricide reads:

That on or about the 22nd day of November 2000, in the Municipality of Dasmariñas, Province of Cavite, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, qualified by treachery and abuse of superior strength, did, then and there, willfully, unlawfully and feloniously maul and strangle his wife, MA. THERESA TAYAO y

* On Leave.

¹ Rollo, pp. 2-17; penned by Associate Justice Normandie B. Pizarro and concurred in by Associate Justices Andres B. Reyes, Jr. and Manuel M. Barrios.

² Id. at 69-72; penned by Executive Judge Perla V. Cabrera-Faller.

FERNANDEZ, with whom he was united in lawful wedlock, with the use of stretchable (elastic) hose, inflicting upon the latter injuries and asphyxia by ligature strangulation which resulted to her instantaneous death, to the damage and prejudice of the latter's heirs.

CONTRARY TO LAW.³

On September 16, 2008, Carlito was arraigned and he pleaded "not guilty" to the crime charged in the Information. Pre-trial and trial ensued.

During the trial, the prosecution presented Clarisse F. Tayao (*Clarisse*) and Cherry F. Tayao (*Cherry*), daughters of Carlito; and Dr. Antonio Vertido (*Dr. Vertido*), National Bureau of Investigation (*NBI*) Medico-Legal Officer, as its witnesses. The parties stipulated that Dr. Vertido, who conducted a post-mortem examination on the body of the victim, Ma. Theresa Tayao y Fernandez (*Ma. Theresa*), would testify that she died of asphyxia by ligature strangulation and they agreed to dispense with his testimony. Likewise, the presentation of Cherry as a witness was dispensed with after it was stipulated that her testimony would only corroborate that of her sister, Clarisse's.

Version of the Prosecution

As succinctly recited in the CA decision, the version of the prosecution is as follows:

The evidence for the prosecution established that on November 22, 2000, at about 9:00 a.m., inside the Tayao residence located at Block 64, Lot 6-B, Barangay Sto. Cristo, DBB, Dasmariñas, Cavite, Clarisse woke up from her sleep and decided to go to the bathroom. She woke up her sister, Charmaine F. Tayao, to accompany her to the bathroom since she was afraid to go alone. The two (2) girls thereafter found their mother, Ma. Theresa, lying lifeless on the floor somewhere between the bathroom and the kitchen, with a plastic transparent hose (the kind used for nebulizers) tied around her neck and with blood oozing from her nose. Horrified, the girls started crying. Their aunt, Rizza F. Tayao (*Rizza*), who lives in a room right beside their house, came rushing in after hearing their cries. The Accused-Appellant, who was still sleeping, was awakened by the commotion. Rizza then loosened the plastic hose around Ma. Theresa's neck and tried to revive her. The Accused-Appellant looked on and told her, "*Wala na 'yan,*" to which she replied, "*Hindi,*" *kailangang dalhin natin ito sa ospital.*" Thereafter, Nelio Fernandez (*Nelio*), father of Ma. Theresa, came. Rizza and Nelio rushed Ma. Theresa to the hospital but she was pronounced dead on arrival. Meanwhile, the Accused-Appellant went to fetch his other daughters Cherry and Cate Lynn, from

³ As quoted in the CA Decision, *id.* at 3.

school. Nelio advised him not to go anywhere thereafter. When Rizza came back in the afternoon to check on the Accused-Appellant, she saw him sitting down and then went on to hang clothes which he just washed, as if unfazed by the death of his wife.

From the documentary exhibits of the prosecution, it was also gathered that the Accused-Appellant and Ma. Theresa were in a love-hate relationship; that they fought and shouted at each other the night before the incident; that the Accused-Appellant is capable of killing Ma. Theresa since he physically abused her and their children; that he hit his child, Clarisse, on the head and feet with a broom for several times and banged her head against the wall; that he banged the head of his other daughter, Cate Lynn, against the wall; that the Accused-Appellant was allegedly using illegal drugs; and, that the post-mortem examination of Ma. Theresa's body by Dr. Vertido revealed that the cause of death was not suicide but asphyxia by ligature strangulation.⁴

Version of the Defense

The defense, on the other hand, presented the testimonies of Carlito and his daughter, Cate Lynn, which narrated the following:

The Accused-Appellant denied the charges against him. He testified that at about 9:00 in the morning of November 22, 2000, he was awakened by the cries of his daughter, Clarisse. When he asked her what was wrong, she replied that her mother was at the door of the bathroom. He then saw his wife, Ma. Theresa, in a sitting position, lifeless and with a plastic transparent hose tied around her neck. Worried and scared, he asked her, "*Ano ba ang ginagawa mo d'yan?*" and immediately cut the hose, which other end was tied to a decorative block inside the bathroom. He tried to resuscitate her by blowing air into her mouth but she was no longer moving. He asked help from one of his brothers, Charlie Tayao, who went to fetch Nelio. Rizza also came and tried to revive Ma. Theresa.

The Accused-Appellant then proceeded to the nearby Barangay health center to look for an ambulance. Thereat, he met his father-in-law, Nelio, who suddenly boxed him in the stomach. A neighbor, who saw what happened, commented that they should help Ma. Theresa first. Nelio went to his daughter and, together with Rizza, brought the former to the hospital. Nelio warned the Accused-Appellant not to leave the house.

In the afternoon, Rizza came back to the house and confirmed to the Accused-Appellant that Ma. Theresa was dead. He thought that Ma. Theresa killed herself because she got jealous of the fact that he still talks with his ex-girlfriend. He did not leave the house for fear that once he did, he would look guilty and be blamed for her death. Thereafter, the police came and brought him to the police station.

⁴ Id. at 5-6.

Thereat, the police officers urged the Accused-Appellant to admit that he killed Ma. Theresa and asked him to hold the plastic hose that was tied around her neck. He insisted that he did not kill his wife.

During his cross-examination, the Accused-Appellant admitted that he failed to submit a counter-affidavit despite being given the opportunity to do so; that the plastic hose wrapped around Ma. Theresa's neck was elastic; that the height of the door of the bathroom was too low for her to hang herself; that he and his wife had a fight the night before; and, as per the medico-legal certificate issued by Dr. Vertido, the cause of death was asphyxia by ligature strangulation.

Cate Lynn testified that her mother, Ma. Theresa, killed herself. She disclosed that two (2) days prior to Ma. Theresa's death or on November 20, 2000, she and her three (3) siblings saw their mother trying to commit suicide inside their bedroom. They called their father, the Accused-Appellant, who then removed the hose tied around their mother's neck and asked her the reason why she was trying to kill herself. She then saw their parents talk between themselves about the said incident.

When asked by the trial court if she knew of any reason why Ma. Theresa would want to end her life, Cate Lynn answered that she did not know the specific reason but their mother always asked them if they would want her dead. She also told the trial court that her testimony was the truth.

On cross-examination, Cate Lynn admitted that she did not see her mother hang herself and that her father banged her (Cate Lynn) head on the wall of their house for several times on November 19, 2000.⁵

The Ruling of the RTC

In its July 27, 2011 Decision, the RTC found Carlito guilty as charged. In so finding, the RTC wrote:

The testimony of the accused is incredible. His demeanor in Court is far from convincing that he did not kill his wife. While his daughter [Cate Lynn] has tried to convince this Court that her father did not kill his mother, yet, one fact still remains, she was at school at the time of the incident and she did not see how her mother had died. On the other hand, the testimony of Clarisse is a lot credible than her sister Caitlin's testimony. The testimony and the findings of the medico-legal officer although simply stipulated by the prosecution and the defense have clearly established that the cause of death of the victim was asphyxia by ligature strangulation.

⁵ Id. at 6-8.

Research shows that suicides by ligature strangulation are rare events (14550616, Pub Med – Indexed for MEDLINE, Google Search). Strangulation is death by crushing the throat until breathing ceases. A ligature is an item other than the hands. This could be a rope, pantyhose, necktie, shoelaces or anything else that can be wrapped around the neck tightly. This is often a weapon of opportunity that the killer finds at the scene. In this case, the weapon used was a stretchable plastic hose, which item could be easily found in the household by the accused. Verily, the victim was found with the ligature in her neck as she was slumped near the bathroom door. The accused even admitted that his wife could not hang from the low bathroom door. Somehow, the Court could not mistake this ligature strangulation with suicide. Based on the post-mortem examination of Dr. Antonio Vertido, whose testimony on his findings was stipulated upon, the victim was found with contused abrasion and hematoma on the forehead; hence, in the mind of the Court, it is not possible that the victim had committed suicide. Obviously, the victim was banged and beaten before the accused tied the ligature around her neck, until he had already killed his wife. He did not even give any resistance to his wife's relatives when he was told not to leave his house. Neither did he lift a finger to bring his wife to the hospital. His claim that he was scared of his wife's relatives is downright hard to believe. Likewise, his story that the police officers have forced him to admit to his wife's murder is totally unfounded.

However, the expenses for the interment of the victim were not duly proven by proper receipts. Neither did anyone testify as to such fact. Likewise, the award of moral damages is not warranted for lack of factual and legal basis. However, the accused is liable for the payment of indemnity for death or homicide which is pegged by the courts to a minimum of Php 50,000.00.⁶

Accordingly, the RTC disposed:

WHEREFORE, premises considered, the Court hereby finds the accused CARLITO TAYAO y LAYA "guilty" beyond reasonable doubt of the crime of Parricide as defined and penalized under Article 246 of the Revised Penal Code and hereby sentences him to suffer the penalty of reclusion perpetua, considering that the penalty of death can no longer be imposed, and to indemnify the victim's heirs the sum of ₱50,000.00.

Costs against the accused.

SO ORDERED.⁷

The Ruling of the CA

Not in conformity, Carlito sought the review of his conviction by the CA. The appellate court did evaluate the evidentiary records but it could not accommodate his claim of innocence. The CA stated that the prosecution

⁶ Id. at 71-72.

⁷ Id. at 72.

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was able to prove all the elements of the crime of parricide. Although there was no direct evidence to prove that Carlito killed his wife, there was enough circumstantial evidence showing that he perpetrated the killing beyond reasonable doubt. These were: [1] the medico-legal examination of Dr. Vertido which proved that Ma. Theresa was strangled to death; [2] the suicide theory was weak; [3] the frequent quarrels between Carlito and his wife; [4] Carlito regularly subjected his wife and children to physical abuse and maltreatment; [5] Carlito was physically present inside the house when the incident happened; and [6] Carlito's behavior after the incident was consistent with guilt. To the CA, all the circumstantial evidence in this case constituted an unbroken chain which led to the conclusion that Carlito was guilty of killing his wife, to the exclusion of others.

Hence, in its June 3, 2014 Decision, the CA affirmed with modification the RTC decision by increasing the amount of indemnity and imposing moral and exemplary damages. Thus, the decretal portion of the CA decision reads:

WHEREFORE, the Decision of the Regional Trial Court of Dasmariñas, Cavite, Br. 90, in Crim. Case No. 4973-08, is AFFIRMED with MODIFICATION in that the award of civil indemnity is increased from Fifty Thousand Pesos (PhP50,000.00) to Seventy-Five Thousand Pesos (PhP75,000.00). The Accused-Appellant is ORDERED to pay the heirs of the victim moral damages in the amount of Seventy-Five Thousand Pesos (PhP75,000.00) and exemplary damages in the amount of Thirty Thousand Pesos (PhP30,000.00).

SO ORDERED.⁸

Unsatisfied with the unfavorable CA decision, Carlito filed this appeal anchored on the

LONE ASSIGNMENT OF ERROR

**THE COURT *A QUO* GRAVELY ERRED IN FINDING
THE ACCUSED-APPELLANT GUILTY BEYOND
REASONABLE DOUBT OF PARRICIDE.⁹**

Carlito argues that the decisions of the courts below were based on wrong inferences and misapprehension of facts; that although the death of Ma. Theresa was due to asphyxia by ligature strangulation, there was no showing as to how it was done, when it was done and who did it; that the testimony of Clarisse deserved scant consideration because she failed to implicate him for the death of her mother; that the "banging and beating"

⁸ Id. at 16.

⁹ Brief for the Accused-Appellant, id. at 54.

incidents were not true because Dr. Vertido failed to explain the cause of the contused abrasion or hematoma; that Clarisse and Cate Lynn did not testify on her physical injuries; that he demonstrated a husbandly care when he removed the rope from her neck; that he did not attempt to escape after the incident occurred; and that the “suicide theory” found support in the testimony of their daughter, Cate Lynn.

The Court’s Ruling

The appeal lacks merit.

To justify a conviction upon circumstantial evidence, the combination of circumstances must be such as to leave no reasonable doubt in the mind as to the criminal liability of the accused. Rule 133, Section 4 of the Rules of Court enumerates the conditions when circumstantial evidence is sufficient for conviction, to wit:

SEC. 4. Circumstantial Evidence, when sufficient. — Circumstantial evidence is sufficient for conviction if:

- (a) There is more than one circumstance;
- (b) The facts from which the inferences are derived are proven; and
- (c) The combination of all circumstances is such as to produce conviction beyond reasonable doubt.¹⁰

In the case at bench, although there was no eyewitness who could positively point to Carlito as the killer of his wife, the circumstantial evidence presented, when taken together, sufficiently supported and justified Carlito’s conviction beyond reasonable doubt.

It is noteworthy that the post-mortem examination conducted by Dr. Vertido disclosed that the cause of Ma. Theresa’s death was asphyxia by ligature strangulation, not suicide. She was found lying lifeless near the bathroom door with a plastic hose wrapped around her neck. It was found that she suffered a contused abrasion and hematoma on the forehead which may be caused by banging or beating. Appraising the physical surroundings, it was very unlikely that she committed suicide because the bathroom door was too low to allow her to hang herself – the plastic hose itself was stretchable and would not hold her weight.

What was undisputed was the fact that Carlito and his wife had a marital relationship that was far from being harmonious and peaceful. They frequently quarreled because of his womanizing. In fact, they argued and shouted at each other the night before the horrible incident happened. The

¹⁰ *People v. Guting y Tomas*, G.R. No. 205412, September 9, 2015.

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Court agrees with the CA that their frequent quarrels could be the motive of the slaying.

Taken against Carlito was his strange behavior during and after his wife was found dead. When Rizza F. Tayao (*Rizza*), his sister-in-law, loosened the plastic hose around her neck and tried to revive her, he only watched her and told her, "*Wala na yan.*" Rizza then insisted that they bring her to the hospital but he only replied, "*Hindi kailangang dalhin natin ito sa ospital.*" It was Rizza and Nelio Fernandez, father of Ma. Theresa, who rushed her to the hospital. What was even more unusual was the fact that after his wife was rushed to the hospital, he did not follow but instead fetched his daughters from school. Later in the afternoon, Carlito just washed and hanged some clothes without a care in the world. In this regard, the Court cites with approval what the CA wrote on the matter:

Here is a case of a husband who refused to rush his dying wife to the hospital for possible resuscitation, in the face of anguished pleas of his sister-in-law; who did not go to the hospital to be with his dying wife but instead chose to go to school to fetch his daughters; and, who still washed clothes in the face of the realization that his wife just recently died. Such cold and heartless actuations are contrary to human nature. How the Accused-Appellant could not feel pity or remorse in light of such incident is beyond comprehension.

Foregoing considered, We are satisfied that the circumstantial evidence in this case constitutes an unbroken chain which leads to the conclusion that the Accused-Appellant, to the exclusion of all others, is guilty of killing his wife, Ma. Theresa.¹¹

It was also proven that Carlito had an uncontrolled violent behavior toward his wife and children. He maltreated them by banging their heads against the wall of their house. It was pointed out that his dangerous behavior was due to his drug abuse. All these, he admitted when he was on the witness stand.

The Court looked into the defense of Carlito but found it to be weak and insufficient to prevail over the circumstantial evidence of the prosecution. As earlier pointed out, suicide was ruled out as it was impossible because the plastic hose wrapped around Ma. Theresa's neck was stretchable and would not hold her weight. More importantly, the bathroom door, from where she supposedly hanged herself, was too low.

The Court cannot give credence to the testimony of Cate Lynn who testified that her mother committed suicide only because she already once tried to end her life. To begin with, she did not witness her mother hang

¹¹ *Rollo*, p. 13.

herself as she was in school when the incident happened. Moreover, she earlier stated during the preliminary investigation that her father killed her mother and that she wanted him locked up in jail.

Carlito's argument that he was forced by the police to confess the killing of his wife was not substantiated. He failed to prove how he was forced and coerced by the police in confessing to the crime against his wife. In the absence of any evidence of coercion, the Court could only presume that the police simply performed their regular duty without resorting to extrajudicial measures.

The Court, however, modifies the damages the CA awarded. In line with the recent jurisprudence,¹² the amount of civil indemnity, moral damages and exemplary damages must be increased to ₱100,000.00. In addition, the Court imposes temperate damages in the amount of ₱50,000.00. Temperate damages may be recovered when some pecuniary loss has been suffered but definite proof of its amount was not presented in court. All awards should earn interest at the legal rate of 6% per annum from the finality of this judgment.¹³

WHEREFORE, the June 3, 2014 Decision of the Court of Appeals in CA-G.R. CR-HC No. 05532, is **AFFRMed with MODIFICATIONS**, in that the accused-appellant, Carlito Tayao y Laya, is sentenced to suffer the penalty of *reclusion perpetua* without the benefit of parole, and to pay the heirs of the victim, Ma. Theresa Tayao y Fernandez, the amounts of ₱100,000.00 as civil indemnity; ₱100,000.00 as moral damages; ₱100,000.00 as exemplary damages; and ₱50,000.00 as temperate damages.

In addition, all the monetary awards shall earn interest at the legal rate of 6% per annum from the date of finality of this decision until fully paid.

SO ORDERED.


JOSE CATRAL MENDOZA
Associate Justice

¹² *People v. Jugueta*, G.R. No. 202124, April 5, 2016.


¹³ *People v. Macal y Bolasco*, G.R. No. 211062, January 13, 2016.

WE CONCUR:




ANTONIO T. CARPIO
Associate Justice
Chairperson

(On Leave)
ARTURO D. BRION
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



MARVIC M.V.F. LEONEN
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.



ANTONIO T. CARPIO
Associate Justice
Chairperson, Second 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

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