

[G. R. No. 17865. March 15, 1922]

**THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS.
CIPRIANA BUCSIT AND PLACIDO LICUDINE, DEFENDANTS AND APPELLANTS.**

D E C I S I O N

MALCOLM, J.:

Again the eternal triangle. A confiding husband. An unfaithful wife. An intriguing man. The wife and her paramour have had illicit relations for some time. They conspire to do away with the husband in order that they may marry. Poison is prepared by the man and mixed with the food of the husband. The latter unsuspectingly partakes of the poisoned *morisqueta* and dies as a result. The family dog also consumes a portion of the delicacy and expires. The conspirators attempt to cover up the crime by means of the paramour, Placido Licudine, returning from the fields and reporting the death of the husband, Pastor Pagaduan.

The father-in-law had the decency to recover the body of the deceased and to inform the municipal officials of the occurrence. Dr. Querol, the president of a sanitary division in the Province of La Union, viewed the remains and reported that Pastor Pagaduan had come to his death by poisoning. Thereupon, a further investigation was had, which resulted in the wife Cipriana Bucsit and her lover Placido Licudine each signing confessions prepared in the dialect, in the presence of witnesses, and sworn to before a notary public. In synthesis, they admitted that the poison had been prepared by Licudine and mixed with the *morisqueta* which the husband ate. Called before the justice of the peace of the municipality of Bacnotan, Province of La Union, the two accused, in response to the query of whether or not they were guilty, answered: "Si, señor, somos culpables [Yes, sir, we are guilty]." The confessions and the plea of guilty before the justice of the peace find corroboration in the testimony of reliable witnesses, among others the father of the woman who, notwithstanding his paternal affection, could not but tell the truth even to the extent of inculcating his own daughter.

The woman, Cipriana Bucsit, was found guilty by the trial judge of the crime of parricide, and was sentenced to *reclusion perpetua*. This judgment was correct, for in her case there is present the aggravating circumstance that the crime was committed by means of poisoning, which, however, is compensated by the mitigating circumstance provided by article 11 of the Penal Code as amended. The man, Placido Licudine, was found guilty of the crime of murder, there being present the qualifying circumstance that the accused had killed another by means of poisoning. No circumstance to aggravate, and none to mitigate, criminal liability was found; which leaves the penalty in the medium degree. Article 11 of the Penal Code, as amended, could not properly be taken into consideration in this connection in view of the fact that the accused was the assistant lieutenant of the *barrio* in which he lived. The sentence upon the latter by the trial judge was seventeen years, four months and one day of *cadena temporal*, which, in our opinion, should have been *cadena perpetua*. The trial court further sentenced the accused to indemnify jointly and severally the heirs of the deceased in the sum of P1,000 and to pay the costs.

Judgment must be affirmed, with the modification above indicated which is, that the defendant and appellant Placido Licudine shall be sentenced to *cadena perpetua* (life imprisonment). One-half of the costs of this instance against each appellant. So ordered.

Araullo, C. J., Avanceña, Villamor, Ostrand, Johns, and Romualdez, JJ., concur.