

G. R. No. L-6473

[G. R. No. L-6473. May 26, 1954]

THE PEOPLE OF THE HILIPPINES, PALINTIFF-APPELLEE, VS. COPIA MANSACA ET AL., DEFENDANTS, ANTONIO CORDERO, DEFENDANT-APPELLANT.

D E C I S I O N

REYES, J.:

This is an appeal from a conviction for murder.

The appellant is Antonio Corder who, together with Copia (a Mansaca), was accused of murder in the Court of First Instance of Davao. After the information was amended to include an allegation that the offense was aggravated by the circumstance that it was committed in consideration of a price, Copia pleaded guilty. But Cordero entered a plea of not guilty and was tried. The judgment rendered after trial pronounced both accused guilty as charged, but imposed a lighter penalty on Copia because of a mitigating circumstance found in his favor. Cordero sentenced to life imprisonment in addition to indemnity, accessory penalty and costs.

The able brief submitted by the attorney *de officio* contains four specifications of error. But only questions of credibility are raised.

From the evidence for the prosecution it appears that sometime prior to November 26, 1951, the now deceased Mapiguid, a widowed Hansaca residing in *barrio* Manat, Couypostela, province of Davao, went to *barrio* Sawañgan, Tagum, in the same province, to work on the land of Antonio Cordero, a Christian, taking along with him his daughter Ludia, aged 14, and her two little brothers. After working on the land for about 17 days Mapiguid, accompanied by Ludia, went to see

Cordero at his house in the afternoon of the day above mentioned and demanded payment for his work, saying: "You pay me now because i want to go home to Manat." Obviously offended, his face red with anger, Cordero told Mapiguid "to keep quite." Thus rebuffed, Mapiguid left and, with his daughter Ludia, went to the river Hijo, about a kilometer away, to take a bath. Upon reaching the river bank, Mapiguid started undressing, and just he had removed his bolo from his waist and laid it aside, Ludia, who happened to look back, saw Cordero approaching, accompanied by Copia, who was carrying a piece of wood. Ludia made their presence known to his father, but he thought that the two were also going to take a bath and, lulled into his brief, he paid them no attention. It turned out, however, that the newcomers were after him, for as soon as they got within striking distance they attacked him without warning. Copia struck him with a piece of wood in the nose, while Cordero gave him a fist blows. Mapiguid fell but managed to get up on his knees, and, with arms outstretched, asked for mercy, saying: "Do not kill me, I will not collect my salary anymore." His assailants, however, finished him off and then threw his body into the river. Leaving the scene of the crime, Cordero, accompanied by Copia, tok Ludia along and kept her closely guarded day and night, warning her on pain of death not to breathe a word of what she saw to anybody.

The killing took place at about 5:30 p.m. of November 26, 1951. On the following day, Cordero and Copia, with the obvious intent of misleading the authorities, went to the chief of police of Tagum and informed him that they had found the body of Mapiguid in the Hijo river. Proceeding to the place indicated, the chief of police, accompanied by a Public Health doctor and a clerk of justice of the peace of court, found Mapiguid's body in the middle of the river in about one foot deep of water. The doctor examined the body and found "contusion on the bridge of the nose and frontal region" and blood clots on both nostrils and mouth. He gave the opinion that, because of the absence of water in the lungs and abdominal cavities, Mapiguid was thrown into the river dead.

Proceeding to investigate, the chief of police questioned the people in the vicinity, including Cordero, and ordered the latter and Copia to

report to his office the following morning. He also told Cordero to bring Ludia along. The following day Copia reported, as did also Cordero, but without Ludia, Cordero explaining that there is no use bringing her along because she did not know how to talk, besides being ignorant and illiterate. Both Cordero and Copia also claimed then that they did not know who killed Mapiguide. But questioned again about three days later, Cordero, while still maintaining that he had nothing to do with the killing, at the same time said that Copia "was only complicating him." And on the day following, December 1, as the chief of police was about to leave the police station at 2 o'clock in the morning, Copia approached him and said that he would like to tell him something. Asked what he had to tell, he gave the information that it was Cordero who murdered Mapiguide. Then going into details, Copia confessed "that he was the one who beat the deceased and Antonio Cordero struck the deceased with his fist and after this they dragged the body of the deceased to the Hijo river;" that Cordero warned him not to tell anybody; and that the reason he stayed in jail was because Cordero threatened him with death if he should squeal.

On the strength of this information the chief of police arrested Cordero and fetched Ludia from the latter's house. On the way, Ludia told the chief of police that it was Cordero and Copia who murdered her father while she and her father were taking a bath in the river; that after the murder she was kept by Cordero in his house and closely watched; and that Cordero threatened to kill her should she divulge what had happened, but that she was no longer afraid to do so now that she was already with the authorities.

Appellant denied having had any part in the crime and thru the testimony of Feliza Felicidad, a cousin of his wife, tried to show that it was Ludia, with the aid of Copia, who killed Mapiguide. According to this version, after Mapiguide had been paid for his work, he and Copia went to Magdum but returned to Sawañgan the following day, when Mapiguide then left with Ludia and his other children for their home in Manat. But after a while Ludia returned to the hut where she and father and brothers had been staying together with Feliza and her husband Mapanon, and finding Copia there, she said to him: "Copia, you help me because I

am going to kill my father because my father killed my mother.” Reluctant though he was at first to help Ludia, for fear of the consequences, Copia finally acceded to her request upon being assured that she would answer for everything. Ludia and Copia then left and joined Mapiguide at the Hijo river which the three forthwith started to cross. Ludia then had a piece of wood about two feet long and five inches thick. Halfway across the stream Ludia asked her father to hand her his bolo and upon receiving it tied it to her waist. Having thus disarmed him, she struck him with the piece of wood she was carrying and Copia on his part boxed him in the abdomen, after which Ludia again struck him with the same piece of wood, hitting first his feet and then the back of his head. The witness Feliza, who had followed and watched them from a distance, upon seeing all this, fled to their hut, where Ludia, accompanied by Copia, later came and told her that her father was already dead, at the same time warning her not to mention it to anybody if she did not want to be implicated.

We think the trial court was justified in not believing Feliza’s fantastic tale, which could not have been true, not only because, as brought out in the trial thru the uncontradicted testimony of the father of Mapiguide, the latter’s wife died from a boil in the neck, but also because the certificate of autopsy does not show that any lesion was found in those parts of the body of Mapiguide (the feet and the back of the head) where Ludia’s club was supposed to have landed. And though the witness Feliza was related to Ludia by affinity, being the wife of Mapanon, a brother of Ludia’s mother, it should not be overlooked that she was also related, likewise by affinity, to the appellant Cordero, as she was the cousin of the latter’s wife. She would not naturally want any harm to come upon Cordero, specially she and her husband were working for him. In any event, it is hard to believe that an ignorant girl of Ludia’s tender age would have the nerve to kill her father in cold blood and that an older person like Copia, who had nothing against the deceased, would, just for asking, consent to help her in so horrible and risky an undertaking.

On the other hand, the account given by Ludia on the witness stand as to how her father was killed, which was but a reiteration of what she

had already told the chief of police after she was taken away from the appellant's house, would appear to be natural and one that an unlettered girl of her tender age could not have invented. The seeming contradictions in her testimony refer to minor matters merely and are easily attributable to her ignorance or imperfect memory if not to confusion engendered by long cross-examination and her lack of experience as a witness. They are not sufficient to discredit her declaration on the essential points. Corroborated as her version is by Copia's confession to the chief of police, as the latter had narrated it in court, we cannot reject Ludia's testimony as pure invention.

The defense calls for the attention to the testimony of appellant and his witness Mapanon that the deceased had already had been paid P13.00 for his work, and asks what motive could appellant then have for killing him. But according to Ludia, the amount due her father was P25.00, and this would seem believable because he worked for 17 days. Moreover, as the Solicitor General points out, if it is true, as contended by the defense, that the deceased had already received his compensation, then his insistence on being paid again could not but have enraged the appellant and given the latter cause to do away with him.

Appellant's insinuation that Ludia's testimony was inspired by her uncle, Akira, because of the grudge which the latter was supposed to have against him, is denied by Akira and has also been shown to have no foundation.

The learned trial judge in his decision has made a careful analysis of the testimony and given good reasons for accepting the version of the witnesses for the people. As the case hinges solely on credibility, we find no justification for interfering with the conclusion arrived at by His honor, who had advantage of having observed the behavior of the witnesses on the stand and the manner in which they testified.

It is not disputed that the crime committed was murder. The attack was so unexpected and sudden that the deceased did not have a chance to defend himself against the combined assault of his two adversaries. And as the penalty imposed below upon Antonio Cordero is in accordance with

law, the judgment against this appellant is affirmed, with costs in this instance against him.

Paras, C. J., Pablo, Bengzon, Montemayor, Reyes, Jugo, Bautista Angelo, Labrador, and Concepcion, JJ., concur

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