

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE VS. PEDRO AQUINO, ET AL., DEFENDANTS, PEDRO AQUINO AND DOMINADOR VILLADOS, DEFENDANTS AND APPELLANTS.*G.R. No. L-3240. April 21, 1952*

Ponente: REYES, J.

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Pedro Aquino, Numeriano Hernandez, Andres Reyes, and Dominador Villados were charged in the Court of First Instance of Nueva Ecija with having, with four others still at Large, committed the crime of robbery with homicide and rape. Numeriano Hernandez and Andres Reyes were acquitted, but Pedro Aquino and Dominador Villados were found guilty as charged and sentenced to reclusion perpetua, with the accessory penalties prescribed by law, and to pay indemnity and costs. From this sentence the two convicted accused have appealed.

The evidence shows that at about 10 o'clock in the evening of August 14, 1946, the spouses Blas Cuaresma and Leonisa Talampas were resting in their house in barrio Pinagpanaan, Talavera, Nueva Ecija, together with their two children of tender age and Blas' mother, Antonia Garcia. Hearing a group of men outside the house asking for a guide, Antonia woke up Leonisa who, proceeding to the window, told the group that there was no male person in the house. But on the plea that they were hungry and could hardly walk, Leonisa told the group to go up, lighted a lamp and proceeded to cook rice. Four men, later identified as Pedro Aquino, Dominador Villados, Numeriano Hernandez, and Andres Reyes, went up the house and one of them, Numeriano Hernandez, sat on a bench near the stove where Leonisa was cooking. Noticing that the latter had a bandaged right arm, Hernandez inquired about its cause and then took the liberty of massaging it. In the meantime Pedro Aquino had gone into the silid and, having found Blas there, took him downstairs.

After the rice had been cooked, meal was served but only Dominador Villados, Numeriano Hernandez, and Andres Reyes partook of the repast because Pedro Aquino was still away. Aquino did return later, but without Blas, and after taking coffee left with his companions.

Some 20 minutes later, the group came back and ordered the inmates of the house to lie down with their face to the floor. Then Hernandez proceeded to gather some family belongings, valued at P247.50, and put them in a sack, while Aquino on his part grabbed Leonisa and forced her to lie with him with the aid of Reyes and another companion, both of whom also had their turn in raping her.

After the malefactors had left Leonisa went to her sister-in-law's house about half a kilometer away and told her that she had been robbed and raped by four men.

The cadaver of Blas Cuaresma was found the following morning among the tall grasses about a kilometer from his house, with a gunshot wound from the right side of the neck to the left side of the face (the point of entrance being surrounded by gun-powder burns) and "a narrow, black-colored band of contusion x x x crossing the dorsal side of each wrist-joint." Postmortem examination revealed that death "was due to internal hemorrhage of the brain and the neck, and destruction of vital structures hit by the bullet."

Immediately after the burial of her husband, Leonisa Talampas reported the crime to the chief of police of Talavera and also to Lt. Malgapo of the MPC. But as she did not know the names of the malefactors, Lt. Malgapo told her that should he happen to apprehend the suspects he would call her for confrontation. True to his promise, Lt. Malgapo did send for her twice to see if she could identify certain individuals who had been arrested. But on both occasions she frankly told him that those were not among the men that raided her house. The following month, however, Lt. Malgapo happened to apprehend Pedro Aquino because, while investigating another case of robbery with rape, he was informed by the victim that one of the robbers whistled or signaled to a dog to stop and the dog obeyed and it was found later that the animal had come from Aquino. Summoned to Aquino's presence, Leonisa readily identified him as one of the malefactors, the one who, according to her, had a handkerchief tied around his head. At first Aquino denied the imputation, but later told the truth and named Andres Reyes, Dominador Villados, and Numeriano Hernandez as his companions. Arrested by Lt. Malgapo, these three also admitted their participation in the raid, and, together with Pedro Aquino, they each made a confession which was signed and sworn to before the clerk of court. Dominador Villados, however, explained that, although he was with the group that raided the house of Blas Cuaresma, he took no direct part in the killing, robbery and rape, his role being confined to standing guard on the roadside while his companions were committing the crime.

Testifying in his own defense the appellant Pedro Aquino said that from the second to the end of August, 1946, he was down with pasma (a kind of sickness) and did not leave his house. But while his alibi is corroborated by his neighbor, Severina Sakdal, this appellant made no mention of it when he was investigated by the authorities.

The appellant Dominador Villados on his part testified that he had nothing to do with the crime, for on August 13 and 14, 1946, he was in the house of his brother Ceferino Villados in San Felipe, Aliaga, Nueva Ecija, and did not leave until the 15th. But while this alibi is also corroborated by his brother, it is belied by his sworn confession that he was in the group that staged the raid that night although he merely acted as a lookout. Moreover, according to Lt. Malgapo, this appellant had revealed in the investigation that he had a revolver which he gave to Isidro Sagum, a relative, the night after the murder, although he said that the revolver was not used because he ran away when he heard the shooting and went to the house of Sagum and had the firearm kept there. The revolver was in fact found in the possession of Sagum, who, in the presence of appellant told the lieutenant that it was given to him by his relative for safekeeping,

Leonisa Talampas, the principal witness for the prosecution, identified the appellants at the trial, and motive she had none for testifying falsely against them. And corroborated as her testimony is by their sworn confessions, we entertain no doubt as to its veracity.

Both appellants claim that they were tortured and that their confessions were extracted thru force and intimidation, but this claim is not supported by reliable evidence and is stoutly denied by Lt. Malgapo and Provincial Guard Gregorio Liban as well as by Pedro M. Garcia, clerk in the office of the provincial fiscal, who took down the confessions, and Bonifacio Guiman, the clerk of the Court of First Instance of Nueva Ecija before whom the confessions were signed and sworn to. Moreover, as the Solicitor General points out, the confessions of both appellants contain some exculpatory statements, which would not be natural in extorted written declarations.

After going over the evidence, we find the appellants guilty as charged. Because of the presence of the aggravating circumstance of nighttime, not compensated by any mitigating circumstance, the penalty prescribed by law, reclusion perpetua to death, should be imposed in its maximum degree. But there being no sufficient votes for the imposition of the extreme penalty, the penalty of reclusion perpetua imposed below has to be confirmed. However, as recommended by the Solicitor General, the indemnity to be paid by the appellants for the death of Blas Cuaresma is raised to P6,000.00, and, in addition, the appellants are also sentenced to pay jointly and severally P4,000.00 for the rape of Leonisa Talampas. Modified accordingly, the judgment appealed from is

affirmed, with costs.

Paras, C.J., Feria, Pablo, Bengzon, Tuason, and Montemayor, JJ., concur.

Padilla, Jugo, and Bautista Angelo, JJ., did not take part.

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