

THE PEOPLE OF THE PHILIPPINES, PALINTIFF AND APPELLEE, VS. BONIFACIO CAMO AND LUCIO LONTOK, DEFENDANTS AND APPELLANTS.

G.R. No. L-4740. February 14, 1952

Ponente: TUASON, J.

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TUASON, J.:

About 7:00 pm July 26, 1950, in Barrio Bucal, Sariaya, Quezon Alejo Manhit was shot and killed as he was seated at supper with his family. The bullet, which entered the chest and came out at the back, was of .45 calibers and fired from outside the house. The house was of light materials with, split bamboo for side walls and its floor only a few inches above the ground.

Charged with the crime, Bonifacio Camo and Lucio Lontok, appellants, set up an alibi and challenged the credibility of the witnesses for the prosecution.

Three witnesses claimed to have seen the defendants and two others in the victim's front yard shortly before and after the shooting.

Arsenio Crisostomo declared that on his way, at 5:00 p.m., to a coconut plantation situated across from Manhit's house to pasture his carabao, he came upon the two accused, who asked him if he knew where Manhit was, and at about 7 o'clock, when he came back to the place to take home his carabao, he again set the accused. This time, he stated, as he turned away to leave, he saw the defendants walk towards Manhit's house in front of which Anacleto Lontok (Lucio's son) and another man he did not know were standing. He had hardly gone about 20 meters when he heard three gunshots, and he accelerated his speed because he was afraid. Anacleto, he further testified, had a short gun and his companion a longer one.

Milagros Manhit, 17 years old, Alejo's daughter who was at the table with her father, testified that immediately upon seeing her father reel, she went out of the house and saw Anacleto Lontok, Bonifacio Camo, Lucio Lontok and another man she had not seen before, in the front yard, about five meters away from the house. Then she ran to a neighboring house to ask for help.

Domlna Marques, Alejo Manhit's common-law wife, substantially testified; When her husband said he had been hit she looked out the window and in the yard were Lucio Lontok, Bonifacio Camo, Anacleto Lontok and a fourth one who was not known to her. The two accused were not carrying any firearm but the other two yes. She shouted, "You are traitors; you cannot fight face to face," whereupon Anacleto Lontok fired two shots in the air and the four men left. On the same night and frequently thereafter the defendants came to tell her not to "include" them or she end the rest of her family would be killed too.

We agree with the trial court that the defendant's identity has been abundantly established. The three witnesses and the defendants lived in the sane barrio and there is unanimity that there was a half moon and night had just set in. The defendants' frequent visits, including one on the night in question, to warn Manhit's widow not to

implicate them was an admission that they had been seen with Anacleto and a fourth man by Crisostomo and Manhit's widow and daughter. These warnings or threats incidentally, accounted for the two women reluctance to reveal the defendants identity, in the first days of the Investigation, that is, before Anacleto, who was a huk, was slain in a dash with the constabulary and the two defendants were safe in jail. As to Crisostomo's silence, it may be noticed that this witness was a stranger to the Manhit family and was not asked. Understandably he would not jeopardize his peace and safety by volunteering information for the sake of a cause in which he was not personally interested. Nevertheless, he told Dominga Marquez (although he did not say when); who killed her husband and this was how, it seems, he came to be a witness for the Government.

It is admitted that the defendants had no firearms, and it is the consensus that either Anacleto or his unidentified companion fired the fatal shot. This brings up the question whether the defendants can rightfully be held liable for the other men's acts. Counsel de oficio raises the pointy as an alternative defense, that even if the Government witnesses testimony be true, yet, he holds, there is no proof of conspiracy between Lontok and the unknown man on the one hand and the appellants on the other.

The insinuation that the meeting at the scene of the assault between the defendants and the gunmen was a mere coincidence and that the former have not been shown to have anything to do with the shooting is not well taken. The defendants had been prowling near Manhit's place from as early as five o'clock in the afternoon trying to know where Manhit was. When, with this background, the firing started immediately after they reached Manhit's yard, the natural inference in the absence of a plausible explanation was that they were privy to the conspiracy to do away with Manhit. They not only did not explain their suspicious conduct in the afternoon, and why they were in Manhit's yard at an unusual hour, but utterly denied their presence there or in the coconut grove in the face of overwhelming proofs. By this denial the accused betrayed a guilty conscience.

The proven motive for the frilling was one which not unnaturally linked the appellants with the plan to slay the now deceased. As a matter of fact, the motive affected then more than it did the actual killers. Bonifacio Camo's brother, Eligio, was then in jail as a result of a complaint Bade by Alejo Manhit, who was a constabulary agent and the defendant Lucio Lontok had been arrested previously through Manhit's indication or order (ipinahuli).

We are convinced beyond reasonable doubt that the appellants have been properly found guilty as charged and sentenced to reclusion perpetua to indemnify jointly and severally the heirs of the deceased in the sum of P6,000, and to pay the costs. Wherefore, the appealed judgment is affirmed, with costs of this appeal as well as of the lower courts.

Paras, Pablo, Bengzon, Padilla, Montemayor, Reyes, Jugo, and Bautista Angelo, JJ., concur.
Feria, J., took no part.

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