

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
JACINTO PARCON, PRIMITIVO SABULAO, ARTEMIO LANGGAO,
SUPERIANO ORAYAN AND JULITO ORAYAN, ACCUSED. JULITO
ORAYAN AND SUPERI...**

G.R. Nos. L-39121 and L-39122. December 19, 1981

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/0d6c368525c2/>

AQUINO, J.:

Superiano Orayan appealed from the decision of the Court of First Instance of Palawan, Coron Branch IV, finding him guilty of two separate crimes of robbery with homicide and sentencing him to two death penalties and to pay an indemnity of twelve thousand pesos to each set of heirs of the three victims, Eusebio Rosete and his two sons, Columbus and Hermogenes (Criminal Case Nos. 614 and 734).

Junto Orayan appealed from the same decision, convicting him of two separate crimes of robbery with intimidation of persons and sentencing him, for each robbery, to an indeterminate penalty of four months of arresto mayor as minimum to four years and two months of prision correccional as maximum.

In the same decision, the two accused (brothers) were ordered to pay solidarily to the heirs of Eusebio Rosete the total sum of P1, 150 as the value of the things taken from him (less the sum of P340.95 in the custody of the clerk of court), with subsidiary imprisonment in case of insolvency as to Julito. The personal effects of Irene Manansala and the three victims, which were presented as exhibits, were ordered to be returned to her and the victims' heirs, respectively.

The trial court acquitted Jacinto Parcon, Primitivo Sabulao and Artemio Langgao for insufficiency of evidence and on the ground of reasonable doubt.

There is no doubt as to the corpus delicti. Eusebio Rosete, a fifty-year old farmer, was feloniously killed in the evening of Tuesday, April 4, 1972 in his farmhouse located at Barrio Tiniguiban, municipality of El Nido, Palawan. His right cheekbone and right arm (humerus) were fractured. In the morning of April 7 his body was found floating in the sea about thirty meters from the shore of Tiniguiban. To that tragedy there was a sequel.

In the evening of Wednesday, April 5, 1972, Eusebio's two sons named Columbus, 17, and Hermogenes (Lito), 13, were ruthlessly decapitated in Eusebio's residence located at Barrio Dipnay (San Fernando), El Nido. Their headless bodies, already in a state of decomposition, were discovered in the house in the morning of April 8. The next day their heads were found by policemen about one hundred meters away from the house.

There were bloodstains on the walls, floor and ground under-neath Eusebio's residence. A trunk (baul) near Columbus' body was empty. One of the three containers (tabungos) for palay was also empty.

In the farmhouse, the policemen found a green suitcase covered with a mat and tied to the ceiling which Superiano Orayan had brought to that place. He said that he had bought it from some-body. It was identified by

Irenea Manansala, the common-law wife of Eusebio, as her property. When opened, it contained several items of personal property such as clothes, a pillow case, flash-light and fishing line. The robbery seemed to be linked with the killing.

As background, it should be stated that Alejo Orayan and his three sons, Mercalito, Superiano and Julito (Deolito), natives of Placer, Masbate, who went to El Nido in December, 1971, became the tenants on the coconut land of Eusebio Rosete located at Tini-guiban. They lived in Rosete's farmhouse since March 6, 1972 (No. 15, Exh. Y, 109 tsn Dec. 11, 1972). Rosete himself resided in his big house located at Barrio San. Fernando (Dipnay), El Nido (No. 27, Exh. W). On Saturdays, Superiano and Julito worked in Eusebio's house in Dipnay (80 tsn Dec. 6, 1972). Superiano also worked in Eusebio's riceland in Dipnay (106 tsn Dec. 11, 1972).

In the morning of April 7, when Alejo was queried as to the whereabouts of Superiano and Julito, he said that they went to Liminangcong to contact someone about a pumpboat which would be used in a trip to Quezon Province. The absence of Julito and Superiano from the farmhouse generated the suspicion that they were involved in the robbery with homicide.

Superiano and Julito were arrested on April 9 in Sitio Maran-lao. Cash amounting to about four hundred pesos was found in the pocket of Superiano's pants. He admitted that it was stolen money (35 tsn Feb. 13, 1973). Also found in Superiano's pockets were a pair of eyeglasses and a black wallet. A necklace, two rings and a traveling bag were in his possession.

Seized from Julito were a necklace and four rings, the properties of Columbus, Irenea and Eusebio. Superiano admitted to the police that he took the cash and the green suitcase from Eusebio's residence. (21 tsn Feb. 12, 1973.)

From the farmhouse, the police took a bloodstained empty tool box, a buri bag (tampipi), a bamboo club and a bloodstained coconut midrib (Exh. B, R, S and. U).

Superiano's statement was taken on April 12 by the chief of police (Exh. X). His second statement was taken by the mayor on April 14 in the presence of the chief of police and two police-men and sworn to before the mayor. The mayor propounded the questions in English, then translated them into Tagalog, a dialect known to Superiano because he grew up in San Andres, Quezon Province, and the answers were translated into English also by the mayor (Exh. W).

Julito's statement was taken also on April 14 by the chief of police and sworn to before the mayor (Exh. Y). He signed his statement while Superiano thumbmarked his two state-ments.

Superiano's second statement is a reiteration of his first statement with the slight modification that in his second statement he admitted having received P200, and not P250, out of the esti-mated P800 cash which was taken from Eusebio's residence. The chief of police testified that the three statements were voluntarily given.

Jacinto Parcon (Entong), Primitivo Sabulao and Artemio Langgao, who, by means of the said statements were implicated in the robbery with homicide, were arrested, with Superiano's assistance, in Pirate Island or Barrio San Jose of Taytay, Palawan. Eighteen bottles of explosives were found in Parcon's possession.

On April 17, the police, together with Julito, found in Eusebio's farmhouse the bolo with the green handle which according to Superiano was used by him in killing Hermogenes in Barrio San Fernando (Exh. N; 25-27 tsn Feb. 12, 1973). Julito also pointed to the police the place near Eusebio's residence in San Fernando where the victims' heads were thrown away after the killing.

During the trial, the prosecution was not able to present any eyewitness to the killings and the robbery. So, the

judgment of conviction was based mainly on the sworn statements of Julito and Superiano which were not unqualified confessions of guilt but declarations against penal interest.

Superiano in his confession said that he stabbed Eusebio while the latter was asleep because a man pointed a gun at him and ordered him to kill Eusebio. When Eusebio was awakened, two other men stabbed him. When Eusebio was already dead, the three men (later identified as Parcon, Sabulao and Langgao) placed a piece of wood at his back and bound him with rope and rattan. They ordered Superiano to help them in carrying Eusebio's body, which was weighted with a stone, and they jettisoned the body into the sea between Daracoton Island and Tiniguiban. The three men returned to Pirate Island.

Superiano further stated that in Eusebio's residence Parcon, Langgao and Sabulao ordered him to stab Hermogenes. He stabbed Hermogenes with a bolo with a green handle while Sabulao (Tibo) stabbed Columbus. They took the palay and loaded it in the motor banca. Superiano and Julito, who was hiding in the sugarcane field, boarded the banca. The two disembarked at Tiniguiban. Superiano was given P200 by the man with gold teeth (Exh. W).

Julito in his confession declared that at a distance of about two and a half meters he witnessed Parcon, Sabulao and Langgao stabbing Eusebio and then his body was thrown into the sea (Nos. 33, 34 and 44, Exh. Y). On the following night, the same three malefactors fetched Julito and Superiano from the farmhouse and they proceeded to Eusebio's "big house". At about nine-thirty in the evening, they beheaded Columbus and Hermogenes and placed their heads in a kerosene can (Exh. Y).

Julito further declared that after the killing they took the green suitcase and ten cavans of palay which they loaded in the motor banca after throwing away the heads of the two victims at some distance from the house. The three men allegedly forced the two brothers to receive two suitcases and cash amounting to P250. Julito and Superiano went to the farmhouse. Their three companions returned to Pirate Island (Exh. 4).

The chief of police in an amended complaint dated May 25, 1972, filed in the municipal court of El Nido, charged Parcon, Sabulao, Langgao, Superiano and Julito with robbery with multiple murder.

When arraigned before the municipal judge, Superiano and Julito pleaded guilty with the qualification "dahil kami ay inuutusan" or "dahil inutusan lamang ako". The municipal judge understood that statement as an admission of guilt. (pp. 10, 55-56, Record of Crim. Case No. 346; 35, 42 tsn Nov. 20, 1973).

The provincial fiscal filed against Parcon, Sabulao, Langgao and the Orayan brothers two informations for robbery in band with homicide (Criminal Cases Nos. 614 and 734). The two cases were tried jointly.

At the trial, Superiano and Julito relied on an alibi. They declared that they had never been to Barrios Tiniguiban and San Fernando and that they had always stayed with their cousin Jesus Abela in Sitio Maranlao where they worked as carpenters. They said that they did not know Eusebio Rosete and his two sons.

The two appellants repudiated their confessions. Superiano denied that the thumbmarks in his two confessions were his thumbmarks. Julito denied the authenticity of his signatures. Appellants claimed that they were maltreated or subjected to third degree. Their testimonies on that point were corroborated by Abela and their mother, Pacita Tabor. Superiano and Julito even denied being acquainted with their co-accused, Parcon, Sabulao and Langgao.

The mayor, testifying as a rebuttal witness, said that Julito and Superiano were not tortured. He declared that the thumbmarks of Superiano in his confessions and the signatures of Julito in his confession are authentic. The chief of police identified the thumbmarks and signatures of Superiano and Julito in their confessions.

It should be stressed that credence should be given to the testimony of Irene Manansala, the common-law wife of Eusebio Rosete, that Superiano and Julito worked as farmhands of Eusebio in his coco-nut land located at Barrio Tiniguiban where he had a hut (kubo) and that the two worked on Saturdays in Eusebio's riceland and residence located at Barrio San Fernando and were paid in cash and in palay (77-80 tsn Dec. 6, 1972; 98-100 tsn Dec. 7, 1972). Irene in her sworn statement before the mayor on April 9, 1972 declared that the members of the Orayan family were tenants of Eusebio (p. 32, Record).

We find that the testimonies of Superiano and Julito that they did not know Eusebio and his sons, that they had never been to Barrios Tiniguiban and San Fernando and that they stayed all the time in Sitio Maranlao with their cousin, Jesus Abela, are brazen lies.

Their declaration that they had nothing to do with the robbery must be regarded as another glaring prevarication because it is undeniable that some of the stolen objects were found in their possession and, in the case of Superiano, his father informed the police that the green suitcase of Irene Manansala which contained the personal effects of Irene and Eusebio, was brought by Superiano to the farmhouse.

Superiano accompanied the police to Pirate Island where he fingered Parcon, Sabulao and Langgao as the three persons who took part in the killing of Eusebio and his two sons and in the robbery committed in Eusebio's family residence.

Julito accompanied the police to Eusebio's residence where he pointed the place where the heads of Columbus and Hermogenes were disposed of.

These circumstances show that the testimonies of Superiano and Julito that they had nothing to do with the robbery with homicide are arrantly false.

If the appellants could lie so glaringly on those matters, then it is not surprising that they would also lie that they were tortured by the police, that they did not execute any confessions before the mayor and chief of police and that they were not arraigned and did not plead guilty "dahil sa kami ay inutusan lamang".

Their confessions are replete with many details which they alone could supply and which the mayor and chief of police would not be able to concoct out of thin air.

Consequently, some probative value must be accorded to the admissions in their confessions as to their participation in the robbery with homicide. In fact, their counsel de oficio did not believe their alibi and their pretension that they had no complicity in the commission of the crimes charged.

The trial court said that it could not believe that the mayor, chief of police and municipal judge of El Nido had diabolically framed up the appellants, there being no motive that would impel them to commit such "an abominable act".

The trial court found that the confessions of Superiano and Julito were given voluntarily because they contained details which had nothing to do with the robbery with homicide and exculpatory statements such as that Superiano was ordered to kill Eusebio and his sons. The trial court cited the rule that an exculpatory statement in a confession is an indication of voluntariness because it is not usually found in an extorted confession (*People vs. Aquino*, L-3240, April 21, 1952, 91 Phil. 910, unpublished).

It also cited the holding that there may be instances, occasions and circumstances which make it justifiably imperative for the trial judge to believe or accept only a part of the confession and reject the rest (*People vs. Solana*, 116 Phil. 383, 390).

Appellants contend that with respect to Eusebio Rosete the crime committed is murder (not robbery with

homicide), that only Superiano Orayan should be held responsible for that crime and that Julito did not commit robbery against Eusebio.

That contention is meritorious. There is no direct evidence whatsoever as to any robbery committed against Eusebio when he was killed in his farmhouse where he had temporarily lodged for the night. The prosecution did not prove what personal effects of Eusebio, which were in his farmhouse or on his person while asleep, were taken by the appellants.

The things belonging to Eusebio, which were found in the pos-session of Superiano (money, for example) could have been taken from his residence at Barrio Dipnay. According to Julito's confession, the robbery took place in Eusebio's residence (Nos. 47 and 48, Exh. Y).

The Solicitor General, while conceding "that there really seems to be no evidence to show that appellant Julito" directly participated in the killing of Eusebio, nevertheless, contends that he is liable as a co-principal because "he conspired with" his brother Superiano.

That contention is devoid of merit. The eight circumstances- enumerated by the Solicitor General in his brief, from which the conspiracy may allegedly be inferred, do not exclude a reasonable doubt that Julito had no complicity in the killing of Eusebio.

Former Solicitor General Edilberto Barot, appellants' counsel de oficio, who conscientiously studied the record, including their hardly legible confessions to the police (Exhs. X, Y and W), agreed with the trial court that Superiano killed Eusebio and that his claim that he acted under duress was a fabrication. There is no evidence that Julito participated in the killing of Eusebio.

Treachery is aggravating because Eusebio was killed while asleep. Nocturnity is absorbed by treachery. Dwelling is not aggra-vating because the farmhouse was the dwelling of the accused.

Hence, Superiano should be sentenced to reclusion perpetua for the killing of Eusebio Rosete.

Counsel de oficio candidly admits that Superiano committed robbery with double homicide with respect to the incident in Eusebio Rosete's residence in Barrio Dipnay or San Fernando. However, he contends that treachery was not aggravating because there is no conclusive evidence that the victims were asleep.

We hold that the facts that the robbery with homicide (by decapitation) was committed at night, that the victims were wearing T-shirts and briefs, that their bodies were lying on mats, one on a papag or bamboo bed and the other on the floor, that there were no signs of a struggle or resistance and that the killings were easily consummated (as indicated in appellants' statements to the police) are conclusive indications that the victims were asleep. Hence, treachery is aggravating. Dwelling is also aggravating.

Counsel de oficio contends that Julito should not be regarded as a co-principal in the robbery with homicide committed in Eusebio Rosete's residence but only as an accessory. The Solicitor General argues that he is a co-principal.

While there is no proof that Julito took part in the killing of Eusebio in his farmhouse in the evening of April 4, 1972, there is no question that Julito was with his brother Superiano and with Parcon, Langgao and Sabulao when the robbery with homicide was perpetrated in Eusebio's residence. His exact role in the perpetration of that spe-cial complex crime is not shown.

He was riding in a motorized banca, Josie Christ, with his brother and the three men when they went to Eusebio's residence. He assisted his brother in taking possession of the objects taken from the scene of the crime. He was with his co-accused when the heads of the two victims were placed in the kerosene can and thrown into a place at

some distance from the house. He left the scene of the crime with his co-accused.

He may not be a co-principal but certainly he was not a mere accessory. He should be held liable at least as an accomplice in robbery with double homicide. He was not a mere spectator nor just a recipient of the loot. He was apparently a lookout or guard.

Julito's un rebutted testimony is that he was born on August 28, 1957 (17 tsn Aug. 21, 1973). So, he was fourteen years and eight months old when the crimes were committed. His statement to the police shows that he acted with discernment.

As he is now more than twenty-four years old, he is no longer entitled to a suspended sentence whether under article 80 of the Re-vised Penal Code or under article 192 of the Child and Youth Welfare Code, Presidential Decree No. 603, as amended by Presidential Decrees Nos. 1179 and 1210. However, he is entitled to a two-degree reduction of his penalty under article 68(1) of the Revised Penal Code.

WHEREFORE, Superiano Orayan is convicted of murder for having killed Eusebio Rosete. He is sentenced to reclusion perpetua and ordered to pay an indemnity of twelve thousand pesos to Eusebio's heirs (Criminal Case No. 614).

He is also convicted of robbery with double homicide for which the penalty, considering the aggravating circumstances, is death. But for lack of necessary votes the penalty is reduced to reclusion perpetua. He is ordered to pay an indemnity of twelve thousand pesos to each set of heirs of the victims, Columbus Rosete and Hermogenes Rosete (Criminal Case No. 734).

The two convictions of Julito Orayan for robbery are set aside. He is convicted as an accomplice in the robbery with double homicide and sentenced to an indeterminate penalty of six months of arresto mayor as minimum to five years of prision correccional as maximum. He is ordered to pay an indemnity of six thousand pesos to each set of heirs of the victims Columbus and Hermogenes. Up to that amount, he has solidary liability with his brother Superiano (Criminal Case No. 734).

Considering that he has undergone preventive imprisonment, he may now be released unless he is detained for some other offense. The sum of P340.95 in the possession of the clerk of court of the trial court should be returned to the heirs of Eusebio Rosete. The personal effects presented as exhibits, which belonged to Irene Manansala, should be returned to her. Those belonging to the three victims should be turned over to their respective heirs.

This judgment supersedes the trial court's judgment. Costs de oficio.

SO ORDERED.

Fernando, C.J., Fernandez, Guerrero, De Castro, Melencio-Herrera, Ericta, Plana, and Escolin, JJ., concur.

Teehankee, J., concurs with J. Makasiar and Abad Santos that appellant Julito Orayan is likewise guilty as co-principal of robbery with double homicide.

Makasiar, J., appellant Julito Orayan is guilty of robbery with double homicide as co-principal.

Abad Santos, J., in the result. He believes that Julito Orayan is guilty as co-principal in the robbery with double homicide.

Barredo and Concepcion, Jr., on leave.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.