

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ANTONIO DELA CRUZ, HERNANDO DEO, REYNALDO ARNALDO, VIRGILIO BALUYOT AND EDGARDO MARIÑO, DEFENDANTS-APPELLANTS.

G.R. No. L-46397. May 16, 1983

Ponente: VASQUEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/0ed0ddb1e464/>

VASQUEZ, J.:

Before Us for automatic review is the decision of Circuit Criminal Court of Rizal in Criminal Case No. CCC-VII-1884 finding the defendants-appellants "Antonio dela Cruz, Hernando Deo, Reynaldo Arnaldo, Virgilio Baluyot and Edgardo Mariño, all guilty of murder as charged and sentencing each of them to suffer the supreme penalty of death; to indemnify the heirs of the victim in the amount of P12,000.00, jointly and severally; to pay P5,000.00 as moral damages, and another P5,000.00 for exemplary damages; and to pay the costs."

The foregoing sentence was pronounced after all the accused-appellants entered a plea of guilty to the charge upon arraignment, during which they were fully apprised by the trial court of the consequences of their plea of guilty to the offense charged, and after the prosecution was required to present evidence to show the circumstances under which the crime in question had been committed.

The facts of this case, as found by the trial court and which had not been controverted by the appellants, are as follows:

"The accused, namely: Antonio dela Cruz, Hernando Deo, Reynaldo Arnaldo, Virgilio Baluyot, and Edgardo Mariño, are charged with the crime of Murder in an information filed by Assistant Provincial Fiscal Florita Linco, quoted as follows:

'That on or about the 8th day of March, 1976, in the New Bilibid Prison, Muntinlupa, Metro Manila, Philippines and within the Jurisdiction of this Honorable Court, the above-named accused conspiring and confederating together and mutually helping and aiding one another, armed with a deadly weapon, with intent to kill, by means of treachery and evident premeditation, did then and there willfully, unlawfully and feloniously stab one Mabini Garachico, thereby inflicting upon the latter mortal stab wounds, which directly caused his death. That the accused are recidivist-habitual delinquents, they having committed the above mentioned crime while serving final sentence.

Contrary to law.'

When all the above-named accused were arraigned today, pursuant to Section 1, Rule 116 of the New Rules, in relation to Rule 118 thereof, they, being duly assisted by Attys. Felimon Koh and Luisito Sardillo, pleaded Guilty.

Under the doctrine laid down by the Supreme Court in the case of 'Ricalde vs. Villaluz', and in the case of 'Epifanio Flores', mandatory presentation of evidence is necessary, therefore, District State Prosecutor Zosimo Angeles was directed to present evidence for the prosecution.

It appears from the records of this, as well as testimonial, that previous to March 8, 1976, all the accused in this

case were confined at Brigade I-D. In one way or another, they were able to get out from the said brigade, after planning to kill anybody belonging to the GIG gang, they, all being members of the Bahala Na Gang, for the reason that one of them was killed by the members of the GIG gang. The prosecution presented different extra-judicial confessions of the accused all marked in evidence as Exhibits A to A-2 for accused Antonio dela Cruz, he was apprised of his constitutional rights to remain silent or to be assisted by a lawyer; as well as a portion of the said extra-judicial confession admitting that he stabbed the victim at about 5:45 P.M., together with Boy Bakal who is known to be Virgilio Baluyot later on, with Prison No. 9922-P; Boy Deo, later on identified as Hernando Deo, with Prison No. 10428-P, and Bicol who is to be identified later on by Edgardo Mariño as Reynaldo Arnaldo, with Prison No. 67804. Exhibit B is the statement of Hernando Deo, Exhibit B-1 as the portion of the said extrajudicial confession, apprising Hernando Deo of his constitutional right under Section 20, Article IV of the New Constituion, to remain silent and to counsel. A portion of said statement is Exhibit B-2 wherein Hernando Deo admitted the crime, to the effect that on March 8, 1976, while he was at Brigade I-D, while the food was being served in the evening, the keeper of said brigade opened the door and because of that, they were able to get out therefrom, armed with improvised weapons (Exh. A-4, B-4, C-4, D-4, and E-4). When said gate was padlocked, Deo was already out of it and while out, he went to attack the victim Mabini Garachico. Exhibit C is another extrajudicial confession, purporting to be that of Edgardo Mariño, and a portion thereof (Exh. C-1) refers to the constitutional rights of said accused. Exhibit C-2 purported to be the portion of his extra-judicial statement admitting the crime, and Exhibit C-4 is the improvised weapon he used.

This is also true with respect to accused Virgilio Baluyot, whose extrajudicial confession was previously marked as Exhibit D; that they planned to kill the victim, and as a result of which, said victim, who is only 29 years old, with Prison No. 9001 died of hemorrhage, acute, massive, secondary to stab wounds. Together with the said extrajudicial confession, was a sketch of a weapon, wherein, when the actual weapon was fitted, it fits very well to said sketch (Exh. A-3). The same thing was done with respect to Exhibits B-4, C-4, D-4 and E-4, which, when fitted to sketches, Exhibits B-3, C-3, D-3, and E-3) were fitted well. Aside from the necropsy Report, the prosecution produced a death certificate, that of the victim, Mabini Garachico (Exh. F)."" (Decision, pp. 1-3; Brief For The Appellee, pp. 2-5; Rollo, p. 65.)

Aside from admitting the facts found by the trial court to be all true, the appellants, in the brief filed by their counsel de oficio, did not make any assignment of error supposedly committed by the trial court. Instead, counsel de oficio recounted her efforts in personally interviewing the appellants in their prison cells in an attempt to find a legal defense to put up in their behalf. She could only deplore her inability to do so. She even expressed appreciation for the conduct of the trial Judge in personally conducting an examination of the appellants and giving them the opportunity to ventilate whatever injustices they might have suffered, or the pressures they might have been placed under to make them execute their extra-judicial confessions or to make them enter a plea of guilty, and to impugn the extrajudicial confessions that they executed. The concluding paragraph of the appellants' brief contains the following plea:

"The undersigned regrets that it has taken so much time for her to prepare this brief that in fact raises no assignment of errors. She must confess that she has exhausted all her available legal defenses and has come up with none. She cannot change the facts of this case, for they are true; she cannot plead denial of due process, for there was no such denial; she can at most, only try to bring to the attention of this Honorable Court the conditions obtaining in the penitentiary that have precipitated this unhappy turn of events. . . and plead to this Honorable Court for mercy in favor of her clients . . . for where there is a God just: He is a God, merciful." (Appellants' Brief, Rollo, p. 47.)

The crime shown to have been committed beyond reasonable doubt by the appellants is murder. The killing of the victim took place inside the New Bilibid Prison where the appellants were serving sentences for other offenses for

which they were previously convicted. It appears that all of the appellants, except Edgardo Mariño, were death convicts. Under this circumstance, the trial court correctly imposed on the appellants the penalty of death. (Article 160, Revised Penal Code.)

However, considering the circumstances under which the offense in question was perpetrated in the light of the deplorable condition existing in the national penitentiary which had been previously taken cognizance by this Court (People vs. delos Santos, 14 SCRA 4702; People vs. Garcia, 96 SCRA 497), the imposition of the penalty of death is believed unwarranted.

The appellants have averred that the subhuman conditions in the penitentiary have accounted for the occurrence of the killing in question.

WHEREFORE, except for the modification of the penalty from death to reclusion perpetua, the decision appealed from is hereby **AFFIRMED** in all other respects.

With costs against the appellants.

SO ORDERED.

Teehankee (Acting C.J.), Makasiar, Aquino, Concepcion Jr., Guerrero, Abad Santos, De Castro, Melencio-Herrera, Plana, Escolin, Relova and Gutierrez, Jr., JJ., concur.
Fernando, C.J., on official 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.