

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
BENITO RAMOS, ET AL., DEFENDANTS, CONSOLACION JAIME,
DEFENDANT-APPELLANT.***G. R. No. L-3989. July 30, 1952*

Ponente: PARAS, C.J.

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Benito Ramos and Consolacion Jaime were jointly charged with murder in the Court of First Instance of Nueva Ecija. After a separate trial, Benito Ramos was found guilty as charged, and sentenced to reclusion perpetua, to indemnify the heirs of the deceased Isaac Pariñas in the sum of P2,000.00, with legal accessories, and to pay the costs. Benito Ramos did not appeal. After a separate trial, Consolacion Jaime was found guilty of murder, as principal by inducement, and sentenced to reclusion perpetua, to indemnify the heirs of the deceased Isaac Pariñas in the sum of P3,000.00, with legal accessories, and to pay one-half of the costs. The court credited her with one-half of her preventive imprisonment. From this judgment Consolacion Jaime as appealed.

For several years the appellant Consolacion Jaime, 27 years old, lived in barrio Bantug, Muñoz, Nueva Ecija, as the common-law wife of Isaac Pariñas, 52 years old, with whom she has several children, the appellant had an unpleasant life with Isaac Pariñas because the latter was cruel and often maltreated her, as a result of which, sometime in December, 1948, she readily consented to become the paramour of her co-accused, Benito Ramos, married and twenty-two years old. A few weeks before May 3, 1949, the appellant eloped with Benito Ramos but, upon advice of police sergeant Delo, the appellant returned to Isaac Pariñas, who, however, remained cruel to the appellant. Urged by the cruelty of Isaac Pariñas, the appellant induced Benito Ramos to kill Isaac Pariñas. Accordingly, in the afternoon of May 2, 1949, Benito Ramos asked Cesario Eugenio, a civilian guard, to tell Tomas Estabillo, corporal of the civilian guards, not to let Isaac Pariñas perform guard duty that evening, because Benito Ramos would talk to him (Isaac Pariñas). Isaac Pariñas in fact did not report for guard duty. Around 9:00 o'clock in the evening of May 2, 1949, Benito Ramos went to the house of Isaac Pariñas and took the latter to the field. When Benito Ramos called for Isaac Pariñas, the appellant pretended to be asleep. Upon reaching the field, Isaac Pariñas asked Benito Ramos why the latter appeared angry, but Benito Ramos in turn asked Isaac Pariñas why he was not guarding, after which Benito Ramos, facing Isaac Pariñas, hit the latter with his garand rifle. Isaac Pariñas fell to the ground, and was struck four times on the face and on the head by Benito Ramos. Feeling that Isaac Pariñas was already dead, Benito Ramos left for the headquarters of the civilian guards.

About 10:00 o'clock in the same evening, fomas Estabillo heard the appellant crying in the house of her neighbor Remigio Somera. Inquiring about the matter, Tomas Estabillo was informed by the appellant of the alleged fact that Isaac Pariñas was taken away by several unknown persons. At about 3:30 in the morning of May 3, 1949, the chief of police of Muñoz, after receiving a report of the alleged kidnapping of Isaac Pariñas, ordered a police patrol, headed by police sergeant Gomez, to investigate. This patrol returned at about 4:00 o'clock in the morning, bringing with them Isaac Pariñas in an unconscious state, with wounds on his head and blood coming out of his mouth, nose and ears. Isaac Pariñas died in the provincial hospital at about 4:30 in the morning of May 4, 1949.

"The autopsy showed that Isaac Pariñas received the following injuries:

(1)

"Lacerated wound about one inch long at the external canthus of right eye;

(2)

Two lacerated wounds about one and one-half inches parallel to each other one-half inch apart at the chin;

(3)

Lacerated wound at the angle of the mouth at the right side;

(4)

Marked ecchymosis of the right upper and lower eyelid and both sides of the neck just below the ear;

(5)

Signs of blood stains coming out from both ears;

(6)

Avulsion of four upper teeth at right side; one canine, one incisor and the two right pre-molars;

(7)

Blood stains coming out from nostrils; Fracture, lower jaw, right side. (Solicitor General's Brief, pp. 4-5.)

According to the examining physician, these injuries were caused by a blunt instrument; that the blood clot in the head, the epidural hemorrhage and extensive pial hemorrhage were fatal; and that the deceased died from severe cerebral concussions due to the pial and epidural hemorrhage as well as the jaw fracture.

Informed of the request made earlier in the day by Benito Ramos not to let Isaac Pariñas perform any guard duty, the chief of police caused Benito Ramos to be investigated by police sergeant Gomez who took down his confession, Exhibit C-Jaime. This confession was sworn to and signed before the justice of the peace of Muñoz who translated it from Tagalog to Ilocano, the dialect of Benito Ramos. The chief of police also caused Consolacion Jaime to be investigated by police sergeant Delo who prepared her affidavit, Exhibit B-Jaime. This affidavit was sworn to and signed before the justice of the peace of Muñoz who translated it to Ilocano, the dialect of Consolacion Jaime.

Appellant's conviction is based mainly on the confession of Benito Ramos, in conjunction with her own affidavit. The important question refers to the admissibility of the confession of Benito Ramos against the appellant in her separate trial, it being contended that the confession of Ramos is hearsay. It appears, however, that the appellant presented Benito Ramos as a defense witness and questioned him on his confession, with the result that said confession became admissible not only to impeach the exculpatory testimony of Benito Ramos but also to show the concerted plan of the appellant and her co-accused to kill Isaac Pariñas. The observation that the appellant had no opportunity to cross-examine its author, disappeared when she herself took the initiative to present Benito Ramos in her trial and to question him with reference to his confession, with a view to repudiating the same. In the case of *People vs. Manalo and Atienza*, 46 Phil. 572, 577, this Court made the following applicable pronouncement:

"During the trial of this case Manalo was called as a witness and gave testimony tending to exonerate the defendant. It is true that Manalo's confession was not competent evidence against defendant, but it is also true

that after Manalo was called as a witness for the defendant, his confession would then be competent for the purpose of contradicting his testimony."

Any attempt on the part of the appellant to repudiate her confession and that of Benito Ramos is futile, in view of the testimony of the justice of the peace of Muñoz to the effect that the appellant and Benito Ramos signed their respective confessions and swore to them before the justice of the peace, after the latter had translated the same into Ilocano, and after they had admitted that said confessions were correct and true. The justice of the peace, besides being a public officer, is disinterested and has not been shown to have had any motive to incriminate the appellant. The confession of Benito Ramos reads as follows:

"Q.

Do you know anything about the disappearance of Isaac Pariñas and the accident he met, if so please relate.

"A.

Yes, sir, I know something. Before Isaac Pariñas disappeared and before he met the accident, I and Consolacion Jaime alias Conching, wife of Isaac Pariñas had a conversation wherein Consolacion Jaime told me, 'It would be better that you kill Isaac Pariñas because he maltreats and manhandles me so that nothing will bother me or think about.' I answered her, 'Don't think of even killing him because your relationship with him is good' but Consolacion Jaime alias Conching told me, 'Even then, kill him so that I have no more problem in my life.'

"Q.

After advising Consolacion Jaime alias Conching and she would not agree, unless you kill her husband, what did you do?

"A.

At about 9 o'clock of the night, May 2, 1949, I went to their house and called old Isaac Pariñas downstairs and I took him to the field.

"Q.

Upon arriving in the field, what did you do?

"A.

When we reached the field and while I was walking ahead of Isaac Pariñas, he called me to wait for him and asked, 'Pedong, why are you angry with me, is it due to my failure to guard?' and I answered him, 'Why are you not guarding while your companions are guarding?' After that I turned and hit him with my garand and he fell on the ground. After that when he was already lying I again hit him with the garand four times on the face and I felt that he was already dead I left him and went home. Immediately thereafter I went to the guarding place.

"Q.

Did Consolacion Jaime alias Conching know that you got Isaac Pariñas from their house?

"A.

She knew because according to our agreement she would pretend to be asleep when I get Isaac Pariñas that night.

"Q.

Who were your companions in getting Isaac Pariñas from their house that night?

"A.

I was alone, sir.

"Q.

Therefore, you mean to say that Consolacion Jaime alias Conching was the one who desired and ordered you to kill Isaac Pariñas so that she would no longer have any problem in life?

"A.

Yes, sir.

"Q.

Do you know Consolacion Jaime alias Conching?

"A.

Yes, sir, I know her.

"Q.

Can you tell how you happen to know her?

"A.

Because she is my paramour, sir.

"Q.

Since when did she become your paramour?

"A.

Since I was assigned as Temporary Police in Bantug, Muñoz, December, 1948.

"Q.

So that you mean to say that because/your love you did not realize the harm that would befall you in killing Isaac Pariñas as requested or ordered by Consolacion Jaime alias Conching?

"A.

Yes, sir.

"Q.

You mean to say that when you left Isaac Pariñas he was already dead?

"A.

Yes, sir. (p. 176, Rec.)

Upon the other hand, in her confession, the appellant stated as follows:

"Q.

Do you know Benito Ramos alias Juaning?

"A.

Yes, sir. "

Q.

If you really know Benito Ramos alias Juaning tell us what kind of a person he is?

"A.

What I know of his is that he is a member of the temporary police and a married man.

"Q.

Does Benito Ramos used to go to your house at Bantug, Muñoz, Nueva Ecija?

"A.

Yes, sir.

"Q.

In the course of the time that you were acquainted with Benito Ramos were you aware that you gave your love, heart, and flesh to him?

"A.

Yes, sir I gave him my love, heart and flesh.

"Q.

From the day that you gave to Benito Ramos your love, heart and flesh, you studied well your love to him in spite of the fact that you were a married woman?

"A.

Yes, sir.

"Q.

The truth is that in spite of the fact that you were a married woman you eloped with Benito Ramos and you were able to bear to abandon your children just because of your love to Benito Ramos, is it not?

"A.

Yes, sir.

"Q.

Your husband, Isaac Pariñas is considerate to you and loves you?

"A.

My husband is cruel and does not know how to love his wife.

"Q.

Therefore, the cause of his cruelty and his lack of love to his wife caused you to elope with Benito Ramos?

"A

Yes, sir he is cruel and jealous that is why I eloped with Benito Ramos.

"Q.

When you eloped with Benito Ramos did you not go back to your husband, Isaac Pariñas?

"A.

I went back to my husband Isaac Pariñas and he received me.

"Q.

When you lived again with your husband, Isaac Pariñas after eloping with Benito Ramos did he change his habit or the same habit that he is cruel and jealous as it was before you eloped with Benito Ramos?

"A.

He did not change from the former habit which was cruel and jealous when I have not yet eloped with Benito Ramos.

"Q.

All the punishments that will be given to you by your husband you can suffer because you had committed a wrong against him although such punishment is against your will, is it not?

"A.

Yes, sir. (p. 180, Rec.)

Appellant's guilt as principal by induction is clear from the facts that she, being the paramour of her co-accused Benito Ramos, asked the latter to kill Isaac Pariñas who was cruel to and maltreated her, in order to free herself from the miseries suffered from the hands of Isaac Pariñas, and that Benito Ramos, in response to his desire to continue exclusively enjoying appellant's love, had no alternative other than to obey and please her. The crime committed is murder, qualified by evident premeditation. As suggested by the Solicitor General, the appellant is entitled to the mitigating circumstance of lack of instruction, being an illiterate person who cannot read or write, offset however by the aggravating circumstance of nocturnity. The penalty prescribed by law should therefore be imposed in its medium period, or reclusion perpetua, imposed by the trial court.

WHEREFORE, the appealed judgment is affirmed, with one-half of the costs against the appellant. So ordered.

Pablo, Bengzon, Padilla, Tuason, Montemayor, Bautista Angelo, and Labrador, JJ., concur

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