

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE W. DANIEL MAGNAYE, DEFENDANT AND APPELLANT.

G. R .No. L-3510. May 30, 1951

Ponente: FERIA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/15baabb06645/>

FERIA, J.:

This is an appeal interposed by the defendant from the decision of the Court of First Instance of Quezon Province which convicted him for the murder of Pedro Bele and sentenced him to an indeterminate penalty of from 12 years and 1 day of prison mayor to it years, 4 months and 1 day of reclusion temporal, to idemnify the heirs of the deceased in the sum of P2,000, and to pay the costs.

The facts established by the evidence for the prosecution are the following:

At about 9 o'clock in the evening of December 9, 1946, while the deceased, Pedro Bele and his family were in their small combination house and store in San Andres, Bondoc, Atimonan, Quezon, someone called to buy cigarettes. When the caller opened the door, Pedro Bele recognized him to be the appellant Daniel Magnaye. As the deceased was delivering the cigarettes to appellant, the latter pulled the extended arm of the deceased and immediately stabbed him. The deceased cried, "Kuya (referring to his brother Catalino Estrada), I am wounded," and ran into the room where his wife and children were, but the appellant followed him and gave him some more thrusts with his knife, and then left hurriedly. Catalino Estrada immediately stood up and pursued the fleeing assailant but failed to overtake him, and so he came back to the house where he and Aurelia Escritor, the wife of Bele, attended the latter. After some time Catalino went to the house of Isabelo Bele, brother of the victim for succor, and reported the matter to the lieutenant of the barrio, who immediately proceeded to the house of Pedro Bele.

The next morning Bonifacio Garin, who was incharge of the Security and Home Guards in that town, upon receiving the report of the incident in question, repaired to the house of the deceased. In the course of his intervention, the deceased told him that the appellant was his attacker. The deceased also told him that he believed that he will not survive from his stab wounds. Having finished with his investigation, Garin indorsed the case to the Chief of Police, who in turn conducted his investigation of the case in the provincial hospital where Bele was taken. When questioned by the Chief of Police, Bele reiterated his former declaration to the effect that appellant was his assailant. Two days later, that is December 12, 1946, Pedro Bele died as a result of his wounds.

The declaration ante mortem of the deceased, who, according to the testimony of the appellant, knows him very well and "was very familiar with him," was corroborated not only by the testimony of the deceased's wife, Aurelia Escritor, and brother Catalino Estrada, who also knew the defendant beforehand and recognized him then because there was sufficient light in the room where the offense was committed, but also by the testimony of Graciano Laraquel, the husband of a sister of the appellant's wife, who was invited by the appellant to go with him that night to the place where the house of Pedro Bele was situated, and the appellant says he does not know "of any reason why said Laraquel would point him (the appellant) as the one who killed Pedro Bele."

The only defense testified to by the appellant is that from December 8 in the afternoon to the early hours of December 10, 1946, he was in the house of Severino Kuya in Padre Burgos assisting the latter because a big celebration in connection with the town fiesta was then being held in said house. But the evidence in support of appellant's first defense is weak and inconclusive. There is no showing that it was physically impossible for appellant to have gone to barrio San Andres (two and a half kilometers from Padre Burgos) to commit the murder. On the contrary, defense witness Severino Kuya even admitted that the appellant could have left his place and stayed out of it for three hours without his noticing him. Certainly this evidence cannot prevail over the positive declarations of the deceased, his wife, and brother and Graciano Laraquel who all identified appellant as the murderer.

Another defense set up by the attorney for the appellant is that Graciano Laraquel was the one who stabbed Pedro Bele to death according to Exhibit "H", which is an affidavit subscribed and sworn to before the Justice of the Peace of the municipality of Padre Burgos, and attested by the Mayor of said municipality and an official of Public Works, in which said Laraquel made such admission. But said affidavit was repudiated by Laraquel in another affidavit, "Exhibit G", subscribed and sworn to by him three days afterwards before the Provincial Fiscal of Lucena when

Mayor of Padre Burgos, by whose order Laraquel was arrested and made to testify before the said Justice of the Peace in the house of the Mayor, sent Laraquel to said Provincial Fiscal. Laraquel deposed before said fiscal that which was stated in Exhibit H is not true because he was threatened by the appellant to admit the stabbing of Bele or else the appellant would kill him, and he was maltreated by Policemen Pancho Decena, Benito Tatlonghari and Delfin Jaro, and instructed to admit the killing of Pedro Bele. None of said policemen was produced as a witness to deny the maltreatment imputed to them by Laraquel.

According to the testimony of Laraquel in open court, on the night of December 9, 1946, appellant asked him to go with him to the house of the deceased to buy cigarettes; that upon approaching the gates of the house of the deceased, he saw appellant, who walked ahead of him, stab the deceased; that because of fright, he hurriedly left the place and went home; that shortly thereafter appellant arrived and told him to admit the stabbing of Bele or else he (appellant) would kill him; that on February 6, 1947, policeman Decena, accompanied by Benito Tatlonghari and Delfin Jaro, arrested him and brought him to the municipal building where he was severely treated and instructed to admit the killing of Pedro Bele; that in view of the intimidation, he was forced, not only to execute Exhibit "H", but also to falsely admit the killing of Bele to the Justice of the Peace, the Mayor, the Police Sergeant and to a reporter.

The apparent reason why the Mayor of Padre Burgos ordered policeman Pancho Decena to get and take Laraquel to the municipality (where, according to the latter, he was maltreated and instructed by the said three policemen to admit having killed Pedro Bele), before he was taken to the house of the mayor and made to subscribe and swear to the affidavit Exhibit H on February 6, 1946, before the Justice of the Peace and Mayor of Padre Burgos, was according to said Justice of the Peace Hugo O. Arellano (in whose land appellant's father was working) that "after Daniel Magnaye was arrested by the policemen of Padre Burgos, Daniel Magnaye told the policeman that somebody also killed Pedro Bele. That news reached the mayor." But the appellant, to make good his alibi, upon being asked in court whether he knows that Laraquel was suspected of being the one who killed Bele, he answered that he did not know it, and only has heard about it in court.

The appellant, to bolster the theory that it was Laraquel who killed Pedro Bele, presented as witnesses Adriano Eroles and Honorio Abendan who corroborated the former's testimony only to having seen Laraquel pass in front of Eroles' house going toward Pedro Bele's store on the night of December 9, 1946. There is nothing particular about it, because Laraquel testified to have really gone there that night at the invitation of the appellant. But what

makes this testimony wholly incredible is his assertion that, from the door of his house he and Abendan, notwithstanding that it was a moonless night and it was raining, saw Laraquel, "who did not look up toward him but walked straight ahead with a face pale and rather harsh", which fact led him to suspect that he would do something. * * * "Seeing the manner he was walking I became suspicious * * * Laraquel's head was a little stooping but his jaws were set firmly and his ears flashed." And besides, he added, that a short time afterwards he heard an outcry for help which he recognized distinctly as Ligaya Escritor's voice coming from Bele's house' situated one-hundred meters away (according to the court's computation of two places pointed out by the witness). So he went to the house of Pedro Bele, and when he was-already about three meters from the house, he met Laraquel who just jumped out of the House running away therefrom and carrying a knife called *balisong* with the blade pointed upward and stained with blood; and after meeting Laraquel, he went inside the House and nobody was there but the victim Pedro Bele and his wife Ligaya Escritor during the whole night. Only at dawn did several neighbors go to the house, and he did not tell anybody about what he saw that night but only as a witness before the Court. The testimony of this witness for the defense is, not only incredible *prima facie* in itself, but contradicted by what Catalino Estrada, brother of the deceased, testified to the effect that he pursued the appellant who ran away immediately after stabbing Pedro Bele, at a distance of five meters, but he could not overtake him so he returned home to attend the victim, and there were no other persons in the house, but the family of Pedro Bele; that only afterwards, during the same night, came the lieutenant of the barrio with some other persons of the same barrio. If Erole's testimony were true, he would have also met Catalino Estrada who was pursuing then the aggressor of the deceased Pedro Bele and returned to the house afterwards, and would have also met the lieutenant of the barrio who went to the place the same night and informed him of the tragedy. Not only that, but Erole would have notified the authorities that it was not the appellant but Graciano Laraquel who killed Pedro Bele, without waiting for about two years before disclosing at the trial of this case what he saw on the night of February 9, 1946.

The non-participation of Laraquel in the killing of the deceased is in accordance with Bele's dying declarations (Exhibits C and I) and the testimony of eyewitnesses Aurelia Escritor and Catalino Estrada. It is not believable that the deceased as well as Aurelia and Catalino could have been mistaken in the identity of the assailant for, aside from the fact that the place was sufficiently lighted, the final blows were inflicted in the room where Aurelia and Catalino were at the time, and the appellant was well known to all of them.

The Solicitor General contends that he cannot agree with the trial court that the appellant should be credited with the mitigating circumstance of lack of instruction, because the appellant can write his name; and that the aggravating circumstance of dwelling is obviously present in the commission of the crime, and that of craft should also be considered present, because the appellant, to facilitate and insure the execution of his evil design, pretended to be purchaser in Bele's store; and asks that the death penalty be imposed.

The Solicitor General is right in that the trial court erred in taking into consideration the mitigating circumstance of lack of instruction; but the lower court did not err in not taking into account the aggravating circumstances pointed out by the Solicitor General. The combination house and store where the crime was committed cannot, obviously be considered as dwelling within the meaning of Article 14 (3) of the Revised Penal Code; and what is considered as craft by the Solicitor General is included in treachery, which qualifies the offense of murder in the present case.

Wherefore, there being no mitigating or aggravating circumstances in the commission of the crime, the appellant is sentenced to reclusion perpetua, and with this modification the judgment appealed from is affirmed with costs against the appellant. So ordered.

Paras, C. J., Paiblo, Bengzon, Tuason, Reyes, Montemayor and Jugo, JJ., concur.

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.