

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
PEDRITO DETALLA, ROGELIO DETALLA AND ISIDRO DETALLA,
DEFENDANTS, ROGELIO DETALLA AND ISIDRO DETALLA,
DEFENDANTS-APPELLANTS.**

G.R. No. L-35578. February 23, 1989

Ponente: MEDIALDEA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/29812065b5c9/>

MEDIALDEA, J.:

For the death of Cesar de la Peña, the brothers Pedrito, Rogelio and Isidro, all surnamed Detalla, were charged with the crime of MURDER in Criminal Case No. OZ-238 of the Court of First Instance (now Regional Trial Court), Branch II of Misamis Occidental, in an information which reads:

"That on or about September 1, 1971, at about 7:00 o'clock in the evening, in Barrio Labo, Ozamis City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and helping one another, with treachery, and armed with stones and bolos, did then and there willfully, feloniously and unlawfully attack, assault and stab one Cesar de la Peña, inflicting upon the latter the following wounds:

1. Hacking wound, across the mouth 3 1/2 inches long, involving the upper and lower lips;
2. Hacking wound, 4 inches long, over the sternum of the breast, between the nipples;
3. Hacking wound, 3 inches long, over the right hypochondriac region (over the liver area), penetrating the abdominal cavity so that part of the liver is wounded;
4. Hacking wounds over the left and right upper extremity causing amputation of both arms.

as a result of which the said Cesar de la Peña died due to massive hemorrhage, external and internal, due to the above multiple hacking wounds.

"That the crime was committed with the attendant aggravating circumstance of superior strength.

"Contrary to Article 248, of the Revised Penal Code" (pp. 19-20, Records).

Upon being arraigned on October 18, 1971, Rogelio and Isidro pleaded not guilty to the offense charged. Pedrito, on the other hand, changed the plea of not guilty which he earlier entered to that of guilty but the court a quo deferred the imposition of the corresponding sentence on him until after his co-accused were tried.

After the trial on the merits and pending the promulgation of the decision, Rogelio and Isidro filed a motion for

new trial on the ground of newly discovered evidence consisting of the affidavits of recantation of Virginia de la Peña and Maximo de la Peña who were presented by the prosecution as witnesses to the killing.

The aforesaid motion was denied on September 15, 1972 (pp. 131-132, Records). On the same date, the court a quo promulgated its decision dated May 9, 1972, the dispositive portion of which reads:

“WHEREFORE, the three accused Pedrito Detalla, Isidro Detalla and Rogelio Detalla are hereby found guilty beyond reasonable doubt of the crime of murder. They are hereby sentenced to suffer the penalty of reclusion perpetua, with the accessory penalties of the law; to jointly and severally indemnify the heirs of the deceased Cesar de la Peña in the sum of TWELVE THOUSAND PESOS (P12,000.00), without subsidiary imprisonment in case of insolvency, and to pay the costs.

"SO ORDERED" (pp. 129-130, Records).

Only Rogelio and Isidro appealed and assigned the following errors committed by the court a quo as follows:

“I. THE TRIAL COURT ERRED IN DENYING THE MOTION FOR NEW TRIAL.

“II. THE TRIAL COURT ERRED IN NOT FINDING THAT THE DECEASED AMBUSHED PEDRITO DETALLA AND IN THE ENSUING SCUFFLE THE LATTER KILLED THE FORMER.

“III. THE TRIAL COURT ERRED IN FINDING THAT THE THREE ACCUSED CONSPIRED IN MURDERING CESAR DE LA PENA.

“IV. THE TRIAL COURT ERRED IN FINDING THE HEREIN ACCUSED-APPELLANTS GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF MURDER AND SENTENCING THEM TO RECLUSION PERPETUA, WITH ACCESSORY PENALTIES; TO JOINTLY AND SEVERALLY INDEMNIFY THE HEIRS OF THE DECEASED CESAR DE LA PENA IN THE SUM OF P12,000.00, WITHOUT SUBSIDIARY IM-PRISONMENT IN CASE OF INSOLVENCY AND TO PAY THE COSTS" (pp. 1-2, Appellants' Brief; p. 41, Rollo).

The deceased Cesar de la Peña and the accused Isidro were brothers-in-law, the latter being married to a sister of the former. For sometime, the two were not in good terms.

On July 17, 1971, Isidro came home from the field and found his wife crying. She reported that Cesar gave her fist-blows when she could not give him food. Shortly thereafter, Isidro confronted Cesar and an altercation ensued during which Isidro struck Cesar with hard soil and a piece of coconut palm. Cesar fled. The following day, Cesar went to Isidro's house and challenged the latter to a duel. When Isidro refused to come out of the house, Cesar left with threats to come back the following Sunday to kill Isidro and the latter's brothers.

At around 5:00 o'clock in the afternoon of September 1, 1971, the other accused Rogelio and Cesar had a fist fight. Cesar being the bigger man, bested the said accused.

Later, at around 6:30 o'clock in the evening of the same day, Cesar was killed. He suffered several wounds. The evidence for the prosecution and for the defense diverge on how the killing took place and who were responsible therefor.

The testimonies of the prosecution witnesses as summarized by the court a quo in its decision (pp. 5--15, Rollo), are as follows:

"The first prosecution witness, Nenita Tare, testified that at about six in the afternoon of September 1, 1971, she went to the Labo Landing Field. Upon alighting from the motorcab, she saw Cesar de la Peña and Rogelio Detalla engaged in a fistic fight on the road, near the store of Espina.

"Maximo de la Peña, brother of Cesar de la Peña, testified that in the afternoon of September 1, 1971, he was at the Landing Field, Labo, Ozamis City, selling dog meat; that at about five thirty that same afternoon he saw Rogelio Detalla and Cesar de la Peña engaged in a fistic fight on the road in front of Espina's store; that in the fight, Rogelio was bested by Cesar because he was thinner than the latter; that he separated them and advised them not to fight as they are friends and neighbors; that at about six thirty that evening, he advised Cesar to go home; that Cesar's house is about five hundred meters away from the store of Espina; that in going to his house, he had to pass a small trail along side the Landing Field; that his house is about fifty meters away from said side of the Landing Field; that the houses of the three accused are just about fifteen meters away from the house of Cesar; that just a few minutes after Cesar had left, he (Maximo) followed him; that when Cesar reached the corner of the trail fronting his house, he detoured; that at this juncture, he (Maximo) saw Isidro Detalla hurled [sic] a stone at Cesar, who upon being hit, staggered and fell to the ground; that Pedrito Detalla and Rogelio Detalla rushed towards Cesar and hacked him to death; that as Maximo was then armless, he could not give any assistance to his brother; that all he could do was to take a motorcab for the municipal building, but unfortunately, there was no policeman; that he, however, reported to the P.C..

"Dr. Domingo Abadies, Assistant City Health Officer, was summoned to examine the dead body of Cesar. Dr. Abadies found four hack wounds on the body of Cesar, producing massive hemorrhage which caused his death. The wounds were frontally inflicted and a similar bolo must have been used in, inflicting the injuries.

"Another prosecution witness, Virginia de la Peña, sister of the deceased Cesar de la Peña, testified that she is residing at the market site, Ozamis City. However, on September 1, 1971, she was staying in the house of her father at the Labo Airport because she was fetched by her father, Elpidio de la Peña, from the market site to stay in his house at Labo while he was away in Bohol. Her father left for Bohol on Tuesday, August 24, 1971. She stayed in the house of her father for six days. At about four in the afternoon of September 1, 1971, she went to the store of Espina to buy bread. At about seven in the evening, she and her brother Cesar started for home. She was trailing him behind by about eight fathoms. They were walking on a trail along side the runway of the landing field. Upon reaching that point of the trail opposite his house, Cesar detoured. At this juncture, she saw three persons, Pedrito Detalla, Isidro Detalla and Rogelio Detalla, lying in waiting for Cesar. Suddenly, Isidro approached Cesar and threw a stone at him. Cesar staggered and fell to the ground. Pedrito and Rogelio rushed at Cesar and hacked him to death. She was so frightened that she ran away, confused, and found herself in the house of the mother of the accused. From there, she proceeded to the house of her uncle, Islao Sagaral, and stayed there until a policeman came. Her brother received nine wounds in all. His arm was almost cut into two."

The testimonies of the defense witnesses also summarized by the court a quo are as follows:

"On the other hand, the evidence of the defense shows that on the morning of July 17, 1971, when Isidro Detalla reached home from his ricefield, he found his wife coiled under the kitchen stove, crying. She was then pregnant. He asked her what had happened and she answered that she was boxed by her younger brother, Cesar de la Peña, because she could not give him food. He (Isidro) asked her where Cesar was and she answered he went down from the house but before he left, he vowed to kill anybody who would defend her. Isidro went down of (sic) the house to get some guava leaves to treat the contusions on the face and mouth of his wife. While gathering, Cesar appeared and asked if he was angry with him. He answered: "who would be happy with what you did to your older sister?" Cesar retorted, "why are you defending your wife?" Cesar pulled his hunting knife and at this juncture, he (Isidro) picked some hard soil and threw it at Cesar hitting him on the left

breast. He also struck him with a coconut palm. Thereafter, he ran towards his house. At about five the following morning, Cesar came to the yard of his (Isidro's) house and asked him to come down and fight. He told him he cannot afford to fight him (Cesar) for what will happen to his nephews and nieces. As he refused to come down, Cesar left. The next Sunday evening, Cesar knocked at his (Isidro's) door and challenged him again to a fight. He pleaded with Cesar not to fight but Cesar told him that "Today is Sunday. Next Sunday, I shall try to get you and kill you. If I cannot kill you, I will kill your two brothers, Rogelio and Pedrito." When he met his two brothers, he told them accordingly and advised them to be very careful because Cesar was out to kill the three of them. The next Sunday, he left for Maranding, Lanao Del Norte, to avoid Cesar. He might make good his threat. He stayed in Maranding for three days. He returned to Labo at about four-thirty in the afternoon of September 1, 1971, Wednesday. He stayed in his house until evening. At about six in the evening, Mateo Caballero came. He had an agreement with Caballero to come back to his house that evening because that was the day he was to arrive from Maranding. Caballero stayed with him until supper. After supper, his brother, Pedrito Detalla, came and informed him that he had killed Cesar de la Peña and that he was going to surrender to the P.C.. He told Pedrito, he will accompany him. Before proceeding to the P.C., the two passed by the house of their mother. About ten meters distance from said house, Pedrito Detalla shouted to his mother that he had killed Cesar and that she should evacuate for fear of reprisals from the relatives of Cesar. Virginia de la Peña and Rufina Llagas, an evacuee, were there. From the house of their mother, the two proceeded to the P.C. headquarters at Ozamis City. Here, Pedrito surrendered himself with a bolo. Isidro Detalla went back home.

"Isidro Detalla did not attempt to go to the place where Cesar's body was. He did not want to see him because he was afraid of the relatives of Cesar. While Cesar was lying in state, he did not visit him for at Ah Lim Bakery, Severiana and Corazon Tuason advised not to go home for Maximo de la Peña was mad at him and was looking for him, but not being able to see him, he chased the latter's close friend, Maximo Lagumbay. So, from the time of the death of Cesar up to the date of burial, he was not present. He did not attend the last prayer.

"Isidro Detalla denied having any participation in the killing of Cesar.

"Pedrito Detalla testified that at about six in the afternoon of September 1, 1971, the basketball game being played in the Labo Landing Field was stopped because his brother, Rogelio Detalla, and Cesar de la Peña had a fight. Cesar, although short was husky fellow. On the other hand, Rogelio was thin. In the fist fight, Rogelio was bested by Cesar. He did not intervene because he did not want to be involved in the fight. He brought with him a bolo because Isidro told him beforehand that Cesar had the intention to kill him and his two brothers. Isidro also informed Rogelio of this intention. Isidro left for Maranding precisely because he heard he would be killed by Cesar.

"At about seven in the evening of September 1, 1971, Rogelio Miano, Pedrito Detalla, Rogelio Detalla and Sabiniano Junin were together in going home from the store of Espina. They took the trail along the runway leading towards his house. Pedrito Detalla, separated from the group and took that trail leading to his house. He was armed with a bolo. The others continued walking. A few minutes later, Cesar de la Peña emerged from the "madre de cacao" bushes and said "let us fight to the finish." Cesar was armed with a bolo. He was just five meters distance from him. Pedrito ran away and picked up a stone and threw it at Cesar. Cesar staggered and fell. Pedrito hacked him several times. Then Pedrito went to the house of Isidro Detalla and informed him that he killed Cesar and that he was going to surrender. Isidro accompanied him and they passed the house of their mother. Pedrito, accompanied by Isidro, surrendered to the P.C. at Cotta, Ozamis City."

After a careful review of the records, We find the assigned errors to be without merit.

The court a quo correctly denied the accused-appellant's motion for new trial. New trials based on the recantation of witnesses are generally refused. This is especially true where the recantation involves perjury (*People vs. Follantes*, 64 Phil. 515; *People vs. Cu Unjieng*, 61 Phil. 906). The policy consideration for such rule, as this Court

said in *U.S. vs. Dacir*, 26 Phil. 507, is that the previous testimony was given "under the sanction of an oath and of the penalties prescribed for perjury; that the witness' story is told in the presence of an impartial judge in the course of a solemn trial in an open court; that the witness is subject to cross-examination, with all the facilities afforded thereby to test the truth and accuracy of his statements and to develop his attitude of mind towards the parties, and his disposition to assist the cause of truth rather than to further some personal end; that the proceedings are had under the protection of the court and under such conditions as to remove, so far as is humanly possible, all likelihood that undue or unfair influences will be exercised to induce the witness to testify falsely; and finally, that under the watchful eye of a trained judge, his manner, his general bearing and demeanor and even the intonation of his voice often unconsciously disclose the degree of credit to which he is entitled as a witness."

Accused-appellants rely on the case of *People vs. Bocar*, 97 Phil. 398, that new trial will be granted where there is no evidence sustaining the judgment of conviction other than the testimony of the recanting witnesses. They, however, overlooked the fact that in that case there was an additional circumstance: the claim that the previous testimony was false having been given under duress and intimidation. In the instant case, there is no claim that testimonies of Maximo de la Peña and Virginia de la Peña were not voluntarily given. The explanation offered for the retraction is the desire of the witnesses "to forestall sending to jail the two appellants herein whom they knew to be innocent of the crime."

Indeed, there appears to be no reason at all for Maximo de la Peña and Virginia de la Peña to testify falsely against the accused-appellants, considering that one of the appellants, Isidro Detalla, is their brother-in-law. It is more likely, as aptly observed by the Solicitor General, that in subsequently offering to change their testimony they were moved by considerations of forgiveness and pity for Isidro's family who are the witnesses' own sister and nephews and nieces-motives that, though praiseworthy, are not sufficient reasons letting the guilty go free. Indeed Virginia de la Peña was quite candid in stating in her affidavit that the reason she and her brother were retracting their testimonies was because "we have lost interest in the prosecution of their cases considering that this Isidro Detalla is my brother-in-law, where he has children with my elder sister and that Rogelio Detalla, is likewise our brother-in-law whom we believed to be innocent." (p. 115, Records)

Besides, in addition to the testimony of Maximo dela Peña which supported the judgment appealed from, there is also evidence showing that the wounds suffered by deceased Cesar were not inflicted by one and the same bolo, which strongly indicates that Pedrito Detalla, the self-confessed assailant, was not the only one who participated in the commission of the offense charged.

The court a quo correctly found that the accused?appellants are guilty.

There is no dispute as to the fact that Pedrito Detalla inflicted bolo wounds on the deceased. In fact he pleaded guilty to the charge of having murdered the latter. The question turns on the contrary versions of the prosecution and the defense as to the participation of the other accused-appellants. The prosecution evidence is that the Detalla brothers, acting in concert, waylaid the deceased and killed him. On the other hand, the defense attempted to prove that it was the deceased who tried to ambush Pedrito Detalla and that, acting in self-defense, Pedrito Detalla killed the deceased.

There are several circumstances for believing the prosecution's version of the incident:

1. The accused-appellants in the instant case had the motive for killing Cesar de la Peña. On one occasion, the deceased struck the accused-appellant Isidro Detalla's wife with fist blows when the latter could not give him food. Sometime later, the deceased challenged Isidro to a duel which the latter refused. The deceased left but vowed to kill Isidro and the latter's brothers, Pedrito and Rogelio. Isidro later informed his brothers of this threat. On another occasion, shortly before he was killed, the deceased had the advantage in a fist fight with the

accused-appellant Rogelio Detalla. The Detallas could not but have felt aggrieved by these incidents.

2. If, as claimed by the defense, it were the deceased, armed with a bolo, who tried a surprise attack on Pedrito Detalla, it is surprising why Pedrito did not suffer even a scratch. It is even more incredible why it should be the ambusher and not the ambushed who should get killed.

3. The fact that the three brothers conspired to kill the deceased was fully established by the prosecution. The totality of the evidence so adduced shows that the deceased was alone and unarmed shortly before the incident; that the appellant Isidro Detalla later threw a stone at the deceased who, upon being hit, staggered and fell on the ground; and that Pedrito Detalla and the appellant Rogelio Detalla rushed towards the deceased and hacked him to death. Besides, the claim of the defense that Pedrito Detalla was alone when allegedly surprised by the deceased is belied by the physician who examined the body of the deceased shortly after the incident and who, under questioning, testified that the four (4) wounds suffered by the deceased could have been caused by "not exactly the same but similar bolo", (TSN, p. 10, October 18, 1971) thereby indicating that the wounds suffered by the deceased were not inflicted by one and the same bolo.

4. The killing took place shortly after the appellant Rogelio Detalla and the deceased had a fist fight. In that fight, the deceased bested Detalla, and so, the deceased could possibly have no motive for revenge. On the other hand, Pedrito Detalla testified that he and his brother, appellant Rogelio Detalla, went home in the company of Rogelio Miano and Sabiniano Junin. There were thus four in the group, and it is not unlikely that they went in a group because of the incident between Rogelio Detalla and the deceased. Now, it is inconceivable that the deceased would lie in ambush not knowing how many companions his quarry would have.

5. As for the accused-appellant Isidro Detalla, there seems to be no reason at all to implicate him if he did not have a hand in the conspiracy. Great as the loss of their brother (Cesar) might have been, witnesses, Maximo de la Peña and Virginia de la Peña, could not have failed to consider also the consequences of sending their brother-in-law (Isidro Detalla) to jail because the latter's family are the witnesses' own sister and nephews and nieces. In fact, appellant Isidro Detalla did not only marry his present wife, who is the witnesses' sister, but had previously been married to another (now deceased) sister of the witnesses.

No mitigating and aggravating circumstances attended the commission of the offense charged. Hence, the proper penalty to be imposed on the accused-appellants should be within the medium period of the penalty prescribed by Article 248 of the Revised Penal Code. The penalty of reclusion perpetua was correctly imposed by the court a quo.

The indemnity in the amount of P12,000.00 ordered by the court a quo to be paid by the accused-appellants to the heirs of the deceased Cesar de la Peña is increased to P30,000.00.

ACCORDINGLY, with the modification above indicated, the judgment appealed from is affirmed in all other respects, with costs.

SO ORDERED.

Narvasa, (Chairman), Cruz, Gancayco, and Griño-Aquino, 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.