

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. FAUSTINO SEGOVIA AND JULIAN SEGOVIA, DEFENDANTS AND APPELLANTS.

G.R. No. L-5037. March 19, 1953

Ponente: TUASON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/2a40daedad76/>

TUASON, J.:

This appeal is from the Court of First Instance of Misamis Occidental, which found the appellants guilty of the crime of murder qualified by treachery and sentenced them to 20 years of imprisonment and to indemnify the heirs of the deceased in the amount of P2,000. Credibility of the witnesses is the sole issue.

Two eye-witnesses testified for the prosecution and their testimony may be condensed as follows:

On May 12, 1948, at about two p.m., Atanacio Otom and Demetria Otom, father and daughter, on their way to their farm stopped at the house of Faustino Segovia, one of the defendants, whose common-law wife was Atanacio's niece. Demetria, after asking permission from Faustino, walked straight to the kitchen upstairs to get rifle which she intended to take along, leaving her father and Faustino in the yard. Needing a receptacle on which to put lighted charcoal, she came back to the portal of the house and requested her father to hand her a coconuthusk or shell. As Atanacio stooped to pick one from the ground, Faustino suddenly and treacherously hacked him with a bolo in the nape, knocking him down. When the deceased was stretched on the ground on his stomach, the two defendants, who are brothers and were each armed with a bolo, cut him up. Atanacio sustained eleven ghastly wounds all in the back from the base of the head to the thighs.

The two witnesses referred to above were Demetria Otom and her cousin, Francisco Otom, who lived near by in a house from which he said he could see the attack.

These witnesses' testimony, which the trial court believed, appears forthright and natural and leaves no room for reasonable doubt as to its veracity. It is otherwise with respect to the defendants' evidence which suffers from serious flaws.

The defense version of the occurrence in a nutshell was that Anatacio Otom slapped Faustino's wife (concubine), Feliciano Otom, in the face when she reminded Atanacio of his debt; that Feliciano upon being struck called out for her husband who was then tending his carabao in the field not far away; that Faustino Segovia thinking from his wife's screams that his house was on fire because he saw smoke, ran to his house only to find not fire but Atanacio as a man of violent temper, he climbed up the steps and closed the door but Atanacio with his bolo followed him breaking or pulling the frail shutter; that inside the house Faustino was cornered behind the altar and tried the best he could to defend himself with his own bold; that from the house he escaped to the yard whereupon Atanacio leapt from the kitchen and tried to wrest his (Faustino's) weapon; that at this stage of the fight, "the husky aggressor," in the words of counsel, "found the fatal end of his turbulent life in the hands of a small and weak husband of the very woman whom he had just slapped." Julian Segovia, on his part, denied any part in the killing except to snatch Atanacio's bolo from his waist as Atanacio was going up the house chasing Faustino.

The defendants' story was contradicted by Lt. Camilo Alegarme of the Philippine Constabulary, who proceeded to the scene of the crime late in the afternoon of the day in question after the defendants presented themselves at the constabulary headquarters and told him that they had slain "somebody." The officer stated that the household articles in the dwelling were not in disorder, nor did he find any blood inside. The supposed bloodstains splattered on the sidings of the house, he said, were dry black saliva. He declared that it was only on the spot where Atanacio fell dead where he came upon blood — pools of it.

The latter statement is mute evidence of the prosecution's theory that the shocking incident occurred entirely outside the house, and in the manner narrated by Demetria and Francisco Otom. The absence of any injury on Faustino while Atanacio sustained eleven long and deep cuts all in the back or the side, inspite of the great disparity in height, weight and strength between the two men, disparity which the defense unwittingly stresses, is not quite consistent with the appellants' story but does dovetail with Demetria's to the effect that the first blow was dealt while her father was bent forward and the succeeding ones when he was sprawled on the ground face down. The admitted fact that Atanacio's bolo was never used is further confirmation of the prosecution's theory and belies at the same time the defense version that the deceased provoked and started the aggression and had the upper hand until he was felled down. Julian stated that he grabbed and got Atanacio's bolo with its scabbard from Atanacio's waist when its owner was running up the steps in pursuit of Faustino, although, according to Demetria, whose testimony tallies with the court's finding, Julian removed her father's knife from Atanacio's waist when Atanacio was already dead, by cutting the string with which it was fastened to Atanacio's belt. The trial Judge, who examined the knife which was exhibited in court, verified the truth of Demetria's testimony, having noticed that the string still attached to the sheath bore clear signs of having been cut with a sharp instrument.

Coming to the denial by Julian Segovia of any participation in the crime, Lt. Alegarme declared that both defendants admitted to him having slain the deceased. The surrender of this accused to the constabulary when the authorities were not looking for him is clear proof of consciousness of wrong-doing. It would be extraordinary that a man who, in his conscience, has done no wrong and for whom there was no order of arrest would give himself up to the police of his own violation.

What transpired before Demetria came back to the doorway and saw her father butchered is not shown. But it can be surmised, in the light of the known strained relationship between Atanacio and Faustino, that during the brief moments that the girl was in the kitchen, Atanacio, who was said to be impulsive, did or said something which taxed Faustino's patience. It would appear that Atanacio did not look with favor upon his niece's cohabitation with Faustino without benefit of clergy and that the latter resented the old man's meddling or attitude. It is admitted that about two years before, there was a fight or near-fight between the now deceased and Faustino Segovia. And according to Demetria, Faustino, in the course of a quarrel with his concubine not long before the murder, told her, "Have your relatives defend you, I am not afraid of them."

The crime committed was murder as charged mitigated by the circumstance of voluntary surrender with no aggravating circumstance to offset it. The confinement to which the trial court sentenced the defendants is therefore correct except that its denomination should be reclusion temporal instead of plain imprisonment. There is a difference between the two terms in the matter of legal accessories. And as to the indemnity, the amount should, in the interest of uniformity, be raised to P6,000, to be paid jointly and severally by the appellants.

With the above changes, the appealed sentenced will be affirmed, with costs.

Paras, C. J., Feria, Pablo, Bengzon, Padilla, Montemayor, Reyes, Jugo, and Labrador, JJ., concur.
Bautista Angelo, J., no part.

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.