

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
RUFO DIZON AND TOMAS DIZON, DEFENDANTS, RUFO DIZON,
APPELLANT.**

G.R. No. L-121. March 14, 1946

Ponente: DE JOYA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/2a8eba69570e/>

DE JOYA, J.:

The two defendants in this case were accused of the crime of qualified theft of large cattle, in the Court of First Instance of Pangasinan, under the following information:

"The undersigned, after having been duly sworn to, accuses Kufo Dizon and Tomas Dizon of the crime of theft of large cattle, committed as follows:

"That on or about the 2d day of August, 1945, in the barrio of Tobuan, municipality of Labrador, Pangasinan, and within the jurisdiction of this court, the defendants above named conspiring and cooperating together and with intent of gain, did then and there willfully, unlawfully and feloniously steal, get and take away three (3) carabaos belonging to the owners, Genoveva Marayag and Doroteo Dacono without the consent of said owners, valued at nine hundred pesos (S900), Philippine currency. All contrary to law."

When the case was called for arraignment, defendant Tomas Dizon pleaded guilty to the charge, and was sentenced accordingly; and the case was tried with reference to defendant Rufo Dizon, who was also found guilty and sentenced to an indeterminate penalty, ranging from two (2) years, eleven (11) months and eleven (11) days of prision correctional, as minimum, to six (6) years, eight (8) months and twenty-one (21) days of prision mayor, as maximum, with the accessory penalties prescribed by law, to indemnify, jointly and severally, with his co-accused, Tomas Dizon, the complainants Genoveva Marayag and Doroteo Dacono in the sum of nine hundred pesos (P900), and to pay one-half (1/2) of the costs. Said defendant Rufo Dizon has now appealed to this court, assigning several errors, the substance of which is that the trial court erred in finding him guilty, notwithstanding that the evidence adduced by the prosecution was utterly insufficient to establish his guilt of the crime charged, beyond reasonable doubt.

At the trial of the case, in addition to the two complainants Genoveva Marayag and Doroteo Dacono, were also called to testify for the prosecution, Serapio Aquino, chief of police of the municipality of Labrador, Pangasinan, Manuel L. Fernandez, justice of the peace of the municipality of Labrador, Pangasinan, Domingo Victorio, an acquaintance of the two complainants and of the defendant and appellant, and Tomas Dizon, who had entered a plea of guilty in this case in the court below.

The evidence adduced during the trial has fully established the following facts:

That on August 2, 1945, the two complainants Genoveva Marayag and Doroteo Dacono owned carabaos, which were pasturing in the barrios of Tobuan and Apoler, municipality of Labrador, Province of Pangasinan; that in the forenoon of that day, said complainants noticed the disappearance of the three (3) carabaos mentioned in the information, of the approximate value of P300 each, two (2) of them belonging to complainant Genoveva

Marayag and the other to complainant Doroteo Dacono; that on that same day, August 2, 1945, Domingo Victorio, an acquaintance of the complainants and of the defendant and appellant in this case, met the latter with a companion, who happened to be defendant Tomas Dizon, on the provincial road between the municipalities of Sual and Alaminos, Province of Pangasinan, said appellant and his companion then bound for the municipality of Mabini, Pangasinan; that when said witness met defendant and appellant and defendant Tomas Dizon, the latter was riding on a carabao, driving two others, while the defendant and appellant Rufo Dizon was riding on a horse; that said witness noticed that said Tomas Dizon with the three (3) carabaos seemed to be in a great hurry, while herein defendant and appellant stopped and alighted from his horse, and on being asked by said witness why he had alighted from the horse, appellant Rufo Dizon answered that it was because his horse was frightened; and that the said witness, Domingo Victorio, fully recognized herein defendant and appellant as well as the three carabaos led by his companion as belonging to the two complainants, by their color, stature, general appearance and the shape of their horns; that when the two defendants reached the municipality of Mabini, Pangasinan, they sold the carabao belonging to Doroteo Dacono to an unidentified party, and slaughtered one of the two carabaos belonging to Genoveva Marayag, and sold the meat for thirty-eight pesos (P38) which was equally divided between the two; while the third carabao belonging to Genoveva Marayag was left by them, for safekeeping, with one Mariano Castro, a brother-in-law of defendant Tomas Dizon, from whom it was recovered by the authorities. That when said witness Domingo Victorio returned home, which was about one (1) kilometer from Tobuan, Labrador, and learned that the complainants were looking for their carabaos, he happened to inform one Guillermo Sison and others having seen said carabaos being led away by herein defendant and appellant Rufo Dizon and his companion, on the provincial road leading from Sual to Alaminos; that during the search made by the complainants for said carabaos, they learned of the information imparted by said Domingo Victorio, and reported the matter to chief of police Serapio Aquino of the municipality of Labrador, who conducted an investigation to verify said information; and being satisfied with its correctness, said chief of police placed the two defendants under custody for questioning, and in the course of the investigation, defendant and appellant Rufo Dizon admitted verbally and in writing, in the presence of the Mayor of Labrador, having taken said three carabaos, while pasturing, assisted by his co-defendant Tomas Dizon, who happened to be his cousin, The written admission was afterwards signed by defendant and appellant Rufo Dizon in the presence of the justice of the peace, who also testified in this case. Thereafter, the corresponding complaint was filed in the justice of the peace court of the municipality of Labrador, Pangasinan, and when arraigned, defendant and appellant Rufo Dizon admitted his guilt.

The case was forwarded to the Court of First Instance of Pangasinan, where the information quoted above was filed, and when the case was called for trial, defendant Tomas Dizon entered a plea of guilty, and, as already stated, he was sentenced accordingly; and the trial proceeded with reference to defendant Rufo Dizon, who, was also found guilty, and who has appealed to this court.

That the three (3) carabaos in question of the approximate value of P300 each had been taken away, without the knowledge and consent of the complainants, while pasturing, is an established fact; and with reference to the identity of defendant and appellant Rufo Dizon and his companion, who were seen with the three (3) carabaos by said witness Domingo Victorio on the provincial road between Sual and Alaminos, the testimony of said witness, who had absolutely no motive to testify falsely in this case, is conclusive; and it is fully corroborated by the plea of guilty of said Tomas Dizon and the admissions made by herein defendant and appellant verbally and in writing; and being a resident in a neighboring barrio of Labrador, Pangasinan, and acquaintance of the complainants and of herein defendant and appellant, and also an experienced farmer familiar with said complainants' carabaos, Domingo Victorio's testimony as to the identity of the three (3) carabaos in question as being the property of herein complainants is unquestionable. Furthermore, his testimony with reference to the three (3) carabaos has

been fully and completely corroborated by the testimony in court of the co-accused Tomas Dizon, who had pleaded guilty, by the two complainants and by the recovery of the carabao, which had been left by the accused, for safekeeping, with Mariano Castro, a brother-in-law of defendant Tomas Dizon. The two complainants also testified that the three (3) carabaos in question were reasonably worth three hundred pesos (P300) each.

The record of this case discloses that defendant and appellant Rufo Dizon is a poor peasant; but poverty is not incompatible with honor. No one can deny the dignity of labor and that honor lies in honest toil. The greatest Man in History was the poorest. Not he who has little, but he who wishes more, is really poor. Neither is poverty incompatible with honesty. And an honest man is said to be the noblest work of God.

By the industry and perseverance of man, even the desert shall rejoice and blossom as the rose. In this land of equal opportunities for all and special privileges for none, where fertile lands abound, and where any industrious and enterprising young man may acquire public lands for the mere asking, there is no justification for robbery and thieving. The poorest and the humblest man can earn an honest livelihood by tilling the soil and becoming a farmer, a noble calling. The first farmer was the first man, and all historic nobility rests on the possession and use and cultivation of land.

Robbery in all its forms is the greatest scourge in all agricultural communities. It retards and discourages prosperity and progress; as it seems to illustrate the truth, of the common saying that, although prosperity makes friends, it also makes so many enemies. The foundation of every state is said to be the education of its youth; and said evil, which is now more rampant than ever, may still be remedied. Through education, it becomes easy to lead people but difficult to drive; easy to govern but impossible to enslave. And what greater gift can our mentors offer the Republic than to teach and instruct, with greater emphasis, the youth of the land in the ancient virtues of industry, perseverance and the dignity of labor, coupled with proper respect for the rights and property of others.

Defendant and appellant Rufo Dizon in this case complains that he was convicted by the lower court, mainly on the strength of the testimony of his cousin and co-accused Tomas Dizon. In this jurisdiction, a co-accused or a co-dofondant, who has been found guilty or innocent in the same case, is always a competent witness for, or against, any of his co-accused (*United States vs. Grant and Kennedy*, 18 Phil., 122, 170). An it has even been held that the uncorroborated testimony of a co-accused, when satisfactory and convincing, may be the basis for a judgment of conviction (*United States vs. Wayne Shoup*, 35 Phil., 56; *United States vs. Remigio*, 37 Phil., 610); although the better rule is that to serve as a legal basis for conviction, the testimony of an accomplice must always be corroborated by some other witness or evidence (*People vs. Asinas*, 53 Phil., 59; *People vs. Bantagan*, 54 Phil., 834). And the testimony of defendant Tomas Dizon, a cousin of herein defendant and appellant, as a witness for the prosecution, as to the taking of the carabaos in question from the municipality of Labrador to the municipality of Mabini, where defendants disposed of them, has been fully corroborated by said witness Domingo Victorio and by the chief of police and the justice of the peace, who testified as to the admissions made by herein defendant and appellant as to their taking and disposition of the carabaos in question, and his plea of guilty.

The testimony of said Tomas Dizon is worthy of consideration in this case, although he has been found guilty of an ugly offense, after his spontaneous plea of guilty. He who repents for his crime is almost innocent, as candor is a compound of justice and the love of truth.

The admissions voluntarily made by herein defendant and appellant Rufo Dizon, before the chief of police of Labrador, in the presence of the municipal mayor, and which were ratified by him in writing before the justice of the peace of said municipality, are competent evidence against him (*United States vs. Lio Team*, 23 Phil., 64; *United States vs. Corrales*, 28 Phil., 362).

Defendant and appellant Rufo Dizon has not presented any evidence showing that the witnesses for the

prosecution have testified falsely against him; and the absence of all evidence as to an improper motive actuating the principal witnesses for the prosecution strongly tends to sustain the conclusion that no such improper motive has existed, and that their testimony is worthy of full faith and credit (United States vs. Pajarillo, 19 Phil., 288; People vs. Be Otero, 51 Phil, 201).

The defense of alibi set up by the defendant and appellant, alleging that he was at home at the time of the commission of the crime imputed to him, cannot merit serious consideration on the part of the court, not only because it lacks satisfactory corroboration; but principally because it has been destroyed by the overwhelming evidence for the prosecution. The defense of alibi, to be successful, must be proved by positive, clear and satisfactory evidence, which reasonably satisfies the court of the truth of such defense (United States vs. Olais, 36 Phil, 828; People vs. Pili, 51 Phil., 965).

The guilt of the defendant of the crime of qualified theft of the three (3) carabaos, reasonably worth three hundred pesos (P300) each, mentioned in the information filed in this case, has been established beyond reasonable doubt; and the penalty imposed by the trial court being in accordance with law, the judgment appealed from is hereby affirmed, with the sole modification that the indemnity to be paid to the offended parties, is reduced from nine hundred pesos (P900) to six hundred pesos (P600), as the carabao left by the defendants, for safekeeping with Mariano Castro, has been recovered and restored to complainant Genoveva Marayag; and in accordance with the provisions of section 1 of the Indeterminate Sentence Law, and those contained in article 310 of the Revised Penal Code, in connection with the provisions of article 309 (3) thereof, defendant and appellant Rufo Dizon is, therefore, hereby sentenced to an indeterminate penalty, ranging from two (2) years, eleven (11) months and eleven (11) days of prision correctional, as minimum, to six (6) years, eight (8) months and twenty-one (21) days of prision mayor as maximum, with the accessory penalties prescribed by law, to indemnify, jointly and severally, with his co-accused, Tomas Dizon, the complainants Genoveva Marayag and Doroteo Dacono in the sum of six hundred pesos (P600), and to pay the costs. So ordered.

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.