

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
MANUEL TIDOY Y BINTOLA AND JOSE TIDOY Y VELARDE,
DEFENDANTS AND APPELLANTS.***G. R. Nos. L-4717-18. February 28, 1953*

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/2bb5f6081de7/>**PADILLA, J.:**

Manuel Tidoy and Jose Tidoy are charged with murder for treacherously killing Lilim T. Carag (Case No. 14034) and the same defendants are charged with murder for treacherously killing Maria Insua Carag (Case No. 14035). The two cases were heard jointly and the Court of First Instance of Manila found them guilty of the crimes charged and sentenced Manuel Tidoy to death by electrocution and in each of the two cases Jose Tidoy to suffer an indeterminate penalty from 8 years and 1 day of prision mayor to 17 years and 4 months of reclusion temporal, both defendants to indemnify, jointly and severally, the heirs of Lilim T. Carag and Maria Insua Carag in the sum of P10,000, and to pay the costs. Both defendants have appealed.

It appears that on 16 October 1950, Lilim T. Carag, his wife Maria Insua, their three children, the eldest of whom was nine years old, and two houseboys named Jose Tidoy and Manuel Tidoy, lived in a house at No. 273 Lemery street, Singalong Subdivision, Manila, Jose, who served one and a half months in the household, used to sleep in the kitchen on the upper floor while Manuel Tidoy, who joined his cousin Jose in the house just about a week, in a room on the groundfloor under the balcony. The whole family slept on mats on the floor of the sala adjoining the kitchen. There was a stairway leading to the balcony of the upper floor and another at the rear of the house leading to the kitchen. All the windows of the house were barricaded by wooden grills which were found by the Court untouched during the ocular inspection of the premises. The door leading to the sala and the one to the kitchen were bolted from the inside on the night of 15 October 1950 when the inmates of the house went to bed. At about two o'clock in the morning of the following day, 16 October, Lilim T. Carag was stabbed in the abdomen. As he moaned his elder child named Lemwell woke up and the latter in turn woke up his mother who was sleeping beside her husband. Maria saw her husband's belly bleeding and hurriedly took rags to wipe out the blood and to stop the bleeding. She rushed to the kitchen, called the two houseboys by their names and raised the mosquito net of Jose's bed but did not find him there. She called Mang Angel, a neighbor. Then Manuel Tidoy sallied forth from a corner near the refrigerator with a knife in an attitude to assault her. She grappled with him for the possession of the knife (Exhibit E-I) and while thus grappling Jose Tidoy, who also emerged from the same corner, stabbed Maria Insua with another knife (Exhibit E). She fell. Jose and Manuel hurriedly went down through the kitchen door and ran away. The shouts of Maria woke up a neighbor whose house was at the back. Angel Omampo, the neighbor, rushing to the house of the Garags where the calls for help came saw a person with long blue denim (maong) trousers and white shirt run away and then heard a gunshot. It was fired by Leon Anterola, another neighbor, who heard the groans of a man and shouts of a woman and saw two persons running one after the other from the house where the groans and shouts came. In the kitchen Omampo found Maria Insua lying on the floor still alive who begged him to go and help her husband. He entered the sala and saw Lilim T.

Carag pressing a piece of cloth upon his abdomen. Carag told him that he was stabbed by his servants and asked him to take him to a hospital and save his life. He went to the nearest police outpost to report and returned to the house with a policeman finding Maria Insua dead and Carag still alive near her in the kitchen. Meanwhile, before the return of Omampo, Lilim T. Carag made an effort to stand up and walked to the kitchen, clutching at his abdomen, and there he knelt down on one knee, touched his wife's forehead and rolled away from her and he called for his mother and said that he was to die. Carag was brought by the policeman to the hospital and he died shortly thereafter. Jose Tidoy and Manuel Tidoy reached the railroad track and slept in one damaged car of the railroad company and at dawn proceeded to Biñan by truck where they borrowed money from a relative Eleuterio Intinta, and from there returned to Manila the same day. They booked passage on a boat sailing for Leyte at 4:00 p.m. of that day. On board the SS "General Mojica" they were found lying down face downwards, admitted to detective Jesus Buenaventura that they had stabbed the Carag spouses, and were arrested by the operatives, taken to the police station and investigated. They made statements admitting the stabbing of Carag by Manuel Tidoy and of his wife Maria Insua by Jose Tidoy and describing how they had done it (Exhibits H, H-1, I and I-1). This admission was reiterated to the assistant fiscal who conducted the investigation of the cases (Exhibit R). They were also brought to the house and there reenacted the manner they had stabbed both spouses (Exhibits L and M).

The necropsy reports on the dead bodies of Lilim T. Carag and Maria Insua Carag by Dr. Mariano B. Lara, Chief Medical Examiner of the Manila Police Department, show the following pathological findings:

On Lilim T. Carag's body:

Cardiovascular system:

Wound, stab, slightly piercing the apical portion of heart and pericardium.

Hemopericardium, slight.

Wound, slashing, severing the coronary artery of stomach.

Respiratory system:

Old pleural adhesions, base, right lung.

Hemorrhage, profuse, pleural cavity, chest, left (about 700 cc.), Compression-atelectasis, lung, left.

Wound, slashing extensively, diaphragm.

Spleen:

Wound, stab, slashing spleen.

Pancreas:

Wound, stab, slashing extensively, pancreas.

Liver:

Wound, stab, extensively slashing, almost severing left lobe, liver.

Gastrointestinal system:

Wound, stab, extensively slashing body, stomach.

Hemorrhage, profuse, intraabdominal (about 70 cc.)

Evisceration, transverse colon, large intestine.

Bones and joints:

Cutting fracture, extensive, xyphoid process, sternum, and 5th, 6th, 7th and 8th costal cartilages.

Miscellaneous:

Wound, stab, extensive and widely gaping, obliquely across epigastric region, thoraco-abdomen, with evisceration, transverse colon, large intestine, severing the 5th to the 8th costal cartilages and xyphoid process, and slashing the diaphragm, apical heart and pericardium, pancreas, spleen, almost severing liver and stomach.

Cause of death:

Profuse hemorrhage (about 1,400 cc. recovered blood) and shock due to a big stab wound in the upper thoraco-abdomen, almost severing the liver and slashing widely the median diaphragm, stomach, pericardium, spleen and pancreas. (Exhibit A, Case No. 14034.)

On the body of the deceased Maria Insua Carag:

Cardiovascular system:

Wound, stabbed, severing left renal vein and perforating abdominal aorta.

Respiratory system:

Exsanguinating anemia, lungs, bilateral.

Pancreas:

Wound, stab, perforating, pancreas.

Liver:

Wound, stab, slashing lower border, liver.

Gastrointestinal system:

Wound, stab, perforating, anterior and posterior walls, fundic portion, stomach, eviscerating omentum. Hemorrhage, profuse, intraabdominal. (About 1,100 cc. blood in abdominal cavity.)

Bones and joints:

Wound, stab, severing 7th and 8th anterior costal cartilages, left.

Miscellaneous:

Wound, stab, hypochondriac region, anterior lower thoraco-abdomen, left, penetrating upper abdominal cavity and perforating stomach, pancreas, left renal vein and aorta.

Wounds, incised, multiple (5), transversely across palmar surfaces, lower phalanges, fingers, hand, right.

Cause of death:

Profuse hemorrhage (about 1,100 cc. recovered blood) due to a stab wound in the left upper abdomen, slashing the liver, stomach, pancreas, left renal vein and perforating the aorta.

(Exhibit A, Case No. 14035.)

Appellants claim that they did not stab the late spouses Lilim T. Carag and Maria Insua Carag but the evidence points to Manuel as the one who stabbed Lilim T. Carag and to Jose as the one who stabbed Maria Insua Carag. The flight from the house and their boarding the ship bound for Leyte the same day after coming from Biñan and their extrajudicial admissions of how they stabbed their victims to death leave no room for doubt that they were the authors of the crimes with which they are charged. Two days before, or on the 14th, Milagros de Guzman, a

laundress of the house, saw Jose Tidoy sharpening a kitchen knife (Exhibit E-I) on a hone (Exhibit J). The explanation that if they ran away it was because they were frightened by their mistress' calls of their names cannot be reconciled with their flight from the scene of the crime to Biñan and their attempt to sail for Leyte. Their denial of having made the statements contained in their sworn declarations (Exhibits H, H-I, I and I-1) and testimony that if they signed said declarations it was because they were not given food and were threatened by the detectives, cannot be believed, because the facts stated in the extrajudicial declarations could not have been furnished but by them alone. On the night they were investigated detective Benjamin Calderon secured food for them. The fact that the doors were bolted from inside and that the windows barricaded with wooden grills were found untouched, except the kitchen door which was unbolted, leads us to the conclusion that Jose opened the kitchen door for Manuel to enter and the latter went into the sala of the house where he stabbed Lilim T. Carag and afterwards grappled with Maria Insua in the kitchen for the possession of the knife (Exhibit E-I) and while thus grappling Jose stabbed her with another knife (Exhibit E). The evidence shows conspiracy which makes them responsible for both crimes.

There must be some truth in the extrajudicial declarations that the deceased spouses were harsh on them by pulling their ears and censuring or bawling them out whenever they failed to perform their work as expected of them. Otherwise, there would be no motive for the defendants to do what they did to their masters.

The finding of the trial court that Jose Tidoy was 16 years old at the time of the commission of the crimes being supported by evidence should not be disturbed.

The sentence as to Jose Tidoy in each case is affirmed but as there is no sufficient number of votes to impose the death penalty upon Manuel Tidoy, the next lower in degree, or reclusion perpetua, is imposed upon him, the accessories of the law, to indemnify the heirs of the deceased in the sum of P10,000 and to pay the costs.

Paras, C. J., Feria, Pablo, Bengzon, Reyes, Jugo, Bautista Angelo and Labrador, JJ., concur.

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