

## THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. LEON SEGURO, DEFENDANT AND APPELLANT.

*G. R. No. L-3509. August 24, 1951*

Ponente: REYES, J.

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### REYES, J.:

Alfonso Munar, alias Antonio Abalos, and Leon Seguro, alias Rosario del Rosario, were prosecuted for robbery with homicide in the Court of First Instance of Rizal. Alfonso Munar pleaded guilty. But Leon Seguro claimed innocence and went to trial despite his previous plea of guilty at the preliminary investigation. The trial, however, resulted in conviction and he was sentenced to life imprisonment, indemnity and costs. From this sentence he has appealed.

The evidence shows that in the afternoon of October 5, 1948, the dead body of Bernardo Marquez, a security guard of the Rizal Cement Factory, was found sprawled on the ground alongside the road leading to the factory quarry in Binafigonan, Rizal. Near the cadaver were also found three stones smeared with blood, part of a toy gun, and a bayong containing, among other things, a hammer and a buri hat. With numerous lacerated wounds on the head and a fractured frontal bone, the deceased must have been, according to medical verdict, beaten up with some hard object, dying as a result of brain concussion.

It also appears that earlier that day the deceased had collected his salary from the factory paymaster and received, in addition, the sum of P195.47 with which to pay off the laborers in the quarry. But only P21.62 was found on his person, tucked in the hind pocket of his trousers.

With no eye-witnesses to the crime, the assailants were not known at once. But, as chance would have it, about ten days after the perpetration of the crime, appellant came upon his acquaintance Pablo Parayno outside the latter's place of work on General Luna Street in Manila. Appellant was then accompanied by his co-accused Alfonso Munar and two others and looking for one Gorio. Parayno informed him that the man was no longer in that place. As appellant said that he had something to confide to Gorio, Parayno was curious to know what it was all about, and with a little questioning got from appellant the information that the latter and Alfonso Munar had killed somebody in the quarry in Binangonan who was entrusted with the money for the laborers' wages.

The revelation was welcome news to Parayno who, unknown to appellant, happened to be by affinity a near relation of the victim and must have been for that reason well informed of the circumstances of his death, especially because he had attended his funeral. But powerless at the moment to do anything in the way of bringing the criminals to justice, Parayno betook himself to the chief of police of Binangonan and obtained from him a warrant of arrest. He then waited for his quarry. He did not have to wait very long, for toward the end of that month, while buying cigarettes in a store at the corner of Herran and General Luna Streets, he was accosted by Alfonso Munar, who asked him to help him get a job. Laying a trap for Munar, Parayno invited him to his house for lunch and then secretly instructed his wife to notify the police and call for detectives. The detectives came on time and put Munar under arrest, and then guided by the latter, they went to appellant's residence and arrested him

also.

Investigated by the chief of police of Binangonan, both appellant and Alfonso Munar admitted their guilt and signed confessions to the effect that, having been informed that the deceased was to take money to the quarry that day, they held him up on the road, hitting him with a toy gun and stones on the head until he died, and then relieved him of his money. Appellant even pleaded guilty before the justice of the peace.

Testifying in his own defense, appellant denied having had anything to do with the killing of the deceased and repudiated his confession on the ground that the same had been extracted through force and violence. Fumbling for alibi, he declared that on the day the crime was committed he was in Pasay working, that he was also in Manila, and lastly that he was in Quezon City where he worked the whole day. His co-accused, Alfonso Munar, who, as already stated had entered a plea of guilty, also tried to save him by testifying that it was one Simplicio Para and not the appellant that was with him in the killing.

After going over the record, we find that the judgment appealed from is fully justified by the evidence. Appellant's alibi is shaky and cannot be allowed to prevail over his signed confession. Moreover, appellant's presence in Binangonan on the day of the killing is testified to by two apparently disinterested and credible witnesses, Simplicio Rayoos and Basilio Costales, in whose company he had been earlier that day, it further appearing that, when they separated, appellant took or borrowed Rayoos' bayong and put his own hammer in it and that it was this bayong and hammer that were found at the scene of the crime.

Appellant's claim that his confession was involuntary is denied by the justice of the peace, who, before allowing him to sign it, took pains to make sure that it had not been forcibly obtained. Moreover, it was not only in this confession that appellant revealed his participation in the crime, for the same revelation was made by him to Pablo Parayno.

Alfonso Munar's last minute effort to exculpate appellant by testifying that it was somebody else who was with him in the killing is unworthy of belief. It was Munar himself who guided the detectives when they arrested the appellant, while in his confession he named no one else but appellant as his confederate.

The judgment appealed from being in conformity with law, the same is hereby affirmed with costs against the appellant.

Paras, C. J., Feria, Pablo, Bengzon, Padilla, Tuason and Jugo JJ., concur.

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