

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.  
DAIWAN LUCAS, DEFENDANT AND APPELLANT.***G. R. Nos. L-5363 and L-5364. May 27, 1953*

Ponente: PARAS, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/3062de994719/>**PARAS, C.J.:**

This is an appeal by the defendant, Daiwan Lucas, from a judgment of the Court of First Instance of Cotabato, finding him guilty of two separate murders and sentencing him (a) for the killing of Ali Baguilan to 20 years of reclusion temporal, with legal accessories, and to indemnify the heirs of the deceased in the sum of P3,000, plus the costs, and (b) for the killing of Baguilan Impol to 20 years of reclusion temporal, with the accessories of the law, and to indemnify the heirs of the deceased in the sum of P3,000, plus the costs.

At about 10:30 in the morning of December 26, 1946, while Baguilan Impol and Ali Baguilan were walking in the vicinity of the provincial building in Cotabato, Cotabato, they were fired upon by the appellant with a pistol, as a result of which both fell down on the street. This was witnessed by Onsing Mangalem, who was then resting near the provincial building on his return from the high school two kilometers away and who, upon hearing the first shot, still saw the appellant firing at his victims. At the same time Salik Hadji Abubakar, son-in-law of Baguilan Impol, happened to be nearby and, after investigation, saw his father-in-law lying on the ground. Whereupon, Abubakar rushed to his side and no sooner had he lifted the wounded man than appellant's father (Moro Lucas) attempted to strike Abubakar with an iron bar, but the blow intended for his target landed on Baguilan Impol. Moro Lucas again failed in a second attempt to strike Abubakar who, upon the other hand, was able to stab the former repeatedly with a dagger, as a consequence of which Moro Lucas died. Abubakar also found Ali Baguilan flat on the ground, but did not see the appellant in the act of discharging his pistol, though Abubakar saw him carrying the weapon. Baguilan Impol and Ali Baguilan were brought to the Cotabato Public Hospital where the first died at about 1:50 p.m. on December 29, 1946, and the second at about 5:45 p.m. on December 28, 1946. According to the examining physician, they received the following wounds:

"On Baguilan Simpod (Impol):

"1.

Wound, gunshot, 8 mm., left molar region, penetrating side of maxillary bone, left, and disarticulating upper molar teeth, crossing vocal cavity, hitting and fracturing completely right lower jaw and another impact fracture of right anterior left lower jaw and exit wound, 1½ cm. right lower chin, beneath the right end of lip.

"2.

Wound, lacerated, vertical, 1½ cm. complete depression fracture of front temporal bone. (Wound extending inside to cranial cavity upwards.)

"3.

Wound, scalp, lacerated, occipital region, 1½ cm. transverse.

"4.

Hematoma, conjunctival ball, left."

"On Ali Baguilan:

"1.

Wound, gunshot, entrance, 1 cm. to 1½ cm., right iliac region, penetrating', lacerating small intestines (2 wounds) and passing through postero lateral abdominal right wall, bullet lodging at the buttock, right.

"2.

Wound, gunshot, entrance, right upper thigh, and exit wound below it."

Admitting having shot Baguilan Impol and Ali Baguilan, the appellant claims that he did so in defense of his father. His story is to the effect that as he came from school on the date in question, he found Baguilan Impol and Ali Baguilan stabbing his father, and this naturally caused him to shoot first Baguilan Impol and then Ali Baguilan; that Abubakar, another assailant, thereupon fled; and that appellant thereafter hid himself for fear that the relatives of the deceased would wreak vengeance on him.

This defense, far from being established by convincing proof, cannot overcome the positive incriminating testimony of Onsing Mangalem and Abubakar. Abubakar testified that the deceased Baguilan Impol and Ali Baguilan had no participation whatsoever in the stabbing of appellant's father Moro Lucas, and that the latter received his fatal injuries from Abubakar in the manner already mentioned. As a matter of fact, Abubakar was subsequently acquitted of a murder charge filed against him for the killing of Moro Lucas, on the ground of self-defense. If, as alleged by appellant, Baguilan Impol and Ali Baguilan were shot in rapid succession while they were attacking Moro Lucas, the dead bodies of the three would not, as proven in this case, be far apart.

Moreover, the testimony of Onsing Mangalem that Baguilan Impol and Ali Baguilan were shot while they were walking, is corroborated by that of Abdula Omar, as well as by the dying declaration of Ali Baguilan to the effect that he and his father Baguilan Impol were walking when they were shot treacherously by the appellant. The admissibility of this dying declaration was not questioned.

The appellant presented as witnesses Kagi Adam and Ernesto Finoner to corroborate his theory. It is surprising, however, that Kagi Adam failed to volunteer as a defense witness in the trial for murder of his acquaintance, Guialil Guaman, it appearing that the latter was so prosecuted because he was mentioned by Ali Baguilan as the companion of appellant. If Guaman was ultimately freed, it was only after the appellant had surrendered and confessed having shot Baguilan Impol and his son Ali Baguilan.

The testimony of Ernesto Finoner in a way supports the theory of the prosecution, since his allegation that he saw two men attacking another with daggers, must have referred to the fact that, while Abubakar was trying to lift his

father-in-law, Baguilan Impol, from the ground, Moro Lucas was hitting with an iron bar, the witness Finoner being obviously led to believe that Abubakar was also attacking his fallen father-in-law. The circumstance that the deceased Moro Lucas was shown to have been unhurt on the head likewise negatives appellant's claim that Ali Baguilan struck the head of Moro Lucas with a bolo. Upon the other hand, the physician's finding that Baguilan Impol also had cerebral concussion and contusion corroborates the testimony of Abubakar that it was Baguilan Impol who received the blow intended for Abubakar by Moro Lucas with an iron bar. Appellant's guilty conscience is further indicated when he fled and concealed himself for more than a year, even before knowing what was to be the fate of his father during the incident in question.

It is unnecessary to dwell at length on the motive of the killing herein charged, in view of the admitted authorship by the appellant of the fatal assault and the way this was carried out as established by the direct testimony of eyewitnesses. And yet there is indication in the record that there was bad blood between appellant's group and that of his victims. Neither does the fact that the witnesses for the prosecution are related to the deceased, destroy the case fully established by the prosecution, especially because, if there were in fact other disinterested witnesses, there is no showing that they were not also available to or could not have been presented by the defense.

The judgment of conviction is correct, but as no modifying circumstance has been proved herein, the proper penalty for each of the two murders should be imposed in the medium period, or reclusion perpetua. It being understood, therefore, that the appellant is sentenced to reclusion perpetua for each murder, the appealed judgment is affirmed. So ordered, with costs.

Feria, Pablo, Bengzon, Tuason, Montemayor, Reyes, Jugo, Bautista Angelo and Labrador, 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.