

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. ALFONSO ABALOS ET AL., DEFENDANTS.

G. R. No. L-3369. October 26, 1951

Ponente: REYES, J.

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REYES, J.:

Alfonso Abalos, Edilberto Ramos, Irineo Ramos, and Sixto or Benedicto Godoy stand charged with robbery in band with multiple rape and physical injuries.

The prosecution proved that at about 11 o'clock in the evening of January 7, 1949, an armed band raided the house of Pedro Salcedo in barrio Ma-ambal, Pozorrubio, Pangasinan. With three of the raiders remaining downstairs to guard, the others, who were identified at the trial as the defendants above named, went up the house, warned the inmates not to move and ordered that a lamp be-lighted. Obeying the command, Carlos del Campo, the husband of Pedro Salcedo's daughter, Carmen Salcedo, lit a lamp and placed it in the middle of the house, a four-meter square affair without any partitions. The raiders then bound Pedro Salcedo and Carlos del Campo and tied them to a bed at the foot of the stairs. To subdue Carlos del Campo they also struck him in the abdomen with the butt of a gun. Turning their attention next to Carmen Salcedo, they asked her "to produce the money," and when she refused she was slapped and threatened with a dagger. Seized with fear, she called to her father to give them "the money," whereupon one of the raiders searched the body of Pedro Salcedo and took the P337.00 which he found in his wallet.

Not satisfied with this loot, Alfonso Abalos, who had apparently taken a fancy to Carmen Salcedo, dragged her to the bushes and raped her, as did also Irineo Ramos and three others who had followed them there. Thereafter the marauders ransacked the house and made away with 11 chickens, 60 eggs, a pair of earrings, a carbide lamp and a ring, all valued at P87.50. But before leaving they tied Pedro Salcedo and Carlos del Campo to the nearby bushes, and there the two remained until a younger son of Pedro Salcedo came to untie them that same night.

The next morning Pedro Salcedo and Carlos del Campo went to town and reported the matter to the police, and with one of them to guide the agents of the law; the four defendants above named were arrested in their respective houses that same day. The other malefactors were not found.

After his arrest, the defendant Irineo Ramos signed a statement, which he later ratified under oath before the justice of the peace, to the effect that at about 10 o'clock on the night in question Alfonso Abalos, Sixto Godoy and others went to see him and "convinced" him to go with them to the house of Pedro Salcedo and Carlos del Campo "to rob the money paid to them * * * (for) their cow;" that he went along with them because he was threatened with death; and that he himself did not go up the house but stayed about ten meters away while his companions were perpetrating robbery and rape.

Denying participation in the crime charged, Irineo Ramos and Edilberto Ramos claimed that from the afternoon of January 6 to the afternoon of January 8, 1949, they were in Alipangpang, another barrio of Pozorrubio, milling the sugar cane of one German Salgado; while on their part, Alfonso Abalos and Benedicto Godoy testified that from

the morning of January 7 until the afternoon of the next day they were in barrio Amagbagan, harvesting the rice of Amelia Cabrerros.

The trial court did not give credence to defendants' alibi, found them guilty as charged and sentenced them to reclusion perpetua with the accessories of the law, jointly and severally to indemnify Carmen Salcedo in the sum of P5,000, to return the sum of P337.00 and the other things taken by them or pay their value to Pedro Salcedo, and to pay proportionate costs. From this sentence defendant's have appealed.

After going over the evidence we entertain no doubt as to appellants' guilt. For they were clearly and positively identified by their victims, while the alibi they put up is not believable. The contradictions noted in the declarations of some of the witnesses for the prosecution are not important enough to affect their credibility. On the whole, they gave a consistent and convincing narration.

It is true that, according to the witnesses Pedro Salcedo, Carlos del Campo, and Carmen Salcedo, appellants had their faces partly covered with the brims of their hats— in an attempt no doubt to conceal their identity. But there being light inside the house and a bright moon outside, appellants could not with such a crude device have prevented recognition, for-it appears that they had long been known to the inmates of the house, one of them—Alfonso Abalos—having been even a classmate of Carlos del Campo, And it also appears that this Alfonso Abalos, accompanied by Sixto Godoy, had been to that house just the day before to buy Carlos del Campo's cow, paying P320 for it, and that Edilberto Ramos had also been there that day to redeem a carabao which had strayed into Pedro Salcedofs property. In addition to all this, we have the sworn statement of Irineo Ramos in which he admits having joined the raiders at the instigation of Alfonso Abalos, Sixto Godoy, and others. The claim that this statement was not voluntary would seem to be precluded by the fact that it contains an exculpation and is belied by the testimony of the police officer who wrote it down and of the justice of the peace before whom it was sworn

The purchase of Del Campo's cow by Abalos acquires added significance when considered with the evidence that P320 of the money found by the robbers in Pedro Salcedo's wallet was precisely the price paid by Abalos for said cow, and as proof that they were after this particular sun of money one of them asked, as he got hold of the wallet, if the amount was still intact, while Irineo Ramos says in his sworn statement that when Alfonso Abalos, Sixto Godoy and the others picked him up that night they told him that they were going to the house of the Salcedos to rob the money paid to them for the cow.

Calling attention to the entry in the police blotter with reference to the raid, the defense lays stress on the last sentence thereof, which says that one of the robbers was identified "as Berto Ramos, a resident of Naglanggalang." From this the inference is drawn that the other robbers were not identified. But aside from the fact that the trial court has found this part of the entry to be a spurious insertion or a "falsification," we have the assurance of Carlos del Campo that in reporting the robbery to the police in the morning of January 8, he and his father-in-law did give the names of the four appellants, as name them they also did in the investigation conducted in the afternoon of that day. And there can be no doubt that Del Campo, at least, knew who the raiders were, for it was he who guided the policemen who arrested them in their respective houses in the evening of that same day.

The defense also makes a point of the fact that the rape of Carmen Salcedo was not mentioned by either her father or her husband in their report to the police the morning following the robbery. But as to the father, the evidence shows that at that time he had not yet been informed of what the malefactors did to his daughter in the bushes. And as to the husband, his reticence on such matters may simply have been due to a natural disinclination to divulge information detrimental to his honor until urged to do so. In any event, we do not think Carmen Salcedo would have exposed herself to shame with a story such as that she recounted in court if she had not really been ravished by the malefactors.

The lower court has failed to include the ring and a pair of earrings (or their value—P39) among the articles to be returned to Pedro Salcedo. But, except for this omission, we find the judgment below to be substantially correct. Wherefore, understood modified to the extent of supplying the omission, the said judgment is hereby affirmed with costs.

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

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