

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
WENCESLAO PAGULAYAN, ET AL., DEFENDANTS. WENCESLAO
PAGULAYAN, DEFENDANT AND APPELLANT.**

G.R. No. L-13292. December 29, 1960

Ponente: PAREDES, J.

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PAREDES, J.:

Appeal from the decision of the Court of First Instance of Isabela in Criminal Case No. 2079 finding appellant Wenceslao Pagulayan, guilty of the crime of robbery with homicide, and sentencing him to reclusion perpetua.

The record shows that Rev. Jose Miedes, a Venezuelan Catholic priest, was living alone in a low house which served as his convent or rectory near his chapel, in the barrio of San Antonio, municipality of Ilagan, province of Isabela. Said barrio is within the Hacienda de San Antonio belonging to the Compania General de Tabacos (Tabacalera). Father Miedes was at the same time cashier of the Tabacalera, with a salary of P300 a month. His sexton or sacristan, Candido Pagulayan, who was living in another house nearby, used to help Father Miedes in the chores of the convent, and sometimes made deposits in the bank for the Reverend Father who reputedly kept money in the house.

On the night of November 16, 1949, at about seven o'clock, while Father Miedes, with his sunhelmet on, was reading at his desk in one corner of the convent, facing the wall, suddenly received from behind a bolo blow on the head from his sacristan Candido Pagulayan, slitting the helmet which fell on the floor. The priest stood up in order to get out of the house, and when he reached the main door leading to a small balcony before reaching the stairs, he was met by appellant Wenceslao Pagulayan, the sacristan's son, who also hacked him with a bolo on the face, the blow landing on the bridge of the nose. The priest continued to run downstairs, but fell at the foot of the stairs, face down and in a kneeling position. At this juncture, appellant again hacked the deceased twice on the back, who died on the spot. Appellant and his father then ransacked the convent and stole P1,000 in cash which was kept in a wardrobe. Thereafter, both escaped under cover of darkness.

Nearby stood the building belonging to the Tabacalera which owned the Hacienda. Its manager, Angel Garcia Peña, who at the time was playing mahjong with his wife in the balcony of the Tabacalera building, upon hearing an outcry of anguish coming from the direction of the convent, went down with some houseboys with flashlight to see what it was all about, and saw that Father Miedes was already dead at the foot of the stairs. Police was accordingly notified. Dr. Jose G. Valdez, the medical officer of Ilagan, who examined the body, found six wounds inflicted by a cutting instrument on the deceased, the two head wounds being fatal.

Several suspects were investigated by the police and the Philippine Constabulary, among whom were the sacristan Candido Pagulayan and his son, now appellant, as well as other Hacienda tenants like Joaquin Galamay and Arturo Manuel; but for unknown reasons nobody was prosecuted. Candido Pagulayan attempted to commit suicide after he was investigated, but eventually died a natural death, and the crime remained unsolved for about seven years.

The National Bureau of Investigation (NBI) then took a hand in the case, picking up where the constabulary authorities left off, and running down all possible clues. After an undercover sleuthing, Assistant Director Mariano S. Almeda with three NBI agents went to Ilagan on August 24, 1956, to again question Joaquin Galamay and Arturo Manuel, and this time both readily admitted that they saw how appellant and his deceased father Candido Pagulayan had killed Father Miedes because they were with them on that occasion; that they were merely invited by the Pagulayans upon a ruse that they would be treated with some drinks, but that upon reaching the convent they were told to remain in the yard and be on the lookout for anybody that was coming. They also told Director Almeda that when they were investigated by the PC back in 1949, they did not reveal what they knew because the elder Pagulayan (Candido) had gone to their house and had warned them that should they tell anybody what they had seen, they and their families would be killed. Their statements were taken down.

In that month (August, 1956), appellant was then serving a prison term for robbery in Iwahig Penal Colony, but was temporarily taken to Ilagan to be a witness in a certain criminal case. Director Almeda accompanied by Joaquin Galamay and Arturo Manuel went to see appellant in the provincial jail on August 25, 1956, and when confronted with the statements of Galamay and Manuel in their presence, appellant paled and trembled, and made a clean breast of the crime, implicating, however, Galamay and Manuel. His written sworn statement Exhibit A was taken down by Director Almeda. Thereafter, appellant himself, with the help of Galamay and Manuel and in the presence of NBI agents, re-enacted the crime in the different stages of its execution, which were accordingly photograph by the NBI. Photograph Exhibit B shows how appellant and his father went up the stairs of the convent, with Galamay and Manuel remaining in the yard as lookouts; Exhibit C shows how the elder Pagulayan hacked the deceased from behind and how appellant himself stood guard by the door, bolo in hand, out of the sight of the deceased; Exhibit D shows appellant himself delivering the bolo blow on the face of the stooping victim on the latter's way to the stairs; Exhibit F shows how appellant himself hacked the deceased at the back after the latter had fallen at the foot of the stairs; and Exhibit J shows how Galamay and Manuel stood at the yard witnessing the killing of Father Miedes.

In the information subsequently filed, Joaquin Galamay and Arturo Manuel were included as defendants. In the course of the proceedings, however, the Provincial fiscal moved for and the court granted, the dismissal of the case as against them for the purpose of utilizing said defendants as witnesses for the People.

Appellant did not offer a serious defense but simply repudiated his confession Exhibit A, alleging that its contents were merely dictated by Director Almeda, and that he had to make that confession after he had suffered maltreatment from his cellmates two days before. He also set up an alibi to the effect that at the time the deceased was killed, he and some friends were in another barrio some nine or ten kilometers away, attending a prayer for the dead.

Assuming that Director Almeda dictated the contents of the confession, the evidence shows, clearly, that before taking it down Almeda had already talked to appellant in the morning of that day, who admitted his guilt in the presence of Galamay and Manuel, so that said confession is but a reproduction of what appellant had already told Almeda. The fact, however, is that Exhibit A was taken by questions and answers. It is hard to believe that Almeda could have possibly dictated the contents of Exhibit A all by himself without the details therein contained having been furnished by appellant. Anent the alleged maltreatment which appellant supposedly received from his cellmates two days before, there is no showing that Almeda had anything to do with it. On the other hand, appellant's own witness, Ernesto Castañeda, an inmate who typewrote Exhibit A and who signed as one of its witnesses, assured the court that no violence of any kind was ever employed on appellant during the taking of said confession, and that thfe same was signed only after its contents had been read by the warden to said appellant. Furthermore, the subsequent re-enactment made by appellant of the various stages of the crime, describing the

respective positions and actions taken by the persons involved, with himself performing the important part and showing how he stood guard at the door, bolo in hand, while his father made the initial attack (Exhibit C); how he hacked the deceased on the face while the latter was trying to escape (Exhibit D); and how he again hacked the already fallen victim at the back (Exhibit F), precisely clarifies and supplements the material facts stated in the confession, and these circumstances could only be furnished by no other than the one, such as appellant, who had first-hand information thereof.

At all events, even if we were to brush the confession aside for a moment, still the testimonies of eyewitnesses Galamay and Manuel, confirmed by the re-enactment made by appellant himself, corroborated by the autopsy findings of Dr. Valdez and the slit on the sun-helmet, are sufficient to show his guilt. Counsel, however, claims that the testimonies of Galamay and Manuel should not be given their face value not only because it took them seven years to reveal what they allegedly knew, but also that it is not usual for those bent on mischief, like appellant and his father, to take in third persons like Galamay and Manuel, to witness their deed which they could otherwise have done with impunity and without such third persons. We find that this contention was adequately answered by Arturo Manuel himself who testified that he and Galamay kept their tongues in check, because they believed that the Pagulayans really meant to carry out their threat judging from the manner in which they killed Father Miedes in cold blood, and that they were only free to reveal what they knew when they were interviewed by Director Almada in 1956, after the elder Pagulayan had already died and after appellant had already been confined in jail. Besides, they were not investigated by any authority, during that interregnum. Galamay and Manuel are simple and unschooled farmers who might be easily induced to accompany appellant, and his father to the convent upon the pretext of treating them with some drinks, belonging to the priest, when the real intent was to post them as lookouts, and then threatened, as they were, with telling effect.

We cannot afford to overlook the record pointing appellant's cunning and insincerity to the court when, through secret correspondence with prison inmates he caused convicts Federico Peñascosa and Artemio Carrasco, who were serving life imprisonment in Muntinlupa, to write to the presiding Judge of the trial court, owning the killing of Father Miedes (Exhibit M). This letter was referred to the fiscal who, in turn, passed it on to the NBI. Upon personal investigation by Director Almada, however, it turned out that these two convicts were merely induced, upon monetary consideration, to write such letter, and that they could not have been in Ilagan when the deceased was killed, because on that very date one of them was a prisoner in Santa Cruz, Laguna.

The prosecution has presented a clear case which leaves no room for doubting appellant's guilt, whose negative defense amounts only to a poor and flimsy excuse for the crime at bar.

Finding nothing to warrant the disturbance of the decision appealed from, the same is hereby affirmed, with costs.

Paras, C.J., Bengzon, Labrador, Concepcion, Reyes, J.B.L., Barrera, Gutierrez David, and Dizon, JJ., concur.

Judgment affirmed.

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