

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JUANITO MABILANGAN & ARSENIO MABILANGAN, ACCUSED-APPELLANTS.

G.R. No. L-48217. January 30, 1982

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/3540878dfad5/>

PER CURIAM:

Five defendants, namely, Juanito Mabilangan, Arsenio Mabilangan, Feliciano Juamis, Romeo Juamis and Adriano Gualba were accused in the Court of First Instance of Samar of robbery with multiple homicide.

Defendants Juanito Mabilangan and Arsenio Mabilangan who are brothers, assisted by their counsel, Atty. Nilda Torrevillas, pleaded guilty.

Defendants Feliciano Juamis and Romeo Juamis pleaded not guilty. But after trial, the Court, on motion of the Fiscal, dismissed the case against them. Defendant Adriano Gualba is still at large.

The trial Judge fully explained to the Mabilangan defendants the nature of the information, the consequences of a plea of guilty, and the probable penalty that may be imposed upon them. But they reiterated their plea of guilty. They were also thoroughly examined by the trial Court and the Prosecution was required to present evidence to determine the degree of culpability of said defendants and the existence of the aggravating and mitigating circumstances. These two defendants narrated how they committed the crime in open court by answering questions propounded by no less than the trial Judge.

The facts are not disputed.

At about 3:00 o'clock in the afternoon of November 27, 1975, the accused Juanito Mabilangan and Arsenio Mabilangan were drinking in the house of Adriano Gualba. At about 6:00 p.m. that same day, they stopped drinking and they went down and proceeded to the house of Vivencio Cabarles.

The accused, Juanito Mabilangan and Arsenio Mabilangan, are known to Vivencio Cabarles because they all reside at Barangay Albalate, Catbalogan, Samar. They sometimes had drinking parties in the house of Vivencio Cabarles.

When the two Mabilangans, together with Adriano Gualba, reached the house of Vivencio Cabarles, Adriano Gualba went up the house of Vivencio Cabarles through the open door. Arsenio Mabilangan and Juanito Mabilangan followed Adriano Gualba up to the house. Vivencio Cabarles was not at home.

The moment Adriano Gualba got inside the house, he immediately started stabbing the occupants. Dionisio Llantos, one of the victims, resisted so Juanito Mabilangan stabbed him. Arsenio also stabbed Dionisio Llantos. The four minor children of Vivencio Cabarles, namely, Juan, Regina, Shirley, and Rogelio, all less than ten years old, were also stabbed to death.

Both Arsenio and Juanito admitted that they only took the radio phonograph but not the cash of P2,000.00.

At the time of the incident, Vivencio Cabarles was in the house of his Padi Coni Jabonalla attending a baptismal party. At about 8:00 o'clock in the evening, he went down the house of his Padi Coni to urinate in the yard. While urinating, he heard his dogs barking but could not see his house as it could not be seen from where he was. Besides, the vicinity was dark. After urinating, he went to his house to investigate why his dogs were barking. When he was about 12 meters to his house, he saw Arsenio Mabilangan going down his house carrying a kerosene lamp in his left hand and a big carton box under his right arm. Arsenio Mabilangan was followed by Juanito Mabilangan who was carrying on his right shoulder a trunk and a bolo in his left hand.

When Vivencio Cabarles was sure that Juanito Mabilangan and Arsenio Mabilangan had already left, he ran to the house of his Padi Coni Jabonalla. He informed his Padi Coni Jabonalla and other guests in the house of what he saw. Padi Coni Jabonalla together with Amado Jabon, Manuel Bañar and Conrado Casica accompanied him to his house. Upon arriving at the house of Vivencio Cabarles, they saw Dionisio Llantos, the hired help, on the floor in the balcony wounded and dead. When they went inside the house in the bedroom, they saw the bodies of Juan, Rogelio and Shirley, all surnamed Cabarles, all wounded and dead. Regina, another child of Vivencio Cabarles, was under the table in the kitchen also wounded and dead. After looking at the dead children, Vivencio Cabarles and his companions went to Sitio Bañgon, Barangay Albalate, Catbalogan, Samar, to inform the Barangay Captain what had happened. The Barangay Captain advised them to wait till daybreak. At daybreak, Vivencio Cabarles and his companions including defendant Gualba, went back to their house and traced the footprints. After covering a distance of 60 meters, the footprints disappeared and Adriano Gualba found among the tall grasses a wooden trunk belonging to Vivencio Cabarles. Several personal effects of Vivencio Cabarles were recovered but the evidence does not show how they were recovered.

On the basis of the foregoing evidence and the plea of guilty of the Mabilangan defendants, the lower Court rendered a decision which reads as follows:

"WHEREFORE, in view of the plea of guilty of the accused Juanito Mabilangan and Arsenio Mabilangan, the Court finds the said accused guilty beyond reasonable doubt of the crime of Robbery with Multiple Homicide under Article 294 paragraph 1 and appreciating in their favor the mitigating circumstance of their spontaneous plea of guilty which offsets one of the aggravating circumstance of treachery by a band and dwelling hereby sentences the accused to suffer the extreme penalty of death to be executed by electrocution at the National Penitentiary, Muntinlupa, Rizal, on such date and hour as may be fixed by this Court after the case has been reviewed by the Supreme Court and the decision is affirmed."

The case is now before Us for review.

The appellants, through counsel, do not dispute their guilt. They only contest the imposition of the death penalty. While they admit that the lower Court correctly appreciated the aggravating circumstances of treachery and dwelling, they dispute the lower Court's finding that the crime was further aggravated by its having been committed by a band. The defendants further contend that they are entitled to the mitigating circumstances of voluntary plea of guilty and drunkenness which is not habitual. Offsetting the two mitigating circumstances against only two aggravating circumstances of treachery and dwelling, the appellants contend that reclusion perpetua should have been imposed as the proper penalty.

We agree that the lower Court erred in appreciating "in band" as an aggravating circumstance. The evidence shows that only the two Mabilangan defendants and Adriano Gualba, who is at large, were armed with sharp pointed instruments.

In order to consider that a crime is committed by a band, there should be more than three (3) armed malefactors (Art. 14, par. 6 and Art. 296, Revised Penal Code).

This error of the lower Court, however, does not alter the result. The commission of the offense is attended by three aggravating circumstances, namely, treachery, dwelling and habitual drunkenness.

There is treachery because four of the minor children of Vivencio Cabarles, the oldest of whom was only ten years old while the youngest was only two years old, were suddenly attacked and killed while they were seated.[1]

The aggravating circumstance of dwelling should also be taken into consideration because the crime was committed in the dwelling of Vivencio Cabarles. Likewise, drunkenness should be considered as an aggravating circumstance because it is habitual on the part of both Mabilangan defendants. The defendants, when they answered the questions of the Court, admitted in open court that before they committed the crime, they drank for three hours in the house of defendant Adriano Gualba. They further testified as follows:

"Q: Do you often have a drinking party or do you often have a drinking with Adriano?

A: Yes, your Honor."[2]

Even in the appellants' statement of facts in their brief, they stated that "they sometimes had drinking parties in the house of Vivencio Cabarles." [3]

The three aggravating circumstances attending the commission of the crime being offset only by the mitigating circumstance of a plea of guilty, the penalty for robbery with homicide must be imposed in its maximum period.

Moreover, since there is only one crime of robbery with homicide, irrespective of the number of killings committed on the occasion of robbery[4], the fact that two or more persons were killed on the occasion of robbery should be appreciated as an additional aggravating circumstance; otherwise, there will obtain an anomalous situation where, from the standpoint of the gravity of the offense, robbery with one killing would be on the same level as robbery with multiple killings.

WHEREFORE, finding no error in the penalty imposed, We hereby affirm the decision appealed with costs.

SO ORDERED.

Fernando, C.J., Makasiar, Concepcion, Jr., Fernandez, Guerrero, Abad Santos, De Castro, Melencio-Herrera, Ericta, Plana, and Escolin, JJ., concur. Teehankee, J., joins Justice Barredo's vote. The ruthless killings of the four young children were just plain murder. Barredo, J., concurs in the conviction of as well as the sentence imposed on the appellants insofar as the killing of Dionisio Llantos is concerned, but he holds that the killing of the four minor children should be deemed as four separate murder. Aquino, J., in the result.

[1] see Information, p. 1, Record; p. 42, tsn, March 2, 1978; People vs. Espare, 61 Phil. 140; People vs. Ludday, 61 Phil. 216.

[2] tsn, p. 8, January 17, 1978.

[3] p. 3, Appellants' Brief, found on page 51, Rollo.

[4] People vs. Mones, 58 Phil. 46, 59.

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.