

## PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ANASTACIO BULAWIN, DEFENDANT-APPELLANT.

*G.R. No. L-30069. September 30, 1969*

Ponente: SANCHEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/371bcece8683/>

---

### SANCHEZ, J.:

The charge is murder. Defendant Anastacio Bulawin was found guilty thereof by the trial court and sentenced to an indeterminate prison term ranging from ten (10) years, eight (8) months and one (1) day of prison mayor, as minimum, to twenty (20) years of reclusion temporal, as maximum, to indemnify the heirs of the deceased, Ciriaco Jimenez, in the amount of P6, 000 and to pay the costs.[1]

Appeal was taken to the Court of Appeals.[2] The appellate court was of the view that the crime committed by defendant was murder, qualified by treachery - without any circumstance, aggravating or mitigating which would call for the imposition of reclusion perpetua. Accordingly, the case was certified to this Court upon the provisions of Sections 17 and 31 of the Judiciary Act of 1948 and Section 3, Rule 50, of the Revised Rules of Court.

September 23, 1963 was the barrio fiesta of Barrio Mabatao, Salvador, Lanao del Norte. A political meeting was, on the night of September 22, being held at the fair grounds of the barrio. About 12:30 o'clock in the early morning of September 23, 1963, Ciriaco Jimenez was leisurely walking towards the meeting place. Just as he was about twenty meters therefrom, he was shot. The bullet found its mark "at the back of his buttocks, two inches below the waistline," About 6:00 o'clock p.m. on the same day, September 23, Ciriaco Jimenez died at the Aurora Provincial Hospital.

The errors assigned in the brief of counsel de oficio funnel down to one single proposition: Has the People discharged its heavy burden of proving the guilt of appellant beyond reasonable doubt? To this question, we addressed ourselves. For the purpose, we explored the entire record.

1. The People's case was built mainly on the testimony of three witnesses: Candido Autor, Sergeant Roberto Laurie of the Philippine Constabulary and Aniceto Dacalos.

Candido Autor. He is the People's mainstay. He is supposedly the only eyewitness to the crime. Because of this, his testimony must have to be scrutinized with a sharp judicial eye. The People's proof should be beyond reasonable doubt. But as we read the transcript, that testimony appears to be sufficiently infected with grave doubts which prevent us from accepting his word without reservation. Autor said that he was a farmer, although the record shows that his occupation "is to extract tooth", for which reason he played hide-and-seek with the police.[3] According to Autor, at about 12:30 o'clock in the morning of September 23, 1963, he was passing water beside a small road about twenty meters from the place where the political meeting was being held. He claimed to be just about one fathom from and to the left of appellant Anastacio Bulawin when the latter with a pistol shot Ciriaco Jimenez. The victim at that time was about two fathoms from and with his back to his aggressor. The three formed a sort of a triangle.[4] The gist of Autor's direct examination was that he saw the actual shooting and

yet, there appears to be a contradiction of this alleged fact when he was cross-examined. On this point, his direct examination yields the following:

"Q While you were there on this occasion, was there any unusual incident that happened?

A Yes, sir.

Q Will you please tell the Court what was that all about?

A Ciriaco Jimenez was shot.

x x x

Q How do you know that the accused Anastacio Bulawin shot Jimenez?

A Because I was there at that time.

Q Where?

A In the place.

Q How far were you from Anastacio Bulawin?

A More or less one fathom.

x x x

Q You said, in answer to the question of the Court you saw Ciriaco Jimenez shot by Anastacio Bulawin. What was the position of Ciriaco Jimenez and Anastacio Bulawin when Ciriaco Jimenez was shot?

A Ciriaco Jimenez was walking to the meeting place with his arms akimbo.

Q Will you please demonstrate?

A. As demonstrated by the witness, the arms of Ciriaco Jimenez were closed behind the buttocks.

Q At your position as you demonstrated where was Anastacio Bulawin when he shot?

A Anastacio Bulawin was near the place where I was urinating.

x x x

Q What part of the body of Ciriaco Jimenez was hit by the shot?

A Ciriaco Jimenez was hit at his back.

COURT

Q What part of the back was he hit?

A At the back of his buttock, two inches below the waist line.

PROSECUTION

Q When Ciriaco Jimenez was hit at the back, what happened with Ciriaco Jimenez?

A Ciriaco Jimenez was able to turn his face to the back and fell to the ground."<sup>[5]</sup>

But, then, on cross-examination, Autor declared:

Q Did you not see him before you heard the shot?

A I did not.

Q What was Anastacio Bulawin doing when you first saw him for the first time?

A After the shot was fired, I saw Anastacio Bulawin.

Q Do you mean to tell us that you did not see Bulawin until after you heard the shot?

A Yes, sir.

Q How far was he from you at that time?

A In my estimate, one fathom, more or less.

Q Do you mean to say that you did not see him despite the fact that he was only one fathom more or less from you before the report of the shot?

A I did not.

x x x

Q You did not see either of them before you urinated?

A No, sir."[6]

The foregoing inconsistency, placed in proper focus, sets Autor's testimony on infirm grounds.

Soon after the incident, people went to the place where Jimenez fell. Amongst them were Governor Ali Dimaporo, Vice-Governor Arsenio Quibranza, Mayor Apolonio Yap and many others. Witness Autor, however, testified that he communicated to nobody, although "Mr. Quibranza, Dimaporo and his leaders were still there,"[7] and left for home without even extending a helping hand to the victim. Autor said that he did not mention the incident to the people in his own house. These circumstances suggest a substantial amount of improbability.

Of interest is Autor's declaration that the only person to whom he ever mentioned what he saw was a brother of the victim. And this, he did in the morning following the incident. It would seem odd then that the brother of the victim did not inform the authorities about it. The record does not so indicate. No one appeared to have ever thought at that time of taking Autor's statements, certainly very important to this case. For, he was, as already stated, allegedly the sole eyewitness to the crime. Well it is to remember that an investigation was then being conducted by the Constabulary. Appellant and a number of witnesses were in the barracks located in the same town of Salvador.

Added dubieties there are. We note in the criminal complaint filed in the municipal court on October 3, 1963 - 10 days after the crime - by Capt. Wilfredo C. Golez, Commanding Officer of the PC, that the name of Candido Autor was not mentioned as one of the witnesses. Even in the criminal information the Provincial Fiscal filed in the Court of First Instance on October 9, 1964, the name of this witness, Candido Autor, was conspicuous in its absence. And yet, the evidence is that Autor - the only eyewitness to the crime - was in his home in nearby Barrio Salong as early as June, 1964.

Sergeant Roberto Laurie, 73rd PC Company stationed at Salvador, Lanao del Norte. The gist of his testimony is that at about 2:00 o'clock in the morning of September 23, 1963, he was awakened by Lt. Mejia, Junior Officer of the unit, who told him that there was shooting in Mabatao during the rally and asked him to escort the victim to the hospital. He saw the victim, Ciriaco Jimenez, at the gate of the guardhouse in a three-fourths truck. With Jimenez were Governor Dimaporo, Vice-Governor Quibranza, Rufo Jimenez, Jose Villarta and some PC soldiers.

He described in court the dialogue between him and the victim, Ciriaco Jimenez, as follows:

"Q You stated you met Ciriaco Jimenez with these persons you have mentioned. What else did you do when you met Ciriaco Jimenez?

A When I get inside the truck I said, 'What's happened?' he said, 'I was, shot.' I further asked him, 'Who shot you?' he said, 'Anas-tacio Bulawin. I further asked him, 'Why did you see Anastacio Bulawin when it was dark?' he replied that 'I clearly saw him.' I inquired from him as to whether he will live with the wound he sustained. He replied that I will live. Just bring me to the hospital.'"[8]

On cross examination,[9] however, his attention was drawn to his affidavit dated October 3, 1963 appearing on page 7 of the record below and to a specific question and answer therein, viz:

"Q On page 7 of the record of this case is an affidavit wherein the affiant is Roberto A. Laurie. Will you please look at this signature above these typewritten words [and tell us] whether that is yours or not?

A That is mine, sir.

Q This affidavit of yours was duly sworn to before Justice of the Peace Panfilo Rama of Salvador, Lanao del Norte?

A Yes, sir.

Q I am going to remind you sergeant about the statement you made in this affidavit wherein the question was asked in this wise:

'Q. What question did you ask to the victim?' and your answer is this,

'A. I asked him who shot him and he answered me that it was Bulawin. Then I asked another question, why did you recognize him when in fact it is dark? Then the victim did not answer. I further asked another question, do you think you will not die of your wound you received? He did not answer any more. So Lt. Mejia ordered the driver to leave immediately for Aurora so that the victim will be given immediate treatment of his wound.' Is that correct?

A That statement there is correct."[10]

And here is how he attempted to reconcile the two versions:

"COURT

Q Therefore what you testified now before this Court is not correct because it did not tally with what you said in that affidavit?

A I have not read that affidavit because it is three years already. I even forget there is affidavit being executed.

Q Which is now the truth that the victim told you that he recognized Anastacio Bulawin as his assailant or he did not answer you at all?

A In my affidavit that is right.

Q What is right?

A I don't remember because it is placed in the affidavit."[11]

The value of Laurie's testimony is, indeed, impaired. First, because he did not hesitate - in Court - to overshoot his mark. One wonders whether he did so to make a weak case look good. Then, it does not strike us as natural that given that opportunity, Sgt, Laurie, or any other constabulary officer for that matter, did not put that statement of

the deceased Ciriaco Jimenez into writing, the better to preserve its worth as evidence. Written words speak a uniform language. Oral recollection, in turn, could suffer from the treachery of memory or from coloring. The deceased's statement, it should be remembered, at least forms part of the *res gestae*.

Aniceto Dacalos. This witness claims that he was in the dancing hall when a child came running and reported to the people there that somebody was shot. With Governor Dimaporo, Vice-Governor Quibranza, Mayor Yap and others, they went to the scene which was more or less twenty meters away. There, they saw Ciriaco Jimenez. Upon arrival, so his version goes, he inquired from Jimenez who shot him. The following from the transcript of Dacalos' testimony is quite revealing as to why defendant was a suspect:

"Q What did he answer?

A He replied that there is no other person who would shoot me except Anastacio Bulawin because we are enemies,"[12]

Witness Dacalos, the record discloses, followed Roberto Laurie to the witness stand on December 9, 1965. It is interesting to note that - as in the case of Laurie - his version leaves traces of an effort to fortify the *res gestae* angle, by the following:

"Q What else did you do?

A I further asked him, 'Are you certain that it was really Anastacio Bulawin who shot you?' and he replied that I clearly saw him because the light reached the place where he was then."[13]

This last statement would contradict the affidavit of Sgt. Laurie who asked a question along similar lines. "Why did you recog-nize him when in fact it is dark?" And, according to the affidavit of Sgt. Laurie heretofore quoted, "the victim did not answer." This witness, Aniceto Dacalos, a neighbor and an old friend of Ciriaco Jimenez, like the alleged eyewitness Candido Autor, did not figure in the list of witnesses for the prosecution, either in the criminal complaint filed by PC Capt. Golez or in the Fiscal's indictment. His name was not amongst those who gave affidavits to back up the criminal charge. This gives the impression that Aniceto Dacalos, the neighbor of the deceased, was but an eleventh-hour witness. To take his testimony on its face value, we fear, is to rate truth so lightly.

The foregoing evidence of the People leaves much to be desired. It exhibits a gap between doubtful evidence and proof beyond reasonable doubt. That gap is not bridged. The evidence does not produce in an unprejudiced mind that moral certainty so necessary to bring about conviction in a criminal case. It is in this context that we find ourselves unprepared to send appellant to jail for life, or, for that matter, for a long term of imprisonment. Because, we are not morally convinced.

2. But if more were needed, circumstances there are which cast a heavy pall of doubt on the sufficiency of the People's evidence. At about 4:00 o'clock that morning of September 23, appellant herein was placed under arrest in his own home. He was brought to the PC barracks. And yet, at about 2:00 o'clock in the afternoon of that day, he was released by Capt. Golez who told him: "We cannot detain you here because there was no complaint filed. However, you should report to this headquarters everyday."[14] If really this man were pinpointed by the deceased - at about 2:00 a.m. of September 23 - as the author of the grave crime of murder - it must be borne in mind that the affidavits were executed not on the 23rd of September but on October 3, 1963 - it does not seem probable that the peace officers would release him so soon. There is then probability that the reason why he was arrested was because he was merely a suspect. But without evidence against him. And this could have sprung from the fact that as barrio captain, the deceased Ciriaco Jimenez lodged a complaint for theft of large cattle against a son of appellant by the name of Bitoy, amongst others.[15]

And then, two of the defense witnesses' namely, Lamberto Maghinay and Paciencia Bacaling were, likewise, investigated by the Constabulary on that same morning of September 23, 1963. Nothing in the record suggests that the testimony of these 'two witnesses were taken in writing. The record below at least does not show any such written statements. And these two witnesses with another by the name of Melecio Lomolho sup-ported the alibi offered as a defense by appellant.

The foregoing facts are significant because, as aforesaid, the affidavits of the People's witnesses were only taken on October 3, 1963, even as the peace officers had prompt know-ledge of the crime and allegedly learned of facts which linked appellant to the crime as early as about two hours after the perpetration thereof. And, as aforesaid, the criminal com-plaint was lodged in the municipal court only on that day, October 3.

3. There is a dearth of autoptic or demonstrative evidence which would positively connect appellant with the crime. Nothing in the record shows that the officers even made any effort to locate the alleged pistol used by appellant. Much less was it presented. Nor is there evidence that appellant has had one. In the morning of September 23, 1963, Sgt. Aniceto Dacalos, in the presence of Sgt. Sarbida, pointed at appellant as the owner of a big hat which was apparently left at the scene of the crime. Appellant denied this. Even that hat was not exhibited in court. Or, its whereabouts accounted for.

And, Autor testified that he (Autor) - who knew appellant very well - saw appellant at the scene of the crime, recognized him because the light was bright and the distance between the two was only about one fathom, asked him "What is that?", whereupon appellant "ran away".[16] If all these were true, it does not seem probable that appellant would make himself a sitting duck, go to and stay in his home in Barrio Salong, 'about one kilometer from the scene of the crime. And there to be arrested at about 4:00 o'clock in the morning by Sgt. Sarbida and a provincial policeman by the name of Madid. What did he run for?

4. We are not unmindful of the fact that appellant left his barrio on the 29th of September, 1963, that is, five days after Ciriaco Jimenez was shot, and went to live with his parents and sisters in Lopez Jaena, Misamis Occidental.[17] But he did so because he was warned daily by his neighbors that there were Maranaos hired by the brothers of the deceased Ciriaco Jimenez to liquidate him. If he really intended to hide from the authorities, he would have done so at the first opportunity. It would seem to us that his flight was induced by his instinct of self-preservation.

5. The defense is alibi. The version given is that at about 6:00 o'clock in the afternoon of September 22 after the cock-fighting was over, appellant conducted a game of "hantak" in the cockpit of Dalama, which was about five kilometers from the scene of the crime. That game of "hantak" lasted till about 3:00 o'clock the following morning of September 23. After which, appellant went over to the house of Lamberto Maghinay where they took a drink for a few minutes. Then, appellant went home where he was arrested as aforesaid. His testimony in this res-pect was corroborated by Lamberto Maghinay, Paciencia Baca-ling and Melecio Lomoiho. It is to be recalled at this point that witnesses Maghinay and Bacaling were investigated at the Constabulary headquarters on that morning of September 23, 1963.

Of course, alibi is known to be the weakest of all defenses. It is easy to concoct, difficult to disprove.[18] Nonetheless, where the evidence for the prosecution is weak and betrays lack of concreteness on the question of whether or not defendant is the author of the crime charged, alibi as a defense assumes importance. Not very long ago, this Court, speaking through Mr. Justice J.B.L. Reyes, in *People vs. Fraga*, L-12005, August 31, 1960, pointed out that "[t]he rule that alibi must be satisfactorily proven was never intended to change the burden of proof in criminal cases; otherwise, we will see the absurdity of an accused being put in a more difficult position where the prosecution's evidence is vague and weak than where it is strong." [19]

In the end, we have but to bear in mind that, by Consti-tution and law, a defendant in a criminal case is entitled to an acquittal, unless his guilt is shown beyond a reasonable doubt.[20] We cannot downgrade this precept by accepting less than what it exacts. Else, the protection afforded may be more in sound than in substance. The People's evidence does not measure up to this standard - in this, a grave crime of murder.

For the reason that guilt has not been established beyond reasonable doubt, we vote to reverse the judgment under review, to acquit defendant-appellant Anastacio Bulawin of the crime charged, and to set him at liberty.

Costs de officio.

**SO ORDERED.**

Concepcion, C.J., Dizon, Makalintal, Zaldivar, Fernando, Capistrano, and Barredo, JJ., concur.

Ruiz Castro and Teehankee, JJ., took no part.

Reyes, JBL, J., on official leave.

---

[1] Criminal Case 1042, Court of First Instance of Lanao del Norte, entitled "The People of the Philippines, Plaintiff, versus Anas-tacio Bulawin, Accused."

[2] CA-G.R. No. 06902-Cr.

[3] Tr., January 24, 1966, p. 14.

[4] See: Exhibit X, Record below, p. 129.

[5] Tr., December 9, 1965, pp. 4-6; emphasis supplied.

[6] Id., pp. 9, 10-11; emphasis supplied.

[7] Id., p. 13.

[8] Tr., December 9, 1965, p. 18

[9] Id. p. 19; emphasis supplied.

[10] This is also the gist of the statement given by Jose Villarta - also on October 3, 1963 - who was not called to the stand:

"Q What are the questions asked by Sgt. Laurie to Ciriaco Jimenez?

A He asked Ciriaco Jimenez, who shot you? Ciriaco Jimenez answered 'Bulawin'. Then Sgt. Laurie asked another question. Why did you recognize him when in fact it is dark? Ciriaco Jimenez did not answer. Then Sgt. Laurie further asked another question, Do you think you will not die of your wound you received? Ciriaco Jimenez did not answer anymore." Record below, p. 4.

[11] Tr., December 9, 1965, p. 19; emphasis supplied.

[12] Id., p. 22; emphasis supplied

[13] Id.

[14] Tr., January 25, 1966, p. 12.

[15] The case against Bitoy and his co-accused, according to appellant, was dismissed after the elections of 1963. Tr, January 25, 1966, pp. 15-16.

[16] Tr., December 9, 1965, pp. 6, 12.

[17] Tr., January 25, 1986, p. 14.

[18] *People vs. Cunanan*, L-17599, April 24, 1967, citing *U.S. vs. Olais*, 36 Phil. 828, 829; *People vs. Pili*, 51 Phil. 965, 966; *People vs. Dizon*, 76 Phil. 265, 272; *People vs. Bautista*, L-17772, October 31, 1962; *People vs. Dayday*, L-20806, & L-20807, August 14, 1965.

[19] Cited in *People vs. Cunanan*, *supra*.

[20] Section 1(17), Article III, Constitution; Section 2, Rule 133, Rules of Court.

**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.