

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
ELIGIO JIMENEZ, DEFENDANT AND APPELLANT.***G.R. No. L-7151. May 30, 1956*

Ponente: REYES, A., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/39f869b2a3d2/>**REYES, A., J.:**

This is an appeal from a judgment of the Court of First Instance of Zambales, declaring the appellant Eligio Jimenez guilty of murder and sentencing him to death, to indemnify the heirs of the deceased in the sum of P6,000, and to pay the costs.

It appears from the evidence that about 10 o'clock in the evening of April 3, 1952, while the now deceased Nicolas de los Reyes was resting on the floor of the hut of his father-in-law Jose Madriaga in sitio Cruz, municipality of San Narciso, Zambales, the appellant Jimenez burst into the hut and all of a sudden and without warning attacked him with a bolo. Jose Madriaga was at the time out in his farm; but in the hut with the deceased were the latter's wife Rosalina Madriaga, who was then nursing her baby, her other child, 9-year old Erlinda, who was lying beside her, and her stepmother, Laura Lavandelo, Jose Madriaga's wife, who was then busy doing the dishes. Seized by fear, Rosalina and Laura gathered the children and fled to a distant place and did not come back to the hut until the following morning.

When Jose Madriaga returned to his hut later in the evening he found nobody there except the appellant Jimenez who, bolo in hand, was standing near the door. Pointing to a sack, which had its open end tied, Jimenez told Madriaga that the remains of his son-in-law were in said sack, and Madriaga noticed that the sack, as well as Jimenez's bolo, was smeared with blood, and that blood, was also splattered on the floor. Jimenez said that he had killed the deceased and threatened that he would kill all of them if Madriaga did not do as he was told. Madriaga, therefore, had to obey when Jimenez ordered him to load the sack on a cart, and the two of them then took the cart to a place about two kilometers away where Jimenez dumped the sack with its contents into an abandoned well, which was surrounded with vegetation, and thereafter warned Madriaga not to divulge what he had seen for otherwise he would kill him.

When Rosalina came back to the hut the next day, she related to her father, Jose Madriaga, what had happened the night before, and Madriaga on his part, taking courage despite appellant's threat, later reported the killing to the Constabulary.

Going to the well indicated by Madriaga, the authorities were able to fish from the water of the well the sack before-mentioned, which, on being opened, was found to contain a more or less complete human skeleton but minus the skull. Examining the bones, Dr. P. Guerrero, of the Second Sanitary Division, noticed that the clavicle and certain bones of the breast and some ribs had been severed with a cutting instrument and the doctor gave it as his opinion that before the corpse was placed in the sack it had already been dismembered. Madriaga said that the bones were those of his son-in-law.

Testifying in his own defense, appellant Jimenez denied having had any part in the killing and declared that from

5 o'clock p.m. of April 3, 1952, the day the crime was committed, he did not leave his house. His testimony, however, is uncorroborated, and it appears that the house where he stayed was only about 80 meters from the scene of the crime. His alibi is thus rather weak and cannot prevail over the testimony of eyewitnesses to the crime.

The case hinges on credibility, and we find no good reason, after going over the evidence, for not accepting the finding below that appellant was the one who killed the deceased. The finding is clearly supported by the combined testimony of Rosalina Madriaga, Erlinda de los Reyes, Laura Lavandelo and Jose Madriaga. The contradictions or inconsistencies which the attorney de oficio has noted in the testimony of the witnesses refer to mere details and do not necessarily cast suspicion on their credibility. And it may be added that at least in the case of Rosalina, who, it would appear, was sustaining illicit relations with appellant, nothing has been shown which would make it likely for her to impute to him a crime he had not really committed.

As found by the trial court, the crime was motivated by appellant's desire "to possess freely and exclusively" the wife of the deceased, there being clear evidence that she was his paramour, for which reason the husband, obviously suspicious of what was going on, tried to take her to another barrio or town while she, on her part, tried to separate from her husband but was dissuaded from doing so by her relatives. We find the evidence on this motive to be sufficiently clear despite the wife's attempt at the trial to hide her shame by saying that she believed the reason why appellant killed her husband was because the latter accused him in the presence of many persons of stealing their clothes.

The defense tried to show that Nicolas de los Reyes had joined the Huks and was still alive. But the evidence on this point is unconvincing and was probably presented with the idea of casting some doubt on the built of the accused.

The crime committed is murder qualified by treachery and aggravated by the circumstance of dwelling. We cannot accept the finding that the crime was committed with evident premeditation, nighttime and cruelty since there is no clear evidence as to the first, the second is inherent in treachery, and the third is not to be inferred from the fact alone that the body of the deceased was dismembered in the absence of proof that this was done while the deceased was still alive. There being no mitigating circumstances to offset the aggravating circumstance of dwelling, the penalty prescribed by law is death. But for lack of sufficient votes to impose that penalty, appellant is sentenced only to life imprisonment, plus the indemnity imposed below and costs.

Modified accordingly, the judgment of conviction appealed from is affirmed, with costs.

Paras, C. J., Bengzon, Padilla, Montemayor, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., and Endencia, 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.