

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
FRANCISCO CASTAÑEDA ET ALS., DEFENDANTS, FRANCISCO
CASTAÑEDA, ANTONIO CASTAÑEDA AND RODOLFO DE MESA,
DEFENDANTS-APPELLANTS.**

G.R. No. L-3535. December 28, 1951

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Charged with and convicted of robbery with homicide, the herein accused were sentenced each to life imprisonment, to indemnify Jointly and severally the heirs of the deceased Severo Guevarra in the amount of P2,000, to pay Anacleta Cada the value of the stolen properties in the sum of P894 and to pay proportionately the costs.

In the morning of August 21, 1948, in barrio Mangayang, Nueva Vizcaya, while Anacleta Cada was folding some clothes she noticed that some men were pushing the front door of her house. Sensing that it was her "brother, she admonished him for having pushed the door and broken the cord. She was surprised, however, to find that the Intruder was not her brother but Francisco Castañeda who was accompanied by Antonio Castañeda, Rodolfo de Mesa and another unidentified person. Francisco Castañeda immediately approached Anacleta with a gun aimed at her and, being frightened, she called aloud her other companions in the house. Because of such outcry, Francisco Castañeda hit her at the back of the head causing her to fall almost unconscious. Then Antonio Castañeda asked her for money, with a knife pointed to her, to which she replied that she did not have any. Nevertheless, the intruders searched her house and found P483 in cash, jewels and dresses to the total value of P456. While this was going on, Francisco Castañeda entered the room of the spouses Severo Guevarra and Rosalina Cada who them not to move, and approaching Rosalina he slapped her and covered her with blankets and pillows. At this juncture, De Mesa came and tied the hands of Severo Guevarra with telephone wire, who was later brought downstairs and, while there, Guevarra pleaded to his compadre Francisco Castañeda to spare him promising that he will not reveal to any one what has befallen them, but instead of heeding the plea, Francisco went upstairs and kicked Anacleta, warning her that if she would report the incident he would kill the entire family. Thereafter, the robbers left the house taking along Severo Guevarra and their loot. After the robbers were gone, Anacleta reported the incident to the authorities. The search for Severo ensued and three days thereafter, his dead body was found in a secluded place. The autopsy showed seven serious wounds in different parts of the body which undoubtedly caused his death.

The three accused put up the defense of alibi. Antonio Castañeda claims that on August 16 to 26, 1948, he was confined in his house in Balete, Sta. Fe, Nueva Vizcaya, because of a swollen foot. Rodolfo de Mesa claims that on the date of the commission of the crime, he was with Antonio Castañeda taking care of him. Francisco Castañeda in turn tried to prove that on August 18, 1948, upon orders of his employer, he went to Manila to buy some spare parts for truck and tractors and that he returned to Nueva Vizcaya only in the afternoon of August 21, 1948.

We have carefully examined the evidence and found nothing therein which may justify us to disturb the findings of the lower court regarding the credibility of the witnesses submitted by both the prosecution and the defense. The main support of the prosecution are the victims of the outrage Anacleto Cada and her sister Rosalina. They testified in a natural way on how they were robbed, coerced and threatened by the three accused whom they knew for many years and are familiar with their faces and voices. For this reason they did not have difficulty in identifying them. True, there are some contradictions in the affidavit taken from Anacleto Cada by the authorities and the testimony given by her in court, but this affidavit notwithstanding, we find that Anacleto had given a straightforward and consistent testimony during the trial of the case. Apparently, the contradictions pointed out by counsel for the defense are relevant and material, but considering them as a whole they are not of such serious nature as can impair the substance of her testimony. Moreover, the affidavit was not prepared by her, and it may contain inaccuracies in the interpretation of her declarations. And this was shown when she tried to explain them when she testified in court. The same thing may be said with regard to the testimony of Rosalina. We find it also consistent and sincere, with the exception of minor contradictions. The stubborn fact that can be drawn from an examination of their testimony is their certainty and conviction that the three accused herein are the authors of the dastardly act perpetrated in their house and of the death of their only male companion Severo Guevarra.

The witnesses who tried to corroborate the defense of alibi of the accused are not worthy of credence because they come from a polluted source. They are co-employees of the accused in the Sierra Madre Lumber Company. The two apparently worthy witnesses, such as Felipe Buencamino Jr. and Lt. Witongco, who were included in the list of witnesses for the defense, were not called to the witness stand. The documentary evidence presented by the defense is unreliable because it consists merely of supposed records of the Sierra Madre Lumber Company. The erasures and alterations made therein are open to suspicion more so when they bear on the dates appearing therein which indicates that they were altered to suit their defense. The medical certificate issued by Dr. Panganiban contains also some erasures. And the failure of said Doctor to explain them leads us to believe that they were made in an effort to exculpate Antonio Castañeda.

There is another circumstance which strengthens the theory that the herein accused are the real authors of the crime under consideration. The record shows that on the night the crime was committed two other robberies were committed in the same barrio and the victims are positive in their identification of the herein accused as the men who robbed them. This shows the true nature of the accused and their propensity to commit evil and mischief. There can, therefore, be no doubt as regards their guilt.

The acts committed constitute the crime of robbery with homicide defined in article 294 of the Revised Penal Code, the penalty for which is reclusion perpetua to death. No modifying circumstance having been proven, the proper penalty to be imposed is reclusion perpetua, with the only modification that the amount of indemnity to be paid to Anacleto Cada for the articles stolen should be P939, instead of P894.

Modified as above indicated, the decision appealed from is hereby affirmed in all other respects, with the proportionate costs against the appellants.

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

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