

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. BORROMEO PAGULAYAN AND SANTIAGO MATAMMU, DEFENDANTS AND APPELLANTS.

G.R. Nos. L-18422-23. July 31, 1963

Ponente: LABRADOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/3d778a9ef476/>

LABRADOR, J.:

Appeal from a decision of the Court of First Instance of Isabela, Hon. Manuel Arranz presiding, finding Borromeo Pagulayan and Santiago Matammu guilty of murder in Criminal Cases Nos. 2544 and 2571, respectively.

The evidence of record shows that on June 29, 1959, at about six o'clock in the morning, accused-appellant Santiago Matammu appeared before Mayor Calixto Cauan of San Pablo, Isabela and reported that he shot Richard Mesa in the barrio of Simanu. He was, therefore, taken to the municipal building where his statement was taken down by Sgt. Augusto Venturina of the Philippine Constabulary. In the meantime a patrolman, upon orders of the Mayor, brought the body of the deceased victim Richard Mesa to the municipal building. As certified to by the municipal health officer, the left side of the face and the cranium of the victim, Richard Mesa, were removed and only about one-fifth of the brain was left in the cranium (Exhibit "C").

In his statement before Sgt. Venturina, Matammu declared that about 7 o'clock in the evening of January 27, 1959, while he was at home at Simanu Norte, San Pablo, Isabela, Richard Mesa and two companions approached him demanding the sum of P50.00 and directing him to collect another P100.00 from the people of the barrio. The following evening the same persons came back to him to ask about the progress of the collection. Appellant informed them that it was hard to produce the amount demanded. This made the three mad and thereupon he heard one of them saying, "Mas mabuti cong walang cuarta patayammu na," meaning, "It is better, if there be no money, kill him." Upon hearing this Matammu went upstairs and instead of producing money he took a shot gun belonging to one Gabino Padron, aimed at the three persons, shouted for help, then upon hearing a gunshot, fired at the three persons. After this he ran away and when he came back he found one of them dead, namely Richard Mesa. He thereupon went to town and delivered himself to the authorities.

He further declared in his statement that he had no personal grudge against Richard Mesa; that the incident took place in the yard of his house; and that during those times there have been frequent visits of bandits in the barrio.

The statement was introduced in court as Exhibit "D" or Exhibit "1-Matammu".

Upon further investigation it was found out that the gun used by the accused-appellant was a shotgun licensed in the name of Gabino Padron.

The National Bureau of Investigation began to investigate the matter, upon petition of the sister of the deceased, and so an NBI officer took Matammu into custody and brought him to Cabagan, Isabela, where before the Assistant to the Director of the NBI, Mr. Mariano Almeda, he made another statement introduced at the trial as Exhibit "A".

In this statement appellant declared that four days before the killing on the occasion of the town fiesta of Cabagan, Isabela he had occasion to talk with Mayor Calixto Cauan of San Pablo, Isabela about the notorious character of his townmate Richard Mesa, whom the Mayor planned to liquidate. The mayor instructed him to shoot Mesa on sight, so when Matammu returned home, his co-accused Borromeo Pagulayan went to his place, as per instruction of the mayor of San Pablo, also with instruction to shoot Mesa on sight. He and Pagulayan agreed that the latter would bring Mesa to his house in barrio Simanu Norte, where they would kill Mesa. Pagulayan arrived with Mesa at the house of Matammu at about 8 o'clock at night and when Matammu heard the voice of Paguiayan he got up from bed, took the shotgun of Gabino Padron and shot Richard Mesa as per order of Mayor Calixto Cauan. After this he went to the house of the mayor to report the execution of Mesa and made the affidavit (Exhibit "D") in which he explained that he killed Mesa without notice.

Borromeo Pagulayan also made a statement before the Assistant to the Director of the NBI, Mariano C. Almeda, in which he corroborates the important details in the sworn declaration of his co-accused Matammu. According to him four days before the shooting he reported to the mayor the presence of Richard Mesa in a barrio in San Pablo; so the mayor requested him to bring Mesa to the house of Santiago Matammu, as requested by Mesa. He also had a conversation with Santiago Matammu who told him that mayor Cauan had talked with him about the apprehension of Richard Mesa. So on January 28, 1959, as previously planned, Paguiayan went to fetch Mesa from barrio Ballacayu at 7 o'clock in the evening, but it so happened that he was not there. However he left instruction that Mesa wait for him in that place and Mesa in fact arrived one hour later. Upon his arrival Pagulayan and Mesa proceeded to the house of Matammu and there he was shot by Pagulayan as previously planned by them. In the afternoon of January 28, 1959 Pagulayan had sent an emissary to advice Santiago Matammu to be ready in the evening of that day with his gun because he was going to bring Mesa to his house as agreed upon. This statement was introduced in court as Exhibit "B".

The above declarations were properly identified in court as Exhibits "A" and "B" and submitted as evidence against appellants. The Court of First Instance of Isabela, after trial, found both accused guilty of murder of the deceased Richard Mesa and sentenced each of them to suffer the penalty of reclusion perpetua, to indemnify the heirs of the deceased in the amount of P4,000 and to pay the costs. The court held that the confessions of the accused-appellants Exhibits "A" and "B" were voluntarily given and the facts stated therein do not appear to have been supplied by anybody but by the accused-appellants themselves; that the narration of essential facts in said affidavits are so natural as to disprove the claim of the accused-appellants that the Assistant to the Director of the NBI had concocted the facts stated therein. The court, therefore, on the basis of said declarations found from the interlocking confession Exhibits "A" and "B", that the accused-appellants had previously planned to liquidate Richard Mesa; that Borromeo Pagulayan invited Richard Mesa to go to the house of Santiago Matammu and when they were near the house, Santiago Matammu fired at Richard Mesa with the shotgun of Gabino Padron and caused his immediate death.

The accused-appellants have appealed the decision to this Court. Santiago Matammu claims that the real facts that had happened were those disclosed in his previous affidavit before Sgt. Venturing Exhibit "D", or Exhibit "1Matammu", in accordance with which the shooting of the deceased Richard Mesa was committed by him as an act of self-defense. The contents of said affidavits are reiterated in his testimony before the court. (pp. 94-95, t.s.n., Rapados)

As to appellant Matammu the issue is, which of the two affidavits executed by him reflects the real circumstances behind the killing of Richard Mesa, the one taken down by Sgt. Augusto Venturina at the Philippine Constabulary detachment at Tumauni, Isabela, presented as Exhibit "D" or Exhibit "1-Matammu," wherein Matammu owned the killing as an act of self-defense, or the statement he made in the presence of Atty. Mariano Almeda, Assistant

to the Director, NBI, introduced at the trial as Exhibit "A" in which he admits having liquidated Richard Mesa in connivance and with the help of his co-accused Borromeo Pagulayan, allegedly upon instigation of Mayor Calixto Cauan of San Pablo, Isabela.

We agree with the finding of the lower court that Exhibit "A" contains the true and correct version of the incidents that led to the death of Richard Mesa. No evidence was presented to show that said confessions were obtained as a result of violence, intimidation, threat or promise of reward or leniency. No motivation on the part of the investigating officer, Atty. Almeda, appears and none was in fact given, that could have impelled him to concoct the facts narrated in said affidavit. Besides, Exhibit "A" is corroborated in almost all details by the confession, Exhibit "B", made by Matammu's co-accused Borromeo Pagulayan. Only the accused-appellants themselves know the facts narrated in their confessions and they supplied the same freely and voluntarily.

On the other hand, the first statement made by Santiago Matammu, Exhibit "D" or Exhibit "1-Matammu", wherein he claims self-defense, is not worthy of the slightest credence. The narration of events is very unnatural. For example, Matammu declared in court that while inside the house he was fired at by the malefactors and he fired back to scare them, then jumped out of the window, running towards the direction of a nearby forest to hide himself; that his assailants also run away; that when he came back from his hiding place after four hours, he found the dead body of Richard Mesa in the yard of his house. It is hardly believable that Matammu would have committed the indiscretion of attempting to engage three heavily armed persons, one of them a reputedly notorious character, in a shooting affray. The instinct of self-preservation would have prompted any one in his position to jump out quietly out of the window, without first firing a shot.

The conduct of the three alleged malefactors, as depicted in Exhibit "D" is also unbelievable. Why should they suddenly shoot at Matammu when he was supposed to give some money to them, even before knowing whether Matammu really had money to hand over or none at all? It is also highly improbable that a single gun report coming from accused-appellant's direction, in answer to their fire, would have sent three heavily armed men scampering away without as much as firing a single shot back at accused-appellant. Hence, considering the inherent improbabilities contained in his first statement, We find ourselves hard put to believe that accused-appellant Matammu's statement, Exhibit "D" or Exhibit "1-Matammu" is the more credible confession.

Wherefore, the judgment of the court below finding the accused-appellants Santiago Matammu and Borromeo Pagulayan guilty of conspiracy in the murder of Richard Mesa should be, as it is hereby, affirmed.

Appellant Santiago Matammu claims that the mitigating circumstance of voluntary surrender should be credited in his favor. There is no reason to deny him this right. The penalty fixed by law for the crime committed should be imposed upon him in the minimum degree.

Wherefore, the sentence of reclusion perpetua imposed by the lower court upon Borromeo Pagulayan is hereby affirmed, but that imposed upon Santiago Matammu should be, as it is hereby, reduced to 14 years, 8 months and 1 day to 17 years, 4 months and 1 day of reclusion temporal. As thus modified the judgment in both cases are hereby affirmed, with costs.

Bengzon, C. J., Padilla, Bautista Angelo, Conception, Reyes, J.B.L., Barrera, Paredes, Dizon, Regala and Makalintal 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.