

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
BENITO GARCIA, JUANITO GARCIA, LORETO MERCADEJAS, AND
PAMFILO REGIO, ACCUSED-APPELLANTS.**

G.R. No. L-26105. February 18, 1986

Ponente: ABAD SANTOS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/401f1d4a64da/>

ABAD SANTOS, J.:

In the defunct Court of First Instance of Quezon, BENITO GARCIA, JUANITO GARCIA, LORETO MERCADEJAS, and PAMFILO REGIO were accused of robbery with homicide in Criminal Case No. 12720 committed according to the Amended Information as follows:

"That on or about the 17th day of November, 1956, in the barrio of Binagbag, municipality of Agdañgan, province of Quezon, Philippines, and within the jurisdiction of this Hon. Court, the said accused Benito Garcia, Juanito Garcia, Loreto Mercadejas, taking advantage of their superior strength and the night to better accomplish their purpose, conspiring and confederating together and mutually helping each other, did then and there willfully, unlawfully and feloniously attack, assault and beat with a piece of wood two times on the head one Cristituto Lontoc, thereby causing the instantaneous death of the said Cristituto Lontoc; that on the occasion of the attack made by the said accused, in pursuance of their cons-piracy and while Cristituto Lontoc was lying dead on the ground, with intent to gain and to rob, willfully, unlawfully and feloniously took, stole and carried away with them from the body of said victim the sum of FIFTY PESOS (P50.00), Philippine currency, to the damage and prejudice of the said Cristituto Lontoc;

"That the said accused, with cruelty and with the decided purpose to dispose of the body of the said victim, brought the latter to the railroad track and let the train run over the dead body of said Cristituto Lontoc and was later found badly mutilated.

"That the accused Pamfilo Regio, knowing of the commission of the robbery with homicide above described, but without having participated therein, either as principal or accomplice, did then and there willfully, unlawfully and feloniously take part subsequent to its commission by assisting the accused Benito Garcia, Juanito Garcia and Loreto Mercadejas in bringing the victim to the railroad track." (Expediente, pp. 53-54.)

Before the commencement of the trial, Pamfilo Regio was discharged from the information and utilized as a state witness. (*Id.*, p. 124.)

After trial, Judge Vicente A. Arguelles rendered a decision dated June 28, 1962 with the following dispositive portion:

"PREMISES CONSIDERED, the court finds the defendants Benito Garcia, Juanito Garcia and Loreto Mercadejas guilty beyond doubt of the crime of robbery with homicide, defined and punished under Article 294 in connection with Article 249 of the Revised Penal Code, and hereby sentences defendant Benito Garcia to suffer twenty (20) years of reclusion temporal; and defendants Juanito Garcia and Loreto Mercadejas each to suffer seventeen (17) years, four (4) months, and one (1) day of reclusion temporal; with the accessory penalties prescribed by law, to indemnify jointly and severally the heirs of the deceased Cristituto Lontoc in

the amount of P5,000 which includes the reimbursement of the amount of P50.00 which was robbed; and to pay the proportionate costs." (Id., 140-141.)

The accused appealed to the defunct Court of Appeals but said court in a decision promulgated April 11, 1966 with Alvendia, J. as ponente and Castro, P. J. and Perez, J. concurring ruled as follows:

"The crime committed by the accused was properly classified by the trial court as robbery with homicide. However, the court a quo erred in imposing the penalty for simple homicide as provided in Article 249 of the Revised Penal Code. The proper penalty as provided in Article 294 is reclusion perpetua to death. This appeal should, therefore, be certified to the Supreme Court pursuant to the provisions of Sec. 34, Republic Act No. 296.

"WHEREFORE, the Clerk of Court is hereby ordered to certify this case and forward the re-cords thereof to the Supreme Court for final determination." (Rollo, p. 203.)

It will be noticed that the Court of Appeals in certifying the case to this Court did not render judgment expressly and implicitly imposing the penalty of death or reclusion perpetua. This was before *People vs. Daniel*, L-40330, Nov. 20, 1978, 86 SCRA 511, where this Court thru Chief Justice Castro said:

"[T]his Court directs that, henceforth, should the Court of Appeals be of the opinion that the penalty of death or reclusion perpetua (life imprisonment) should be imposed in any criminal case appealed to it where the penalty imposed by the trial court is less than reclusion perpetua, the said Court, with a comprehensive written analysis of the evidence and discussion of the law involved, render judgment expressly and explicitly imposing the penalty of either death or reclusion perpetua as the circumstances warrant, refrain from entering judgment, and forthwith certify the case and elevate the entire record thereof to this Court for review." (At p. 540.)

Since it would not be appropriate at this time to remand this case to the Intermediate Appellate Court and so as not to delay its disposition, this Court will proceed to decide it.

Loreto Mercadejas filed a motion to withdraw his appeal and his motion was granted in this Court's resolution dated March 10, 1972. (Rollo, p. 265.) The remaining appellants, Benito and Juanito Garcia, are out on bail.

The People's version of the facts is as follows:

"At past 3 o'clock in the afternoon of November 15, 1956, Cayetano Caringal met his son-in-law Cristituto Lontoc on his way home to barrio Binagbag from the railroad station. Lontoc intended to see him to borrow money (p. 128, t.s.n., January 29, 1958). Cayetano Caringal asked him why he was borrowing money. Lontoc answered that he was going to Lucena to buy things for himself, his wife and their children and so he needed fifty pesos (p. 129, t.s.n., January 29, 1958). In his house, Cayetano Caringal loaned his son-in-law fifty pesos (p. 129, t.s.n., January 29, 1958).

"In a wedding party in the house of Torio Zoleta at Santol, Municipality of Agdangan, Quezon, on November 17, 1956 Loreto Mercadejas and Benito Garcia left at about 7 o'clock that night. Juanito Garcia departed two minutes later (pp. 12-14, t.s.n., December 5, 1957). At about 9 o'clock, Santiago Marasigan and Cristituto Lontoc also left the house. They proceeded home (p. 14, t.s.n., December 5, 1957).

"While they were passing the railroad track, Santiago Marasigan saw Loreto Mercadejas and Benito Garcia on the track. They were behind him on his right side about two arms length away (pp. 15, 26, 36, 45, t.s.n., December 5, 1957). Cristituto Lontoc was a little bit behind them (p. 36, t.s.n., December 5, 1957). Benito Garcia called him because they wanted to talk to him (p. 37, t.s.n., December 5, 1957). At a spot near the house of Carda, Marasigan turned his back while urinating. Then, to his consternation, he saw Benito Garcia hit Cristituto Lontoc on the rear part of his head with a piece of wood (pp. 15, 33-34, 37-38, t.s.n., December 5, 1957). Due to fright, Santiago Marasigan ran away towards his home (p. 15, t.s.n., December 5, 1957).

"At that moment Pamfilo Regio was opposite the coconut plantation of Mitiang. He saw Benito Garcia hit Cristituto Lontoc twice with a piece of wood (Exhibit A). The second blow was struck when the victim was already in a sitting position (pp. 47-49, t.s.n., December 5, 1957). The companions of Benito Garcia were Juanito Garcia and Loreto Mercadejas (p. 49, t.s.n., December 5, 1957).

"As Cristituto Lontoc lay prostrate, Benito Garcia called Regio and asked him to get the wallet from the pocket of Lontoc (p. 50, t.s.n., December 5, 1957). In the same manner, Loreto Mercadejas also told Regio to get the wallet from Lontoc because there was money in it (p. 53, t.s.n., December 5, 1957). Regio took the wallet of the victim containing fifty pesos. He gave it to Loreto Mercadejas who put it inside his pocket (p. 50, t.s.n., December 5, 1957). Regio was ordered by the three to help them carry the body of Lontoc to the railroad track (pp. 50-51, t.s.n., December 5, 1957).

"Benito Garcia held the body by the right hand. Juanito Garcia was on the opposite side. Loreto Mercadejas was holding the left foot and Regio was holding the right foot. The victim was dead (p. 51, t.s.n., December 5, 1957). They placed his dead body beside the railroad track parallel to it (p. 51, t.s.n., December 5, 1957). The head of Lontoc was placed towards the west and his feet were towards the east of the track (pp. 51-52, t.s.n., December 5, 1957). They placed his dead body in this position so that when it is found it would appear that a train had caused his death (p. 52, t.s.n., December 5, 1957).

"They gave Regio ten pesos. After a week, Loreto Mercadejas gave him twenty pesos with the admonition that he should not reveal to any person what he knew of the case (p. 54, t.s.n., December 5, 1957). The following morning Regio saw that the body of Lontoc was mangled to pieces. It was run over by a train (p. 55, t.s.n., December 5, 1957).

"At about 8 o'clock in the night of November 17, 1956, Emilia Caringal and her two children were in her house situated on one side of the railroad track in barrio Binagbag of Andangan, Quezon. Juanito Garcia, a resident of the said barrio, went up into her house. He took advantage of her situation and had sexual intercourse with her (pp. 88-89, t.s.n., January 24, 1962). His companions were Loreto Mercadejas and Benito Garcia. But they did not go up her house (p. 93, t.s.n., January 24, 1962). After satisfying his lust, Juanito Garcia left the house (pp. 89-90, t.s.n., January 24, 1962).

"But that same night he returned to the house. He informed Emilia Caringal, 'I already killed your husband and let him be over-ran by a train.' (pp. 90, 111, t.s.n., January 24, 1962). He asked Emilia Caringal to elope with him. But she refused to go (p. 94, t.s.n., January 24, 1962). He told her that if she would not elope with him, he would kill her (p. 94, t.s.n., January 24, 1962). She could not say anything because she was afraid. Then Juanito Garcia simply left her house (p. 96, t.s.n., January 24, 1962).

"Two days after the killing of Cristituto Lontoc, Emilia Caringal told her father Cayetano Caringal in his house that in the evening of November 17, 1956, Juanito Garcia went up her house and abused her after which he left her house with Benito Garcia and Loreto Mercadejas who had waited for him downstairs (pp. 131-132, 135, 141, t.s.n., January 29, 1958); that, not long afterwards, Juanito Garcia returned and informed Emilia Caringal that he had already killed her husband; and that he caused her dead husband's body to be run over by the train (p. 132, t.s.n., January 29, 1958). She further confided to her father that Juanito Garcia had threatened to kill her (p. 132, t.s.n., January 29, 1958)." (Brief, pp. 2-6.)

The defense of the appellants is that of alibi; they also impugn the credibility of prosecution witnesses Santiago Marasigan and Pamfilo Regio.

Appellants Benito Garcia and Juanito Garcia both claim that they did not leave the house of Victorio Zoleta after the wedding party on November 17, 1956. They said that they slept in Zoleta's house and it was there the next morning that they learned of Lontoc's death.

The appeal must fail; appellant's alibi cannot prevail over the positive testimony and identification made by

Santiago Marasigan and Pamfilo Regio, who had no reason to testify falsely, that Benito Garcia hit Lontoc twice on the head with a piece of wood and later the appellants, including Mercadejas and Regio, placed the body on the railroad track. This was after Lontoc's wallet had been extracted and given to Mercadejas.

The alibi of the appellants must also fail because of the testimony of Emilia Caringal, widow of the deceased Lontoc. She testified as follows:

"ATTY. TALAGA: [Private prosecutor]

With the permission of this Honorable Court.

Q

You said that you are residing in Barrio Binagbag, Agdangan, Quezon. Since when have you been residing in that place?

A

I have been residing there for a long time already.

Q

On the night of November 17, 1956, do you remember where you were?

A

Yes, sir.

Q

Where were you?

A

I was in my house, sir.

Q

In what place is your house situated?

A

My house is on the other side of the railroad track.

Q

In what barrio or municipality?

A

In Barrio Binagbag, Agdangan, Quezon.

Q

On that particular night, was there anybody with you in your said house where you were staying?

A

Yes, sir.

Q

Who were with you on that night in your house?

A

My two children.

Q

Do you know Juanito Garcia, one of the accused in this case?

A

Yes, sir.

Q

Will you point him?

A

(The witness pointed at the accused Juanito Garcia).

Q

How about Benito Garcia, one of the accused, do you know him?

A

Yes, sir. He is that one (the witness pointing at the accused Benito Garcia).

Q

How about Loreto Mercadejas, the other accused, do you know him?

A

Yes, sir. He is there (the witness pointing at Loreto Mercadejas).

Q

You said that on that night in question your companions in your house were your two children. How about your husband, where was he?

A

He was in Lucena.

COURT:

Q

What is the name of your husband?

A

Cristituto Lontoc, sir.

ATTY. TALAGA:

Q

On that particular night, November 17, 1956, while you were in your house, was there any-thing that happened?

A

There was, sir.

Q

Will you tell the Honorable Court what happened while you were in your house on that night?

A

There was a person who went up the house.

Q

How many persons?

A

One, sir.

Q

Do you know that person who went up your house on that night?

A

Yes, sir.

Q

Who was he?

A

He is Juanito.

Q

Juanito what?

A

Juanito Garcia.

Q

Is he the same Juanito Garcia whom you pointed a moment ago before this Honorable Court?

A

Yes, sir.

Q

Approximately, what time did this Juanito Garcia went up your house on that night?

A

Eight o'clock, more or less.

Q

Do you have a watch on that night?

A

None, sir.

Q

How did you know that it was eight o'clock?

A

I just calculated it.

Q

Was Juanito Garcia alone when he went up the house?

A

They were three.

Q

Who were the other two?

A

Loreto and Benito.

Q

Are they the same Loreto Mercadejas and Benito Garcia to whom you pointed a moment ago before this Honorable Court?

A

Yes, sir.

Q

After Juanito Garcia came up your house, what did he do?

A

He took advantage of my person.

Q

What do you mean by 'he took advantage of my person.'

A

He took advantage of my person.

Q

Has Juanito Garcia been doing this to you before the incident that particular night?

A

Yes, sir.

Q

About how long, more or less, has he been doing that to you?

A

Nine o'clock, more or less.

Q

You did not answer the question. What I am asking you is, for how long a time before that? You said that before that incident that night Juanito Garcia has been doing that to you. What I am asking you is, for how long a time

before that has he been doing that to you before that incident?

COURT:

Suppose you ask her first for how many times.

ATTY. TALAGA:

Q

How many times has this Juanito Garcia been doing this to you before that particular night?

A

For a long time already.

Q

Approximately for how long?

I withdraw that question.

COURT:

You can ask when was the first time.

ATTY. TALAGA:

Q

When was the first time that this Juanito Garcia did this to you?

A

I do not remember anymore.

Q

In other words, Juanito Garcia and you had an intimate relationship before that particular night of November 17, 1956?

A

Yes, sir.

Q

After Juanito Garcia had taken advantage of you or has committed sexual intercourse with you, what did he do after that?

A

He left, sir.

Q

Did he ever return on that same night?

ATTY. ALCALA: [Counsel for Benito and Juanito Garcia]

Suggestive, Your Honor.

COURT:

The question may be answered.

WITNESS:

A

He returned, sir.

ATTY. TALAGA:

Q

Do you know approximately what time did he return on that same night?

A

I do not remember anymore.

Q

What did Juanito Garcia do when he returned later that night?

A

He told me that he had already killed my husband.

Q

Anything more that he told you?

A

Nothing more, sir.

Q

Was Juanito Garcia alone when he returned that night?

A

Yes, sir." (TSN, pp. 87-90.)

The evidence shows that it was Benito Garcia only who clubbed Lontoc twice on the head but because the appellants manifested a community of purpose indicative of conspiracy all are equally guilty. For as the trial judge said:

"x x x the cooperative acts of the other two defendants Loreto Mercadejas and Juanito Garcia, their closeness or personal association as they stood together, and when together they placed the victim on the railroad tract reassuring his death and covering the crime and dividing the money robbed among themselves, all show the existence of a community of purpose among the defendants to do the criminal act subject of the information." (Expediente, p. 140.)

The appellants committed the crime of robbery with homicide without any modifying circumstances.

WHEREFORE, the appealed judgment is affirmed save for the following modifications: the appellants shall suffer the penalty of reclusion perpetua and the indemnity is increased to P30,000.00. No special pronouncement as to costs.

SO ORDERED.

Concepcion, Jr., (Chairman), Escolin, Cuevas, and Alampay, 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.