

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
PEPING MANGALUS ALIAS PEPING ET AL., DEFENDANTS.***G.R. No. L-10982. May 19, 1958*

Ponente: LABRADOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/427378df4afa/>**LABRADOR, J.:**

In G.R. No. L-10982 the defendants are accused of frustrated murder committed on the person of Servando Reyes, while in G.R. No. L-10983, of murder committed on the person of Pedro Reyes. The above cases were tried jointly. One of the accused, Bienvenido de Jesus, was utilized as a government witness. After trial the court found Pepito Mangalus guilty of the crime of frustrated murder and sentenced him to an indeterminate penalty of from 6 years and 1 day of prision mayor to 14 years, 8 months and 1 day of reclusion temporal, to pay Servando Reyes the sum of P3,000 as damages, and to pay one-half of the costs. All the other defendants were acquitted. In G. R. No. L-10933 the court found Bonifacio Bueno guilty of murder and sentenced him to life imprisonment, to indemnify the heirs of Pedro Reyes in the sum of P6,000 and to pay one-half of the costs. All the other defendants were also acquitted. From the above judgments the convicted defendant in each case has appealed to this Court.

The evidence for the prosecution satisfactorily shows the following: In the evening of September 26, 1954, at about 6 o'clock, while Bienvenido de Jesus was in the house of Cesar Salas in the barrio of San Fernando, municipality of Cabiao, Nueva Ecija, appellant Bonifacio Bueno and Francisco Bernardo arrived. Thereupon, Bueno ordered Salas to fetch Pepito Mangalus who was living not far away. Salas went as ordered and soon he came back with Pepito Mangalus. It was then that Bueno invited the other three to go with him to barrio San Julian to get chickens from his uncle. Pepito Mangalus agreed and so did the rest. So they set out from San Fernando walking, bound for San Julian.

When they reached a river, they crossed it in a banca. Once on the other side (of the river), three of them, namely Bueno, Mangalus and De Jesus went ahead, while Salas and Bernardo were left behind to put the boat in a dry place. As the three walked on and left their two other companions, Bueno disclosed to his companions that their purpose was not really to get the chickens of his uncle but to go after Pedro Reyes, who, according to Bueno, had caused the death of his father. De Jesus ventured the objection that it might not be true that Pedro Reyes had been the author of the death of Bueno's father. But Bueno answered that many persons had assured him of that fact and that he was certain that it was true. When Mangalus heard of Bueno's determination, he asked Bueno what instrument they had with which to carry out their intention and Bueno answered by showing a .38 caliber automatic pistol.

It was not long before the three arrived at the hut of Pedro Reyes at barrio San Julian, Cabiao. Once they reached the hut, Mangalus lighted the inside of the hut with a flashlight. They saw that there were two persons inside, one of them being Pedro Reyes, Mangalus awoke Pedro Reyes and then Bueno ordered him to go down. Pedro went down as ordered. It was then that Bueno accused him of having caused the death of his father. Pedro Reyes denied the accusation saying that he did not know anything about the matter. Not satisfied with this answer, Bueno boxed him and he fell down.

In the meantime, Mangalus went back to the hut and upon lighting the inside saw Servando Reyes therein. He asked Servando if he knew him and Servando answered that he did. After some time Mangalus went down the hut to the place where Bueno was. Bueno was in front of the hut with Pedro Reyes. Mangalus reported to Bueno that Servando Reyes had recognized him and that it was necessary that he, Servando, should also be killed as he might still be able to declare against them. So Bueno instructed Mangalus that Servando Reyes be brought out. Mangalus went back to the hut and ordered Servando to go out. When Servando was already out and while they were all in front of the hut, with Bueno and Pedro Reyes nearby, Mangalus again asked Servando if he recognized him and Servando stated that he did. Upon receiving this answer Mangalus took the revolver from the hands of Bueno and fired a shot at Servando. The shot hit Servando near the shoulder and Servando fell down. Bueno then also got back the revolver from Mangalus and fired a shot at Pedro Reyes. The bullet struck Pedro at the right parietal bone of the head. The bullet entered the head to a depth of about 3-1/2 inches. Reyes was immediately killed. As Mangalus saw that Servando had not been killed by the shot, he again took the revolver from Bueno and fired three shots at Servando who was lying down. Two of the shots did not explode but the third one grazed the head of Servando. After this third shot, the three went away and joined the two who had been lagging behind and went back home.

Servando testified that after Bueno and his companions were gone, he went to a neighboring hut where his sister-in-law was living. He informed them of what had happened. He told them that Pedro Reyes had died and that his wound pained him.

The above facts were testified to by Bienvenido de Jesus. The attack against Servando Reyes was also described by him and corroborated by the testimony of Servando Reyes.

Another evidence submitted by the prosecution is the affidavit, confession of Pepito Mangalus, which was presented as Exhibit "C." However, Mangalus testified that this was obtained from him by force and violence because he was given the water cure and he had to consent to signing the confession against his will.

The defenses offered by each of the two accused is an alibi. Each of them testified that they had not gone out of their respective houses on the evening in question and had slept there without going down. Their testimonies were corroborated by members of their families.

The defendants also claimed that Bienvenido de Jesus did not tell the truth and that he testified against his two co-accused because the latter had a fight with De Jesus inside the jail. The prosecution, however, submitted the records of the jail to prove that there was no such incident of a fight between the inmates at the time when the three were supposed to be together at the jail. De Jesus also denied such fight when on the witness stand.

There is one important circumstance which shows that the identities of the persons who had committed the murder upon the person of Pedro Reyes and inflicted the wounds upon the person of Servando Reyes had never been doubted. Mangalus himself admitted that he was arrested the following day, September 28, and put in jail. If the testimonies of Reyes and De Jesus about the identity of the defendants had not been positive, the police would not have made the arrests of the defendants-appellants in so short a time and after the commission of the crime.

The trial court refused to give credence to the defense of alibi and readily believed the identification of the defendants-appellants by Servando Reyes. We have also carefully read the record and we find that the conclusions of fact made by the trial court with respect to the probative value of the evidence submitted by the defense is correct. It may be added that Bonifacio de Jesus testified in a positive, direct and logical manner, and so did Servando Reyes. De Jesus could not have fabricated the whole story of the chain of events that occurred that night without erring in some respects or particulars had the same not been true. We can find no reason or ground for reversing the findings of fact made by the trial court.

We venture to state, however, that there is some evidence to indicate that before Bueno, Mangalus and De Jesus arrived at the hut of Pedro Reyes, there was a sort of agreement if not acquiescence on the part of Mangalus to the killing of Pedro Reyes. There is also evidence to show that Bueno acquiesced or agreed that Servando Reyes also be liquidated. With these circumstances, Bueno and Mangalus were both guilty of the murder of Pedro Reyes and the frustrated murder committed against Servando Reyes. However, the court has already acquitted Bueno of the frustrated murder against Servando Reyes and Mangalus of the murder of Pedro Reyes, and the decision acquitting him cannot now be touched by Us on this appeal.

Wherefore, We hereby find that both judgments of conviction and the sentences imposed in each are correct and We, therefore, affirm them in toto, with costs against the appellant in each of the above cases. So ordered.

Paras, C.J., Bengzon, Montemayor, Reyes, A., Bautista Angelo, Concepcion, Reyes, J.B.L., Endencia and Felix, 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.