

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. TEOFILO ORDIZ ET AL., DEFENDANTS; EUGENIO ARAW AND PEDRO RICON, DEFENDANTS AND APPELLANTS.*G.R. No. L-3547. October 29, 1953*

Ponente: PARAS, C.J.

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The defendants-appellants Eugenio Araw and Pedro Ricon were charged in the Court of First Instance of Albay, jointly with several others, with having murdered Escolastico Matias in the municipality of Oas, Province of Albay, on October 11, 1944. Upon petition of the defendant Filomeno Renegado, the case as against him was transferred to the Guerilla Amnesty Commission which, on June 30, 1949, extended to him the benefits of amnesty. Luis Renegado, another defendant, died during the pendency of the trial and the case as against him was, therefore, dismissed on May 12, 1947. The defendant Jose Vega, who was tried separately, was acquitted on August 1, 1947. The case as against Isagani Ribadavia was dismissed upon motion of the fiscal for lack of sufficient evidence. The defendants Vicente Rimando, Pablo Armillo, Rotulo Cilerio and Cecilio Manchos were still at large at the time of the trial. After hearing the case as against the defendants Teofilo Ordiz, Leonardo Rito, Pedro Ricon and Eugenio Araw the Court of First Instance of Albay acquitted the first two, but found Eugenio Araw and Pedro Ricon guilty as charged and sentenced them to reclusion perpetua, with legal accessories, to indemnify jointly and severally the heirs of Escolastico Matias in the sum of P2,000, plus the costs. From this judgment Eugenio Araw and Pedro Ricon have appealed.

The Solicitor General in his brief recommends, in view, of the mitigating circumstance of lack of instruction as found by the trial court, that the appellants be sentenced only to an indeterminate penalty the minimum of which should not be less than 10 years and 1 day of prison mayor or more than 17 years and 4 months of reclusion temporal, and the maximum not less than 17 years, 4 months and 1 day or more than 20 years of reclusion temporal.

The evidence for the prosecution tends to show that the appellant Eugenio Araw mortgaged to Escolastico Matias a parcel of riceland. In or around September and October, 1944, Eugenio wanted to redeem the mortgage, but Escolastico did not accede thereto. On October 10, 1944, Eugenio complained to Filomeno Renegado, a guerrilla lieutenant, about the refusal of Escolastico; and this caused Filomeno to order some of his soldiers, among whom were the two appellants, to arrest Escolastico. The arrest was effected in the evening of that day in the municipality of Ligao, Province of Albay, and Escolastico was thereafter tortured by the arresting officers. Escolastico was then taken by the soldiers to the headquarters of Lt. Filomeno Renegado in Maguiron, municipality of Oas, where the party arrived in the evening of October 11, 1944. Informed of the arrival of Escolastico, Filomeno Renegado asked his soldiers why Escolastico had not yet been killed, and thereupon ordered that Escolastico be taken behind the headquarters and tied to a guava tree. After conversing with Eugenio Araw and Jose Vega, Filomeno rushed to the place where Escolastico was tied and stabbed the latter with a dagger. Filomeno then handed over his dagger to Balbino Ranoco and ordered the latter to finish Escolastico, an

order which was carried out.

The appellant Pedro Ricon set up a defense of alibi, while the appellant Eugenio Araw denied the story about the mortgage, his alleged denunciation of Escolastico Matias to Lt. Filomeno Renegado, and his alleged participation in Escolastico's arrest, torture and murder.

The trial court found that appellant Eugenio Araw instigated the arrest of Escolastico Matias by guerilla lieutenant Filomeno Renegado because of Escolastico's refusal to allow the redemption of the mortgage. There is evidence, however, to the effect that Eugenio did not own the land allegedly mortgaged to Escolastico; that said land was owned by Eugenio's wife and sister-in-law, and that such redemption was not insisted upon and the matter was later even settled amicably. But assuming that Eugenio might really have harbored some ill feeling towards Escolastico as a result of the latter's refusal to release the mortgage, the fact remains that Filomeno Renegado, who ordered the arrest and in fact personally killed Escolastico, in conjunction solely with Balbino Ranoco, was exonerated and granted amnesty by the Guerilla Amnesty Commission, on the ground that he caused the arrest of and killed Escolastico in furtherance of the resistance movement. The two appellants, who are admittedly members of the guerilla unit headed by Lt. Filomeno Renegado, merely obeyed the latter's order, and must, therefore, for the sake of consistency, also be held exempted from any criminal liability. The trial court denied the motion for new trial filed by the appellants based on newly discovered evidence consisting in the favorable testimony of Filomeno Renegado, and this denial is assigned as an error. For the purpose of this decision it is not necessary to make any ruling on the point since the admitted exoneration of Filomeno by the Guerrilla Amnesty Commission must be considered fatal to appellants' conviction.

Wherefore, the appealed decision is reversed and the appellants acquitted with costs de oficio. So ordered.

Pablo, Bengzon, Padilla, Montemayor, Reyes, Jugo, Bautista Angelo and Labrador, JJ., concur.

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