

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.  
GORGONIO MACABUHAY, JUAN MACABUHAY, MAXIMO  
MACABUHAY, ALEJANDRO SALVADOR, AND PERFECTO BACASNO,  
DEFENDANTS AND APPELLA...**

*G.R. No. L-1650. April 29, 1949*

Ponente: BENGZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/48f47642ea59/>

---

**BENGZON, J.:**

For having murdered Fidel Saborrido, the five appellants were sentenced, last July, in the Court of First Instance of Samar to suffer life imprisonment and to indemnify his surviving heirs.

In the municipality of Basey, same province, early in the evening of March 16, 1947, Fidel Saborrido met bloody death at the point, of a bolo wielded by the accused Gorgonio Macabuhay. A few minutes before the encounter the victim was enjoying a song feast in the house of Alfredo Acesto, in the company of Luis Graboso, Alfredo Graboso, Sofronio Distrajo and Fernando Regala. At the same time, while the five accused were making pilipig in the home of Felix Ramos about forty yards away, someone threw a stone that almost hit Perfecto Bacasno. Wherefore all said accused marched to the residence of Acesto obviously suspecting the culprit was there. And what happened afterwards, Guillermo Graboso (corroborated by Luis Graboso) describes as follows:

"After Sofronio Distrajo, a girl of the house and myself had rendered vocal selections, Perfecto Bacasno and the other accused arrived at the yard. Perfecto entered the house and asked who had cast the stone. We all denied having done it. He scrutinized each of us. Then he climbed downstairs. Immediately thereafter Alejandro Salvador called on Fidel Saborrido to go down. Fidel approached the door and inquired, "What is it Tata." Alejandro replied, "Just come down." Fidel did as requested; but once on the ground he was all of a sudden seized and held fast by Perfecto, Juan, Maximo and Alejandro even as Gorgonio stabbed him on the right nipple with a small bolo. Thus wounded, Fidel was released by his attackers and he ran to the beach where he fell and expired."

The local health officer declared in open court that the wound caused the death of Fidel.

In an attempt to clear himself and his conferees Gorgonio Macabuhay told the judge that he killed Saborrido because the latter had boxed him twice. And to be consistent, he swore that his co-accused took no part in the fight. However he failed to explain how and why the quarrel took place, and his tale of self-defense was not corroborated by anybody.

The other appellants except—Maximo Macabuhay—also testified denying all culpable connection with the unhappy incident. They even denied having witnessed it. Yet, they unwittingly confirmed some material points of the people's version, to wit: the presence of Guillermo Graboso and Luis Graboso in the scene of the crime; the stoning of Ramos' residence which showed the motive for the assault; the search for the unknown stone-thrower by Perfecto Bacasno and Alejandro Salvador; and the attendance at the pilipig party of Juan Macabuhay and Maximo Macabuhay, attendance which Gorgonio had stubbornly denied in an unfortunate try to save his two

brothers from just punishment.

Indeed after closely examining the contradictory declarations of these defendants we found it easy to accept the prosecution's theory, notwithstanding the apparent defects which the attorney-de-officio has indicated in a conscientious discharge of his official duty. We are persuaded that appellants, incensed at the stone-throwing took vengeance upon Fidel Saborrido, by attacking him in the form described by Guillermo Graboso. That all of them were rounded up that very night is added evidence of their known participation in the tragic occurrence.

And this brings up the question whether, like Gorgonio, the other appellants are responsible authors of the killing. The Solicitor General abl sustains the affirmative, and previous decisions of this court in parallel situations support his view.[1] It seems clear from the evidence that all the accused, animated by one motive (to avenge the stone-throwing) proceeded to the Aclesto house for a showdown, and there simultaneously attacked Fidel Saborrido in pursuance of such purpose. Therefore, all and each of them were in fact and in law the cause of his untimely demise. Pity that one life should be forfeited in consequence of a youngster's prank.

In view of the foregoing, the verdict of the trial judge that appellants are guilty of murder[2] must be and is hereby affirmed. The penalty imposed must also be approved, it being in accordance with law (art. 248 Rev. Penal Code). However we agree with counsel on both sides that Gorgonio Macabuhay is entitled, to mitigation, because he was less than eighteen when he committed the offense. His term of imprisonment is therefore fixed as not less than fourteen (14) years and eight (8) months and not more than twenty (20) years. Thus modified the appealed judgment is affirmed in all other respects. With costs. So ordered.

Paras, Feria, Pablo, Tuason, Montemayor, and Reyes, JJ., concur.

---

[1] United States vs. De la Cruz, 17 Phil., 527; United States vs. Cueva, 23 Phil., 553; People vs. Manalo, 52 Phil., 484.

[2] United States vs. Feria, 2 Phil., 45; United States vs. De la Cruz, supra; United States vs. Manalo, supra.

---

## CONCURRING

### **PERFECTO, J.:**

Our concurrence in the decision is subject to our consistent opinion that the indemnity should not be less than P6,000 in accordance with the doctrine set in People vs. Amansec (80 Phil., 424).

### **PARAS, J.:**

I hereby certify that Chief Justice Moran voted to modify the decision as above indicated.

**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.