

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
MELCHOR SOLETA, DEFENDANT-APPELLANT.***G.R. No. L-2619. April 29, 1950*

Ponente: OZAETA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/497fe2da289c/>**OZAETA, J.:**

Upon information filed by the fiscal on April 15, 1948, the appellant was tried and convicted of murder alleged to have, been committed on April 19, 1943, and sentenced by Judge Juan P. Enriquez of the Court of First Instance of Marinduque to suffer reclusion perpetua and to indemnify the heirs of the deceased Juanito Luci in the amount of P8,000.

It appears that in March, 1947, a complaint against the accused for the same crime was dismissed by the justice of the peace, after a preliminary investigation, for lack of prima facie evidence. In March, 1943, another complaint against the same accused and one Rafael Soberano was filed before the same justice of the peace, which gave rise to the present case. The fiscal, however, filed an information against the accused Melchor Soleta alone, charging him as follows:

That on or about the 19th day of April, 1943, in the sitio of Walos, barrio of Bagtiñgon, municipality of Buenavista, Marinduque, the said accused Melchor Soleta wilfully, unlawfully and feloniously, with intent of killing Blas Arcano and a minor named Juanito Luci, conspiring and confederating together with Ricardo Perez and Rafael Soberano, Who are still at large, and Enrique Llagono, who is already dead, and by helping one another, being conveniently armed, with evident premeditation and treachery, attacked, assaulted and stabbed the said Blas Arcaño and Juanito Luci, wounding the said individuals, the first on his back, and the latter by his side, which injuries being necessarily mortal caused more or less their instantaneous death. The information further alleged the aggravating circumstances of abuse of confidence and of superior strength.

Although the evidence for the prosecution shows that both Blas Arcano and Juanito Luci were killed, the trial court convicted the accused of the killing of Juanito Luci alone.

Only one witness, Luis Sadiwa, testified as to the alleged killing, and no proof whatsoever was adduced as to the motive.

It appears that the deceased Blas Arcano and Juanito Luci were houseboys of Arturo Sevilla, a property owner of the town of Gasan, Marinduque. The accused Melchor Soleta, a resident of the barrio of Tigion, Gasan, asked permission from Arturo Sevilla on April 15, 1943, to live in the latter's house in the town of Gasan "because he (Soleta) was residing in the barrio and there was an order that people must live in designated places." Sevilla acceded to that request, and Soleta and his family caiae to live in ^villa's house on April 18, 1943.

According to the testimony of Arturo Sevilla, in the evening of April 18, 1943, the accused wanted to go to his barrio to get bananas. Sevilla told him that there was an order of Capt. Untalan not to allow the people to leave the poblacion, but the accused said he knew all the guerrillas and he would be responsible for the lives of Sevilla's

two boys, evidently referring to Sevilla's houseboys Blas Arcaño and Juanito Luci. Continuing his testimony Sevilla said:

In the morning of April 20th (sic), Soleta went to the barrio with my two boys and also her daughter Soledad. The next day Melchor Soleta returned alone and I asked him where were my boys and, the camotes and bananas and he told me he left them because they could not bring the camotes. Then I asked him why he allowed them to stay there and he told me the boys will come back with the camotes and bananas. Then I permitted that. Then on the next day, April 21st, he came back and told me 'to tell you frankly we were caught by the guerrillas and I did not know those guerillas. Their faces were pale and black and they were brought to the camp.' I told him, 'why did you not tell me yesterday that you were caught?' He answered, 'I am afraid compadre, they are now in the camp.' I asked, him why they were confined there and he did not answer me. I told him to go and look for my boys. The following morning April 22nd, Melchor Soleta and his family left my house without my knowledge and since that time I have not seen him until now. No more.

"Q. When did they leave your home?

A. April 22nd, 1943.

"Q. Did they ask your permission to leave your house?

A. No, sir."

Luis Sadiwa, 37,. married, tuba-gatherer, the only supposed eyewitness to the crime, testified in substance as follows: On April 19, 1943, he was in Tabiongan. While he was there on guard Melchor Soleta passed by with two persons hog-tied, Juanito Luci and Blas Arcaño, Soleta requested him to accompany them to the camp, saying that he did not know the way. When they reached the camp Soleta delivered "the two individuals to Lt. Llagono and he told Lt. Llagono that these were the two persons he arrested. Lt. Llagono called Soberano and gave Blas Arcaño and Juanito Luci to him to be killed by them. . . They were taken 15 meters away from the camp and Melchor Soleta stabbed the boy Juanito Luci on the side. . . Blas Arcaño was stabbed on the back by Soberano, and he died. . . The boy died, and then I returned to the camp."

That was the testimony of the only supposed eyewitness on direct examination. On cross-examination he further testified: During, the whole period of the occupation he resided in Tabiongan with his family. He was connected with the guerrillas as civilian guard. When the guerillas went to the mountains of Gasan they posted guards. They were instructed to accompany those persons who did not know the way to the camp. He had been serving as a civilian guard of the guerrillas for about two months. His immediate chief was Lt. Llagono. When he accompanied Melchor Soleta he did not inquire as to who those persons who were hog-tied were; he did not ask any question. Neither did he ask Soleta why he was bringing those two persons to the camp. He said Soleta was not affiliated with the guerrilla unit to which he (witness) belonged, when asked whether Soleta was the only one who brought those two persons on April 19, 1943, he replied: "Yes, sir, they were four, Ricardo Perez was included." He knew Ricardo Perez, whom he used to see during the Japanese occupation; and as guard he used to see Ricardo Perez in the camp of Lt. Llagano. He knew Pablo Luci, the father of Juanito: he had known him for a long time. He informed Pablo Luci as to what happened to his son Juanito, in January, 1943, "because he told me that he was looking for his son." Pablo Luci was the only person to whom he gave information that Juanito was killed. He did not inform the chief of police of Gasan about it; neither did he inform Arturo Sevilla about it. After Melchor Soleta delivered the two boys to Lt. Llagono, the latter without asking any question just told them: "Take away these two boys and kill them."

“Q. Since when have you known Juanito Luci?

A. From the time his father was looking for him.

“Q. It was January, this year, when you learned that he, Pablo Luci, was looking for his son?

A. Yes, sir.

"Q. When did you first know this Blas Ascaño?

A. When I asked for his name.

"Q. When was that?

A. April, 1943.

"Q. When and where was that, in what particular occasion?

A. In Tabiongan on the way going to the camp.

"Q. Did you do the same thing to Juanito Luci?

A. I did not.

"Q. When as a matter of fact you only learned of the name of Juanito Luci on January, 1948, when the father was looking for him?

A. Yes, sir.

x x x

"Q. Did anybody approach you to be a witness in this case?

A. None, except Pablo Luci and to whom I mentioned to him what happened.

"Q. When did Pablo Luci approach you and requested you to be a witness in this case?

A. January, 1943.

“Q. You were requested in that year to be a witness?

A. Yes, sir.

xxx

"Q. After seeing the killing, did you inform anybody about it, like your wife?

A. No, sir.

"Q. Your common-law wife, when you returned home, did you tell her?

A. No, sir.

"Q. Were you already having common-law wife in April, 1943?

A. None, yet, sir.

"Q. Who were your companions in your house in April, 1943?

A. My wife.

"Q. The very common-law wife you affirm now or your legal wife?

A. My common-law wife.

"Q. You did not inform her of the incident you saw on April 19, 1943?

A. No, sir.

"Q. After liberation did you inform the barrio lieutenant of Tabiongan of the incident that you saw?

A. No, sir.

x x x

"Q. Since when have you known Melchor Soleta?

A. This time only."

After witnessing the killing he (witness) and Ricardo Perez left at the same time. Ricardo Perez did nothing during all the time that transpired from their arrival up to the time of the killing.

On redirect examination he said that the camp to which he accompanied Arcaño, Luci and Ricardo Perez was about four kilometers from the place where they found him on guard. He was not familiar with the terrain in that place surrounding the camp at Wallos. He did not tell anybody about the murder of Luci and Arcaño because he was afraid of the guerrillas.

"Q. You stated also on cross-examination that you were approached to become a witness in this case first in the month of January, 1948 and later on further cross-examination you stated again that it was Jan. 1943, will you please explain and tell this Court what date you were really asked to become a witness in this case? A. They approached me this January, 1948, only.

"Q. You also stated on cross-examination that you only came to know Melchor Soleta today, but you stated on direct examination and also on cross-examination that /you/ know this Melchor Soleta personally before and long ago because you come from adjacent barrios, will you please clarify that? A. I came to know him just now because he is living in a far place from me.

"Q. But did you know him by face on April 19, 1943, at the time when Melchor Soleta, Ricardo Peres, Juanito Luci, and Blas Ascano passed the place where you were standing guard and you accompanied, them to the camp where Lt. Llagono was? A. Yes, sir.

"Q. Why did you state in your previous answer that you only come to know him now, will you please explain that? A. I came to know him: that month of April.

"COURT: Q. Did you know his name that time? A. Yes, sir, but I made mistake in my former answer because he is living in a far place from me."

On recross-examination he said he was no longer afraid of the guerrillas in 1946 and 1947, but that he was still afraid of them in 1945, although there were no more guerrillas in that year.

Testifying in his own behalf, the accused Melchor Soleta, 43, married, farmer, and resident of barrio Tigion, Gasan, Marinduque, declared in substance as follows: It is not true that he killed Juanito Luci. It is true that on April 19, 1943, he was living with Arturo Sevilla. In the night of April 13, 1943, while they were dining with Arturo Sevilla, the latter ordered them to buy camotes in barrio Dongonin. When they arrived in that barrio and while he ;(witness) was placing the camotes in the sack, three persons—Sofronio Justiniano, Ricardo Perez and Paulino Labay— came and arrested them. He believed that those persons were guerrillas. He, Blas Arcaño and Juanito Luci were tied by said three persons and taken to the other side of Tabiongan River, where they asked him if he did not live in Tigion, and he answered in the negative. After further questioning they released him, but they said that they would take Arcaño and Luci to the camp. After being released he went home. When he arrived in the house of Arturo Sevilla he informed the latter that he and his two companions were arrested by the guerrillas and that his two companions were taken to their camp. After leaving Sevilla's house he went to Mindoro in Sevilla's banca and Sevilla went with him. He did not know the witness Luis Sadiwa. He saw him for the first time on the day of the trial. He denied Luis Sadiwa's testimony against him, saying that it was not true. He had been living with Arturo Sevilla for about five days before April 19, 1943. He transferred his residence from the house of Arturo Sevilla because he became afraid of the guerrillas after his arrest.

On cross-examination he testified: He started to live with Arturo Sevilla "when we were zonified by the Japanese around the 14th of April, 1943." He knew Sofronio Justiniano, Ricardo Perez and Paulino Labay even before the incident of his arrest by them. He had known Blas Arcaño and Juanito Luci for more than a year before April 18, 1943. He tried to intercede on behalf of Juanito Luci and Blas Arcaño, saying that they were not spies and that their purpose was to buy camotes, but they (the guerrillas) refused to release them. Witness was not personally known to Lt. Llagono. He swore positively that he did not meet Lt. Llagono during the month of April, 1943. Witness was not a member of the civilian guard and did not serve in any capacity under the direction of the guerrillas. He only helped the guerrillas if they asked palay from him. He had been on good terms with his compadre Arturo Sevilla.

The other witness for the defense was Donato Magararu, 56, widower, farmer, who testified in substance as

follows: On April 19, 1943, he was taken to the camp of the guerrillas under the command of Lt. Llagono. While he was there Blas and Juanito arrived with their hands tied, with Paulino Labay, Ricardo Perez and Sofronio Justiniano. He did not see Melchor Soleta there. Blas and Juanito were delivered to Lt. Llagono and after the investigation they were delivered to Rafael Soberano "who instructed them to go away." He did not know what happened afterwards. Ricardo Perez accompanied Rafael Soberano in taking away Blas and Juanito.

On cross-examination he testified that he came to know that lie would be a witness for the defense a long time ago because he voluntarily presented himself to the accused to be a witness. He met the accused in 1946 in Gasan. He knew then that there would be a case against him. He (accused) came from Mindoro. He knew that there was already a case against the accused at the time he voluntarily told him that he would be available as a witness. He knew that the accused was arrested. He was not yet arrested in 1946", but in 1947. It was in 1947 that he told the accused that he could utilize him as a witness. He talked to the accused twice, in 1947 and in March, 1946j about being a witness, "when he (witness) was arrested by the guerrillas he was in the mountains of Salao. He did not know the name of the guerrilla who arrested him. He arrived at the camp about 3:00 o'clock in the afternoon. There were members of the guerrilla in the camp, but he did not know their names. He remained in the camp to be investigated. Immediately after the investigation he was released and he left the place. The camp was about thirty meters in length. There were several camphouses or barracks there for the soldiers. It was Lt. Llagono who investigated him.

In rebuttal Luis Sadiwa denied the testimony of the accused to the effect that the accused met him for the first, time during the trial of the case; the truth, he said, was that they had known each other for a long time.

The fate of the appellant hinges on the credibility and sufficiency of the uncorroborated testimony of Luis Sadiwa. On that question we entertain serious doubts for the following reasons:

1. Luis Sadiwa's testimony does not ring true, and it is self-contradictory. He stated on direct examination that he knew the accused Melchor Soleta, pointing to him in the court. When asked on cross-examination how long he had known the accused, he categorically answered: "This time only." On redirect examination he reiterated: "I came to know him just now because he is living in a far place from me." In the next breath he said he knew him by face on April 19, 1943. But when he was called on rebuttal to disprove the testimony of the accused to the effect that he only met Luis Sadiwa for the first time when the latter testified in this case, he swore: "That is not true, the truth, is that we know each other a long time ago."

The testimony of this witness that "immediately upon delivery" of the victims to Lt. Llagono, "the latter delivered them to Melchor Soleta without asking any questions" and just told them, "take away these two boys and kill them," sounds incredible. No motive, and no investigation whatever!

According to Luis Sadiwa, he witnessed the coldblooded double murder on April 19, 1943; and yet, according to him also, he did not reveal that information to anybody until five years later when he met Pablo Luci in January, 1943. That, we believe, is unusual, unnatural, and contrary to the Ordinary human conduct. Moreover, the testimony of this witness that Pablo Luci was still looking for his son, Juanito in January, 1943, cannot be true because in March, 1947, a complaint for the murder of Juanito Luci had been presented against the herein appellant.

This witness repeatedly asserted on cross-examination that he came to know Juanito Luci only in January, 1943, when his father Pablo Luci was looking for him. If that is so, even assuming that he had witnessed a killing in 1943, how could he be sure that the victim's name was Juanito Luci?

On direct examination this witness testified that he accompanied the accused and Ricardo Peres together with

their captives without asking any question. But on cross-examination he said that he asked Blas Arcaño what his name was, but did not do the same thing to Juanito Luci. Yet in his affidavit Exhibit 1 attached to the complaint before the justice of the peace, this witness referred to Juanito Luci by name, but not to Blas Arcaño; he described the captives as "dalawang tao (Juanito Luci at isang matanda)."

In his direct examination he gave the court to understand that the accused was the only one who brought Juanito Luci and Blas Arcaño, "hog-tied"; but on cross-examination he mentioned for the first time that Ricardo Perez accompanied the accused.

As the trial court noted, there was no necessity for this witness to accompany the accused and Ricardo Perez to the camp, which was four kilometers away, because Ricardo Perez himself knew the way; and yet the only reason given by Luis Sadiwa why he was requested to accompany them was, because they did not know the way.

We find, therefore, the testimony of this lone witness to be unreliable.

2. Moreover, the testimony of Luis Sadiwa was overthrown by the testimony of the accused, corroborated by the witness Donato Magararu, to the effect that the accused Melchor Soleta was not the one who brought Blas Arcaño and Juanito Luci to the camp of Lt. Llagono, but the guerrillas named Sofronio Justiniano, Ricardo Perez and Paulino Labay. As we have noted above, the testimony of the accused that he met Luis Sadiwa for the first time when the latter testified in this case, agrees with the testimony of Luis Sadiwa on cross-examination that he came to know the accused only on the day of the trial of this case.

3. There is no motive whatsoever attributed to the appellant for killing Juanito Luci and Blas Arcaño. The theory of the prosecution seems to be that the appellant delivered those two boys to Lt. Llagono of the guerrilla to be killed, and that the appellant participated in the killing. Yet Luis Sadiwa himself swore that the appellant was not a member of the guerrilla unit of Lt. Llagono, and the appellant himself testified without contradiction that he was not a member of any guerrilla unit, not even as a civilian guard. why should the appellant thru treachery arrest the houseboys of his compadre Arturo Sevilla and deliver them to the guerrillas to be killed?

The only act of the accused that may be considered suspicious is what can be gathered from the testimony of Arturo Sevilla to the effect that at first the accused did not reveal to him that his two houseboys had been apprehended by the guerrillas, and that the accused subsequently left Sevilla's house without Sevilla's knowledge. That testimony of Sevilla, however, is not entirely reliable because it is contradicted by the accused and because Sevilla himself on cross-examination admitted that the accused upon leaving his house went to Mindoro. in Sevilla's Bailboat and with Sevilla himself as a co-passenger.

He find that the guilt of the accused has not been proved beyond reasonable doubt. The judgment appealed from is, therefore, reversed and the appellant is acquitted and ordered released from the custody of the law, with costs de oficio.

Moran, C.J., Pablo, Bengzon, Tuason, Montemayor, and Reyes, 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.