

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
LEONORA CAMIAS, ET AL., DEFENDANTS. LEONORA CAMIAS,
DEFENDANT AND APPELLANT.**

G.R. No. L-4617. May 29, 1953

Ponente: TUASON, J.

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TUASON, J.:

Prosecuted for robbery with homicide, Leonora Camias was found guilty of murder and sentenced to reclusion perpetua, to pay the heirs of the deceased P4,000.00 as indemnity jointly and severally with her two co-accused, and proportionate share of the costs. Charged with the appellant as co-principals and likewise found guilty of murder were Julian Capulao and Prudencio Concha who did not appeal.

Teodora Dongon, deceased's 80-year old mother, testified in substance as follows:

One day in March, 1950, Camias came to her house and asked from her son P50.00 which the witness handed Camias. For the first time she heard from her son that he was going to marry the appellant. Rizaldo, her son, told her that Camias demanded as consideration for the marriage a carabao and a sewing machine.

On May 9, Camias came back, this time with Capulao, and invited the deceased to come with her and buy the promised carabao and sewing machine. It was 11:00 o'clock in the morning. Her son was away selling tuba and did not arrive until 12:00 o'clock. After eating Leonora told her son that they should be going. Then Rizaldo asked his mother for money and she gave him P250.00. Besides this amount, she knew that her son had loose money in his pocket. After counting the money, Rizaldo handed it over to Leonora and the three left, saying that they would be back soon.

But Rizaldo did not return, and on the morning of the next day, after looking in vain for him, the mother called on the chief of police of Silay, Romulo Lopez, and told him all that had happened.

The chief of police testified that the three defendants were later arrested, Camias two or three days ahead of her co-accused, and all admitted that they had killed Rizaldo. Camias' declaration was reduced to writing.

Camias gave the chief of police this story, which corroborated Teodora Dongon's in some of its details:

On May 1, 1950, at about 10:00 o'clock, she went with Julian Capulao to Benjamin Rizaldo's house at Hacienda Tanza. On the way, she and Capulao stopped at the house of Prudencio Concha and told Concha to wait for them in town in the afternoon. In Rizaldo's house, she introduced Capulao to the deceased as her uncle and told Rizaldo that there was a carabao and a sewing machine for sale for P250.00. She requested Rizaldo to buy that carabao and that machine for her, and Rizaldo's mother gave her P250.00. Then she, Rizaldo and Capulao went to Hacienda Binonga passing through Silay where they picked up Prudencio Concha who was waiting for them.

Before crossing a stream in that hacienda she told Capulao to carry Rizaldo on the back, and in the middle of the river she shouted to Prudencio Concha to hit Rizaldo. Concha was provided with a pipe and struck the deceased

with it on the nape. Rizaldo fell into the water in consequence of the blow, whereupon Capulao took a sugarcane and beat Rizaldo, too. Noticing that Rizaldo was not yet dead, Camias hit him with her umbrella and told Concha to stab him with his scissors to be sure that he was dead; Concha stabbed Rizaldo in the heart. Then they carried the body to the bank of the river and buried it in the sand.

The other defendants made similar statements to the chief of police.

Besides her confession, the chief of police found in the house where appellant lived, an undelivered letter signed by her and addressed to Julian Capulao. It was dated April 19. In that letter she told Capulao, among other matters, that "this horrible old man" was rich and wanted to marry her; that her "mind is troubled as to how and by what means I could free myself from him" that she would "give him a pretext" that she would attend a dance at her relative's house where she was invited. She pleaded with Capulao to "tell uncle Prudencio to help me in case I bring this man because I want that he will be bound by you." She assured Capulao that "nobody will look for him because once he will be bound by you I will kill him."

Capulao and Concha after their arrest accompanied Mauricio Giguera, municipal policeman, to Hacienda Binonga, Silay, and found Rizaldo's body already in a state of decomposition on the bank of a creek. At the same place the patrolman also found the pipe with which Concha had struck the deceased and Rizaldo's hat and shoes.

Leonora Camias who gave her age as 18 denied at the trial having committed the crime. She said she did not remember having written Exhibit "D", and denied that the signature thereon was hers. She denied having borrowed P50.00 from Teodora Dongon in March. She said the money was given to her with the request that she buy tuba. She denied that she had gone back to Rizaldo's house in May or received from his mother P250.00 to buy a sewing machine and a carabao. She said that she had known Rizaldo since March and admitted that Rizaldo told her that he loved her. She declared that on May 1 Rizaldo took her to the movie downtown and they left the show about 11:00 o'clock in the morning. On the way home they met Julian Capulao, and when Rizaldo saw her and Capulao talking and walking together, he got jealous, approached Capulao, grabbed him by shirt, and was about to box her uncle when she tried to pacify the deceased. She said Benjamin Rizaldo did not heed her intervention and proceeded to give her uncle blows.

The mere recital of the prosecution's evidence is enough to show appellant's guilty beyond reasonable doubt. Appellant's confession, fully confirmed as it was by Teodora Dongon's testimony, by her co-defendants' confessions, and by the discovery of Rizaldo's body and of the articles with which, according to her, the deceased had been slain, was as strong and overwhelming as her denial in court was weak and unconvincing.

Appellant was 17 years of age at the time of the commission of the crime. Pursuant to Article 68 of the Revised Penal Code, by which she is entitled to the mitigating circumstance of minority, the proper penalty is prison mayor in its maximum period to reclusion temporal in its medium period, to be imposed in its maximum period in view of the presence of the aggravating circumstances of craft and evident premeditation, or from 14 years eight months and one day to 17 years and four months of reclusion temporal. Pursuant to the indeterminate sentence law, she should be sentenced to an indeterminate penalty of from 10 years of prison mayor to 17 years and four months of reclusion temporal.

With this modification, the appealed judgment is affirmed, with costs against the appellant.

Paras, C. J., Feria, Pablo, Bengzon, Montemayor, Reyes, Jugo, Bautista Angelo and Labrador, JJ., concur.

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