

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. TEOFILO CONDE Y VILLAROSA, DEFENDANT AND APPELLANT.

G. R. No. L-2921. June 27, 1951

Ponente: JUGO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/4f61a84466cd/>

JUGO, J.:

Teofilo Conde was accused before the Court of First Instance of Manila of the crime of murder and after trial was convicted and sentenced to recluswn perpetua, to indemnify the heirs of the deceased in the sum of P2,000, and to pay the costs. He appealed.

It has been established by the evidence of the prosecution that the defendant was having illicit relations with Maria Baguio, wife of the deceased Cipriano Pensaber. One day Maria Baguio left the conjugal home and lived in the house where the defendant used to visit her.

At about 6:15 in the morning of October 12, 1948, Patrolman Guinares, assigned to the ground of Maiacaiian Palace, saw a corpse floating @n the Pasig River near the palace. He notified the police headquarters. Several detectives came with a photographer who took pictures of the corpse. Dr. Cabreira of the police medico-legal department of Manila examined the corpse and ordered it taken to the morgue for autopsy. He issued a certificate, Exh. C, which reads as follows:

"The body is that of a male adult Filipino about 62 inches in height and weighing about 140 lbs. The clothing and belongings consists of one white woolen pants, one white undershirt, one GI shorts, one pair of tan leather shoes, one white belt with buckles with the words 'Agricultural Education, Philippines', one plastic wallet containing P4.90 in bills and coins, one GI handkerchief, and one pair of white socks. He was found floating with both hands and feet hogtied.

"Upon removal of the clothings, the whole body is found to be partially decomposed. The skin of the hands and feet are wrinkled which indicate previous prolonged contact with water. There are some areas in the lower extremity and back where the skin are blistered and peeling off. The eyes are closed. The face is swollen and both lips and tongue are protruding. The abdomen is distended, and bluish postmortem discoloration are found in the anterior abdominal region. The superficial veins of the neck, chest, thigh and arms are distinctly outlined along their distribution by their bluish color.

"When the cranium is exposed there is no fracture found.

"Upon opening the body the visceral organs are partially decomposing. All the internal organs and other soft tissues are essentially normal, except for the postmortem decomposition. The weight of the different organs are:

"* * *.

"There are no fractures or dislocations found in the skeletal system. There are no gunshot wounds or other external trauma.

"The state of postmortem decomposition is about two days in contact with water.

"Conclusion: There are no definite external evidences of injury found on the body, but because of the empty bladder and wrinkled skin of the hands and feet, it is believed that the cause of death was probably asphyxia due to drowning. Because both hands and feet were hogtied when the body was found, it is believed that there was probably a foul circumstance connected with his death."

Fingerprints taken of the corpse for its identification showed that it was the body of Cipriano Pensaber.

The finding of the corpse was published in the press. Natalio Marra and Iluminada Felices, who were acquaintances of the deceased, informed the manager of the shop where they were working that they knew something of the occurrence. The manager relayed the information to the police. On October 16, in the morning, Detective Saturnino Villasin and others went to the house of Marra on Calle Pureza, No. 234, Santa Mesa, and interrogated him. Marra stated that he knew Cipriano Pensaber and that on October 9, the deceased visited him and informed him that Pensaber's wife had escaped with a certain individual and asked him for advice on what he should do. Marra counseled him not to do any harm to Maria because if he did so, Pensaber would go to jail and his wife would laugh at him.

On October 17, Iluminada Felices and a companion went to see the corpse in the morgue. Iluminada identified it as that of her uncle Cipriano Pensaber.

On the morning of October 18, the detectives received information that Maria Baguio was staying in the Farina furniture Factory and they went there. They found Maria, who informed them that on the night of October 17 the defendant Teofilo Conde had confided to her that he had killed her husband Cipriano Pensaber. They went to the house of the defendant but did not find him there. Meanwhile Maria had made a detailed statement at the police headquarters. On the same day, October 18, the defendant was arrested by Corporal Leon Garcia and his squad. In the investigation the defendant denied having had anything to do with the death of Pensaber. As the police believed that the case was under the jurisdiction of the province of Rizal, they delivered the defendant to Agent C. Caringan of the Constabulary at Camp Crame. Agent Jililio of the CID of the Philippine Constabulary investigated the defendant on October 20. At first the defendant denied having had any knowledge of the death of Pensaber, but when Jililio explained to him that, through the information given to him by the G-2, he knew that the defendant had murdered a certain person on a certain night, the defendant then admitted and confessed that he was the author of the death of Pensaber. This statement of the defendant was reduced to writing and signed by him spontaneously. Conde, in said statement, described the manner in which he killed Pensaber, in more or less general terms. This statement was signed again, ratified, and sworn to by the defendant before the Assistant Provincial Fiscal of Rizal, B. Jose Castillo.

On the following day, October 21, the defendant was returned to the Manila Police, to whom the above-mentioned confession was delivered. Conde was asked by the Manila Police whether the confession, Exhibit A, was true and he answered in the affirmative. They took him to Calle Aviles, San Miguel, Manila, and then to the Nagtahan bridge where the accused said he had committed the crime. In said place the defendant gave a graphic demonstration of the acts which he executed in order to commit the crime. The successive acts were photographed and are now shown in the pictures, Exhibits F to F-6. They took him back to the police headquarters in Manila where, with the help of the photographs, the defendant narrated his acts leading to the death of Pensaber, giving fuller details than in his previous confession.

Maria Baguio testified at the trial ratifying her previous statement to the police, above set forth.

From the two confessions of the accused and the pictures which represent the reenactment of the crime, the following facts are established:

At about 6:30 p.m. on October 11, 1948, the defendant who was residing at No. 2373 Int. Herran, Paco, Manila, and was working as a carpenter in the construction of the house of Major Rosendo Onglingco at Lourdes Drive, San Juan, Rizal, rode in the jeep of said officer together with the latter's wife toward their house at Santa Mesa Boulevard. Upon arriving in front of the house of Major Onglingco, the defendant alighted and walked home, passing by the Rotonda toward Aviles Street. When he reached the Caltex gas station at the corner of Aviles and Nagtahan Streets, he met Cipriano Pensaber. They walked together along Nagtahan Street toward the Nagtahan bridge, with the deceased's left arm on the shoulder of the defendant. They passed on the right pedestrian lane of the bridge. While on the bridge the deceased asked him whether Maria Baguio was living with the defendant, to which the accused answered in the affirmative. To the question of the deceased why the accused did not send her back to him, Conde replied that it was Maria Baguio who came to him. Before reaching the, other stairs of the bridge, Pensaber slapped Conde near the right eye (picture, Exhibit F-1). Conde twisted the arm of Pensaber as they were about to go down the stairs and hit his testicles with his (defendant's) right knee (picture, Exhibit F-2), which caused Pensaber to fall unconscious at the foot of the stairs (picture, Exhibit F-3). Thereupon Conde lifted the body of the deceased (picture, Exhibit F-4) and placed him on a rock under the bridge. He went back for his bundle of dirty clothes which had fallen on the bridge when he was slapped, took the rope that tied it, and with it tied the hands and feet of the deceased (picture, Exhibit F-5). This done, he threw the body into the Pasig River, at the spot he indicated (picture, Exhibit F-6).

The appellant assigned the following errors, to wit:

"I

"The court a quo erred in not acquitting the defendant on the ground that his guilt had not been established beyond reasonable doubt.

"II

"The court erred in holding that the element of treachery was present in the commission of the crime charged."

There is no doubt as to the guilt of the accused. The testimony of Maria Baguio is severely attacked. There is nothing unbelievable in this testimony of Maria for, although she was having illicit relations with the accused, yet the killing of her husband by the latter must have produced shock and horror in her mind and she did not want to countenance the crime committed. Her passion did not reach the extreme of being willing to have her husband killed on account of her.

The testimony is further corroborated and confirmed by the confessions of the accused which were voluntarily given and the reenactment of the commission of the crime. It is hard to believe that a man would reenact a crime with all details which could have come from him only, unless he was willing to do so. Furthermore, the officers of the law who testified as to the taking of the confession positively stated that no force or intimidation was used. The accused willingly signed the first confession and swore to it before Assistant Provincial Fiscal of Rizal who could not have been supposed to have sanctioned an illegal act.

With regard to the second assignment of error, we believe that it is well founded.

From the above facts it seems clear that there was no premeditation nor alevosia, and the crime should therefore be reduced to homicide without any generic mitigating or aggravating circumstances.

In view of the foregoing, the judgment appealed from is modified by imposing upon the accused from twelve (12) years of prision mayor to seventeen (17) years and four (4) months of reclusion temporal, with the accessory penalties of the law, to indemnify the heirs of the deceased in the sum of P6,000, and to pay the costs. It is so

ordered.

Paras, C. J., Fena, Pablo, Bengzon, Padilla, Tuason 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.