

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

G.R. No. L-8399. May 11, 1956

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Bienvenido Umali, Angel Escala and Anastacio Lontok were charged with the murder of Manuel Ramos before the Court of First Instance of Oriental Mindoro. As Lontok had escaped from the municipal jail of Pola, Oriental Mindoro, the corresponding preliminary investigation was conducted only as regards Umali and Escala. Upon motion of the fiscal, the case was dismissed as regards Escala so that he may be utilized as government witness. After due trial, the court found Umali guilty of the crime charged and was sentenced to reclusion perpetua, there being neither aggravating nor mitigating circumstance present in the commission of the crime. Said accused was also ordered to pay the heirs of the deceased the sum of P6,000 as indemnity and the costs. He was however credited with one-half of the time he was under preventive imprisonment. From the decision, Umali has appealed.

Sometime before December 12, 1951, Bienvenido Umali and his wife Sara Jandusay were living in barrio Dayap, Pola, Oriental Mindoro, together with Anastacio Lontok his godson, and Angel Escala both of which used to work for him. Their marital life was not quite happy for they frequently quarreled. One of those quarrels took place in their house on December 12, 1951 when Umali, suspicious that his wife was maintaining illicit relations with his uncle Manuel Ramos, laid hands on her. After telling his wife that he would go and talk to his uncle Ramos, known as "Tio Tawi", he left accompanied by Anastacio Lontok and Angel Escala. Umali armed himself with a sub-machine gun while Lontok was provided with a big club two and one-half feet long. Escala was unarmed. On their way from barrio Dayap to barrio Buhay na Tubig, Umali informed his companions of his plan to waylay Manuel Ramos, his uncle, and forthwith instructed them to hit him with the club at the first available opportunity.

When they arrived at the house of Ramos, Umali called him by his nickname telling him to come down for a brief talk. Ramos was at the time fixing the floor of his house and, when he heard the call, he went down with his bolo tucked to his waist. After Ramos had gone down, Umali invited him to a place nearby following a small trail covered by trees and shrubs. When the four reached a place 30 meters away from the house, Lontok struck Ramos on the forehead three times making him whirl around, and when he tried to defend himself by pulling his bolo, Lontok embraced him at which juncture Umali hit Ramos with the butt of his gun. Escala out of fear tried to run but was prevented by Umali who threatened to shoot him and, obeying Umali, Escala landed also a thrust on Ramos with a balisong knife which was given him by Umali. And to complete his dastardly work, Umali took the bolo of Ramos and with it hit him several times. Then the three left in a hurry towards the beach where Umali saw Fabian Mayo, a copra maker, and ordered him to take them in a banca to barrio Dayap. Mayo, who was frightened, did as bidden and on the way he noticed that the clothes of the three were stained with blood. While in the banca Umali told Mayo that they had just killed Ramos. When the party reached the shore, Umali took Mayo to his house and warned him on pain of death not to reveal what he had just learned about the incident. In the

afternoon of the same day, Nieves Catoy, wife of the victim, was informed by a boy that her husband was lying dead on a spot 30 meters away. The dead body was brought to town where an autopsy was made by Dr. Galicano A. Divino, a physician of the Maternity and Charity Clinic. The autopsy revealed that the deceased received fifteen wounds, nine of which were fatal. According to Dr. Divino, with the exception of the lacerated wounds on the forehead which could have been caused by a blunt instrument, the rest were caused by a sharp cutting instrument. Because of the wounds caused on the face and shoulder which pierced the thoracic pleural cavity, a severe hemorrhage developed which caused the immediate death of the deceased.

The main defense of appellant is alibi. He tried to prove that immediately after the elections in November, 1951 he went to Manila to look for a job but instead of finding one he wooed a woman without revealing his married status whom he brought with him on his return to Poja, Oriental Mindoro, about the end of the same month. On December 5, 1951, he went again to Manila allegedly to ask for the help of Congressman Leuterio in finding a job. He allegedly got a job and, to fetch his paramour, he returned to Pola in the morning of December 12, 1951, arriving there in the evening, and at night he kept vigil over the body of Manuel Ramos which lay in state in his house. On the following day, he was arrested by Sgt. Martinez.

It should be noted that this defense was made to depend on the testimony of Agustin Narranjo and Gregorio Holgado who, as will be shown later, cannot but deserve little credence because of the relations they sustain with appellant which impress upon their testimony the mark of bias and partiality. Take the case of Agustin Narranjo. As the evidence shows, he was like a father to appellant, whose mother was Narranjo's stepdaughter. According to Narranjo himself, he had reared appellant from childhood and had supported him in his studies, and even then, he admitted that at the time the crime was committed he had not seen appellant in Manila but only presumed that he must have been there for which reason the trial court found his testimony unworthy of consideration. On the other hand, witness Gregorio Holgado was found to be a bias witness because, as the evidence shows, he was an ex-mayor of Pola who categorically admitted that appellant was one of his political supporters. Remarking that the defense failed to present any disinterested witness such as one who may have seen him take the bus at Manila to go to Batangas, or one who may have seen him take the boat from Batangas wharf to Calapan wharf, or the bus from Calapan to Pola, the trial court considered the defense of alibi too weak to overcome the positive, clear and satisfactory evidence of the prosecution which points to him as the planner and author through direct participation of the death of the deceased. We find no reason to disturb this finding of the court a quo.

On the other hand, we find the witnesses for the prosecution to be trustworthy. Thus, Angel Escala, who was a companion of appellant, testified in detail as to the participation the latter had in carrying out the plan he himself had engineered in the liquidation of the victim. Fabian Mayo testified that he saw appellant and his co-accused carrying clothes stained with blood in their haste to leave the scene of the crime. And Nieves Catoy, wife of the victim, was positive that appellant was one of those who went to her house to fetch her husband moments before his murder. These are eyewitnesses to the incidents in which appellant had participated, and their testimony, which points, to his positive identification, cannot but belie and obliterate his defense of alibi.

As regards the motive of the crime, the evidence is very revealing. It has been established that for sometimes before the incident appellant and his wife had had several quarrels because of his suspicion that his wife was carrying illicit relations with his own uncle Manuel Ramos which found its culmination on the fatal day when, after a violent quarrel, he laid hands on her. This jealousy and quarrels must have some basis of truth when the defense did not deem it wise to place on the witness stand the wife of the accused to disprove them. Nor does the fact that appellant kept vigil over the body of the victim while laying in state in his house in any way affect his liability because of the truism that a criminal at times makes it a point to visit his victim in a vain effort to remove any suspicion from him.

There is an intimation that appellant's co-accused Anastacio Lontok in his affidavit Exhibit 3 assumed full responsibility for the killing which fact, it is claimed, should exonerate appellant from liability. It appears however that days after said affidavit was made Lontok subscribed to another affidavit wherein he described in detail the joint participation of the three accused in the liquidation of the victim. This is an indication that the first affidavit was given by Lontok while he was still under the influence of his former employer, the appellant.

Premises considered, we find that the guilt of appellant has been established by sufficient evidence which leaves no doubt as to his guilt. And finding no error in the decision appealed from, we hereby affirm the same, with costs against appellant.

Paras, C. J., Bengzon, Padilla, Montemayor, Reyes, A., Jugo, Labrador, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.

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