

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CRISPIN LAWAS, AGUSTIN OSORIO AND CLEMENTE OSORIO, DEFENDANTS-APPELLANTS.

G.R. Nos. L-7618-20. June 30, 1955

Ponente: LABRADOR, J.

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LABRADOR, J.:

In G.R. No. L-7618 (Crim. Case No. 180, Court of First Instance of Lanao), Crispin Lawas, Agustin Osorio, Clemente Osorio, Felipe Si-it, Generoso Osorio and Agapito Gumisad have appealed from a judgment of the Court of First Instance finding each of them guilty of the crime of robbery, and sentencing each to suffer the indeterminate penalty of from two months and one day of arresto mayor, as minimum, to three years, eight months and one day of prision correccional, as maximum, and to indemnify the offended party Manaronsong Lomangcolob, in the following manner; Crispin Lawas and Agapito Gumisad, P50.00 each; Clemente Osorio, Felipe Si-it and Generoso Osorio, P266.00 each; and Agustin Osorio, P500.00, and in case of insolvency to suffer the corresponding subsidiary imprisonment. The appeal of Agapito Gumisad has, however, been dismissed for failure on his part to file a brief. This appeal in this Court, therefore, only refers to the others.

In G.R. No. L-7613 (Crim. Case No. 444, Court of First Instance of Lanao), Crispin Lawas, Agustin Osorio and Clemente Osorio have appealed from a judgment of the Court of First Instance of Lanao, finding them guilty of multiple murder and sentencing each of them to suffer the indeterminate penalty of from ten years and one day of prision mayor as minimum to seventeen years four months and one day of reclusion temporal, as maximum, to indemnify jointly and severally the heirs of each of the deceased in the sum of P2,000, and to pay the costs.

In G.R. No. L-7620 (Crim. Case No. 373, Court of First Instance of Lanao), Hermenegildo Tabacon, Felipe Si-it, Agapito Gumisad, Generoso Osorio and Patricio Pinos were also found guilty of the crime of multiple murder and sentenced to the same penalty imposed upon Crispin Lawas, Agustin Osorio and Clemente Osorio in Criminal Case No. 444. They have also appealed from the decision. But the appeals of Agapito Gumisad and Hermenegildo Tabacon have been dismissed for failure on their part to file briefs. The case now proceeds on appeal only as to Felipe Si-it, Generoso Osorio and Patrocinio Pinos.

The evidence shows that on July 3, 1942 various Moros (Maranaos) from Barrio Baris, Municipality of Kolambugan, province of Lanao, raided the barrio of Malingao, killing 11 Christian residents including men and women, wounding two of them, and, thereafter, robbing them of their belongings. This incident was reported to the home guards, an organization composed of ex-Philippine Constabulary soldiers and civilians whose duty it was to preserve peace and order among the inhabitants, protect them, and prevent the infiltration of the Japanese in their communities. The report was made to appellant Crispin Lawas, head of the home guards in Balimbing and to Sgt. Benaogan, also head of home guards in Salong. Upon learning of the incident, Lawas and Benaogan and some home guards proceeded to the barrio of Malingao to check up the report. There they found the bodies of the Christian Filipinos killed by the Maranaos and learned that the Maranaos who had committed the act came

from the barrio of Baris. So they proceeded to the barrio of Baris in the afternoon of July 10. Upon reaching Baris, they divided themselves into two groups, one headed by Sgt. Benaogan and the other by Crispin Lawas. That headed by Sgt. Benaogan gathered the Maranaos around the place of ex-Mayor Gunti, while that headed by Crispin Lawas, those that live around the house of Datu Lomangcolob. Some seventy of them, including Manaronsong Lomangcolob, school teacher, Datu Lomangcolob Sumala, his wife and children, Gunti Ampaso, his wife and children, Pasintao, his wife and four children, Laito, his wife and four children, Pacpac, his wife, niece and nephew, Mainanding Lomangcolob and two children, Dibton and children, Garagabos and wife, Rutum, his wife and children, Aboli and a child, Adki's children, and others were brought by the home guards to the barrio of Salong, where they arrived in the evening of July 10th, between seven and eight o'clock. When the home guards were in the barrio of Baris, they or some of them took away three carabaos, two horses, and many personal belongings, especially of Datu Lomangcolob. This is the basis of the charge of robbery.

The Maranaos were confined during the night of July 10 under guard in the house of one Restituto Requino. The next morning, Crispin Lawas and Agustin Osorio began investigating the principal Moros. Some 15 of them were brought down in groups of five before Lawas and Osorio. A table was set up near the rice mill of Pedro Lacson and there Lawas and Osorio questioned them. In the course of the investigation, and for reasons which are disputed, the home guards then on duty and present at the investigation fired at the Moros and most of them were killed. In the course of the melee that followed, some of the home guards and others who could not be identified, went up the house of Restituto Requino and fired at the woman and children who were on the second floor of the house. Some of the women and children were stabbed. No less than 35 women and children were killed and no less than 16 of the Moros down below were also killed. Among the killed were Datu Lomangcolob Sumala, Gunti Ampaso, Pasintao, Laito, Pacpac and Rutum. For this killing, two charges of multiple murder were filed, one against Crispin Lawas, Agustin Osorio and Clemente Osorio, and another against Hermenegildo Tabacon, Felipe Si-it, Agapito Gumisad, Generoso Osorio and Patricio Pinos.

Insofar as the crime of robbery is concerned, principal witness Manaronsong Lomangcolob, son of. Datu Lomangcolob. Sumala, declared that the Home guards who gathered them in . the barrio of Baris and later brought them to the barrio . of. Salong took from them (the Maranaos) 3 carabaos worth P800, 2 horses worth P100, and jewelry and other personal belongings worth P500. The animals were taken away by the following home guards: Lawas, 1 horse; Agapito Gumisad, 1 horse; and Clemente Osorio, Felipe Si-it and Generoso Osorio, one carabao each. Of the accused, the following were seen coming down from the houses of the Maranaos, bringing with them malongs, bracelets and other personal belongings: Generoso Osorio, Felipe Si-it, Hermenegildo Tabacon, Agustin Osorio, Clemente Osorio and Agapito Gumisad.

Of the above-named accused, only Lawas testified, but he made no denial of the taking by him of one of the horses. None of the briefs or memoranda filed on behalf of the appellant claims or mentions grounds why appellants should not be held guilty of robbery, although certain discrepancies appear in Lomangcolob's testimony as to the manner in which the said horses and carabaos were taken. Admitting that there are discrepancies in the said testimony as to the details of the taking, the evidence conclusively shows that the accused designated above took the animals and properties in question. No denial of this fact was ever made. There is insinuation that some of the animals may have been some of those taken at the raid of Malingao, but no satisfactory evidence exists on which a finding to that effect can be predicated. The evidence also shows that the accused were armed at the time of the taking of the animals and other personal properties. The finding of the trial court that the accused are guilty of robbery as above-indicated is fully supported by the evidence. There is no evidence, however, of the existence of any conspiracy among the accused in the commission of the acts of robbery and each one must respond for his own individual act.

As to the charge of multiple murder, the death of about fifty of the Maranaos, including fifteen men, twenty five women and ten children is not questioned; but the circumstances under which their death took place are the object of conflicting evidence. The three witnesses for the prosecution claim that the Moros were fired at when Datu Lomangcolob refused to be tied at the hands, while the defense claims that they were fired at because they attempted to grab the arms of the home guards. The evidence submitted by both sides on this issue may be summarized as follows:

Manaronsong Lomangcolob testified that while he and four of his companions namely, Gunti Ampaso, Iacpac and Datu Lomangcolob were in front of the table before which Crispin Lawas and Agustin Osorio were making the investigation, Lawas first asked them to sign blank papers, and that they, the Maranaos, refused; but they were beaten with rifles and boxed, so Datu Lomangcolob enjoined him and his companions to sign the blank papers as demanded by the investigators; that afterwards Crispin Lawas informed the Maranaos that they would be brought to Captain Morgan at Balimbing and for this purpose their hands were to be tied; that for the purpose of tying their hands, Hermenegildo Tabacon, one of the home guards, brought some pieces of split rattan; that as Datu Lomangcolob was approached to have his hands tied, he refused and, thereupon, Crispin Lawas fired his revolver at him and ordered the guards to fire; that following instructions, the home guards fired at the Moros and many of them fell down dead; that those Moros who tried to escape were also fired at; and that after a short time Crispin Lawas ordered his men to "cease fire", and the firing stopped.;

Pedro Lacson, a resident of Barrio Salong, corroborated the principal parts of the above testimony of Manaronsong Lomangcolob, declaring that he (Lacson) was under the eaves of his house observing the investigation that Lawas and Osorio were conducting; that he noticed Lawas ordering the men to be brought down from the house of Restituto Requino; that in the course of the investigation, Lawas said that the Moros would be brought to Balimbing where Captain Morgan was and that the Moros were to have their hands tied; that Datu Lomangcolob expressed willingness to go to Captain Morgan, but that he was not willing to have his hands tied; and that then a commotion ensued and then Crispin Lawas gave his men the order to fire. In connection with the massacre of the women in the second floor of the house of Restituto Requino, it is very clear that in the course of the shooting two persons, not companions of Lawas, went up the house of Requino and, perhaps, helped in boling the 15 women and children in said house.

A third witness corroborated the most important details of the above testimonies. Manking Aguam, claiming to be 11 years old when the incident took place, testified as follows: That he was with the women and children in the upper floor of the house of Restituto Requino before the investigation began; that he saw some of the accused as they brought down the male Maranaos for the purpose of investigation; that the firing was caused by the refusal of the Maranaos to accede to have their hands tied as ordered by Crispin Lawas; that in the course of the shooting, Agapito Gumisad, Felipe Si-it, Clemente Osorio, Tito Requino and Patricio Pinos shot at the women and children and stabbed them with boloes; and that Gumisad was trying to stab him and what he did was to jump down and run away.

Only two of the accused took the witness stand, namely, Crispin Lawas and Agustin Osorio. Other witnesses testified for them, but their testimonies are of no material value insofar as the main issue is concerned. Crispin Lawas testified that upon the receipt of the report of the raid on the Christian Filipinos by the Maranaos on July 9, he met with Captain Morgan, the head of the home guards and the PC; that thereupon Captain Morgan instructed him to accompany Sgt. Banaoan and proceed to Barrio Malingao to investigate the incident; that in pursuance of said order, he and Sgt. Banaoan went to Barrio Malingao and saw the dead persons there; that he found out after investigation that some of the Moros who made the raid came from Barrio Baris, so he and Sgt. Banaoan and their men proceeded to Baris; that the people of that place were gathered together in the afternoon of July 10 and

that they took them along to Barrio Salong; that when they reached that place, Sgt. Benaogan ordered the Moros to stay in the house of Restituto Requino and that this was done; that at dawn the following day, Lawas went to Captain Morgan to make a report, and that Captain Morgan ordered him to investigate the leaders of the Moros and, afterwards, send the result of his investigation to him; that he returned to the barrio of Salong the following morning; that at about 8:00 o'clock in the morning of the following day (July 11), he ordered a table to be placed on the ground and that the investigation of the Moros be conducted; that the investigation took place in the following order: first Mayor Gunti, Datu Lomangcolob, Datu Pacpac and Manaronsong Lomangcolob together; that as said investigation proceeded, the Moros suddenly rushed at the home guards to grab their guns and so a commotion arose; that he and Agustin Osorio did not know what had happened and upon hearing gun fire he stood astounded; that because of the presence of the women and children, he ordered his guards to cease fire, which was done; that throughout the time of the firing, he could not do anything but stand up; that his companion Agustin Osorio in the meanwhile lied flat on the ground; and that afterwards he went to the middle of the place where the gathering was and found out that many Moros were dead.

For his part, accused Agustin Osorio testified that on July 10, he was ordered by Sgt. Benaogan to go to Camp 5 with 4 soldiers to investigate the maltreatment of a Christian Filipino; that on their way back from the investigation, they heard shots coming from Barrio Malingao and so they went to that barrio and upon arriving there they found 11 Christian Filipinos dead and 2 wounded; that he received information about the incident from one, Piano Taborada, who said that the ones who made the raid were from Barrio Baris; that when he returned to Barrio Salong, he reported the incident to Sgt. Benaogan; that he accompanied Sgt. Benaogan and Crispin Lawas on July 10 to Barrio Malingao where they saw 11 Christians dead and 2 wounded; that after the investigation conducted in Barrio Malingao, they went to Barrio Baris where they arrived at five o'clock in the afternoon; that upon reaching Barrio Baris, Mayor Gunti sounded the "agong" and the people of the barrio swarmed around them; that they brought some of the men to the barrio of Salong and there they were ordered to sleep in the house of Restituto Requino; that after breakfast the following morning, July 11, an investigation was to be made and after the male Moros were brought down he and Lawas began investigating them; that after investigating 6 of the Moros, and while investigating the 7th, he immediately noticed a commotion among the Moros and the soldiers because of the fact that the former were grabbing the firearms of the latter; that in the course of the struggle the guns of the soldiers were exploded; that because of the noise Lawas could not give any order so he and Lawas laid themselves down flat on the ground and after one minute in this position, Lawas ordered that the guards cease firing and the firing stopped; that he could not tell where the firing started because at the time when it began Lawas was dictating to him and he was writing down what Lawas dictated; and that after the firing had ceased, he looked around and found many Moros dead, while the soldiers (home guards) had run away.

There is no question that before Lawas fired at Datu Lomangcolob and the home guards also fired at the other Moros, there was a sort of commotion, evidently produced by the announcement made by Lawas that the Moros were to be brought to Captain Morgan at Balimbing and that their hands were to be tied. The existence of this commotion is admitted by Pedro Lacson, eye witness to the incident, who said "But then the Moros refused that they will go there with the Christian and immediately a commotion started and because of that, Crispin Lawas ordered them to be fired at." The issue lies on the cause or origin of said commotion, for while the prosecution contends that this was produced by the refusal of Datu Lomangcolob to have his hands tied, the defense claims that the commotion was produced by the Moros suddenly rushing at the soldiers to grab their firearms, and so they were fired at. The theory of the defense is not warranted by the facts and circumstances proved and admitted. Had the Moros actually rushed at the soldiers to grapple with these for the possession of the firearms, they would have mixed up with the soldiers in body struggles and it would have been impossible for the soldiers to fire at them without hitting their own companions. Had there been a free for all struggle for the arms of the soldiers, the

latter could not have fired at and hit the Moros without hitting others or their own companions. But only one of the home guards was wounded by a stray bullet; no others received any injury in the course of the commotion. Besides, a volley of shots appeared to have been fired immediately when the commotion started, as a result of which many Moros fell down dead. This would not have been the case had real grappling for the possession of the guns taken place as claimed by the defense. If a struggle for the possession of the firearms had taken place, the shots would have come intermittently. If there were shots made after the first volley had been fired they were aimed at the escaping Moros. All the above circumstances belie the claim of the defense that the Moros tried to grab the firearms of the soldiers, and that the latter fired at them as a consequence of the said attempt.

On the other hand, neither can the theory of the prosecution that upon refusal of Datu Lomangcolob to have his hands tied, Lawas gave the order to fire at the Moros, be admitted on its face value. Witness Pedro Lacson, who appears to be the most impartial of the witnesses, admits that there was a commotion, although he did not specify the nature and character thereof. If any commotion ever existed at all, it must have been caused by the announcement that the Moros were to be tied. This announcement must have angered the Moros, who must have protested the act; theretofore, they had submitted themselves to the arrest without protest or resistance. The most reasonable inference is that upon hearing that their hands were to be tied and as the leader was going to have his hands tied and he refused or resisted, the Maranaos must have angrily protested, showing an attitude of hostility or resistance; and this attitude must have been interpreted by Lawas and the soldiers as a determination to resist and even to fight. Perhaps, this belief also must have produced the impression upon the mind of Lawas that the Moros were bent on something like the use of force, such as the grabbing of the firearms of the soldiers, and perhaps it may have been in an attempt to forestall such a frantic and unexpected attack that Lawas gave the order to fire and that he himself fired at Datu Lomangcolob. We think that this must have happened; that Lawas believed that the Moros were about to resist and even attempt to fight for the arms, so he gave the order to fire.

There can not, therefore, be any circumstance that would qualify the killing of the Maranaos as murder; there was no evident premeditation; neither was there treachery because the Moros were face to face with the soldiers; and neither could there be abuse of superior strength because the soldiers did not expressly take advantage of their arms to commit the offense.

On the other hand, there is no circumstance present in the killing which may sufficiently serve to mitigate the offense that has been committed. It is possible that an attitude of hostility accompanied the refusal of Datu Lomangcolob to have his hands tied, which attitude must have been shared by his companions; and it is also possible that the fear of well-known Moro ferociousness could have made Lawas and his companions believe that the Moros were bent on refusing to be tied. But there is no evidence that they went beyond showing their refusal or hostility, or an apparent act on their part such as would induce a reasonable belief that the Maranaos were about to begin an aggression against their captors. Their peaceful conduct at the time of their arrest and before the investigation showed that they were submissive and obedient. No circumstance, therefore, can sufficiently justify a finding that the offense was committed with any mitigating circumstance. The offense committed is plain, simple homicide, with respect to Crispin Lawas and Agustin Osorio, as it is also with respect to those soldiers who fired at the Moros at the time the commotion arose.

But with respect to the killing of the women and children in the upper story of the house of Restituto Requino, the killing is plainly attended by the circumstance of abuse of superior strength. The women and children were defenseless; there is no evidence that they showed any act of defiance or hostility, and while the soldiers were given an order to fire at the Moros then on the ground, said order could not imply or include an order to go up the house and massacre the innocent and defenseless women and children therein. Persons who participated in the killing of the women should be made to suffer the penalty commensurate with the degree of perversity which

attended this act. While evident premeditation may not be assumed, because the massacre of the women and children was part of the impulse that resulted in the killing of the Moros on the ground, yet the women and children were defenseless and could offer no resistance at all. Their defenseless condition should be considered as included in the qualifying circumstance of abuse of superior strength, not as an independent circumstance of treachery. We find, therefore, that only one aggravating circumstance attended the commission of the crime, or the killing of the women and children, and that is the abuse of superior strength, which aggravating circumstance raises the offense to that of murder.

The question which still has to be considered is the determination from among the appellants of those who may be convicted of the murder of the women and children in the house of Restituto Requino. Witness Pedro Lacson declared that he saw two men armed with bolos going up the house as the shooting of the Moros on the ground was in progress, but he asserted that these did not belong to the group of home guards led by Crispin Lawas. But Manking Aguam identified Agapito Gumisad, Felipa Si-it, Clemente Osorio, Pedro Benaogan, Tito Requino and Patricio Pinos as among those who went up and shot or stabbed the women and children in the house. The identification is not contradicted nor denied by the defense, but except as to Gumisad, who was well known to the witness before the incident, the identification is not as positive and certain as to amount to proof of their identities beyond reasonable doubt. Thus witness identified Tito Requino as one of the assailants; but Requino was never known before that time by the witness. He also identified another as Benaogan, but the other evidence submitted by the State itself shows that Benaogan was not present at the time of the incident. In another part of his testimony, the witness said that Tabacon, Pinos and Generoso Osorio were among those who brought down the Moros; while in the same testimony, he asserts it was one old man, Mauricio Macasarte, who also went up. There was no corroboration offered by any more competent and disinterested witness. This vacillating and doubtful identification, coupled with the fact that the witness was only eleven years of age at the time of the incident and made the identification seven years later, and that he had an interest in the conviction of the accused, can not serve as legal basis for a finding that the persons pointed out at the trial were in fact the very persons who committed the murder of the women and children. With the exception of Agapito Gumisad and Hermenegildo Tabacon, whose appeals have been dismissed, the other appellants Felipe Si-it, Generoso Osorio and Patricio Pinos can not, therefore, be found guilty of murder.

As to whether Crispin Lawas and Agustin Osorio can be held responsible therefor, it is true that the authors of the murder were home guards under their immediate command. But the evidence submitted fails to disclose any previous common design to massacre all the Moros under detention, including the women and children. The evidence is to the effect that the women and the children were not arrested or taken into custody, but that they only accompanied their husbands and relatives who were brought for investigation. There was no evidence of a previous conspiracy by reason of which Crispin Lawas and Agustin Osorio, as leaders, may be held for the murder of the women and children.

May they be held guilty of murder by induction on the basis of the order given by Lawas to fire at the Moros as the commotion started? It is true that Lawas was the leader of the home guards in Balimbing among whom were Agapito Gumisad, Felipe Si-it, Hermenegildo Tabacon and Patricio Pinos. But the order given was to fire at the Moros (on the ground), and nothing else; the order was to fire at the Moros who showed resistance or protest against his order that they be tied. The order could not have been interpreted to mean that the women and children in the house, who did not appear to have shown any resistance or hostility at all, should also be fired at. Lawas clearly did not intend that the women and children inside the house should also be fired at. He can not be held guilty of the crime committed, as it has been held that in order to make the inducer responsible for the crime committed, it is necessary that the inducement is material and precedes the commission of the act, and that such inducement was the determining cause thereof.

"xxx, it may be stated as a general proposition that, where the inducement offered by the accused is of such a nature and made in such a way that it become the determining cause of the crime, and such inducement was offered with the intention of producing that result, then the accused is guilty by inducement of the crime committed by the person so induced. The inducement to the crime must be intentional on the part of the inducer and must be made directly for the purpose in view.

"The verb 'induce' is sufficiently broad, generally speaking, to cover cases where there exists on the part of the inducer the most positive resolution and the most persistent effort to secure the commission of the crime, together with the presentation to the person induced of the very strongest kind of temptation, as well as words or acts which are merely the result of indiscretion or lack of reflection and which carry with them, inherently, almost nothing of inducement or temptation. A chance word spoken without reflection, a wrong appreciation of a situation, an ironical phrase, a thoughtless act, may give birth to a thought of, or even a resolution to, crime in the mind of one for some independent reason predisposed thereto without the one who spoke the word or performed the act having any expectation, that his suggestion would be followed or any real intention that it produces a result. In such case, while the expression was imprudent and the results of it grave in the extreme, he would not be guilty of the crime committed. Therefore, in applying the principles laid down to concrete cases it is necessary to remember only that the inducement must be made directly with the intention of procuring the commission of the crime and that such inducement must be the determining cause of the crime." (U. S. vs. Indanan, 24 Phil. 203, 218)

Neither Crispin Lawas nor Agustin Osorio may, therefore, be held responsible for the crime of murder in connection with the massacre of the women and children by inducement, and they must be acquitted of the charge of murder.

One last question involves the determination of the number or crimes for which each of the appellants may be found guilty, whether each one should be considered as having committed as many crimes as there were persons who were killed, or only for one complex crime of multiple homicide. The information is for multiple murder, and no inference can be made therefrom, that the accused are being charged of as many offenses as there were victims. Then the evidence positively shows that the killing was the result of a single impulse, which was induced by the order of the leader to fire, and continued with the intention to comply therewith, as the firing stopped as soon as the leader gave the order to that effect. There was no intent on the part of the appellants either to fire at each and everyone of the victims as separately and distinctly from each other. It has been held that if the act or acts complained of resulted from a single criminal impulse, it constitutes a single offense (Article 43 of the Revised Penal Code; People vs. Acosta, 60 Phil. 158). So also it has been held that the act of taking two roosters belonging to two different persons in the same place and on the same occasion cannot give rise to two crimes having an independent existence of their own, because there are not two distinct appropriations nor two intentions that characterize two separate crimes (People vs. De Leon, 49 Phil. 237, citing decisions of the Supreme Court of Spain of November 2, 1898 and October 4, 1905). And in the case of People vs. Guillem, 47 O.G. No. 7, 3433, a single act, that of throwing a highly explosive hand grenade at President Roxas, resulting in the death of one victim and in physical injuries on others was considered as a single act, also falling under the first part of Article 48 of the Revised Penal Code. It may be added that there is absolutely no evidence as to the number of persons killed by each and every one of the appellants, so even if we were induced to hold each appellant responsible for each and every death caused by him, it is impossible to carry that desire into effect as it is impossible to ascertain the individual deaths caused by each and everyone. We are, therefore, forced to find the appellants guilty of only one offense, that of multiple homicide for which the penalty to be imposed should be in the maximum period.

Wherefore, in G.R. No. 7618, for robbery, the judgment of conviction appealed from is hereby affirmed, but the maximum of the penalty imposed is hereby raised to 6 years 10 months and 1 day of prision mayor, in view of the presence of the aggravating circumstance of superior strength in the commission of the offense. The individual

liabilities of each of the persons sentenced for said crime are hereby also affirmed. In G.R. Nos. 7619 and 7620, the appellants Crispin Lawas, Clemente Osorio, Agustin Osorio, Felipe Si-it, Generoso Osorio and Patricio Pinos are each found guilty of the crime of multiple homicide and each sentenced to suffer the penalty of not less than 15 years 6 months and 21 days nor more than 18 years 2 months and 21 days, both of reclusion temporal, to indemnify the heirs of each of the deceased, jointly and severally, in the amount of P3,000.00, and to pay the costs proportionately.

Bengzon, Padilla, Montemayor, Reyes, Jugo, Bautista Angelo, Concepcion, and Reyes, J.B.L., JJ., concur.

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