

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
MARCELIANO BAUTISTA, ALFREDO MORONDOS AND ORLANDO
MORONDOS, DEFENDANTS-APPELLANTS.**

G.R. No. L-27638. November 28, 1969

Ponente: REYES, J.B.L. J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/5a04e3773fc5/>

REYES, J.B.L. J.:

Appeal from a decision of the Court of First Instance of Pangasinan (in its Criminal Case No. 22788-II) convicting the three accused, Marceliano Bautista, Alfredo Morondos and Orlando Morondos, of conspiring and murdering one Federico Celso and sentencing them to reclusion perpetua, to pay P6,000.00 to the heirs of the deceased by way of indemnity but without subsidiary imprisonment, and to defray the costs of the proceedings.

The findings of the court below are amply supported by the evidence on record which establishes that the afternoon of 31 March 1966 Federico Celso was in the store of Francisco Perdido in Barrio Cabayugan of the municipality of Mangatarem, Pangasinan, drinking liquor. Apparently, he was celebrating his recent release from the municipal jail where he had been confined for theft. The accused joined him, and all became intoxicated, to the extent that Ricardo Perdido, cousin of Celso, at the request of the store owner's wife, advised them to leave. Ricardo left ahead, and on passing the house where Federico Celso lived with his sister, Ponciana, he informed the latter of her brother's release and of his being drunk. Ponciana waited for Federico in the balcony of the house with several of her children. Shortly thereafter, at about seven o'clock P.M., her brother appeared walking down the road accompanied by the three accused-appellants. Federico was heavily drunk, and carried his shirt hanging from the shoulder. Near the house, accused Bautista and Alfredo Morondos were heard inviting Federico Celso to drink further with them, but Celso refused twice. Whereupon, Bautista hit Celso from behind with a piece of wood, the blow landing on the base of the neck and causing Celso to fall on the road face up. Then Orlando Morondos took hold of the same piece of wood and struck Celso in the face, while Alfredo Morondos boxed the stomach of the fallen man. Then the three accused took hold of the victim and dumped him inside a dry canal near the road, battered him further and left. The assault was witnessed by Ponciana Celso and her son, Hernando Gabay.

Ponciana, on seeing the aggression on her brother, shouted for help, but as no one came, she sent two of her children to the nearby house of her uncle, Celestino Fernandez, who turned out to be out in his field. Mother and children, afraid that the accused might return and do them harm, sought refuge in the Fernandez house. When Celestino Fernandez was summoned and was informed of what had transpired, he lost no time to inform Barrio Captain Esmenio Bravo. The latter sent two men to notify the police and later that night Patrolman Daniel Campit of the local police force arrived. He questioned the eyewitnesses, viewed the corpse and, with one Sergeant Pilar, looked for the Morondos at the latter's home, where they were advised that the two brothers, Orlando and Alfredo, were threshing palay at the place of one Sergio Sidon. Proceeding thither, the patrolmen found only Alfredo and Orlando Morondos, who were taken for investigation at the municipal building. Accused Bautista was then not at Sidon's house, but was taken in sometime later. Dr. Raymundo Velasquez was summoned to make the autopsy

that midnight and found that death was due to severe shock, cerebral concussion and hemorrhage. The body exhibited contusions in the mouth and lips which, with the nose, were filled with blood; contusions with hematoma in the occipital region, in the left shoulder and at the back of the thoracic wall.

Charged and tried, the court below held the appellants guilty of murder, as stated at the beginning of this opinion. The trial judge dis-counted the version of the accused that they had left the deceased standing on the road, and had not touched him, but that they went directly to Sidon's place where they threshed palay.

Counsel for appellants insists that the eyewitnesses, Ponciana Celso and her 10-year old son, Hernando Gabay, are not worthy of credence, and with commendable diligence points out various contra-dictions in their individual testimony. Our study of the records reveals that these contradictions refer to minor matters that do not detract from the credibility of the eyewitnesses; rather, they enhance it, for it is not to be wondered at that a grown-up woman and a 10-year old boy should not coincide in the appreciation of details. On the other hand, the spontaneity of their identification of the accused (who were their barriomates), is supported by their immediate denunciation of the three accused to the police on the same night of the crime. Their narration of the events tallies with the autopsy findings. Above all, no reason is shown why they should wish to link the accused, and not others, to this crime.

It is true that at 7 o'clock P.M. of 31 March the sun had already set; but it is well-known that there is a period of afterglow before the onset of real darkness, and in March twilight is already rather prolonged. Moreover, as shown by the Weather Bureau certificate (Exhibit "5"), the moon had risen shortly after midday (12.59 P.M.) to set at 2:29 A.M. the next day; at 7 o'clock P.M. it was nearly overhead with 59% illumination. We, therefore, can not conclude that the scene was not sufficiently lighted to enable the eyewitnesses to see what they narrated in court. While there were acacia trees around the situs of the delict, it is not proved that they completely blocked the view of Ponciana Celso and her son.

Appellants harp on the absence of evidence on any motive on their part to commit the aggression on the deceased. The evidence is that the deceased repeatedly rejected appellants' invitations to drink; and many cases in the annals of this Court emphasize that such refusals have often triggered homicidal assaults, particularly where the attackers were already under the influence of liquor. Anyway, from *U.S. vs. McMann*, 4 Phil. 561, to *People vs. Raquel*, 12 SCRA 441, it has been the constant doctrine of this Court that where the accused is clearly identified by credible witnesses (as in this case), lack of known motive is not important. The reason is that, as remarked by Wigmore (*Science of Judicial Proof*, 3d Ed., page 183), -

" It would be futile to try to catalogue the various facts of human life with reference to their potency in exciting a given emotion. Such an attempt would exhibit two defects. It would be pedantic, because it is impossible to suppose that the operation of human emotions can be reduced to fixed rules, and that a given fact can have an unvarying quantity of emotional potency. It would be useless, because the emotional effect of any fact must depend so often on the individual and the surrounding circumstances that no general formula could provide for the infinite combinations of circumstances.

"Courts have therefore always been agreed that in general no fixed negative rules can be made; that no circumstance can be said beforehand to be without the power of exciting a given emotion; and that, in general, any fact may be conceived as tending with others towards the emotion in question."

Alexander Burril, in his "*Treatise on Circumstantial Evidence*", pages 317-318, observes:

"But turning from argument to facts, the evidence recorded in numerous actual trials serves incon-testably to show by how trifling and apparently wholly inadequate motives or causes men have been led to the commission of the most appalling crimes. The mere expectation of obtaining a few pounds for a dead human

body, as an anatomical subject, was sufficient to induce Burke and his associates to murder no less than sixteen persons. A few words of reprimand led Courvoisier to cut his master's throat as he lay asleep in his bed."

"There is no rule of law which determines what is an adequate motive, even where it is necessary to show one." (Barculo, J., in *People vs. Lake*, 1 Parker's Criminal Reports, page 540)

Appellants' defense, in the last analysis, is but an alibi. They claim that they left Celso alive and were threshing palay at Sidon's when the crime took place. But a distance of less than half a kilo-meter is certainly not sufficient to raise reasonable doubt as to the possibility of their presence at the time and place they were seen by the witnesses for the prosecution. They also point out that Celso's uncle, Celestino Fernandez, expressed willingness to hire someone to kill Celso; but the circumstances surrounding the utterance and the fact that it was made to the barrio captain and the mayor, who did nothing about it, is proof that the threat was not serious.

We agree that there is not sufficient evidence to indicate conspiracy. Apparently, the murderous assault was provoked by Celso's persistent rejection of the invitations to drink made by Bautista and Orlando Morondos, who inflicted the most serious injuries. Hence, Alfredo Morondos, who merely boxed the victim in the stomach, should be held guilty only of *lesiones leves*, or light physical injuries. But the other two accused are guilty of murder characterized by *alevosia* in the case of Bautista, who struck the victim from behind, and of Orlando Morondos, who hit him in the face while lying helpless on the ground. In the absence of aggravating or mitigating circumstances, the penalty of *reclusion perpetua* was correctly imposed by the trial court. There is no evidence that the intoxication of appellants was not habitual.

WHEREFORE, the sentence appealed from is affirmed as to appellants Marceliano Bautista and Orlando Morondos and modified as to Alfredo Morondos, who is hereby sentenced to only fifteen (15) days of *arresto menor*; and considering the time of his preventive imprisonment since 1966, it is directed that he be immediately released from custody. All accused are sentenced to pay, jointly and severally, an indemnity of P12,000.00 to the heirs of Federico Celso. Costs against appellants.

Concepcion, C.J., Dizon, Makalintal, Zaldivar, Sanchez, Ruiz Castro, Fernando and Teehankee, JJ., concur. Barredo, did not take part.

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.