

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF and APPELLEE, VS. ANTONIO RAGANIT, DEFENDANT and APPELLANT.*G.R. No. L-513. May 12, 1949*

Ponente: OZAETA, J.

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Accused of murder in the Court of First Instance of Leyte, the herein appellant was convicted of homicide and sentenced to suffer ten years and one day of prision mayor to seventeen years, four months, and one day of reclusion temporal, to indemnify the heirs of the deceased in the sum of P2,000, and to pay the costs.

On the morning of January 5, 1945, Tiburcio Pontillas was found dead in the yard of one Andres Adlawan in the barrio of Olotan, municipality of Jaro, Leyte, not far from the house of the said deceased in the same barrio. An examination of the body by the acting sanitary president of Jaro showed a punctured wound at the perineal region about 3 1/2 inches deep and 1 inch wide which cut the rectum and wounded part of the large intestine, and that the deceased had died of external hemorrhage.

The herein appellant was charged with the murder of said deceased in an information filed by the acting provincial fiscal dated January 16, 1945.

The only supposed eyewitness to the crime was one Jesus Adlawan, a first cousin of the widow of the deceased, who testified for the prosecution substantially as follows: That at nightfall on January 4, 1945, while on his way to the tuba distillery of the deceased Tiburcio Pontillas in the barrio of Olotan with the intention of buying tuba from him, he saw the accused in the act of puncturing the anus of Tiburcio Pontillas with a bolo while Tiburcio was getting down from a coconut tree; that immediately after wounding Tiburcio the accused ran away and Tiburcio walked towards the house of Andres Adlawan; that he (the witness) did not utter a word, did not attempt to pursue the assailant of his cousin-in-law, and did not even succor or talk to the latter because he was afraid that the accused might attack him too. According to said witness, he returned to his house, which was very near that of the deceased, but did not deem it necessary to notify the wife of the deceased, his first cousin Clara Navarra, of what had happened to her husband until the following morning, because he was busy preparing his supper.

Clara Navarra, the widow of the deceased, testified that about five o'clock in the afternoon of January 4, 1945, her husband Tiburcio Pontillas went out to distill tuba; that on the morning of the following day Jesus Adlawan informed her that her husband had been wounded and that the one who had wounded him was the accused Antonio Raganit; and that thereupon she ran to look for her husband. Interrogated whether she knew of any motive on the part of the accused to kill her husband, she replied that the accused was angry with her husband because the latter had caught the former stealing his tuba on December 25, 1944, and had denounced the said accused for that theft before Lt. Francisco Regis of the USAFFE. On cross-examination she admitted that her neighbor Pablo Horca notified her thru a boy on the morning of January 5, 1945, of the death of her husband; but she claimed that before that boy arrived at her house Jesus Adlawan had already told her the same news about half an hour earlier. When interrogated why she waited half an hour before looking for the body of her husband, she

replied that she was busy cooking food for the breakfast of her children who were hungry.

After seeing the dead body of her husband, Clara Navarra notified the authorities and three policemen came to investigate the crime. Jesus Adlawan, the only supposed, eyewitness to the crime, accompanied the policemen to the place where the body of the deceased lay, but according to himself he did not tell the policemen that he had seen the accused inflict the wound on the deceased because he was afraid of "retaliation" from the accused. He said, however, that Clara Navarra told the policemen that he (Jesus Adlawan) had seen the accused commit the crime. Nevertheless, the policemen did not ask Jesus Adlawan any question then and there.

On the following day, January 6, the chief of police took Clara Navarra's statement in the form of questions and answers, which she subscribed and swore to before the municipal mayor. One of the questions asked her was the following: "Why did you know that Antonio Raganit was the fellow who killed your husband?" to which she gave the following answer: "Because he is the only fellow who is keeping a grudge against Tiburcio because he was caught stealing tuba."

It was not until January 12, 1945, that Jesus Adlawan's statement was taken by the police and subscribed and sworn to by him before the justice of the peace of Jaro.

It will be noted from the foregoing narration of the evidence that the testimony of the lone supposed eyewitness to the crime is not corroborated by any direct or circumstantial evidence. On the contrary, the attendant circumstances tend to impugn its credibility. We may believe that Jesus Adlawan, an unmarried young man of twenty-six, was so devoid of manly courage as not to make any attempt to defend his cousin-in-law from a treacherous attack or to avenge the treachery which he claimed to have witnessed at a distance of five brazas; but to ask us to believe that he was also so completely devoid of human feeling as not to succor his wounded cousin-in-law or even to talk to him after his assailant had run away, or even to take the trouble immediately to tell his wife—his cousin and neighbor—of what had befallen her husband so that she might succor him, is to tax human credulity beyond reasonable limits. Such pretended conduct of the witness is simply contrary to human nature.

Moreover, if it were true that Jesus Adlawan informed Clara Navarra on the morning of January 5 that her husband had been treacherously and seriously wounded or killed by their neighbor Antonio Raganit, we believe she would have immediately run to the place where her husband could be found, for that would have been the natural reaction of any human being in her situation. The fact that it was not until after Pablo Horca had notified her that her husband was dead that she went to look for his body; the fact that Jesus Adlawan did not tell the policemen on the morning of January 5 that he knew the murderer; and the fact that Clara Navarra did not tell the chief of police when he took her statement that she knew the accused had killed her husband because Jesus Adlawan told her that he had seen the accused inflict the fatal wound, lead us to believe that Jesus Adlawan did not inform Clara Navarra on the morning of January 5 that he had seen the accused inflict the wound on her husband, and that the belated statement given by him to the police on January 12 was an eleventh-hour fabrication intended to sustain the suspicion that it was the accused who had killed the deceased because the former had a grudge against the latter.

According to Clara Navarra, before December 25, 1944, when her husband caught the accused stealing his tuba, the accused and her husband were friends. Thus she testified on direct examination:

"P. Antes de aquel incidente del 25 de Diciembre del año pasado, como estaban las relaciones entre ustedes y el acusado? R. Eramos amigos." (Page 20, t.s.n.)

And according to her also Francisco Regis, the lieutenant of the USAFFE to whom she denounced the theft of tuba committed by the accused, did not take any action but merely advised her and her husband "not to bother

Antonio Raganit because he might get mad." (Page 29, t.s.n.) Thus, if we are to believe her testimony, it was she and her husband who had a grudge against the accused for having stolen their tuba, and not vice-versa. The testimony of Clara Navarra on cross-examination further shows that about ten years before the crime in question was committed, the accused wounded her cousin named Juan Arrojo, for which offense the accused was prosecuted, convicted, and served imprisonment; and on that same occasion Pablo Navarra, brother of Clara Navarra, was killed by Arcadio Raganit, an uncle of the appellant Antonio Raganit. From all of this it can be deduced that Clara Navarra had more reason to hate the accused, and his kin than the latter had to hate her and her family.

It results that the uncorroborated testimony of the lone supposed eyewitness Jesus Adlawan, is very unsatisfactory, to say the least, and not sufficient to prove the guilt of the accused beyond reasonable doubt.

The sentence appealed from is reversed and the appellant is acquitted, with costs de officio.

So ordered.

Moran, Paras, Pablo, Perfecto, Bengzon, Tuason, Montemayor, and Reyes, JJ., concur.
Feria, J., did not take part.

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