

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
RUPERTO METRAN, DEFENDANT AND APPELLANT.***G. R. No. L-4205. July 27, 1951*

Ponente: PARAS, C.J.

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This is an appeal from the judgment of the Court of First Instance of Leyte, convicting the appellant, Ruperto Metran, of murder and sentencing him to reclusion perpetua, to indemnify the heirs of the deceased Valentina Tanala in the sum of two thousand pesos, and to pay one fifth of the costs. Four other accused were included in the information, but they were still at large at the time of the trial.

The evidence for the prosecution, given credit by the trial court, tends to show that Valentina Tanala, her sister Potenciana Tanala, and her niece Constancia Tanala lived in the barrio of Hiagsam, municipality of Jaro, province of Leyte. Around one o'clock in the morning of February 26, 1948, they were awakened in their house by a group of five men including the appellant and told to open the door. Before doing so, Potenciana Tanala lighted a lamp. The intruders, all armed with rifles, ransacked the whole house in search of pistols. In the end two of the men dragged Constancia Tanala some twenty meters away from the house, while Valentina Tanala was taken about thirty meters away by three men including the appellant. Released by the men who took her, Constancia Tanala returned to the house, whereupon she and Potenciana Tanala heard three shots. Valentina Tanala failed to return to her house, but her dead body was found in the morning by Potenciana and Constancia near the house of Porfiria Basitio. According to Dr. Martin Reyes, president of the local sanitary division, who examined her corpse, Valentina Tanala's death was caused by multiple gunshots resulting in internal hemorrhage, injury of internal organs, and fracture of arm bone.

After being arrested, the appellant signed an affidavit, Exhibit "B", in which he admitted having been a member of the gang that kidnapped and killed Valentina Tanala, although he claimed that he did not remember who of them actually shot her.

In addition to Potenciana Tanala and Constancia Tanala, principal witnesses for the prosecution, Cornelio Samson was put on the witness stand, and the latter testified that he was the servant of Juan Susaya, the leader of the band that went on February 26, 1948, to the house of Valentina Tanala; that the appellant was with the band on said occasion; that Valentina was taken from her house and brought to the corn plantation where she was killed.

The appellant admits having had connection with Juan Susaya, but alleges that he was forced to do so out of fear; that he was not with the gang of Juan Susaya on February 26, 1948, because he was in Ormoc, Leyte, to collect the debt of his cousin, Maximino Metran; that he thumbmarked Exhibit "B" because he feared that he would be punished by the Philippine Constabulary.

Appellant's allegation that his confession was involuntarily given is obviously an afterthought. In the first place, he merely testified that he suspected he would be punished by the Constabulary soldiers if he did not confess, and did not specify the kind of torture or pressure that led him to confess. In the second place, he admitted that he did

not complain to the justice of the peace about any pressure on the part of the investigating officer, when he could then have freely talked. In the third place, the appellant stated in his affidavit that two of his companions were Quiterio Susaya and Agaton Embodo which bear similar sounds as Leuterio Susaya and Agaton Bodobodo, admitted by the appellant in his testimony during the trial to have been members of the gang of Juan Susaya, a circumstance tending to sustain the substantial accuracy of appellant's confession.

We cannot accept appellant's pretense that he had to stay with Juan Susaya's band out of fear, since according to his own admission, he escaped from the gang when he heard that Zacarias Boya would be arrested, and he went home to his wife in barrio Ugyao. The defense of alibi can neither prosper because, aside from the fact that it cannot overcome the positive testimony of Potenciana and Constancia Tanala, coupled with that of Cornelio Samson, there is absolutely no indication in the record that it was impossible for him to be at the place of the crime.

There is also no merit in appellant's contention that he cannot be convicted because there is no evidence as to who actually shot Valentina Tanala. Conspiracy was sufficiently established, in that the appellant has been shown to have been a member of the notorious band of Juan Susaya that went in a group (all armed with rifles) to the place of Valentina Tanala, and to have been one of the three men that took Valentina from her house and brought her to a spot some thirty meters away, coupled with the proven circumstance that gun shots were heard soon thereafter.

We cannot agree, however, with the Solicitor General that the aggravating circumstances of aid of armed men and advantage of superior strength should be taken into account, because in our opinion it is the very combination of said circumstances and nighttime that constituted in this case treachery which qualified the crime as murder, there being no direct evidence as to the manner the attack against Valentina Tanala was perpetrated. Neither can the aggravating circumstances of dwelling and disrespect to sex be considered, contrary to the contention of the Solicitor General. It is beyond question that Valentina Tanala was killed about thirty meters away from her house, and there is no showing either that said place formed part of her grounds or that it was so connected with her home as to be an integral portion thereof; and the record does not disclose, aside from the unlawful taking of the life of Valentina, some specific insult or disrespect towards her sex.

Being in accordance with the facts and the law, the appealed judgment is hereby affirmed with costs against the appellant. So ordered.

Feria, Pablo, Bengzon, Padilla, Montemayor, Tuason, Reyes and Jugo, JJ., concur.

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