

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ROMEO CORPUZ, HERNANIE SOTO, DANILO CHICO, PAB-LITO
ABASULA, ROGELIO CORPUZ, REYNALDO GODOY, RICARDO
MABALOT, VICTOR BANGA...**

G.R. No. L-36234. February 10, 1981

Ponente: FERNANDEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/67811e99b7e3/>

FERNANDEZ, J.:

This is an automatic review of the sentences of the Circuit Criminal Court at Pasig, Rizal, in Criminal Case No. CCC-VII-966 imposing the death penalty on all the accused.

Sometime in February 1972, Romeo Corpuz, Hernanie Soto, Danilo Chico, Pablito Abasula, Rogelio Corpuz, Reynaldo Godoy, Ricardo Mabalot, Victor Bangayan, Felipe Alcera and Miguel Coro, all prisoners at the New Bilibid Prisons in Muntinlupa, Rizal, were charged with murder and frustrated murder in the following information:

"That on or about December 30, 1970, in the New Bilibid Prison, Muntinlupa, Rizal, Philippines and within the jurisdiction of this Honorable Court, the said accused while then confined at the said institution, being members of the 'Commando Gang', conspiring, confederating, and acting together and armed with improvised deadly weapons, did then and there wilfully, unlawfully and feloniously assault and wound RODOLFO LEGASPI, No. 66548-P; ANTONIO SILVA, No. 74855-P; LEODEGARIO FAJARTIN, No. 74193-P; LEONARDO FUENTES, No. 34840-C and MANUEL ARCIAGA, No. 73253-P, all convicted prisoners serving final sentences at the New Bilibid Prison, in the different parts of their bodies, inflicting upon the person of Rodolfo Legaspi and Antonio Silva, multiple stab wounds, while the latter were then unarmed and unable to defend themselves from the attack launched by the accused, as a result of which the said Rodolfo Legaspi and Antonio Silva died instantly; and upon the person of Leodegario Fajartin, Leonardo Fuentes and Manuel Arciaga, who then were also unarmed and unable to defend themselves, stab wounds in various parts of their bodies, which injuries would have caused their death, the said accused performing all the acts of execution which would have given rise to the offense of Murder as a consequence, but which nevertheless was not produced by reason of the timely medical attention extended to the injured by the New Bilibid Prison Hospital.

That the offense was committed by the above accused attended by the qualifying circumstances of treachery and the generic aggravating circumstances of evident premeditation and recidivism, the accused Romeo Corpuz and Pablito Abasula, serving final sentences for Homicide, and sentenced by the Courts of First Instance of Quezon City and Batangas on April 21, 1969 and April 10, 1969, respectively, the accused Ricardo Mabalot, serving final sentences for Robbery with Homicide, sentenced by the Criminal Circuit Court of Manila on May 15, 1970; the accused Danilo Chico serving final sentences for Attempted Homicide, and

sentenced by the Court of First Instance of Caloocan City on December 23, 1969, at the time the above offense was committed.

CONTRARY TO LAW.

Muntinlupa, Rizal, for Pasig, Rizal, February 7, 1972.

(Sgd.) FRANCISCO Ma. GUERRERO
Special Prosecutor"[1]

Upon being arraigned, all the accused pleaded not guilty. However, on July 29, 1972, after the prosecution had rested its case, the accused, Romeo Corpuz, Victor Bangayan and Hernanie Soto, were permitted to withdraw their plea of not guilty and to substitute the same with a plea of guilty after the trial court had apprised them of the consequences of their plea of guilty. They were each sentenced to suffer the death penalty for the crime of murder, to indemnify the heirs of the victims Rodolfo Legaspi and Antonio Silva in the amount of P12,000.00 each, and to pay P12,000.00 as exemplary damages, and the further sum of P12,000.00 as moral damages, and to suffer triple the penalty of, from ten years and one day of prision mayor as minimum, to seventeen years and four months of reclusion temporal as maximum, for the offense of frustrated murder, to pay Leodegario Fajartin, Leonardo Fuentes and Manuel Arciaga the amount of P10,000.00 each as moral damages and, another P10,000.00 each as exemplary damages, and to pay their proportionate share of the costs. The Court recommended to the Chief Executive, through the Board of Pardons and Parole, that the death penalty imposed on them be commuted to life imprisonment.[2]

On August 12, 1972, after the prosecution had also rested its case, the accused, Felipe Alcera, after he was apprised by the trial court of the consequences of his plea of guilty, was permitted to change his plea of not guilty to that of guilty. The trial court sentenced Felipe Alcera to suffer the death penalty for the crime of murder, to indemnify, jointly and severally, with his co-accused Romeo Corpuz, Victor Bangayan and Hernanie Soto, the heirs of the victims Rodolfo Legaspi and Antonio Silva, the amount of P12,000.00 each, and to pay P12,000.00 as moral damages, and another P12,000.00 as exemplary damages, and to suffer triple the penalty of, from ten (10) years and one (1) day of prision mayor as minimum, to seventeen (17) years and four (4) months of reclusion temporal as maximum, for the offense of frustrated murder, to pay Leodegario Fajartin, Leonardo Fuentes and Manuel Arciaga the amount of P10,000.00 each as moral damages and another P10,000.00 each as exemplary damages, and to pay his proportionate share of the costs. The court also recommended to the President of the Philippines, through the Department of Justice, the commutation to reclusion perpetua of the death penalty imposed upon said accused.[3]

The other accused, Danilo Chico, Pablito Abasula, Rogelio Corpuz, Reynaldo Godoy, Ricardo Mabalot and Miguel Coro who had pleaded not guilty did not change their plea. After trial they were found guilty of the crimes charged and each one of them was sentenced to suffer double the penalty of death, to indemnify the heirs of the victims in the amount of P12,000.00 each, to pay the heirs of the deceased the amount of P5,000.00 each as moral damages and another P5,000.00 each as exemplary damages, and for the near fatal slaying of Leodegario Fajartin, Leonardo Fuentes and Manuel Arciaga, each of the accused was sentenced to suffer triple the penalty of, from seventeen (17) years, four (4) months and one (1) day of reclusion temporal, as minimum, to twenty years of reclusion temporal, as maximum, to pay the victims the amount of P5,000.00 each as moral damages and another

P5,000.00 each as exemplary damages, and to pay their proportionate shares of the costs.[4]

The counsel de officio of the defendants assigned the following errors:

"ASSIGNMENT OF ERRORS

I

THE TRIAL COURT ERRED IN SENTENCING TO DEATH THE DEFENDANTS ROMEO CORPUZ, VICTOR BANGAYAN, FELIPE ALCERA AND HERNANIE SOTO WITHOUT THE DEFENDANTS BEING PREVIOUSLY INFORMED OF THE NATURE OF THE CHARGES AGAINST THEM AND THE QUALIFYING AND AGGRAVATING CIRCUMSTANCES RECITED IN THE INFORMATION.

II

THE TRIAL COURT ERRED IN RULING THAT 'IT APPEARS FROM THE RECORD THAT THE FOLLOWING ACCUSED: DANILO CHICO, PABLITO ABASOLA, ROGELIO CORPUZ, REYNALDO GUDROY, RICARDO MABALOT AND MIGUEL CORO WERE RESPONSIBLE FOR THE STABBING OF THE VICTIMS'.

III

THE TRIAL COURT ERRED IN HOLDING THAT 'ALTHOUGH IT IS PROBABLE THAT NOT ALL (ACCUSED) INFLECTED FATAL WOUNDS ON THE FIVE VICTIMS, ALL ARE LIABLE FOR THE RESULTING CRIMES OF MURDER AND FRUSTRATED MURDER BECAUSE IN CONSPIRACY, THE ACT OF ONE IS THE ACT OF ALL'.

IV

THE TRIAL COURT ERRED IN FINDING THAT 'CONSPIRACY WAS ATTENDANT IN THE COMMISSION OF THE CRIME CHARGED'.

V

THE TRIAL COURT ERRED IN RULING THAT THE ADMISSIONS OF ROMEO CORPUZ, HERNANIE SOTO, VICTOR BANGAYAN AND FELIPE ALCERA ARE OF DOUBTFUL PROBATIVE VALUE AND SHOULD BE REJECTED AS EVIDENCE IN FAVOR OF THEIR CO-DEFENDANTS.

VI

THE TRIAL COURT ERRED IN NOT REJECTING THE SO-CALLED EXTRAJUDICIAL CONFESSIONS OF THE DEFENDANTS DANILO CHICO, PABLITO ABASOLA, ROGELIO CORPUZ, REYNALDO GODOY, RICARDO MABALOT AND MIGUEL CORO AS INADMISSIBLE FOR HAVING BEEN EXTRACTED BY MEANS OF INTIMIDATION, FORCE AND VIOLENCE.

VII

THE TRIAL COURT ERRED IN FINDING THE ACCUSED DANILO CHICO, PABLITO ABASOLA, ROGELIO CORPUZ, REYNALDO GODOY, RICARDO MABALOT AND MIGUEL CORO GUILTY OF THE CRIMES OF MURDER AND FRUSTRATED MURDER.

VIII

THE TRIAL COURT ERRED IN NOT FINDING THE ACCUSED GUILTY OF THE CRIMES OF DEATH IN A TUMULTUOUS AFFRAY.

IX

THE TRIAL COURT ERRED IN APPLYING ARTICLE 160 OF THE REVISED PENAL CODE IN THE IMPOSITION OF THE PENALTY ON THE SIX ACCUSED.

X

THE TRIAL COURT ERRED IN NOT FINDING THE ACCUSED INNOCENT OF THE CRIMES OF MURDER AND FRUSTRATED MURDER."^[5]

The submission of the defendants Romeo Corpuz, Victor Bangayan, Felipe Alcera and Hernanie Soto that they were sentenced to death without having been previously informed of the nature of the charges against them and of the qualifying and aggravating circumstances recited in the information is without merit. These defendants originally pleaded not guilty. They changed their plea to guilty only after the prosecution had rested its case. They were, therefore, fully apprised not only of the allegations in the information but of the entire evidence of the prosecution.

Moreover, it appears of record that the trial court called the attention of the defendants to the gravity of the charges against them. The defendants changed their plea of not guilty to guilty assisted by counsel and fully aware of the consequences.

The second and seventh errors assigned are interrelated and have been discussed jointly by the defendants and by the appellee. A perusal of the evidence of record reveals that the trial court erred when it held that the six (6) defendants, together with the four (4) who had previously pleaded guilty, are responsible for the death of Rodolfo Legaspi and Antonio Silva.

Leodegario Fajartin declared that the persons who stabbed Rodolfo Legaspi were the two (2) Corpuzes and that he did not know Antonio Silva because they were many.[6] Manuel Arciaga testified that he was stabbed by Hernanie Soto and that he could not point to the persons who stabbed Rodolfo Legaspi because he was quite far from them.[7]

The National Bureau of Investigation physician, Dr. Ricardo Ibarrola, testified that Rodolfo Legaspi sustained three (3) stab wounds; that said wounds could not have been inflicted by more than three (3) persons; and that Antonio Silva sustained two (2) stab wounds which could not have been inflicted by more than two (2) persons. Said doctor also declared that the stab wounds sustained by Rodolfo Legaspi could have been inflicted by one person and that it was very difficult, if not impossible, that the five (5) wounds sustained by Legaspi and Silva were inflicted by ten (10) persons.[8] It is clear, therefore, that only the four (4) defendants who pleaded guilty, namely, Romeo Corpuz, Victor Bangayan, Felipe Alcera and Hernanie Soto can be convicted of the fatal stabbing of Rodolfo Legaspi and Antonio Silva.

Anent the third and fourth errors assigned, the defendants contended that the prosecution has failed to prove the existence of conspiracy in the commission of the crimes charged. This contention is meritorious.

There is no competent evidence of record to show that all the defendants previously agreed to kill Rodolfo Legaspi and Antonio Silva. Conspiracy can only be deduced from the alleged confessions of the six (6) defendants. These alleged confessions, however, are not sufficient to establish conspiracy, it appearing that said confessions have been repudiated. There are several indications that the confessions were given under duress.

All the six (6) defendants repudiated their alleged confessions. They testified that they were inflicted with physical injuries and were brought to the "bartolina". The contention of the appellee that if the defendants were really maltreated or intimidated they should have reported such maltreatment to the Assistant Director of Prisons, Diosdado Aguiluz, before whom they swore and signed their confessions, is puerile, to say the least. The defendants are all prisoners. Had they repudiated their confessions before Assistant Director of Prisons Diosdado Aguiluz, they would surely have been maltreated some more. They were not free to leave the jail after having subscribed and sworn to their respective confessions.

There are indications to show that the confessions are not spontaneous. The following circumstances show that the extrajudicial confessions were obtained through force and intimidation: (a) The confessions are short and bereft of details. The omission of important details of the alleged plan to stab the rival gang members militates against voluntariness and casts doubt in the finding of the trial court that the confessions were made freely. (b) The defendants, Romeo Corpuz, Rogelio Corpuz, Reynaldo Godoy, Ricardo Mabalot, Pablito Abasula and Miguel Coro, all admitted that each one of them stabbed Rodolfo Legaspi. However, Dr. Ricardo Ibarrola of the National Bureau of Investigation testified that Rodolfo Legaspi sustained only three (3) stab wounds. It is clear that the admissions of the six (6) defendants that each of them stabbed Rodolfo Legaspi is not true. (c) The prosecution witness, Abraham de las Alas, a prison guard of the New Bilibid Prisons, failed to investigate the defendants Miguel Coro, Reynaldo Godoy and Hernanie Soto at 9:00 o'clock in the morning when they were brought to the Investigation Section. The prison authorities investigated them only at 10:50 o'clock in the evening of the same date. There is reason to believe that between 9:00 o'clock in the morning to 10:50 o'clock in the evening, said defendants were maltreated and intimidated.

In view of the foregoing, the extrajudicial confessions of the defendants should be disregarded.

Conspiracy cannot be inferred from the manner that the defendants attacked the victims. There is no sufficient showing that all the defendants acted pursuant to a previous common accord.

There being no conspiracy, each of the defendants should be held liable for his individual act.

As regards the fifth error assigned, the defendants contended that the admissions of Romeo Corpuz, Hernanie Soto, Victor Bangayan and Felipe Alcera that they were the only ones who stabbed Rodolfo Legaspi and Antonio Silva and of wounding Fajartin, Fuentes and Arciaga should not have been rejected by the trial court as evidence in favor of their co-defendants.

This contention is meritorious.

The trial court rejected the admissions of said accused because:

"The Court considers the testimonies of the four condemned men that of claiming sole responsibility for the killing of Rodolfo Legaspi and Antonio Silva and seriously wounding Leodegario Fajartin, Leonardo Fuentes and Manuel Arciaga, and exculpating the remaining co-accused from any participation therein, of doubtful probative value. This is so, because the Court has strong reason to believe that out of comradeship, gang loyalty or for reasons only known to them, arrangement or plan must have been made for the four condemned men to claim sole responsibility for the killing and seriously wounding of the victims to save the remaining co-accused from the hot chair. Besides, for the defense of denial to prosper, the same must be corroborated by credible and trustworthy witnesses." [9]

Mere comradeship and gang loyalty could not have induced Romeo Corpuz, Hernanie Soto, Victor Bangayan and Felipe Alcera to assume responsibility for a crime that may result in their being sentenced to death. The admissions of said defendants of responsibility for the killing of Rodolfo Legaspi and Antonio Silva and seriously wounding Leodegario Fajartin, Leonardo Fuentes and Manuel Arciaga are highly contrary to their interest. Hence, there is no reason to doubt the veracity thereof.

The admissions of the defendants Romeo Corpuz, Hernanie Soto, Victor Bangayan and Felipe Alcera should at least create a serious doubt on the guilt of their co-accused. It has been held that the confession of a co-accused that he alone committed the crime is a circumstance that may be taken to engender great doubt as to the alleged guilt of the other accused. [10]

The trial court imposed the penalty of death on the four (4) defendants who pleaded guilty because they were allegedly serving sentence under final judgment when the crimes for which they were charged took place. The decisions of the court convicting said defendants which have allegedly become final were not presented as evidence. No commitment papers showing that said defendants have been committed to the National Penitentiary by virtue of a court's final decision was presented as evidence. There is a showing that some of the defendants have pending appeals. The trial court applied Article 160 of the Revised Penal Code on the unfounded assumption that all the defendants were serving sentence in the National Penitentiary pursuant to judgments of conviction which had become final and in the absence of competent evidence that these defendants have been sentenced by final judgment. The trial court cannot apply Article 160 of the Revised Penal Code and impose the maximum penalty of death. The defendants who have pleaded guilty can only be sentenced to the penalty of reclusion perpetua.

The submission of the defendants that the crime was committed in a tumultuous affray has no merit. The quarrel was between two (2) well-known groups of prisoners. There was no confusion. There is no crime of death in a

tumultuous affray if the quarrel is between two (2) well-known groups.[11]

The evidence shows that only the defendants Rogelio Corpuz, Ricardo Mabalot and Pablito Abasula inflicted the wounds of Leodegario Fajartin which were healed within a period of nine (9) days. The intent to kill was not proven. Therefore, the defendants Rogelio Corpuz, Ricardo Mabalot and Pablito Abasula who inflicted the injuries on Fajartin can only be liable for slight physical injuries. There is no evidence that the victims would have died if there was no timely medical attendance.

The persons who inflicted the physical injuries on Leonardo Fuentes and Manuel Arciaga were not identified. However, the four (4) defendants, Romeo Corpuz, Victor Bangayan, Felipe Alcera and Hernanie Soto, who pleaded guilty can be declared guilty of physical injuries as to Leodegario Fajartin, Leonardo Fuentes and Manuel Arciaga.

The guilt of the defendants Danilo Chico, Reynaldo Godoy and Miguel Coro was not established beyond reasonable doubt. There is no competent evidence that these three (3) defendants participated in the killing of Rodolfo Legaspi and Antonio Silva and in inflicting injuries on Leodegario Fajartin, Leonardo Fuentes and Manuel Arciaga. Manuel Arciaga declared that he was stabbed by Hernanie Soto who did not have any companion at that time. Indeed, the trial court made no specific finding on the actual participation of Danilo Chico, Reynaldo Godoy and Miguel Coro in the commission of the crimes charged in the information. These defendants were convicted of murder and frustrated murder on the erroneous finding that there was conspiracy. Hence, they are acquitted of the crimes charged in the information.

WHEREFORE, the defendants Romeo Corpuz, Hernanie Soto, Victor Bangayan and Felipe Alcera are hereby declared GUILTY of murder, without applying Article 160 of the Revised Penal Code, hence, they are imposed the penalty of reclusion perpetua and ordered jointly and severally to indemnify the heirs of each of the victims Rodolfo Legaspi and Antonio Silva in the amount of P12,000.00 and to pay the amount of P12,000.00 as moral damages, and their proportionate share of the costs.

For the less serious physical injuries inflicted on Leonardo Fuentes and Manuel Arciaga and the slight physical injuries inflicted on Leodegario Fajartin, the said defendants are imposed double the penalty of two (2) months and one (1) day of arresto mayor as regards Fuentes and Arciaga and the penalty of imprisonment of twenty (20) days of arresto menor as to Fajartin and to pay their proportionate share of the costs.

The defendants Ricardo Mabalot, Pablito Abasula and Rogelio Corpuz are declared GUILTY of the crime of slight physical injuries as to Leodegario Fajartin and are each sentenced to suffer imprisonment of twenty (20) days of arresto menor and to pay their proportionate share of the costs.

The defendants Danilo Chico, Reynaldo Godoy and Miguel Coro are ACQUITTED of the crimes charged in the information, with costs de oficio.

SO ORDERED.

Fernando, C.J., Concepcion, Jr., Guerrero, Abad Santos and De Castro, JJ., concur.

Teehankee and Melencio-Herrera, JJ., concur in the result.

Barredo, J., votes with J. Aquino.

Makasias and Aquino, JJ., dissent in separate opinions.

[1] Rollo, pp. 3-4.

- [2] Sentence, Rollo, pp. 41-52.
- [3] Sentence, Rollo, pp. 36-40.
- [4] Sentence, Rollo, pp. 24-35.
- [5] Brief for Defendants-Appellants, pp. A-B, Rollo, p. 138.
- [6] Ibid., p. 10, Rollo, p. 138.
- [7] Ibid., p. 11, Rollo, p. 138.
- [8] Ibid., pp. 11-12, Rollo, p. 138.
- [9] Brief for the Appellee, p. 15, Rollo, p. 145.
- [10] People vs. Crisologo, 28 SCRA 618.
- [11] U.S. vs. Tandoc, 40 Phil. 954.

DISSENTING OPINION

MAKASIAR, J.:

The appellant should be convicted, not of the complex crime of double murder and frustrated murder, but of two separate murders and of three separate crimes of attempted homicide; because they killed the two victims separately and with separate weapons, and inflicted wounds on the three victims of attempted homicide separately and with different lethal weapons, although their injuries were not fatal. In the case of the three attempted homicide, the intent to kill is patent from the deadly weapons they used.

Single purpose or single motivation does not qualify the first half of Article 48 of the Revised Penal Code (People vs. Pineda, L-26222, 20 SCRA 754, July 21, 1967). In this connection, hereunder is quoted my dissent in People vs. Pingcale, et al. (L-38753), wherein I suggested to re-submit said case to the Court En Banc for further discussion:

"But I dissent mainly because the appellants should be guilty of two separate murders, not of the complex crime of double murder.

"Article 48 of the Revised Penal Code states that 'when a single act (not a single purpose) constitutes two or more grave or less grave felonies x x x, the penalty for the most serious crime shall be imposed, the same to be applied in its maximum period' (underscoring supplied). The basis for the legal conclusion in the majority opinion is the single motivation or single purpose, which is not justified by the phraseology of the law as aforequoted.

"Terrorists have one single purpose -- to terrorize. If the terrorists kill several persons separately with different firearms or sharp instruments, under the majority opinion, the terrorists can only be guilty of the complex crime of multiple murder. Or if the members of an arson syndicate, by pre-arranged signals, set fire to several buildings at the same time and killing all the inmates therein, under the single purpose or single motivation

theory of the majority opinion, the culprits can only be guilty of one crime of arson complexed with murder.

"These two situations graphically demonstrate the absurdity of the legal conclusion in the majority opinion. The rule in the 1975 case of *People vs. Toling* (L-27097, Jan. 17, 1975, 62 SCRA 17, 33, 34) penned by Mr. Justice Aquino himself, which is re-affirmed in the subsequent cases of *Gamboa vs. CA, et al.* (Nov. 28, 1975, 68 SCRA 308, 315-318) and *People vs. Undong* (L-32641, Aug. 29, 1975, 66 SCRA 366, 395-396) should apply and should be adhered to (see also the cases of *People vs. Remollino*, 109 Phil. 609; *People vs. Mortero*, 108 Phil. 31; *People vs. Basarain*, 97 Phil. 955 and a host of other cases).

"Mr. Justice Aquino, speaking for the Court in the *Toling* case, *supra*, ruled:

"The eight killings and the attempted murder were perpetrated by means of different acts. Hence, they cannot be regarded as constituting a complex crime under Article 48 of the Revised Penal Code which refers to cases where "a single act constitutes two or more grave felonies, or when an offense is a necessary means for committing the other."

'As noted by Cuello Calon, the so-called "concurso formal o ideal de delitos reviste dos formas: (a) cuando un solo hecho constituye dos o mas delitos (el llamado delito compuesto); (b) cuando uno de ellos sea medio necesario para cometer otro (el llamado delito complejo). (1 *Derecho Penal*, 12th Ed. 650).

'On the other hand, "en al concurso real de delitos," the rule, when there is "acumulacion material de las penas," is that "si son varios los resultados, si son varias las acciones, esta conforme con la logica y con la justicia que el agente soporte la carga de cada uno de los delitos" (*Ibid.*, p. 652, *People vs. Mori*, L-23511, January 31, 1974, 55 SCRA 382, 403).

'The twins are liable for eight (8) murders and one attempted murder. (See *People vs. Salazar*, 105 Phil. 1058 where the accused Moro, who ran amuck, killed sixteen persons and wounded others, was convicted of sixteen separate murders, one frustrated murder and two attempted murders; *People vs. Mortero*, 108 Phil. 31, the Panampunan massacre case, where six defendants were convicted of fourteen separate murders; *People vs. Remollino*, 109 Phil. 607; where a person who fired successively at six victims was convicted of six separate homicides; *U.S. vs. Beecham*, 15 Phil. 272, involving four murders; *People vs. Macaso*, 85 Phil. 819, 828, involving eleven murders; *U.S. vs. Jamad*, 37 Phil. 305; *U.S. vs. Balaba*, 37 Phil. 260, 271. Contra: *People vs. Cabrera*, 43 Phil. 82, 102-103; *People vs. Floresca*, 99 Phil. 1044; *People vs. Sakam*, 61 Phil. 27; *People vs. Lawas*, 97 Phil. 975; *People vs. Manantan*, 94 Phil. 831; *People vs. Umali*, 96 Phil. 185; *People vs. Cu Unjieng*, 61 Phil. 236; *People vs. Peñas*, 66 Phil. 682; *People vs. De Leon*, 49 Phil. 437, where the crime committed by means of separate acts were held to be complex on the theory that they were the product of a single criminal impulse or intent).'

"As stressed in *People vs. Pineda* (L-26222, 20 SCRA 754, July 21, 1967), cited in *Gamboa vs. CA, supra*, 'to

apply the first half of Article 48 x x x there must be singularity of criminal acts; singularity of criminal impulse is not written into the law.'

"The majority opinion is too lenient in favor of murderers and overlooks the superior right of the victims to live, which ranks second to none in the hierarchy of human rights. No one has the right to kill, except in self-defense or defense of relatives and strangers.

"The sub-human conditions inside the National Penitentiary, which might have aggravated the criminal tendencies of the appellants herein, may justify a recommendation to the President of the Philippines for the commutation of their death sentences to life imprisonment."

DISSENTING OPINION

AQUINO, J.:

Prisoners Romeo Corpuz, Victor Bangayan, Hernanie Soto, Felipe Alcera, Danilo Chico, Pablito Abasula, Rogelio Corpuz, Reynaldo Godoy, Ricardo Mabalot and Miguel Coro (ten accused) were charged in a single information with the crimes of murder and frustrated murder in connection with the killing on December 30, 1970 in the New Bilibid Prison of their fellow prisoners, Rodolfo Legaspi and Antonio Silva, and the wounding of prisoners Leodegario Fajartin, Leonardo Fuentes and Manuel Arciaga (Criminal Case No. 966 of the Circuit Criminal Court at Pasig, Rizal).

It would seem that the five offenses were treated by the prosecutor as a complex crime.

After the prosecution had rested its case, or on July 29, 1972, three of the accused, namely, Romeo Corpuz, Bangayan and Soto, were allowed to withdraw their plea of not guilty and to substitute it with a plea of guilty.

Judge Onofre A. Villaluz in a decision dictated in open court on that date, July 29, 1972, convicted the said three accused of murder, sentenced each of them to death, and ordered them to pay each set of heirs of the two victims, Legaspi and Silva, an indemnity of P36,000.

Judge Villaluz also convicted each of the said three accused of three frustrated murders and sentenced each of them to an indeterminate penalty of ten years and one day of prison mayor as minimum to seventeen years and four months of reclusion temporal as maximum for each frustrated murder ("triple penalty"), and ordered each of them to pay an indemnity of P20,000 to each of the three victims, Fajartin, Fuentes and Arciaga.

On August 12, 1972, after the fourth accused, Felipe Alcera, was also allowed to withdraw his plea of not guilty and to substitute it with a plea of guilty, Judge Villaluz forthwith convicted him of murder, sentenced him to death and ordered him to pay (solidarity with Romeo Corpuz, Bangayan and Soto) an indemnity of P36, 000 to each set of heirs of the two victims, Legaspi and Silva.

Judge Villaluz also convicted Alcera of three frustrated murders and sentenced him to an indeterminate penalty of ten years and one day of prison mayor as minimum to seventeen years and four months of reclusion perpetua as maximum for each of the three frustrated murders ("triple penalty") and to pay an indemnity of P20,000 to each of the three victims, Fajartin, Fuentes and Arciaga.

Note that, although the two murders and the three frustrated murders were committed on the same occasion by the

ten accused, who, were alleged to be co-conspirators, being members of the Commando Gang, Judge Villaluz treated the two murders as one crime or as a complex crime and imposed a single death penalty therefor. He treated the three frustrated murders as separate crimes and imposed three separate penalties.

The other six accused, Rogelio Corpuz, Chico, Abasula, Godoy, Mabalot, and Coro, did not withdraw their plea of not guilty. They denied on the witness stand any complicity in the murders and frustrated murders.

Judge Villaluz in his decision of January 27, 1973 convicted the six accused of two separate murders (although he mentioned only "murder") and sentenced each of them to two death penalties ("double the penalty of death" is the expression he used) and ordered each of them to pay each set of heirs of the two victims an indemnity of P22,000.

Judge Villaluz also convicted the six accused of three frustrated murders, sentenced each of them to an indeterminate penalty of ten years and one day of prison mayor as minimum to seventeen years and four months of reclusion temporal as maximum for each frustrated murder and ordered each of them to pay each of the three victims an indemnity of P10,000.

While in the case of Romeo Corpuz, Bangayan, Soto and Alcera, Judge Villaluz treated the two murders as a complex crime, since he imposed only a single death penalty, on the other hand, in the case of the six accused, he regarded the two murders as separate offenses and imposed two death penalties.

All the ten accused did not appeal from the judgments against them. So, that portion of the judgments against them, wherein the indeterminate penalty was imposed, is final and executory as to them.

The case is before this Court only as to the death penalty imposed for the killing of Legaspi and Silva.

What are the facts? There is no dispute that Legaspi, 18, sustained a stab wound in the chest which penetrated his heart, a stab wound in the head and another stab wound in the right elbow aside from abrasions on the forehead and an incised wound in the thigh (Exh. M).

Silva, 18, sustained a stab wound in the chest which lacerated his left lung, and a stab wound which lacerated his kidney (Exh. L).

Legaspi and Silva died as a consequence of those stab wounds inflicted by their fellow prisoners.

Arciaga, one of the three victims of the alleged frustrated murder, suffered a lacerated wound in the shoulder. He was hospitalized for ten days during which his wound was healed.

Fajartin sustained a five-inch wound in the head and three wounds in the shoulder, all of which were healed in nine days.

Fuentes had a one-inch lacerated wound in the left thigh which was healed in eleven days (Exh. BB; 35-36 tsn December 9, 1972).

Who were the assailants and how were the assaults perpetrated? The prison investigators reported that the ten accused and prisoner Rodolfo Tibay, members of the Commando Gang, were the assailants. Prisoner Eduardo de la Cruz (Bondat Aguila) allegedly gave the order for the stabbing of the victims. The order was given by means of a hand signal to prisoner Renato Bagtas. However, De la Cruz and Bagtas denied those imputations.

The assault was perpetrated suddenly and without preliminaries while Legaspi, the squad leader in Dormitory 3-A, was supervising some inmates who were cleaning that dormitory. The assault was allegedly provoked by the act of Legaspi in stripping some members of the gang of their rank as "bastoneros".

The prison investigators obtained the confessions of the ten accused which were offered in evidence as Exhibits

C, F, G, H, I, J, K, U, V and X.

As already stated, four of the accused, namely, Romeo Corpuz, Bangayan, Soto and Alcera, by means of their plea of guilty, assumed responsibility for the two killings and the wounding of the three victims.

The remaining six accused, namely, Rogelio Corpuz, Godoy, Chico, Abasula, Mabalot and Coro testified that they had nothing to do with the incident and that their confessions were extracted under duress because they were maltreated.

For lack of corroboration, the trial court did not give credence to the testimonies of the said six accused. It regarded the assumption of guilt made by the four accused, who pleaded guilty, as having been made out of comradeship and gang loyalty and as part of an arrangement to exculpate the other six accused who pleaded not guilty.

In my opinion, the confessions were freely given and the culpability of the six accused had been proven beyond reasonable doubt. As co-conspirators, they have collective responsibility for the assaults perpetrated.

The killing of Legaspi and Silva constitutes murder qualified by treachery because from the confessions of the accused, it appears that they made a deliberate and unexpected attack on the victims.

But the assault on Fajartin, Fuentes and Arciaga cannot be characterized as frustrated murder since the wounds inflicted upon them could not have caused their death. As to them, the crime is only attempted murder. There was intent to kill. The accused intended to kill the three victims but were not able to perform all the acts which would consummate the killing.

Are the ten accused quasi-recidivists? It was not clearly spelled out in the information that the accused are quasi-recidivists. What was alleged therein was the aggravating circumstance of recidivism which is different from quasi-recidivism.

However, it was also alleged in the information that the ten accused committed the two murders and the three frustrated murders while they were "all prisoners at the New Bilibid Prison" or "while then confined at the said institution" and that the victims were "prisoners serving final sentences".

That last allegation should have been made with respect to the accused to remove any doubt that they were quasi-recidivists. Nevertheless, that allegation implies that the ten accused were also serving final sentences since it may be assumed that in the national penitentiary prisoners serving final sentences are confined in the same dormitory and are separated from mere detention prisoners.

In the information, it was specifically alleged that accused Abasula, Mabalot and Chico were serving final sentenced of conviction for homicide and attempted homicide.

Judicial notice may be taken of the fact that accused Bangayan was serving a final sentence for robbery as found by this Court in *People vs. Alicia and Bangayan*, L-38176, January 22, 1980.

Accused Coro admitted that he was serving sentence for assault upon a person in authority (17-18 tsn September 2, 1972. See No. 1, Confession, Exh. K).

Abasula testified that he was serving a sentence for homicide when the incident arose (13 tsn October 20, 1972). That testimony confirms the allegation in the information and the admission in his confession on that point (No. 1, Exh. F).

Godoy admitted that he was serving a sentence for rape (3 tsn November 25, 1972; 22 tsn November 18, 1972. See No. 1, Confession, Exh. X).

Mabalot admitted that he was serving a sentence rendered by a Manila court (2-3 tsn November 11, 1972), thus confirming the allegation in the information on that point (See No. 1, Confession, Exh. H).

Chico's extrajudicial confession proves that he was convicted of frustrated homicide by the Court of First Instance at Caloocan City (No. 1, Exh. C). That confirms his testimony and the allegation of the information that he was convicted in 1969 by the Caloocan court.

Rogelio Corpuz admitted in his confession that he was serving a sentence for robbery (No. 1, Exh. G; 14 tsn November 4, 1972).

From the foregoing, it is evident that the qualifying circumstance of quasi-recidivism was indubitably proven despite the inadequate allegation in the information regarding that matter.

Did the ten accused commit separate crimes or a complex crime? There are contradictory rulings with respect to the crimes committed by prisoners in the national penitentiary against their fellow prisoners in the course of riots or rumbles.

In *People vs. Peralta*, L-19069, October 29, 1968, 25 SCRA 759, it was held that the six prisoners, who murdered three prisoners in the national penitentiary on the occasion of a riot, were guilty of three separate murders. They were each sentenced to three death penalties.

But in *People vs. De los Santos*, L-19067-68, July 30, 1965, 14 SCRA 702, the fourteen prisoners, who in the course of two riots killed nine victims, their fellow prisoners, were convicted of multiple murder and sentenced to only one death penalty which was commuted to reclusion perpetua for lack of necessary votes.

That ruling was followed in *People vs. Abella*, L-32205, August 31, 1979 and *People vs. Garcia*, L-40106, March 13, 1980.

In the instant case, only one information was filed against the ten accused. That information gives the impression that the accused were being charged with double murder and triple frustrated murder as a complex crime.

I am of the opinion that following the holding in the *De los Santos* and *Abella* cases, the ten accused in this case should be convicted of that complex crime and sentenced to only one death penalty which, for lack of necessary votes, should be commuted to reclusion perpetua.

That holding is based on the rule that when for the attainment of a single purpose, which constitute an offense, various acts are executed, such acts must be considered as only one offense, a complex one (*People vs. Peñas*, 66 Phil. 682).

In other words, where a conspiracy animates several persons with a single purpose, their individual acts done in pursuance of that purpose are looked upon as a single act, the act of execution, giving rise to a complex offense (*People vs. Abella*, L-32205, August 31, 1979). Various acts committed under one criminal impulse may constitute a single complex offense.

A study of the cases of convicts killing other convicts in the national penitentiary leads to the conclusion that criminality in prison should be viewed with some compassion.

The miserable conditions in the New Bilibid Prison, the existence of feuding gangs, the constant tension and antagonism among the prisoners and between the prisoners and the guards, the overcrowding and the inability of the guards to insure the personal safety of the prisoners, are not conducive to the attainment of "the reformation and safe custody of prisoners" as contemplated in the Prison Law (Sec. 1724, Revised Administrative Code).

The national penitentiary has become a breeding place of crime. As has been said, when the prisoners, instead of

being reformed, become more hardened criminals, the prison system is a failure and confinement in prison in itself becomes a crime committed by the State against the convicts. For the killings in this case, the government is partly blameworthy.

The cases on quasi-recidivism convey the impression that the convicts kill their fellow convicts inside the prison at the instigation of their bosses or gang leaders.

Hence, I am inclined not to adopt a Draconian attitude towards quasi-recidivists in the national penitentiary.

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.