

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. PEDRO DOLORES, DEFENDANT-APPELLANT.

G.R. No. L-2206. April 14, 1950

Ponente: OZAETA, J.

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OZAETA, J.:

Pedro Dolores was accused and convicted of quadruple murder and sentenced to death by Judge Ceferino de los Santos of the Court of First Instance of Ilocos Sur. Although he did not appeal, the record was certified to this court for review of the penalty in accordance with the Rules.

There is no dispute that the four persons named in the information—Marcelo Baleng, Natalia Lucrecio, Honorato Lucrecio and Valentin Lucrecio—were killed in the barrio of Cacaderan, Cabugao, Ilocos Sur, on October 16 and 17, 1944. Their remains were exhumed on August 31, 1946, by Dr. Mauricio Paz, president of the second sanitary division, by order of the court. They were found in the places indicated by the witness Adriano Suño.

The accused Pedro Dolores, 36, was the leader of the neighborhood association in the locality. In the month of August, 1944, he also became a secret agent of the guerrillas. He was feared by the people for his callous brutality.

Four witnesses, all related to the accused either by consanguinity or affinity, testified against him during the trial, namely: Adriano Sufio, 42, uncle of the accused; Dominador Siembre, 24, who is married to a sister of the wife of the accused; Esteban Villegas, 23, cousin of the wife of the accused; and Benigno Saturno, brother-in-law of the accused. It appears from the testimony of these witnesses that on October 16, 1944, the accused ordered Dominador Siembre to bring Marcelo Baleng to the house of the accused, and Esteban Villegas to bring Natalia Lucrecio to the guardhouse of the neighborhood association called Huko. When Marcelo Baleng arrived at the house of the accused, the latter together with Dominador Siembre and Marcelo Baleng proceeded to the house of Adriano Suño, who was then the barrio lieutenant, and whom the accused ordered to go with them. The party then proceeded to a place west of the Huko guardhouse bringing with them Marcelo Baleng with his hands tied at the back. There the appellant investigated Marcelo Baleng as to whether he had a potion known in the locality as gamod, "a sort of witchery to harm other persons without personal contact." Baleng denied he had such potion, whereupon the accused unsheathed his long sharp-pointed bolo and stabbed Marcelo Baleng in the breast and in the abdomen, killing him then and there. The accused did exactly the same thing to Natalia Lucrecio after she had denied having gamod in her possession.

On the following day, October 17, 1944, the accused also caused Honorato Lucrecio and Valentin Lucrecio to be brought to the Huko guardhouse where he investigated them for alleged witchery, and when they likewise denied the imputation the accused killed them in the same manner as he had killed Marcelo Baleng and Natalia Lucrecio the day before.

Adriano Suño also testified that after killing Marcelo Baleng and Natalia Lucrecio, the accused "went to the houses of the dead persons and took the cow, the carabao and other belongings of those persons." That testimony,

however, upon motion of counsel for the defense, was discarded by the court on the ground that robbery was not alleged in the information. We think that was error. Although the accused could not be convicted of robbery with homicide, the testimony was material in so far as it tended to shed light on the motives of the accused. However, we cannot consider that testimony because it was stricken out and the accused was not heard on it.

The only evidence for the defense consisted of the uncorroborated testimony of the accused himself whereby he insinuated that the killing of the four persons mentioned in the information was committed by Adriano Suño, by authority of Lieutenant Acosta, for the reason that said persons were suspected to be spies of the Japanese. No proof was adduced that the deceased were spies.

In support of his testimony the accused produced Exhibit 1, a statement in Ilocano attributed to Adriano Suño but not signed by the latter, to the effect that in compliance with the order of high authority all the bad persons within the locality had been investigated by him and by his companion Pedro Dolores and were found to possess tails of rayfish (burabur) and two bottles of poison and were sentenced; that their names were Florentino Lucrecio, Natalia Lucrecio, Valentin Lucrecio, Honorato Lucrecio, Domingo Ubaldo and Marcelo Baleng; and that they had gone to the other world. The statement purported to have been certified by 27 witnesses, among whom were Esteban Villegas and Benigno Saturno, two of the witnesses for the prosecution in this case. Commenting on this document the trial court said: "This exhibit is not only denied by Suño to have been executed by him, but also does not bear his signature or thumbmark; and that it has all the semblance of a fabricated document as the signatures of witnesses therein appear to have been written only by two or three hands."

Adriano Suño testified in rebuttal that he had no authority from Lieutenant Acosta to apprehend people who were supposed to be spies or evil elements in the community, and much less to kill them. He denied having delivered Exhibit 1 to the accused Pedro Dolores. He said the latter boxed him because he refused to sign "a piece of paper in which there was a manifestation that I was the one who had killed those people."

In its decision the trial court said:

"In passing upon the evidence of the prosecution, it must be noted that all the four witnesses of the prosecution are related to the defendant; and, unless there have been proven mercenary or sinister motives on their part to testify falsely against the latter, considering the straightforward and natural manner they testified in Court with the ring of sincerity in their words that should be expected from simple-minded barrio folks when they are telling the truth, the Court can not doubt that they were then narrating the facts as they really occurred.

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"Considering the evidence of the prosecution and the defense as a whole, the Court concludes, and so holds, that defendant is guilty beyond reasonable doubt of the killing of the said four persons, the motive, altho shown by evidence which was not admitted upon the timely objection of the defense on the ground that it would aggravate or change the nature of the crime, being probably for defendant to possess the properties and other belongings of his victims. Notwithstanding this lack of sufficient showing of motive, the evidence of the prosecution is so strong that the Court could not help but find the accused guilty of the crime charged."

We find no basis in the record upon which to disturb the findings of fact of the trial judge.

We agree with the Solicitor General, however, that the trial judge erred in finding the accused guilty of the

complex crime of quadruple murder within the purview of Article 43 of the Revised Penal Code. The four murders in question were not the result of a single act, but were committed separately and independently of each other.

The accused, Pedro Dolores, Is guilty of four offenses of murder, each qualified by treachery, and should be sentenced as he is hereby sentenced to suffer reclusion perpetua for each murder, subject to the provisions of Article 70 of the Revised Penal Code as amended by Commonwealth Act No. 217 and to indemnify the heirs of each of the four victims in the sum of P6,000, with costs.

IT IS SO ORDERED.

Moran, C.J., Pablo, Bengzon, Tuason, Montemayor, and Reyes, JJ., concur.

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