

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
EMILIO BAYSA, CATALINO PASCUA ALIAS CORNELIO PASCUA, JUAN
PASCUA, ROOSEVELT CABULING ALIAS ROSS CABULING, MACARIO
FAJA...**

G. R. Nos. L-5190-93. April 29, 1953

Ponente: TUASON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/6d5bf6aceaab/>

TUASON, J.:

The appellants were prosecuted in the Court of First Instance of Isabela under four separate informations, one for murder and three for robbery in band respectively numbered 613, 614, 616 and 630. The four cases were consolidated for trial by agreement of the parties, and after the trial, all the now appellants were found guilty of homicide in Case No. 613 and of robbery in band as charged in the others. For homicide they were sentenced to suffer an indeterminate penalty of from ten years and one day of prision mayor to 17 years, four months and one day of reclusion temporal and to indemnify the heirs of the deceased in the amount of P6,000, and in each of the three cases for robbery in band to an indeterminate penalty of from four years and two months of prision correccional to nine years, nine months and 11 days of prision mayor and indemnify for the stolen money and articles, the amounts and values of which are given below.

Cornelio Infante, who was charged and tried with the appellants for the same crimes, was acquitted.

The following facts are admitted or have been proven beyond dispute:

On September 7, 1948, at about 1:00 o'clock a. m., four armed men broke into the home of Roberto Balas, an isolated house in barrio del Pilar, municipality of Angadanan, Isabela, and tied the hands of all the males therein—Celedonio Balas, Juan Balas and Roberto Balas—behind their backs, while two, also armed, remained outside as lookouts. The four searched the house for valuable articles and seized clothes, cash, jewelry and a pair of rubber shoes, all belonging to Roberto Balas and valued at P70. The six men stayed in that house and kept Celedonio, Juan and Roberto Balas tied up all day, eating there their meals which they had one of the women of the house cook for them. Four of the malefactors carried firearms and two bolos.

Shortly after sunrise, Andres Pascua, Roberto's brother-in-law, came for Roberto with whom, according to Pascua, he had agreed to go to Fugaru. To his astonishment, he was grabbed, and shackled like the Balases.

After sunset, the bandits left taking along Andres Pascua with his hands still tied behind his back, and proceeded to the house of Valentin de Leon in the next barrio, Burgos, two kilometers away. Arriving at Valentin's place, one of the robbers, (who, according to Pascua, was Macario Fajardo), kept Pascua at a distance of about 20 meters from the house while the rest walked towards it. De Leon happened in those moments to be at the well to wash, and was seized, beaten up and led upstairs, where he was made to lie flat on the floor face down while the culprits opened the family wardrobe and took from it cash, jewelry and clothes, the aggregate value of which was P750.

From Valentin de Leon's house, the robbers moved to that of Martin Carau located in the same barrio, Burgos,

with Andres Pascua. From outside they woke up Carai, telling him that there were thieves in the barrio against whom they were to keep watch. Hearing his name called, Carai arose, opened the door, and was told to come down. Downstairs his hands were tied, like Andres Pascua's, by two of the malefactors while the others went up the house and carried away clothes, money and jewelry, all valued at P117. From there the gang moved on to another house, with Martin Carai as well as Andres Pascua.

The next house visited was that of Mariano Carabbacan situated about 50 meters from Carai's. Knowing that Carabbacan knew Carai by his voice, the bandits bade the latter to call Carabbacan by his name. As expected, Carabbacan opened the door, and as he was doing so, one of the malefactors grabbed him and bound his hands. This done, the bandits commanded Carabbacan's wife to bring out her money and, after she opened her trunk, took from it a watch, cash, clothings and a pair of shoes, all of which, with some chickens, were worth P152.

From Carabbacan's house, the robbers transferred with Andres Pascua to Juan Ramiscal's place in the same barrio. All the robbers, except the one who had always been guarding Andres Pascua, forced their way into Ramiscal's house, tied Ramiscal's hands behind his back, ransacked his dwelling for loots, and seized two pairs of earrings, one bracelet, one necklace and a pair of woolen trousers, all appraised at P40. The jewels were taken from the person of Ramiscal's wife who was wearing them.

From Ramiscal's house, the brigands proceeded to the house of Cornelio Infante, (appellants' co-accused who was acquitted), forced Infante to call Alvaro Torio who was Infante's neighbor. Having recognized Infante's voice, Torio opened and looked out of the window. As he did so, one of the robbers fired at him, hitting him below the left nipple and killing him instantly. Afterwards the malefactors took to their heels with Andres Pascua as prisoner and his hand still tied. In one of the bandits' steps in the course of their flight Andres Pascua succeeded in escaping.

The central point of controversy is the identity of the malefactors. All the appellants denied any participation in the crimes and set up an alibi.

The point does not offer perplexity. The evidence herein set forth is so abundant and decisive, in our opinion, as to leave no room for doubt of the appellants' identification by at least four of the Government witnesses. Granting that the victim of the robberies which were committed at night did not distinctly see the malefactors' faces, there is no denying that Roberto Balas, Celedonio Balas, Estefania Balas and Andres Pascua did see and remember their physiognomies very well, even if they had not known the bandits before. Prisoners in their own house and in terror for their lives, these witnesses had barely anything to do all day but fix their gaze at their captors. It should be noted that the house was small, that none of the gang left it except to go down the yard by turn to watch for people that might come, and that no other strangers ever came or mixed with them.

But, it will be immediately asked, what about the robberies and killing at night? The answer is to be found in Andres Pascua's testimony, corroborated by the circumstances that the night robberies and killing followed closely on the heel of the defendant's departure from Roberto Balas' house. From the testimony of Pascua, who was held captive by the defendants and was in the immediate vicinity of the houses robbed and of Torio's, even if he did not see with his eyes the actual commissions of these crimes, it appears beyond cavil that the same men who had robbed the Balas family conducted the nocturnal depredations and assassination. Indeed, it looks as though the malefactors lingered the whole day in the Balas House in pursuance of a preconceived plan to renew their forays after dark. The record discloses no other conceivable reason than that for their daylong loitering at Roberto's place.

Counsel for the defense, in an able and well-written brief, advance the theory that Andres Pascua was in league with the malefactors but that these were not the defendants. They reason that Pascua did not dare disclose the

names of his confederates certain that, if he did, they would point to him as one of them. The only alternative, it is concluded, was to implicate innocent people who knew nothing of this witness' true role in the crimes in question.

This theory has no other basis than random contradictions on minor details in Pascua's testimony and between that testimony and other witnesses' statements. It is at war with the undisputable fact that Pascua was tied and kept tied up in Roberto Balas' house like its residents for at least twelve long hours; it is at war with the other fact that Pascua is Roberto's brother-in-law, and it does not jibe with the fact, which Andres Pascua must have known, that the Balas family was not rich, as evidenced by the loots which the bandits got from them. Was the value (P70.00) of those trinkets and old clothes, the like of which could be gotten elsewhere, worth the betrayal of friendship and loyalties to a sister's husband? And what was the need for Andres Pascua's coming to his brother-in-law's house and going through the sham of being shackled all day long, when he could have kept away and joined his supposed co-conspirators after they had left the place? The contradictions on which the appellants put much stress, which could have been due to poor memory and to the witnesses' failure to be impressed by the events in the same manner, are it is believed, not sufficiently significant to shake the testimony on the material aspects of the case.

The motives for Alvaro Torio's slaying, which may have been the defendants' principal objective, are not shown. But the deceased was the vice-mayor of the municipality, and it is a matter of common observation that public officers, good or bad, make enemies.

In the face of the overwhelming evidence for the prosecution directly and positively connecting the appellants with the crimes at bar, it is unnecessary to detail their and their witnesses' testimony on their plea of alibi. The probative value of this testimony depends entirely on credibility which it is largely for the trial court to appraise. The veracity of the defendants and of their witnesses is far from unimpeachable.

By the same measure, it is immaterial to consider the admissibility of the confessions of four of the appellants which they repudiated on the grounds of violence and undue pressure. Without these confessions the appellants' guilt has been abundantly substantiated.

The slaying of Alvaro Torio was murder characterized by treachery. When the deceased looked out of the window he was utterly unaware of the presence of armed people who had come to kill him, and it is evident that he was absolutely unprepared to defend himself.

The aggravating circumstances of dwelling and armed band being present, without any mitigating circumstance to offset them, the Solicitor General recommends death. However, the required number of votes for the imposition of this penalty is wanting; reclusion perpetua is the only alternative.

The sentence meted out for robbery is correct, but the facts alleged and proved in each of Cases Nos. 614 and 630 constitute two independent offenses. In consequence, the appellants must be found guilty on five, instead of only three, counts of robbery in band, and sentenced on each count to the imprisonment applied by the trial court.

Wherefore, with the preceding modifications, and it being further understood that the total of the penalties shall not exceed 40 years, in accordance with paragraph 5 of article 70 of the Revised Penal Code, the appealed decision will be affirmed, with costs against the appellants.

Paras, C. J., Feria, Pablo, Bengzon, Montemayor, Reyes, Jugo, Bautista Angelo and Labrador, JJ., concur.

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.