

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
AMADEO BERNADEZ ET AL., DEFENDANTS, AMADEO BERNADEZ ET
AL., DEFENDANT AND APPELLANT.**

G.R. No. L-572. June 08, 1948

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/79515ec9ac56/>

PADILLA, J.:

In the evening of the 16th of May, 1945 (pp. 39, 41, 45, t. s. n.), Amadeo Bernadez, 3rd Lieutenant of Philippine Army, ordered Eustaquio Altamarino, a private under his command, to bring Gabriel Ricablanca, who was detained in the municipal jail of Guihulngan, Oriental Negros, to a certain place in the beach where a pit had been dug. In obedience to the order, Altamarino brought Gabriel Ricablanca, tied by the Hands on his back, to the place and there the latter was shot six times at the nape and the back by Amadeo Bernadez at a distance of three paces (pp. 22, 46, 47, 51, 74, t. s. n.). After emptying his .38-caliber revolver, he told Francisco It-it to "finish" Ricablanca, and Francisco fired a shot at the latter's back. After Ricablanca had fallen down dead, Amadeo Bernadez ordered that lie be buried in the pit.

For the death of Ricablanca Amadeo Bernadez and Francisco It-it were charged with murder. After trial Francisco It-it, was acquitted of the charge, but Bernadez was found guilty and sentenced to suffer reclusion perpetua, with the accessories of the law, to indemnify the heirs of the deceased in the sum of P2,000, and to pay the costs. He appeals.

Appellant admits that he shot Ricablanca to death (pp. 73-74, t. s. n.), but pleads in defense that he merely complied with the order of his superior officer, as shown in Exhibit 1, and invokes in his favor article 11, paragraph 6, of the Revised Penal Code. Exhibit 1 purports to be a memorandum signed by C.N. Bernadez, 1st Lieutenant Infantry, Executive Officer, addressed to the appellant, ordering the latter to execute immediately a judgment imposing death penalty upon Gabriel Ricablanca rendered on the same date appearing in the memorandum order.

Appellant's defense is untenable, because by comparing the signature "C.N. Bernadez" in the memorandum order, Exhibit 1, with the admittedly genuine signatures "C.N. Bernadez" in Exhibits A to K, marked differences in the strokes are noticeable, especially in the capital letter "C" at the beginning, and in the small letter "z" at the end, of the signatures. The position of the letters in the genuine signatures is almost vertical, whereas in the questioned signature the letters slant toward the right. In the questioned signature the letters are quite apart one from the other, whereas in the genuine signatures they are close to each other. There was no report on the arrest of Ricablanca; nor was there an investigation of him ordered by the headquarters; neither was there a report by Lieutenant Cirilo N. Bernadez on the investigation of Ricablanca (p. 85, t. s. n.). There was no report made by the appellant to his superior officer on the execution of Ricablanca as it was the requirement in such cases (pp. 87, 97-99, t. s. n.). And it is significant that after shooting the victim, the appellant told the onlookers or bystanders not to reveal it and to say, if asked, that it was merely a target practice (pp. 12-13, t. s. n.). If the appellant acted

aboveboard, as he pretends, he would not have cautioned them not to reveal the shooting of Ricablanca which caused his death.

Marino Jobillo, the battalion commander of the executive officer who signed the memorandum order Exhibit 1, testifies that no judgment had been rendered against Ricablanca and no order had been issued by him authorizing his execution (pp. 91-92, t. s. n.). Hermenegildo Mercado, the commanding officer of the Whole East Negros sector (USAFFE) , testifies that his orders were to the effect that all persons arrested should be turned over to the headquarters and Report thereon should be made; that Ricablanca had never been brought to the headquarters and no report regarding him had been made; and that he did not appoint any court martial to try Ricablanca and did not order his execution (pp. 97-99, t.s.n.). Cresencio Bernadez, testifying for his first degree cousin, the appellant (p. 70, t. s. n.), says that he was the officer of the day on the 16th of May, 1943 (p. 63, t. s. n.), and that he did not know that Ricablanca was tried on that day (pp. 68-69, t. s. n.).

All these facts show that the execution of Ricablanca was unauthorized and unlawful. By the memorandum order, Exhibit 1, an attempt is made to shift the responsibility to the late Cirilo N. Bernadez, the executive officer who purportedly signed it. He was killed in December 1943 (p. 69, t. s. n.). The order to execute Ricablanca being illegal, the provisions of article 11, paragraph 6, of the Revised Penal Code can not be invoked to exempt the appellant from criminal responsibility arising from the killing of Ricablanca.

It is argued that if the intention of the appellant was just to kill Ricablanca, he would not have done so in the presence of some witnesses. But the latter were appellant's subordinates who had dug the pit, brought the victim to the beach, and buried him in the pit. Counsel overlooks appellant's conduct after shooting the deceased. He warned those who had witnessed the incident not to reveal what they had seen and to say, if asked, that it was merely a target practice. As stated elsewhere in this opinion, such conduct shows that the appellant acted with malice and criminal intent.

It is urged that even if the memorandum order were forged, still the appellant cannot be held responsible for the death of Ricablanca, because it has 'not been shown that the appellant is the one who had forged it. In other words, it is contended that even if the memorandum order were forged, still the appellant acted in good faith when he complied with it. From the fact that the memorandum order is forged; that no trial or proceedings had taken place where a judgment against Ricablanca could or might have been rendered; that the superior officers of the appellant had not ordered Ricablanca's execution; that no report on said execution had been made, it may logically be inferred that the appellant forged it or caused it to be forged to be relieved from criminal responsibility arising from the killing of Ricablanca. Appellant's failure to submit a report on the compliance with the order of execution is a strong proof that he did not receive such memorandum order. At the time of the killing of Ricablanca, Guihulngan was in a troubled condition, and from the evidence it may be drawn that the Bernadez brothers were in ascendancy in the locality on account of the fact that at least two brothers and some close relatives were in the Army (p. 17, t. s. n.). And suspecting Ricablanca of some wrongdoing, the brother of the appellant, Eugenio Bernadez, called him, but as Ricablanca, instead of heeding the call, ran away, Eugenio Bernadez shot him for disobeying his order (pp. 13-14, t. s. n.). There is no doubt that Eugenio Bernadez was quick in making use of his gun because of the belief that their power would last for some time and that the wrong he might commit could be explained or justified by him. Such was also the mental attitude of the appellant when he shot Ricablanca to death.

There being no modifying circumstances and the penalty imposed by the trial court being in accordance With article 248 of the Revised Penal Code, the judgment appealed from is affirmed, with costs against the appellant.

Parás, Actg. C. J., Feria, Pablo, Perfecto, Hilado, Bengzon, Briones, and Tuason, JJ., concur.

PARÁS: Acting Chief Justice. I hereby certify that Mr. Chief Justice Moran voted for affirmance of the judgment appealed from.

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.