

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
PABLEO DRAMAYO, PATERNO ECUBIN, PRIOLO BILLONA,
FRANCISCO BILLONA, MODESTO RONQUILLA, CRESCENCIO
SAVANDAL AND SEVERO SAVAN...**

G.R. No. L-25325. October 29, 1971

Ponente: FERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/7a9d20ab5b47/>

FERNANDO, J.:

There is an element of ingenuity as well as of novelty in the plea made by counsel de oficio in this appeal of the accused Pableo Dramayo and Paterno Ecubin, who were sentenced to life imprisonment for the murder of Estelito Nogaliza. The claim is vigorously pressed that because the information alleged conspiracy on the part of seven defendants, with only the two appellants being convicted, two having been utilized as state witnesses and the other three having been acquitted on the ground of insufficiency of evidence as to their culpability, the judgment of conviction against the appellants cannot stand, there being a reasonable doubt as to their guilt. To bolster such a contention, certain alleged deficiencies in the proof offered by the prosecution were noted. A careful study of the evidence of record would leave no other rational conclusion but that the deceased met his death at the hands of the appellants in the manner as found by the lower court. Hence the appeal cannot prosper. We affirm.

The gory incident which was attended by a fatality started on the morning of January 9, 1964. The two accused, now appellants, Pableo Dramayo and Paterno Ecubin, in the company of the deceased Estelito Nogaliza, all of Barrio Magsaysay, of the Municipality of Sapao, Surigao del Norte, saw its chief of police. Their purpose was to shed light on a robbery committed in the house of the deceased five days before by being available as witnesses. The response was decidedly in the negative as they themselves were prime suspects, having been implicated by at least two individuals who had confessed. At about 7:00 o'clock of the same day, while they were in the house of their co-accused Priolo Billona, the accused Dramayo invited all those present including the other accused Francisco Billona, Modesto Ronquilla, Cresencio and Severo Savandal, for a drinking session at a place at the back of the school house. It was on that occasion that Dramayo brought up the idea of killing Estelito Nogaliza so that he could not testify in the robbery case. The idea was for Dramayo and Ecubin to ambush Estelito, who was returning from Sapao. The others were to station themselves nearby.[1]

Soon the unfortunate victim was sighted. He was accosted by Dramayo with a request for a cigarette. It was then that Ecubin hit him with a piece of wood on the side of the head near the right ear. Dramayo's participation consisted of repeated stabs with a short pointed bolo as he lay prostrate from the blow of Ecubin. It was the former also, who warned the rest of the group to keep their mouths sealed as to what had just happened. His equanimity appeared undisturbed for early the next morning, he went to the house of the deceased and informed the latter's widow Corazon that he had just seen the cadaver of Estelito. The barrio lieutenant and the chief of police were duly notified. The latter, upon noticing blood stains on the trousers of Dramayo, asked him to explain. The answer was that a skin ailment of his daughter was the cause thereof.[2]

The death was due to the wounds inflicted, two in the epigastric region, one in the right lumbar region, and another in the left breast.

It was on the basis of the above testimony offered by the prosecution that the lower court reached its decision. Its dispositive portion found the accused, now appellants, Pableo Dramayo and Paterno Ecubin, guilty "beyond reasonable doubt, of the crime of [murder], defined and penalized under Art. 248 of the Revised Penal Code, qualified by the circumstance of evident premeditation and aggravated by night time, and imposes upon each of the said accused, Pableo Dramayo and Paterno Ecubin, the penalty of [reclusion perpetua]." [3] Reference was likewise made in such decision as to why the other co-accused were not convicted, two of them, Crescencio Savandal and Severo Savandal being utilized as state witnesses, and the other three, Priolo Billona, Francisco Billona and Modesto Ronquilla acquitted.

Why they should not be found guilty was explained in the appealed decision thus: "From the beginning the accused Modesto Ronquilla maintained that he was not with the group but that he was fishing in the sea during the night in question. These facts that is, that none of the prosecution witnesses has testified that any of these three accused actually helped in the killing of the deceased, Estelito Nogaliza; that these three accused were included in the case only much later after the filing of this case against Pableo Dramayo and Paterno Ecubin; the consistent contention of the accused Modesto Ronquilla that he was out in the sea fishing during the night in question; and the testimonies of the accused Priolo Billona [and] Francisco [and their witnesses,] Juan Billona, Esperanza Oposa-Billona, Guillerma Ponce, and Anselmo Lisondra, given in a straight-forward manner, without hesitation, revealing a clear conscience, and the fact that the testimonies of these witnesses have not been refuted by the PC soldiers [whom they accused of maltreatment] when they were available to the prosecution, cause the Court to entertain a very serious doubt as to the guilt of the said accused." [4]

The lower court was hardly impressed with the defense of alibi interposed by now appellants Dramayo and Ecubin, and it must have been their lack of persuasive character that must have led to the able brief of counsel de oficio, Atty. Arturo E. Balbastro, stressing the absence of evidence sufficient to convict, there still being a reasonable doubt to be implied from the fact that while conspiracy was alleged, only two of the seven accused were held culpable. To repeat, a meticulous appraisal of the evidence justifies a finding of the guilt of the appellants for the offense charged, thus calling for the affirmance of the decision.

1. It is to be admitted that the starting point is the presumption of innocence. So it must be, according to the Constitution.[5] That is a right safeguarded both appellants. Accusation is not, according to the fundamental law, synonymous with guilt. It is incumbent on the prosecution to demonstrate that culpability lies. Appellants were not even called upon then to offer evidence on their behalf. Their freedom is forfeit only if the requisite quantum of proof necessary for conviction be in existence. Their guilt must be shown beyond reasonable doubt. To such a standard, this Court has always been committed. There is need, therefore, for the most careful scrutiny of the testimony of the state, both oral and documentary, independently of whatever defense is offered by the accused. Only if the judge below and the appellate tribunal could arrive at a conclusion that the crime had been committed precisely by the person on trial under such an exacting test should the sentence be one of conviction. It is thus required that every circumstance favoring his innocence be duly taken into account. The proof against him must survive the test of reason; the strongest suspicion must not be permitted to sway judgment. The conscience must be satisfied that on the defendant could be laid the responsibility for the offense charged; that not only did he perpetrate the act but that it amounted to a crime. What is required then is moral certainty.

So it has been held from the 1903 decision of *United States v. Reyes*. [6] *United States v. Lasada*, [7] decided in 1910, yields this excerpt: "By reasonable doubt is not meant that which of possibility may arise, but it is that doubt engendered by an investigation of the whole proof and an inability, after such investigation, to let the mind

rest easy upon the certainty of guilt. Absolute certainty of guilt is not demanded by the law to convict of any criminal charge but moral certainty is required, and this certainty is required as to every proposition of proof requisite to constitute the offense." [8] To the same effect is an excerpt from the opinion of the late Justice Tuason in *People v. Esquivel*. [9] Thus: "In this connection it may not be out of place to bring to the attention of prosecuting attorneys the absolute necessity of laying before the court the pertinent facts at their disposal with methodical and meticulous attention, clarifying contradictions and filling up gaps and loopholes in their evidence, to the end that the court's mind may not be tortured by doubts, that the innocent may not suffer and the guilty not escape unpunished. Obvious to all, this is the prosecution's prime duty to the court, to the accused, and to the state." [10]

It is understandable why the stress should be on the absence of sufficient evidence to establish the guilt of appellants beyond reasonable doubt, the defense of alibi inter-posed hardly meriting any further discussion. It cannot be denied though that the credible and competent evidence of record resulted in moral certainty being entertained not only by the trial judge but by us as to the culpability of appellants. The force of the controlling doctrines, on the other hand, required that the other three accused be acquitted precisely because, unlike in the case of appellants, the requisite quantum of proof to show guilt beyond reasonable doubt was not present. There is no question as to the other two who testified for the state being likewise no longer subject to any criminal liability. The reference then to an opinion of the late Justice Laurel, stressing the need for adhering to the fundamental postulate that a finding of guilt is allowable only when no reason-able doubt could be entertained, is unavailing. This is evident from the very citation in the brief of appellants of the opinion of Justice Laurel in *People v. Manoji*. [11] Thus: "Upon the other hand, there are certain facts which if taken together are sufficient to raise in the mind of the court a grave doubt as to the guilt of the defendant-appellant, 'that doubt engendered by an investigation of the whole proof and an inability after such investigation, to let the mind rest easy upon the certainty of guilt.' (U.S. v. Lasada [1910] 18 Phil., 90, 96.) The finding of the two gold teeth of the deceased in the suitcase of Maradani, and the testimony of Erajio Ello that he gave the hat * * * to Maradani not only engender serious doubt in our minds as to the guilt of the appellant, but also seems to sustain the theory of the defense and strengthen the suspicion of the trial court, that Maradani and Salupudin are not foreign to, or entirely ignorant of, the killing of Seijin Ige. In the light of the facts and circumstances of record, we feel that it is better to acquit a man upon the ground of reasonable doubt, even though he may in reality be guilty, than to confine in the penitentiary for the rest of his natural life a person who may be innocent. * * *." [12] The facts of the present case certainly do not fit within the above mold. Reliance on the part of appellants on the above decision is therefore futile.

The judgment of conviction should not have occasioned any surprise on the part of the two appellants, as from the evidence deserving of the fullest credence, their guilt had been more than amply demonstrated. The presumption of innocence could not come to their rescue as it was more than sufficiently overcome by the proof that was offered by the prosecution. What would have been a blot on the law is that if, on the facts as established, no reasonable doubt being entertained, the two appellants would have been acquitted likewise just because the other five defendants, for the reasons above stated, were not similarly sentenced. The principal contention raised is thus clearly untenable. It must be stated likewise that while squarely advanced for the first time, there had been cases where this Court, notwithstanding a majority of the defendants being acquitted, the element of conspiracy likewise being allegedly present, did hold the party or parties responsible for the offense guilty of the crime charged, a moral certainty having arisen as to their culpability. [13]

2. The brief for appellants did seek to fortify the allegation as to their guilt not having been sufficiently demonstrated with the contention that the lower court overlooked or did not properly consider material and significant facts of record that ought to have substantially affected or altered the judgment. Even the most careful

reading of such brief, however, with due recognition of the vigor in which this particular point is pressed, would not destroy the credibility of the facts as testified to concerning the manner in which the deceased was killed and the motive that prompted appellants to put an end to his life. That such a version could not have been concocted is shown by the undeniable fact that the two appellants were duly convicted of robbery, with the deceased as the offended party. It was understandable then why they would want to do away with the principal witness against them. There was thus a strong inducement for the appellants to have committed this crime of murder. With the testimony of record pointing to no other conclusion except the perpetration of the killing by them, the effort of their counsel, while to be expected from an advocate zealous in defense of his clients' rights, certainly should not be attended with success. It suffices to reiterate the well-settled principle that this Court has invariably respected the findings of facts of a trial judge who was in a position to weigh and appraise the testimony before him except when, as was not shown in this case, circumstances of weight or influence were ignored or disregarded by him.[14]

WHEREFORE, the judgment of September 8, 1965 is affirmed with the modification that the indemnification to the heirs of Estelito Nogaliza should be in the sum of P12,000.00. With costs.

Concepcion, C.J., Reyes, Makalintal, Zaldivar, Castro, Teehankee, and Villamor, JJ., concur.
Barredo and Makasiar, JJ., did not take part.

[1] Transcript of stenographic notes, pp. 21-22, 24-27, 44-47, 155-157, 207-209.

[2] Ibid, pp. 24-27, 45-46.

[3] Decision, Appendix to Brief for Accused Appellants, p. 19. It was further adjudged that the accused appellants who, in the meanwhile, had already been convicted for robbery, with the deceased as the offended party, should serve the sentences imposed on them of from four years and two months of prision correccional as minimum to not more than ten years of prision mayor as maximum before commencing to serve the sentence imposed upon them for murder. The indemnity imposed was in the sum of P10,000.00.

[4] Ibid, pp. 18-19.

[5] According to Section 1, paragraph 17 of Article III of the Constitution: "In all criminal prosecutions the accused shall be presumed to be innocent until the contrary is proved, * * *."

[6] 3 Phil. 3 (1903). Later cases that speak to the same effect are: *United States v. Lasada*, 18 Phil. 90 (1910); *People v. Lanas*, 93 Phil. 147 (1953); *People v. Lavarias*, L-24339, June 29, 1968, 23 SCRA 1301.

[7] 18 Phil. 90.

[8] Ibid, pp. 96-97.

[9] 82 Phil. 453 (1948). Cf. *United States v. Garces*, 31 Phil. 637 (1915); *People v. Gallego*, 44 Phil. 192 (1922); *People v. Tayag*, 59 Phil. 606 (1934); *People v. Abana*, 76 Phil. 1 (1946); *People v. Tanchoco*, 76 Phil. 463 (1946); *People v. Somera*, 83 Phil. 548 (1949); *People v. Lanas*, 93 Phil. 147 (1953); *People v. Sy Pio*, 94 Phil. 885 (1954); *People v. Palo*, 101 Phil. 963 (1957); *People v. Del Rosario Murray*, 105 Phil. 591 (1959); *People v. Delimios*, 105 Phil. 845 (1959); *People v. Saik*, 106 Phil. 957 (1960); *People v. Corpuz*, 107 Phil. 44 (1960); *People v. Macatangay*, 107 Phil. 188 (1960); *People v. Fraga*, 109 Phil. 241 (1960); *People v. Mag-borang*, L-16937, Sept. 30, 1963, 9 SCRA 108; *People v. Argana*, L-19448, Feb. 28, 1964, 10 SCRA 311; *People v. Contante*, L-14639, Dec. 28, 1964, 12 SCRA 653; *People v. Alipis*, L-17214, June 21, 1965, 14 SCRA 297; *People v. Cunanan*, L-17599, April 24, 1967, 19 SCRA 769; *People v. Baquiran*, L-20153, June 29, 1967, 20

SCRA 451; Ramos v. People, L-22348, Aug. 23, 1967, 20 SCRA 1109; People v. Parayno, L-24804, July 5, 1968, 24 SCRA 3; People v. Pagaduan, L-26948, Aug. 25, 1969, 29 SCRA 54; People v. Gallora, L-21740, Oct. 30, 1969, 29 SCRA 780; People v. Madarang, L-22295, Jan. 30, 1970, 31 SCRA 148; People v. Gallema, L-30588-89, June 10, 1970, 33 SCRA 440.

[10] Ibid, p. 459.

[11] 68 Phil. 471 (1939).

[12] Ibid, p. 475.

[13] Cf. People v. Bernal, 91 Phil. 619 (1952); People v. Hufana, 103 Phil. 304 (1958); People v. Amajul, L-14626-27, Feb. 28, 1961, 1 SCRA 682; People v. Dueñas, L-15307, May 30, 1961, 2 SCRA 221; People v. Hernandez, L-6025, May 30, 1964, 11 SCRA 223; People v. Sagario, L-18659, June 29, 1965, 14 SCRA 468; People v. Chaw Yaw Shun, L--19590, April 25, 1968, 23 SCRA 127; People v. Wong, L-22130-32, April 25, 1968, 23 SCRA 146; People v. Provo, L-28347, Jan. 20, 1971, 37 SCRA 19.

[14] Cf. People v. Sabandal, L-31129, Sept. 30, 1971 citing People v. Beraces, L-25016, March 27, 1971, 38 SCRA 127; People v. Gumahin, L-22357, Oct. 31, 1967, 21 SCRA 729, People v. Tila-on, L-12406, June 30, 1961, 2 SCRA 653; People v. Curiano, L-15256-57, Oct. 31, 1963, 9 SCRA 323; People v. Lumayag, L-19142, March 31, 1965, 13 SCRA 502.

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.