

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BENJAMIN L. ARCENAL, ACCUSED-APPELLANT.

G.R. No. L-37686. August 30, 1982

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/7c1086e6b5a8/>

AQUINO, J.:

This is a murder case. Shortly before midnight of September 5, 1972 Edgardo Funa was feloniously killed on the road-side about 130 meters away from a billiard hall in front of the Dalisay Theater located in Panabo, Davao del Norte. The autopsy disclosed that he sustained seventeen stab and lacerated wounds (Exh. A and A-1).

A few hours later, or in the early morning of September 6, 1972, the chief of police and some policemen arrested Navy M. Padilla, 28, Ernesto V. Castro, 29, Benjamin L. Arcenal, 20, Ramonit L. Umadhay, 23, and Romeo L. Daquil, 25, all security guards in the farm of Teodoro Padernal in Panabo. They boarded in the house of Deogracias Demigaya. Sometime before the killing, they were playing billiards. Funa watched that game. The five persons left the billiard hall with Funa.

Arcenal, Padilla, Castro, Umadhay and Daquil signed in the office of the chief of police affidavits about the killing which were sworn to before the municipal judge.

The chief of police filed a complaint for homicide against Castro, Arcenal and Padilla. They waived the second stage of the preliminary investigation. The case was elevated to the Court of First Instance of Davao where a fiscal filed an amended information for murder against Arcenal, Castro and Padilla.

After trial, the lower court convicted them of murder, sentenced each of them to reclusion perpetua and ordered them to pay solidarily to the heirs of Funa an indemnity of thirty-two thousand pesos (Criminal Case No. 1050).

Only Arcenal appealed from that decision. He contends that he was not a co-conspirator of Castro and Padilla, that he did not assault Funa and that there is no evidence to support the judgment of conviction against him. He insists that only Padilla and Castro assaulted Funa.

The conviction of Castro and Padilla was based mainly on the statements in Padilla's confession that Castro stabbed Funa and that he (Padilla) also stabbed Funa with his hunting knife (Exh. B) which the police found in his boarding house.

The trial court convicted Arcenal on the basis of the imputation in Padilla's confession that Arcenal also stabbed Funa with a pocketknife (Exh. D). Arcenal in his affidavit did not admit that he took part in the assault against Funa (Exh. E).

The Solicitor General concedes that the only evidence against Arcenal was the imputation contained in Padilla's confession and that there is no eyewitness testimony linking Arcenal to the killing of Funa (p. 10, Brief).

The prosecution also admits that Padilla's confession is evidence only against him. But then the Solicitor General argues that Padilla's confession implicating Arcenal is corroborative evidence confirming the circumstantial

evidence that Arcenal was involved in the killing, since Arcenal did not deny the imputation in Padilla's confession (pp. 10 and 20, Brief)

It should be noted that even before the judgment of conviction dated September 5, 1973 was promulgated, Padilla executed another affidavit dated February 26, 1973, rectifying his confession. Padilla alleged in his affidavit of retraction that Arcenal did not take part in the killing of Funa and that he (Padilla) was the principal actor in the killing of Funa (p. 95, Record).

However, that affidavit of retraction was filed with the trial court only on September 10, 1973 as the justification for Arcenal's motion for reconsideration which was denied by the trial court.

We hold that Arcenal's guilt was not proven beyond reasonable doubt. While it is true that he was with Padilla and Castro when Funa was killed, Padilla's statement in his confession implicating Arcenal in the killing is not a conclusive proof of Arcenal's guilt. It is admissible against Padilla only. (See *People vs. Royo*, G.R. No. 52038, May 31, 1982.)

Padilla, who finished second year high school did not declare in his testimony that Arcenal took part in the killing of Funa. Padilla even testified that he signed his confession without having read its contents. So, Padilla did not confirm in his testimony that Arcenal (Arsenal) stabbed Funa with a pocketknife.

On the other hand, Arcenal in his testimony declared that he was not acquainted with Funa. He implied that there was no motive for him to assist in the liquidation of Funa. Arcenal was positive that it was Padilla who stabbed Funa because Padilla admitted to Arcenal that he assaulted Funa.

WHEREFORE, the trial court's judgment convicting Arcenal of murder is reversed and set aside. He is acquitted on the ground of insufficiency of evidence. His immediate release is ordered unless he is detained for some lawful cause. Costs de oficio.

SO ORDERED.

Concepcion, Jr., Guerrero, Abad Santos, De Castro, and Escolin, JJ., concur.
Barredo, (Chairman), J., on leave.

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.