

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ARASA HAN, ANJAL JAWALIL AND YAKAN PAHOTO, ET AL., ACCUSED, YAKAN PAHOTO, DEFENDANT-APPELLANT.

G.R. No. L-22945. April 25, 1969

Ponente: TEEHANKEE, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/7d275a449c44/>

TEEHANKEE, J.:

The three accused, Arasa Han, Anjal Jawalil and Yakan Pa-hoto were charged with the crime of Robbery with Homicide before the Court of First Instance of Basilan City. (Crim. Case No. 1426) under the following information:

"That on or about the 5th day of February, 1964, and within the jurisdiction of this Honorable Court, viz., at Nangkabiñgit, District of Lamitan, City of Basilan, Philippines, the above named accused, Arasa Han, An-jal Jawalil and Yakan Pahoto, conspiring and confede-rating together, aiding and assisting with their co-accused, Ani Han, Jalalan Han, Isnajin Balahim and Banning Otoh who are still at-large, armed with unlicensed firearms, pistol cal. 45, paltik shotgun and bladed weapons and by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously, fire shots on the air and thereafter force open the door and once inside the house of one Eugenio Villarin, take, steal and carry away, personal belongings and chicken all worth the total amount of P100. 00, Philippine currency, belonging to said Eugenio Villarin, that on the occasion of the crime hereinabove described, the said accused, did then and there willfully, unlawfully and feloniously, assault, attack and hack one Eugenio Villarin, thereby inflicting upon the body of said Eugenio Villarin hack wound, which caused his death.

Contrary to law. "

After due trial, the three accused were found guilty as charged and sentenced by the trial court to suffer the penalty of reclusion perpetua, with the accessory penalties provided by law; to jointly and severally indemnify the heirs of the deceased Eugenio Villarin in the sum of P6,000.00, without subsidiary imprisonment in case of insolvency, and to pay the costs.

The accused appealed their conviction. Atty. Cipriano del Rosario, counsel de oficio, prayed for the acquittal of the accused-appellant Yakan Pahoto on the ground that he was not identified at all by the eyewitness, and furthermore, that accused Arasa Han alone inflicted the mortal blow on the victim and should be held solely liable therefor and that the latter be accorded the mitigat-ing circumstance of minority. The Solicitor General in turn re-commended the affirmance of the conviction of accused Arasa Han and Anjal Jawalil, but concurred with counsel de oficio that "the evidence is insufficient to prove beyond reasonable doubt that appellant Yakan Pahoto is guilty of the crime charged." [1] Pend-ing the Court's decision, however, accused Anjal Jawalil and Arasa Han filed their respective motions withdrawing their appeal, which were granted by the Court. [2] The appeal of the accused Yakan Pahoto, therefore, remains alone for resolution of the Court.

The evidence for the prosecution, as evaluated by the trial court, is summarized by it thus:

"Spouses Eugenio Villarin and Marcela de Villarin and their children, namely, Emiliana, 16; Aurora, 7; Romeo, 6; Felix, 5; and Agosto 3, are living in sitio Nangkabiñgit, Lamitan, City of Basilan. At about four o'clock in the morning of February 5, 1964, they were awakened by the barking of dogs. Then they heard voices calling for Eugenio Villarin asking him if he wanted "puto." When Eugenio responded, these persons demanded for his money and personal belongings. Eugenio informed them that he had no money, but threw down some blankets and clothings. At this juncture, three persons destroyed the wallings of the house and entered. Emiliana Villarin recognized two of them to be Arasa Han, armed with a bladed weapon and a revolver, and Anjal Jawalil, armed with a shotgun and bladed weapon. She did not know the name of the third but she would be able to identify him if she sees him again. This third one was armed with a bladed weapon. Arasa Han asked for Emiliana who was then hiding. While he was looking for her, Anjal and a companion ransacked the house. When Arasa Han found Emiliana, he pulled her but she resisted and ran towards her father, Eugenio. When Eugenio intervened, Arasa Han hacked him with a barong, hitting him on his left neck almost severing the head from the body. In the meantime, Emiliana was able to escape to a neighbor-ing house. After looting the house, the trio left, bring-ing with them blankets, two pants, two pairs of rubber shoes, shirts, a bolo, chickens and other personal effects, all valued at one hundred pesos. When Emi-liana returned to the house, she found her father already dead. A report was immediately relayed to the head-quarters of the 110th PC Company. A patrol was at once sent to the scene. Emiliana informed the patrol that she recognized Anjal Jawalil and Arasa Han as two of the perpetrators but did not know the name of the third, although she would be able to identify him if she sees him again. The patrol arrested Arasa Han and Anjal Jawalil. Upon being investigated, they admitted having committed the crime and implicated Yakan Pahoto as their co-conspirator. Their affida-vits were taken, Exhibits "D" AND "E". When Pahoto was brought face to face with Emiliana, she readily recognized him as one of the three that came up her house. Emiliana knows Arasa Han and Anjal Jawalil very well because they used to pass by her house. They reside in a neighboring barrio of Bulanting just a kilometer away.

Dr. Conrado Yumol, Assistant City Health Offi-cer, testified that at about 12:45 P. M. February 5, 1964, he conducted the post-mortem examination of the body of Eugenio Villarin at his house at Nangkabiñgit, Lamitan. Eugenio must have died at about four o'clock in the morning of that day. He found only one wound and that was on the neck which almost severed the head from the body."[3]

The single issue to be resolved in this appeal is whether the principal witness for the prosecution, Emiliana Villarin, 16 years old daughter of the victim, Eugenio Villarin, and who was the object of an unrequited courtship by Ani Han, older brother of Arasa Han[4] had positively identified the appellant Yakan Pahoto as one of the three persons who had entered and ransacked their house. Emiliana testified thus:

On direct examination:

"Q Who are those they. Will you please identify the group?

A Arasa Han, Injal and I do not know the other one.

Q Will you please go down and point at Arasa Han? (The witness left the witnessstand and pointed to Arasa Han).

Q How about the other one?

A The other one I do now know the name.

COURT:

Q But the one whom you pointed in Court and the one one whom you do not know the name, were one of those who broke the wallings of your house?

A Yes, sir, because all of them three went up stairs. "[5]

On cross-examination:

"ATTY. TABILON (Continuing his cross examination) -

Q When these three persons that you have pointed, Arasa Han, Anjal and another person whom you do not know went up to your house, your house was also dark because you did not have light?

A Yes, sir.

COURT:

Q How did you recognize that it was Arasa Han who hacked your father?

A Because I was at the back of my father.

Q But it was dark.

A There was moon.

Q Could you see the faces of the accused inside the house?

A I know because they were bringing flashlights.

Q Who was bringing Flashlight?

A Arasa Han.

Q. What happened to the flashlight that was brought by Arasa Han. What were they doing with the flashlight?

A Because they were flashing their lights at our belongings.

Q Did you state that in your affidavit that were bringing flashlights?

A I did not.

Q. Why did you not state that?

ATTY. TABILONG (Continuing his cross examination):

Q This Arasa Han is a resident of Bulanting, more than one kilometer away from your place?

A Yes, sir.

Q And this Arasa Han was not known to you before the incident?

A I know.

Q How did you come to know him?

A Because they use to go to our house.

Q When you said that, to whom do you refer that 'they'?

A Anjal and also the brother, Ami.

Q How often do they go to your house?

A Three days in a week.

Q This third man whom you do not know, you do not know this man and you have not seen him before that incident?

A I have not seen him.

Q And can you tell this Court how you happened to recognize this man when they allegedly went up to your house and according to you, it was very dark?

A Because of the moonlight.

Q You mean to say that in spite of the fact that you were inside the house, there was no light you still recognize their faces?

A Yes, sir.

Q The truth is, you have never seen this man before?

A I have not seen him.

Q Until now, you don't know his name?

A No, sir.

Q As a matter of fact, when you were investigated by Sgt. Gregorio, you never mentioned about this man to Sgt. Gregorio?

A I did not."^[6]

Appellant Yakan Pahoto was the last witness at the trial and took the witnessstand in his own behalf denying any knowledge and participation in the crime. He testified that he had been residing for one week before the incident with his daughter at the neighbor-ing barrio of Bulanting, engaged in fishing and clearing, and had never gone to sitio Nangkabingit, Barrio Lamitan, where the crime was committed, and that he did not know the victim Eugenio Villarin nor his daughter, Emiliana. His cross-examination by the prosecuting fiscal reveals the following: -

"Q Who brought you here, who is the particular PC?

"A I don't know his name.

Q And you were confronted with these people, is that correct?

A Yes, sir.

Q And who among between the two who mentioned that you were the one who killed Eugenio?

A Both of them.

Q They mentioned to the PC that you were the one who killed Villarin?

A Yes, sir.

Q What did you say?

A I said "No," I am not the one, they are just telling me that I am the one, but that is not true.

Q Two of them mentioned you?

A Yes, sir, but I am innocent.

Q You did not go with them?

A No, sir. Even inside they maltreated those two because they were just reporting what is not true.

Q You answered in the direct examination in your answer, you said that you never went to that place of

Nangkabiñgit, is that correct?

A Yes, sir.

Q And you never went to that place?

A No, sir.

Q You admit that you heard the testimony of that young lady who was in black yesterday when she testified here, is that correct?

A Yes, sir.

Q That young lady was not known to you, is that correct?

A I don't know her.

"Q That was your first time to see her here?

A Yes, sir, that was my first time to see her.

Q But she went down from the witness stand she identified you as one of those who went up their house, is that not?

ATTY. TABILON:

We object to that question, Your Honor because these three accused was never identified by the girl at the same time that girl declared that she never have seen this fellow at the scene of the crime.

COURT:

She recognized him. He was in front of her. Witness may answer.

WITNESS:

A No, sir.

FISCAL ANDRION (Continuing)

Q Only that girl mentioned that she did not know your name?

A I don't know.

Q Before you were arrested by the PC did you come to know that in that place of Nangkabiñgit, somebody was killed?

A I did not know because I was out in the sea fishing.

FISCAL ANDRION:

I think that is all Your Honor. "[7]

It is obvious from the foregoing transcript of the proceedings that appellant Yakan Pahoto was never positively identified by Emliana. The trial judge was under the impression that "she recognized him. He was in front of her "but the records, as transcribed above, show the contrary. The trial judge may have been impressed by the testimony of the PC Sergeant Lius Gregorio who investigated the crime, to the effect that after the apprehension of Arasa Han and Anjal, who mentioned the names of their companions, the accused Yakan Pahoto was arrested as the third unidentified suspect and "when I brought Kamboto before Erniana, she identified Kamboto (sic) as

one of those three persons who went up their house." [8] This use of the name Kamboto in reference to appellant Yakan Pahoto is the only instance in the record where appellant is referred to by the name of Kamboto. It may be due to the fact that towards the end of the testimony of Emiliana, counsel for accused in response to the court's question "What is the name of the other accused" answered, "Yakan Kamboto." [9] But this incident again serves but to blur any positive identification of appellant Yakan Pahoto. More importantly, if Emiliana had really identified Pahoto before Sgt. Gregorio during his investigation of the suspects, it is not explained at all why Sgt. Gregorio was not asked during his testimony to positively identify appellant Pahoto as the person referred to by him as Kamboto, who was thus "readily fingered" [10] by Emiliana.

The only evidence relied upon for the conviction of appellant Yakan Pahoto were the affidavits of the two other accused, Arasa Han and Anjal Jawalil, admitting their commission of the crime and naming Pahoto as one of their companions. These affidavits were repudiated by Arasa Han and Anjal Jawalil as having been extracted from them by force and maltreatment, when they testified and set up their defense of alibi. The trial court correctly rejected their claims, as they had not complained of such alleged maltreatment to the City Judge, Hon. Francisco S. Atilano, before whom they executed the same, after the contents thereof had been duly interpreted to them in the dialect by the Court interpreter, Hamid Amerin, who witnessed their signing. [11] But while these affidavits were properly taken by the trial court as admissions validly and voluntarily given by said declarants and as valid evidence against them, said affidavits, duly objected to, could not be validly considered as evidence against appellant Yakan Pahoto, in the absence of independent proof of any conspiracy implicating Pahoto. [12] The Solicitor General, therefore, correctly reported in his brief that "there is really no evidence on record that Emiliana Villarin was able to identify Yakan Pahoto as the third man who went up their house" and that the State's evidence is insufficient to prove beyond reasonable doubt appellant Yakan Pahoto's guilt of the crime charged. [13]

WHEREFORE, for the reason that appellant's guilt has not been established beyond reasonable doubt, the judgment under review convicting said appellant Yakan Pahoto is hereby reversed and he is acquitted of the crime charged and set at liberty. Costs de oficio.

Reyes, J.B.L., Acting C.J., Dizon, Makalintal, Zaldivar, Sanchez, Fernando, and Barredo, JJ., concur.

Concepcion, C.J., voted in favor of this opinion before going on official leave.

Castro, J., on leave, did not take part.

Capistrano, J., did not take part.

[1] Solicitor General's Brief, p. 13.

[2] Resolutions of June 22, 1967 and of March 28, 1969.

[3] Decision, pp. 2-4.

[4] T. S. N., p. 12; p. 60.

[5] T. S. N., p. 9, underscoring supplied.

[6] T. S. N., pp. 17-19.

[7] T. S. N., pp. 61 -63, Underscoring supplied.

[8] T. S. N., p. 31.

[9] T. S. N., p. 20.

[10] Decision, p. 6.

[11] T. S. N., pp. 32-35.

[12] Rule 130, Sec. 27. "Admission by conspirator. -- The act or declaration of a conspirator relating to the conspiracy and during its existence, may be given in evidence against the co-conspirator after the conspiracy is shown by evidence other than such act or declaration." Vide, *People vs. Chaw Yaw Shun et al.*, G.R. L-19590, April 25, 1968 and cases cited.

[13] Solicitor General's Brief, p. 11, 13.

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.