

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ELIAS AGUILA, DEFENDANT-APPELLANT.*G.R. No. L-2465. April 30, 1950*

Ponente: MORAN, C.J.

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Santiago Aguila, Elias Aguila, Pedro Aguila, Alfonso Alas-as, Jorge Rosales, John Doe alias "Sanoy" and John Doe alias "Joe", were charged in the Justice of the Peace Court of Tiaong, Quezon, with the crime of kidnapping and serious illegal detention committed against Arsenio Gunda and Fausto Aguila. When the case reached the Court of First Instance of Quezon, two separate informations were filed therein, one against Elias Aguila alone and another against Santiago Aguila and Jorge Rosales, for the same crime. The other defendants who were still at large, were not included in either information. The two cases were tried jointly and after the prosecution had introduced its evidence, the court, on motion, dismissed the case against Jorge Rosales for insufficiency of evidence. The trial proceeded against Elias and Santiago who were found guilty of the crime charged and each of them was sentenced, under Article 267 of the Revised Penal Code, to reclusion perpetua with the accessory penalties of the law and to pay the costs. Elias Aguila alone appealed.

The facts proven by the prosecution are as follows:

Arsenio Escudero is the owner of a charcoal factory known as "Banobusan", located in Villa Escudero, barrio of Lalig, municipality of Tiaong, province of Quezon. Fausto Aguila and Arsenio Gunda, godsons of Arsenio Escudero, were the guards of the said charcoal factory. In the evening of December 22, 1946, while Fausto Aguila and Arsenio Gunda were guarding said factory, a group of four individuals, heavily armed, came to the place. Said individuals were Santiago Aguila, Elias Aguila, Pedro Aguila, and a certain Sanoy who were respectively armed with a .45 calibre automatic pistol, a 'grease-gun', a .38 calibre revolver, and a .45 calibre automatic pistol.

Parenthetically, Santiago Aguila, a brother of Fausto, was formerly an employee of Arsenio Escudero, but was dismissed for misbehaviour and breach of trust. During the Japanese Occupation, Santiago Aguila had some quarrel with his brother Fausto, in connection with a rice field allotted to Fausto Aguila. The latter gave Santiago Aguila an opportunity to work on two plots thereof, but Santiago, ambitious and dominating, demanded that he be allotted five plots. An altercation ensued between the two brothers and Santiago challenged his elder brother to a 'bolo' duel. Fausto, instead of accepting the challenge, yielded to Santiago's demand, giving the latter five plots of the rice field instead of two. This circumstance discloses the moral power of Santiago over his elder brother Fausto.

Turning back to the facts of the crime charged, in the evening of December 22, 1946, Santiago Aguila, upon reaching the charcoal factory with his three companions, approached Arsenio Gunda and asked him whether he and Fausto Aguila were armed. Gunda answered that they had already returned their arms to the overseer, to which Santiago Aguila, in a threatening attitude and pointing, his .45 calibre automatic pistol at Arsenio, said that they came to take him and Fausto away. Then, Elias Aguila and Sanoy tied Arsenio and Fausto. The latter pleaded

that he be not taken, but Santiago Aguila threatened that he would kill anyone, even his father or brother, who would oppose him.

Fausto and Arsenio were then brought to the house of Jorge Rosales near the factory. Santiago, in that house, prepared a letter addressed to Arsenio Escudero, which was made to appear as having been written by Arsenio and Fausto, asking for a ransom of P7,000, with the threat that Escudero's refusal would mean the death of his two guards by their captors who were supposedly "huks". By means of intimidation, Arsenio Gunda and Fausto Aguila were made to sign the letter. Fausto signed his first name only for he did not know how to write his family name and Santiago Aguila himself wrote the family name. Once the letter was thus signed, Santiago Aguila ordered Rosales to deliver it to the overseer of Arsenio Escudero, with the warning that his failure to do so would cost him his life.

Santiago Aguila and Elias Aguila and his companions, left the house of Jorge Rosales bringing Fausto Aguila and Arsenio Gunda with them. They walked along the railroad track up to sitio Burol, and leaving Pedro Aguila behind, boarded a truck that was traveling towards Bantilan, Candelaria. They alighted at Bantilan and boarded another truck to Pallian where, after leaving the truck, they crossed the river and boarded another truck for San Juan where they transferred to another truck bound for barrio Pallokan where Fausto and Arsenio were left in the house of Alfonso Alas-as. In that house they were guarded alternately by Elias Aguila and Alfonso Alas-as who were armed with a 'grease-gun' and a .33 calibre revolver respectively.

Arsenio Escudero, on December 23, 1946, received the first ransom note bearing the signatures of Arsenio Gunda and Fausto Aguila, but he paid no attention to it. Then, Santiago Aguila wrote another letter signed "Huks", increasing the ransom to P50,000 and Escudero received it on December 29, 1946, but paid no heed to it. And Santiago Aguila wrote a third letter reducing the ransom money demanded to the original sum of P7,000 which Escudero received between the second and fourth day of January, 1947, and which likewise was completely disregarded by him. Arsenio Gunda and Fausto Aguila were held in the house of Alas-as for thirteen days after which they were released by Santiago Aguila who warned them not to reveal what happened to them, otherwise, they would be shot. Fausto and Arsenio went directly to San Pablo city and reported the incident to a son-in-law of Arsenio Escudero and the matter was reported to the authorities.

Almost all these facts have been testified to by Arsenio Gunda and Fausto Aguila, who, according to the trial court, testified in a "sincere and candid manner".

While Arsenio Escudero was one day searching his files, he found a letter written by defendant Santiago Aguila, "Exhibit F", the handwriting of which was similar to the handwriting of the ransom letters. For this reason, Santiago Aguila was arrested in San Pablo city on January 7, 1947, and was thereafter investigated. In the investigation, Santiago Aguila made his statement "Exhibit H", wherein he admitted the kidnapping of Arsenio Gunda and Fausto Aguila by him and by his companions Elias Aguila and others, but he claimed that they did it at the instance of the two supposed victims who wanted to share the ransom money that could be obtained from their master Arsenio Escudero. In that statement, which was sworn to before the Justice of the Peace of Tiaong, Quezon, on January 13, 1947, Santiago Aguila also admits being the author of all the ransom letters.

While detained in the provincial jail of Quezon, Santiago Aguila wrote a letter dated January 19, 1947, "to Rosario Escudero, wife of Arsenio Escudero, reiterating what he had said in his affidavit "Exhibit H" and at the same time, begging her pardon for what he had done. Aside from the admission of Santiago Aguila himself, there is enough evidence to show that the ransom letters and the letter to Rosario Escudero had been written by Santiago Aguila personally. Felipe Logan, handwriting expert of the National Bureau of Investigation, studied the letters as compared with documents admitted to have been written by Santiago Aguila, and found said letters to be

in the handwriting of Santiago Aguila.

Elias Aguila, the appellant herein, was arrested in San Juan, Batangas, on January 20, 1946, by Agent Belvis accompanied by some policemen who found in his possession a 'grease-gun' which, according to Arsenio Gunda, who accompanied the arresting party, is the same 'grease-gun' used by Elias Aguila while guarding him and Fausto Aguila in the house of Alfonso Alas-as. Elias Aguila was investigated and made the statement "Exhibit L", wherein he admits being one of the authors of the kidnapping and detention here charged. He says further in his affidavit that "two weeks after Fausto and Arsenio were kidnapped, I sent for Santiago Aguila to come to my place. I sent Sanoy to fetch for him and he arrived thereafter. Upon his arrival he asked me why I called for him and I answered that I did not like the affair anymore and to take the two victims away from my place." And that was the time when the two victims were released.

The contradictions pointed out in the testimony of Fausto Aguila and that of Arsenio Gunda are due to innocent mistakes arising from their intensive and extensive cross-examinations. Appellant finds incredible that the two supposed victims were detained in the house of Alfonso Alas-as which is not far from a national road and, before reaching it, the kidnappers and their victims had to pass through various public places, including the poblacion of San Juan, Batangas. But it should be borne in mind that when they passed through those public places it was nighttime, the roads were deserted, and the kidnappers were heavily armed. Bold kidnappings and bold robberies are now perpetrated in plain daylight in public places densely populated, and the victims do not dare risk a call for help through fear that they may be killed as have been seen in similar instances.

In their defense, Santiago Aguila and Elias Aguila, tried to establish that they had nothing to do with the kidnapping of Fausto Aguila and Arsenio Gunda who escaped of their own accord, hid in the house of Alfonso Alas-as, sent the ransom notes themselves and, having failed in their purpose, framed the charge against Santiago and Elias Aguila.

This defense is inconsistent with the affidavits "Exhibit H" and "Exhibit L", signed by Santiago Aguila and Elias Aguila respectively. As above indicated, Santiago Aguila, in his affidavit, admitted participation in the kidnapping although he claimed that it was at the instance or with the consent of the victims. He reiterated that theory in his letter to Rosario Escudero asking for her pardon. Elias Aguila in his affidavit "Exhibit L", unqualifiedly admitted his participation in the kidnapping. Santiago and Elias testified that those two statements had been secured from them through duress or intimidation, but their uncorroborated testimonies cannot prevail over the testimonies of Agent Belvis and Agent Flores who have absolutely no ill motive to falsify the truth against them. Had there been such duress or intimidation, the admissions attributed to Santiago would not contain qualifications constituting matters of defense, matters that have been reiterated in the letter to Rosario Escudero, written voluntarily by Santiago in the detention cell.

Furthermore, the theory of the defense that the ransom letters have been prepared by Arsenio Gunda and Fausto Aguila cannot stand before the conclusive evidence presented by the prosecution showing that said ransom letters have been written by Santiago Aguila.

And lastly, if Arsenio Gunda and Fausto Aguila had framed their kidnapping, it is hard to understand why they have to point out to the appellant and his companions as their kidnappers who may easily belie them. It would have been more expedient for them to attribute their kidnapping to unidentified criminals who are now rampant in the Philippines.

FOR ALL THE FOREGOING, judgment appealed from is affirmed with costs against appellants.

Ozaeta, Pablo, Bengzon, Tuason, Montemayor, and Reyes, JJ., concur.

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