

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
SATURNINO VILLAREAL, JESUS MANGUE AND MONICO CANYON,
DEFENDANTS-APPELLANTS.***G.R. Nos. L-36317-18. January 31, 1984*

Ponente: RELOVA, J.

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The accused in this case, Saturnino Villareal Jesus, Mangué and Monico Canyon, were prosecuted for and convicted of the crime of robbery with multiple homicide by the then Court of First Instance of Oriental Mindoro. They were sentenced to suffer death penalty and ordered "to jointly and severally indemnify the heirs of the victims: Cipriano Cuasay, Mercy Cuasay and Nicanor Mabunga, the sum of P36,000.00 and to return or reimburse to Aurora Cuasay the sum of P1,100.00 which they robbed from her." Evidently, the trial court did not lend credence to the defense of alibi. Instead, it gave full weight and credit to the evidence of the prosecution, particularly to the testimony of Aurora Cuasay who identified herein appellants, accompanied by two others, all armed, as the ones who arrived in her house and after taking advantage of her hospitality, suddenly killed her husband Cipriano, her three-month old child Mercy, and her brother Nicanor Mabunga, and then took her P400.00 in coins and P700.00 in paper bills.

The decision of the lower court is now before Us, on mandatory review.

The People's evidence is summarized by the trial court as follows:

"In the afternoon of June 21, 1971, at Hagan, Bongabon, Oriental Mindoro, accused Saturnino Villareal, Monico Canyon, Jesus Mangué, together with Ireneo Valdez and Rogelio Villareal arrived in the house of the couple Cipriano Cuasay and Aurora Cuasay where they asked if they could cook rice near her house, and as a sign of hospitality, she consented; in fact she even lent them a kettle with which to cook the rice and which they did at the camarin near the house. All the accused, together with Ireneo Valdez and Rogelio Villareal ordered a bottle of liquor from her small store and a can of salmon for viand. They ate and after eating, three of them left to answer the call of nature while she remained in her house with her husband, conversing with the two who remained, with one of them sitting on a bench. Later on, the three accused returned and accused Jesus Mangué bought a bottle of kerosene and afterwards asked Aurora Cuasay the cost of the goods they have taken from the store, that was some 3 hours from the time they arrived at her house. One of the quintet placed his hands in his pocket pretending to get money to pay for the goods they have ordered when shortly thereafter, Saturnino Villareal stabbed her husband with a bolo, hitting the latter in the abdomen which caused her to shout and approach her husband. Later, remembering that her young daughter was inside the mosquito net, she took her child, placed the latter on her lap and then saw her husband fall face downwards. Then she returned to the side of her husband, crying. Afterwards, she heard a gunshot and it was her child, Mercy, who was on her lap who was hit on the head which caused her death, then she jumped over the window with her wounded child for the purpose of hiding but on touching the ground, somebody embraced her. She resisted and attempted to run but she was overpowered and was dragged back to her house where accused Saturnino Villareal demanded money. Because of fear, she gave him P400.00 in coins contained in a piggy bank which she took under the

pile of clothes and another P700.00 in paper bills which she got from the trunk and delivered them to Saturnino Villareal. Thereafter, she heard someone utter, 'Kill that woman as she recognized me' which words came from Ireneo Valdez. Upon hearing those words, she again jumped out of the window and took refuge in a banana plantation which was 20 meters away from her house. While there in hiding, she heard the groaning in pain of her brother, Nicanor Mabunga. Before hearing such groan, there was a commotion in front of the house as the vicinity was lighted with an Aladdin lamp then carried by her brother, the deceased Nicanor Mabunga.

"After hiding for half an hour, she went to her parents' house and reported that she was robbed. Accompanied by her parents, they returned to the scene of the incident where they saw her husband, daughter and brother already dead." (pp. 34-36, Decision)

The bodies of the victims were autopsied by Dr. Fernando Vilorio, Municipal health Officer of Bongabon, Oriental Mindoro and his findings are as follows:

I. CIPRIANO AGUILAR CUASAY

1. Stab wound 4 inches long at the right anterior abdomen direction posteriorly downwards to the right exit wound at the right lumbar region 1 inch wide severing the intestines, blood vessels and the right kidney.
2. Cut wound 2 inches wide at the anterior lower third of the left arm. (Exh. "G" for Crim. Case No. 217)

II. MERCY M. CUASAY, 3 months old

1. Gun shot wound at the head severing almost one-half of the left side of skull and brain.
2. Multiple fractures and gun shot wounds at the left arm and forearm. (Exh. "I" for Crim. Case No. 217)

III. NICANOR ORACION MABUNGA

1. Stab wound 1 inch at the lower right lumbar region severing the right kidney.
2. Stab wound 1 inch long at the right posterior chest severing the right lung.
3. Stab wound 1 inch long at the upper left posterior chest severing the left lung.
4. 3 superficial stab wounds around ½ cm. each wide at the left scapular area.
5. 3 superficial stab wounds around ½ cm. each wide at the right scapular area.
6. Incised wound 2 inches long at the left occipital region.
7. Incised wound 1 inch long at the right posterior parietal region.
8. Stab wound 1 inch long at the left lateral side of the abdomen severing the intestines.
9. Superficial stab wound around ½ cm. wide at the posterior portion of the left axillary region.
10. Superficial stab wound ½ cm. wide at the right anterior neck. (Exhibit "E" for Crim. Case No. R-217)

Death of the three victims, according to Dr. Vilorio, was due to shock and hemorrhage.

Appellant Jesus Mangue denied participation in the killing of Cipriano Cuasay, Mercy Cuasay and Nicanor Mabunga. He claims that from January to August 1971 he was in Ligao, Albay with co-accused Monico Canyon, looking for work. He knows Saturnino Villareal but denies being with him on June 21, 1971 because he was in the Bicol Region at the time. He never met Ireneo Valdez whom he saw for the first time at the Municipal Building

sometime in August 1971 when his dead body was shown to him. He admitted his signature in the written statement (Exhibit "E") but denied the truth of the contents thereof and claimed he was maltreated by the police into signing it.

Likewise, Monico Canyon denied having participated in the robbery and killing of the victims on June 21, 1971 at barrio Hagan, Bongabon, Oriental Mindoro. He was with Mangué in the Bicol Region at the time. Confronted with Exhibit "D" and "D-1", he disclaimed having been investigated by the police, much less asked about the incident in question.

Accused Saturnino Villareal averred that on June 21, 1971 he was in the pasture land of Dr. Soller in Malo, Bansud, Oriental Mindoro, with many others, helping in putting up a fence. He was at the place up to 5:30 in the afternoon when Marcelino Sinohin invited him for coffee. He went home about 7:30 in the evening. He came to know Aurora Cuasay only in court and denied the truth of her statement as to his presence in her house in the evening of June 21, 1971. It is possible, he added, that Aurora had mistaken him for his brother Rogelio Villareal.

Rogelio Villareal and Ireneo Valdez had died before the informations were filed in court.

Considering the evidence presented by the prosecution and the defense, the following findings of the trial court is noteworthy:

"From the totality of the evidence adduced, the Court is of the opinion and so holds that the evidence presented by the prosecution should be given full credence and weight, considering that all the accused offered a common defense of alibi which is the weakest defense in criminal prosecutions and which must be air-tight to merit some considerations. As usual, the third degree method was alleged to have been employed by the investigators and was put up as one of the principal defenses, which, however, cannot be considered because while accused Jesus Mangué and Monico Canyon stated that their statements of admission were not read to them by the administering officer, Judge Garcia testified otherwise. According to Monico Canyon he was compelled to sign his affidavit of admission because the policemen of Bongabon told him that he would not be brought to the hospital for treatment unless he signed the same, contrary to his very admission that after he was shot at Manacsi, Bongabon, he was unconscious up to the time that he was brought to the provincial hospital at Calapan. The statement of Jesus Mangué on the alleged torture committed by the policemen of Bongabon cannot hold water in the face of the positive identification made by Aurora Cuasay that he was one of the five malefactors that robbed her and killed the victims on the evening of June 21, 1971 and to whom she delivered the kerosene.

"x x x x x x x x

"The evidence clearly shows that the five malefactors had a prearranged plan to rob the house of the victim, Cipriano Cuasay and his wife, Aurora Cuasay, and they used scheme and treachery by staying in the vicinity to cook their food for supper, after which they went to the house, killed Cipriano Cuasay, shot to death an innocent child in order to attain their purpose." (pp. 33-34, 36, Decision)

We are satisfied that no overriding consideration exists to justify the reversal of the decision appealed from. As a consequence, We have to affirm.

Appellants argue that Aurora Cuasay, widow of Cipriano Cuasay, did not know the identity of four of the accused because of her statement in Exhibit "F" that "Ang kilala ko po lamang ay si Ireneo Valdez, ang apat po ay di ko kilala." The contention is incorrect. What she meant was, she was not previously acquainted with, or she did not previously know four of the defendants, before the commission of the offense. In fact, in Exhibit, "C" which is a sworn statement of Aurora Cuasay, she answered:

"5. T - Nakikilala o namumukhaan mo ba ang mga taong kasama ni Ireneo Valdez?

S - Opo, kung aking makikita silang muli ay maituturo ko ang mga kasama ni Ireneo Valdez ng gabing maganap ang pangyayaring ito." (p. 9 Appellee's Brief)

Thus, it is clear that she could identify the culprits should she see them again, and this she was able to during the hearing before the court a quo. There was enough time for Aurora to see and remember the faces of each of the five accused considering that for three hours they engaged the couple in conversation.

With respect to the claim that the extra-judicial confessions of Monico Canon and Jesus Mangue should not have been considered because of their involuntary nature and that they were secured in violation of Section 20, Article IV of the New Constitution, suffice it to say that Municipal Judge Zacarias Garcia testified on the total absence of constraint or compulsion employed upon the persons of Canyon and Mangue. In the case of Monico Canyon, Judge Garcia testified that he was in full possession of his mental faculties when he subscribed to his statement, Exhibit "D"; and, in the case of Jesus Mangue, the Judge described in detail how he executed and subscribed to his statement, Exhibit "E" (Case No. 216). Neither was there violation of the New Constitution which took effect on January 17, 1973. The commission of the crime, filing of the information, arraignment, trial and conviction - all took place before the ratification and effectivity of the New Constitution.

The decision of the court a quo is in accord with the law and facts of the case. Accordingly, the appropriate penalty is death but in view of the lack of necessary votes to impose it, We have to impose the penalty of reclusion perpetua.

WHEREFORE, the judgment of the trial court is modified as to the penalty only but AFFIRMED in all other respects. Appellants are hereby sentenced to suffer reclusion perpetua and each to pay one-third of the costs.

SO ORDERED.

Fernando, C.J., Teehankee, Makasiar, Aquino, Concepcion, Jr., Guerrero, Abad Santos, De Castro, Melencio-Herrera, Plana, Escolin, and Gutierrez, Jr., JJ., concur.

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