

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
IRINEO SANTELLA AND LUCIO SABALA, DEFENDANTS AND
APPELLANTS. THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND
APPELLEE VS....**

G.R. Nos. L-16665-66. April 23, 1962

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

Appeal from a decision of the Court of First Instance of Ilocos Sur, in the above entitled cases, which were jointly tried, convicting appellant Irineo Santella of the crime of murder in Criminal Case No. 3086 of said court (L-16665) and of illegal discharge of firearm in Criminal Case No. 8037 of the same court (L-16666), and sentencing him, in the first case, to life imprisonment, with the accessory penalties provided by law, to indemnify the heirs of the deceased Atty. Arnulfo Arcalas in the sum of P6,000, without subsidiary imprisonment, in case of insolvency, in view of the nature of the principal penalty, and to pay 1/2 of the costs, and, in the second case, to an indeterminate penalty ranging from 6 months of arresto mayor to 2 years, 11 months and 10 days of prision correccional, with the accessory penalties provided by law and to pay 1/2 of the costs.

During the election campaigns in 1957, Lucio Sabala, the mayor of Cabugao, Ilocos Sur, and its vice-mayor, Santos Sabio, belonged to opposite political factions. The former supported Faustino Tobia, as candidate for Congressman of the first district of said province, whereas the latter and the deceased Atty. Aranulfo Arcalas were political leaders of Floro Crisologo, as candidate for the same seat in Congress.

It appears from the testimony of Vice-Mayor Sabio that, as Mayor Sabala and Atty. Arcalas met in the barrio of Sabang, on October 28, 1957, between 4:00 and 5:00 p.m., they charged each other with indulging too much in personalities during their campaigns. When, in the course of their mutual recriminations, Mayor Sabala characterized the conduct of Arcalas as too abusive, the latter replied that the former could not even discipline his policemen. Asked what he meant, Arcalas explained that, that very morning, his driver, Gerardo Somera, had been dragged by appellant Irineo Santella—a member of the local poMce force assigned to escort the mayor—in front of the municipal building. Enraged by this imputation, Santella—who was then with the mayor—approached Arcalas, jerked his shoulder and boxed him on the right side of the abdomen. Then Santella stepped back and loaded his carbine. Upon the other hand, addressing the mayor, Atty. Arcalas said: "My driver is here mayor"—pointing to Gerardo Somera, who was seated in a jeep parked nearby—"for your information". At this juncture, Santella fired at Arcalas, who reeled to the ground. While he was lying down on his right side, almost face downward, Santella came nearer and fired several shots, at the same time cursing and adding "* * * I will finish you all". Upon hearing this remark, Sabio sought cover in front of the jeep aforementioned, but Santella fired at him, thereby impelling Sabio to dash to the rear of the vehicle. As Santella, likewise, fired in that direction, Sabio ran to where the mayor was, in front of said jeep, and begged him, on his (Sabio's) knees, for forgiveness and help, but the mayor appeared impassive. Hence, Sabio ran away as fast as he could, zig-zaging to avoid the shots that Santella kept on firing, until he (Sabio) was able to take cover behind some rocks, from

whence he crawled safely to a forest nearby.

As a consequence, of these incidents, two informations were filed, namely, one against Santella and Mayor Sabala, for murder of Arnulfo Arcalas (Criminal Case No. 3086, now L-16665), and another against Santella, for attempted murder of Vice-Mayor Santos Sabio (Criminal Case No. 3087, now L-16666). Before the conclusion of the trial in the lower court, or on July 21, 1959, Mayor Sabala was killed. Hence, the case for murder against him was dismissed.

Appellant tried to establish, through his own testimony and that of Constante Gasmen and Efren Sol, that Atty. Arcalas had become so angry, on account of the maltreatment of his driver, that he followed Mayor Sabala and his companions (Constante Gasmen, Luciano Supaco, Jose Sison and Irineo Santella), first to the barrio of Torod, then to that of Panayogan, still later to the barrio of Daclapan, and lastly to that of barrio Sabang, where, after inquiring from Arcalas where his faction planned to hold a public meeting, the mayor advised him against resorting to personal attacks, because they were near relatives. Arcalas denied the imputation and countered with the statement that the mayor's escort—pointing to appellant Santella—lacked discipline, he having dragged Gerardo Somera, in front of the municipal building, that morning. Thereupon, Santella approached Arcalas and suggested: "ask your driver, if what you said is true", at the same time pointing to Somera who was seated in the jeep adverted to above. In reply, Arcalas boxed Santella below the right nipple, in view of which Santella retaliated with another fist blow. Then Arcalas took several steps back and tried to lift the lower end of his shirt up to his waist, where Santella noticed something shiny, like the grip of a gun tucked on the right side of Arcalas' waist. Feeling that his life was in danger, Santella loaded his carbine and fired. Immediately, thereafter, Santella proceeded to the "poblacion" and surrendered to the peace officers in the municipal building.

The lower court found the testimony of the witnesses for the defense unworthy of credence and accepted the version of the prosecution, although, it found that the evidence was insufficient to establish appellant's intent to kill the vice-mayor when the former fired at him. Hence, the decision above mentioned. Appellant merely raises questions of fact. He maintains that His Honor the trial Judge erred in giving credence to the testimony of ViceMayor Santos Sabio, despite his natural bias as a political enemy of the accused, and in rejecting his plea of selfdefense.

Upon a review of the record, we find therein nothing to warrant interference in the findings of fact made in the decision appealed from. Suffice it to say that the testimony of Santos Sabio was borne out by the fact that the body of Arcalas had several gunshots wounds, two (2) of which were on his back, thus belying completely appellant's theory to the effect that he fired only once and in self defense.

Wherefore, the decision appealed from is hereby affirmed, with costs against appellant Irineo Santella. It is so ordered.

Bengzon. C. J., Padilla, Bautista Angelo, Labrador, Reyes, J. B. L., Barrera, Paredes, and Dizon, JJ., concur.

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