

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
JESUS PONCE, BAYANI CASTILLO, ALIAS NAYO CASTILLO,
DOMINGO SAN PEDRO, ALIAS HAPONG CABLING, ACCUSED AND
APPELLANTS.**

G.R. No. L-8297. October 23, 1956

Ponente: MONTEMAYOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/917283071c4c/>

MONTEMAYOR, J.:

This is an appeal from the decision of the Court of First Instance of Nueva Ecija, finding the three appellants, Jesus Ponce, Bayani Castillo alias Nayo Castillo, and Domingo San Pedro alias Hapong Cabling, alias Scarface, guilty of kidnapping under Art. 267 of the Revised Penal Code, and sentencing each of them to reclusion perpetua, with the accessories of the law, to pay the offended parties jointly and severally, the amount of P5,000, as moral damages, and to pay one-third of the costs.

Shortly after Liberation, that is, in the year 1945 or 1946, in some provinces in the Philippines, to aid the Philippine Constabulary in the preservation of peace and order, civilian guards were organized, attached to said constabulary. In September 1946, there was a detachment of such civilian guards in the town of Cabanatuan, Nueva Ecija, later converted into a chartered city, their barracks being located near the old cemetery of the town.

About three o'clock in the afternoon of September 18, 1946, a truck driven by Segundo Angeles had just made its sixth and last haul of gravel for the day and the same was being unloaded in front of the house of Angeles, in the interior of Melencio Street in Cabanatuan. At that moment, two civilian guards arrived, armed with long guns which were either Thompsons or carbines, and after looking at the six laborers engaged in shovelling the gravel from the truck, called one of them named Antero Carpio then standing atop the truck. In obedience to the call, Antero came down upon which the two civilian guards placed their hands on his shoulder, told him to come with them, and took him toward the barracks or in its direction. One of the two civilian guards in question was identified by one of the laborers, Alfonso Hernandez, not because he knew him personally, but because of a sort of deformity of his tipper lip, which appeared to be swollen. Said civilian guard was later identified as defendant and appellant, Domingo San Pedro alias Hapong Cabling, alias Scar-face. The truck driver, Segundo Angeles, identified not only San Pedro because of his deformity or prominent upper lip. but also the other civilian guard named Bayani Castillo alias Nayo Castillo, one of the herein defendant and appellants, because lie knew him personally, and he even followed him a short distance when Antero Carpio was being taken in the direction of the barracks, asking Castillo where they were taking Antero, all this, according to Angeles' testimony.

That same afternoon at the junction of the concrete highway and the road named "Daang-Sarili", in Cabanatuan, a game of monte was being played by a number of people. Antonio Carpio, father of Antero, was there witnessing the gambling game. At about five o'clock that afternoon, a jeep driven by one of the three defendant and appellants, named Jesus Ponce, stopped in front of the group of gamblers. Three of the occupants therein, Ponce, San Pedro, and a third one not identified, armed with long guns got down from the jeep approached the group, and

apprehended one named Felicísimo Carpio, a nephew of Antonio Carpio, tied him up with a chain, and loaded him in the jeep. It was then that Antonio's attention and curiosity were aroused, and he looked at the parked jeep, even approached it, and he was intrigued and alarmed to see his own son, Antero Carpio, inside the jeep also tied up with a chain. Because of fear presumably induced by the bearing and behavior of the three armed men, Antonio did not dare greet or speak to his son; neither did Antero speak to his father. Just then, Francisca Hernandez, wife of Antonio and mother of Antero, arrived, possibly attracted by the extraordinary event. Approaching the jeep, she saw her son in chains, and, motherlike, throwing all fear and caution to the winds, instinctively she dashed toward him, embraced him and exclaimed, "My son, why did this happen to you?". Antero remained mute and Jesus Ponce rudely pushed her away, saying, "Woman" get out. You are another one," after which Ponce at the wheel started the jeep. At that precise moment, one Venancio Francisco, landlord of Antonio and Francisca because they were tilling his land as tenants, passed by in a "caretela" and Antero, evidently no longer able to control himself, called out to Venancio Francisco saying, "Mang Bancio, they have apprehended me." But it proved to be a vain call for help because Venancio, either not hearing the call or preferring not to get mixed up in the affair, made no answer and proceeded on his way. The jeep sped away and since then up to the day of the trial on May 26, 1954, Antero was never seen nor heard from. The three defendants and appellants were charged with kidnapping and after trial, they were found guilty of the charge and sentenced as already mentioned.

Two separate briefs were filed for the three defendant-appellants, one for Bayani Castillo and the other for Jesus Ponce and Domingo San Pedro. We need not discuss the merits of the appeal as regards Jesus Ponce because after the briefs for appellants and the brief of the Solicitor General for the Government were filed, Ponce already confined in the insular prison at Muntinlupa, Rizal, filed a motion for withdrawal of his appeal, prepared in the state penitentiary on June 21, 1956, atid forwarded to us by the Assistant Director of Prisons on the same date. By resolution of this Tribunal of July 5, 1956, said motion of withdrawal of appeal was granted and Ponce is now serving his sentence.

With respect to appellant Domingo San Pedro, he claims that he was not a civilian guard in 1946; that he was a farmer cultivating the land of one Sta. Roman in Sampang Buhay, Cabanatuan, where he was residing; and that on September 13, 1846, he was on said land engaged in tilling the land. However, we agree with the trial court that his participation in apprehending Antero Carpio and later taking him away to an unknown destination was sufficiently established. He was identified by both Segundo Angeles and Alfonso Hernandez at the time when he and his companion took Antero from where he was shoveling the gravel, toward the barracks; and he was again identified by Antonio Carpio when at five o'clock that same afternoon, he, San Pedro, Jesus Ponce and another companion, all armed with guns, descended upon the group of gamblers at the junction of the concrete highway and the road named "Daang-Sarili", Cabanatuan, grabbed Felicísimo, tied him up and loaded him in the jeep where Antero was already placed, in chains, and the two victims were taken away in the jeep, by the three men, and as already stated, since then Antero was never seen nor heard from. The record fails to show what happened to Felicísimo Carpio and no explanation was given by San Pedro as to what he and his companions had done to and with Antero Carpio. In our opinion, the acts of San Pedro constitute kidnapping under Art. 267 of the Revised Penal Code as correctly found by the lower court.

Now as regards Bayani Castillo, after a careful scrutiny of the record, we have our doubts as to his participation in and responsibility for the kidnapping. It will be remembered that Segundo Angeles was the only one who identified him as one of the two civilian guards who took Antero from his place of work toward the barracks. But it will also be remembered that he was not among the three armed men who later that afternoon had Antero Carpio in their jeep as a prisoner in chains, and who after apprehending Felicísimo Carpio, nephew of Antonio Carpio from among the group of gamblers at the junction of the concrete highway and "Daang-Sarili", tying him

up and loading him in the jeep, sped away to an unknown destination. Moreover, Castillo testifying for himself at the trial, not only denied that he was a civilian guard on September 18, 1946, -much less one of the two civilian guards who took Antero Carpio from his place of work toward the barracks, but he asserted that Segundo Angeles testified falsely in identifying him as one of those two civilian guards, out of spite. According to Castillo, in the year 1950, he and Angeles were employed as agents of two rival transportation companies; that when a bus arrived in Cabanatuan from the north, the two of them tried to persuade the passengers to board the bus of their respective companies for Manila; that one day, Angeles had already induced one passenger to transfer to his bus, but he (Castillo) was able to persuade said passenger to board his bus, resulting in a quarrel and a near fight between the two men; that although they were pacified, still Angeles nursed a grudge against him and refused to speak to him afterwards, even up to the date of the trial. We notice that although Angeles was present at said trial and testified for the prosecution and against Castillo, nevertheless, for reasons not explained, he did not take the witness stand to deny what Castillo had declared about the strained relations between them. Furthermore, the principal element of the kidnapping was not so much the taking of Antero Carpio from his place of work to the barracks of the civilian guards, but rather his being taken in a jeep later, in chains, to an unknown fate and destination, and in this second phase of the taking away, Castillo did not participate.

When Antero was taken to the barracks at three o'clock that afternoon, it is possible that it was for purposes of investigation, which apparently had no color of irregularity, much less of felonious intent. As a matter of fact, according to Alfonso Hernandez, one of the companions of Antero Carpio engaged in unloading the gravel and who identified San Pedro as one of the two civilian guards who apprehended Antero, after the latter had been taken toward the barracks, three other civilian guards came to place and took Alfonso Hernandez and several fellow laborers to the barracks for questioning, and apparently nothing was done to him, and they were afterwards released. Besides, with regard to the claim of Castillo that he was not a civilian guard on September 18, 1946, and therefore could not have been one of those who apprehended Antero, the prosecution failed to refute this assertion either by the records of the civilian guards as to his enlistment in said body, or by the testimony of those who may have seen him carrying and wearing the arms, equipment, and uniform. of that military entity. On the other hand, Castillo presented two witnesses, Virgilio Lavidad and Nicanor S. Margarejo, who told the court that Castillo was not a civilian guard in 1946 and that he became one only in the year 1949.

In view of the foregoing, we find that the guilt of defendant-appellant Domingo San Pedro alias Hapong Cabling, alias Scarface, has been established beyond reasonable doubt, and, therefore, as to him the decision appealed from is affirmed with costs. Entertaining grave doubts as to the guilt of defendant-appellant Bayani Castillo alias Nayo Castillo, the decision appealed from as to him is reversed and he is acquitted, with costs de oficio.

Paras, C. J., Padlla, Bautista Angela, Labrador, Concepcion, Reyes, J. B. L., Endencia and Felix, JJ., concur,

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.