

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
FELIPE VILLAS Y TANTI, DEFENDANT AND APPELLANT.***G.R. No. L-20953. April 21, 1969*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/96c06ea29c80/>**PER CURIAM:**

In the Court of First Instance of Manila Felipe Villas y Tanti was charged with robbery, with homicide and rape, to which, upon arraignment, he pleaded not guilty. After conferring with him, his counsel de officio informed the Court that, apparently, the defendant did not understand the information read to him, and so moved that he be allowed to withdraw the plea already entered. After clarifying this matter with the defendant, the trial court allowed the withdrawal of his plea of not guilty and ordered that he be arraigned anew, the allegations of the information to be translated to him, this time, in the "waray-waray" dialect in view of his being from the pro-vince of Leyte. Upon being rearraigned, he pleaded guilty. This notwithstanding, the trial court ordered the pre-sentation of evidence to prove the aggravating circumstances alleged in the information, as well as of any mitigating circumstance which the defendant might wish to invoke.

During the hearing held on November 12, 1962, the prosecution presented Detective Alfredo Lazarte mainly to identify defendant's extrajudicial confession (Exhibit A in the record) and to describe the reenactment of the commission of the crime. Other witnesses placed in the stand by the prosecution were: Teresita Zavalla, a niece and helper in the Afable Flower Shop of the owner - the deceased Catalina Colman; Dr. Mariano B. de Lara, medico-legal officer of the Manila Police Department, and Daisy Orly de Gagui, a sister of said deceased.

The defendant, for his part, waived, through counsel, his right to present evidence.

On February 1, 1963 the trial court rendered judgment as follows:

"FOR ALL THE FOREGOING CONSIDERATIONS, the Court finds defendant FELIPE VILLAS Y TANTI guilty to a moral and legal certainty of the crime of robbery with homicide complexed further by rape, defined and penalized in Article 294, Cases Nos. 1 and 2, in relation to Article 335, Case No. 3, also of the said Code, as amended by Republic Act No. 2632, with the aggravating circumstances of grave abuse of confidence and nocturnity, only one of which was off-set by the mitigating circumstance of voluntary plea of guilty, and therefore, in keeping with the solemn mandate of the law, sentences the said defendant FELIPE VILLAS Y TANTI to suffer extreme penalty of death by electrocution, with the accessory penalties prescribed by the law, to indemnify the heirs of the deceased, Catalina Colman, in the amount of P10,000.00, and to pay the costs" (Decision p. 134, rec.).

By reason of the penalty imposed, the record of the case was forwarded to Us for review in accordance with the provisions of Section 9, Rule 118 of the Rules of Court.

It appears that for almost four years prior to the month of October, 1962, Felipe Villas y Tanti, 27 years of age and single, had been employed by the now deceased Catalina Colman - a 47 year old spinster - as "house boy" or helper in the Afable Flower Shop which she owned located on Taft Avenue, City of Manila. He lived in the same premises where the business was conducted, together with Teresita Zavalla; Teresita's mother; a niece of

Teresita; another female helper; two male cousins, one of whom was named Ernesto; and another male helper by the name of Sofronio. His duty was to clean the shop and the rooms, and to run errands.

At about 8 o'clock in the evening of October 3, 1962, the now deceased Catalina Colman, accompanied by Teresita, went to the Lourdes Hospital at Mandaluyong, Rizal, to visit Mrs. Felisa Afafe, owner of the Afafe building. At about 9 o'clock that evening, the defendant closed the flower shop, but at 10 o'clock, using a key left hanging near the door at the rear, he reentered the premises, and as soon as he was in, he closed the door and returned the key to the place from which he took it. He then entered the private room of Catalina, closing the door after him but leaving it unlocked. Thereafter, he hid under her bed, with the intention of waiting for her to return and then steal the key of her dresser once she had fallen asleep.

At about 11 o'clock that evening, Catalina and Teresita returned, the former going to her room where she undressed preparatory to going to bed. After some time, believing that Catalina was already asleep, the defendant crawled out from under her bed armed with a hammer which he took from under a wooden trunk found inside the room. It turned out that Catalina was still awake and sitting on her bed, so the defendant hit her with the hammer on the face, and thereafter continued hitting her with more blows on the face and four times more on other parts of her body. As Catalina lay prostrate, but still alive, the defendant took off her underwear and raped her.

After the sexual intercourse, the defendant took a key from Catalina's bag and with it he opened her night table and got therefrom money in cash in different denominations amounting to P476.80. Thereafter, he opened his victim's dresser from where he took some pieces of jewelry which he wrapped up in a blue dress belonging to her and hid the same in the storeroom of the shop, while he wrapped the money in a paper bag and hid it underground just outside the premises. The defendant likewise took a piggy bank from atop the deceased's bed, as well as a ring from her left finger.

After doing all these the defendant removed his blood tainted clothes and placed them in a can of water. At about 6 o'clock in the morning, he got up and went inside the flower shop where he told Ernesto that robbers had broken into the place. Ernesto, in turn, woke up Teresita, who, upon seeing the lifeless body of her aunt, called the police.

An autopsy performed by Dr. Lara placed the death of the victim at about midnight of October 3, 1962 and his report (Exhibit C) contain the following POST MORTEM FINDINGS:

"MISCELLANEOUS EXTERNAL WOUNDS AND EXTENSION

INTERNALLY:

(1) Wounds, curvilinear, close together, contused and lacerated, multiple (2), scalp, located on the left temporal side of the head measuring 4 cm. x 1 cm. and 2 cm. x 0.5 cm. respectively directly overlaying: (a) an extensive fragmentary and circular depressed fractures of the entire left side of the cranium, and across the posterior left parietal bone; (b) Massive epidural clotted hematoma, collected blood compressing upon the left side of the brain. (These being the fatal injuries that killed victim).

(2) Swollen bluish red contusion and hematoma, multiple (2), located in the left face and left lower jaw.

(3) Lacerated wounds, multiple (2), involving the left external ear pinnae and left lower jaw.

(4) Blood oozing from the nose and left ear. [All these (2) thru (4) being fatal and effects of No. (1).]

(5) Multiple extensive bluish red swollen contusions with several (2) definitely clear red half-circular impressed contusions size 3.5 cm. diameter each, the whole extent of the injury being over the entire anterior chest involving mostly the mammary organs.

(6) Another half-circular contusion reddish impression 3.5 cm. in diameter located around the navel of the anterior abdomen.

(7) Bluish swollen contusion located in the lower postero-lateral left chest.

(8) Bruised contusion, multiple (2), located at the back of the neck.

"MISCELLANEOUS FINDINGS IN INTERNAL ORGANS:

SKELETAL SYSTEM:

Fractures, extensive, fragmentary, multiple and circular, depressed, involving the entire left side of cranium and across the left posterior parietal bone. (This traumatic fatal fracture referred to above).

Fractures, left VII thru IX ribs, anteriorly.

CENTRAL NERVOUS SYSTEM:

Epidural big traumatic hematoma compressing upon the left side of the brain; hemorrhage, subdural, left side.

(This fatal traumatic brain injury referred to above).

RESPIRATORY SYSTEM.:

Hemorrhages from contusion and aspirated blood, both lungs, anteriorly.

(These injuries being also fatal).

GASTROINTESTINAL TRACT:

Empty stomach, without alcoholic odor.

LABORATORY FINDINGS:

Smear from the vagina show many spermatozoa complete with heads and tails, four (4) per H. power microscopic field.

"CAUSE OF DEATH:

Extensive depressed fragmentary traumatic fractures in the left side of the cranium and anterior left VII thru IX ribs causing massive left epidural hematoma compressing upon left parietal lobe of brain and contusions of lungs, due to repeated blunt-blows with hard circular object upon the left side of the head, chest, breasts and abdomen and evidences of recent sex intercourse."

When first interrogated by the authorities, the defendant denied any knowledge of the crime, but on October 11, 1962, he broke down and confessed that he had committed the crime (Exhibit A, pp. 36-40 of the record).

Defendant's attorney de oficio submitted a brief in his behalf claiming that the trial court, in finding Felipe Villas y Tanti guilty of the crime of robbery with homicide and rape, erred (a) in further finding him guilty of the aggravating circumstances of nocturnity and grave abuse of confidence and, as a consequence, (b) in imposing the penalty of death by electrocution instead of reclusion perpetua.

The record - defendant's confession, whose authenticity and voluntariness are not disputed, and the other evidence of record, shows beyond cavil that the defendant purposely sought nighttime to commit the heinous crime. He took the first measures that would later lead to its commission by taking advantage of the fact that the victim left her dwelling at about 8 o'clock in the evening; by reentering the flower shop about an hour later, then proceeding to his victim's room and hiding himself under her bed, from which place he crawled out afterwards

believing that by that time she was already asleep, and upon finding her still awake and sitting on her bed, assaulted her with a hammer and then raped her and robbed her. The least that could be said, considering the evidence of record, is that nighttime facilitated the commission of the crime to such an extent that the defendant was able to consummate it with all its dastardly details without anyone of the persons living in the same premises becoming aware of what was going on.

As regards the presence of the aggravating circumstance of abuse of confidence, suffice it to say that there can be no doubt that, for almost four years prior to the commission of the crime, the defendant had served the deceased Catalina as a trusted "house boy"; that in the discharge of his duties as such he was allowed to enter and clean her room and to close the flower shop. He, therefore, had access not only to the latter place but also to the private room of his victim.

IN VIEW OF THE FOREGOING, we agree with the trial court that the guilt of the defendant of the crime charged, committed under the aggravating circumstances alleged in the information, has been established beyond all reasonable doubt. As the decision under review is in accordance with law and the evidence, it is our painful duty in the premises to affirm, as we do hereby affirm it in all respects. With costs.

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

Castro and Capistrano, JJ., did not take part.

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