

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
RICARDO LIMACO, DEFENDANT AND APPELLANT.***G. R. No. L-3090. January 09, 1951*

Ponente: MONTEMAYOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/9952e6af6798/>**MONTEMAYOR, J.:**

.This is an appeal to suspend the decision of conviction for the crime of triple murder sentencing the accused-appellant Ricardo Limaco to "life imprisonment at hard labor, without hope of any pardon or reprieve whatsoever, to indemnify the heirs of the deceased Severa Envelino, Sofia Envelino and Matrina Amores in the sum of P6,000 each (People vs. Amansec, G. R. No. L-927, March 11, 1948)[*], without subsidiary imprisonment in case of insolvency, and to pay the costs."

After a review of the record of this case, we find the following facts to have been fully established. On June 30, 1948, Liberate Envelino, his wife and a son left their house in sitio Bunlas, Kabankalan, Negros Occidental, to work on their clearing or kaingin several kilometers away. In the house were left his three daughters—Inacia, Severa, and Sofia, all surnamed Envelino and a niece Martina Amores, aged 15, 14, 5 and 3, respectively. According to the eldest daughter, Inacia, at about 4 o'clock in the afternoon, appellant Ricardo Limaco came to the house and found the four girls in the kitchen. He asked her sister Severa to sell him a pig which he wanted to butcher. Severa told him that he better wait for her parents because she would not dare sell the animal in their absence and without their consent. Visibly disappointed and resenting her refusal to sell, he addressed Severa thus: "If you do not want to, it is better that you will be hacked because you are selfish." Almost simultaneously, he drew his bolo, Exhibit A, locally known as "talibong", from its sheath, Exhibit A-1, and attacked Severa with it, inflicting on her seven wounds, two of which were mortal; Sofia and Martina rushed to Severa and embraced her, but Ricardo in his fury also bologed them, inflicting on each four wounds, two of which were mortal. The three girls died on the spot.

In the meantime, Inacia who witnessed the horrible slaughter drew back in terror, and fearing that her turn would come next, jumped down from the kitchen through an opening in the wall and hid herself in the bushes. After an hour and thinking that the accused had left, she ventured into the house and found the dead bodies of her two sisters and niece, sprawled on the very spot in the kitchen where she last saw them, covered with wounds. Later, in the evening her parents and brother arrived and she related the gory details.

The authorities in Kabankalan were finally notified and the chief of police and one policeman and the president of the Sanitary Division went to the place and made the corresponding investigation. The accused was arrested by two policemen in his home in sitio Nabhang, municipality of Ayungon, and according to the policemen he admitted to them having killed the three girls, even surrendering the bolo, Exhibit A, with which he bologed them, with its corresponding scabbard, Exhibit A-1.

During his detention in the municipal jail in Kabankalan, he made a written statement, Exhibit B, with its corresponding translation (Exhibit B-1) which was sworn to and subscribed by him before Justice of the Peace

Garaygay on July 10, 1948. In this affidavit, the appellant states that early in the morning of June 30, 1948, he and his father Rufo Limaco and his step-mother went to sitio Carul-an, Ayungon, to make some purchases at the market there; that at about 8 o'clock that same morning, his father and stepmother returned to their home in sitio Nabhang-but he remained and went to the cockpit; that in the afternoon he started for his home but passed by the house of Liberato Envelino in sitio Bunlas in order to ask him to catch a carabao of his father for he (defendant) intended to pasture it around his house to get rid of the tall grass growing there; that Liberato was employed by his father Rufo Limaco as a herder or caretaker of their carabaos; that upon reaching the house of Liberato he found the four girls already mentioned and inquired for Liberato, saying that he wanted him to catch one of his father's carabaos but that instead of giving a civil answer, Severa answered in anger. We quote a pertinent portion of Exhibit B-1:

"Why, what is the meaning of asking where my father is; you are not giving us food for dinner or supper." I answered, 'Not of course, but I have something to do with your father, to have him catch one of our carabaos.' Then she answered me again saying, 'Catch the carabao, none of your business to order us to catch your carabao, I will throw you with this piece of wood.' Later on while we were exchanging hot words, she threw me with a piece of wood, but I parried it with my hand.

"Q. After Severa Envelino had thrown you with a piece of wood, what did you do?—A. Because I got mad at her for the pain I felt in my hand, I forgot everything and pulled out my 'talibong' I had with me that time, and hacked Severa Envelino unconsciously, and later, I happened to include the two children who were her sister and niece, mentioned above, because they were hugging Severa Envelino at the time I was stabbing her and as a result of that all three of them died inside the house in sitio Bunlas, Kabankalan, Negros Occidental, on that time and date.

"Q. After killing the three of them, what did you do then?—A. I went home immediately to Nabhang, Oriental Negros where my father live and I did not tell anybody in the house what happened to me; and they came to know the incident on Monday of July 5, 1948 when I was arrested by the policemen from Kabankalan.

"Q. Where were the wounds in the bodies of Severa Envelino and the children whom you killed?—A. I do not know, I was not able to find out where, because I kept on hacking them and when all of them were dead I went down the house.

"Q. Who were the persons present there at the time you killed Severa Envelino and the other two children?—A. There was no other person present, only the four of them, whom I have mentioned above. I was not able to stab Inacia Envelino, their elder sister because at the time I was hacking her sister she jumped out of the kitchen and hid among the bushes.

"Q. Where is your 'talibong' which you used in killing Severa Envelino and the two children?—A. It was now in the possession of the Chief of Police of Kabankalan, Negros Occidental, because it was taken by the policemen from our house when they arrested me on July 4, 1948."

In a confidential report prepared by the Chief of Police of Kabankalan for the Provincial Commander of Occidental Negros, dated July 15, 1948 (Exhibit H), the chief of police stated that appellant Ricardo Limaco admitted to him that he had killed Severa, Sofia and Martina on June 30, 1948, and practically repeated the details about the killing and the reason therefor as contained in the affidavit (Exhibit B-1). The chief of police also states in his report that he had examined Appellant's father, Rufo-Limaco, who told him that when Ricardo came home that day, June 30, 1948, he brought with him the meat of a rooster killed in the cockpit but was surprised to see blood smeared on his clothes and on the handle of his bolo or "talibong", and when he asked him about the blood stains Ricardo informed him that in cutting up the rooster while it was still alive it struggled and its blood spurted on him and stained his shirt and his bolo.

We are fully satisfied that the appellant killed the three girls in the manner already described at the beginning of this decision. We are not impressed by the claim of the accused that he was ill-treated by the police in order to obtain from him his written statement, Exhibit B, and that he signed the same before the justice of the peace without knowing its contents. The alleged ill-treatment was denied by the police, and the justice of the peace on the witness stand told the court that he saw no marks of ill-treatment or torture on the body of the accused who signed the statement after the contents had been fully explained to him. But even without this affidavit, Exhibit B, we find the testimony of Inacia Envelino to be straightforward and sincere and sufficient on which to base the conviction of the appellant.

At the trial, the appellant interposed the defense of alibi claiming that he could not have committed the crime in the sitio of Bunlas in the afternoon of June 30, 1948, because he never left his house in his barrio of Nabhang from the morning of that day until the day following. In this he was corroborated by his friend Ciriaco Batollo and his father Rufo Limaco. After analyzing the evidence for the accused on this point, and citing several authorities, the lower court rejected this defense, stating that Batollo was an interested witness "due to the bond of friendship existing between himself on one hand and the accused and his father on the other, or that he was a paid or fabricated witness who manufactured untold lies before the court." As to the father Rufo Limaco, the trial court said that his testimony at the trial supporting his son's defense of alibi is belied by his testimony given at the preliminary investigation and by his affidavit, Exhibit I. We agree to the trial court's rejection of this defense of alibi. As a matter of fact, appellant's counsel abandoned this defense of alibi in his brief. Neither does he deny that the appellant is the author of the killing. He merely asks that the sentence be suspended and that his client be committed to the Psychopathic Hospital for mental observation.

In our opinion, and considering what has transpired between the commission of the crime and the end of the trial, there is no reason for granting this request. In other words, there is no reason to believe that the appellant is now insane or did not have the use of his reason at the time he committed the crime. There is no evidence that in all his life he ever had attacks of insanity, lunacy, or epilepsy that should have deprived him of reason and discernment, even momentarily. On the contrary, he seems to be normal in every respect. We quote from the decision of the trial judge who had the opportunity to observe him on the witness stand:

"The Court had seen the defendant testify in his own behalf; it had observed his stern look from his pair of cold terrifying eyes. Cold and dry in his demeanor and answering his counsel's questions intelligently, the defendant impressed the Court as a man who was not insane at the time when he mercilessly hacked to death his three young victims, but was simply a plain blood-thirsty looking man in his early twenties."

The trial court found the accused guilty of murder. That is correct. Attacking three weak and defenseless girls, two of them only five and three years old, suddenly and with a deadly weapon like a bolo, against which unexpected assault they could not defend themselves, clearly constitutes treachery which qualifies the killing and raises it to the category of murder. The trial court further found present the aggravating circumstances of abuse of superior strength, disregard of respect due to sex and age, and that the crime was committed in the dwelling of the victims. The finding of the aggravating circumstance of dwelling is also correct; not so however, with abuse of superior strength and disregard of respect due to sex and age. Said two circumstances may be regarded as included in that of treachery. On this point the Supreme Court in the case of *People vs. Mangsant*, 65 Phil., 548, citing *Viada*, says the following:

"* * * The aggravating circumstance of disregard to sex cannot be considered because it has neither been proved nor admitted by the defendant that in committing the crime he had intended to offend or insult the sex of the victim. *Viada*, in his commentaries on the Penal Code, Volume I, page 329, says: 'Question III. In the murder of a girl of 14 years, qualified as such by treachery, is it proper to consider the aggravating circumstance of disregard of respect due the offended party on account of her age?' The Supreme Court has

resolved the same in the negative, saying: 'Considering that the trial court did not err in not considering against the accused the 20th aggravating circumstance of article 10, because nothing appears in the judgment from which it may be presumed that in the commission of the crime, the accused deliberately intended to offend or insult the sex or age of the offended party, but only to execute his evil purpose in a treacherous manner, taking advantage of the weakness of her sex and the tenderness of her age in order to perpetrate the same without risk to his person, etc.' (Decision of June 25, 1878, published in the Gazette of August 25th.) Neither may the aggravating circumstance of abuse of superior strength be taken into account just because of the fact that the defendant is a man and the deceased a woman, inasmuch as this circumstance is inherent in the crime committed and is moreover absorbed by the treachery which, in this case, qualifies the crime as murder."

There therefore remains only one aggravating circumstance, namely, that of dwelling.

We notice that the trial court imposed only one penalty for the three murders. In this, the trial court erred. There should be a penalty for each of the three separate crimes caused by separate acts or blows committed and inflicted by the appellant.

The trial judge severely condemns the act committed by the appellant, calling it hideous and gruesome, committed in the opinion of the court, either by an insane or by a blood-thirsty criminal, and regards the defendant as plain blood thirsty, unfit to live in normal and peaceful society, and goes on to say that if said defendant had three lives, he could legally be deprived of each and every one of them, and that the trial court could send him to the electric chair without any compunction of conscience. But strange to say, the trial judge states, and we quote:

"But a quick death would seem to be too sweet a medicine for him. He does not deserve it. He should be put to death slowly but surely and, in the opinion of the court, life imprisonment at hard labor, without hope whatsoever of any pardon or reprieve, is just the right punishment for him."

Further, the trial judge indulges in unfavorable comments on the death penalty.

We always respect the private opinions of trial judges tho highly debatable and even if they happen not to harmonize with ours on the subject. But when such private opinions not only form part of their decision but constitute a decisive factor in arriving at a conclusion and determination of a case or the penalty imposed, resulting in an illegality and reversible error, then we are constrained to state our opinion, not only to correct the error but for the guidance of the courts. We have no quarrel with the trial judge or with anyone else, layman or jurist as to the wisdom or folly of the death penalty. Today there are quite a number of people who honestly believe that the supreme penalty is either morally wrong or unwise or ineffective. However, as long as that penalty remains in the statute books, and as long as our criminal law provides for its imposition in certain cases, it is the duty of judicial officers to respect and apply the law regardless of their private opinions. It is a well settled rule that the courts are not concerned with the wisdom, efficacy or morality of laws. That question falls exclusively within the province of the Legislature which enacts them and the Chief Executive who approves or vetoes them. The only function of the judiciary is to interpret the laws and, if not in disharmony with the Constitution, to apply them. And for the guidance of the members of the judiciary we feel it incumbent upon us to state that while they as citizens or as judges may regard a certain law as harsh, unwise or morally wrong, and may recommend to the authority or department concerned, its amendment, modification or repeal, still, as long as said law is in force, they must apply it and give it effect as decreed by the law-making body.

The crime committed in this case is truly shocking. Three innocent girls, two of tender age, apparently without any provocation, were butchered and hacked to death. While some members of this Court are for imposing the extreme penalty, others believe that the appellant is entitled to a mitigating circumstance, either that he, a relatively ignorant man interpreted the refusal of one of the victims to sell a pig as an affront and thereby became obfuscated and lost his head,, or that he lacks education and instruction for the reason that he did not finish even

the first grade in elementary school. In that case, this mitigating circumstance will compensate the aggravating circumstance of dwelling, thereby resulting in the imposition of the penalty in its medium degree. For lack of sufficient votes, the penalty will be reclusion perpetua. But this penalty is for each of the three murders, it being understood that the maximum period of imprisonment will not exceed forty years. With this modification, the decision appealed from, is hereby affirmed with costs.

Moran, C. J., Paras, Feria, Pablo, Bengzon, Padilla, Tuason, Reyes and Jugo, JJ., concur.

[*] 80 PhilL, 424.

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.