

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JUAN C. MAGUDDATU, EDIPOLO L. MAGUDDATU, CHARLES A. MAGUDDATU, PEDRO MAGUDDATU AND ANTONIO CABAYU, ACCUSED WHOSE DEATH SEN...

G.R. No. L-36446. September 09, 1983

Ponente: AQUINO, J.

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AQUINO, J.:

This is an automatic review of the decision of the Court of First Instance of Cagayan, finding Pedro, Juan, Edipolo and Charles, all surnamed Maguddatu, and Antonio Cabayu guilty of double murder, imposing on each of them two death penalties and requiring them to pay solidarily the heirs of the victims, the brothers Rogelio Ilac and Cesario Ilac, an indemnity of P50,000 (Criminal Case No. 183-S). Edipolo and Pedro died in prison on September 29, 1976 and June 17, 1983, respectively.

There is no question as to the corpus delicti, the fact that the brothers, Rogelio Ilac and Cesario Ilac, were maliciously killed in the evening of January 25, 1972 at Sitio Cabaritan, Barrio Dana-ili, Abulug, Cagayan. The municipal health officer examined the bloated cadavers which had floated in the river.

Rogelio, 26, widower, had four stab wounds in the right and left arms, in the clavicle and abdomen, a gunshot wound in the lumbar region and another gunshot wound in the chest (Exh. B). The body was tied to a fifty-pound cemented boulder placed on top of the abdomen. The wrists and ankle were tied with nylon cords (Exh. C and D).

Cesario's wrists, upper extremities and ankle had ligature marks. He sustained a two-centimeter long wound in the abdomen. A steel hub of the tire of a six-by-six truck weighing about 20 pounds was tied to his body (Exh. H and I).

There is no doubt that the five accused were involved in the case. But how and why were the Ilac brothers killed? The trouble with this case is that the prosecution has two conflicting versions as to the manner and motive for the killing.

The version adopted by the trial court and the Solicitor General is based on the testimony of Reynaldo Ilac, 20, the brother of the victims, who was the only alleged eyewitness of the killing.

Reynaldo's narrative is contradicted by the extrajudicial confessions of the five accused who reiterated their confessions on the witness stand (each one testi-fied while the others were not present to dispel the impression of collusion). The confessions were offered in evidence by the prosecution as Exhibits K, L, P, Q and R.

Version of Reynaldo. - Reynaldo testified that in the evening of January 25, 1972 while he and his two brothers were on their way home seven armed men, five of whom were the accused and two were unidentified, accosted them. Rogelio, 26, and Cesario, 22, were en-circled by the men. Reynaldo, who was following his brothers, was able to elude the men and hide in the coconut grove nearby.

He saw Cesario beaten with their guns by Charles and Cabayu while the others took their turns in mauling him. The two unidentified assailants held the other brother, Rogelio, and jabbed him with the barrel of their carbines. Juan beat him with his carbine. The maltreatment lasted for about six minutes.

Then, the assailants dragged the two brothers to the house of a certain Iniang Ligates where they stayed for a few minutes. They brought the victims to their banca and headed northward. Reynaldo lost sight of them. He knew the Maguddatus and Cabayu because they lived in Barrio Centro, Abulug.

Reynaldo, in his sworn statement before a Constabulary sergeant and in his declaration in the preliminary examination, intimated that the motive for the killing was the fact that he and his brothers were from Barrio Bidduang, Pamplona, Cagayan (pp. 8 and 10, Record).

Iniang Ligates was not presented during the trial by the prosecution to corroborate the testimony of Reynaldo. Note that his own sworn statement and testimony at the preliminary examination have a significant omission: he did not specify or describe the manner of the killing. The assault and maltreatment were not mentioned therein.

Version of the accused in their confessions. - On the other hand, according to the five confessions or admissions of the accused, on the night in question, while they were returning from Barrio Sirit, Abulug, where they attended a dance, and when the motorized banca wherein they were riding was at Sitio Cabaritan, Barrio Dana-ili, they saw on the bank three persons leading a carabao. Suspecting them to be cattle rustlers, they stopped the banca and landed on the bank. Edipolo, armed with a bolo (duckial), pursued one of the three men whom he killed because he resisted. He did not know the man's name (he was Cesario Ilac).

Charles, armed with a carbine, and Juan, armed with a bolo (immuko), killed their quarry whose name they also did not know (he was Rogelio Ilac). Pedro and Antonio chased the third man who was able to escape.

Then, Charles, Juan and Edipolo tied the two dead bodies with wire and nylon rope, weighted them with a piece of cement and scrap iron, placed the cadavers in the boat and submerged the same in the river near Sitio Gandia. The five accused are related to each other and to Mayor Inocencio Maguddatu of Abulug.

Counsel for accused Cabayu contends that the trial court erred in holding that he committed murder, in not believing his confession and in not acquitting him. Accused Charles Maguddatu and Juan Maguddatu argue that the trial court erred in not giving credence to their plea of self-defense, in holding that there was conspiracy, and that treachery, evident premeditation, use of a motorized banca and cruelty are aggravating, in imposing double death and, alternatively, in not holding them guilty of homicide only.

Ruling. - We hold that the primary evidence in this case consists of the confessions or admissions of the five accused which should prevail over the uncorroborated testimony of Reynaldo Ilac. That testimony does not jibe with his own affidavit and declaration during the preliminary examination.

Reynaldo did not state in his affidavit and during his interrogation by the municipal judge how the killings were perpetrated. This gives the clear impression that his testimony during the trial as to how his brothers were killed was an afterthought. No other witness confirmed his testimony on the killings. Such testimony cannot be considered as proof beyond reasonable doubt of the guilt of the accused.

At first blush, the confessions or admissions against penal interest may show conspiracy. The accused agreed to pursue the three Ilac brothers: Edipolo going after Cesario Ilac, Charles and Juan going after Rogelio Ilac, and Pedro and Cabayu going after Reynaldo.

Yet this particular arrangement, which was dictated by the behavior of the Ilac brothers, disclosed individual and separate liability rather than collective responsibility. That is the peculiarity of this case.

Edipolo alone was responsible for the killing of Cesario. Charles and Juan were responsible for the killing of Rogelio. Pedro and Cabayu have no criminal liability at all because their prey was able to escape.

Even under the version given by Reynaldo Ilac, treachery and evident premeditation cannot be appreciated as qualifying circumstances. The assault was made on the spur of the moment. Abuse of superiority would have been the proper qualifying circumstance but said circumstance was not specifically alleged in the information.

No case for self-defense is made out in the confessions of Edipolo, Charles and Juan. It is certain that the victims were unarmed.

For the killing of Rogelio Ilac, Charles and Juan are guilty of homicide aggravated by abuse of superiority, use of the motorized banca (in disposing of the corpse) and cruelty. Weighting the victims' bodies with a cement boulder and hub cap and tying their wrists and ankles with nylon cord and wire constitute an outrage on their corpses as contemplated in article 248(6) of the Revised Penal Code as distinguished from article 14(21) which speaks merely of deliberately augmenting the wrong done in the commission of the crime causing other wrong not necessary to its commission.

They are entitled to the mitigating circumstance of voluntary surrender to the authorities.

WHEREFORE, the trial court's judgment is modified. For the homicide committed by Charles Maguddatu and Juan Maguddatu, they are sentenced to an indeterminate penalty of twelve years of prison mayor as minimum to twenty years of reclusion temporal as maximum and to pay solidarily an indemnity of twenty thousand pesos to the heirs of Rogelio Ilac.

Antonio Cabayu, whose guilt was not proven beyond reasonable doubt, is acquitted. His immediate release is ordered unless he is being held for some other crime. Costs de oficio.

SO ORDERED.

Fernando, C.J., Concepcion, Jr., Guerrero, Abad Santos, Plana, Escolin, Vasquez, Relova, and Gutierrez, Jr., JJ., concur.

Teehankee, J., no part.

Makasiar, J., see dissent.

De Castro, J., on leave.

Melencio-Herrera, J., see opinion below.

People vs Maguddatu : L-36446 : September 9, 1983 : J. Makasiar : En Banc : Dissenting Opinion Clean Clean 6 pt 6 pt 0 3 MicrosoftInternetExplorer4 /* Style Definitions */ table.MsoNormalTable {mso-style-name:"Table Normal"; mso-tstyle-rowband-size:0; mso-tstyle-colband-size:0; mso-style-noshow:yes; mso-style-parent:""; mso-padding-alt:0in 5.4pt 0in 5.4pt; mso-para-margin:0in; mso-para-margin-bottom:.0001pt; mso-pagination:widow-orphan; font-size:10.0pt; font-family:"Times New Roman";}

DISSENTING OPINION

MAKASIAR, J.:

Murder has been established qualified by treachery, which absorbs superior strength and nighttime. Conspiracy is likewise established considering that the pursuit and assault on the victims were simultaneous or at least contemporaneous. The testimony of Reynaldo Ilac, brother of the two victims, is partly corroborated by the

confession of the appellants. The murder was also aggravated by cruelty since the badly battered and wounded victims were tied to a piece of cement and scrap iron and thereafter dumped into the sea. Hence, the death penalty and the judgment of the lower court should be affirmed.

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CONCURRING OPINION

MELENCIO-HERRERA, J.:

I concur, except that I believe that cruelty cannot be properly appreciated. There is no showing that the wounds on the bodies of the victims were inflicted unnecessarily while they were still alive in order to prolong their physical suffering (People vs. Aguinaldo, 55 Phil. 610, See also People vs. Dayug, 49 Phil. 423; People vs. Dequina, 60 Phil. 279). There is no cruelty when the offender in inflicting several other wounds on the victim had only a decided purpose to kill him. The cement boulder and steel hub, respectively, were tied with wire and nylon rope to the bodies of the victims when they were already dead and not while they were still alive.

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