

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
VALERIANO MANANGUITE @ ANOY, REYNALDO MORILLO @
REYNING AND EDENCIO MONTAÑO @ EDEN,
DEFENDANTS-APPELLANTS.**

G.R. No. L-24454. June 22, 1968

Ponente: SANCHEZ, J.

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SANCHEZ, J.:

Called to trial on a charge of murder were Chief of Police Valeriano Mananguite, alias Anoy, Sergeant of Police Reynaldo Morillo, alias Reyning, and Policeman Edencio Montaño, alias Eden, all of the municipality of Mondragon in Samar. The alleged triggerman, policeman Fidel Cerenado, alias Bakot, eluded arrest, never faced trial, got a provisional dismissal. Upon the finding of conspiracy, the first three were found guilty of murder, sentenced to life imprisonment, required to jointly and severally indemnify the heirs of the victim in the sum of P6,000.00, and to pay their proportionate share of the costs.[1]

The appellate jurisdiction of this Court is invoked by the con-victed defendants. Their vehement claim is that they were not involved in the crime at all; that the prosecution witnesses were trapped in the bogholes of falsity; that at the very least the story related by said witnesses lacks the stamp of credibility and is denuded of that illuminating concreteness so essential to bring about conviction. Their attack is levelled primarily on the two alleged eyewitnesses to the crime, namely: Gregorio Navarro and Paciencia Gulariza Vda. de Silva. Did the two tell the truth? Here are their respective versions:

Gregorio Navarro. His narrative begins with the statement that at about 8:00 o'clock on the night of March 15, 1964, he (Gregorio, alias Regor), together with his brothers Briccio Navarro and the deceased Perfecto Navarro, alias Pistoy, came from their farm, proceeded to town (Mondragon). While on the street leading to Perfecto's house, they came upon a group of policemen. They greeted them "Good evening." The latter did not answer. They proceeded to the house of Paciencia Gulariza Vda. de Silva at Dalakit Street, in the same town of Mondragon. Perfecto asked Paciencia for a cigarette. The latter gave him tobacco instead. While Perfecto was rolling the tobacco, chief of police Mananguite barked an order: "Alright, you kill him now because he is already here." Fidel Cerenado, alias Bakot, fired a shot from a carbine while Perfecto was standing. It found its mark in Perfecto's left leg producing a through and through wound. Fidel followed this with a second shot which hit Perfecto on the right buttock. This felled Perfecto. Down, Perfecto (Pistoy) said: "Enough now, because Pistoy is already dead." Fidel fired the 3rd, 4th and 5th shots which missed as Perfecto had already fallen down. When the shooting occurred, Gregorio and Briccio were on both sides of the victim about 1-1/2 meters away from the latter. Fidel was two meters away from the victim when the chief gave the order; Mananguite, Morillo and Montaño were opposite the Navarro brothers, also at a distance of about two meters. Gregorio knew that these officers had their pistols cocked because "there was clicking sound and there was loading of ammunition in the chamber." The night was dark. But he was able to recognize defendants because the latter then had a torch with them.

Gregorio and Briccio Navarro left their brother Perfecto when he was already dead. They proceeded to Perfecto's house, which was some 30 meters away, informed Perfecto's wife, Eutiquia Manongsong, that her husband was dead. The brothers visited the cadaver of Perfecto. They wanted to report to the authorities but were afraid of the chief of police.

Paciencia Gulariza (Vda. de Silva). Her version is this: About 3:00 o'clock in the evening of March 15, 1964, she was at her residence (Dalakit Street). She knew that the shooting took place after 8:00 o'clock because she heard the church bell toll the hour. Gregorio and Perfecto Navarro popped up in her house. They came from the farm. Perfecto asked for tobacco. She gave him tobacco leaf. Perfecto dried it on her lamp, crushed the same, wrapped it in newspaper. She was then by the window. While Perfecto was lighting the smoke, chief Mananguite remarked: "Alright, you kill him now because he is still standing." Fidel Cerenado fired. Perfecto cried "I am hit," then fell. Fidel Cerenado fired again. Perfecto, raising his hand, remarked: Enough now because Pistoy is already dying." After that, Fidel approached Perfecto and asked: "Pistoy, are you still alive?" The latter did not answer. He was already dead. Chief Mananguite then approached Perfecto, inquired: "Do you recognize me, I am the Chief of Police of Mondragon." No answer came.

The companions of Perfecto (Pistoy) remained standing at the place for about one hour.

Fidel Cerenado ordered Paciencia to get out of her house. Together with her three daughters, she went to the house of Oboy (Pablo Loyogoy), husband of a certain Bening, her cousin, which was about two meters from her home. While on her way to her cousin's house, she saw Reyning (Reynaldo Morillo), Anoy (Valeriano Mananguite), Bakot (Fidel Cerenado), and Eden (Edencio Montaño) in the yard.

She called to the occupants of the house of Loyogoy (Oboy) which was already closed, to open the door, saying: "Oboy, I will go upstairs because Pistoy is already dead." She had a short conversation with Loyogoy's wife, Bening, telling the latter that she heard five shots, and then they went to sleep.

Following are other pertinent facts:

Cause of death of Perfecto Navarro was severe hemorrhage from the femoral vessels which were hit. The autopsy, performed the next morning by Dr. Manuel C. de Leon, municipal health officer, at the municipal building, revealed that Perfecto's stomach contained: "liberal amount of fluid which smells [of] a local beverage (tuba) with light brown color. Gas in the stomach emits a sour tuba odor."

Evidence stands uncontradicted that in the early morning of the next day, March 16, 1964, Eutiquia Manongsong and Francisca Navarro, widow and sister, respectively, of the deceased Perfecto Navarro came to the home of defendant chief of police Valeriano Mananguite. The two solicited his help in reference to the death of Perfecto Navarro, whose body then lay dead at the scene of the crime. The police chief inquired from Eutiquia how Perfecto was killed and who killed him. Eutiquia answered that she did not know. The police chief then told the two to stay in his house as he was to fetch another policeman to go with him to where Perfecto's body was. At the municipal building, the police chief got hold of his co-defendants here, Sgt. Reynaldo Morillo and policeman Edencio Montaño. They passed by the chief's house, picked up Eutiquia and Francisca Navarro, went to the scene of the crime. There, they found below the window of the house of Pacencia Gulariza the body of the deceased Perfecto Navarro. Found near the body was a bolo, Exhibit "9". Francisca Navarro picked up an empty carbine shell which is now Exhibit "8". After the autopsy, Dr. de Leon who examined the premises recovered one slug, Exhibit "C", beside the post of the house where Perfecto was shot.

The accused police chief Mananguite started an investigation. He called upon the people in the neighborhood to shed light. Five persons gave their versions: Prosecution witness Paciencia Gulariza Vda. de Silva, defense

witness Probo Loyogoy, Virgines Majerano, Eugenio Esuga and Emilio Montaño. The chief asked them to fall in line. Paciencia was the first to be questioned. Paciencia stated that she did not know who killed Perfecto Navarro near her house because it was dark the previous night. Loyogoy was next. He answered that he did not know as it was dark. Virgines Majerano also gave an identical answer. And, so did Esuga and Montaño. All that they could tell the police chief was that they heard gun reports.

The police chief then asked his men to request the municipal judge and the municipal health officer to come. The policemen returned without them. The municipal judge could not be located; he was out. The doctor told them that if the relatives of the deceased would consent to the autopsy, the cadaver should be brought to the municipal building. Eutiquia Manongsong, the widow, agreed. She said she was interested to know who killed her husband. The police chief sent for Gregorio and Briccio Navarro, brothers of the deceased. Parenthetically, it may be stated that, according to the defense, at about 8:30 in the night of March 15 chief Mananguite himself jailed Gregorio and Briccio Navarro because they were "very drunk," and that they were only released at about 6:40 that morning of the 16th.

The two brothers brought the body of Perfecto in a hammock to the municipal building where the autopsy heretofore adverted to was performed.

The chief of police continued the investigation at his office in the municipal building. There, separate statements were made by the five persons heretofore mentioned: Paciencia Gulariza Vda. de Silva, Exhibit "1", subscribed before municipal judge J. Manuel Mangada, translation, Exhibit "1-A"; Probo Loyogoy, Exhibit "3", translation, Exhibit "3-A"; Virgines Majerano, Exhibit "4", translation, Exhibit "4-A"; Eugenio Esuga, Exhibit "5", translation, Exhibit "5-A"; and Emilio Montaño, Exhibit "6", translation, Exhibit "6-A". The essence of all of these statements is that nobody knew who killed Perfecto.

1. Will the testimony of the two alleged eyewitnesses to the crime survive conscientious appraisal?

The description made by Gregorio Navarro as to how the crime was committed, right at the very start, dealt a crippling blow to the People's case. Here is what he said:

"Q. This Fidel Cerenado was facing you when he fired his gun, is that right?

A He was facing our brother. (p. 16, Tr., 1st vol.)

* * * *

COURT

Q When the first shot was fired, what was the position of your brother, Perfecto?

A His back was facing...

Q Was his back towards Fidel?

A The back of Perfecto was turned towards Fidel Cerenado.

Q After that shot what happened to Perfecto?

A He fell down. (p. 17, Tr., 1st vol.)

* * * *

Q Those five shots were all fired while Perfecto was still standing?

A At the first shot Perfecto was not hit and the second he did not mind it because they would have thought that

Perfecto would fight back and Perfecto never thought he would be killed.

Q And the 3rd and 4th shots?

A The second shot was the shot which hit him on the right buttock which hit his left and right thigh.

Q You said that the first shot did not hit Perfecto and now you said that he was hit on the buttock, which is which?

A The first shot hit him on the left leg but it was through and through. The second shot hit his buttock.

Q The first and second shots were fired when Perfecto was still standing?

A The first shot of which he was hit on the left leg he was still standing and the second shot was the one which caused him to fall." (pp. 18-19, Tr., 1st vol.; emphasis supplied).

But the testimony of Dr. Manuel de Leon which follows sweeps the ground from under Gregorio's version:

"Q Will you please, doctor, tell this court what you found on the cadaver of Perfecto Navarro?

A I autopsied the cadaver of Perfecto Navarro on March 16, 1964 and I found an entrance gunshot wound, as stated in this report, on the right dorso-medial aspect of the right thigh coming out on the upper third of the ventral, aspect of the medial portion of the same thigh and entered again on the left upper third of the left thigh on the ventro-medial aspect which measures 1 inch in diameter circular in form and at the same level of the exit wound of the right thigh coming out on the lower third of the ventral aspect of the left thigh.

Q Those are the injuries only, doctor?

A Yes, sir.

Q In other words, how many bullets entered the body?

A One (1) bullet entered.

Q From the position of the wounds, will you be able to demonstrate the position of Perfecto Navarro when he was hit?

A I think so.

Q What was the position of Perfecto Navarro, doctor?

A He must have been slightly crouching." (pp. 45-46, Tr., 2nd vol.; emphasis supplied).

This is confirmed by his medico-legal necropsy report, Exhibits "A" And "A-1", and his diagrammatic representation of a human body showing the trajectory of the wounds caused by one single shot, Exhibit "A-2", and the fact that the doctor himself found at the scene of the crime one carbine slug, Exhibit "C". It cannot therefore be true, as stated by Gregorio Navarro, that his brother Perfecto Navarro was first shot at while standing, and that two different shots hit his body, first on the left leg, and second on the right buttock.

If Gregorio Navarro were to be believed, that night he informed Eutiquia Manongsong, wife of Perfecto, that the latter was dead. Strangely enough, this very same wife early the following morning went to the chief of police asking for help to ascertain who the killer was. In the normal course of events, Gregorio should have told the wife who gunned down Perfecto - if he really knew. Nothing in the record suggests that he did so. The balance of probabilities then is that Gregorio, with his brother Briccio, was not at the scene of the crime. Because that night, both were incarcerated for drunkenness. Police blotter, Exhibit "10-A", confirms this.

If the chief of police was really the author of the crime, it is doubtful if he could have had the temerity of

testifying in court that Eutiquia Manongsong and Francisca Navarro, wife and sister of the deceased, came to see him - to help identify the killer. The chief's instinct of self-preservation would then have warned him that the two women would naturally contradict him if what he said were not true. More so, because before he took the stand, Gregorio Navarro and Paciencia Gulariza had already pinpointed him as the man who, in their presence, ordered Perfecto's liquidation. But the People did not care to present the widow or the sister to destroy this version of the police chief. We find no difficulty in saying that if the wife or the sister had information that the chief of police was involved, neither one nor the other would exhibit any hesitancy in going to court. After all, a wife is a wife, and a sister is a sister. The inference is quite obvious.

Gregorio Navarro testified that he visited the cadaver of his brother at the place of the crime. According to Paciencia Gulariza Vda. de Silva, Gregorio and Briccio Navarro stayed at the scene of the crime for a space of about one hour after the shooting. But they did not take the body away. Could they not have taken the cadaver to the home of Eutiquia Manongsong, their sister-in-law, which was but 30 meters away? Gregorio's excuse: he was afraid. But nobody was there. If Gregorio was afraid, could he have visited the dead body? There is evidence that he was troublesome - especially when under the influence of liquor. Was he really afraid?

We now come to Paciencia Gulariza Vda. de Silva. Her testimony, referring to the time of the shooting, indicates that only two of the accused were then present: Anoy (chief of police Valeriano Mananguite), and Bakot (Fidel Cerenado), the alleged triggerman. Gregorio Navarro, it will be remembered, declared that there were four of them: Mananguite, Morillo, Montaño and Cerenado. The first time that Paciencia ever made mention of defendants Morillo and Montaño was when she went to the house of her cousin Bening. According to her, she saw the four in the yard of Bening's house.

A shoddy strand, we believe, in the fabric of Paciencia's court testimony is her sworn statement, Exhibit "1" (translation, Exhibit "1-A"). That affidavit was but a confirmation of her oral version given to the police that same morning at the place of the incident. There, during the earlier spot investigation, so many people were present. One of them was Probo Loyogoy the husband of Paciencia's own cousin Bening. But Loyogoy testified in court that late in the night of the crime, when Paciencia came unexpectedly up his house, she told him that "Pistoy was shot," but, in Paciencia's own words, "I do not know (who killed him) because it was dark and there was no person there anymore." (Tr., p. 35, 1st vol.). Loyogoy further declared that in the investigation at the crime scene, Paciencia verbally repeated that she did not know who killed Perfecto. And then, so Loyogoy added, at the subsequent investigation in the municipal building, when Paciencia's written statement was prepared, the latter confirmed what she told the chief of police at the place where the killing occurred. And this, not to mention the testimony of defendants, police chief Mananguite, and policemen Morillo and Montaño. They all stated, too, that during the investigation at the place where the dead body was found, Paciencia disclaimed knowledge of who the killer was.

The statement, Exhibit "1", is clear in that Paciencia did not know who killed Perfecto Navarro because she was then asleep, and she had gone to sleep at about 12:00 o'clock that night. A wide time-gap exists between her testimony in court as to the time the crime occurred (past 8:00 p.m.) and the time she slept according to her statement (about midnight).

There is of course no denying the fact that Paciencia's sworn statement was prepared in the office of the chief of police. Equally true is that at the time that statement was taken, there were four other persons present who were waiting for their turn to make affidavits: her neighbors Probo Loyogoy, Virgines Majerano, Eugenio Esuga and Emilio Montaño. In court, however, Paciencia was to say that they - without mentioning names - "were intending to shoot me," if she did not sign Exhibit "1", only to soften afterwards to tell the court that chief Mananguite merely taught her what she was to declare in her sworn statement, Exhibit "1". The improbability of her court

version is at once apparent.

Paciencia had time to throw that affidavit away. She did not right away subscribe thereto. She told the court at the trial that at the time she signed the affidavit, only Municipal Judge Mangada and she were present. Mananguite was not there.

But in the vertiginous version Paciencia gave out in court, we find surfacing the fact that the questions and answers that are stated in her sworn statement, Exhibit "1", were correct. Said she:

“Q Was that investigation read by the municipal judge to you?

A It was read to me.

Q Did you understand what was read to you by the municipal judge?

A Yes, sir.

Q And did you answer that the questions were correct as well as the answers?

A Yes, sir.

Q If I show you that document, would you be able to identify that?

A I can recognize it.

Q Showing to you this document, which for purposes of identification I request that the same be marked as Exh. “1” for the accused and the translation as Exh. “1-A”, will you please see whether you have thumbmarked on this document?

COURT

Mark them.

WITNESS

A That is the one. (Witness identifying her own thumbmark.) (Tr., pp. 37-38, 2nd vol.; emphasis supplied).

* * * *

COURT

Q In other words, what those people wanted you to sign was not the truth?

A The truth.

Q But that was the very thing you ratified before the Justice of the Peace

A Yes, sir.

Q What was that paper which according to you they wanted you to sign and you only signed it because you were threatened to be shot?

A They asked me to sign that because they wanted me to testify what they taught me.

Q. What was that fact which they told you to declare?

A Anoy taught me to testify that I heard a gun report but I did not see the person who made the shot.

Q Did you say that to the Justice of the Peace?

A I told him.

COURT

Proceed, Atty. De Guia.

ATTY. DE GUIA

Q How did you tell the Municipal Judge what you have just stated now?

A What I narrated was what was taught to me that I would say that I heard a gun report but I did not see the person who shot.

Q But you said a while ago that this document, Exh. "1", was read to you by the municipal judge and you confirmed that all the statements you made in answer to the questions appearing therein were correct?

A Yes, sir, the truth." (Tr., pp. 40-41, 2nd vol.; emphasis supplied).

It would seem that at the investigation leading to the execution of Exhibit "1", Paciencia had to make a position statement. For, the chief of police did ask her to lay bare the truth. And this was because Eutiquia Manongsong, Perfecto Navarro's widow, pointed at her the finger of guilt for her husband's death and accused her of being her husband's paramour. The police chief goaded her "tell the truth, do not hide anything." (Tr., p. 53, 2nd vol.). That was after the statement was already typed. The chief of police was to testify on this point that this drew a reply from Paciencia who, crossing her fingers, said: "I have nothing more to say, Chief, because these are the whole truth even if I will be killed." (Tr., p. 85, 2nd vol.). Or, according to witness Loyogoy, Paciencia's retort was: "that is all the truth Mano Anoy (Mananguite)"; and she even said, "I could die if what I'm testifying now is not true." (Tr., p. 53, 2nd vol.).

Misgivings here could still be entertained as to the voluntariness of Paciencia's sworn statement, Exhibit "1", were it not for the presence therein of one piece of evidence which is at once inaudible but hugely formidable. Before that statement was sworn to, Municipal Judge Mangada obviously was not satisfied with the completeness thereof. So, Judge Mangada asked the following questions from Paciencia and got the following answers (written by the judge himself in ink at the margin of Exhibit "1") thus -

"Q Did you hear gun explosions last night?

A Yes, four gun explosions.

Q What did you do?

A I seized my children, then I ran to the house of Pening Montaña."

The circumstance just noted nails down the question - the statement was voluntary.

The foregoing all serve to underscore the fatal distance between doubtful proof and proof beyond reasonable doubt. We say that the People failed to make out a legally sustainable case against defendants.

2. It would thus serve no useful purpose now to dig deep into the claim defendants so elaborately presented at the trial that the prosecution herein was politically motivated. Nor do we find it necessary to describe at length defendant's alibi. Whether political persecution against defendants was the motive or not, or that their alibi is weak or strong, would not now be of any consequence. Neither of these two defenses would alter the legal precept that in criminal cases the burden is on the People to prove defendant's guilt beyond reasonable doubt.[2] For, such is a marked characteristic of our criminal law. Absent proof beyond reasonable doubt in the present case, herein defendants are entitled to acquittal.

Viewed in the light of the entire record, we vote to reverse the judgment under review. Defendants-appellants are hereby acquitted. Their immediate release is hereby ordered.

Costs de oficio.

SO ORDERED.

Concepcion C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Castro, and Angeles, JJ., concur.
Fernando, J., took no part.

[1] Criminal Case C-1042, Court of First Instance of Samar, Branch IV--Cataraman entitled "People of the Philippines, Plaintiff, versus Valeriano Mananguite, alias Anoy, et al., Accused."

[2] People vs. Fraga, L-12005, August 31, 1960, cited in People vs. Cunanan, L- 17599, April 24, 1967, 1967B Phil. 38, 50.

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