

THE PEOPLE OF THE PHILIPPINES PLAINTIFF AND APPELLEE, VS. BALTAZAR LACAO AND DAVID LACAO, ACCUSED, BALTAZAR LACAO, ACCUSED AND APPELLANT.

G.R. No. L-32078. September 30, 1974

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a064f6e133f7/>

AQUINO, J.:

This is a murder case. In the evening of March 27, 1969, around one hundred persons foregathered in Francisco Labo's house which was located at Sitio Guimba, Barrio Manibad, Mambusao, Capiz. The occasion was the last night of the wake (Velasyon) for Labo's deceased wife. Among those present were Baltazar Lacao (the barrio captain), his brother David, and Sergio Gallardo.

At about eleven o'clock, Gallardo decided to go home. As he was descending the stairs, Baltazar Lacao followed him, called him, "Ser, Ser," and stabbed him with a knife at the right side of his body.

Baltazar tried to pull out the knife. Gallardo ran. Baltazar followed him. When Gallardo reached the bamboo grove, he was assaulted by David Lacao (who was armed with a carbine), Benedicto Lacao (David's son), Salvador Lacao, Jose Mansilla and Federico Lata (Salvador and Federico are Baltazar's first cousins).

Gallardo sustained fourteen wounds (Exh. A). His assailants dragged him "to the field". He died due to massive hemorrhage resulting from his numerous wounds. The wounds were caused by different bladed instruments. Each of his nine wounds could have caused his death if there were no timely medical attendance.

The killing was motivated by resentment. Baltazar Lacao, as barrio captain, had drafted a resolution, recommending that the name of Barrio Manibad be changed to Hontiveros. Gallardo vigorously opposed the change. That opposition was sufficient to provoke Baltazar to liquidate Gallardo (Exh. 1 and 2; 37 tsn August 21, 1969).

Less than twelve hours after the killing or at five to eleven o'clock in the morning of the following day, March 28th, Baltazar surrendered to the Constabulary detachment at Loctugan Hills, Roxas City. Evidently, he realized that he had to assume responsibility for the killing so that his relatives would not be implicated. He also feared reprisals from the victim's family. So, he placed himself under the protective custody of the Constabulary.

As proof of his surrender and to show that he waived the issuance of a warrant of arrest or commitment, he executed in the Ilongo dialect a certification wherein he admitted that he killed Gallardo (Exh. C). The translation of his statement reads as follows (Exh. C-2):

"To whom it may concern:

I, Baltazar Lacao y Arro, 33 years old, married, farmer and a resident of Barrio Manibad, Mambusao, Capiz, on my own free will hereby depose and say:

That, I voluntarily surrender with the PC Headquarters, Loctugan Hills, Roxas City on this day at about 10:55

a.m., March 28, 1969 because I stabbed Sergio Gallardo who is my barriomate and he died in the evening of March 27, 1969 and because there is no charge or complaint in the court against me and I am afraid of the relatives of the deceased if I am in my place, I am asking for the protection of the PC that I will stay in the PC camp and under the protection and power of the PC.

Loctugan Hills, Roxas City.

March 28, 1969.

Baltazar Lacao
(Surrenderee)

Witnesses:

1. Jose Blancaflor.
2. Benedicto Ilagan.

Note:

I received a copy of this certification.

Baltazar Lacao"

On the basis of that statement, Constabulary Sergeant Jose B. Blancaflor prepared a spot report which was sent at three o'clock in the afternoon of March 29th to the Provincial Commander. It was stated therein that "Baltazar Lacao y Arro, 33 years old, married, barrio captain of Manibad, surrendered to the Constabulary at five to eleven o'clock in the morning of March 28th for having stabbed to death Sergio Gallardo" in the evening of March 27th (Exh. B).

Also on the following day, March 28th, Eulogio Lipura, Caridad Laurilla and Alfredo Vergabera, executed sworn statements implicating Baltazar Lacao in the killing of Gallardo. On that same date, a police sergeant filed a complaint for murder against Baltazar Lacao, David Lacao, Federico Lata and John Doe.

On April 2, 1969 Lipura, Vergabera and Laurilla reiterated their statements at the preliminary examination conducted by the municipal judge. Later, the complaint was amended by excluding Lata and John Doe. Only the Lacao brothers were charged with murder. They waived the second stage of the preliminary investigation. The case was elevated to the Court of First Instance. It was transferred to the Circuit Criminal Court at Roxas City where on April 25, 1969 the Provincial Fiscal filed an information for murder against the Lacao brothers. Evident premeditation was the qualifying circumstance that was alleged.

After trial, the lower court convicted Baltazar Lacao of murder, qualified by treachery, sentenced him to reclusion perpetua and ordered him to pay the heirs of Sergio Gallardo the sum of thirty thousand pesos as indemnity and moral and exemplary damages. David Lacao was acquitted on the ground of reasonable doubt. (Criminal Case No. CCC-XI-83-Capiz).

Baltazar Lacao contends in this appeal that the trial court's decision is contrary to law and the evidence and that his guilt was not proven beyond reasonable doubt. He argues that his plea of self-defense should be upheld. His complicated story is as follows:

He arrived at Francisco Labo's house at eight-thirty in the evening of March 27th. Sergio Gallardo and other

persons were in the yard discussing political matters. He advised them to desist from talking about politics because the elections were still far away and their discussions might lead to quarrels.

Later, Arturo Labo allegedly reported to him that Gallardo was chasing several persons. Lacao went down to pacify Gallardo who was armed with a knife. Lacao announced to Gallardo: "Ser, Ser, this is the barrio captain. Give me your knife." Instead of surrendering his knife, Gallardo tried to stab Lacao who moved backward and retreated. Gallardo followed Lacao. When in the course of his retreat Lacao reached the bamboo grove, Gallardo again tried to stab him. Lacao parried the blow.

As Gallardo persisted in his aggression, Lacao grappled with him. In the course of the scuffle, Lacao wrested away the knife held by Gallardo. Then, Gallardo tried to get back the knife, squeezed Lacao's neck with his right hand and held Lacao's right hand with his left hand.

The knife fell from Lacao's hand. He was able to free himself from Gallardo's stranglehold. Lacao fled. He was pursued by Gallardo who was armed with the knife. Lacao ran faster when he saw that seven persons, whom he surmised were Gallardo's companions, were also chasing him. Lacao said that Gallardo might have been wounded in the right breast and on the hand and fingers (pp. 7-8, Appellant's Brief).

On analyzing Lacao's testimony, the trial court found it to be riddled with improbabilities. Considering that many persons were present when Gallardo allegedly assaulted Lacao, it was incredible that they would not have intervened to prevent Gallardo from killing Lacao, their barrio captain. Moreover, as noted by the trial court, Lacao's credibility was gravely impaired by his denial of the undeniable: the fact that he voluntarily surrendered to the Constabulary on the morning following the night of the killing (Exh. C, C-2).

Appellant Lacao contends that the trial court erred in believing the testimony of William Artuz, a prosecution eyewitness, Artuz declared that Gallardo was stabbed by Baltazar Lacao, David Lacao, Salvador Lacao, Benedicto Lacao, Jose Mansilla and Federico Lata (6-8 tsn August 22, 1969). Appellant points out that, according to Alfredo Vergabera, another prosecution eyewitness, Baltazar Lacao initially wounded Gallardo with a knife on the right side of his body and that the knife got stuck in the wound and Baltazar was not able to pull out the knife (18-19 tsn August 21, 1969).

Since, according to the prosecution, Baltazar Lacao stabbed Gallardo only once, appellant Lacao argues that the trial court erred in concluding that he was responsible for the fourteen wounds sustained by Gallardo. That contention is fallacious. It ignores the testimony of the prosecution witnesses that Lacao pursued Gallardo when he ran in order to escape from Lacao's felonious assault.

The medical certificate shows that among the fourteen wounds there were only two wounds on the right side of Gallardo's body, namely, the stab wound, two and one-half inches long in the right epigastric region which eviscerated the small intestines and omentum (No. 2) and a stab wound, one and one-fourth inches long which penetrated the thoracic cavity above the right nipple (No. 4 in Exh. A).

Whichever of those two wounds on the right side was inflicted by Baltazar Lacao would be fatal because both injured the vital organs and caused much hemorrhage. Hence, assuming, as contended by the appellant, that he inflicted only one wound, that wound in itself was sufficient to hold him responsible for Gallardo's death. The fact is that, as already noted, Lacao probably inflicted other wounds.

Appellant Lacao assails the probative value of his written acknowledgement that he surrendered so that he would be under the protective custody of the Constabulary (Exh. C). His counsel de oficio rightly categorizes that statement as "an admission and confession of the commission of an offense". Lacao also impugns the veracity of the testimony of Sergeant Blancaflor who typed that statement.

We have weighed carefully the probative value of Lacao's statement (Exh. C) and the spot report (Exh. B), which was based on it, as well as Blancaflor's testimony. We are satisfied that Lacao signed Exhibit C voluntarily and understood its contents. The salutary rule is that "the admissions of a party charged with a crime, deliberately made, are always admissible to show his guilt" (*People vs. Hernane*, 75 Phil. 554, 558).

There was no ulterior motive for Blancaflor to fabricate a statement, like Exhibit C, just to prejudice Lacao. There was no reason why, as a Constabulary officer, he would make a false spot report regarding Gallardo's killing. Exhibits B and C were executed in the course of Blancaflor's regular performance of his official duties. Blancaflor had to require Lacao to state in writing that he wanted to be detained in the Constabulary camp; otherwise, the Constabulary men would be guilty of arbitrary or illegal detention. It was standard operating procedure to apprise the Provincial Commander that a killing had been perpetrated and that the perpetrator thereof was under protective custody in a Constabulary camp.

Appellant Lacao contends that he should be held liable for physical injuries only because the prosecution failed to prove which of the fourteen wounds were inflicted by him. He cites the doctor's testimony that the fourteen wounds were caused by different weapons or bladed instruments. That contention is not well-taken.

Lacao was the initiator of the assault. He had the motive for getting rid of Gallardo who spearheaded the opposition against Lacao's proposal that the name Manibad should be changed to Hontiveros. He was armed with a deadly weapon when he stabbed Gallardo. His intent to kill was manifest. His admission (Exh. C) removes any doubt as to his guilt.

As stated earlier, the information charged the Lacao brothers with murder qualified by evident premeditation. The prosecution failed to prove premeditation *conocida*. It is true that appellant Lacao might have nursed a grudge or resentment against Gallardo for having blocked Lacao's proposal to change the name of Barrio Manibad to Hontiveros. That circumstance is not a conclusive proof of evident premeditation.

It is not sufficient to suspect that premeditation preceded the crime. The criminal intent evidenced by outward acts must be notorious and manifest, and the purpose and determination must be plain and have been adopted after mature consideration on the part of the persons who conceived and resolved upon the perpetration of the crime, as a result of deliberation, meditation, and reflection sometime before its commission (*U.S. vs. Banagale*, 24 Phil. 69, 73; *People vs. Mendova*, 100 Phil. 811).

The trial court held that the killing was murder because there was treachery (*alevosia*) when Lacao, after calling Gallardo, unexpectedly and suddenly stabbed him. We agree with that conclusion. Lacao adopted a mode of execution which insured the wounding of Gallardo without giving him a chance to repel the initial aggression. There was no risk to Lacao arising from any defense which Gallardo could have made. He was unarmed (See *U.S. vs. Cornejo*, 28 Phil. 457; *People vs. Noble*, 77 Phil. 93). Gallardo was not able to make any defense at all. He ran in order to avoid further injury but Lacao pursued him and the other assailants pounced on him.

Since treachery was not expressly alleged in the information, it could not be used to qualify the killing as murder. It should be treated as a generic aggravating circumstance (*U.S. vs. Campo*, 23 Phil. 368; *People vs. Borbano*, 76 Phil. 702). Hence, Lacao can only be held guilty of homicide, aggravated by treachery. Thus, in *People vs. Peje*, 99 Phil. 1052, the accused was charged with murder qualified by evident premeditation and *alevosia*. Those two qualifying circumstances were not proven. Abuse of superiority was proven. However, since it was not alleged in the information, it could be considered only as generic aggravating and not qualifying. The accused was convicted only of homicide. See *People vs. Navarro*, L-20860, November 28, 1964, 12 SCRA 530.

Treachery as a generic aggravating circumstance is offset by the mitigating circumstance of voluntary surrender to

the authorities. As already noted, Lacao denied that he surrendered to Sergeant Blancaflor. He repudiated the instrument of surrender (Exh. C) because (from his viewpoint) he found that it was incompatible with his plea of self-defense which, however, appears to be fabricated.

In fairness to him and as the record is conclusive that he was not arrested and that he was turned over to the municipal jail by the Constabulary (See back of p. 31, Record) he should be given the benefit of the mitigating circumstance of voluntary surrender to the authorities.

The trial court held that cruelty should be appreciated against Lacao because he inflicted fourteen wounds. That ruling is not supported by the evidence. The testimonies of the prosecution eyewitnesses tend to show that several persons inflicted the fourteen wounds. The nature of the wounds indicates that they could not have been caused solely by one person using only a knife, which was the weapon used by Baltazar Lacao.

Moreover, as observed by the Solicitor General, who disagreed with the trial court, the numerousness of the wounds is not the criterion for appreciating cruelty (*ensanamiento*). The test is whether the accused deliberately and sadistically augmented the wrong by causing another wrong not necessary for its commission or inhumanly increased the victim's suffering or outraged or scoffed at his person or corpse (Arts. 14[21] and 248[6], Revised Penal Code, *People vs. Aguinaldo*, 55 Phil. 610; *People vs. Dayug and Bannaisan*, 49 Phil. 423, 427; *People vs. Manzano*, L-33463, July 31, 1974).

It results that reclusion temporal, the penalty for homicide, should be imposed on Lacao in its medium period (Arts. 64[4] and 249, Revised Penal Code).

WHEREFORE, the trial court's judgment is modified. Appellant Baltazar Lacao is found guilty of homicide and sentenced to an indeterminate penalty of twelve (12) years of prision mayor, as minimum, to seventeen (17) years of reclusion temporal medium, as maximum. In other respects, the trial court's judgment is affirmed.

SO ORDERED.

Fernando, (Chairman), and Antonio, JJ., concur.

Barredo, J., concurs but reserves his view as to the correctness of the conclusion in *People vs. Peje*, considering that superiority which was proven could be deemed included in the allegation of *alevosia*.

Fernandez, J., concurs with admonition to Fiscals to be careful in preparing informations to prevent omissions, as in this case, prejudicial to the State.

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.