

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
TOMAS BAQUINO ET AL., DEFENDANTS. PEDRO BAQUINO (ALIAS
PEDRO BAGINO), APPELLANT.**

G.R. No. L-497. November 14, 1946

Ponente: PERFECTO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a4fac7e89b76/>

PERFECTO, J.:

In a decision rendered by Judge Fernando Jugo, of the Court of First Instance of Manila, on April 29, 1946, appellant Pedro Baquino was found guilty of the murder of Feliciano Lopez, which took place in the afternoon of August 9, 1945, with the qualifying circumstance of abuse of superior strength, and sentenced him to recluswn perpetua, to indemnify the heirs of the deceased in the sum of P2.000, without subsidiary imprisonment in case of insolvency, and to pay the proportional part of the costs.

At the trial of this case which took place on April 12, 1946, Victor Lopez, 72 years of age, father of the deceased, being the only witness presented by the prosecution, testified that Feliciano Lopez died on August 9, 1945, in Bahay Toro, having received two shots, one at the forehead and the other below one ear. He was shot by Emiliano Beltran and Tomansing Baquino. Feliciano was struck by four individuals, among them the appellant. After Feliciano had fallen down, he was shot. Feliciano shouted, asking for help from his brother Jose Lopez. Upon hearing the shout, Jose and the witness went to the place, but they were not able to approach it because the assailants fired at them. After a while the assailants went away, and when the witness went to see his son, the latter was already dead. Jose Lopez, who testified at the trial against Emiliano Beltran, was also killed on January 15, 1946, by persons who entered the Lopez's house by force and shot him. Feliciano was shot at half past three in the afternoon. It was Jose who saw Emiliano Beltran and Tomansing Baquino firing at Feliciano. The witness did not see them while in the act of firing. The afternoon was bright. It was not raining. The witness had his back to the sun when he approached the scene.

For the defense, three witnesses and appellant himself testified.

Maximo Ramos, supervisor of laborers of the Ordnance Bureau, in Talipapa, Caloocan, testified that, as supervisor, it was his duty to check every morning all laborers present or absent and to assign some work to those present. He used to read the list of laborers at 7:30 o'clock a. m. and between 2 and 3 o'clock in the afternoon, in the company of another, and inspect the different places where the laborers were assigned to work. Exhibit 1 is a list of laborers who were working- under timekeeper Benito Ramos, and it covers the period from August 5 to 11, 1945.. Pedro Baquino, whose name appears in the list, had worked on August 9 the whole day, that is, from 7:30 to 11:30 o'clock a. m., and from 12:30 to 4:30 o'clock p. m. The witness knew personally appellant Pedro Baquino who, according to Exhibit 2, received his salary for the period from August 5 to 11, 1945. The camp where appellant worked is from 6 to 7 kilometers distant from Balmy Toro. There being no direct road between the two places, one had to pass through Balintawak. For having worked from August 5 to 11, Pedro Baquino received as wages the amount of P8.

Houstan P. Willis, civilian personnel officer in charge of the 189th Ordnance Battalion, testified that Exhibit 1 is the time sheet kept daily for all the employees working at the 189th Ordnance Bureau from 5 to 11 of August, 1940: On line 11 of said time sheet appears the name of Pedro Baquino. According to the record he was present in his work on August 9, 1945, the whole day. The work was from 7:30 o'clock in the morning to 4:30 o'clock in the afternoon, with an hour allowance for lunch. The witness did not know Pedro Baquino.

Benito Ramos, foreman of the 189th Ordnance Battalion from April 2, 1945, up to September 2, 1945, testified that it was his duty to prepare the list of the laborers under his supervision and assign the laborers to work as ordered by his chief. Exhibit 3 is the list for August 5 to 11, 1945. In it appears the name of Pedro. Baquino. The accused was personally knpwn to the witness. The working hours were from 7:30 a. m. to 4:30 o'clock p. m. He called the roll of the laborers upon their arrival and again at 12:30 when they resumed the work for the afternoon. Pedro Baquino was living in Banlat, Caloocan, where the witness was also living, about two kilometers from Bahay Toro.

Appellant Pedro Baquino denied having had any participation in the killing of Felieiano Lopez. He declared that on August 9, 1945, he was at his work at the 189th Ordnance Battalion, working as a carpenter under foreman Benito Ramos and timekeeper Maximo Ramos. He began to work at 7:30 o'clock in the morning. He was fetched by a truck from his residence at Banlat. He was present the whole day in his work from 7:30 to 11:30 o'clock a. m. and from 12:30 to 4:30 o'clock p. m. After his dismissal at 4:30 o'clock p. m. and after receiving rations from the foreman he boarded a truck. His dairy wage was P2. He received his pay for the period from August 5 to 11. He used to take his lunch inside the camp. He heard of the death of Felieiano Lopez only on August 22. He was arrested in connection with this case on February 16, 1946. He did not know Felieiano Lopez and had to ask police authorities who Felieiano was. He was told that Feliciano was a son of Victor Lopez. He knew Jose, the other son of Victor Lopez. No laborer could leave his work in the camp without the permission of the American in charge.

Exhibits 1, 2, and 3 were, without objection, admitted.

Upon the evidence, we do not feel justified in pronouncing appellant guilty of the crime for which he was charged.

In the testimony of the lone witness for the prosecution, absolutely uncorroborated by any other kind of evidence, either oral or documentary, we do not find the evidence that would assure us beyond all reasonable doubt that Pedro Baquino was one of the four assailants who shot to death Feliciano Lopez.

It is to be deplored that the prosecution was unable to call Jose Lopez to the witness stand. It seems, as in the case of Oedipus in the Greek tragedy, that a kind of blind nemesis has been persecuting the Lopez family. Feliciano Lopez was killed'on August 9, 1945. His septuagenarian father, Victor, became ill and his sight and hearing weakened. On January 15, 1946, their house was assaulted and Jose Lopez was shot to death, thus eternally sealing his lips from testifying against the three remaining¹ killers of his brother Feliciano. Such is their fate that the administration of justice could afford them no relief. Fate is stronger than anybody, even stronger, according to the ancient Greeks, than the gods.

Against the uncorroborated testimony of the old and sickly Victor Lopez, whose sad testimony appears to bear the crushing burden of the successive loss of two sons under tragic circumstances, there is the testimony of appellant himself, denying any participation in the killing of Feliciano and offering a defense of alibi, fortified by the declarations of three witnesses, all of them unim-peached, and supported by three unquestioned exhibits. Weighed under the standard of mere preponderance, the evidence for the defense appears heavier in the scale. Even if the evidence for the prosecution should' be given more weight than that of the defense, still we cannot convict the

accused, because the law requires that his guilt must be proved beyond all reasonable doubt.

Even the Solicitor General, convinced of the futility of the evidence for the prosecution as against the well marshalled evidence for the accused, in compliance with unshrinkable official duty, had to plead for the appellant in his brief.

The lower court's decision is reversed and appellant Pedro Baquino is acquitted, with costs de oficio.

Moran, C. J., Paras, Pablo, Hilado, Bengzon, Briones, Padilla, and Tuason, JJ, concur.

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.