

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DELFINO BELTRAN, DEFENDANT-APPELLANT.

G.R. No. L-38049. July 15, 1985

Ponente: RELOVA, J.

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RELOVA, J.:

This is an appeal from the decision of the then Court of First Instance of Cagayan, in its Criminal Case No. 93-S(71), finding accused Delfino Beltran, This is an appeal from the decision of the then Court of First Instance of Cagayan, in its Criminal Case No. 93-S(71), finding accused Delfino Beltran, alias "Minong", guilty beyond reasonable doubt of the crime of murder for the death of Belina Maquera and double frustrated murder on the persons of Melba Maquera and Agripina Maquera and sentencing him, thus:

"x x x to the maximum penalty provided for by law, to wit:

- (a) For the death of Belina Maquera, the Supreme penalty of DEATH;
- (b) For the Frustrated killing of Melba Maquera, an imprisonment ranging from eight (8) years and one (1) day of prision mayor as minimum to fourteen (14) years, eight (8) months and one (1) day of reclusion temporal as maximum; and
- (c) For the frustrated killing of Agripina Maquera, an imprisonment ranging from eight (8) years and one (1) day of prision mayor as minimum to fourteen (14) years, eight (8) months and one (1) day of reclusion temporal as maximum; and

To indemnify the family of Belina Maquera, the sum of P12,000.00 for Belina's death; P2,000.00 for funeral expenses and P25,000.00 for moral damages; to indemnify Melba and Agripina Maquera, actual damages amounting to P2,100.00 representing medical and hospital bills and the further sum of P15,000.00, as moral damages without subsidiary imprisonment in case of insolvency, owing to the nature of the principal penalty herein imposed and to pay the costs." (pp. 112-113, Rollo)

Prosecution evidence shows that on the night of June 2, 1971 Agripina Maquera and her four children, namely: Melba, Belina, Margie and Rogel, Jr., together with Celedonia Ramirez (Agripina's sister), were sleeping in the house of Catalino Maquera (Agripina's brother-in-law) at Lucban, Abulog, Cagayan. About 9:30 in the evening, appellant Delfino Beltran, called from outside the house for Agripina's husband, Manuel Maquera. Agripina answered that Manuel was not in the house as he was then in Laoag City. When Agripina inquired who the caller was, the latter identified himself as Delfino Beltran who, thereafter, asked her to open the door. Celedonia obliged and as soon as appellant appeared at the door, he pointed a gun at her. He pulled the trigger four times but all that was heard was the click of the firing pin. Celedonia ran to the sala where her nieces, Melba and Belina were. Beltran followed and fired at the children, following which he pounced on them. Upon hearing the gun report and the screaming of her children, Agripina went out of her room and at the door, she saw appellant clubbing her daughters. She inquired the reason for the assault and Beltran, instead of answering, approached and struck her with the butt of his gun. He then held her by the head, burped it against the wall and on the floor several times

until she lost consciousness. She was already in the hospital of Dr. Aguas in Ballesteros, Cagayan when she regained consciousness. Her daughters Melba and Belina who were also wounded were brought with her to the hospital.

Belina died the following day. From the medical certificate issued she sustained four wounds, one of which proved fatal.

Agripina sustained twelve wounds, multiple contusions and brain concussion. Her injuries caused her to stay continuously in a semi-conscious state for twenty-five days after the incident and could have also resulted in her death were it not for the prompt medical attention given her.

Melba suffered two lacerated wounds, one gunshot wound and brain concussion. These injuries could have also caused her death were it not for the timely medical assistance extended to her.

There is no substantial conflict between the evidence of the prosecution and the defense that on the date and time in question appellant Delfino Beltran was in the house of Catalino Maquera where Agripina and her children were staying.

The defense tried, however, to establish through the testimony of appellant that: About 9:00 in the evening of June 2, 1971, he was at the house of Vice-Mayor Fernando Rubio, at Lucban, Abulog, Cagayan where a mahjong game was being played. After watching the game, appellant left the house of Fernando Rubio with the intention of going home at Ayaga, Abulog. On the way he passed by a store where several persons, already drunk, were discussing among themselves. Appellant warned them to leave so that the people in the vicinity who were already resting would not be disturbed. One of these persons, "Racy", felt slighted, confronted Beltran and told him not to interfere. Beltran thought of asking the help of his nephew, Manuel Maquera, whose house was just in front of the store. He proceeded to the place of Maquera and asked for Maning from the latter's wife. "Racy" followed him. Agripina went out of the house, angry, and "Racy" immediately clubbed her with a stool. Then "Racy" fired and pursued appellant who ran and hid behind a door. A fight ensued between the two and, in the course thereof, Agripina and her daughters, Belina and Melba, were wounded. Appellant claimed that Melba could have been hit by the bullet intended for "Racy" when appellant fired at him.

Further, the defense claims that the prosecution failed to establish the motive why appellant would assault, hurt or intend to kill the alleged victims. The family of Manuel Maquera never had any misunderstanding with him; in fact, they are relatives.

In his appeal, Delfino Beltran pointed that the trial court erred (1) in holding that the mode of attack was definitely established, clearly and vividly; and (2) in finding that there was intent to kill, treachery, nocturnity, disrespect due to age and sex, violation of the sanctity of a home and recidivism.

Going over the records of the case, We find no ground to alter the trial court's appreciation of the credibility of the prosecution's witnesses, namely: Celedonia Ramirez, Arcadio Aguas and Agripina Maquera, simply because no improper motive has been proved. And, We are in accord with the trial court's finding that the version of the appellant is highly incredible. In the first place, he failed to identify who "Racy" is, much less did he ever mention his name to anybody even during the preliminary investigation conducted by the Municipal Court. He disclosed it for the first time during the trial only. Secondly, he admitted having fired the gun at "Racy" after which he threw it away. This actuation bespeaks of a guilty conscience especially after having admitted that the gun is not his and that he only borrowed it from his nephew Manuel Maquera. Thirdly, appellant failed to present not even one witness to corroborate his version of the case. And, fourth, when confronted with the number of injuries suffered by Agripina, Melba and Belina, he explained that they could have been accidentally hit, when he was grappling

with "Racy". He admitted, however, having clubbed Agripina several times —

"Q - When Celedonia Ramirez, sister of Agripina Maquera, the wife of Manuel Maquera testified in Court, she pointed to you as the assailant and who shot the daughter of Agripina Maquera, Belina and Melba and also Agripina Maquera, what can you say about that?

A - I don't deny having clubbed these persons, Belina, Melba and Agripina when we clubbed and fought with Racy, sir. (p. 9, tsn, October 1, 1973 hearing)

x x x x x x x x

"COURT:

Q - How many times did you say you hit Agripina Maquera with a stool?

A - I don't remember sir, because when I entered, Racy followed me.

Q - How many times did you try to hit her with a stool?

A -

I cannot remember, I have clubbed her many times when Racy entered the house.

Q - How could you say that you hit her many times when you say you were fighting with Racy already?

A - She intervened between us with Racy and I remember that she was then hit.

Q - And you were able also to club out Belina and Melba?

A - Yes, sir. I was able to club them.

Q - And how many times did you club Belina?

A - I cannot remember sir, because aside from Belina there were two of them, Belina and Agripina.

Q - And you also hit Melba?

A - Yes, sir." (tsn., pp. 29-30, October 1, 1973 hearing)

Likewise, We concur with the trial court in finding appellant guilty of the crime of murder for the killing of the seven-year old Belina Maquera; and, of frustrated murders for inflicting fatal wounds on the five-year old Melba and her mother who had just then given birth. As aptly stated by the lower court, "the accused version is not only unworthy of credence but improbable as well. It just could not be imagined how all the victims could have so entangled themselves in the fight between the accused and the man whom he called Racy. If at all these exist, it is only in the mind of a mediocre who could hardly picture a situation between what is realistic and probable as against legendary and fictional." (p. 110, rollo) The attack against them was sudden and unexpected. Treachery is therefore evident. While it is true that the People failed to prove the motive for the assault against his victims, it has been held time and again that motive is not essential in the conviction of murder cases where there is no doubt as to the identity of the culprit. (People vs. Herila, 51 SCRA 31). Stated differently, motive is pertinent only when there is doubt as to the identity of the culprit. (People vs. Dorico, 54 SCRA 172). Appellant having admitted that he clubbed the victims, motive is unessential. On the other hand, the defense has the burden of showing that the prosecution witnesses had personal motives of their own either to favor the victims or prejudice the herein appellant.

The claim that he had no intention to kill is belied by the location, number and gravity of the wounds suffered by the victims.

WE agree, however, that nighttime was not purposely sought to insure the commission of the crime or prevent its discovery. But, the fact that all the victims are women — two of whom were of tender age and Agripina had just given birth — the aggravating circumstances of disrespect due to age and sex, as well as abuse of superior strength, were present. It was likewise established that the victims were assaulted inside their dwelling.

WHEREFORE, the conviction of the accused Delfino Beltran for the crime of Murder is upheld, although the penalty is reduced due to lack of the necessary votes, to reclusion perpetua. However, the indemnity to the heirs of Belina Maquera is increased from P12,000.00 to P30,000.00.

With respect to the frustrated murders of Melba Maquera and Agripina Maquera, the judgment under appeal is AFFIRMED.

With costs against appellant.

SO ORDERED.

Fernando, C.J., Teehankee, Makasiar, Aquino, Concepcion, Jr., Abad Santos, Melencio-Herrera, Plana, Escolin, Gutierrez, Jr., De La Fuente, Cuevas, and Alampay, JJ., concur.

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