

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CRISOSTOMO SAQUING, ET AL., DEFENDANTS, ANTONIO SAQUING
ALIAS TONIO, DEFENDANT IN REVIEW.**

G.R. No. L-27903. December 26, 1969

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/aedfab4135dd/>

PER CURIAM:

Prosecuted for the crime labeled as "robbery with double homicide and double frustrated homicide" were Edmundo Macarubbo alias Dummun, Melencio Battung alias Melis, Crisostomo Saquing alias Timoy, Antonio Saquing alias Tonio, and Macario Corpuz alias Cario, all of Cattaran, Solana, Cagayan. Melecio Battung alias Melis remains at large. First to face the court were Crisostomo Saquing, Macario Corpuz and Edmundo Macarubbo. After the prosecution had rested its case on direct evidence and the respective turns of each of the three came to present his evidence, each of the latter, one after another and at different times, withdrew his plea of not guilty, pleaded guilty, and threw himself to the mercy of the court. First was Crisostomo Saquing. On December 16, 1963, he was sentenced, inter alia, to life imprisonment. Then followed Macario Corpuz who, on September 11, 1964, was sentenced to life imprisonment. The last to withdraw his plea of not guilty and to substitute the same with that of guilty was Edmundo Macarubbo, who, on October 24, 1966, was similarly sentenced to life imprisonment.

This case refers solely to 46 year-old Antonio Saquing alias Tonio - the father of 19 year-old defendant Crisostomo Saquing – who was heard on a separate trial. Thereafter, Antonio Saquing was sentenced by the trial court to the supreme penalty of death with the accessories of the law, to indemnify the heirs of the deceased Antonio Cacayan and Florentino Guerra, jointly and severally, with the other co-accused already convicted, in the amount of P6,000 for the death of each of said Florentino Guerra and Antonio Cacayan, and to pay the costs.

The case is now before us on automatic review.

About 3:00 o'clock in the afternoon of October 23, 1961, Gavina Burgos Vda. de Guerra, wife of Florentino Guerra, was seated in the balcony of their home in Barrio Alba, Municipality of Baggao, Province of Cagayan. Five (5) persons came. They asked for the house of Florentino Guerra. Gavina Burgos Guerra replied that she was in the house they were looking for. The five introduced themselves as Philippine Constabulary soldiers on a mission to inspect firearms as it was nearing the election period. Gavina Burgos Guerra invited them in. While the five were in conversation with Florentino Guerra, Gavina served them coffee. It was in the course of that conversation that the five informed Florentino Guerra that they would want to see the barrio captain the following morning, and that because they were very tired, they would rest in the house for the night.

About 7:00 o'clock in the evening, Gavina Burgos Guerra served a chicken and rice dinner for the five who sat with Florentino Guerra. After dinner, one of the five asked Florentino Guerra if they could see the latter's shotgun. Florentino obliged, showed it to them. It was Macario Corpuz who remarked that they would examine the number of the gun the following morning alleging difficulty because the serial number was in very small figures. They also inquired if anybody around also had firearms. Florentino Guerra told them that a former Huk

by the name of Victorio Ramos had a carbine. Told that the five would like somebody to accompany them to the house of Victorio Ramos, Florentino Guerra sent his nephew, Lazaro Leones, to fetch Inocencio Balanay whose home was about five meters away. Upon the arrival of Lazaro Leones and Inocencio Balanay, the two accompanied Macario Corpuz and Crisostomo Saquing to the house of Victorio Ramos less than a kilometer away. Accused Edmundo Macarubbo, Melecio Battung and Antonio Saquing were left behind in the Guerra house. Sensing nothing wrong, Florentino Guerra allowed Crisostomo Saquing and Macario Corpuz to take along with them the shotgun to arrest Victorio Ramos.

In a field about 50 to 60 meters from the house of Victorio Ramos, Inocencio Balanay and Lazaro Leones were left and told to wait. Defendants Macario Corpuz and Crisostomo Saquing proceeded to the Ramos' home. After sometime, Corpuz and Saquing, with Victorio Ramos whose hands were tied at his back, returned to the place where Balanay and Lazaro Leones were left. Corpuz and Saquing, accompanied by Leones, proceeded to other houses. The first two left instructions to Balanay to keep watch on Victorio Ramos and warned them, Balanay and Ramos, not to talk to each other. Corpuz and Saquing and Lazaro Leones came back after sometime. They were accompanied by Santos Umicay and Jacinto Cayaban, each of the last two having his hands tied at the back. Thereafter, Corpuz and Saquing tied the hands of Balanay and Leones also at the back. Corpuz and Saquing hastened to explain to Balanay and Leones that they had to do so in order that Victorio Ramos would not complain that he was the only one tied up and to allay the fear that their companions might entertain that they had maltreated Victorio Ramos. Then, Macario Corpuz, with the shotgun of Florentino Guerra, and Crisostomo Saquing, led Inocencio Balanay, Lazaro Leones, Santos Umicay, Jacinto Cayaban and Victorio Ramos back to the house of Florentino Guerra.

Upon reaching the yard of the Guerra home, one from the house noticed their presence. Defendants Edmundo Macarubbo, Melecio Battung and Antonio Saquing went down. Antonio Saquing took the gun from Macario Corpuz, stood guard over the persons brought to the yard and warned the latter against attempt to escape. Four of the defendants, Edmundo Macarubbo, Melecio Battung, Crisostomo Saquing and Macario Corpuz, returned to the house of Florentino Guerra. Antonio Saquing remained on the ground to keep watch over the persons brought there. The four woke up the people inside the kitchen. These were Emiliano Leones, Felipe Guerra and Antonio Cacayan. They also woke up the four women in the house.

It was then that Macario Corpuz, Crisostomo Saquing, Edmundo Macarubbo and Melecio Battung (who is at large) revealed their true color, that is, that they were not Philippine Constabulary soldiers but tulisan, meaning bandits. They tied up Florentino Guerra, Emiliano Leones, Felipe Guerra and Antonio Cacayan. They demanded money from Florentino Guerra and Gavina Burgos Guerra. They brought to the yard Emiliano Leones, Florentino Guerra, Antonio Cacayan and Felipe Guerra. This time, they told Florentino Guerra and the others to give up their money. The latter answered that they had none. Whereupon, Macario Corpuz and Crisostomo Saquing started maltreating them. After which, Florentino Guerra was brought back into the house by Macario Corpuz, Crisostomo Saquing, Edmundo Macarubbo and Melecio Battung. These four once again asked for the money. Florentino Guerra told his wife to give money. The latter, however, reminded her husband that he himself had money in his pocket. Florentino Guerra then stated that he could not get the money in his pocket because his hands were tied at his back. The four then helped each other in extracting the money from the pocket of Florentino Guerra.

Only able to get P48 from Florentino Guerra's pocket, the bandits were far from satisfied. They maltreated Gavina Burgos Guerra in an effort to extract more. She was hit on the head by Macario Corpuz who told her that he "allegedly heard from other persons" that the spouses, Florentino Guerra and Gavina Burgos Guerra, had "ten thousand pesos".[1] So she opened her wardrobe and was forced to reveal the hiding place of their cash. The four,

Crisostomo Saquing, Macario Corpuz, Edmundo Macarubbo and Melecio Battung started ransacking. Their efforts netted them money in cash, including the P48 taken from the pocket of Florentino Guerra, amounting to P248, the shotgun, 25 rounds of ammunition, and assorted articles, all in all totalling P862.50.

The four women in the house, namely, Gavina Burgos Guerra, her sister-in-law Maria Guerra, and two other women guests, were all gagged up and tied together to a wall near the balcony. They were warned not to cry out or leave on pain of being killed.

Then Florentino Guerra was brought down again to the yard. Macario Corpuz and Crisostomo Saquing took a carabao rope made of vine and tied all the nine persons herded in the yard (Antonio Cacayan, Florentino Guerra, Emiliano Leones, Santos Umicay, Inocencio Balanay, Lazaro Leones, Jacinto Cayaban, Felipe Guerra and Victorio Ramos), the right arm of one tied to the right arm of another. All the while, Antonio Saquing was guarding their prisoners with the gun on the ready. The five brought the nine persons, hands tied at the back and one tied to the other, to the foot of a hill. Antonio Saquing was at the back of the nine men keeping eye on them. That place at the foot of a hill was about a kilometer away from the house of Florentino Guerra, forested and uninhabited being about 200 meters from the nearest house.

There, the five ordered their victims to lie down face downward. It was in this condition that Antonio Cacayan, Florentino Guerra, Santos Umicay and Emiliano Leones, in that order, were hacked with a sharp-bladed weapon. Then the five accused, with their booty, left the nine still lying on the ground. The five gave a parting warning that they (the nine persons) should stay there until they rot. The victims were able to untie themselves. They ran in different directions into the forest. However, Antonio Cacayan was left; he died on the spot. Florentino Guerra sat under a bamboo grove and was left there.

The following morning Inocencio Balanay reported to Gavina Burgos Guerra that her husband was at the foot of a hill, wounded. At the behest of Gavina Burgos Guerra, Inocencio Balanay and Lazaro Leones brought Florentino Guerra to their house. From there, he was placed in a motorboat and brought to the centro of Baggao. As Florentino Guerra was being removed from the truck in front of the municipal building, he died.

The post-mortem findings of Dr. Florentino L. Caculitan, Municipal Health Officer of Baggao, Cagayan, show that Florentino Guerra received the following wounds: Bolo wound, horizontal in position at the occipital region about 5 1/2 inches long and penetrating through the whole thickness of the skull; bolo wounds, four in number of almost the same sizes, lying somewhat parallel to each other, directed anteroposteriorly at the occipito-bregmatic region, about 5 inches long, each cutting through the outer table of the skull. The cause of death: hemorrhage, severe, and shock due to brain injury, secondary to bolo wounds at the head. Dr. Caculitan's findings in his autopsy report on the person of Antonio Cacayan are: bolo wound, horizontal in position, just below the occipital region about 6 inches long and 2 inches deep; rope marks at both wrists indicative of hands being tied together. The cause of death of Antonio Cacayan, as in the case of Florentino Guerra, was hemorrhage, severe, secondary to bolo wound below the occiput.

Dr. Ramelo C. Ramirez of the Cagayan Provincial Hospital treated the wounds of Santos Umicay and Emiliano Leones which were also located at the back of their heads. They were not serious. The two of them were hospitalized from October 24 to October 31, 1961.

1. The defense of Antonio Saquing is alibi. He claimed that he did not leave his house in Barrio Cattaran, Municipality of Solana, Province of Cagayan, on October 23, 1961, the day of the crime. He declared that he had a pimple on the right side of his abdomen. This pimple, as described by Antonio Saquing, was as big as the closed fist of the trial judge or about four inches in diameter. He averred that he contracted fever because of his pimple; that he was uncon-scious during all the time that he had his pimple; that he could not even open his eyes nor talk;

that when he was brought to the hospital by Sgt. Mallillin, he was unconscious and did not know he was brought to the hospital; that he did not know that he left the hospital because he was in delirium. This defense suffers from infirmities.

The identity of Antonio Saquing was fully established by the testimony of Inocencio Balanay, Emiliano Leones and Gavina Burgos Guerra. There could not have been any mistaking as to his identity. For one important reason. He was under close observation by Gavina Burgos Guerra since 3:00 o'clock in the afternoon until late in the evening. The same is true with Emiliano Leones who was sent for to go on an errand for the five men and who came and stayed in the house of Florentino Guerra from 4:00 or 5:00 p.m. until he was tied up and brought down late in the evening. Furthermore, Emiliano Leones, one of those who received bolo wounds but survived, positively told the court, in the words of the trial judge, "that he really saw this Antonio Saquing who was the very person holding the shotgun of his uncle, Florentino Guerra, and who pointed said gun at them, guarding them, so that not one of them should escape from their clutches." [2] Inocencio Balanay corroborated Emiliano Leones. It will be recalled that it was Inocencio Balanay (with Lazaro Leones) who accompanied defendants Macario Corpuz and Crisostomo Saquing to the house of Victorio Ramos and back, and was one of those later on brought to the foot of the hill where the killing took place. Certainly, he had more than ample opportunity to identify the accused Antonio Saquing. In reference to the alleged fact that Antonio Saquing could not have left his house on October 23, 1961 because he had a pimple on the right side of his abdomen, the trial judge's finding is this:

"The Court observed that the scar indicated by the accused Antonio Saquing is not a scar of a pimple that burst. The Court saw without any mistake that the scar consisted of zigzagging scars which zigzagging the Court observed must have been caused by the suturing of the wound. The scar is not circular, but elongated about several inches long, showing still the traces of the suturing. According to Sgt. Mallillin himself, the wound was caused by a shotgun in Iguig. This statement of Sgt. Mallillin is nearer the truth. Even the record of the Cagayan Provincial Hospital which was brought in by another witness called by the defense, Lourdes Villanueva who testified, showed that Antonio Saquing was treated in the hospital for wounds on the hypochondriac and that without the knowledge of any person in the hospital this Antonio Saquing left and, therefore, was considered discharged." [3]

In fact, counsel de officio before this Court discarded the theory of alibi and considered as substantially correct the findings of the trial judge.

2. The thesis for Antonio Saquing is that he should be held guilty only of robbery. The reason given is that there was no explicit evidence that he hacked and killed Florentino Guerra and Antonio Cacayan; that the plan was only to rob, not to kill; that the killing took place after the complete perpetration of the robbery; that he (Antonio Saquing) was not the leader of the gang as he only stood guard and watched the herded men.

But clear in the record is the fact that Antonio Saquing, father of Crisostomo Saquing who had pleaded guilty, was with the group from the start. He acted in concert with his cohorts. He played an important role. He was one of those who lured the Guerra couple into the belief that the five of them were Constabulary soldiers on a legitimate mission. He got hold of the gun, stood guard over the herded men, warned them, and with gun in hand made certain that the latter could not escape. Not only that. The robbery in house having already been committed, he still went with the other four co-accused and the victims from that house to a distant, secluded and forested place at the foot of a hill, all the while holding the fire-arm with which to foil escape of the victims. He performed his part to the end. Nothing in the record suggests that he prevented the killing of the two victims and the wounding of the other two. There was a community of purpose amongst all of the five. [4]

3. Counsel de officio draws our attention to the fact that there is no crime of robbery with double homicide. Counsel is correct. The term "homicide" in paragraph 1 of Article 294 of the Revised Penal Code is to be

understood in a generic sense. It includes murder.[5] Indeed, the juridical concept of robbery with homicide does not limit the taking of human life to one single victim. If more than one were killed by reason or on the occasion of the robbery, this circumstance does not authorize punishment for separate independent offense or offenses. "All the homicides or murders are merged in the composite, integrated whole that is robbery with homicide so long as all the killings were perpetrated by reason or on the occasion of the robbery." [6]

In the same way that if two persons perished on the occasion of a robbery such circumstance would not bring about the crime of robbery with double homicide, much less should we consider slight physical injuries committed against Santos Umicay and Emiliano Leones as authorizing classification of the crime as "robbery with double homicide and physical injuries" as declared by the lower court. This crime of slight physical injuries, which is of very much less importance than homicide and appearing in the same Title Eight, "Crimes Against Persons" in the Revised Penal Code, is merged in the crime of robbery with homicide. So that the crime remains to be robbery with homicide defined in paragraph 1 of Article 294 of the Revised Penal Code.

4. Having reached the conclusion that Antonio Saquing is a principal in the crime of robbery with homicide, we now direct attention to the circumstances bearing on the penalty imposable.

Counsel de officio does not suggest the existence of any circumstance in mitigation. Really, there is none. But aggravating circumstances there are.

First is craft. Antonio Saquing and his co-accused posed as Philippine Constabulary soldiers. Not that they should not be believed. Macarubbo was in fatigue uniform with a West Point khaki cap on. Three of them, Antonio Saquing, Macario Corpuz and Ed-mundo Macarubbo, had each a side arm known as paltik. It is because of such false representation that they gained the confidence of the people in the home of the spouses Florentino Guerra and Gavina Burgos Guerra. In *People vs. Saulog*, 74 Phil. 526, 539, this Court ruled that craft is an aggravating circumstance in robbery with homicide where the accused pretended that they were Pampangos who had lost their way, asked the victim to be shown the way, the victim inviting them to come up his house, after which they robbed and killed him. So is craft aggravating in robbery where defendant illegally wore a constabulary uniform.[7] In a 1965 decision, we held in a murder case that craft is aggravating where the accused pretended to be rancheros to gain entry into the place of the victim.[8]

Second. Dwelling is properly appreciated as an aggravating circumstance in robbery with homicide.[9]

Third. Treachery is likewise an attendant circumstance. The victims were made to lie face down. The hands of each of them were tied at the back. They were helpless. The crime was committed in the dead of the night. Clearly, there was treachery. In *People vs. Madrid*, supra, p. 15, a robbery with homicide case, we held treachery to be aggravating where the two victims "were killed while bound in such a way as to be deprived of opportunity to repel the attack or escape with any possibility of success." [10]

Fourth. The killing on the occasion of the robbery was committed in an uninhabited place. From where the robbery took place, the victims were taken to the foot of a hill about a kilometer therefrom, an area which was secluded, the nearest house being about 200 meters away, and which was forested and uninhabited.[11]

It thus results that in the commission of the crime of robbery with homicide, there were four aggravating circumstances with none in offset. Mandatory it is for this Court to impose the supreme penalty of death.

Omitted in the decision below is the indemnity for the things the subject of the robbery in the total value of P862.50.

WHEREFORE, we find defendant Antonio Saquing alias Tonio guilty beyond reasonable doubt of the crime of

robbery with homicide, and sentence him to death, to indemnify the widow and heirs of Florentino Guerra in the sum of P862.50, and likewise to indemnify the heirs of Florentino Guerra in the sum of P12,000 and the heirs of Antonio Cacayan in another sum of P12,000.[12] It is hereby understood that, to the extent of P6,000 of the P12,000 indemnity payable to the heirs of each of the deceased Florentino Guerra and Antonio Cacayan, the liability of Antonio Saquing alias Tonio is joint and several with his co-defendants Edmundo Macarubbo, Macario Corpuz and Crisostomo Saquing.[13]

No costs.

SO ORDERED.

Concepcion, C.J., Reyes, Dizon, Makalintal, Zaldivar, Sanchez, Ruiz Castro, Fernando, and Teehankee, JJ., concur.

Barredo, J., did not take part.

[1] Tr., November 16, 1966, Julia Dichoso, p. 15.

[2] Rollo, pp. 21-22.

[3] Rollo, p. 24.

[4] *People vs. Pujinio* (1969), 27 SCRA 1185, 1189, citing *People vs. Morados*, 70 Phil. 558, and *People vs. Carunungan*, G.R. No. L-13283, September 30, 1960. See also: *People vs. Defensor*, 86 Phil. 591, 595; *People vs. Metran*, 89 Phil. 543, 546; *People vs. Estrada* (1968), 22 SCRA 111, 126; *People vs. Capito* (1968), 22 SCRA 1130, 1150; *People vs. Condemena*, *infra*; *People vs. Peralta* (1968), 25 SCRA 759, 777.

[5] Luis B. Reyes, *Revised Penal Code*, Book Two, 1965 ed., p. 517, citing *People vs. Manuel*, 44 Phil. 333.

[6] *People vs. Madrid* (1951), 88 Phil. 1, 14-15.

[7] I Aquino, *The Revised Penal Code*, 1961 ed., p. 341, citing *People vs. Gonzales* (unreported), 56 Phil. 842.

[8] *People vs. Mendoza* (1965), 13 SCRA 11, 19.

[9] *People vs. Pinca* (1962), 4 SCRA 574, 580; *People vs. Mongado* (1969), 28 SCRA 642, 652, citing *People vs. Apduhan* (1968), 24 SCRA 798, 815, in turn citing *U.S. vs. Leyba*, 8 Phil. 671, *People vs. Sebastian*, 85 Phil. 602, and *People vs. Napili*, 85 Phil. 521.

[10] See also: *People vs. Condemena* (1968), 23 SCRA 910, 919; *People vs. Mongado*, *supra*, at pp. 650-651; *People vs. Manila*, G.R. No. L-21688, November 28, 1969.

[11] *U.S. vs. Estabillo*, 11 Phil. 150, 152; *People vs. Curiano* (1963), 9 SCRA 323, 347; *People vs. Arpa* (1969), 27 SCRA 1037, 1044.

[12] *People vs. Pantoja* (1968), 25 SCRA 468, 473.

[13] Each of the last three was sentenced below to pay indemnity of only P6,000 for the death of each of the two victims.

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.