

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. ADRIANO MAPALAD AND CELESTINO MAPALAD, DEFENDANTS AND APPELLANTS.,br>

G. R. No. L-3635. June 29, 1951

Ponente: TUASON, J.

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TUASON, J.:

Adriano Mapalad and Celestino Mapalad, brothers, have appealed from a judgment of conviction for murder by which they were sentenced to reclusion perpetua and to indemnify the heirs of the deceased in the sum of P2,000.

About 6:30 p.m. on November 7, 1949, eve of a general election, Claudio Deliso was clubbed successively by two men in barrio Bato, municipality of Guindulman, Bohol, as he was walking towards his home, which was not far from the scene of the assault, in company with Eugenio Ligtas, who was about a meter behind Deliso. The victim received two blows, one in the forehead which fractured the skull and another in the nape. The assailant had hidden behind a coconut tree whence they suddenly emerged just as Deliso walked past the place. The victim died there and then from the effects of his injuries, either of which was pronounced fatal by the senior resident physician of the Bohol Provincial Hospital, and the suddenness of the attack qualified it as treacherous within the legal definition of the term.

The question of the identity of the two assailants is the main issue. The evidence for the prosecution against Celestino consists of Eugenio Ligtas' testimony alone. Against Adriano, his confession, his plea of guilty at the preliminary investigation, and other admissions were introduced in addition to Eugenio Ligtas' evidence.

Eugenio Ligtas testified that the two defendants were the attackers. Going into details, he said, among other things, that Adriano struck Deliso with a club in the forehead and was followed by Celestino with a blow with a similar instrument on the back of the neck.

We are satisfied that Eugenio Ligtas was in a position to recognize the culprits. The crime was committed in an open space, a thoroughfare, in his immediate presence; the defendants, like Eugenio Ligtas, were inhabitants of the barrio and were intimately known by him; night had not fully set in, and there was a lighted lamp (lamparilla) at a nearby store. When Ligtas said it was a dark night, testimony which the defendants capitalize, he simply meant to distinguish it from a moonlit night, as his subsequent statements show, and not that it was pitch dark.

That Ligtas kept silent until the third day, the 10th, was satisfactorily explained. He said that he was afraid of the accused. Considering that the immediate cause of the murder, as the court found, was bitter political animosity, and that Ligtas belonged to the same party of which Deliso was a militant leader, this witness was not without reason to fear a reprisal if he reported on the accused.

The defendants testified, and witnesses were sworn to corroborate them, that they were in their respective homes, Adriano attending to the massage of his wife, who was in the family way, by a midwife, and Celestino having himself massaged by Mateo Ligas because he "suffered pains on my body." The trial Judge made light of the

defendants' alibi and we see no ground for differing with His Honor.

As already stated, Adriano was not only recognized by Eugenio Ligas but made a series of admissions, the truth of which can not be doubted. He made a sworn statement in which he confessed to the killing and which he ratified under oath before the justice of the peace who, to satisfy himself that the statement was correct and voluntary, did not confine himself to asking the usual line of questions, but had the accused restate what he had told the police while he (Judge) held Exhibit "A" and checked its contents with the defendant's verbal narration before him; and the two statements tallied, said the Judge. What is more, Adriano pleaded guilty on being arraigned in the court of justice of the peace. Before that, Adriano had told the chief of police that he had put away the death club and led a patrolman to a place where it was found. Again, after the club was recovered, the justice of the peace asked this accused if that was the instrument with which he assaulted Deliso and he answered in the affirmative. When the justice of the peace asked him why wood splinters had lodged in the brain of the deceased, he pointed to a damaged portion of the stick and explained that that was probably the portion which landed on the deceased's head. Finally, a jacket, Exhibit "D", which had been picked up near Deliso's body, was admitted by this accused to be his.

The aforesaid confessions and admissions, backed as they were by factual details, are so conclusive as to render comment hardly necessary. Adriano's allegations that he had been maltreated by the chief of police had a very remote or no connection with his ratification before the justice of the peace of his extrajudicial statement, with his plea of guilty, and with the finding at the place indicated by him of the piece of wood with which Deliso's brain had been smashed. Besides, there is abundant evidence, direct and indirect, which belies the charge of torture. Added to the chief of police's denials is the remarkable fact that Celestino made no self-incriminating statements and yet was not subjected to maltreatments or intimidations.

That Adriano owned sole responsibility for the killing in his confessions does not impair Eugenio Ligas' testimony and is no reason for absolving his co-defendant when we bear in mind that Celestino is Adriano's younger brother.

The proximate motive for the crime was the coming election. It has been shown that the defendants and the deceased had been actively campaigning for the Nacionalista Party and the Liberal Party candidates respectively. The defendants appeared to have berated Deliso for supporting an out-of-town candidate for representative in Congress when, they said, there was a candidate from their midst for the same office. During the election campaign, Adriano went to utter insulting remarks in front of Deliso's house, once calling the deceased "traitor fit only to be fed to crocodiles." The remote cause was bad blood of personal character between the parties arising from a court litigation which Deliso had won. If Adriano Mapalad's testimony is to be believed, the deceased at one time fired at this accused with a shotgun while Adriano was on top of a coconut tree barely missing him.

In one of the assignments of error, the annulment of the trial is sought on the assumption that the defendants were not accorded a preliminary investigation and on the alleged neglect of the justice of the peace to ask the accused if they wanted an attorney to aid them. This objection comes with poor grace in the face of counsel's categorical statement, apropos of the same objection at the commencement of the trial, that he was satisfied with what the justice of the peace had done before the latter bound the defendants over to the Court of First Instance. This manifestation was made after counsel was given to understand by the trial Judge that a new investigation would be ordered or he himself would conduct such investigation if counsel thought that the proceedings before the justice of the peace had been irregular.

We are of the opinion that the two appellants were correctly found guilty as charged. Neither aggravating nor mitigating circumstances having attended the crime, the penalty of reclusion perpetua was properly imposed.

The judgment therefore is affirmed except that the indemnity shall be increased to P6,000, to be paid jointly and severally by the two defendants, with costs of suit.

Paras, C.J., Feria, Pablo, Bengzon, Padilla, Montemayor, Reyes and Jugo, JJ., concur.

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