

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE VS. LAUREANO SANGALANG, ACCUSED AND APPELLANT.*G.R. No. L-32914. August 30, 1974*

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b8757fdc9c85/>**AQUINO, J.:**

This is a murder case. The testimonies of the two prosecution eyewitnesses disclose that at around six o'clock in the morning of June 9, 1968 Ricardo Cortez left his nipa hut located at Sitio Adlas, Barrio Biluso, Silang, Cavite to gather tuba from a coconut tree nearby. Flora Sarno, his wife, was left inside the hut. While he was on top of the tree gathering tuba, he was struck by a volley of shots. He fell to the ground at the base of the coconut tree.

His wife Flora heard three successive shots coming south of the hut. She went outside the hut. From a distance of about twenty-five meters, she saw five men, each armed with a long firearm, firing at her husband. He was already wounded and was lying on the ground at the foot of the coconut tree. His assailants were about five meters away from him.

She recognized Laureano Sangalang as one of the five armed men who were firing at her husband. She and her brother Ricardo had known Sangalang since their childhood. She also recognized Conrado Gonzales, Irineo Canuel, Perino Canuel and Eleuterio Cuyom as the other malefactors.

Flora ran towards the place where her husband had fallen. She shouted, "Bakit ninyo pinagbabaril ang aking asawa". The five persons fired at her. She was then about twenty meters away from them. She retreated to the hut for cover. She heard some more shots. After the lapse of about five minutes, Laureano Sangalang and his companions left the place. When Flora returned to the spot where her husband was prostrate, he was already dead.

On the occasion already described, Ricardo Sarno, twenty-seven years old, a brother of Flora, was inside his own nipa hut which was about ten meters away from Flora's hut. He was drinking coffee. His wife and children were eating breakfast. He heard several shots. He came out of his hut. He saw his brother-in-law being shot by Laureano Sangalang, Eleuterio Cuyom, Perino Canuel, Irineo Canuel and Conrado Gonzales. He saw Sangalang using a Garand carbine in shooting his brother-in-law. The latter fell from the top of the coconut tree after he was shot (10 tsn). His sister Flora was trying to approach her husband but she had to flee to her hut when Sangalang and his companions fired at her. He wanted to join her but he was likewise fired upon by the five men. So, he retired and took refuge in his own hut.

Later, Sarno saw his sister Flora, sitting inside her hut. He followed her after she left the hut and went to see her dead husband, who was lying on the ground, face up, at the base of the coconut tree. When he noticed that his brother-in-law was already dead, he gathered his children and brought them to Sitio Biga, which was more or less thirty meters away from his hut in Sitio Adlas. Ricardo reported the killing to the chief of police who went to the scene of the crime with some policemen and Constabularymen.

The necropsy report shows that the twenty-five-year-old Cortez sustained twenty-three gunshot wounds on the

different parts of the body, fourteen of which were entrance-wounds, and nine were exit-wounds (Exh. A and B). He died due to the multiple gunshot wounds (Exh. C).

On June 10, 1968 or on the day following the killing, Flora and Ricardo were interrogated by the Silang police. They executed sworn statements before the Municipal Judge pointing to Laureano Sangalang, Conrado Gonzales, Irineo Canuel, Perino Canuel and Eleuterio Cuyom as the assassins of Ricardo Cortez. Flora said in her statement that she knew those persons because from time to time they used to pass by her place. They resided at Barrio Capdula, Dasmarinas, which is near Barrio Adlas. On the basis of those statements, the police filed on June 10 in the Municipal Court a complaint for murder against the five aforementioned persons. Sangalang was arrested. He posted bail in the sum of P50,000 on June 13. He waived the second stage of the preliminary investigation. The other accused have not been apprehended. On August 8, 1968 the Provincial Fiscal filed an information for murder against Sangalang.

After trial, the Court of First Instance of Cavite, Tagaytay City Branch, rendered a judgment convicting Sangalang of murder, sentencing him to reclusion perpetua and ordering him to pay the heirs of Ricardo Cortez an indemnity of twelve thousand pesos and to pay his widow moral damages in the sum of ten thousand pesos (Criminal Case No. TG-162). Sangalang appealed.

The appellant, a fifty-six-year old farmer, admitted that he knew Cortez and that he knows his wife, Flora Sarno. He pleaded an alibi. He declared that in the afternoon of June 8, 1968 he and Crispulo Mendoza went to the house of Julian Gatdula at Dapitan Street, Sampaloc, Manila. He arrived at Gatdula's place at six o'clock. He wanted to borrow money from Gatdula to defray the matriculation fees of his children.

As Gatdula had no money at that time, he advised Sangalang to wait until morning. He would try to raise the sum of two hundred pesos which Sangalang desired to borrow. Sangalang and Mendoza agreed. They allegedly slept in Gatdula's house on the night of June 8th. The next morning, they breakfasted in that house. At about ten o'clock on June 9, Gatdula delivered the two hundred pesos to Sangalang. He and Mendoza then went to the Central Market in Manila and then to Quiapo. They returned to Cavite and arrived at seven o'clock in the evening of June 9 in Barrio Capdula. Gatdula and Mendoza corroborated Sangalang's alibi.

In this appeal Sangalang insists on his alibi and impugns the credibility of the prosecution eyewitnesses, Mrs. Cortez and the victim's brother-in-law, Ricardo Sarno. The basic issue is whether their eyewitness-testimony that they saw appellant Sangalang as one of the five armed persons, who riddled Cortez with fourteen gunshot wounds of entry, is sufficient to overcome his alibi. In essence, the case projects the ever-recurring conflict in criminal jurisprudence between positive identification and alibi.

The trial court rejected appellant's alibi. It noted that although his witnesses, Mendoza and Gatdula, learned of his arrest, and Mendoza even visited him in the municipal jail, Sangalang and his witnesses did not interpose the defense of alibi when he was investigated by the police and when he was summoned at the preliminary investigation.

Sangalang points to certain discrepancies in the declarations of Mrs. Cortez and her brother Ricardo Sarno. Those inconsistencies, which are not glaring, strengthen their credibility and show that their testimonies were not coached nor rehearsed. The discrepancies may be attributed to deficiencies in observation and recollection, or misapprehension of the misleading and confusing questions during cross-examination, or to the defective translation of the questions and answers but they do not necessarily indicate a wilful attempt to commit falsehood (People vs. Selfaison, 110 Phil. 839; People vs. Resayaga, L-23234, December 26, 1973, 54 SCRA 350).

The controlling fact is that Mrs. Cortez and Sarno clearly and consistently testified that they saw Sangalang, a

person already well-known to them, among the five armed persons who shot Ricardo Cortez. That unwavering identification negates appellant's alibi.

The prosecution did not prove the motive for the killing. On the other hand, Sangalang did not show that Mrs. Cortez and Sarno were impelled by a malicious desire to falsely incriminate him.

Counsel de oficio meticulously examined the contradictions and deficiencies in the evidence for the prosecution. He made a spirited defense of the appellant. However, his efforts failed to cast any reasonable doubt on Sangalang's complicity in the killing.

The victim was shot while he was gathering tuba on top of a coconut tree. He was unarmed and defenseless. He was not expecting to be assaulted. He did not give any immediate provocation. The deliberate, surprise attack shows that Sangalang and his companions employed a mode of execution which insured the killing without any risk to them arising from any defense which the victim could have made. The qualifying circumstance of treachery (*alevosia*), which was alleged in the information, was duly established (See art. 14[16], Revised Penal Code). Hence, the killing can be categorized as murder (See *People vs. Sedenio*, 94 Phil. 1046). Treachery absorbs the aggravating circumstance of band (*U.S. vs. Abeline*, 1 Phil. 568). Evident premeditation, which was alleged in the information, was not proven.

The trial court correctly imposed the penalty of reclusion perpetua on Sangalang (Arts. 64[1] and 248, Revised Penal Code).

Finding no error in its judgment, the same is affirmed with costs against the appellant.

SO ORDERED.

Zaldivar, (Chairman), Fernando, Barredo, and Fernandez, JJ., concur.
Antonio, J., took no part.

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.