

**PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
GLICERIO SALVACION, DEFENDANT AND APPELLANT.***G.R. No. L-20022. April 30, 1966*

Ponente: CONCEPCION, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b99055416d9c/>**CONCEPCION, J.:**

Appeal, taken by defendant Glicerio Salvacion, from a decision, of the Court of First Instance of Misamis Occidental, finding him guilty of the crime of murder, with which he is charged, and sentencing him to life imprisonment, with the corresponding accessory penalties, to indemnify the heirs of the deceased Pio Opema, jointly with Placido Hamoy—who, although separately accused of robbery with homicide, was tried jointly with appellant—in the sum of P6,000 and to pay one fourth of the costs.

It is not disputed that on November 28, 1958, at about dusk, while Pio Opema and his wife, Cirila Richa, were in their house in Macalibre, Lopez Jaena, Misamis Occidental, several masked men went up the premises and one of them shot Opema, whereas the others dragged Cirila to a room and, after tying her hands and threatening her with a dagger, ransacked the cabinets and took and carried away the sum of P300, but, before leaving, they went back to Opema, who was lying down, wounded, on the floor, and fired at him several times, thereby killing him. Upon investigation subsequently conducted by PC Sgt. Cleofe Jongko, one Isabelo Ometer revealed that, in the morning of the occurrence, he saw appellant Glicerio Salvacion in the national highway in Macalibre, accompanied by one, unknown to him (Ometer), who had a peculiar tattoo or scar on one of his hands. Ometer later took the witness stand and identified, in the courtroom, Placido Hamoy as the person he (Ometer) had seen with SaKacion on the aforesaid occasion. Hamoy has a scar or tattoo on the back of his left hand.

In the meantime, while Hamoy was playing madjong in Tudela, Misamis Occidental, on December 9, 1958, Sgt. Jongko noticed said scar on Hamoy's hand. Accordingly, Jongko invited him to the PC Headquarters, in Ozamis City, for an interview, during which Hamoy, at first, protested innocence. However, by making him believe that one of those who had participated in the commission of the crime adverted to above had squealed on him, Jongko succeeded in breaking down the resistance of Hamoy, who, thereupon, made a written confession (Exhibits A and A-1, pp. 38-41, Record) to the effect that he and one Napoleon Adlaon had been hired by appellant Salvacion to kill his father-in-law, Pio Opema; that, on November 28, 1958, he (Hamoy) and Adlaon, together with two (2) others, whose names were not given, waited for Opema near his aforementioned house; that, soon after Opema's arrival thereat, Adlaon shot him; that, while one of their companions guarded Opema, who was prostrate on the floor, the others brought his wife to the room and got P200 and a pair of eyeglasses; and that as they were leaving the house, they heard several shots fired by Adlaon inside the house.

Two (2) days later, appellant Salvacion was picked up by the Constabulary. He, likewise, pretended ignorance of the circumstances under which the aforementioned crime had been committed. Upon being confronted with Hamoy's confession, Salvacion broke down and made a similar confession (Exhibits B and B-1, pp. 42-50, Record), confirming that of Hamoy, and stating that his (Salvacion's) reason for inducing Hamoy and Adlaon to kill Opema was that he had humiliated him, as well as taken a mistress in the house in which he (Salvacion) and

his wife lived, apart from squandering his fortune on his aforementioned mistress and her relatives. As a consequence, Salvacion was accused of murder and Hamoy of robbery with homicide, with the result indicated above.

Appellant denied having had any participation in the killing of Pio Opema. Salvacion and Hamoy testified that their alleged confessions were made, not by them, but by the Constabulary men who, through force, violence and intimidation, compelled them to affix their signatures thereon. Moreover, Hamoy would have the court believe that he could not have taken part in the killing of Pio Opema in Macalibre, Lopez Jaena, on November 28, 1958, because he was then allegedly confined in bed in Tudela, undergoing medical treatment for anemia.

The lower court, however, gave no credence to this pretense, and, we think, correctly, for the same is refuted: (a) by the testimony of the then Justice of the Peace of Ozamis City, before whom said confessions (Exhibits A and B) were subscribed and sworn to by Hamoy and Salvacion, on December 10 and 11, 1958; (b) by the firm hand with which their respective signatures were obviously written; (c) by the profusion of details with which said confessions, specially that of Salvacion, are characterized; (d) by the fact that the truth of a good many of said details was confirmed by Salvacion and Hamoy in the course of their cross-examination by the prosecution; and (3) by the circumstance that, although Hamoy and Salvacion were no longer under the custody of the Constabulary since December 10 and 11, 1958, respectively, for they were confined in the provincial jail immediately after their respective confessions were subscribed and sworn to by them, they did not complain about their alleged maltreatment or report the same either to any of the officers or employees in said jail, or to any other person for that matter, until they took the witness stand, over a year and a half later.

One factor should not be overlooked, in connection with the duress allegedly used in securing the confessions Exhibits A and B. Hamoy was interviewed by Sgt. Jongko on December 9, 1958, and the former subscribed and swore to his confession the next day, December 10. The day following the latter, Salvacion was picked up by the authorities. That same day, December 11, 1958, he subscribed and swore to his confession Exhibit B. In other words, both—particularly, appellant Salvacion—were under the custody of the Constabulary for a very short period of time, thus minimizing the possibility of effective use of duress.

Another important detail confirming the conspiracy between Hamoy and Salvacion is that, after their arrest, Salvacion wrote a letter to one Bonifacia Manayan stating that he (Salvacion) would pay for the meals of Hamoy while he was detained in the provincial jail. Although Salvacion tried to explain said letter by stating that Hamoy used to drive his truck before the institution of this case and that he had not paid Hamoy for his aforementioned services, the artificial nature of this explanation becomes apparent when we consider that said services by Hamoy were rendered six (6) years before, or sometime in 1952.

Needless to say, Hamoy's alibi is disproved by the fact that Isabelo Ometter saw him in Macalibre, Lopez Jaena, on the very date of the occurrence and that Ometter had no possible reason to falsely incriminate him or appellant Salvacion.

We are satisfied, therefore, that appellant's guilt has been established beyond reasonable doubt. Although, in addition to the qualifying circumstance of evident premeditation, the generic circumstance of prize was present in the commission of the crime charged, the extreme penalty cannot be meted out to appellant for lack of the number of votes required therefor.

Wherefore, the decision appealed from is hereby affirmed, with the costs of this instance against appellant Glicerio Salvacion. It is so ordered.

Bengzon, C.J., Bautista Angelo, Reyes, J.B.L., Barrera, Dizon, Regala, Makalintal, Bengzon, J.P., and Sanchez,

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.