

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE VS.
EUGENIO NATE ALIAS ONIONG, ALEJANDRO AQUINO ALIAS ADOY
ALIAS ONGOT, AND PABLO LALAQUIL, DEFENDANTS AND
APPELLANTS.**

G. R. No. L-3254. May 11, 1951

Ponente: TUASON, J.

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TUASON, J.:

This was a prosecution for robbery in band with homicide.

These facts are beyond dispute. At about two o'clock in the morning of January 26, 1949, in barrio Tuliao, municipality of Sta. Barbara, Province of Pangasinan, Fructuoso Loresco and his wife were aroused in their sleep by the barks of dogs, and when they looked out the window they saw several men on the ground and two on or climbing the porch. As these began shoving the door, which was fastened with a frail wire, Loresco barred it inside with his hands. He was holding his own when the intruders unleashed a volley through the door, hitting him in the breast and knocking him down. Then the door yielded and the two men succeeded in having the wife, at the point of a gun, hand them the family cash, P70. Loresco died of internal hemorrhage three hours afterward. From Loresco's house, the two bandits moved to that of Epifania Garcia, sister of Loresco's wife, which was just across a narrow alley.

Soon the constabulary started an investigation, in the course of which Corporal Latornas of that force found in Loresco's yard a school notebook on some of whose pages was written Alejandro Aquino's name. This led to Aquino's arrest, which in turn presumably led to Lalaquil's and Nate's. For Aquino made a confession at the constabulary headquarters, which he wrote down in the presence and at the instance of Sergeant Andaya, pointing to Lalaquil and Nate as his companions, among others.

The sole question at issue concerns the identity of the malefactors. The three appellants disowned any participation in the crime and each set up an alibi.

In brief, Pablo Lalaquil declared that he was at home on the night in question. He denied having gone to Tuliao or even seen Fructuoso Loresco's widow at any time before the trial. He went so far as to deny that he knew Alejandro Aquino until they were thrown in jail in connection with this case.

Eugenio Nate testified that on the night of the robbery and murder he was in a distillery in Mangaldan where, he said, he was employed as a special night guard.

Alejandro Aquino declared that he too was in his home in Mangaldan on the night of January 25-26, 1949. He explained that he could not go out that evening because of an injury caused, according to him, on January 14 when, on a visit with his brother-in-law, he and the latter set fire to tall grass and "something" exploded and a splinter struck his hand. Regarding his confession, he said that he had been tortured by the constabulary and forced to sign it.

Aquino and Lalaquil have been abundantly identified. Benavidez Garcia, Loresco's widow, was able to take a good look at them by the light of a kerosene lamp, which she described as eight inches high and the tank as eight centimeters in diameter. In Epifania Garcia's house there was also a lighted lamp, and Ceferino de Leon, Epifania's son, 19 years of age, was positive that Aquino and Lalaquil were the men who broke into their house after killing Loresco.

Aquino was identified by other means more telling than the witnesses' perception and memory of his face. In the first place, there was the notebook found near the scene of the crime. In the second place, one of the malefactors was seen with a fresh bleeding wound in the left hand, and such a wound Aquino was nursing when he was placed under arrest. From all indications, this wound had been inflicted by a gunshot, although the evidence does not reveal where and how beyond Epifania's oath that inside her house this accused remarked, "My hand is wounded, it is shot."

Most important of all, Aquino's confession has all the marks of authenticity. Having written it himself in his own dialect, it contains details which the constabulary could not have invented. Besides, this confession was exculpatory in tone and, if believed, would absolve him.

The confession recites, among other things, that Alejandro was returning home when a jeep stopped near him at barrio Banaoag and its passengers commanded him to throw up his hands and searched his person for money; that when they could not get anything from him, he was told to step into the vehicle and, afraid, he obeyed; that in the jeep were Oniong (Eugenio) Nate, Pablo Lalaquil, Pastor Langit, and eight others whom he could not name; that on the way to Sta. Barbara they met Aquino's brother Juan, and Eugenio asked Juan for gasoline; that thereafter the jeep drove on but stopped at a wedding party which his captors attended leaving him alone in the jeep; that from the wedding party, the gang returned to Sta. Barbara where some of them robbed two houses while the rest remained outside; that it was Lalaquil who went up the houses with an Ilocano; that from those houses they proceeded to barrio Buenlag where he was freed; that he did not know where the men in the jeep go from that place further than that they drove in the direction of the town. Going back to the robbery, Aquino said in his confession that he heard several shots and learned later that someone had been killed. He also said that Eugenio Nate warned him that if he revealed what he had seen, should he be arrested, he would be killed.

The alleged torture was denied by Sergeant Andaya, who stated that the confession was entirely voluntary. We do not think that undue pressure was brought to bear on this accused. The charge does not fit in with the fact that of the three detainees only from Aquino, against whom the evidence was already strong, a confession was secured. It is strange that Nate and Lalaquil, against whom the then available evidence needed buttressing, were allowed to get away with their stubbornness.

As to Nate, the record shows that he remained downstairs, but Benavidez Garcia swore that she had a glimpse of his face when she held the lamp in her hand at or outside the window and he looked up. Epifania likewise assured that she saw this defendant and was able to observe his facial features when, upon hearing her sister scream, she opened her window. She further said that Nate aimed a gun at her with a warning not to come down or he would shoot.

The trial court was fully satisfied that Nate was the man the two women saw in the yard. Conceding the truth of this defendant's alleged employment in Mangaldan, yet, the court noted, his hours of work or the distance did not prevent him from being in Santa Barbara in the early hours of the morning.

Regardless of the evidence of record, we should not disturb the trial court's findings. That court had a means, not available to reviewers, of reaching a correct verdict. The impression, not shown in the transcript, created by the personality of the defendant—his demeanor on the witness chair, his manner of denying the imputations, etc.—

afforded an impartial judge a good cue to his (defendant's) innocence or guilt. Needless to say, this is the underlying principle for the familiar rule of non-interference with the trial court's conclusions on points of relative credibility of witnesses; and it is, to a large measure, for this reason that we feel bound to let the decision stand.

The appealed judgment, therefore, pronouncing the accused guilty of the crime of robbery with homicide (Art. 294, sub-sec. 1, Revised Penal Code) and sentencing them to reclusion perpetua, to return or pay jointly and severally to the offended party the sum of P70 and to indemnify the heirs of the deceased, jointly and severally, the amount of P6,000 is affirmed with costs.

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

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