

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
HONORATO GENILLA, DEFENDANT AND APPELLANT.***G.R. No. L-23681. September 03, 1966*

Ponente: CONCEPCION, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c11cec8286ca/>**CONCEPCION, C.J.:**

This case is before us, upon certification by the Court of Appeals, pursuant to Sections 17 and 31 of the Judiciary Act of 1948, and Section 3, Rule 50 of the Revised Rules of Court. It is an appeal by Honorato Genilla from a decision of the Court of First Instance of Lanao del Norte convicting him and his co-defendant Leopoldo Arellano, who has not appealed, of the crime of murder and sentencing each to an indeterminate penalty ranging from 18 years, 8 months and 1 day of reclusion temporal to 30 years of reclusion perpetua, and to pay the proportional part of the costs, in addition to jointly and severally indemnifying the heirs of Faustino Amate in the sum of P6,000.00.

As Faustino Amate left his house, in the barrio of Butadon, Municipality of Kapatagan, Province of Lanao, to answer a call of nature nearby, on August 24, 1953, at about 9:30 p.m., his wife Cleofe heard him shouting for help. Thereupon, she opened the door of the house and saw Faustino running towards the house, pursued by two (2) men, who attacked him with their bolos. When she, followed by Alfredo Homok, who was staying in said house, approached Faustino, they found him prostrate on the ground, with bolo wounds in several parts of the body, in consequence of which he died that same evening. The only issue in the lower court was the identify of Faustino's assailants.

In this connection, Faustino's widow testified that they were Leopoldo Arellano and appellant Genilla, she having recognized them while they were bololing Faustino. Her testimony was corroborated by Alfredo Homok, who stated that, as he went down the house, upon hearing Faustino's screams for help, he (Alfredo) saw Arellano and Genilla fleeing from the scene of the occurrence. Further corroboration was furnished by the fact that Faustino told Cleofe and Alfredo that his assailants were the aforementioned defendants.

The records moreover show that Genilla and one Necitas Agawin had adverse claims over a parcel of land which was held by the latter's tenants, namely, the deceased Faustino Amate, and Angel Generalao and Anatolio Generalao. Because of the conflict, Genilla and his co-defendant Leopoldo Arellano had allegedly resorted to threats and intimidation to dissuade Agawin from pressing his claim. As a consequence, three (3) criminal cases were filed with the Justice of the Peace Court of Kapatagan, namely: (a) Case No. 43, against Genilla, for alleged threats to kill Anatolio Generalao; (b) Case No. 44, against Genilla and two (2) others, for alleged threats to kill Angel Generalao; and (c) Case No. 45, filed by the now deceased Faustino Amate against appellant's son, Inocentes Genilla, for malicious mischief.

Apprehensive about appellant's designs, for he was known to have a shotgun, and suspecting that the local authorities were in favor of appellant Genilla, in view of their passive attitude with respect to said criminal cases, which were eventually dismissed, Necitas Agawin urged the Constabulary to investigate Genilla and Leopoldo

Arellano and confiscate the former's shotgun, pending settlement of the conflict over the land aforementioned. Hence, on August 24, 1953, at about 2:30 p.m., Corporal Badenas and two (2) soldiers of the Constabulary, together with Faustino Amate, went to Genilla's house and served upon him a subpoena requiring him to appear before Capt. Gonomit, P.C. the next day. On that occasion Badenas, likewise, seized the shotgun found in Genilla's possession. Genilla then inquired from Badenas about the name of the person who had reported him to the Constabulary. As Badenas disclaimed knowledge of the identity of the complainant, appellant said: "that fellow" - pointing to Faustino Amate - "I am sure was the one who reported, because that fellow has a land conflict with me". Badenas, likewise, carried with him a subpoena addressed to Leopoldo Arellano to whom it was not served, because, Badenas was told, he (Arellano) was not in his house at that time.

That same evening, at about 9:30 o'clock, Amate was wounded in the manner above indicated. A few hours later, or shortly after midnight, Badenas was informed of Amate's assassination. On August 25, 1953, shortly after 8:00 a.m., Badenas arrested Genilla in his own house. Immediately, thereafter, the former apprehended Arellano, who then carried, inside a scabbard on his waist, a bolo which, upon examination, turned out to be blood stained. Thus, the prosecution established the identity of the culprits, as well as their motive.

Appellant denied having committed the crime charged and claimed to be in his house, about four (4) kilometers away from the scene of the occurrence, where the same took place. The defense introduced, also, the testimony of Demetrio Villapania in corroboration of appellant's alibi. However, the lower court did not believe the witnesses for the defense and found no cogent reason to doubt the veracity of those of the prosecution. Indeed, the records before us fully justify the conclusions reached by His Honor, the Trial Judge.

On June 6, 1963, while the records of this case were still in the Court of Appeals, Genilla filed a motion for new trial based upon allegedly new discovered evidence, said to consist of two (2) affidavits of the widow of the deceased, dated September 6, 1960, and May 15, 1963, respectively, retracting her testimony against said appellant and exempting him from all responsibility for the crime charged. Acting upon said motion, the Court of Appeals resolved, on June 13, 1963, to consider it when this case is decided on the merits. Said motion should be, as it is hereby denied.

There are several reasons why said alleged affidavits should be considered with caution. To begin with, one purports to bear a signature which is so poorly written as to manifestly reveal that its author is hardly literate, whereas the other purports to have been thumbmarked. If the affiant really signed the former, why did she not affix her signature on the latter? Secondly, the first affidavit is dated September 6, 1960, yet it was not filed until June 6, 1963, and no attempt whatsoever has been made to explain the delay. Neither has any effort been exerted to apprise the court as to why the second affidavit had to be taken, if the first were a genuine one.

Again, appellant's conviction is not based exclusively upon the testimony of Mrs. Amate. The same, it would be noted, was corroborated by that of Alfredo Homok, by the ante-mortem declaration of Faustino Amate, by the fact that said declaration was partly confirmed by Leopoldo Arellano's admission of his participation in the commission of the crime charged, and by the circumstance that the authorities must have been advised, immediately after the occurrence, that the culprits were Arellano and Genilla, for both were apprehended early the next morning. The foregoing circumstances particularly the last, indicate, also, that, in implicating Genilla, Mrs. Amate must have acted spontaneously - not upon instigation of Faustino's sister and against the will of Mrs. Amate, as intimated in her alleged affidavits - for otherwise the authorities would not have forthwith arrested said defendants.

No modifying circumstance - apart from the quality of circumstance of treachery - having been present in the commission of the murder charged, the penalty therefor should be meted out in its medium period, or reclusion

perpetua, because of which the lower court erred in applying the Indeterminate Sentence Law. (Sec. 2, Act No. 4103.)

WHEREFORE, modified as to the penalty which should be reclusion perpetua, the decision appealed from is hereby affirmed in all other respects, with costs against appellant Honorato Genilla.

IT IS SO ORDERED.

Reyes, J.B.L., Barrera, Dizon, Makalintal, Bengzon, J.P., Zaldivar, Sanchez, and Ruiz Castro, JJ., concur.
Regala, J., on leave.

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.