

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
YAKANS PAWIN, DAROH, MUCSAN, SARIOAL, AJAK, HADJULA,
JAUKAL, AKONG AND ALANO, DEFENDANTS.***G.R. No. L-2707. February 22, 1950*

Ponente: MONTEMAYOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c29f752253db/>**MONTEMAYOR, J.:**

The five appellants, Yakans Ajak, Hadjula, Jaukal, Akong, and Moro Alano, residents of the island of Basilan, Mindanao, were originally charged with robbery in band with homicide together with four other Yakans named Mucsan and Sarioal (both still at large) and Pawin and Daroh who were later, at the instance of the Fiscal, discharged from the complaint and utilized as Government witnesses. After trial, the five appellants were found guilty and sentenced each to reclusion perpetua with the accessory penalties provided by law, to indemnify, jointly and severally, the heirs of the deceased Mora Janilah in the sum of P2,000, and to pay their proportionate share of the costs. For the purpose of reversing said judgment the case has been brought here on appeal. From a careful review of the record of this case we find the following facts to have been fully established.

In the month of June, 1948, Hatib Miguel lived in sitio Taberlungan, Maluso district, Basilan City, with his wife Janilah, six daughters, a relative named Hakan Asmali who kept a store for Miguel, Mora Puasa and her son Apisa, and a relative of Janilah named Morita Sabehin. At about 8 in the evening of June 8, 1948, Mucsan and Sarioal who are still unapprehended and the five appellants herein, went to the house of Pawin and Daroh to get them to join their party. To insure compliance with the forced Invitation, Sarioal and Mucsan held Daroh and Pawin respectively, by the hands, threatening them with death if they did not follow. Because of fear, the two joined the group. Alano and Mucsan were each carrying a Japanese rifle and a kris; Ajak and Sarioal, a barong each; Akong, a kris; Jaukal, a barong and a spear; and Hadjula, a barong. The group proceeded to the house of Hatib Miguel. At a distance of about 10 brazas from the house, Alano ordered Pawin and Daroh to sit down near a coconut tree, which they did. Alano went up the house and ordered the inmates to surrender while the others surrounded the building and blocked the door. Janilah opened the door and answered that they would obey the order.

Taking advantage of the opportunity of no longer being guarded, Pawin and Daroh escaped, returned home and later reported the incident to the police. In the meantime, upon the entrance of Alano into the house the Inmates became panic stricken. Asmali who had just awakened and who by instinct had gotten hold of his barong was ordered by Alano to lay down his weapon, which he did. Almost immediately however, he jumped down from the house and succeeded in escaping although in the process of making the break through the ring formed by the companions of Alano around the house, he was chased by one of them and boloed on the left arm and on the back. Hatib Miguel also succeeded in fleeing from his house and hid himself not far away.

When Miguel thought that the marauders had already left his house, he cautiously returned to it but found it completely empty of its occupants. In his store he found merchandise scattered all about, and he noticed that

certain articles of clothing, packages of cigarettes and a barong, all valued at P100.00 had been taken away by the robbers. Then he went down the house to look for his family. On a path that leads to the well, he found his wife Janilah dead lying face downward with her left arm completely severed and with a deep wound on the left side of her back cutting the spinal column. About 20 brazas away he found his two younger children Daynah and Harija, five and one year old, respectively, crying. The first child bore a wound on her left forearm and another wound on the left hand. Her ring finger was severed while the rest of the fingers were wounded, Harija had a wound on the left leg.

The five appellants, including their co-defendants Mucsan and Sarioal were fully identified by state witnesses Pawin and Daroh as the bandits who forced them to join their company and later went to the house of Hatib Miguel. Asmall duly recognized appellant Alano because of a lighted lamp when Alano faced him and ordered him to lay down his barong. There is no question that Alano and the members of his gang of marauders are responsible for the robbery, the killing and the infliction of physical Injuries in this case. Acting upon the report to the police given by Pawin and Daroh, including the names of the appellants, the police were able to confiscate a kris and a scabbard from Ajak; and a barong from appellant Alano.

The appellants interposed the defense of alibi. Alano claimed that on the day in question (June 8, 1948) he was working with one Alfonso Salcedo in his place in Pangasahan preparing posts for his fence. Apart from the inherently weak defense of alibi, the evidence shows that Pangasahan is only about two hours walk to Taberlungan where Hatib Miguel lived, and that consequently, after 4 o'clock that afternoon when Alano and Salcedo stopped working, the former could easily have walked to Taberlungan, join his gang and then go to the house of Miguel to commit the robbery and the killing, and later return to his place before morning.

As to the other appellants Ajak, Hadjula, Jaukal, and Akong, their claim that they were in the house of Horo Iblang at Canibungan until ten o'clock that night of June 8, was plausibly supported by two witnesses, Iblang and Matumad. After analyzing the testimonies of these witnesses, however, the trial court, in our opinion correctly rejected them as unworthy of credit because of the improbability and unreasonableness of the same. Moreover, it has been shown that the witness Iblang Yakan, was a brother of appellants Jaukal and Akong while the other witness Iman Matumad admitted that he was the protector (Iman) of all the said appellants. Their bias and interest are obvious and understandable.

Although as a rule, the testimony of co-accused in a criminal case should be received with caution, coming as it does from a polluted source, the evidence given by Daroh and Pawin should not be regarded in this category. True, they were originally accused with the appellants herein but from the evidence submitted, we are satisfied that they took no part in planning and the commission of the crime and that they had accompanied the accused to the house of Miguel only because of force and intimidation.

There is also added assurance in the guilt of the appellants herein in the recommendation of appellants' counsel de oficio who, after studying the case, believes that the findings of fact made by the trial court should not be altered. Said counsel de oficio obviously acted wisely in asking for confirmation of the decision appealed from, because a strict application of the law, considering the aggravating circumstances that attended the commission of the crime, would result in the imposition of the extreme penalty of death. This is equally realized by the Office of the Solicitor General when it says that the imposable penalty provided by law is death but that the judgment may be affirmed by applying the special provision of Section 106 of the Administrative Code of the Department of Mindanao and Sulu.

In the case of *People vs. Main*, 51 Phil. 933, this Court said that the trial court did not commit error in imposing the penalty of reclusion temporal to cadena perpetua because the accused in that case was a non-Christian

inhabitant of Mindanao to whom the provisions of Section 106 of the Code already mentioned are applicable, and that it is within the discretion of the trial court to apply the same. Said section 106 provides that "in pronouncing sentence upon a Moro or other non-Christian inhabitants of the Department convicted of crime or misdemeanor, the judge or justice may ignore any minimum penalty provided by law for the offense and may impose such penalty not in excess of the highest penalty provided by law, as, in his opinion, after taking into consideration all the circumstances of the case, including the state of enlightenment of the accused and the degree of moral turpitude which attaches to the offense among his own people, will best subserve the interest of justice." Because of this, we may affirm as we do hereby affirm the imposition of the penalty of reclusion perpetua on the appellants. As to the indemnity, it seems that the trial court overlooked the same. Although the evidence shows that the value of the articles taken away by the appellants is P100, the information filed in this case only mentions the sum of P52.60. The indemnity for the articles taken, to be paid by the appellants should therefore be limited to the amount of P52.60. With respect to the indemnity to be paid to the heirs of the deceased, we hereby increase the amount from P2,000 to P6,000. With these modifications, the decision appealed from is hereby affirmed with costs.

Moran, C. J., Ozaeta, Paras, Pablo, Bengzon, Padilla, Tuason, Reyes, and Torres, 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.