

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EUGENIO GALAPIA Y BACUS, ACCUSED-APPELLANT.

G.R. Nos. L-39303-05. August 01, 1978

Ponente: CONCEPCION JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c4615edfa81a/>

CONCEPCION JR., J.:

MANDATORY REVIEW of the decisions of the Court of First Instance of Ilocos Norte imposing the death penalty upon Eugenio Galapia y Bacus in three criminal cases.

The record shows that the accused Eugenio Galapia y Bacus and Leonida Agudelo were married on August 8, 1971 before Mayor Leonardo A. Velasco of Bacarra, Ilocos Norte.[1] After their marriage, the spouses lived with Bonifacia Castro Agudelo, the mother of Leonida, in Barrio Libong, Bacarra, Ilocos Norte. Living with his mother-in-law became extremely difficult so that sometime in May, 1973,[2] the husband left the house to live with his own parents, about a kilometer away. His wife and son, however, were left behind.

In the early evening of February 11, 1974, the husband, feeling a need for sexual fulfillment, went to the house of his mother-in-law in order to sleep with his wife. But, he was denied entry to the house. Not one to be easily frustrated, the husband left and waited until all the occupants of the house were asleep and then entered the house by breaking the glass blades or jalousies of a window. Once inside, he went to the bed shared by his wife and son. His wife, however, repulsed his advances and threatened to stab him with a kitchen knife. After a brief scuffle, the husband was able to wrest the knife from his wife. The commotion, however, attracted the attention of the mother-in-law who came to the aid of her daughter with a bolo in hand. The husband also succeeded in wrenching the bolo from her, and with it, attacked his mother-in-law, his wife, and two young nephews of his wife Francisco Bulong and Hermenegildo Bulong, who were then sleeping in the sala of the house. The husband then left the house, taking his small son along with him and brought the boy to the house of his parents. On the way, he threw the bolo into the sea, but kept the kitchen knife. He then proceeded to the house of the barrio captain in order to surrender. The barrio captain, however, was sick. So, he went to the poblacion of Bacarra and surrendered to a policeman on duty at the town hall. The following day, he signed an extra-judicial confession before the investigating officers, admitting the killing of his wife, his mother-in-law, and the wife's nephew, Francisco Balong.[3]

Meanwhile, at about 6:00 o'clock in the morning of February 12, 1974, Dr. Irineo Bustamante, the Rural Health Physician of Bacarra, was summoned to attend to four (4) bleeding persons in Barrio Libong. Upon reaching the house of Bonifacia Agudelo, he found three (3) of the four persons already dead, and the fourth, barely alive. The wounded person, subsequently identified as Hermenegildo Bulong, was brought to the hospital and was saved.

Dr. Bustamante conducted an autopsy on the cadavers of the deceased persons and certified that: (1) Leonida Agudelo Galapia sustained a stab wound in the heart and five lacerated wounds in various parts of her body;[4] (2) Bonifacia Agudelo suffered a stab wound in the abdomen, perforating the intestines, and four lacerated wounds in the body, two of which were in the head, fracturing the skull:[5] and (3) Francisco Bulong sustained

two lacerated wounds, one in the face and the other on the right side of the head, both fracturing the skull.[6]

As a result, Eugenio Galapia y Bacus was indicted for the killing of his wife (Criminal Case No. 228-III, for Parricide); his mother-in-law (Criminal Case No. 229-III, for Murder); and the nephew of his wife, Francisco Bulong (Criminal Case No. 230-III, also for Murder), as well as the attempt on the life of Hermenigildo Bulong (Criminal Case No. 231-III, for Frustrated Murder). These cases were tried jointly, and the accused, when arraigned, pleaded guilty to the charges, and insisted on his plea despite the admonition of the trial judge that the maximum penalty of death may be imposed upon him. The plea of guilty notwithstanding, the trial court required the presentation of evidence, during which, the accused invoked the mitigating circumstances of voluntary surrender and plea of guilty. On August 9, 1974, judgment was promulgated sentencing the accused to suffer the penalty of death in Criminal Cases Nos. 228-III, 229-III, and 230-III, all of the Court of First Instance of Ilocos Norte. In view of the penalty imposed upon the accused, these cases are now before the Court for review.

Counsel de oficio does not seek the reversal of the judgment in these cases and the consequent acquittal of the accused, Eugenio Galapia y Bacus, since the said accused had voluntarily entered a plea of guilty to the charges. Counsel, however, contends that the imposition of the death penalty in each of the three cases is incorrect and, therefore, prays for a reduction of the penalty to reclusion perpetua in each case. The Solicitor General observed that "there does appear some misappreciation of the aggravating and mitigating circumstances attendant to the commission of the crime,"[7] and, accordingly, recommends the modification of the judgments under review and the diminution of the penalty to reclusion perpetua in each case.

The rule is that a judicial confession of guilt admits all the material facts alleged in the information including the aggravating circumstances listed therein.[8] But, where such circumstances are disproven by the evidence, it should be disallowed in the judgment. Thus, in *People vs. Gungab*,[9] the Court ruled "that when an accused, who lacks instruction, pleads guilty to the crime of parricide described in the information as having been committed with the aggravating circumstances of treachery and evident premeditation, and his testimony given under oath before the trial court, upon his petition, fails to show the existence of such aggravating circumstances, his plea of guilty shall be understood as being limited to the admission of having committed the crime of parricide, not of having done so with treachery and evident premeditation."

Criminal Case No. 228-III:

A prosecution for parricide, the victim being the wife of the assailant. The information alleges that the offense was committed with evident premeditation and abuse of superior strength and accompanied by the aggravating circumstances of nocturnity and dwelling.

The parties are agreed that the aggravating circumstance of evident premeditation has not been established by the testimony of prosecution witness Hermenigildo Bulong, nor by the extra-judicial confession of the accused. We agree with this observation because the purpose of the accused in going to the house of his mother-in-law was to sleep with his wife, not to kill her.

We also agree with the parties that abuse of superior strength cannot be appreciated in this case for the reason that the said circumstance is inherent in the crime of parricide where the husband kills the wife. It is generally accepted that the husband is physically stronger than the wife.

Nocturnity cannot also be appreciated, although the crime was committed at night, because nighttime was not specially sought by the offender, or taken advantage of by him to facilitate the commission of the crime or to insure its consummation with a minimum of resistance from the inmates of the house.

But the aggravating circumstance of dwelling is present since the crime was committed in the house occupied by

his estranged wife, other than the conjugal home. Unlawful entry is also present since the accused admittedly destroyed the glass blades or jalousies of a window in gaining entry into the house.[10]

The Solicitor General claims that treachery, although not alleged in the information, is also present since the victims were all asleep, totally unaware of the evil forces that would eventually snuff out their lives without warning. It does not appear in the record, however, how and in what position the victim was when she was killed so that it cannot be said that the accused had adopted a mode or means of attack tending directly to insure or facilitate the commission of the offense without risk to himself arising from the defense or retaliation which the victim might put up. Upon the other hand, the accused stated in his extrajudicial confession that his wife tried to stab him with a kitchen knife when he tried to sleep with her.

It results that two aggravating circumstances - dwelling and unlawful entry - attended the commission of the crime. These circumstances, however, are offset by two mitigating circumstances of voluntary surrender and plea of guilty. The proper penalty to be imposed is, therefore, reclusion perpetua.

Criminal Case No. 229-III:

Prosecution for the murder of Bonifacia Agudelo. The information avers that the crime was committed with evident premeditation and abuse of superior strength, and attended by nocturnity, dwelling, and disregard of the age, sex and relationship of the offended party, she being 60 years old and the mother-in-law of the offender.

The parties are also agreed that there is no sufficient proof to establish that the crime was committed with evident premeditation. Hence, abuse of superior strength is the qualifying circumstance.

Nocturnity cannot be appreciated as an aggravating circumstance in this case because, as previously stated, nighttime was not specially sought by the offender.

The offense cannot also be said to have been committed in disregard of the age, sex and relationship of the offended party because there is no proof that the accused deliberately intended to offend the sex or age of the offended party. As Mr. Justice Ramon C. Aquino says: "The mere fact that the victim of the crime is a woman is not in itself sufficient to support the contention that there is present the aggravating circumstance of insult or disrespect to sex. It is necessary to prove the specific fact or circumstance, other than that the victim is a woman, showing insult or disregard of sex in order that it may be aggravating.[11]

However, as in Criminal Case No. 228-III, dwelling and unlawful entry are evident because the crime was committed in the house of the victim who did not give provocation, and that the accused admittedly destroyed the glass blades or jalousies of a window in order to gain entrance to the house.

The Solicitor General also contends that the crime was committed with treachery. The prosecution, however, failed to present an eyewitness who directly saw the killing of the victim so that it cannot be said for certain that the accused had employed means tending to insure the success of the crime without any danger to his person. On the other hand, the accused stated that the victim tried to attack him with a bolo.[12] Treachery cannot, therefore, be appreciated to aggravate the crime.

The crime committed is murder, qualified by abuse of superior strength and attended by the aggravating circumstances of dwelling and unlawful entry which are, in turn, offset by the mitigating circumstances of voluntary surrender and the plea of guilty. The penalty to be imposed upon the accused should, therefore, be reclusion perpetua.

Criminal Case No. 230-III:

Prosecution for the killing of Francisco Bulong, an 11-year old grandson of Bonifacia Agudelo, who was sleeping

with his brother, Hermenigildo Bulong, in the sala of the house when he was attacked by the accused.

The indictment is that the offense was committed with evident premeditation and abuse of superior strength and attended by the aggravating circumstance of nocturnity.

As in Criminal Cases Nos. 228-III and 229-III, evident premeditation cannot be appreciated in the absence of proof thereof. Abuse of superior strength, therefore, qualifies the killing to murder.

Nocturnity is not also present as previously stated in Criminal Cases Nos. 228-III and 229-III. But, treachery is present because the victim was then asleep when he was attacked by the accused. Unlike in Criminal Cases Nos. 228-III and 229-III where there was no eyewitness to the killing of Leonida Agudelo Galapia and Bonifacia Agudelo and, consequently, no treachery, the killing of Francisco Bulong was witnessed by his brother, Hermenigildo Bulong, who testified that the accused attacked Francisco with bolo while the latter was asleep.[13]

But, as in Criminal Cases Nos. 228-III and 229-III, there was unlawful entry in this case because of the destruction of the glass blades or jalousies of a window in order to gain entrance to the house.

The crime is murder, qualified by abuse of superior strength and attended by the aggravating circumstances of treachery and unlawful entry which are offset by the mitigating circumstances of voluntary surrender and plea of guilty. The penalty to be imposed upon the accused should, therefore, be reclusion perpetua.

To recapitulate, the proper penalty that should be imposed upon the accused in Criminal Cases No. 228-III, 229-III, and 230-III of the Court of First Instance of Ilocos Norte is reclusion perpetua.

With the modification of the penalty as above stated, the judgments under review should be, as it is hereby, affirmed in all other respects. Costs de officio.

SO ORDERED.

Castro, C.J., Fernando, Barredo, Makasiar, Antonio, Muñoz Palma, Aquino, Santos, Fernandez, and Guerrero, JJ., concur.

Teehankee, J., no part.

[1] See Exh. D, p. 32, Original Record of Criminal Case No. 228-III.

[2] p. 35, t.s.n., Tambua, Session of June 17, 1974.

[3] Exhibit "B", p. 17, Original Record of Criminal Case No. 229-III.

[4] p. 28, Original Record of Criminal Case No. 228-III.

[5] p. 16, Original Record of Criminal Case No. 229-III.

[6] p. 15, Original Record of Criminal Case No. 230-III.

[7] p. 15, Appellee's Brief.

[8] People vs. Boyles, L-15308, May 29, 1964, 11 SCRA 88; People vs. Tilos, L-27151, Nov. 29, 1969, 30 SCRA 734; People vs. Arpa, L-26789, April 25, 1969, 27 SCRA 1037.

[9] 64 Phil. 779.

[10] Answer to Question No. 18, Confession, p. 17, Original Record of Criminal Case No. 229-III.

[11] Aquino, The Revised Penal Code, 1976 ed., Vol. I, p. 289.

[12] Answer to Question No. 9 in the Extra Judicial Confession of Eugenio Galapia, p. 18, Original Record of Criminal Case No. 229-III.

[13] See testimony of Hermenigildo Bulong, pp. 31-32, t.s.n., Tambua, Session of June 17, 1974.

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.