

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ANATALIO LINGAO AND MAURO MANCERA, DEFENDANTS-APPELLANTS.

G.R. No. L-28506. January 31, 1977

Ponente: CONCEPCION, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c5ae2b2d3539/>

CONCEPCION, JR., J.:

For the death of Jose Bello whose body was found in the morning of September 25, 1964 floating in the Pasig river, an information for murder was lodged in court against Anatalio Lingao and Mauro Mancera.

The case underwent trial after which the Court of First Instance of Pasig, Rizal rendered a decision the dispositive portion of which reads as follows:

"WHEREFORE, finding the two defendants Anatalio Lingao and Mauro Mancera guilty beyond reasonable doubt of murder, qualified by treachery or with the aid of armed men or taking advantage of superior strength, the Court hereby sentences each of the two said defendants to suffer, the penalty of RECLUSION PERPETUA, with the accessories of the law, to indemnify jointly and severally the heirs of the victim, Jose Bello in the amount of Twelve Thousand Pesos (P12,000.00), without subsidiary imprisonment in case of insolvency by reason of the nature of the principal penalty, and each to pay one-half (1/2) of the costs.

The accused Mauro Mancera shall be credited with one-half (1/2) of his preventive imprisonment."

Hence, the present appeal.

From the evidence of record, it appears that appellants Anatalio Lingao and Mauro Mancera were the Vice-President and Board Member, respectively, of the Filipino Pipe and Foundry Workers Union; that they were among the group staging a strike against the Filipino Pipe and Foundry Corporation sometime in September 1964; that while there was a strike going on, the Filipino Pipe and Foundry Corporation hired scabs; that the deceased Jose Bello was one of the scabs hired by the said corporation; that Ernesto Soriano and Felipe Soriano, who were also scabs in the said corporation, were familiar with the appellants and knew them well, having seen them often while picketing; that at about 12:20 o'clock in the morning of September 24, 1964, Jose Bello, Ernesto Poloyapoy, Remegio Dayag, Francisco Bello, Ricardo Gardan, Romulo Garces and Felipe Soriano were on their way home from the Filipino Pipe and Foundry Corporation when they were stoned by the strikers and for which reason they ran towards Coronado street; that upon reaching the in-tersection of Coronado and Blumentritt streets in Mandaluyong, Rizal, Jose Bello and his companions suddenly met a passenger jeep loaded with passengers; that from the light of a mercury lamp in the area Ernesto Poloyapoy and Felipe Soriano clearly saw appellants Mauro Mancera and Anatalio Lingao alight from the said jeep with about eight or nine other persons, all of them armed with clubs and lead pipes; that thereupon, the group of Bello, fearful for their safety, ran to an alley on the side of the jeep that led to the banks of the Pasig river; that unfortunately, Jose Bello was left behind and was caught and held by appellants and their companions; that Ernesto Poloyapoy saw appellants grab the deceased and forcibly drag him towards a dark place; that it was the last time Jose Bello was seen alive; and that in the morning of September 25, 1964, his dead body was found floating in the Pasig river.

Dr. Mariano Cuevas performed an autopsy[1] on the cadaver of Jose Bello and found the following:

"Body is bloated and smeared with dried mud.

Marked lividity of face and anterior aspect of chest.

Washerwoman's hands and feet; marbleization of both lower extremities.

Abrasions, contused, dorsum of right hand: 2.5 x 0.9 cms., distal 3rd, 2nd metacarpal region; 1.5 x 0.9 cms., middle 3rd, 4th metacarpal region.

Contusion, bluish blackish in color, 10.5 x 10.00 cms. dorsum of right hand.

Wound, lacerated, 1.2 cms, long, running transversely, dorsal aspect, proximal phalange left ring finger.

Trachea-bronchial tree, markedly congested and edematous with particles of foreign bodies found adhering to its mucosal walls and occluding the lumen of some smaller bronchial tubes.

Lungs are congested, moderately edema-tous and boggy with numerous peripheral empysematous blobs, exuding bloody froth on cut section.

Blood tinges pleural fluid amount to 300 cc. and 200 cc. found at right and left pleural cavities respectively.

Heart, almost empty of blood.

Brain and other visceral organs are markedly congested.

Stomach, half filled with few particles of sea weeds.

Cause of death: Asphyxia by submersion in water."

The evidence for the prosecution also shows that appellant Anatalio Lingao had previously threatened the scabs working inside the factory and warned them that their necks would be cut off if they continued as such.

Appellants denied the commission of the crime and interposed the defense of alibi.

Mauro Mancera claimed that from September 23, 1964 until the early morning of September 24, 1964 he was leading the picket line at the rear gate of the compound of the Filipino Pipe and Foundry Corporation, and that he never heard of the death of Jose Bello until he was arrested by the authorities.

Anatalio Lingao alleged that from 8:00 o'clock in the morning until 8:30 o'clock in the evening of September 23, 1964, he was at the picket line at the main gate of the company's compound at Coronado street; that afterwards he went home to sleep but had to go out again to bail out their companions who were detained at the municipal jail of Mandaluyong; that later, at about 11:00 o'clock in the evening of the said day, he talked to Cecilio R. Coronado, secretary of the barrio council of Hulo, Mandaluyong, asking the latter's help in securing bail bonds for his fellow strikers detained in jail; that thereafter he went home and slept; that he did not return anymore that night to the picket line; and that he came to know of the death of Jose Bello only when he was placed under arrest.

In their appeal, appellants reiterate their defense of alibi and in their effort to exculpate themselves from criminal liability assail the credibility of the prosecution witnesses by pointing out some alleged inconsistencies in their testimony. They also claim that the circumstantial evidence presented in this case is not sufficient to warrant a conviction.

While there is no eye-witness who testified to having seen appellants drown the deceased in the Pasig river, yet all the circumstances point to them as the perpetrators of this ghastly deed. Appellants were both leaders of the strike designed to paralyze the normal operation of the Filipino Pipe and Foundry Corporation, while the deceased was a

scab whose interest therefore was diametrically opposed to that of appellants. No other persons had a motive to kill the deceased except appellants. When last seen alive, appellants had grabbed the victim and were forcibly dragging him to a dark place. He was drowned in the Pasig river very near the place where appellants and their companions had grabbed him. From these circumstances, no other conclusion can be drawn but that appellants are responsible for the victim's death.

Regarding appellants' defense of alibi, the trial court correctly disregarded the same for there appears no physical impossibility on the part of appellants to reach the scene of the crime from the respective places they claimed to have been at the time of the commission of the crime. Thus, we quote with approval the apt observation of the trial court:

"Besides, it was easy for the two defendants to leave their respective picket lines or homes about 20 minutes past midnight of September 23, 1964, and reach within a couple of minutes the corner of Coronado and Blumentritt streets in a jeepney to pursue the victim Jose Bello and the other scabs. The accused Mauro Mancera admitted that his home is only about 1 kilometer from the corner of Coronado and Blumentritt streets and about 30 meters from the picket line at the rear gate of the compound; while the accused Anatalio Lingao stated that his house is about 40 meters from his picket line at Coronado street and Blumentritt street and about 10 meters from the picket line of the accused Mancera at the rear gate of the compound. The main gate of the compound is only about 50 meters from the corner of Coronado and Blumentritt streets, according to state witness Ernesto Poloyapoy."

Alibi, in order to be given full faith and credence, must be clearly established and must not leave any room for doubt as to its plausibility and verity.[2] With this requisite, the defense failed to comply.

Examining closely the alleged inconsistencies pointed out by appellants in their brief, We find that the same are not sufficient to impeach the credibility of the state witnesses as the infirmities indicated do not refer to vital points of the case.

The judgment, however, should be modified in the sense that instead of crediting Mauro Mancera with only one-half (1/2) of his preventive imprisonment, he should be credited in the service of his sentence with the full time during which he underwent preventive imprisonment if he agreed in writing to abide by the same disciplinary rules imposed upon convicted prisoners; otherwise, with four-fifths thereof.[3]

WHEREFORE, modified as indicated above, the judgment of the trial court is hereby affirmed in all other respects with costs against appellants.

SO ORDERED.

Fernando, (Chairman), Barredo, Antonio, and Aquino, JJ., concur.

[1] Exhibit "G"

[2] People vs. Salazar, 58 SCRA 467

[3] Article 29, Sec. 1, Revised Penal Code as amended by R. A. No. 6127

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.