

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
GAUDENCIO EMANENCE ALIAS GAUDENCIO AMANENSI ALIAS
GAUDENCIO RUBEN ALIAS GAUDENCIO RIVERA ALIAS ERNESTO
ANTICRISTO ALIAS GA...**

G.R. No. L-23106. September 21, 1982

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c5d40a4f7822/>

PER CURIAM:

Automatic review, pursuant to Section 9 of Rule 122 of the Revised Rules of Court, of a decision of the Court of First Instance of Davao, in its Criminal Case No. 8013, imposing the supreme penalty of "DEATH" on appellants Gaudencio Emanence (alias Gaudencio Amanensi, Gaudencio Ruben, Gaudencio Rivera, Ernesto Anticristo and Gaudin) and Crisanto Abella (alias Santos Odiong and Antong). The dispositive portion of said decision reads –

"WHEREFORE, the Court finds the accused Gaudencio Emanence and Crisanto Abella guilty beyond reasonable doubt of the crime of robbery with double homicide and frustrated murder defined and penalized under Article 294 of the Revised Penal Code with the aggravating circumstances of treachery, evident premeditation, nighttime, dwelling and disregard of the respect due the offended parties on account of age, with the mitigating circumstance of plea of guilty in favor of Gaudencio Emanence and without any mitigating circumstance as regard Crisanto Abella and hereby sentences BOTH TO DEATH, with the accessories of the law, to indemnify jointly and severally the heirs of the deceased Florentino Alonso in the amount of Six Thousand Pesos (P6,000.00), the heirs of Anicia Rivera likewise in the amount of Six Thousand Pesos (P6,000.00) and the heirs of both in the amount of One Thousand Fifty Pesos (P1,050.00), representing the amount robbed and to pay the costs."

The record discloses that at about 3:00 o'clock in the afternoon of January 14, 1963, the appellants Gaudencio Emanence and Crisanto Abella arrived in Sebusa, Municipality of Matanao, Province of Davao. They went straight to a Chinese store and drank beer. At about 5:00 o'clock, after drinking four bottles of beer each, they left the place and proceeded to another store where they bought two hats. Then they went to the house of the spouses Florentino Alonso and Anicia Rivera, the parents of their neighbor, Dionisio Alonso, in Blocon, Bansalan, also of Davao. At that time, the only persons in the house were the old woman, Anicia Rivera, and her 13-year old granddaughter, Brigida Alonso, daughter of Dionisio Alonso, who had been staying with the old couple. Knowing the appellants very well, Anicia Rivera welcomed them into the house. Appellant Emanence asked for food from Anicia and told her that they are very hungry as they just came from Malatibas. Anicia Rivera then directed Brigida to prepare food for them. At about 6:00 o'clock, after appellants had finished eating, Florentino Alonso arrived. After the usual greetings, appellants and the Alonso spouses engaged in a conversation. While thus conversing, Florentino Alonso was seated in a hammock which was in the sala, while Anicia Rivera was on the floor by the door of the room. Brigida Alonso sat on a bench near her grandmother. Appellant Abella seated himself beside Brigida on the bench. Appellant Emanence on the other hand, sat close to Florentino Alonso. Suddenly, Emanence stabbed Florentino Alonso, while Abella held the left wrist of Brigida and stabbed her on the upper chest. Seeing the attack on her granddaughter, Anicia Rivera went to her rescue, thus enabling Brigida to free herself from appellant Abella. Brigida immediately ran downstairs and shouted for help. Someone followed

her, reached for her by the back of her dress and stabbed her. Although wounded, Brigida still manage to run outside towards the direction of their neighbor Teteng, who was not there. She continued running and shouting "to the effect that there are robbers." At that moment, another neighbor, Remegio Ayunan, who was returning home after gathering tuba, heard the shouts. He directed his flashlight towards the place from where the shouts came from and saw Brigida disappearing in the coconut grooves. With the help of other neighbors, Remegio Ayunan searched for Brigida and found her later lying down near the stairs of the house of one Vicente Llado, bleeding. Brigida told them "that they were robbed by Antong and Gaudin (appellants herein)". Ayunan told his companions to bring Brigida to the hospital as he went to report the matter to the police authorities.

When the Chief of Police, Cornelio de la Rey, arrived at the place of the incident, he found the lifeless body of Florentino Alonso lying on the ground about 10 feet away from the house. Inside one of the rooms, he also found the dead body of Anicia Rivera with her dress pulled up. He noticed that the boxes were topsy-turvy and the trunks, opened. The children of the deceased spouses, Dionisio Alonso and Timotea Alonso, noticed that the money their mother usually carried around her waist was missing therefrom. The muni-cipal judge of Matanao, Mariano Tupas, who also arrived, instructed them to look around for the money, but they did not find it.

A post mortem examination of the bodies of the deceased spouses was conducted by Fausto Nacario, sanitary inspector and assistant to the municipal health officer who was then on vacation leave. The necropsy reports submitted by Nacario showed that Florentino Alonso sustained the following wounds:

"Stab wound - 1 inch over right temple

Incised wound - 1 1/2 inch left jaw, near corner of lips

Stab wound - 2 inches, over left nipple, penetrating

Stab wound - 2 inches, below last rib, penetrating

Stab wound - 1/2 inch, lower third, arm right

Stab wound - 1/2 inch, upper third, forearm right

Stab wound - 1 inch, above umbilicus, penetrating

Stab wound - 1 inch, middle third, left arm

Stab wound - 1 inch, upper third, left forearms

Incised wound - 1 inch, over scapula.

CAUSE OF DEATH: Hemorrhage due to multiple stab wounds" (Exh . A, p. 1, Folder of Exhibits)

while Anicia Rivera sustained the following:

"Stab wound - 3 inches, anterior, neck, cutting all structures inside

Stab wound - below nipple left, penetrating

Stab wound - 1 inch, lower third left forearm

Stab wound - 1 inch, lower third right forearm

CAUSE OF DEATH: Hemorrhage due to multiple stab wounds." (Exh . B, p. 2, Folder of Exhibits)

Brigida Alonso, on the other hand, suffered stab wounds at the chest and back and a laceration on her left arm which, barring complications, would require a healing period of about 4 weeks. (Exh . G, p. 10, Folder of

Exhibits).

On January 18, 1963, while still in the hospital, Brigida Alonso executed an affidavit narrating the incident of that fatal evening. In that affidavit, she identified the appellants herein as the assailants. (Exh. 1, p. 13, Folder of Exhibits)

On March 24, 1963, after a search of more than two months, appellants were arrested in Zamboanga. They were immediately brought to Matanao, Davao, where they were forthwith investigated in the office of the Chief of Police. Here appellant Emanence executed an affidavit (Exhibit C) admitting having killed the old man, Florentino Alonso.

Stripped of unnecessary details, the narration of appellant Emanence may be paraphrased thus: Long before the fatal day of January 14, 1963, Abella had been intimating to him a plan to rob somebody in Matanao. He told him that he would join him after the harvesting of corn in Malatibas. On January 13, 1963, a day before the fatal killing, while in the attic of the house of the father of one Adriano Otong in Malatibas, he, appellant Abella, and Otong finalized their plan to rob Florentino Alonso. The following day, however, Adriano Otong desisted because he was afraid their plan might miscarry, as they were only armed with Batangas knives. So, only appellants proceeded to Matanao. Arriving therein at about 3:00 o'clock, they first went to drink beer at a store, then bought two hats in another store. Thereafter, they proceeded to the house of Florentino Alonso. When they arrived there, only the old woman Anicia Rivera and her granddaughter, Brigida Alonso, were there. They asked for Florentino Alonso, but Anicia told them that he was still in the fields. Anicia told them to wait for him. While there, Abella told Emanence that he (Emanence), being of bigger physical built, should be the one to take care of Florentino Alonso, while he would take charge of the old woman and the child.

When Florentino arrived, appellants talked with him and the old woman in the sala. Emanence sat near Florentino, who was sitting in a hammock, while Abella sat beside the girl, Brigida, on the bench. Then Abella gave him a signal with the wink of an eye. So, he immediately stood up, took out his hunting knife and stabbed the old man three times. Abella also stabbed Brigida on her breast. When he noticed that Brigida ran to the door, he followed her, and overtaking her, stabbed her from behind. Afraid that the screams of Brigida might attract the neighbors, he stopped assaulting and pursuing her. He called for his companion Abella and together they scampered towards the river. From Matanao, Davao, they proceeded to Kidapawan, Cotabato, passing through Tuwak, Malawanit, Kialeg, and Bala, Davao. In Kidapawan, they stayed for two days at the house of one Onsot-Dalena. From there they went to Kabasalan, Zamboanga, passing through Pagadian, where the parents of Abella were then residing. (See pp. 3-4, Folder of Exhibits)

Abella also executed a sworn statement, Exhibit D, admitting that he killed Anicia Rivera; that he took from her, particularly from her waist, the sum of P1 ,100.00; that this sum was divided equally between him and the appellant Emanence, i.e., P550.00 to each; that he lost his share in gambling in the different town fiestas he attended; that he also stabbed the girl, Brigida Alonso; and that he also participated in the commission of another robbery in the Good Year Rubber Plantation. His statements dovetailed in all other respects with that of appellant Emanence. (See pp. 5-8, Folder of Exhibits)

On May 14, 1963, an information for robbery with double homicide and frustrated murder was filed against appellants. Upon arraignment, appellant Abella pleaded guilty to the charge of homicide but denied robbery and so the lower court entered for him a plea of not guilty. On the other hand, appellant Emanence unconditionally pleaded guilty to the whole charge. The lower court accepted the plea of appellant Emanence but decided to postpone rendering judgment on him in order that he, the judge, could still hear witnesses for the prosecution for the purpose of determining the degree of culpability of each of the accused. Trial was thereafter conducted.

After due trial, the trial court rendered the decision now the subject of this review.

Counsel de oficio for appellants has assigned three errors, allegedly committed by the trial court:

"ASSIGNMENT OF ERRORS

I

THE TRIAL COURT ERRED IN CONVICTING APPELLANTS OF THE CRIME OF ROBBERY WITH DOUBLE HOMICIDE AND FRUSTRATED MURDER DEFINED AND PENALIZED UNDER ARTICLE 294 OF THE REVISED PENAL CODE.

II

THE TRIAL COURT ERRED IN NOT ACQUITTING APPELLANTS ON SELF-DEFENSE.

III

THE TRIAL COURT ERRED IN CONSIDERING THE AGGRAVATING CIRCUMSTANCES OF TREACHERY, EVIDENT PREMEDITATION, NIGHTTIME, DWELLING AND DISREGARD OF THE RESPECT DUE THE OFFENDED PARTIES ON ACCOUNT OF AGE; AND IN NOT CONSIDERING THE MITIGATING CIRCUMSTANCE OF INCOMPLETE SELF-DEFENSE FOR BOTH APPELLANTS, ASIDE FROM THE MITIGATING CIRCUMSTANCE OF PLEA OF GUILTY IN FAVOR OF GAUDENCIO EMANENCE.

Upon a careful review of the record, We have become fully persuaded that the lower court did not commit the errors imputed to it.

The record is pregnant with substantial evidence which prove that appellants committed robbery. The extrajudicial confessions of both appellants, Exhibits C and D, show that they had premeditatedly planned to rob the house of Florentino Alonso. In his affidavit, Exh. C, Emanence expressly stated that "they planned of robbing Florentino Alonso" and Abella, in his confession, Exh. D, also stated expressly that "I took the money on the waist of the old woman while Gaudencio Emanence was looking on and then later ran away." The Chief of Police of Matanao declared when he investigated the place of the incident, he noticed the room where he found the dead body of Anicia Rivera was in a topsy-turvy condition, i.e., the boxes turned topsy-turvy and the trunks were opened. (Tsn, p. 107, Restauo) From these, he said that he immediately concluded that the motive of the killing of the deceased spouses was robbery. Added thereto, Dionisio Alonso, one of the children of the deceased spouses, declared that the day before the fatal incident, i.e., January 13, which was Sunday, he went to the house of his parents to pay them back the sum of P50.00 which he owed them; that his mother to whom he gave the amount immediately placed the same in a thin box where she usually kept her money and which she tied to a belt around her waist; that he knew that in addition to such P50.00, his mother had also at that time more than P1,000.00 which represented the proceeds of the sale of their corn and pigs; that he and his mother counted the money that very Sunday; and that when he searched the body of his mother after she was killed, he saw nothing around her waist. (Tsn , pp. 51-56, Restauo). Timotea Dionisio, another child of the deceased couple, also declared that the preceding day, January 13, she also visited her parents; that she knew her mother usually kept her money around her waist; that immediately prior to their killing, she had with her quite a sum of money, the proceeds from the sale of their corn and pigs; and that when she saw the dead body of her mother, she saw that the money tied around her waist was no longer there. (Tsn, pp. 133-137, Restauo) These, We believe sufficiently establish the charge of robbery against the appellants. The fact that no one actually saw the appellants take money or anything of value from the victims is of no consequence. This Court has already sustained a conviction for robbery with homicide upon the extrajudicial confessions of several accused to the effect that robbery was the

purpose of the crime and that a certain amount of money was taken by them from the trunk of the offended party. (See *People vs. Mones*, 58 Phil. 46)

Appellants' common claim of self-defense in their testimonies in court is unbelievable. Emanence testified that he had previously worked for the Alonso spouses in their corn fields; that said spouses failed to pay him in full; that he went to their house, together with Abella, on January 14, 1963 to collect from them; that when he demanded from Florentino Alonso his back wages, the latter got angry and told him not to hurry him up or else he would be thrown out of the window; that when he demanded what he meant by his remark, Florentino immediately drew his bolo from one of the posts of the house and struck him; that when he was attacked by the old man, he was forced to draw his own knife and stabbed the old man several times; that fearing that the old man might die from his wounds, he got scared and ran away. (TSN, pp. 194-195, Restauero)

On his part, Abella testified that he merely accompanied Emanence in going to the house of the Alonso spouses also to collect a certain sum of money; that when he saw Florentino Alonso attacked Emanence, he noticed that the deceased Anicia Rivera also got a bolo under her bed and attacked him, inflicting wounds on his breast and arm; that in the struggle that ensued, he succeeded in wresting the bolo from Anicia Rivera and used the same weapon upon her; that during the struggle, the young girl, Brigida Alonso, embraced him evidently in an attempt to prevent him from further assaulting her grandmother; that Brigida's act angered him more and impelled him to turn towards her, thus stabbing her. (TSN, pp. 154-161, Restauero)

The trial judge did not give credence to their testimonies purporting to prove self-defense. We agree with His Honor. Having seen the manner and demeanor of the witnesses during the trial, the matter of assigning values to their statements in court is within the better competence of the trial court. (*People vs. Catalino* , G. R. No. L-25403, March 15, 1968; *People vs. Narciso* , G. R. No. L-24484, May 28, 1968). We have not found in the record any compelling reason to disturb the above findings of the trial court. On the contrary, the more We went over the evidence, the more We could not avoid the conviction that the self-defense theory of appellants cannot be sustained.

Florentino Alonso was 65 years old, while the deceased Anicia Rivera, 63; Emanence was 23 years old, and Abella, 22. It is obviously improbable that the old couple could have been bold enough to attack the two appellants, who are in the prime of their ages and visibly armed with hunting knives. Moreover, deceased Florentino Alonso sustained ten (10) wounds and his wife, the deceased Anicia Rivera sustained five (5) wounds in various parts of their bodies. (See Exhibits A and A-1) The number and gravity of the wounds inflicted upon them which caused their instantaneous death belie appellants' theory of self-defense. Neither one of the appellants showed the court any mark of injury on their bodies.

Consistently with their assertion of self-defense, appellant Abella charged that the extrajudicial confession given by him was secured through threat and maltreatment. He declared that after they were arrested in Zamboanga, they were immediately brought to Matanao, Davao, to the office of the Chief of Police, where in the presence of said Chief of Police, the relatives of the deceased couple took turns in boxing him; that as a result of the maltreatment he received from them he become very weak; that because he still refused to sign the confession, he was brought one night to the house of the mayor of Matanao, Mayor Cesar de la Victoria, where the latter threatened to throw him out of the window and let the persons who had earlier assaulted him to drag him if he will not sign the confession; that one detention prisoner by the name of Eleno Jusay, saw that he had been maltreated inside the jail. (See TSN, pp. 166-171) Such assertion could not be true. His father was present during the investigation. He did not have himself examined by a doctor to determine the extent of the maltreatment inflicted allegedly on him. On the other hand, the relatives of the victims stoutly denied under oath that they laid their hands upon him. The Chief of Police of Matanao, Cornelio de la Rey, declared that there was never any instance

that the relatives of the victims were allowed to go near appellants. The Mayor of Matanao also declared that he had nothing to do with the execution of the confession of appellant Abella. The Municipal Judge of Matanao testified in court that he read and translated the contents of the confession before appellant Abella affixed his signature thereon. Even Eleno Jusay refused to testify for appellant, and instead, testified for the prosecution and asserted that he did not see any maltreatment done to Abella, nor had he noticed that said appellant was at any time during the period they were together in jail, in a weak condition. All these refute Abella's statement that he had been subjected to maltreatment or threat. We are inclined, therefore, to discard the maltreatment theory of appellant Abella.

Scrutinizing the confession, there is no sign therein of any suspicious circumstance tending to cast doubt upon its integrity; the answers given to the questions were responsive and informative. We are indeed satisfied that said confession was voluntary. Moreover, the confessions of both appellants are replete with details which only the declarants themselves could have known, which details have been corroborated in some respects by the evidence for the prosecution and by their own testimony in court. It is an old and familiar rule that a confession which is rich in details as to which the police could not be interested and which could have been known only to the persons making it, bears the earmarks of voluntariness. (See *People vs. Pulido*, 47 O.G. 4581)

As to the aggravating circumstances attending the crime committed by the appellants, We believe that there is in the present case treachery because the victims, the deceased spouses and Brigida Alonso, were suddenly attacked by the appellants with deadly weapons, without provocation and without opportunity on the victims' part to defend themselves; disregard of the respect due the victims on account of age, the deceased Florentino Alonso being 65 years of age at the time he was killed and his wife, Anicia Rivera, 63; evident premeditation because the extrajudicial confessions of the accused show clearly that the stabbing was previously planned; dwelling, because the crime was committed right inside the house of the deceased after abusing the confidence reposed upon them by said couple in welcoming them. The aggravating circumstance of nighttime should be considered absorbed in treachery.

With regard to the indemnity for death fixed by the lower court at P6 ,000.00, the same should be raised to P12,000.00. (*People vs. Pantoja* , G. R. No. L-18790, October 11, 1968)

WHEREFORE, judgment is hereby rendered affirming the decision under review with the modifications as to the civil liability just indicated.

Teehankee, Barredo, Makasiar, Aquino, Guerrero, De Castro, Melencio-Herrera, Plana, Escolin, Vasquez, Relova, and Gutierrez, Jr., JJ., concur.

Fernando, C.J., Concepcion, Jr., and Abad Santos, JJ ., voted for reclusion perpetua.

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.