

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ALEXANDER TILOS, JOSE DE LA TORRE ALIAS BLACKIE, ALIAS JOSE
DIAZ, SALING MAGBANUA, PAN-TALEON ARES, ET AL.,
DEFENDANTS, JO...**

G.R. No. L-27151. November 29, 1969

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c6f743dda2f7/>

PER CURIAM:

Automatic review of a death sentence passed by the Court of First Instance of Zamboanga del Sur (Pagadian) in its Criminal Case No. 1618.

The record before us is to the effect that Alexander Tilos, Sosing Gallego @ Ruam Fuentes, Jose De la Torre @ Blackie, @ Jose Diaz, Saling Magbanua, 3 John Does and Pantaleon Ares were charged with the crime of double murder, committed in the manner described as follows in the Amended Information (Record, page 31)

"That on 29 March 1960, at about 7:00 o'clock in the evening, in Manlabay, Municipality of Dumingag, Province of Zamboanga del Sur, Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named principal accused, armed with .45 caliber Pistol and .30 caliber Carbine Rifles, with intent to kill, treachery and evident pre-meditation; conspiring and confederating one another, did then and there willfully, unlawfully and felonious-ly attack and shoot with said firearms Francisco Calidquid and Felicidad Gomela, husband and wife respectively in their house, thereby in-flicting upon them mortal gunshot wounds on their bodies which caused their instantaneous deaths. The accused Pantaleon Ares is charged as an accomplice, his 'criminal participation is being deduced from contemporaneous acts evi-dencing actual participation in the criminal design'.

"CONTRARY TO LAW with the aggravating circumstances of (1) having committed the crime in the dwelling of the deceased; (2) that the crime was committed at night time to better accomplish their purpose; (3) that there was superior arms and strength and (4) that accused Jose de la Torre is a recidivist having been convicted for Homicide by the Court of First Instance of Negros Occidental."

When the case was set for arraignment, the prosecuting attorney moved for the discharge of accused Alexander Tilos for lack of evidence, and the motion was granted. Jose de la Torre and Pantaleon Ares, assisted by counsel de oficio (the others being still at large), appeared and the following developments took place, according to the decision itself:

"..... The Court apprised said accused of the consequences of their plea, the seriousness of the charge and the heavy penalty that may be imposed therefor. The said accused declared in open court that they understood the full import of their plea and are ready and willing to plead guilty to the charge. Thereupon the Court ordered said accused to be arraigned.

"Upon being arraigned, the accused Jose de la Torre and Pantaleon Ares, assisted by their counsel de oficio, each freely and voluntarily pleaded guilty as principal and accomplice respectively." (Record, page 39)

Upon their plea and the circumstances disclosed by the sworn state-ments made by the accused in their

confessions to the authorities, and which were attached to the initial complaint of the Chief of Police (Record, pages 3 and 9), as well as the autopsy reports (Record, pages 15 & 16) that Felicidad Gumila Calidquid died of severe-hemorrhage secondary to a gunshot wound entering her right cheek, near the mouth, and proceeding downward, without exit of the projectile, and that Francisco Calidquid in turn died from cerebral hemorrhage caused by a gunshot wound in the right temple near the right eyebrow, the court below found the accused de la Torre guilty as charged, with the four aggravating circumstances averred in the complaint and the mitigating circumstance of spontaneous plea of guilty, and sentenced him to death for the complex crime of double murder. Pantaleon Ares was found likewise guilty of double murder with the three aggravating circumstances, but, with the mitigation due to voluntary sur-render and plea of guilty, was sentenced to reclusion perpetua which said Ares did not appeal.

Both accused were further sentenced to pay jointly and severally P6,000.00 to the heirs of each of the deceased. Pursuant to law, the case of accused de la Torre was brought to this Supreme Court on automatic review.

After scrutinizing the record, counsel de oficio for accused de la Torre finds the decision of the court below correct and in conformity with law. Our own study coincides with that appreciation, specially since it is a well-established rule that a plea of guilty imports an admission of the presence of the aggravating circumstances alleged in the information.[1] There being four aggravating circumstances and the lone mitigating one of plea of guilty, the death penalty becomes mandatory.

It does appear, however, that the trial court erred in considering the killing of the spouses Calidquid as one complex crime. There is no showing that both were slaughtered by a single discharge of firearms. The husband being shot in the temple and the wife in the jaw, and the finding of the corpses in different rooms of the house, clearly establish that they were the victims of separate dis-charges, and that the accused committed two separate and distinct murders, for which he should be separately penalized.[2]

WHEREFORE, the decision under review must be, and hereby is, modified in that the accused is sentenced to death for each murder committed. Accused Jose de la Torre is further ordered to pay a civil indemnity of P12,000.00 [3] (instead of P6,000.00, as adjudged below) to the heirs of each of the victims, in addition to one-half of the costs.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Sanchez, Castro, Fernando and Teehankee, JJ., concur.

Barredo, J., did not take part.

[1] People vs. Egido, 90 Phil. 763; People vs. Llagas, L-5015, 31 May 1957; People vs. Floresca, L-8614, 31 May 1956.

[2] People vs. Layos, 60 Phil. 224; People vs. Alisub, 69 Phil. 362; People vs. Buyco, 80 Phil. 58; People vs. Macaso, 86 Phil. 272; People vs. Mortero, L-10948, 20 May 1960.

[3] People vs. Pantoja, L-18793, 11 Oct. 1968; People vs. Gutierrez, L-25372, 29 Nov. 1968; People vs. Buenbrazo, L-27852, 29 Nov. 1968; People vs. Lumantas, L-28355. 17 July 1969.

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.