

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. PEDRO DEL CASTILLO SR. AND PEDRO DEL CASTILLO JR., DEFENDANTS-APPELLANTS.*G.R. No. L-32995. April 30, 1984*

Ponente: RELOVA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c865214d9bf8/>**RELOVA, J.:**

About six o'clock in the evening of November 25, 1962, Sedesias del Castillo, Fernando Castromayor, Virgilio Palencia and Rizalino Patanao came from a drinking session in the house of one Badong in the municipality of Sara, Iloilo. Overtaken by a slight rain, del Castillo, Castromayor and Palencia, with the exception of Patanao, sought shelter in the house of Nene Emak where they saw Pedro del Castillo, Sr. who also took refuge from the rain. While waiting for the rain to stop a heated argument ensued between Fernando Castromayor and Pedro del Castillo, Sr. which resulted in a fist fight between the two, with the former getting the upper hand but coming out with a torn shirt. Sedesias del Castillo offered Castromayor his T-shirt following which the group proceeded home.

Upon reaching the crossing at Concepcion, Sara, Iloilo, Sedesias del Castillo told his companions to stay on the side of the road as there was a jeep coming from the rear at a fast speed. When the jeep driven by Pedro del Castillo, Jr. came abreast with the group who were walking in single file, it suddenly swerved and hit Sedesias del Castillo who was thrown about a meter away from where he was standing. Thereafter, Pedro del Castillo, Sr., with a blunt instrument, jumped down from the jeep and struck Sedesias at the back of the head. This was followed by two more stab blows in the neck.

Realizing that the person he had assaulted was not Fernando Castromayor, but his first cousin Sedesias del Castillo, Pedro Del Castillo, Sr. looked around and, upon seeing Castromayor nearby, ran after the latter but failed to overtake him. Meanwhile, Pedro del Castillo, Jr. upon realizing that the man he had ran over was his Uncle Sedesias, carried the latter in his jeep and brought him to Dr. Vicente Javellana, Rural Health Physician who examined the victim and found him to have suffered the following injuries:

"Lesions: (1) Stab wound about 3/4 in. long one inch deep below the left jaw, middle portion.

(2) Stab wound two in number 1/2 in. long one inch deep at the anterior margin of the sternocleidomastoid muscle behind the posterior angle of the right jaw.

(3) Contusion and swelling about a duck's egg in size at the right occipital region, near the hairline.

(4) Abrasion, right forehead and right clavicle extending to the right side up to the level of the 10th rib.

(5) Abrasion one inch diameter, left zygoma.

(6) Abrasion, left knee.

CAUSE OF DEATH: Shock, due to the above injuries." (p. 14, Record)

Pedro del Castillo, Sr., and his son, Pedro del Castillo, Jr. were charged with murder before the then Court of First Instance of Iloilo in Criminal Case No. 9624. After trial, upon their plea of not guilty, the trial court found them guilty as charged and sentenced each of them "to suffer the penalty of reclusion perpetua, to indemnify the heirs of the offended party in the sum of P12,000.00 without subsidiary imprisonment in case of insolvency and to pay the costs." (p. 11, Rollo)

The defense is denial and alibi. Accused-appellant Pedro del Castillo, Sr. admitted that he and Fernando Castromayor met in the house of Emak where they had heated discussion about inheritance. Castromayor was irritated at appellants intervention in the discussion and, as a consequence, he boxed appellant del Castillo, Sr. in the head. They grappled with each other and del Castillo, Sr. was able to hit back Castromayor who fell on the floor. Castromayor accused Sedesias of trying to take sides with Pedro del Castillo, Sr. but Sedesias explained that he was only trying to stop the fight. Castromayor warned Sedesias that time will come when he will pay for it. Thereafter, they were separated by the others present and they all went down to go home. When appellant del Castillo, Sr. arrived home at about seven o'clock in the evening he told his son, Pedro Jr., to dress up as they would go to the dance at the Sara Elementary School with Mayor Ricardo Zerrudo. With Pedro Jr. driving the jeep, both father and son proceeded to the house of the mayor who, with his wife, boarded the jeep and they all went to Sara Elementary School where the dance was being held. About nine o'clock in the evening, Pedro Sr. noticed a commotion in the street. He immediately notified Mayor Zerrudo about it and together they went to the place of the commotion and learned that something was going on inside the house of Jose del Castillo. They went inside and saw the body of Sedesias del Castillo lying on top of the table. Mayor Zerrudo inquired from Pat. Avellar what had happened and the peace officer replied that Virgilio Palencia had told him that Castromayor and Sedesias del Castillo had a quarrel which resulted in the death of the latter. Further, appellants argue that the theory of the prosecution is highly incredible in that it was improbable for appellant del Castillo Sr. not to have recognized his cousin Sedesias and to have stabbed him twice on the neck after turning him over on his face.

The appeal is devoid of merit.

1. The identity of appellant Pedro del Castillo, Sr. was clearly testified to by Virgilio Palencia who, at the time, was walking with Castromayor and the victim Sedesias del Castillo. Thus -

"Q While you were walking on your way do you remember if there was anything unusual that happened?

A Yes, sir.

Q Please tell us what it was.

A There was a jeep approaching from the rear with bright headlights.

Q Then what happened?

A Decias del Castillo said: 'Go to the side. That is the jeep of Nong Preking.'

Q After that what happened?

A When I saw the jeep when I turned to look, I saw that the jeep was approaching us. I jumped to the canal.

Q Then what happened?

A Sedecias del Castillo was bumped by the jeep.

Q And then what happened after this Decias del Castillo was bumped by the jeep?

A After he was bumped by the jeep, that was simultaneous with my flashing of my flashlight.

Q What did you see?

A I saw a person jump.

Q What did that person do?

A He jumped towards Sedecias and hit him.

Q Where did that man come from?

A From the jeep.

Q That same jeep that bumped Sedecias del Castillo?

A Yes, sir.

Q What did that man then do after he hit Sedecias del Castillo?

A After hitting him, he turned the body and stabbed him.

Q Were you able to see the body after it was hit by a jeep?

A Yes, sir.

Q What was its position?

A Face down.

Q That man who jumped from the jeep and hit Sedecias del Castillo and later stabbed him, do you know that man?

A Yes, sir.

Q Who is that man?

A Pedro del Castillo, Sr.

Q If that Pedro del Castillo, Sr. is in this courtroom, will you please point to him?

A (Witness pointing to the accused Pedro del Castillo, Sr.)

Q After Sedecias was stabbed by Pedro del Castillo, Sr., what happened?

A They ran after Fernando Castromayor.

Q Before Pedro del Castillo Sr. ran after Fernando Castromayor, was there any conversation between them?

A No, sir.

Q By the way, that jeep, where did that go?

A It turned about face.

Q And did you find out who was driving that jeep?

A Yes, sir.

Q Who was driving that jeep?

A Pedro del Castillo, Jr.

Q If that Pedro del Castillo, Jr. is inside this courtroom will you please point to him?

A (Witness pointing to Pedro del Castillo, Jr.)

Q After the jeep turned what happened?

A I faced this Pedro del Castillo, Jr. and told him, 'why did you not pity Toto Decias?'

Q What did he tell you?

A He said, 'Why, was it Uncle Decias?'

Q Then what happened?

A Then he said, 'If it is Uncle Decias, you help me, because I am going to bring him to the poblacion.'

Q So what did you do?

A So we helped the body of Sedecias, together with Rizalino Patanao.

Q Where did you bring the body?

A In the house of Nong Jose del Castillo.

Q In what place?

A In Sara, Iloilo, in front of the primary school.

Q Later, in the house of Jose del Castillo did you see any of the accused.

A Yes, sir.

Q Whom did you see?

A Pedro del Castillo, Jr., and Sr.

Q Do you remember if there was any conversation between either of the accused and you while in the house of Jose del Castillo?

A No sir.

Q And when you saw Pedro del Castillo, Sr. in the house of Jose del Castillo, did you notice his appearance?

A Yes, sir." (tsn., pp. 8-10, June 14, 1967 hearing)

2. In that argument and fight between Castromayor and Pedro Sr., the shirt of the former was torn. Sedecias del Castillo offered his own T-shirt to Castromayor and the latter accepted it. Thus, while they were on their way home, the deceased Sedecias del Castillo was mistaken by Pedro del Castillo, Sr., to be Fernando Castromayor and the vengeance of appellant was brought to bear upon his own cousin Sedecias.

3. There was conspiracy between appellants father and son to commit the crime as shown by the circumstance that immediately, after Pedro Jr. had bumped the deceased with the jeep he was driving, appellant-father jumped from the jeep and with a blunt instrument stabbed his victim twice on the neck. And, considering that appellants employed means which tended directly to especially ensure its commission without risk to themselves, the killing of the victim was qualified by treachery which whenever present in the commission of the crime should be taken into account whether or not the victim was or was not the same person whom they have intended to kill.

However, the trial court erred in considering nighttime as a generic aggravating circumstance. It is necessarily included or absorbed in the qualifying circumstance of treachery.

4. Under paragraph 20, Article 14 of the Revised Penal Code, motor vehicle would be an aggravating circumstance if the crime was committed by means thereof. There is no question that in this case this aggravating circumstance should be appreciated since the defendants used a jeep and it facilitated the commission of the crime. Therefore, the proper penalty should be death. But for lack of necessary votes, We have to impose the penalty of reclusion perpetua.

ACCORDINGLY, the appealed decision is hereby AFFIRMED, with the modification that appellants are ordered to indemnify the heirs of the deceased in the amount of P30,000.00. With costs.

SO ORDERED.

Teehankee, (Chairman), Melencio-Herrera, Plana, Gutierrez, Jr., and De la Fuente, JJ., concur.

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