

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
SANTIAGO AGUILA, DEFENDANT AND APPELLANT.***G. R. No. L-2464. May 18, 1951*

Ponente: JUGO, J.

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Santiago Aguila, Elias Aguila, and several others were accused before the Justice of the Peace court of Tiaong, Quezon Province, of the crime of kidnapping for ransom and serious illegal detention committed against Arsenio Gunda and Fausto Aguila. The Justice of the Peace, finding probable cause, forwarded the case to the Court of First Instance of Quezon Province, where two separate informations were filed, one against Eli as Aguila, and the other against Santiago Aguila and Jorge Rosales, for said crime. Inasmuch as the other defendants were still at large, they were not included in the informations. The two cases, being intimately related, were tried together. After the prosecution had rested, the court, on motion, dismissed the case against Jorge Rosales for insufficiency of evidence. Elias and Santiago presented their evidence. After the trial, each of these two was sentenced under Article 267 of the Revised Penal Code to reclusion perpetua, with the accessory penalties of the law, and to pay the costs. Both appealed. As the appeal of Elias Aguila in a separate case has already been disposed of, we shall proceed with the appeal of Santiago Aguila.

From the evidence introduced by the prosecution, the following facts are established:

Arsenio Escudero is the owner of a charcoal factory known as banobusan at the place called Villa Escudero, in the barrio of Lalig, Municipality of Tiaong, Quezon Province. While Arsenio Gunda and Fausto Aguila, godsons of Arsenio Escudero, were guarding the charcoal factory in the evening of December 22, 1946, a group of four individuals, namely, Santiago Aguila, Elias Aguila, Pedro Aguila, and one Sanoy, armed with a .45 caliber automatic pistol, a grease gun, a .38 caliber revolver, and a .45 caliber automatic pistol, respectively, arrived at said place and approached Gunda, asking him whether he and Fausto were armed. Gunda answered that they had returned their arms to the foreman. Santiago then, in a threatening attitude and pointing his .45 caliber automatic pistol at Gunda, ordered Gunda and Fausto to go away with them. Elias Aguila and Sansoy tied the hands of Gunda and Fausto. Fausto begged that he be not taken away but Santiago said that he would kill anyone, even his father or brother, who would thwart him.

Fausto Aguila is an elder brother of Santiago Aguila. Santiago was formerly working also for Escudero, but had been dismissed for misbehavior and breach of trust. During the Japanese occupation Santiago had a quarrel with his brother Fausto in regard to the rice plots allotted by Escudero to Fausto, during which Santiago challenged Fausto to a bolo duel. Fausto did not accept the challenge and yielded to Santiago's demand, giving him five rice plots instead of two. This incident shows the attitude of Santiago over Fausto. It should be considered in this connection that the purpose of Santiago was to obtain ransom from Escudero, using his brother as a tool to accomplish it, as will appear later herein.

Fausto and Gunda were taken to the house of Jorge Rosales, near the Factory, where Santiago prepared a letter

addressed to Escudero, signed by Gunda and Fausto, demanding ransom from Escudero in the sum of P7,000.00, with the warning that if Escudero refused, his two guards would be killed by their captors. Gunda and Fausto at first refused to sign the letter prepared by Santiago, but through intimidation, they signed it. As Fausto signed his Christian name only, because he did not know how to write his surname, Santiago himself wrote it. After the letter had been signed, Santiago ordered Rosales to deliver it to the foreman of Escudero, telling Rosales that should he fail to do so he would be liquidated.

Santiago and Elias Aguila, with their companions, left the house of Jorge Rosales taking with them Fausto and Gunda. They walked along the railroad track up to the place called Burol. Leaving Pedro Aguila behind, they boarded with the captives a truck that was traveling toward the barrio of Bantilan, boarded another which was going toward Pallian, where they got off and crossed a river. They boarded another truck for San Juan, Batangas. There they transferred to another truck bound for Pallokan, where Fausto and Gunda were left in the house of Alfonso Alas-as. In that house they were guarded alternately by Elias Aguila and Alfonso Alas-as who were armed with a grease gun and a .38 caliber revolver, respectively.

On December 23, 1946, Arsenio Escudero received the first ransom note bearing the signatures of Arsenio Gunda and Fausto Aguila, but he ignored it. Santiago wrote another letter signed "Huks" increasing the ransom to P50,000,000. This letter was received by Escudero on December 29, 1946, but he paid no attention to it. Santiago wrote a third letter reducing the amount demanded to the original sum of P7,000.00, which letter was received by Escudero between the second and fourth day of January, 1947. Likewise, he did not heed this letter.

Gunda and Fausto were detained in the house of Alas-as for thirteen days, after which they were released by Santiago, with the warning that they should not reveal what had happen to them to anybody, otherwise they would be shot. Fausto and Gunda proceeded directly to San Pablo City where they reported the matter to a son-in-law of Escudero. The authorities were advised of it. Gunda and Fausto who testified to the above facts were characterized by the trial courts as "sincere and candid" witnesses, who narrated the events "with candor and lack of artificiality".

The handwriting in the ransom letter is similar to that in Exh. F, which was a letter written by Santiago to Arsenio Escudero before the occurrence of the crime. For this reason, Santiago was arrested at San Pablo City on January 7, 1947. During the investigation Santiago made a statement, Exh. H, in which he admitted that Gunda and Fausto had been kidnapped by him and Elias with other companions, but claimed that the kidnapping was made upon the request of Gunda and Fausto themselves in order to get some money from their employer Arsenio Escudero. In said statement, which was sworn to before the Justice of the Peace of Tiaong, Quezon Province, Santiago admitted that he was the author of all the ransom letters. During his detention in the provincial jail of Quezon Province, Santiago wrote a letter dated January 19, 1947, to Rosario Escudero, wife of Arsenio Escudero, repeating what he had said in his affidavit, Exh. H, and begging her pardon for what he had done. Aside from the admission of Santiago as the author of said letters, we have the testimony of Gunda and Fausto to the same effect, and, in addition, the opinion of Felipe Logan, handwriting expert of the National Bureau of Investigation, who studied and compared the letters in question with documents admitted to have been written by Santiago, reaching the conclusion that the incriminating letters are in the handwriting of Santiago.

Elias Aguila, the co-conspirator of Santiago, was arrested in San Juan, Batangas, on January 20, 1947, by Agent Bel vis accompanied by some policemen, who found in Elias' possession a grease gun which, according to Gunda, is the same grease gun used by Elias Aguila while guarding him and Fausto in the house of Alfonso Alas-as. When Elias was investigated he made a statement, Exh. L, in which he admits having been one of the authors of the kidnapping and detention, adding that "two weeks after Fausto and Arsenio were kidnapped, I sent for Santiago Aguila to come to my place. I sent Sanoy to fetch for him and he arrived thereafter. Upon his arrival he

asked me why I called for him and I answered that I did not like the affair anymore and to take the two victims away from my place." The two victims were then released.

The contradictions pointed out by the appellant do not affect the essential facts and they are such contradictions as may be committed by honest witnesses in regard to unimportant details which are hard for anybody to remember.

The appellant argues that it is incredible that the captors would go through several places, including towns, and boarding several buses in carrying their captives. There is nothing strange in this, in view of the prevailing conditions in regard to peace and order in the country, where the malefactors feel safe when they are armed. This must be an aftermath of the war.

The theory of the defense that the kidnap was instigated by the same victims, Gunda and Fausto, in order to obtain money from Escudero is unbelievable and fantastic. If the victims themselves were the one who framed-up the kidnap, why should they have charged Santiago and Elias, who were relatives of Fausto, instead of attributing the crime to unknown persons? Gunda and even Fausto, notwithstanding the quarrel with his brother, could have had no sufficient motive to accuse the defendants of such a serious offense after the latter had helped them in their attempt to get money. The uncorroborated story of the defendants cannot counteract the straightforward testimony given by the witnesses for the prosecution, reinforced by direct and circumstantial evidence and the nature of things. Furthermore, the trial Judge who saw and heard the witnesses, found those of the prosecution, as above stated, candid and sincere.

The claim of the appellant for amnesty under Proclamation No. 76 has already been declared without merit by this Court.

In view of the foregoing, the judgment appealed from is affirmed, with costs against the appellant.

It is so ordered.

Paras, C. J., Feria, Pablo, Bengzon, Padilla, Tuason and Montemayor, JJ., concur.

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