

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SILVESTRE MATE Y ABAD, DEFENDANT-APPELLANT.

G.R. No. L-34754. March 27, 1981

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/cbbf0a6bab90/>

PER CURIAM:

On November 16, 1971, an information was filed with the Circuit Criminal Court of Rizal against Silvestre Mate y Abad, John Doe alias "Ben Almine Bohol", Peter Doe alias "Oscar" and Henry Doe alias "Doro" for the crime of Kidnapping For Ransom With Murder and Frustrated Murder, to wit:

"That on or about the 1st day of November, 1971, in the Municipality of Makati, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the abovementioned accused, with evident premeditation, conspiring and confederating together and mutually aiding one another did, then and there wilfully, unlawfully and feloniously and for the pur-pose of kidnapping Susan and Lynn Butler to extort ransom, enter the premises of the Butler residence at No. 15 Ipil Road, Forbes Park, Makati, Rizal, and while the accused was in the guesthouse inside the But-ler compound, Martina Caldoza, a maid of the Butlers, surprised the accused in the guesthouse and with in-tent to kill, treachery and use of superior strength, the accused did, then and there wilfully, unlawfully and feloniously hit her on the head with the shotgun they were then provided stab her on the back several times with a screw driver, thereby inflicting upon said Martina Caldoza mortal injuries which directly caused her death; thereupon, the accused in pursuance of their conspiracy and criminal design and upon see-ing Mrs. Caroline Butler approaching the guesthouse where they were positioned, with the same intent to kill, treachery and while the victim Mrs. Butler was fleeing for help, did, then and there wilfully, un-lawfully and feloniously shoot her with the same firearm hitting and inflicting upon the vital parts of her body gunshot wounds, thus the accused' perform-ing all the acts of execution which would produce the crime of murder as a consequence, but which neverthe-less, did not produce it by reason of causes inde-pendent of the will of the accused, that is, due to the timely and able medical attendance rendered to Caroline Butler which prevented her death; the said accused, still pursuing their criminal intent, design and conspiracy, did, then and there wilfully, unlaw-fully and feloniously hold her and threatened to kill her for the purpose of extorting ransom of P25,000.00 from her parents to which demand only P15,000.00 was produced which the accused received and carried away together with the kidnap victim Suzie Butler to Botolan, Zambales." [1]

The case was set for arraignment on November 20, 1971. On the said date, the following proceedings took place:

"ATTY. GALVAN

I am appearing for the accused as counsel de officio, Your Honor. Your Honor, I have con-ferred with the accused, Your Honor, and I informed him of the nature of the charges against him and inquired from him if he had a counsel and he told me that he has no coun-sel. I informed him of his constitutional rights and also the probable penalty of the charges against him. The accused says he is ready for arraignment.

"FISCAL MELENDRES

I am appearing for the prosecution, Your Honor.

"COURT

Arraign the accused. (The Court's Deputy Clerk of Court reads the information to the accused and it was duly interpreted to him.)

"CLERK OF COURT

The accused enters a plea of GUILTY, Your Honor.

"COURT

Q Are you aware of the consequence of your act that whenever an accused will plead guilty, he will be punished in accordance with the law?

A Yes, Your Honor.

Q And that you might be punished with death?

A Yes, Your Honor.

Q Did you ask your mind and ask your conscience and searched your soul with respect to the consequence of your act?

A Yes, Your Honor.

Q And you made that soul searching from the time that you were arrested by the police?

A Yes, Your Honor.

Q Notwithstanding that, you are now ready to receive whatever penalty that may be imposed upon you by the law?

A Yes, Your Honor."[2]

Immediately, thereafter, the trial court promulgated a decision, convicting the accused of the crime charged in the information, the dispositive portion of which reads, as follows:

"WHEREFORE, in view of the spontaneous and voluntary confession of guilt of accused Silvestre Mate y Abad, the Court finds him GUILTY beyond reasonable doubt, of the crime of Kidnapping for Ransom with Murder and Frustrated Murder under Article 267 of the Revised Penal Code, as charged in the information, and hereby sentences him to suffer the supreme penalty of death, to indemnify the heirs of the deceased Martina Caldoza the amount of P12,000.00, to pay the amount of P20,000.00 as moral damages and P10,000.00 as exemplary damages, to pay Mrs. Caroline Butler the amount of P25,000.00 as exemplary damages, and to pay the costs."[3]

x x x x x x x x

Subsequently, the trial court conducted hearings for the reception of the prosecution's evidence. The prosecution presented as witnesses T/Sgt. Orlando D. Acierto, PC Investigator, stationed at Camp Conrado T. Yap, Iba, Zambales, Catalino Manipon, CIS Agent-Investigator, Manolo Dizon, police investigator, Makati Police Department, Capt. Roman P. Madella, Commander of the 162nd PC Company, at Camp Conrado T. Yap, Iba, Zambales, Dionisio Bengzon, Chief of Security at Forbes Park, Dr. Orlando V. Salvador, the physician who conducted the autopsy on the body of the deceased, and Remy Macaspac, Patrolman, Makati, Police Department and a number of documentary evidence.

The evidence disclosed the following facts:

At about 11:00 p.m. of October 31, 1971, accused Silvestre Mate, together with Albino (Ben) Bohol, gained

entrance into the yard of Mr. Charles Butler at No. 15 Ipil Road, Forbes Park, Makati, Rizal. They stayed in the guesthouse within the yard until the morning of November 1, 1971. At about 7:30 a.m., Mate noticed a man and a woman approach the guesthouse, but they did not enter. About thirty minutes later a woman entered the guesthouse. Mate and Bohol were hiding and watching her movements. Later, both Mate and Bohol approached the woman, who turned out to be the victim, Martina Caldoza. Martina, surprised and afraid upon seeing the two, shouted for assistance. Mate held Martina, trying to stop her from shouting. At that moment Ben Bohol hit Martina on the head with the handle of the shotgun. When Martina became uncon-scious and fell, Ben Bohol stabbed her twice at the back with a screwdriver. Mate and Bohol brought the woman to the bathroom of the guesthouse where Ben Bohol again repeatedly stabbed her until she died.

Five minutes afterwards, Mrs. Butler approached the guesthouse as if looking for something. Mate who was watching the movement of Mrs. Butler, pointed the shotgun at her and told her not to shout. Mrs. Butler, surprised and afraid, shouted for help and tried to run away. Mate shot her at the back with the shotgun. Mate, then, proceeded hurriedly, through the kitchen, into the house of the Butlers. He ordered a woman he met inside the house to accompany him to the bedroom. Inside the bedroom, Mate saw Suzie Butler who accompanied Mate inside one of the rooms.[4]

When the police authorities came, they surrounded the place, and Mate held Suzie Butler as a hostage inside the locked room. The uncle of Suzie tried to negotiate with Mate for the release of Suzie. Mate stated that he wanted to talk with newspaperman Ruther Batuigas. Batuigas was allowed to enter the room bringing with him food. The uncle of Suzie was also allowed by Mate to enter the room. They negotiated for the amount of ransom money needed to release Suzie. Mate eventually accepted P15,000.00 provided he would be brought by helicopter to his desired place for escape. The police officers agreed. About 3:00 p.m. of the same day, Mate, Suzie, her uncle, and Batuigas rode the helicop-ter that had been provided and they were all flown to Botolan, Zambales. They landed in Pulong Bato, Botolan, Zambales, at about 5:30 p.m. of November 1, 1971. The P15,000.00 was given to Mate by the uncle of Suzie and Suzie was released. Mate remained, while the group left in the same helicopter.[5]

Dr. Orlando V. Salvador conducted the autopsy on the body of the victim Martina Caldoza y Cagadoc and prepared the Necropsy Report, as follows:[6]

"Postmortem Findings

"Pallor of integuments and nailbeds.

"Ligature marks around ankle, bilateral, 18 x 0.5 cm.

"Abrasions: lower lip, region, left, 2.5 x 1.5 cm.; 3 x 2.5 cm.; knee, right, antero-lateral aspect, 2 x 1.5 cm.

"Contused-abrasions, purplish-red: infra orbital region, left, near base of nose, 2 x 0.5 cm., lips, moutaneous portions: upper lip, right half, 2.6 x 1 cm.; lower lips, almost entire por-tion, 6 x 1.5 cm.

"Hematoma, scalp, fronto-parietal region, bilateral.

"Lacerated wound, parietal region at vortex, along sagittal line, 6 cm. long.

"Fracture, linear, parietal and occipital bones along sagittal line.

"Stab wounds: (1) Chest, anterior aspect, left side, 6.5 cm. from anterior midline, left side, 6.5 cm. from anterior midline, level of the 2nd intercostal space along midclavicular line, oriented obliquely, 1.1 cm. in size elliptical in shape, edges clean-cut, both extremities sharp, directed downwards, backwards and medially, penet-rating the thoracic cavity thru the 2nd ICS, per forating the upper lobe of lung, with an approximate depth of 12 cm.;

(2) Chest, right, anterior aspect, 2.5 cm. from anterior midline, level of the 3rd ICS along paras-ternal line, oriented obliquely, elliptical in shape, 1.0 cm. in size, edges clear cut, both extremities sharp, directed backwards, upwards and from right to left, penetrating the thoracic cavity thru the 3rd ICS along parasternal line, perforating upper lobe of right lung, thru the right auricle of heart, with an approximate depth of 11 cm.;

(3) Chest, left, anterior, 2.3 m. from anterior median line, level of the 4th rib along left paras-ternal line, oriented obliquely, 0.8 cm. in size, elliptical in shape, edges clear cut, both extremities sharp. Directed backwards, upwards and medially involving only skin and soft tissues, non-perforating, with an approximate depth of 2.5 cm.;

(4) Back, intrascapular region, left, 6.0 cm. from posterior midline, level of the 5th ICS, oriented almost vertically, 0.8 cm. in size; elliptical, edges clear-cut, both extremities sharp, directed forwards, upwards and medially, involving only skin and soft tissues, non-perforating, with an approximate depth of 3.0 cm.;

(5) Back, right, vertebral region, 2.0 cm. from posterior median line, level of the ICS, along right paravertebral line, oriented obliquely, 1.0 cm. in size, elliptical, edges clear-cut, both extremities sharp, directed forwards slightly upwards and medially, involving skin and soft tissues, non-perforating, with an approximate depth of 3.0 cm.;

(6) Back, infrascapular region, right, 10.5 cm. from posterior median line, level of the 7th ICS along midscapular line, oriented horizontally, 0.8 cm. stellate in shape, edges clear-cut, extremities are sharp, directed forwards, upwards and slightly medial, penetrating the thoracic cavity thru the 7th ICS, perforating the lower lobe of lung, right, with an approximate depth of 10 cm.;

"Punctured wounds:

(1) Chest, right, anterior aspect, 3.0 cm. from anterior midline, level of the 2nd rib along parasternal line, 0.3 x 0.2 cm. in size, roughly oval in shape, directed backwards, downwards and medially involving only skin and soft tissues, non-perforating, with an approximate depth of 2.0 cm.'

(2) Back, scapular region, right side, 7 in number, dispersed in an area of 18 x 14 cm.; average size of which is 0.6 cm. all directed forwards, slightly upwards and medially, non-perforating, with an approximate depth of 2.0 cm.

"Meningeal hemorrhage - subarachneidal, parietal lobe, bilateral minimal.

"Hemothorax - left, 600 cc.; right, 1000 cc.

"Brain and visceral organs, pale.

"Heart - contains dark fluid blood.

"Stomach - contains mall amount of yellowish fluid materials.

"CAUSE OF DEATH: Stab wounds of chest and back. Skull fractured with meningeal hemorrhage, traumatic, contributory."[7]

The other victim, Mrs. Caroline Butler, who was shot with a shotgun, suffered gunshot wounds in vital parts of her body, which injuries would have been sufficient to cause her death were it not for the timely and able medical attendance of her doctor.[8]

Mate went to the house of Mr. Juan Dizon at Pulong Bato, Botolan, Zambales, where he stayed the night of November 1, 1971. At about 3:00 a.m. of November 2, 1971, Mr. Dizon woke up Mate and brought him to Sitio Paitan, because Mate would be arrested by the BSDV. In a small hut at Sitio Paitan, Mate was arrested by the PC.[9]

Capt. Roman P. Madella of the 162nd PC stationed at Iba, Zam-bales, led the group that apprehended Mate. They recovered money from Mate to the amount of P13,553.00. A shotgun was also recovered.[10]

When investigated, Mate voluntarily made his extra-judicial statements contained in Exhibit "A".[11] On November 3, 1971, Investigator Catalino Manipon of the CIS investigated Mate. Mate again voluntarily gave his extra-judicial statements contained in Exhibit "B".[12] In Exhibit "B", Mate revealed the brown suitcase he brought to the Butler residence containing things needed to com-mit the crime. He also revealed his well prepared plan to kidnap the children of the Butlers for ransom.[13] Police Investigator Manolo Dizon corroborated Mate's Confession about the brown suit-case containing things to be used in the crime when Dizon testified that said brown suitcase, together with its contents, was recovered from the scene of the crime.[14]

Before Patrolman Remy Macaspac of the Makati Police Force, Mate again voluntarily executed his extra-judicial confession Exhibit "J".[15] Exhibit "J" contains a detailed narration of how the crime was planned and committed, and its contents substantially are in harmony with the narration of Exhibits "A" and "B".

Long after the accused Mate had been convicted by the trial court in this case in 1971, he testified on May 7, 1973 as a wit-ness for the prosecution against his co-accused in the crime, Albino Bohol. Mate affirmed the same narrations of events contained in his extra-judicial confessions Exhibits "A", "B" and "J", and even elaborated on them.[16]

The defense contends that the trial court committed a serious error in rendering judgment of conviction immediately after Mate had pleaded guilty to the crime charged on the basis of his plea of guilty and before receiving any evidence. While the trial court committed an error in rendering judgment immediately after the ac-cused had pleaded guilty, and, thereafter, conducted hearings for the reception of the evidence for the prosecution, such an irregu-larity, is insufficient to justify the setting aside of the judg-ment of conviction, considering that it is supported by the judi-cial and extra-judicial confessions of the accused and by other evidence. Thus, in the case of *People vs. Dumdum*, [17] this Court held:

"The trial court committed an irregularity in pronouncing judgment on the two accused in open court immediately after they had pleaded guilty and then later on requiring the prosecution to present evidence.

"However, the irregularity does not justify the setting aside of the judgment of conviction which is supported by the judicial and extrajudicial confessions of the accused and other evidence." [18]

The defense questions also the failure of the state prosecutor Cornelio Melendres to make a formal offer of his exhibits, although they have been marked and identified. Such an oversight appears trivial because the entire evidence for the prosecution is recorded. Even without the exhibits which have been incorporated into the records of the case, the prosecution can still establish the case because the witnesses properly identified those exhibits and their testimonies are recorded.

Exhibits "A", "B", and "J" are all admissible against Mate because it appears with clarity that he voluntarily and sponta-neously gave those narrations without compulsion from anybody. In fact, x x x when he testified against Ben Bohol he affirmed those narrations again.

This Court cannot give much credence to the possible mental aberration or abnormality of the accused Mate just because he nar-rated with elaborate details the execution of the crime. On the contrary, We believe that the narration of the accused showed he possessess above average intelligence and a rather keen recollec-tion. Mate even described how he planned to commit the crime, reciting the details in a thorough manner. His actual execution of the crime and manner of escape showed cunning and perception. The argument that no sane person would voluntarily confess to a crime realizing that he would surely face death, deserves but scant consideration,

for if We give weight to the same, all voluntary confessions should be presumed as emanating from insane persons, contrary to the general presumption of sanity of a person. The conscience of a man can overwhelm his love of life.

WHEREFORE, the decision of conviction being in accordance with law and the evidence, is hereby AFFIRMED in its entirety, with costs.

SO ORDERED.

Teehankee, Makasiar, Concepcion, Jr., Fernandez, Guerrero, Abad Santos, De Castro, and Melencio-Herrera, JJ., concur.

Barredo, J., votes with J. Aquino in his concurring opinion.

Fernando, C.J., did not take part.

[1] pp. 1-2, Original Records, CCC-VII-955-Rizal.

[2] t.s.n., November 20, 1971, pp. 3-6.

[3] t.s.n., November 20, 1971, p. 6.

[4] pp. 1-2, Exhibit "A".

[5] pp. 2-3, Exhibit "A".

[6] pp. 33-37, t.s.n., December 21, 1971.

[7] Exhibit "G".

[8] pp. 78-79, Original Record, CCC-VII-955-Rizal.

[9] p. 6, Exhibit "J".

[10] pp. 2-7, t.s.n., December 21, 1971.

[11] pp. 2-14, t.s.n., December 9, 1971.

[12] pp. 15-35, t.s.n., December 9, 1971.

[13] pp. 8-11, Exhibit "B".

[14] pp. 35-48, t.s.n., December 9, 1971.

[15] pp. 3-5, t.s.n., December 22, 1971.

[16] pp. 2-65, June 14, 1973.

[17] L-35279, July 30, 1979, 92 SCRA 198.

[18] See also *People vs. Villacores, et al.*, L-35969, May 16, 1980.

6 pt 6 pt 0 3

CONCURRING OPINION

AQUINO, J.:

I concur in the imposition of the death penalty. The accused committed three separate crimes. With respect to Susan Butler, the accused is guilty of kidnapping for ransom for which the penalty is death.

For the killing of Martina Caldoza, he is guilty of the separate crime of murder for which the penalty is reclusion perpetua.

For the assault on Caroline Butler, the accused is guilty of frustrated homicide. The penalty imposable on him for that crime is six years of prision correccional as minimum to ten years of prision mayor as maximum.

But since the accused did not appeal, the penalties for the other two offenses cannot now be imposes upon him.

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.