

**PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
SALVADOR SAGAYNO, ET AL., DEFENDANTS AND APPELLANTS.***G.R. No. L-15961-62. October 31, 1963*

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/d1591c7e9a80/>**PADILLA, J.:**

Salvador Sagayno, Leoncio Sagayno, Inciong Mendez and Primo Tabanao are charged with the crimes of frustrated homicide and murder (Criminal Cases No. 4348 and 4349 of the Court of First Instance of Davao).

After joint trial held by agreement of the defendants and prosecuting attorney, the Court rendered judgment finding the defendants guilty of the crimes charged in the informations and sentencing each and everyone of the defendants in Criminal Case No. 4348 to an indeterminate penalty of not less than two (2) years, four (4) months and one (1) day of prison correccional and not more than eight (8) years and one (1) day of prison mayor; to indemnify jointly and severally the offended party in the sum of P248.00; and in crim. case No. 4349, to life imprisonment (reclusion perpetua); to indemnify jointly and severally the heirs of the deceased Tranquilino Megalbin in the sum of six thousand (P6,000.00) pesos, without subsidiary imprisonment in case of insolvency; and in both cases to pay the costs.

From the verdict and sentence, the defendants had appealed to the Court of Appeals which forwarded the cases to this Court, the appellate jurisdiction being vested in to the latter Court under section 17 of the Judiciary Act of 1948, as amended. On 10 February 1960, appellant Salvador Sagayno wrote a letter dated 8 February 1960 praying for leave to withdraw his appeal in both cases which was granted.

The evidence for the prosecution shows that from 1952 to August 1956 Jesus Dionaldo, Tranquilino Megalbin, Salvador Sagayno and Leoncio Sagayno were good friends. In August 1956 the friendly relation of Dionaldo and the Sagayno brothers (Leoncio and Salvador) became strained due to a rivalry between Dionaldo and Leoncio Sagayno who both fell in love with Consejo Vequilla. Dionaldo claimed that she was his sweetheart and that they were engaged to be married. Because of the advice of Inciong Mendez and Primo Tabanao, her cousin-in-law, who both preferred Leoncio Sagayno, because Dionaldo was lazy, drunkard, irritable, had no work and relied upon his parents for support, Consejo cooled off and headed for a change for the better. On one occasion in barrio Katipunan, Leoncio Sagayno told Dionaldo to stop courting Consejo if he still wanted to live. Dionaldo answered that he was in love with Consejo and as he started to walk home the four (Sagaynos, Mendez and Tabanao) who were together derided him and threw stones at him. On another occasion, at about 4:00 o'clock in the afternoon of 19 December 1956, while the four defendants were conversing in a volleyball court, Dionaldo and Megalbin arrived and asked Tabanao why he insulted them (Dionaldo and Megalbin) in the presence of Consejo Vequilla by telling her that they (Dionaldo and Megalbin) are jobless, irritable and drunkards who could not support a wife. Tabanao said that as a relative he had the right to give advice to Consejo. This angered Dionaldo who challenged Tabanao to a fight but when the former saw the latter's three companions, he (Dionaldo) desisted from it and instead asked Leoncio why did he grab Consejo from him (Dionaldo). Leoncio answered that there was nothing wrong with it both being bachelors, and added that as his sweetheart he had already kissed her. Inciong Mendez

butted in saying that as both of them were single, Consejo had the right to make her choice and the fact that she accepted Leoncio's proposal showed that she disliked him (referring to Dionaldo), to which remarked Dionaldo angrily retorted "Leche kamo, as long as I am alive no one could take the hand of Consejo". When they (Dionaldo and Megalbin) started to leave the place the four defendants hooted at them. On 22 December 1956, at 6:00 o'clock p.m., Jesus Dionaldo, together with Martin Villanueva, Antonina Virana and his uncles, was in his house in barrio Tulugan, Padada, Davao. Dionaldo, Villaluna and Virana left the house to go to the house of Nicolasa Vequilla to attend the last day of prayer for her deceased child. On their way, they met Tranquilino Megalbin and Raymundo Virtuso who were also invited by Antonina Virana. When they reached the yard of Agapita Virana's house, Salvador Sagayno and Consejo Vequilla joined them. Upon reaching an artesian well (Point 2-G of Exh. "2") Dionaldo asked Salvador Sagayno whether it was true that he had threatened to kill him. Salvador assaulted with his fist but the latter parried the blow and retaliated hitting the former. Upon arrival at the house of Nicolasa Vequilla, at about 8:00 o'clock that evening, Dionaldo, Virtuso, Megalbin and the rest of the group stood in the yard. Nicola's daughter was busy serving food to the other guests in the temporary shed (camalig) constructed near the house and lighted with a potromax lamp. After taking supper, the group went up to greet the owner of the house before the prayer started while Dionaldo and Martin Villaluna remained in the yard. Later on, Dionaldo saw Salvador Sagayno, Leoncio Sagayno, Primo Tabanao and Inciong Mendez each armed with a cane and knife tucked on their waists. Inciong Mendez went up the house to light his cigarette and came down to the shed where he played a game of "turneyo". Shortly thereafter, Salvador Sagayno and Primo Tabanao disappeared leaving the two, Leoncio Sagayno and Inciong Mendez. Heeding a call of nature, Villaluna, Dionaldo and Megalbin went one after the other to different places not far from the house and there while passing water they heard someone shout "horas na" (meaning this is the time), and turning his face back to where the shout came, Dionaldo saw Salvador in the act of stabbing him on his back (right posterior axillary line) and wounded him on the left infra clavicular fossa. Primo Tabanao clubbed Megalbin with a "bahi" cane in his face (near the right ear) and stabbed him with a knife. As Dionaldo faced his adversary (Salvador) he saw Inciong Mendez and Leoncio Sagayno club Villaluna. Leoncio Sagayno stabbed and wounded Dionaldo at the right posterior axillary line below the last rib and Tabanao stabbed him in the middle line of his buttocks and right arm (right axillary region). When Dionaldo was running down the hill to escape, Inciong Mendez inflicted a gaping wound in his abdomen and as a result he fell flat and prostrate on the ground face sideward; and surrounding Dionaldo, the defendants clubbed him on his back. Leoncio Sagayno then said; "We will leave him maybe he is already dead." After the defendants had left their victims, Dionaldo wounded and holding his protruding intestines crawled towards the house of Nicolasa Vequilla where he met Benjamin Deniega and asked to help him but Deniega refused saying that at any rate he (Dionaldo) was going to die. Raymundo Virtuso approached to help but when he saw three persons coming towards him he ran away and hid in a banana grove and remained there until the defendants left when he went to a cornfield. While in this place he saw Megalbin who asked to help him. Virtuso helped as requested by Megalbin but the latter fell down and after a while died in the arms of the former. He went to his house to inform Fausto Alejandro, a cousin of Megalbin, of the latter's death.

The cadaver of Megalbin was left in the hillside of Tulugan where it was examined the next day. The postmortem examination conducted by Dr. Cenedicto H. Torres, then municipal health officer of Padada, Davao, on the cadaver of the deceased shows:

FINDINGS:

- Lying on his back.
- Rigor Mortis just beginning to set in. Slight rigidity from head to foot.
- Lividity on the entire back portion.

- Contusion at the right cheek or at the Maxillarybone. With slight swelling about 1—½ inch in circumference.
- Lacerated wound, 2 inches in length slanting to the right, about 6 to 7 inches in deep, at the left chest, 1-1/2 to 2 inches lateral to the left nipple, direction upward and slightly deviated to the right, hitting tho portion of the left ventricular portion of the heart, (fatal wound)

CAUSE OF DEATH—Instantaneous death, secondary to Internal hemorrhage and shock, and in turn secondary to stabwound at the left chest, hitting the heart. (Exhbit A).

He testified that he examined the corpse of Tranquilino Megalbin and that the cause of his instantaneous death was secondary to hemorrhage and shock as a result of a fatal lacerated stab wound on the left chest piercing the heart caused by a sharp-pointed instrument such aa the knives (Exhibits B and C for the prosecution), as shown by the size, nature and position of the wound described above.

Three policemen brought Dionaldo in a jeep to the Municipal building for investigation. He was hospitalized in the Brokenshire Hospital for 14 days and treated by Dr. Torres for the following injuries:.

1) Stab wounds:

- a) 1½ inches, 1 inch below right costal margin, along nipple line;
- b) 1 inch, 10th intercostal space, right along posterior axillary line;
- c) 1½ inches, 9th intercostal space, right along posterior auxillary line;
- d) 1 inch, axillary region, right;
- e) ¾ inch, intraclavicular fossa, left;
- f) 1 inch, mid sacral region. (Exhibit E).

He spent P253.00 for hospitalization and treatment of his six stab wounds, and was disabled to do his customary work for a period of 6 months.

Benjamin Deniega, a farmhand in Tulugan, Padada, Davao, corroborated the testimony of Virtuso and Dionaldo.

Salvador Sagayno claims that he acted in self-defense when he killed Megalbin and wounded Dionaldo. He testified that in the night of 22 December 1956 he walked with Consejo (Consuelo) Vequilla, Figuracion Aguelo and Fred Trasmonte from the store of Prima Mascardo in Etacura (Katipunan), Padada, to the house of Nicolasa Vequilla to attend the last day of prayer for the latter's deceased child; that in the yard of the house of Agapita Virana he saw Jesus Dionaldo, Trariquilino Megalbin, Benjamin Deniega, Raymundo Virtuso and Martin Villaluna; that on their way to the house of Nicolasa Vequilla he stopped at an artesian well and while washing his feet, Dionaldo asked him if it was true that he (Salvador) would kill him; that he (Salvador) denied it saying why should he when they had no quarrel; that immediately thereafter he was clubbed by Dionaldo with a cane and when Dionaldo's friend surrounded him (Salvador), he escaped and ran to the house of Nicolasa Vequilla without following the trail; that after taking his supper he went upstairs and upon seeing Tabanao, Mendez and his brother (Leoncio) seated on the bench he sat in a corner in front of the altar; that when the group of Dionaldo arrived Figuracion Aguelo warned him to be careful as Dionaldo and his friends were bent on killing him; that when that part of the prayer called "pangamuyo" was reached and everybody was silent he (Salvador) saw Megalbin (also referred to as Nono, Tranquilino or Franklin) at the door with a tilted hat partly covering his face and his companions (Dionaldo, Villaluna and Virtuso) looking at him (Salvador) sharply; that he immediately slipped out of tho house telling Francisco Vallejos alias "Paran" that he (Salvador) was going out to avoid trouble; that while crossing the corn field (Point 2-F, Exh. 2) he heard hissing sounds of corn stalks and leaves and looking back he saw a person armed with a hunting knife and a "bahi" cane overtaking him and who said: "Dong, you cannot escape now, I am going to kill you"; that he answered him saying that he (Salvador) was not going to fight him (the assailant); that he was immediately clubbed and stabbed but was able to parry the blows and instead gave a

fistic blow on the right eye of his assailant; that when he was stabbed twice again following the transfer of his (combatant's) knife from his left to his right hand, he (Salvador) drew his dagger, and, in exchange for a flurry of thrust aimed at him after his (Salvador's) pleas not to fight had been ignored, stabbed his assailant in the left nipple that sent him staggering to the ground; that when he saw that his victim was Megalbin and that he was lying flat on the ground he (Salvador) walked away and after moving about 3 arms-lengths he heard somebody calling No, No". and facing the direction where the voice was coming, he saw Dionaldo and heard him saying; "Ah, it was you. Now, you cannot escape; I am going to kill you"; that Dionaldo clubbed and stabbed him several times but the aims missed their marks because of the latter's (Salvador) timely parries; that sensing his life wag in danger, he stabbed Dionaldo 5 to 6 times in his right armpit, right nipple, waistline, left clavicle and the body until the latter running fell to the ground and crawled; tfeat lie did not follow him anymore nor finish him to death but went straight to the house of barrio lieutenant Candido Gelvez of Katipunan where he surrendered his weapon; that although he admitted that he and Megalbin were the suitors of Figuration Aguelo, he (Salvador) believed that he had all the chances of winning her love because she was his neighbor, friend and often he was seen with her by Megalbin; and that the three daggers (Exh. B, C and G) found and used in the incident belonged to him, Megalbin and Dionaldo, respectively.

Appellants Leoncio Sagayno, Inciohg Mendez and Primo Tabanao profess absolute innocence and non-participation in the killing and wounding of Megalbin and Dionaldo, respectively. Leoncio Sagayno testifies that he, Mendea, Tabanao and Vallejos alias "Paran" were in the place of Nicolasa Vequilla from 8:00 o'clock in the morning until 4:00 in the afternoon of 22 December 1956 constructingathe temporary shed (camalig) adjoining the house to shelter the dining table; that they remained in the house until after the stabbing affray was over; that he saw his brother Salvador arrived pale and tired and holding his breath and that there were about 80 persons who were upstairs during tine prayer; that he sat on a bench in a corner of the house facing west with Virtuso, Deniega, Megalbin, Villaluna and other guests; that while the prayer was going on he saw Salvador go down followed by Megalbin and passing near Francisco Vallejos, be heard his brother inform "Paran" that he was going down to avoid trouble; that when he heard "fight" the prayer was stopped and he saw Dionaldo also going down asking Vallejos (Paran) why Nono (Megalbin) was chasing Bador (Salvador Sagayno); that immediately Vallejos shouted for help as Dionaldo was already wounded; that seeing the friends of Dionaldo still sitting despite the shouts of "fight" and cessation of the prayer, he (Leoncio) with his co-defendants and the barrio lieutenant remained in their seats for about five minutes more until Dionaldo was seen wounded and crawling; that he denied participation of Mendez and Tabanao but rather laid the whole responsibility for the killing and wounding of the victims on his brother Salvador; that Francisco Vallejos told him that it was his brother Salvador alone who had fought Dionaldo and Megalbin; that he claimed that inspite of the fact that he came from a peaceful family whose head was once the driver of the late President Quezon he was included in the case for being the successful suitor of Consejo Vequilla and not Dionaldo; and that his brother Salvador was a preferred suitor of Figuracion Aguelo over Megalbin.

Primo Tabanao corroborated the testimony of Leoncio Sagayno, and added that the place of struggle was 30 meters east of the house (Point 2-J, Exh. 2) since Megalbin's body was found in said place and not 8 to 9 meters as testified.to by Dionaldo; and that the same could not be seen by arty. person standing at the door or stairway of the house because it was a moonless night, raining and the place was surrounded by growing corn and banana plants (Point 2-E, Exh. 2). He claimed to have never gone out of the house during the prayers because he was all the time playing the guitar in accompaniment of the songs of the prayer.

Inciong Mendez corroborated the testimony of the Sagayno brothers and claimed that it was only when pionaldo called for help that he and the other guests in the house went down; and that he and Primo Tabanao advised and persuaded Consejo Vequilla to choose Leoncio for her life mate and not Jesus (Dionaldo) because the, latter was

irresponsible, jobless, troublesome and drunkard.

Francisco Vallejos alias "Paran" aside from corroborating the testimony of the three appellants testified that he was the "chief" cook during the last day of prayer for the deceased child of his aunt Nicolasa Vequilla; that Megalbin and Dionaldo refused to take the supper preceding the prayer when he (Paran) called them, both saying that they were full and that they did not come to eat; that he did not hear any shout "horas na" when the commotion commenced; that despite the commotion that was going on, he did not leave the stairway as he was watching the food on the table downstairs and denied the testimony of Virtuso that Megalbin died in the arms of the former; and that when he brought the petromax lamp to the scene of struggle where he saw the dead body of Megalbin lying 30 meters away from the house with face on the ground, both hands stretched forward and his right hand holding a hunting knife (Exh. C) and on his waist (back) was the scabbard (Exh. C-1) with initials T. M. inscribed in it (Exh. 3-B), he still saw the three accused holding the guitar.

Figuracion Aguelo, for whose love Salvador Sagayno and Megalbin were engulfed in bitter rivalry besides corroborating the testimony of Vallejos, testified that she was in the group with Salvador Sagayno, Consejo Vequilla and Alfredo Trasmonte near the artesian well when Salvador was clubbed by Dionaldo with a cane after the former had denied having threatened to kill the latter; that Salvador ran away for safety when he was surrounded by armed friends of Dionaldo who mocked at him saying "Salvador ran faster than the fastest bird" and "that they will kill Bador;" that she admitted. that Salvador Sagayno and Megalbin were her suitors and to stop Megalbin whom she claimed to be vagrant, quarrelsome and drunkard from pestering her, she turned him down saying that she had already given her heart to Salvador; that upon hearing her remark Megalbin turned pale, stood up and warned her as he had no more chance he would not permit anybody including "Bador (Salvador Sagayno) to get her; that when she asked him why he made those remarks, Megalbin replied that he was going to kill "Bador" (Salvador) simultaneously drawing his dagger and striking it hard on a bench near him and then left until he saw her again on 22 December 1956; and that she was aware of the incident in the artesian well and was concerned over the safety of her friend and neighbor Salvador Sagayno but did not inform the latter's brother and friends about it.

The defense of non-participation by the appellants in the killing of Megalbin and wounding of Dionaldo cannot be given credence in the fact of the clear, direct and positive testimony of Dionaldo, corroborated by the testimony of Benjamin Deniega and Raymundo Virtuso who were just a few meters away from the scene of the crime. The contention of the defense that the two victims were killed and wounded by Salvador Sagayno alone in its last-ditch attempt to save the other three appellants cannot be sustained. Autopsy findings show that the contusions, swellings and various stab wounds on the different parts and bodies of the victims were caused by different bladed and blunt instruments including knives (Exhs. B & C) and that their positions show that the same could not have been inflicted by one person only. It can hardly be believed that Salvador could have evaded easily the knife stabs and cane blows from his two adversaries to emerge from the fight unscathed. It cannot be believed that he has not received or suffered even a scratch when the deceased (Megalbin) was more well-built man as compared to him (Salvador) (p. 329 t.s.n., Adao).

The appellants' pretense that they remained in their seats unruffled even after Salvador had left the house and after Vallejos had shouted about the fight downstairs is indeed incredible, for granting that Leoncio did not know of the incident at the artesian well involving his brother; and Dionaldo, he would have gone down or looked-below to verify what was happening because he saw his brother going down previous to the shouting of "fight". The witnesses for the defense testified to occurrences the appellants now rely as their defense but these alleged events could not have happened for they run counter to the normal conduct of man.

The claim of Leoncio Sagayno that he was implicated because as a suitor compared to Dionaldo, he had the

winning edge over the affection of Consejo Vequilla, and that the two other appellants, Tabanao and Mendez, were likewise included because by their advice, Consejo who at first had a brewing love for Dionaldo, cooled off until finally she shifted to Leoncio Sagayno, cannot be sustained, for Deniega and Virtuso who were certainly not parties to the love affair of the two women testified convincingly on their (Mendez and Tabanao) direct participation.

Obviously the defense wants the statement of Jesus Dionaldo to the effect that he was stabbed by one alias "Bador" (Salvador Sagayno) because of rivalry (Exh. 1) to conform to the statement of Salvador Sagayno wherein the latter admitted having killed Megalbin and woundel Dionaldo in the yard of Nicolasa Vequilla about 20 yards from the house when the two assaulted and fought him '(Exhibit 0) so as to acquit the three other Appellants. But Dionaldo testified that when investigated that night by Pat. Domaguin and Sgt. Alcoy at the scene of the stabbing and in the jeep at the police station cf Padada, respectively, in the presence of Patrolmen Tabanao and Ancajas and a brother of Dionaldo and after Domaguin placed a diaper on his (Dionaldo) wound, he answered that Salvador Sagayno, Primo Tabanao, Inciong Mendez and Leoncio Sagayno inflicted the wounds in his body. He also testified as to its incompleteness (referring to Exhibit 1) and that he had signed (thumbmarked) it then a blank paper before it was prepared. Pat. Domaguin and Atty. Federico Ncbleza corroborated the testimony of Dionaldo in this respect. The statement of Dionaldo (Exh. 1) cannot therefore be considered as ante-mortem statement, but at most, merely admitted as a part of the testimonies to be taken into account with the other evidence. The fact that Pat. Alcoy entered in the police blotter only those matters that favored the appellants and that he refused to take down the statements of Raymundo Virtuso, Martin Villaluna, Consejo Vequilla and Benjamin Deniega who volunteered to go to the police station to shed light on the stabbing affray indicates that some of them were interested in freeing some of the appellants.

Because the attack was preceded by an incident near the artesian well involving Jesus Dionaldo and Salvador Sagayno and that before the assault somebody shouted "horas na" the offended parties had been warned. The fact that the fatal stab wound piercing the heart of Megalbin was a frontal one as well as his admission to Raymundo Virtuso when he (Megalbin) asked for help while running in the cornfield after he had been fatally wounded that he (Megalbin) fought Primo Tabanao and his companions, shows that the victims were facing the appellants and therefore the qualifying circumstance of treachery cannot be deemed to have attended the commission of the crime. Likewise, as the assault followed closely the incident near the artesian well, the qualifying circumstance of evident premeditation cannot be deemed to have attended the commission of the crime. [1]

The qualifying circumstance of "abuse of superior Strength" not having been alleged in the information (crim. case No. 4349) nor proven during the joint trial that the appellants abused their superiority, the same cannot be considered to qualify or aggravate the crime committed. *People vs. Gonzales*, 76 Phil. 473. vs. *De Venecia*, et al.

The offense committed in the killing of Tranquilino Megalbin is homicide, and pursuant to Article 249 of the Revised Penal Code, the penalty for homicide is reclusion temporal in its medium period, or from 14 years, 8 months and 1 day to 17 years and 4 months. Applying the Indeterminate Sentence Law the appellants are sentenced to suffer a minimum penalty of six (6) years and 1 day of prision mayor and to a maximum penalty of 17 years and 4 months of reclusion temporal the accessories of the law and to "pay indemnity imposed by the trial court and the costs.

The other crime committed by the appellant is frustrated homicide and the penalty is prision mayor in its medium period, or from eight (8) years and one (1) day to ten (10) years. Applying the Indeterminate Sentence Law the appellants are sentenced to suffer a minimum penalty of two (2) years, four (4) months and one (1) day of prision correctional and to a maximum penalty of eight (8) years and one (1) day of prision mayor, the accessories of the law, to indemnify the offended party in the sum of P253.00 and to pay the costs. No subsidiary imprisonment

shall be suffered by the appellants if they fail to pay the indemnity as the principal penalties imposed in both cases are afflictive.

Bengzon, C. J., Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Barrera, Paredes, Dizon, Regala, and Makalintal, JJ., concur.

[1] People vs. Gonzales, 76 Phil. 473

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.