

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOHN DOE ALIAS MARTIN LOBIANO ET ALS., DEFENDANTS, NICANOR MERABITE Y PEGORIN, DEFENDANT-APPELLANT.*G.R. No. L-2463. March 31, 1950*

Ponente: TORRES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/dd3288b0a5e8/>**TORRES, J.:**

Martin Lobiano, Nicanor Merabite and Gonzalo Sugcang were prosecuted in the Court of First Instance of Manila, for robbery with homicide. Upon arraignment, Martin Lobiano (or Lubiano) pleaded guilty, while his co-accused Merabite and Sugeang, each entered a plea of not guilty. After hearing, on account of insufficiency of the evidence, Gonzalo Sugeang was acquitted, and Martin Lobiano and Nicanor Merabite were found guilty of the crime charged in the information and each sentenced to life imprisonment and to jointly and severally indemnify the heirs of the deceased Cua Kong Bek in the sum of P2,000.00, and the Comercio Trading Company in the sum of P1,400.00, without subsidiary imprisonment in case of insolvency and to pay one-third (1/3) of the costs. Only Nicanor Merabite appealed from said judgment.

From Our perusal of the record, We gather that at about 6:30 in the morning of May 30, 1947, the inmates of house No. 1032 of Comercio Street, near the Divisoria Market, City of Manila, found the cadaver of Cua Kong Bek, cashier of the Comercio Trading Company, lying in a pool of blood, near the entrance of the main door of the offices of that firm located on the ground floor of said house. Mel Sheng Su, one of the inmates of the house, notified the police department by telephone accordingly, and several members of the Homicide Squad of the detective bureau, under Capt. Peregrino Javier, went to the above-named place for the necessary investigation. They found the body of the deceased lying on the floor with about twenty stab wounds on different parts of the body, of which four, according to the report of the city medical examiner (Exh. L), were necessarily mortal. The police investigators also found a piece of hemp twine tied around the neck of the victim, which was used like a tourniquet with which the strangulation of the deceased was apparently caused. Upon further examination of the premises, the detectives also found that the iron safe of the Comercio Trading Company was wide open and its contents, which according to the owners, consisted of cash, checks, gold coins and jewelry, all amounting to P5,000.00, were missing, and the wrappers of some of the stolen articles were scattered on the floor. From the companions of the deceased, the investigators learned that one, Martin Lobiano, who, prior to the commission of the crime, was a warehouse-man of the Comercio Trading Company, had recently abandoned his job without cause.

The investigators proceeded immediately to the house of the suspected man. He was not there, but instead they saw Gonzalo Sugcang, an uncle and housemate of Lobiano. Sugcang was brought to the police headquarters for investigation, but in view of his insistent denials of any knowledge of the crime, he had to be released.

About four days afterwards, the police investigators were informed that Sugcang and appellant Merabite, both room-mates of Lobiano, took part in the commission of the crime. With a search warrant, the investigators paid

another visit to the house of the suspects, and during the search, they found a blood-stained balisong, produced as Exhibit "H" of the prosecution, concealed in a basket of dirty clothing of Merabite, who was thenceforth arrested and brought to the police headquarters. During the investigation, Merabite readily admitted his participation in the commission of the crime and named Lobiano and Sugcang as his confederates. Sugcang was, therefore, re-arrested, but during his reinvestigation, he reiterated his previous denials and insisted that he had absolutely nothing to do with the commission of the crime.

As regards Martin Lobiano, the persistent efforts of the Manila Police detectives to lay their hands on said accused were fruitless; he could not be found in the City of Manila, and two detectives specially assigned for this purpose, patiently trailed their quarry in different provinces and places outside of Manila. Sometime in the month of July, 1947, they succeeded in locating the fugitive in the barrio of Santa Rosa, Kalumbong, Leyte, and in his possession, they found some of the stolen checks, Exhibits "DD-10" and "DD-11". Lobiano was brought to Manila and during the investigation conducted at the police headquarters, he quickly admitted his guilt, but refused to implicate anyone, insisting that he single-handedly committed the crime.

It should be remembered that appellant Merabite had already confessed his participation and had named Lobiano and Sugcang as his confederates, and that the Manila police was in possession of a report of the finger-print expert, which shows that the fingerprints found in the wrappers of some of the stolen articles were those of herein appellant Merabite, for which reason, Lobiano, Merabite and Sugcang were named in the information as the co-authors of the crime of robbery with homicide.

In this appeal, and in view of the plea of guilty entered by Lobiano and the acquittal of Sugcang, We shall confine the discussion of this case to the participation of this appellant in the commission of the crime under consideration.

Merabite tried to repudiate his confession by alleging that it was secured by the police through third degree methods. He also claimed that he was not at the scene of the crime at the time of its commission. The following paragraph, which We quote from the Judgment of the learned trial Judge, meets the points raised by appellant. It says:

"The finger prints left on the wrappers Exhibits B and C together with the confession contained in Nicanor Merabite's statement, and the further fact that Merabite on the very day Martin Lobiano left his job with the Comereio Trading Company, went to 1032 Comereio to apply insistently for the position left vacant by Lobiano, which fact Merabite denied, prove in the judgment of this court, beyond reasonable doubt the guilt of said accused. Merabite testified that he had been subjected to third degree by the members of the Secret Service Bureau in order to secure from him his statement, but his testimony was denied by the ones whom he said ill-treated him. Merabite made no complaint to anybody against the ill-treatment committed on his person except when he took the witness stand giving it as his defense. But should his statement be insufficient to prove his guilt, the impression left by his fingers on the wrappers Exhibits B and C which were somewhat bloody, cannot be overcome by any amount of denial on his part of his participation in the commission of the crime. Why should Merabite deny having gone to 1032 Comereio street on two different occasions to apply for the position left vacant by Lobiano's resignation, if he is not trying to conceal his participation in said crime?"

x x x x x

In addition to the above, the balisong knife, Exhibit "H", with human blood stains found by the police in the basket containing dirty clothes of this appellant in the room occupied by him and his two other co-accused; his

admission of the ownership of said Exhibit "H", which was the weapon used by Lobiano in killing the deceased; the fingerprints of Merabite found in the wrappers (Exhibits B and C) of the Mexican gold coins, and the fact that, as testified on rebuttal by detective Pastolero, Merabite made no secret of his familiarity with the place of the Comercio Trading Company, when he guided the investigators to the scene of the crime and once in the premises, he pointed to them the place where the iron safe stood, lead to no other conclusion but that he, not only had knowledge of the crime," but took an active part in its commission.

It can not, therefore, be denied that the guilt of this appellant has been established beyond doubt, and being a co-conspirator, the aggravating circumstances which attended the commission of the offense under consideration, such as, night-time, dwelling, and treachery, should be taken into account against him in the imposition of the corresponding penalty. For this reason, the Solicitor General recommends that the extreme penalty provided by the Revised Penal Code for the crime of robbery with homicide be imposed.

It appears, however, from Our consideration of the facts of this case, that the accused Lobiano was the master mind and the most guilty, who, on his plea of guilty was sentenced only to life imprisonment. In line with the ruling laid down by this Court in *People vs. Sakam* (61 Phil., 27), We shall refrain from imposing the death penalty upon this appellant and merely affirm the judgment of the lower court.

The judgment appealed from is affirmed in, toto, with costs.

Ozaeta, Pablo, Bengzon, Padilla, Tuason, Montemayor, and Reyes, JJ., concur.

Moran, C.J., in the result.

Feria, J., no part.

Mr. Justice Paras, for the reasons given in this opinion, voted for the confirmation of the judgment appealed from, but, on account of his being on leave at the time of the promulgation thereof, his signature does not appear herein.

MANUEL V. MORAN

Chief Justice

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.