

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. IGMEDIO SAMSON, ALIAS LUIS, ET AL., DEFENDANTS.*G. R. No. L-3457. October 31, 1951*

Ponente: PADILLA, J.

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On 1 June 1948, at about noon time, Pedro Velasco, a resident of Bayambang, province of Pangasinan, was in the barrio of Santa Maria, municipality of San Jacinto, same province, visiting with his friends Igmedio Samson, Gaudencio Edades and Alfredo Salinas. The latter invited the former to go to Bayambang to rob a bakery. Pedro went to the poblacion of San Jacinto to wait for a conveyance to ride on, but before he was able to do so, Igmedio Samson, Gaudencio Edades, Alfredo Salinas, Alejandro Velasco and another companion unknown to him arrived on a jeep driven by Samson at the place where he was waiting for a vehicle. They invited him to ride but he refused saying that he preferred to ride on another jeep. Before parting, however, they all agreed to meet at a certain place in Bayambang. Pedro boarded a bus and went to Malasiqui and from there on another vehicle belonging to a townmate to Bayambang and at a certain place near a culvert saw Manuel D. Cereno who told him to follow the other companions, so he went to the bakery. There he saw Igoedio Samson, Gaudencio Edades, Alfredo Salinas, Francisco Aquino and Alejandro Velasco. At about 7 o'clock in the evening of that day, one of the first three named persons knocked at the door of the bakery, entered it after the door was opened by Ching Liong Hua alias Bonking, bought bread and cigarettes, drank water and departed. Not long after, they returned and again one of them knocked at the door of the bakery and after it was opened Igmedio Samson and Gaudencio Edades, both armed with revolvers, and Francisco Aquino, with a revolver and dagger, entered it. Alfredo Salinas, one of those who first entered the bakery, stationed himself this time at the doorway to guard. Once inside, Igmedio Samson commanded the inmates of the bakery not to move, to lie down face downwards; Francisco Aquino tied them except Bonking who was told to kneel down. Federico T. Reyes, one of the laborers, succeeded in slipping out of the bakery through the backdoor and reported to a municipal police sergeant that armed persons entered the bakery and wanted to rob. Francisco Aquino told Ching Liong Hua to open the drawers from which P1,700 and a Bulova watch worth P73 belonging to Lionga alias Liliong, who was in in China when this case was tried, were taken. The watch of Ching Liong Hua Bonking was also taken from him. Immediately after the report of Federico T. Reyes, sergeant Gregorio de Vera and patrolman Tamondong of the municipal police of Bayambang repaired to the bakery but before they could reach it, at a distance of two meters from sergeant De Vera, Alfredo Salinas fired two shots killing him. The death of the sergeant was instantaneous due to perforating wounds in the heart and to internal hemorrhage produced by bullets (Exhibit E). Patrolman Tamondong fired four wild shots. After the fall of sergeant De Vera, the malefactors escaped. In spite of the search made by the police immediately after the occurrence, nowhere could the perpetrators of the crime be found. Almost nine months thereafter, Pedro Velasco alias Tito, alias Ben de la Pefia, was taken for questioning in connection with the killing of sergeant De Vera because of a remark he happened to make on Halloween in 1948 at the market of Malasiqui to his friend Avelino Ortiz, later on a detention prisoner in the city jail of Dagupan, that the gun he was carrying was the same that had killed the sergeant. Avelino Ortiz signed an affidavit stating that fact (Exhibit F). At the

investigation Pedro Velasco made a clean breast and revealed that Igmedio Samson, Gaudencio Edades, Alfredo Salinas, Francisco Aquino and Alejandro Velasco were the ones who broke into, and committed the robbery inside, the bakery in Bayambang and that on that occasion sergeant De Vera, who came to the succor of the inmates of the bakery, was killed. As a result of that revelation Igmedio Samson, Gaudencio Edades, Alfredo Salinas, Francisco Aquino and Alejandro Velasco were arrested. The chief of police filed a complaint against them including Pedro Velasco and Manuel D. Cereno who was not yet then arrested. Three of the defendants were brought to the bakery for identification, and Ching Liong Hua alias Bonking and Lionga alias Liliong and the other people in the bakery pointed to them as among those who had entered the bakery on the evening of 1 June 1943. Igmedio Samson (Exhibit C), Gaudencio Edades (Exhibit B), Alfredo Salinas (Exhibit D), and Francisco Aquino (Exhibit A) admitted to the police their participation in the robbery.

Upon this evidence the trial court found Igmedio Samson, Gaudencio Edades, Alfredo Salinas and Francisco Aquino guilty of robbery in band with homicide and sentenced each to suffer reclusion perpetua, the accessories of the law, to indemnify, jointly and severally, Ching Liong Hua (should be Lionga) in the sum of P1,700, to return to him (Lionga) the Bulova watch or P73, its value, to indemnify the heirs of the deceased sergeant De Vera in the sum of P5,000, without subsidiary imprisonment in case of non-payment thereof, and to pay the proportionate costs. Pedro Velasco was discharged from the information to testify for the state. The trial court found the evidence insufficient to hold Alejandro Velasco and Manuel D. Cereno guilty of the crime charged and acquitted them with costs de oficio. From this judgment Igmedio Samson, Gaudencio Edades, Alfredo Salinas and Francisco Aquino have appealed.

Appellants' defense is alibi; The evidence presented is to the effect that on the evening of 1 June 1943, Alfredo Salinas was in his house in the barrio of Babasit, Manaoag, because his sister Margarita was betrothed to Miguel Aquino and dancing was indulged in the house, in which Igmedio Samson took part, until 2 o'clock a.m. of the following day when the party broke up. On that same evening, Gaudencio Edades was in the house of his mother-in-law Victoria Costes, because his daughter Perlita was sick and the house of his mother-in-law was transferred or moved to the poblacion of Pozorrubio that day, and he slept that night in the house of his sister-in-law in the poblacion of Pozorrubio. On that day —1 June 1948—Francisco Aquino worked on the installation of a well pump in Urdaneta from morning until late in the afternoon and returned and slept in his house the night of that day. The weakness of these alibis is apparent, for Aquino's testimony is uncorroborated and those of the other three appellants were testified to by them and close relatives.

All the appellants testified that they were tortured and maltreated to extort from them the confession of guilt appearing in their respective affidavits. Francisco Aquino testified that as a result of the torture he spat blood, but the senior resident physician of the hospital where he was confined testified that the hemoptysis was due to a lesion in the lung. Igmedio Samson showed a torn shirt to support his testimony on maltreatment. The tearing of part of Samson's shirt was not due to maltreatment but to a fight in jail between him and Pedro Velasco because of the latter's refusal to throw away the former's waste.

On four previous occasions several persons were brought to the people working in the bakery and none of them was pointed to or identified as among those who had entered the bakery on the night of the commission of the crime. On the fifth time, some of the accused were identified by the victims. Inside the bakery there was electric light which made possible the identification of the appellants.

We find no reason for disturbing the judgment appealed from which we affirm, with costs against the appellants.

Paras, C.J., Feria, Pablo, Bengzon, Tuason, Reyes and Jugo, JJ., concur.
Montemayor and Bautista Angelo, JJ., took no part.

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