

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
RECARIDO JARDENIL, RICARDO BLAQUIO, RESTITUTO PEROJO,
MANUEL DE LA PEÑA, ELEUTERIO DE LA PEÑA, ALIAS ELEUTERIO
MAGTOLI...**

G.R. Nos. L-11795-96. May 20, 1960

Ponente: CONCEPCION, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e28d09e56a45/>

CONCEPCION, J.:

This is an appeal from a decision of the Court of First Instance of Negros Occidental in Cases Nos. 5021 and 5039, thereof, which were jointly tried.

In case No. 5021, Recarido Jardenil, Ricardo Blaquio, Restituto Perojo, Manuel de la Peña, Eleuterio de la Peña, alias Eleuterio Magtolis and Santiago N., alias "Tagoy", were accused of having murdered Bayani Sarmiento, whereas in Case No. 5039, the same defendants were charged with frustrated murder committed upon the person of Johny Marco or Jose Marco. Inasmuch as Restituto Perojo, Eleuterio de la Peña alias Eleuterio Magtolis and Santiago, N., alias Tagoy were not apprehended by the authorities, the trial took place with respect only to the other defendants, one of whom, namely, Manuel de la Peña, was discharged as an accused and used as state witness. In due course, the lower court rendered judgment finding Jardenil and Blaquio guilty as charged in Case No. 5021 and of attempted homicide in Case No. 5089, and sentenced each: (a) in Case No. 5021, to life imprisonment, with the accessory penalties prescribed by law, to indemnify, jointly and severally, the heirs of the deceased Bayani Sarmiento in the sum of P6,000.00, without subsidiary imprisonment, and to pay the proportional part of the costs; and (b) in Case No: 5039, to an indeterminate penalty ranging from four (4) months and one (1) day of arresto mayor to four (4) years and two (2) months and one (1) day of prision correccional, with the accessory penalties prescribed by law and to pay the proportional part of the costs. Hence, this appeal taken by defendants Jardenil and Blaquio.

The version of the prosecution is set forth in the decision appealed from, from which we quote:

"Entre el acusado Recarido Jardenil y el occiso Bayani Sarmiento existia una enemistad personal. Bayani Sarmiento y Jose Marco eran amigos que frecuentaban la taberna de tuba de los esposos Julio Aguilar y una tal Andang sita en la Calle Lacson de la Ciudad de Bacolod. En la noche del Domingo día 22 de Abril de 1956, encontrandose Jose Marco en la referida taberna, Recarido Jardenil se le acerco a Marco preguntandole donde se encontraba Bayani Sarmiento, a lo que Marco contesto diciendo que aquel vivia en el barrio de Sto. Niño. Dicho esto, Recarido Jardenil le increpo a Marco diciendo: 'Tu tambien eres valiente, y eres uno de los que molestan y detienen a los transuentes en esta calle.' Como quiera que Jardenil hizo ademan de arrancar algo de su cinto, Marco se escurrio del lugar. Cuatro dias despues, o sea, hacia las seis de la tarde del dia 26 de Abril de 1956, los seis acusados, capitaneados por Recarido Jardenil, reunieron en la tienda del Chino Iwa situada en la esquina de las calles San Sebastian y Lacson, y alli planearon matar a Bayani Sarmiento y Jose Marco. Despues de inquirir de sus co-acusados por las armas que cada uno portaba, Jardenil les invito a beber tuba en la taberna de un tal Oscar Cruz en la Calle Smith en donde permanecieron cosa de una hora y media, despues

de lo cual Jardenil invito a su coacusados para ir a la taberna de Aguilar en la Calle Lacson y buscar a Bayani Sarmiento y Jose Marco. Al llegar a dicha taberna los acusados no les encontraron a Sarmiento y Marco, por lo que Jardenil volvio a invitar a sus companeros a la taberna de Oscar Cruz para volver a tomar tuba. Los acusados permanecieron en dicha taberna hasta eso de las 11:00 de la noche en que, por disposicion de Jardenil, el grupo se dirigio de nuevo a la taberna de Aguilar. Delante del grupo iban Jardenil y Ricardo Blaquio, y Jardenil dio la consigna a sus companeros diciendo que para el caso de encontrarles a Sarmiento y Marco, tres de ellos se situarian enfrente y los otros tres detras. En esta ocasion Bayani Sarmiento y Jose Marco ya se encontraban cerca del mostrador en el exterior de la taberna de Aguilar bebiendo tuba en compania de Arturo Filiu. En llegando cerca de la taberna, Jardenil se detuvo en medio de la calle frente de la taberna, y desde alla le llamo a Bayani Sarmiento. Este se le acerco a Jardenil, y Jardenil arranco de su cinto la bayoneta Exhibito 'B', visto lo cual Sarmiento puso en alto sus dos manos diciénte: 'Arreglamos esto, nosotros no nos hemos peleado.' En este instante Restituto Perojo, quien se situo a espaldas de Bayani Sarmiento, cogio por los hombros de este y le empujo hacia Jardenil. Simultaneamente Jardenil dio un pinchazo con la bayoneta que portaba cogiéndole a Sarmiento en el abdomen. Al sentirse herido, Sarmiento medio se encorvo cogiendo con sus dos manos su abdomen. Jardenil volvio la vista hacia la taberna, y al divisar a Jose Marco que se hallaba parado en la puerta, dijo a sus companeros: 'Marco esta alla,' y, como movidos por un resorte, Jardenil y sus companeros se avalanzaron contra Marco. Este se introdujo en el interior de la tienda, trato de huir, pero Jardenil le dio con la bayoneta un golpe en la frente derribandole al suelo. Asi caido, Jardenil le volvio a asestar otro bayonetazo tocandole en el lado izquierdo de la espalda. Los otros acusados tambien le agredieron a Marco y le arrastraron fuera de la tienda hasta llegar a una pequeña puente en donde le dejaron por muerto, marchandose todos del lugar. Despues que las acusados se marcharon, Arturo Filiu se le acerco a Marco y le ayudo a incorporarse de la tierra. A pocos pasos del lugar Filiu y Marco le encontraron a Bayani Sarmiento tendido en tierra y jadeante. Con la ayuda de otra persona Filiu y Marco le embarcaron a Sarmiento en una calesa que a la sazón pasaba por el lugar, y le condujeron al hospital provincial. Despues de algun tiempo de llegar al hospital Bayani Sarmiento expiro a consecuencia de sus heridas.

"Practicada la autopsia del cadaver de Bayani Sarmiento por el Dr. Antonio Mota, medico residente del hospital, dicho facultativo testifico haber encontrado las siguientes lesiones:

- '1. Wound, stabbed, 1½ inches long, costal arch, right, running obliquely, sharp edges, pointed extremities, directed slightly upwards, forwards and to the right lacerating the ensiform cartilage of the sternum and lacerating the pericardium.
- '2. Hemopericardiuf, about 100 cc. bloody fluid and blood clots.

CAUSE OF DEATH

- '1. Cardiac tampeonade, secondary to stabbed wound.'

"Por otra parte, Jose Marco fue puesto bajo el tratamiento medico del Dr. R. P. Zulueta, otro medico residente del mismo hospital, quien certifico haber encontrado en aquel las siguientes lesiones:

- '1. Wound, incised, 2 inches long, back, left at level of 10th thoracic vertibrae; 2 inches long, frontal left.
- '2. Contusion with abrasion, neck, anterolateral, left.
- '3. Wound, lacerated, ½ cm., suprasternal notch.
- '4. Wound, punctured, non-penetrating, lumbar, left.
- '5. Contusion, interscapular region, right.' (Exh. (C.)

"Declarando como testigo de la acusacion el Dr. Zulueta asevero que las lesiones sufridas por Jose Marco eran curables de 7 a 9 dias, y que ninguna de ellas pudo haber causado su muerte."

Upon the other hand, appellant Jardenil testified that, as he was walking homeward, in the evening of the occurrence, Johnny or Jose Marco and Arturo Filiu lunged at him near the door of said store, where Filiu held him, while Marco was giving him fist blows; that being unable to bear the pain caused by said blows, he (Jardenil) shook off Filiu's hold and grabbed Marco's bayonet, which was on one of the tables inside the store, and hit Marco with it; and that, thereafter, he (Jardenil) went to his house.

Appellant Blaquio, in turn, disclaimed any participation in the occurrence and said that his presence at the scene thereof was purely coincidental. He asserted that, as he was about to buy food, which he intended to bring home, in the evening of April 26, 1956, he found Sarmiento, Marco, and Filiu, together with Sem Escobar, Manuel de la Peña, Eleuterio de la Peña, alias Eleuterio Magtolis, and Santiago N., alias "Tagoy", in Andang's store, where he heard Marco remark: "Tonight, I am going to kill that person, if I see him;" that Sarmiento, replied: "Go ahead. Let us go back to Muntinglupa;" that shortly afterwards, he noticed a commotion and then saw Jardenil running towards the store, pursued by Marco and Filiu; that Marco overtook Jardenil at the threshold of said store and hit him on the back; that soon later, Sarmiento came running to the store, followed by Manuel de la Peña, Eleuterio de la Peña, alias Eleuterio Magtolis, and Santiago N., alias Tagoy; that the latter stabbed Sarmiento in the stomach; and that forthwith, he (Blaquio) ran away from the scene of the crime.

The issue in this appeal hinges on the credibility of the evidence introduced by both parties. On the one hand, the main proof for the prosecution consisted of the testimony of Manuel de la Peña, Arturo Filiu, Johnny or Jose Marco and Lina Navarro, who were substantially corroborated by the physicians who examined Sarmiento and Marco, by detectives Amado Torres and Cesar Policarpio, of the city police force, who investigated the occurrence and apprehended Jardenil in the evening of April 26, 1956, and by William Estiller, a bystander who happened to be at the scene of the crime, shortly before its commission. Considering that Lina Navarro, a 16-year old daughter of the owner of Andang's store was there at the time of the occurrence, and had no possible motive to favor either party to the dispute, it is clear, that His Honor, the Trial Judge, did not err in giving credence to the evidence for the prosecution.

On the other hand, the theory of appellant Jardenil is inherently incredible. He claims to have hit Marco with his (Marco's) own bayonet, which he (Jardenil) found on a table inside said store. If, as Jardenil would have us believe, Marco and Filiu were looking for him to attack him, said complainant would not have left his alleged bayonet beyond his reach, much less where his alleged intended victim could get it and then turn it against its owner (Marco). Moreover, the violence allegedly used upon him by Marco was not borne out by any injury, contusion or other external marks which would have been left upon his person by the beating said to have been administered upon him.

Then, again, Jardenil's testimony suggests that he had no participation whatsoever in the injuries sustained by Sarmiento. Yet, upon being investigated by the police, in the evening of the occurrence, Marco pointed to Jardenil as the person who stabbed Sarmiento, before hitting him (Marco) on the forehead, and then on the back, with the bayonet Exhibit B, whereupon the peace officers proceeded to the house of Jardenil and found said bayonet therein. In fact, on April 2, 1956, he subscribed, before the municipal judge of Bacolod City, the affidavit Exhibit I admitting that it was he who stabbed Sarmiento.

Similarly, the testimony of appellant Blaquio is contradicted by the affidavit made by him before said municipal judge, substantially confirming the version of the prosecution.

The Court, is, therefore, convinced, beyond reasonable doubt, that appellants herein have performed the acts alleged in the informations filed in the present case. Although there is reason to believe that appellants intended to have a showdown with Sarmiento and Marco in the evening of April 26, 1956, the Court does not feel the

qualifying circumstance of evident premeditation has been sufficiently established. In short, it finds that the crime committed in Case No. 5021 (L-11795) is merely homicide, with the generic aggravating circumstances of intoxication, purposely sought to facilitate the commission of the crime, and abuse of superior strength, for which reason the appellants should each be sentenced, in said case, to an indeterminate penalty, ranging from ten (10) years and one (1) day of prision mayor to seventeen (17) years, four (4) months and one (1) day of reclusion temporal, apart from the accessory penalties and the indemnity ordained in the decision appealed from.

Thus modified, as to the nature of the crime committed, and the penalty in Case No. 5021, the decision appealed from is hereby affirmed, therefore, in all other respects, with costs against the appellants. It is so ordered.

Paras, C. J. Bengzon, Padilla, Montemayor, Bautista Angelo, Labrador, and Gutierrez David, JJ., concur.

Reyes, J.B.L., J., took no part.

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.