

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE VS. PACIANO MADRID, DEFENDANT AND APPELLANT.

G. R. No. L-3023. January 03, 1951

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PER CURIAM:

This is an appeal from a judgment of conviction by the Court of First Instance of Nueva Ecija. The information alleges robbery with quadruple homicide but the court below found the appellant guilty of a complex crime of robbery with homicide and three separate crimes of homicide. The sentences imposed are reclusion perpetua for the first offense and 20 years of reclusion temporal for each of the last three.

Gaudencio Manuel, Vicente de los Santos and Dalmacio Lacalinao, besides Paciano Madrid, were accused in the information filed by the provincial fiscal with the Court of First Instance and endorsed to the Justice of the Peace of Cabanatuan for purposes of preliminary investigation, but only Madrid and Manuel were bound over for trial; De los Santos and Lacalinao had neither been arrested nor appeared at the preliminary hearing. Consequently, in the court of first instance, where a new information of the same tenor was filed, Madrid and Manuel alone were indicted; and still later, before evidence was introduced, the provincial fiscal moved, and the motion was granted, for Manuel's discharge in order that he might be used as a state witness. This left Paciano Madrid as the sole defendant to be put on trial.

Because of the appellant's denial of any participation in the crime, putting in issue the relative credibility of the witnesses, and because of the gravity of the offense which carries the extreme punishment authorized by law, it may be well to digest separately the several witnesses' testimony as background, starting where the uncontroverted facts leave off. The facts on which there is little or no dispute are these.

In the latter part of February, 1947, Yosua, otherwise known as S. B. Young, a Chinese merchant in Manila, made a trip to Isabela in an International truck, of which he was part owner, to buy palay. With him went Ponciano Felicisimo, who drove the truck, and two laborers by the name Demetrio Sinio and Feliciano Guyapo.

As Young's return to Manila became long overdue, Lina Espiritu Cayetano, Young's partner in business and co-owner in the truck, set out for Isabela on or about March 4 to find out the trouble. The rice dealer in Isabela, Ha Seng, from whom Young bought rice informed Mrs. Cayetano that Young had left few days ago with his three companions and 150 cavanese of palay loaded in the truck.

Back in Manila, Mrs. Cayetano reported to the authorities the disappearance of her partner and his companions. Whereupon Capt. Nicolas T. Arcales of the Manila MPC Headquarters was detailed to make an investigation, and with some secret agents he set off for Nueva Ecija. In Cabanatuan, in the course of his investigation, Captain Arcales found, on undisclosed dates and clues, the missing truck, or most of what remained of it in the possession of one Valentin Magno. According to Mrs. Cayetano, who came along with Captain Arcales, the truck had been dismantled; the chassis without the fender was being used to wall in a damp of palay; the motor was under the house of one Sta. Romana in whose yard Magno had his house or shop; the railings were near the said yard; the mudguards were scattered under an acacia tree. Also found were bolts, screws and other parts of the truck, but the

exact spots where these and the palay were kept are not specified in the record.

The tires (12) of the truck were recovered from Canon Buse and about 70 cavanese of rice from a Chinese merchant, both in Cabanatuan.

Having been tipped off by an informer whose identity Captain Arcales, for obvious reasons, would not reveal, the investigator sent for Madrid and this accused was brought in by Lieutenant Estrada for questioning. The details of this questioning are not disclosed beyond that Madrid was taken by Captain Arcales to Manila and back to Cabanatuan and allegedly admitted to Captain Arcales complicity in the horrible crime. On March 19, Madrid's statements (Exhibit "A") were taken down in the form of questions and answers and ratified under oath before the justice of the peace of the provincial capital. The questions were mostly leading, presumably based on facts previously ascertained, and were put forth to be confirmed or denied. The answers were generally in the affirmative.

The gist of the appellant's confession follows: Declarant was a driver by profession and currently special agent of the military police appointed by Lt. Nicanor Estrada of the Nueva Ecija MPD garrison. On February 27, 1947, he went to Ilagan, Isabela, in his own jeep to operate or repair a rice thresher and stayed in that town two days, returning to Cabanatuan on March 2, which was Sunday, at 7:30 a.m. In Isabela, Macario Soriano, Dalmacio Laca-linao and a mechanic, presumably Gaudencio Manuel, his townmates, asked to ride in his jeep. On the road, which he then thought was in the jurisdiction of Santa Fe, Nueva Vizcaya, they came upon an overturned bulldozer and he stopped. Afterward, a southbound truck loaded with palay, empty drums and four men came along. He requested the driver to pull the bulldozer out of the way and the driver replied that he had no chain. After the driver made that remark, Vicente de los Santos boarded the truck, drew his revolver and hauled down the Chinese, while Macario did the same with the two laborers. He (accused) was also carrying a pistol as special agent of the military police. Vicente put the Chinese in the jeep and Macario did likewise to the two laborers upon Madrid's orders. Madrid warned Manuel and Macario lest the three men would escape, and told Macario to tie the hands of the two laborers. Macario obeyed. Vicente remained behind in the truck with the driver while Madrid rode ahead in the jeep (with the Chinese, the two laborers, Manuel, Dalmacio and Macario) to Putan (Putlan?) San Jose (Caranglan), Nueva Ecija. There he (Madrid) waited for the truck and talked with Vicente about what they should do. Madrid and Vicente agreed to kill the four men and the appellant attended to three of them. The first one Madrid killed was the Chinaman, shooting him in the forehead. After killing the Chinese he returned to the jeep, unbound Pandac (one of the laborers), told Pandac to get off the jeep, marched him to a place somewhat far from the jeep, and shot him in the forehead, too. After disposing of Pandac, Madrid hurried back to the jeep, ordered the tall man out, and shot him at a place distant from the jeep. He used a .45 caliber automatic pistol, serial No. 164367, and fired only one shot against each of the three victims. Vicente killed the driver with another .45 automatic between Man-gahan and Putan, San Jose (Caranglan), Nueva Ecija, using only one bullet. Declarant said he was present when Vicente shot the chauffeur, that Vicente threw the driver's body into a ditch on one side of the road, and that from that place he rode the truck to Cabanatuan where he sold the rice for P2,300 to a man whose name he did not know but whose residence he did know, and gave the truck to Valentin Magno to do with it as Magno pleased.

Several days after making the above statements Madrid was taken along by Captain Arcales and other military police officers and agents to Caranglan, where the accused allegedly pointed out the spots where he allegedly said he had slain Young and the two laborers. In one place, Captain Arcales found locks of human hair and a piece of rope. In another place, which was beside a small trail, he saw two skulls and two forearms still tied with a rope. And about two kilometers further south, on the provincial road, he was allegedly shown a spot where the truck driver was said to have been shot by Vicente de los Santos. However, no trace of the driver's killing was found

other than a grave stated to be that of the said driver, whose body had been buried by the sergeant of police of Caranglan and other people. Captain Arcales saw the grave, and the driver's license and photograph were handed to him by the municipal police officer. On the same occasion, the defendant, according to Captain Arcales, made a "reconstruction" of the crime and posed for pictures in several positions including one in which he was holding two skulls, pictures which were identified by Captain Arcales at the trial but are not included in the record sent up to this court. Macario Soriano, Gaudencio Manuel and Vicente Magno gave evidence for the prosecution. Following is a condensation of Soriano's testimony, with which Manuel's is in substantial agreement. Soriano testified: He, Gaudencio Manuel and Dalmacio Lacalinao ran into Paciano Madrid in San Jose, Ilagan, Isabela. They requested and were allowed by Madrid to ride in his jeep to Nueva Ecija. On the way to the latter province, Madrid brought his jeep to a stop near the boundary between Nueva Vizcaya and Nueva Ecija where a bulldozer partly blocked the road. Soon after, a Manila-bound truck appeared. Madrid signaled the truck driver to halt and the driver complied. Madrid requested the driver and the other men in the truck to help him push over the bulldozer to one side of the highway, but the driver and the Chinaman told Madrid that they had no chain. Thereupon Madrid "took the Chinaman and transferred him to the jeep." The two laborers alighted and stucked stones under the wheels of the truck to keep the vehicle from rolling down the slope. The two laborers were also ordered by Madrid to get into the jeep. Then Madrid drove the jeep southward with the witness, the Chinese, the two laborers and Manuel, leaving Vicente de los Santos and the truck driver behind in the truck. On reaching the "junction on the right side, he (accused) took that way and we entered that road and stopped on a certain place." Madrid led the Chinaman "somewhere" and told him (witness) to tie the laborers. Soon after, witness heard a gunfire and saw the Chinese reel down. The accused came back to the jeep running and swore at the witness for not tying the two drivers, as he had been told. Then Madrid, the witness and the two laborers climbed into the jeep and rode back to the provincial road. When the jeep was approaching the main road, Madrid told the witness to tie the laborers, which the witness now did. Near a bridge on the provincial road, Madrid stepped on the brake and told the witness to put water in the tank. As the witness was starting to fetch water from a creek, the truck arrived, Madrid walked over to the truck and talked with Vicente de los Santos. Afterward Madrid returned to the jeep and drove on southward until he took a side road going towards the mountains. In the jeep with Madrid this time were the two helpers who had been tied by the witness, Gaudencio Manuel and Dalmacio Lacalinao. Reaching a plain, Madrid brought the jeep to a stop and marched one of the helpers away from it. Soon a shot rang out and the witness saw through the window of the jeep the flash off the gunbarrel. After disposing of one of the helpers, Madrid came back running, took the other helper away from the jeep, and shot him as well. Returning to the jeep, Madrid drove it back to the provincial road warning Gaudencio Manuel and the witness not to squeal. The witness assured Madrid that he could rely on him to keep quiet. On the provincial road, Madrid transferred to the truck where Vicente was and told Soriano, Gaudencio Manuel and Dalmacio Lacalinao to take charge of the jeep. Gaudencio Manuel drove the jeep behind the truck from this point to San Jose, Nueva Ecija, where the witness relieved Manuel at the wheel.

Vicente Magno, a motor vehicle driver by occupation testified in substance: He lived in Saiigitan, Cabanatuan, where Madrid also lived. Madrid had him dismantle an International truck without a plate number whose body was made of wood and galvanized iron. He (Magno) did as he was requested and sold the tires to Cenon Buse, also on instruction of the accused. The price was P570 which he turned over to Madrid. The truck or parts of the truck were recovered by Mrs. Cayetano. On cross-examination, Magno said it seemed that it was on March 2, very early in the morning, when he received the truck, and he sold the tires the next day. He added that he offered the tires to Buse but that it was Madrid who closed the deal, so Madrid informed him.

The appellant set up an alibi, undertook to prove good character, and repudiated his confession. Answering most of the questions regarding the truth of the prosecution witnessess' testimony against him, he said, "I don't know

anything about that." He testified that on March 2 through March 15, 1947, he was at home in Sangitan Subdivision, Cabanatuan, and was in Licab on the 1st where he went by order of Lieutenant Estrada to watch palay threshing; that on February 28 he went to Bertese, municipality of Quezon, and passed the night in the house of his comadre with whom he returned to Cabanatuan on March 1; that on the latter date he was at home until 4 o'clock in the afternoon with his wife and his comadre; that on the following day he took his comadre back to Bertese where, as above stated, he slept that night, returning to Cabanatuan on March 2. He said he had a jeep "but it was borrowed by Macario Soriano and Vicente" on the early morning of February 28; that Soriano and Vicente told him that "they would just follow the rice thresher in Isabela"; that on the third day Macario and Vicente returned the jeep in Sangitan, before breakfast; that it was Dalmacio Lacalinao and the driver who brought the jeep to his place, telling him that Macario had been left behind. He denied that he knew Gaudencio Manuel, and also denied that he had turned the truck over to Valentin Magno to be dismantled, or that Magno handed him the proceeds of sale. He stated that what happened was that Magno requested him to help Magno find a buyer of tires and he recommended a certain Mr. Cenon Buse.

Regarding his confession, Madrid said that he was taken to Manila by Captain Arcales, who assured him that "they were just going to take a walk." In Manila, he said, "we went to the hotel where we ate", after which they "rode in the automobile and went to the barracks" in Balintawak. In the barracks, he went on to say, Agent Aquino, Captain Arcales' companion, told him that he should pay for the truck because it was his jeep that passed at the check point followed by the truck. He declared that when he replied that others used his jeep, Aquino summoned soldiers who took him outside and "boxed" him "until I was forced to tell what they wanted me to tell." He said he did not know those two soldiers and that Aquino remained inside the barracks when he was taken outside; that he related to Aquino afterwards what the two soldiers had done to him but Aquino replied that if he did not confess he would suffer. He said that Captain Arcales scolded the men who had maltreated him, after which the Captain irrvited him to pass the night in his house.

Referring to Exhibit "A", his written confession, he declared that he signed the paper because "I was already afraid of them." He said he put his name on it in the Provost Marshal's office in Cabanatuan, in the presence of Agent Aquino, Agent Cruz and Captain Arcales. And as to his reconstruction of the crime he said that he "was just taken out of the provincial jail" without being told that he was to be taken to Putlan. He stated that Agents Aquino, Cruz and Rueda and many other persons came along besides Captain Arcales, in two automobiles and one freight truck. It was only in San Jose, he swore, that he learned for the first time their destination, from Captain Arcales and "their conversation." Arriving at Putlan, he said, a lieutenant from San Jose "told the other companions that that was the place where he saw the cadavers." He said that he posed to be photographed because he was warned that if he refused he would be left behind, and because he was afraid to die. He added that his various postures in the pictures, including that in which he was holding two skulls, were arranged for him by Agents Rueda and Aquino. Those skulls, he said, he saw for the first time near one of the MPC jeeps in Putlan.

As to his connection with the military police, the appellant said that he had been a special agent of the Provost Marshal of Nueva Ecija; that besides being an agent and informer, he had been barrio chief of police of Sangitan Subdivision and allowed to carry firearm; that he was instrumental in the surrender of many dissidents from Licab.

The only other witness presented by the defense to establish alibi was the defendant's mother, Maria Lopez, 70 years old. This woman's testimony is very brief. It is to the effect that on March 1, Paciano Madrid was in his home and slept there that night. She said she remembered the date because at noon of that day she dropped in at her son's house to tell him "not to sleep or to wake up because his birthday was very near." She swore that on the night of March 1, she slept in Paciano's house and did not leave until his comrade came.

Lieutenant Nicanor Estrada was called to testify that Madrid was an acting special agent of his office; that Madrid's duties were to gather information about crimes and the whereabouts of dissident elements; that Madrid was active in the collection of firearms from Huks; that the appellant was honest. He said he was at a loss to know why "this thing happened."

The important issue—That which concerns the part attributed to the appellant in the perpetration of the crime at bar—boils down to the credibility of witnesses.

Although neither the purchaser of the truck tires nor the purchaser of the bulk of the palay was introduced, and although none of the parts of the broken-up truck were found in the possession of the appellant, as far as the record would show, yet the case against the said appellant is very strong, strong to the point of satisfying any hypercritical mind, thanks largely to the defendant's omission to take the most elementary precaution to conceal the crime and the reckless manners in which he disposed of or kept the loot.

The defendant's confession fully tallies with the government witnesses' testimony. Confirmed by the finding of the tires and the palay in the possession of the men named by the accused and Valentin Magno, and natural and plausible in every sense, the confession and the state witnesses' oaths have the ring of truth and are convincing. The defendant's I don't-know-anything-about-that response to very damaging imputations, imputations which if false should have evoked indignation and vehement denials from any innocent person, only strengthens this conviction.

The defendant's repudiation of his confession was lukewarm and his account of the alleged torture is vague, confused and clumsy. Quite aside from all this, the defendant himself admitted that Captain Arcales was friendly and kind to him, offering him a meal in a restaurant and a bed in the captain's home in Manila. In fact he declared that he complained to Captain Arcales against the abuses he claims to have suffered at the hands of the captain's men and that at one time Captain Arcales reprimanded his subordinates for their misbehavior.

This is not saying that the appellant was maltreated; all indications are that he was not. But his testimony does go to show that he had no reason to be afraid, and he was not afraid, of Captain Arcales; and, let it be remembered, it was this officer alone who interrogated him and to whom he made a clean breast of his role in the macabre enterprise. Much less reason could he have to own before the justice of the peace a directing role in the commission of a capital offense with which he had nothing to do. A "valued member" of a law-enforcement agency and fairly cognizant of the ways of courts and of his rights and the consequences of what he was about to do, he swore to his confession freely and without a murmur, so the justice of the peace affirmed.

The defendant's supposed good character and the valuable services he had rendered as a law agent is unavailing in the face of overwhelming evidence, direct and circumstantial, of his participation. Furthermore Lieutenant Estrada, the lone defense character witness, did not express any opinion that the appellant had not committed, or could not have committed, the crime in question. His reaction seemed to be rather one of astonishment that the man whom he had appointed to help in the maintenance of peace and order and in whose uprightness and honesty he had reposed implicit faith, had turned the moving spirit in a shocking highway banditry and cold-blooded murders. He had little realized that appearances deceive, that as the saying goes and common experience and common observation demonstrate, confidence kills.

Corpus delicti has been established beyond any shadow of doubt. Whether we take this term to mean the body of the deceased, which is not exactly correct, or the actual commission of the crime charged, which is what it really signifies, in either case the required proof is there in great abundance. Mortal remains and one grave were discovered, and their identity as remains of three and the grave of one of the murdered men was attested by the appellant himself and coincides with the testimony of eye-witnesses as to the places where the offended parties

were shot down and with the state of the bones and the presence of ropes. As to the actual commission of the crime and the leading part played by the accused therein, these are the main subject of the prosecution witnesses' testimony and of the defendant's confession hereinbefore recited at length.

The appealed decision is assailed on the assumption that it does not set forth the facts on which the appellant was convicted. The decision, it would seem, has been misread. The facts testified to by the prosecution witnesses were recited by the court as its findings and it is quite plain from the decision that it was on the basis of these facts that the appellant was pronounced guilty. At any rate, the defendant could not in any manner be prejudiced by the alleged defect in the form of the decision. This Court's and the appellant's tasks on this appeal are not limited to an examination of the trial court's "specific findings." The whole record is open for review and it is on what we believe the record shows that the appellant's guilt or innocence has to be determined, independently of how the lower court reached its conclusions or which particular bits of evidence it gave weight to or rejected.

In conclusion, we find the appellant guilty beyond reasonable doubt of the crime as charged. The appellant's acts constitute a complex crime of robbery with quadruple homicide and not, as the trial court held, four separate crimes. The juridical concept of robbery with homicide does not limit the taking of human life to one single victim making the slaying of human beings in excess of that number punishable as separate, independent offense or offenses. All the homicides or murders are merged in the composite, integrated whole that is robbery with homicide so long as all the killings were perpetrated by reason or on the occasion of the robbery. Here all the four assassinations were perpetrated with the sole end in view of removing opposition to the robbery or suppressing evidence thereof, or both. There was no other conceivable motive for the elimination of Young and his employees.

The commission of the crime at bar was attended by at least one aggravating circumstance, that of treachery. At least the two laborers Demetrio Sinio or Dina and Feliciano Guyapo, were killed while bound in such a way as to be deprived of opportunity to repel the attack or escape with any possibility of success.

While the presence of treachery alone is sufficient warrant for the imposition of the extreme penalty, and without considering the fact of the appellant being a law officer as an aggravating circumstance in law, we can not, nevertheless, overlook this factor as additional ground for dealing with the appellant with utmost severity. He committed the crime with the aid of a gun which he had been authorized to carry as a peace officer; and he succeeded in going through the check point with the stolen truck and its cargo unmolested and unsuspected of misdeed, thanks to his official position. At the very least, he deliberately broke the law which it was his sworn duty to uphold, and robbed peaceful citizens whom he was sworn to protect, with malevolence surpassing any displayed by ordinary malefactors. By this token, his crime is graver and his responsibility greater.

It is the unanimous opinion of the court that Paciano Madrid is guilty beyond doubt of the crime of robbery with quadruple homicide and should be, as he is hereby, sentenced to death to be carried out in the manner prescribed by law, with costs.

The civil aspects of the judgment must be modified also. The defendant shall pay to the owners the value of the unrecovered 80 cavanos of palay at the rate of P13 a cavan; P6,000 for the truck less the value of the tires and other parts which have been recovered, to be appraised when and if the civil judgment is executed; and P6,000 to each set of heirs of the four deceased.

Moran, C. J., Paras, Feria, Pablo, Bengzon, Padilla, Tuason, Montemayor, Reyes, and Jugo, JJ., concur.

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