

PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. ROBERTO BOYLES AND PIO MONTES, DEFENDANT AND APPELLANT.

G.R. No. L-15308. May 29, 1964

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f0341339f391/>

PER CURIAM:

On January 27, 1959, Roberto Boyles and Pio Montes were charged in the Court of First Instance of Davao with the crime of robbery with homicide, the information reciting three (3) aggravating circumstances, to wit: "1. superior strength, 2. dwelling, and 3. nighttime, the accused having purposely sought it to facilitate its commission."

Subsequently, on March 11, 1959, the information was amended to include a fourth aggravating circumstance, namely, "the fact of two prior convictions of both accused."

Upon arraignment, both defendants, duly represented by counsel de oficio, Atty. Marcial Tupas, pleaded guilty to the charge.-

"ATTY. TUPAS:

The accused are willing to enter a plea of guilty and they are ready to be arraigned.

"COURT:

Arraign the accused.

"INTERPRETER:

Reading the information to the accused.

"ACCUSED PIO MONTES:

I understand the information read to me and
I PLEAD GUILTY.

"ACCUSED ROBERTO BOYLES:

I understand the information read to me and
I PLEAD GUILTY.

"COURT:

To the accused Pio Montes:

"Q. Do you understand the nature of your plea?

"A. Yes, sir.

"Q. You insist on pleading guilty?

"A. Yes, Your Honor, because I am at fault.

To the accused Roberto Boyles:

"Q. Do you understand the nature of your plea?

"A. Yes, sir.

"Q. You insist on pleading guilty?

"A. Yes, sir.

"Q. You understand the charge against you?

"A. Yes, sir.

"COURT:

Ask the same question to Pio Montes.

"INTERPRETER:

Asking the accused Pio Montes.

"PIO MONTES:

"A. Yes, sir. (pp. 2-3, t.s.n.)

Taking into account the gravity of the offense charged and the lawful penalty that may be imposed therefor, the trial judge directed the prosecution to go to trial notwithstanding the plea.

"COURT:

The Court would like the prosecution to present witnesses to prove the aggravating circumstances because the discretion as to the imposition of the proper penalty is with the Court, and the Court would like to see to it that the proper penalty is meted the accused."

"FISCAL DELGRA:

Yes, Your Honor, we can present witnesses.

"ATTY. TUPAS:

Since the accused had already pleaded guilty there is no need to present evidence.

"COURT:

Under the Rules of Court the Court has discretion to let the prosecution present evidence for the purpose of satisfying the Court that the accused is really guilty of the offense, especially like this case when it is a capital offense, (pp. 3-4, t.s.n.)

In compliance with the foregoing direction, the prosecution went to trial and established the following facts:

Early in the morning of November 28, 1959, at about 3:00 o'clock, the spouses Eminiano Bayo and Brigida Misona of Barrio Monte Carlo, Asuncion, Davao, were awakened by the barking of dogs about their premises. Eminiano Bayo went down to investigate what the commotion was all about and soon returned to sleep when he saw that the dogs were just barking at some wild pigs foraging for root crops in their yard.

Because of the incident, however, the couple were unable to sleep anymore. At about 5:00 o'clock that same morning, while his wife was breast-feeding one of their children, Eminiano Bayo decided to start the day and went down the house to prepare their breakfast. As he opened the door, however, he was surprised to see a man, later identified as Felizardo Soria, menacingly standing and all set to attack him, and, just as quickly as he could yell a warning to his wife that there was an intruder in their abode, the man broke through their door, grabbed and wrestled with Bayo. On seeing the scuffle, Brigida ran to the rescue of her husband. She tried to break the stranger away from Bayo, but before she could be of any effective help, the man (Soria) shouted for his companions, the herein two appellants, who came rushing to the house. Pio Montes was armed with a knife, Roberto Boyles with a gun. Promptly, they joined the fray, and with their quarry thus greatly outnumbered, Pio Montes stabbed Eminiano Bayo in the back.

In panic, fear and terror, Brigida blindly sought the window and jumped, the fall spraining her waist and breaking her legs. Immediately, the stranger who first confronted her husband ran down the house, grabbed and dragged her back upstairs where then the group demanded money from her. She opened a trunk and got the empty tin can of Klim milk in which she and her husband kept their savings of about P100.00 and handed over the contents to

Pio Montes.

The three, however, did not content themselves with the money-loot. Exhibiting one of the ugliest and most revolting criminal perversity this Court has ever been made to pass judgment on, the trio forcibly brought Brigida near where her dead husband lay bathed in blood, and, completely insensitive to the painful, terrified anguish of the just-widowed mother, they forced her to lie beside the corpse and there took turns raping her. After everyone had quenched his lustful thirst, they tied her hands behind her back and left.

As soon as her attackers had departed, Brigida worked to free herself from the ropes. She then woke her 6-year old son and sent him out to ask for help from their neighbors.

Upon their arrests, both appellants readily confessed to the crime. Their sworn statements were first taken by the Davao Police authorities and later subscribed and sworn to before an Assistant Provincial Fiscal of Davao. There is no question whatsoever as to the validity and voluntary execution of the said documents. They were translated into their dialects and both appellants admit they executed them upon their own free will and with full awareness of their contents and consequences.

The third man in the group, Felizardo Soria, was still at large when this case was filed.

As both accused have pleaded guilty, only one issue is addressed to this Court for review, and that is, the legality of imposing the capital punishment on them.

Counsel for the appellants insists that the proceedings in the lower court have established only two aggravating circumstances in the commission of the crime, i.e., dwelling and habituality, which are in turn, however, offset by the two mitigating circumstances borne out by the records of this case, namely, plea of guilty and lack of intention to commit so grave a wrong. Consequently, it is urged that the death penalty may not be legally meted pursuant to Article 63, paragraph 2 of the Revised Penal Code, in relation to paragraph 4 of the same Article.

"Art. 63. Rules for application of indivisible penalties. — x x x In all cases in which the law prescribes a penalty composed of two indivisible penalties, the following rules shall be observed in the application thereof:

1. * * *

2. When there are neither mitigating nor aggravating circumstances in the commission of the deed, the lesser penalty shall be applied.

3. * * *

4. When both mitigating and aggravating circumstances attended the commission of the act, the courts shall reasonably allow them to offset one another in consideration of their number and importance, for the purpose of applying the penalty in accordance with the preceding rules, according to the result of such compensation."

We regret to disagree with the position and theory advanced by the appellants.

To begin with, the appellants are now bound to accept the existence of four aggravating circumstances in the commission of the crime imputed against them because they have pleaded guilty to the information in which said four circumstances were expressly alleged. The jurisprudence is firmly settled that while a plea of guilty is mitigating, at the same time, it constitutes an admission of all the material facts alleged in the information, including the aggravating circumstances alleged, such as nocturnity, use of superior force, dwelling, etc. (People vs. Egido, 90 Phil., 762; People vs. Santos and Vicente, L-105 Phil., 40; People vs. Agaton Salazar, 106 Phil., 221, all cited in Aquino, The Revised Penal Code, Vol. 1, p. 265, 1961 ed.) It matters not that the offense is capital, for the admission (plea of guilty covers both the crime as well as its attendant circumstances qualifying

and/or aggravating the crime (People vs. Marcial Ama y Perez, 111 Phil., 882; People vs. Roger Perete y Manlapas, 111 Phil, 943).

Although the foregoing jurisprudence covers the whole scope of appellants' appeal, We shall discuss more extensively the various points raised in their brief in recognition of the seriousness of the penalty imposed and because one aspect of this case needs further clarification.

The lower court appreciated nocturnity against the appellants solely on the basis of the fact on record that the crime was committed at about 5:00 o'clock in the morning. This particular finding can stand correction. By and of itself, nighttime is not an aggravating circumstance. It becomes so only when it is especially sought by the offender and taken advantage of by him to facilitate the commission of the crime to insure his immunity from capture (People vs. Alcala, 46 Phil. 739; People vs. Matbagon, 60 Phil. 887; People vs. Pardo, 79 Phil. 658). Stated differently, in default of any showing or evidence that the peculiar advantages of nighttime was purposely and deliberately sought by the accused, the fact that the offense was committed at night will not suffice to sustain nocturnidad. It must concur with the intent or design of the offender to capitalize on the intrinsic impunity afforded by the darkness of night.

In the case presently on appeal, We note that other than the time of the crime, nothing else whatsoever suggests the aggravating circumstance of nighttime. Not one of the prosecution evidence, oral or documentary, makes the slightest indication that the protection of night's darkness was deliberately availed of by the appellants. In view of this deficiency in the case for the Government, We are constrained to disallow the said circumstance even as, technically, it may have been accepted by them when they pleaded guilty on arraignment.

The appellants also question the lower court's finding that they employed superior strength in the commission of the crime. They claim that the evidence on record show otherwise.

We do not think so. In the first place, there is the uncontradicted testimony of the wife of the victim, an eyewitness to the attack, that the herein two accused jumped on the victim as he was wrestling with Felizardo Soria and that it was while they had him thus outnumbered that Pio Montes delivered the fatal blow. Secondly, the signed confessions of the appellants substantially tally with and confirm the above testimony of the wife. The records do show that had not the appellants herein seized upon their greater number and greater power to overwhelm the deceased, the latter might have defended himself more successfully. His aggressors were armed, and he was un-armed and only by himself. The number of the aggressors here point to the aggravating circumstance of superior force (U. S. vs. Bañagale, 24 Phil. 60; People vs. Eustaquio Caroz et al., 68 Phil. 521).

Finally, the point is raised that "aside from the plea of guilty of the accused, the trial court should have also considered the mitigating circumstance of lack of intention to commit so grave a wrong as that committed." The argument is that the accused planned only to rob they never meant to kill.

The obvious fallacy of the above argument lies in the failure to understand the true nature of the aforementioned mitigating circumstance. Article 13, paragraph 3 of the Revised Penal Code addresses itself to the intention of the offender at the particular moment when he executes or "commits the criminal act; not to his intention during the 'planning stage. Therefore, when, as in the case under review the original plan was only to rob, but which plan, on account of the resistance offered by the victim, was compounded into the more serious crime of robbery with homicide, the plea of lack of intention to commit so grave a wrong cannot be rightly granted. It is utterly of no moment that the herein accused set out only to rob. Their refutable fact remains that when they ganged up on their victim, they employed deadly weapons and inflicted on him mortal wounds in his neck. At that precise moment, they did intend to kill their victim, and that was the moment to which Article 13, paragraph 3 of the Revised Penal Code refers.

While intent to kill is purely a mental process, it may be inferred from the weapon used, the extent of the injuries sustained by the offended party and the circumstances of the aggression (People vs. Parana, 64 Phil. 331) as well as the fact that the accused performed all the acts that should have resulted in death (People vs. Mercado, 51 Phil. 99). In the case at bar, the weapon used, the force of the blow, the spot where the blow was directed and landed, and the cold-blood in which it was inflicted, all tend to negative any notion that the plan was anything less than to finish their intended victim (People vs. Orongan, 58 Phil. 426). Hence, the charge that the extenuating circumstance of lack of intent to commit so grave a wrong as that committed was unjustly denied the appellants is completely unfounded.

In summary then, the crime committed was robbery with homicide, aggravated by three (3) circumstances, namely, dwelling, use of superior force and habituality. Only one mitigating circumstance, voluntary plea of guilt, is legally assessable in appellants' favor. There is absolutely neither basis nor justice for this Court to extend unto them the extenuating circumstance of lack of intent to commit so grave a wrong, the records of this case having conclusively demonstrated the contrary. It may be said, though, that even if we were to credit the last mentioned circumstance in favor of she herein accused, they still would have to be meted the death penalty since the aggravating circumstances would still be one more than the mitigating circumstances — a condition which under our penal system makes mandatory the imposition of the greater penalty, death.

Our attention is called to the fact that the trial court sentenced the appellants to pay, jointly and severally, an indemnity of only P3,000.00. As recommended by the Solicitor General's office, this amount should be increased to P6,000.00 in line with the doctrine first laid down in the case of People vs. Amansec, G.R. No. L-927, March 11, 1948.

IN VIEW OF ALL THE FOREGOING, and, with the sole modification adverted to in the last paragraph, the decision appealed from is hereby affirmed. Costs against the appellants.

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

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.