

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
ARTEMIO GARCIA, ET AL., DEFENDANTS AND APPELLANTS.***G.R. No. L-8264. May 31, 1956*

Ponente: PARAS, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f25059520950/>**PARAS, C.J.:**

Artemio Garcia, Marcelino Tugade, Geronimo Buenaflor, Casimiro Lopez, Francisco Raquem, Pastor Sison, Pedro Ballares, Marcelo Barreto and Jose Ruiz were charged in the Court of First Instance of Pangasinan. with the crime of double murder, in that, conspiring together and taking advantage of their superior strength and of nighttime, and in . connivance with Marcelo Barreto who was at large, they feloniously, and in an uninhabited place and with evident premeditation and treachery, cut the necks of and killed Marciano Birog and Rafael Birog In the course of the trial and upon motion filed by the prosecution, the case was dismissed as against the defendants Marcelino Tugade, Geronimo Buenaflor and Francisco Raquem for insufficiency of evidence. . After trial the court rendered a decision (1) finding the defendants Pedro Ballares and Jose Ruiz guilty as principals and sentencing each of them to an indeterminate penalty of not less than 10 years and 1 day of prision mayor and not more than 17 years and 4 months of reclusion temporal, for the murder of Rafael Birog, and to another indeterminate penalty of the same duration, for the murder of Mariano Birog, with legal accessories; to indemnify jointly and severally with the defendant Artemio Garcia the heirs of the deceased Rafael Birog in the sum of P3,000 and the heirs of the deceased Mariano Birog in another sum of P3,000; and to pay their proportionate shares of the costs; (2) finding the defendant Artemio Garcia guilty as accomplice and sentencing him to an indeterminate penalty of not less than 4 years, 2 months .and 1 day of prision mayor, for the murder of Rafael Birog, and to another indeterminate penalty of the same duration, for the murder of Mariano Birog; to indemnify jointly and severally with the defendants Pedro Ballares and Jose Rujz, the heirs of the deceased Rafael Birog in the sum of P3,000 and the heirs of the deceased Mariano Birog in another sum of P3,000; and to pay his proportionate share of the costs; and (3) acquitting the defendants Pastor Sison and Casimiro Lopez for insufficiency of evidence. The three convicted defendants have appealed.

As pointed out by the trial court in the appealed decision, the evidence for the prosecution in substance has established the following facts: Before January 17, 1949, in view of the information about the loss by Segundo Golen of his six carabaos in the municipality of Alaminos, Pangasinan, the municipal mayor, Agapito Braganza, caused an investigation to be made Suspicion fell on Francisco Raquem who, however, denied having had any participation in the disappearance of said carabaos. Mayor Braganza thereupon sought the aid of appellant Artemio Garcia, then an agent of the Philippine Constabulary, who on January 18, 1949, together with Francisco Raquem, Marcelino Tugade and Jose Ruiz, went to the house of Rafael Birog situated in sitio Papaya, municipality of Mabini, Pangasinan, where they found Cecilia Cardenas and Aquilina Birog (wife and daughter respectively of Rafael Birog), Leon Bona and Gteronimo Buenaflor. Appellant Garcia, with a revolver in hand, told Cecilia Cardenas that Jie was going to take along Leon Bona and Geronimo Buenaflor, whereupon appellant Garcia and companions, with Leon Bona and Geronimo Buenaflor, proceeded to the house of barrio lieutenant Casimiro Lopez, where appellant Garcia investigated Leon Bona. Upon refusal by the latter to admit that Rafael

and Mariano Birog were the leaders of the cattle rustlers, he was maltreated by appellant Garcia. Returning to the house of Rafael Birog, appellant Garcia (in company with Marcelino Tugade, Jose Ruiz, Francisco Raquem and Geronimo Buenaflor) met Mariano Birog who was invited by appellant Garcia to the house of Pedro Ballares to eat pinipig cakes, leaving Tugade and Buenaflor in the house of Rafael Birog. with instruction by appellant Garcia to wait for Rafael Tugade and Buenaflor however left even before Rafael's arrival. Tugade, Buenaflor and Mariano Birog returned to the house of Rafael Birog who was prevailed upon by the latter's son (Mariano Birog) to go to the house of Casimiro Lopez, where Rafael was investigated by appellant Garcia. After maltreating Rafael and Mariano Birog, appellant Garcia ordered Pedro Ballares, Jose Ruiz and Marcelo Barreto to take Rafael and Mariano somewhere for liquidation. Since then these two were never seen or heard from.

The matter was reported by Cecilia Cardenas both to the local authorities and to the Philippine Constabulary in Manila. Inspector Queruben Manipon of the Intelligence Division of the Philippine Constabulary was commissioned to handle the case, with the aid of agents Francisco Sanchez and Hilarion Santos. As a result of their investigation, appellants Jose Ruiz and Pedro Ballares admitted having committed the crime upon order of appellant Artemio Garcia. Their admissions were reduced to writing and accordingly contained in affidavits (Exhs. "C" to "C-7" and "D" to "D-5" of appellant Ruiz, and Exhs. "A" to "A-6" and "B" to "B-10" of appellant Ballares). According to the confessions, appellant Ruiz decapitated Mariano Birog while Rafael Birog was decapitated by Marcelo Barreto; and during the ceremony appellant Pedro Ballares was watching with a carbine in hand. At first refusing to do so, appellants Jose Ruiz and Pedro Ballares led the authorities to Mount Dimalagan where they reenacted their crime. At the place indicated by said appellants, bones were found which, according to findings of the National Bureau of Investigation, belonged to two male persons.

The first contention of the appellants is that the prosecution had failed to prove the corpus delicti. It is thus alleged that although the Government expert was able to identify two sets of bones and knits of hair as belonging to two male persons, said expert could not tell with certainty whether the bones and hair were those of a Filipino or a Japanese; that there is uncontradicted evidence that in the place where said bones and hair were found many Japanese stragglers died of hunger during the liberation; that the reenactment of the crime by appellants Ruiz and Ballares was involuntary, having been made merely to avoid maltreatment; and that the death of Rafael Birog and Mariano Birog was just inferred by the trial court from their disappearance.

We cannot agree with appellants contention. Corpus delicti means the fact or specific injury or loss sustained; and in murder the fact of death is the corpus delicti (People vs. Batangan, 54 Phil, 834; People vs. Moros Ansang et al, 93 Phil., 44 People vs. Marquez, 77 Phil., 83.) The fact that Rafael and Mariano Birog died, is established by the extra-judicial confessions of appellants Jose Ruiz and Pedro Ballares, to the effect that they liquidated the former on the night of January 18, 1949. The confessions are supported by the finding of the bones and hair of two male persons at the exact place indicated by said appellants; by the testimony of Leon Bona and Francisco Raquem, to the combined effect that on January 18, 1949, the deceased father and son (Rafael and Mariano Birog) were hogtied and gagged and taken somewhere by appellants Ruiz and Ballares and Marcelo Barreto upon order of appellant Garcia, and that in the following morning they returned without Rafael and Mariano and reported to appellant Garcia that the two had already been liquidated; and by the testimony of Cecilia Cardenas and Aquilina Birog, to the effect that Rafael and Mariano Birog had disappeared and never returned to their home since January 18, 1949. The allegation that many Japanese died at or about the place of the commission of the crime, is inconsistent with the finding of the bones of only two male persons.

It is next argued that the confessions of appellants Jose Ruiz and Pedro Ballares were obtained by means of violence, and were the product of continuous maltreatment and ceaseless questioning, said appellants having been in the custody of the investigators for a month, held incommunicado; that said appellants had chosen to confess as

a last resort to escape further physical tortures and hideous cruelties on the part of the investigators and thereby to keep themselves alive; and that notwithstanding rigid and exacting cross-examination, said appellants testified in court flawlessly and maintained their innocence throughout.

This argument deserves no merit. In the first place, the justices of the peace before whom the confessions were sworn to, positively testified that they were thumb marked by affiants voluntarily and freely and after their contents were read to each. In the second place, no proof of actual physical injury was presented by either appellant; in the third place, even assuming the involuntary character of said confessions, the finding of the bones, and hair above referred to confirms the admissions of guilt and renders the confessions admissible in evidence. In the case of *Bery vs. U. S.*, 2 Col: 186, it was held that "if the involuntary confessions are confirmed on material points by facts subsequently discovered in its consequence, the whole confession should be received and admitted as evidence. * * * The finding of the goods at the place indicated not only tends to corroborate the declaration of the prisoner that they will be found there but also his declaration that he stole them and concealed them at that place, if he made this' statement." .

It is also insisted for the appellants that if the crime was committed at a place in Mount Dimalagan late in the evening of January 18, 1949, as charged in the information, and in view of the distance between said place and the municipality of Mabini which—according to a competent witness—cannot be covered in less than 7 or 8 hours, it was physically impossible for appellants Jose Ruiz and Pedro Ballares to have returned to Mabini early in the morning of January 19, 1949, as testified to by Leon Bona, and to have reported to Artemio Garcia that they had already liquidated Rafael and Mariano Birog. It is further alleged that the latter could not have been killed on January 18, 1949, because mayor Braganza testified that he personally investigated Rafael and Mariano Birog in the municipal building, and because the chief of police testified that on January 19, 1949, appellant Garcia brought with him to the municipal building three men and the mayor ordered him to investigate one of them, Leon Bona.

With reference to the matter of distance, it is well to remember that the speed with which persons travel varies with different individuals and depends upon attending circumstances, with the result that while it may take one person 7 or 8 hours to walk from Mount Dimalagan to the municipality of Mabini, another may negotiate the same distance in a much) lesser time.

There is no point in appellants' allegation that mayor Braganza personally investigated Rafael and Mariano Birog, because the testimony of said mayor contains no express reference to January 19, 1949, but merely intimated that the investigation took place some time in January, 1949. Furthermore, if appellant Garcia in fact brought together Leon Bona, Rafael Birog and Mariano Birog on January 19, there could be no valid reason why Leon Bona should be separated from the Birogs and why the first should be investigated by the chief of police and the latter two by the mayor. At any rate, as aptly observed by the Solicitor General, what is essential in this case is not whether Rafael and Mariano Birog were killed on January 18, 1949 or subsequently, but whether they were actually murdered and the appellants are the authors of the crime. It is needless to repeat that appellants Jose Ruiz and Pedro Ballares had admitted their guilt in their confessions and referred to appellant Artemio Garcia as the one who ordered them to commit the crime; and the admissibility of said confessions has already been demonstrated herein above. It may be added, however, that the facts recited in the confessions tally with the testimony of the witnesses for the prosecution (Francisco Raquem, Cecilia Cardenas, Leon Bona and Aquilina Birog) as to the events and circumstances that led to the commission of the crime in question..

What has been said sufficiently negatives (1) the denial by appellant Artemio Garcia that he ordered the liquidation of Rafael and Mariano Birog, claiming that he had merely investigated and released them in the morning of January 19, 1949, when mayor Braganza found that there was no evidence against them; and (2) the

defense of alibi put up by appellants Jose Ruiz and Pedro Ballares. The latter two appellants were positively identified by prosecution witnesses Leon Bona and Francisco Raquem as the ones who took away Rafael and Mariano Birog to the mountain, and said witnesses have admittedly no reason to lie. Apart from the incriminatory reference to appellant Artemio Garcia contained in the confessions of appellants Jose Ruiz and Pedro Ballares, the testimony of Leon Bona to the effect that appellants Ruiz and Ballares reported in the presence of appellant Garcia that the former had already liquidated the Birogs, and the testimony of Francisco Raquem in the sense that he heard appellant Garcia say "It is better that we finish them," and that the latter ordered Pedro Ballares, Jose Ruiz, Marcelo Barreto, Rafael Birog and Mariano Birog to go somewhere, clearly show the criminal participation of appellant Garcia in the killing of Rafael and Mariano Birog.

We agree with the trial court in convicting appellants Jose Ruiz and Pedro Ballares as principals but, in view of what has been said, we are constrained to hold that appellant Artemio Garcia should also be convicted as principal. We agree also with the trial court in considering the mitigating circumstance of lack of instruction, but said court erred in not considering the aggravating circumstance that the crime was committed in an uninhabited place.

It being understood, therefore, that each of the three appellants, Artemio Garcia, Jose Ruiz and Pedro Ballares, is sentenced to reclusion perpetua for each of the murders of Rafael Birog and Mariano Birog, the appealed decision is in all other respects affirmed, with costs.

Bengzon, Padilla, Reyes, A., Jugo, Bautista Angelo, Concepcion, Reyes, J. B. L., and Endencia, 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.