

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
RAMON RODRIGUEZ, MAXIMO RODRIGUEZ, ALIAS IMO, PEDRO
RODRIGUEZ, ALIAS EDRING, AND SIANONG BACUTAN, DEFENDANTS
AND APPEL...**

G.R. Nos. L-10046-47. May 23, 1960

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

This is an appeal from a decision of the Court of First Instance of Cagayan in Criminal Cases Nos. 1526-A and 1530-A of said court.

It appears that on October 30, 1953, an encounter took place near the house and lot of Simon de San Jose, in the barrio of Guiddem, municipality of Abulug, province of Cagayan. As a result, Leonardo Martinez died, eleven (11) days later, in consequence of the following injuries inflicted upon him on said occasion:

"1.

Cut wounds on the head—fronto-Occipital

a)

One just right on the midline, four (4) inches long and cracked the skull and meningeal membrane, with profuse bleeding.

b)

One just left of the midline, four (4) inches long cutting the scalp, bone meningeal membrane, with profuse bleeding.

c)

One on the right parietal region, cutting the scalp. It is curved and peeled the scalp to a distance of 1 inch above the right ear, with profuse bleeding.

2.

Cut wound on the left face. The wound is three (3) inches long.

3.

Cut wound on the left elbow (back side). This wound is 8 inches long and cut the skin, muscle and bone.

4.

Cut wound on the right shoulder. This wound is straight, clear cut, cut the skin, the capsule of the shoulder and the head of the humerus into two. This wound will produce a permanent disability of the right hand." (Exh. C)

and Sabas Manzano, Justino Vela, Domingo Lazo and Espiridion Supnet then sustained the following injuries:

SABAS MANZANO:

"1.

Cut wound on the right elbow. The wound is oblique, clear cut, straight and cut the skin, tendons and the head of the ulna (bone) and lower end of the humerus.

2.

Punctured wound on the back of the right hand in mid-point. This wound is circular about one (1) cm. in diameter. There is still a foreign body lodged near the bone (i.e. the tip of the broken arrow).

3.

Cut wound on the back right side. It is clear cut, 4 inches long and cuts the skin, two ribs and a portion of the lung (dorsal side) with profuse hemorrhage.

4. Contusion above the left eyebrow with marked echymosis." (Exh. E)

JUSTINO VELA:

"Cut wound on the exterior sides of the right leg, 1-½ inches long and reached the femur with moderate bleeding." (Exh. G)

DOMINGO LAZO:

"1.

Contusion with moderate swelling on the right hand (dorso lateral side).

2.

Contusion on the back, left side located on the scapular line at the level of the 9th rib." (Exh. H)

ESPIRIDION SUPNET:

"Wounds—

a)

Above the medial side of the right knee. This wound is circular, about one cm. in diameter and penetrated up to the bone. This wound was caused by an arrow.

b)

Below the medial side of the right knee. Same as in (a)." (Exh. I)

which required medical attendance for 50 days, 21 days, 14 days and 15 days, respectively.

Ramon Rodriguez, Maximo Rodriguez, alias Simo, Pedro Rodriguez alias Edring, and Casiano Bacutan, alias

Sianong Bacutan, were charged with murder in case No. 1526-A, for the death of Leonardo Martinez, whereas said Ramon Rodriguez, Pedro Rodriguez and Casiano Bacutan, as well as Loreto Mercado, alias Lucas Mercado, and Florentino Maddela were accused, in case No. 1530-A, of frustrated murder, for the aforementioned injuries of Sabas Manzano, Justino Vela, Domingo Lazo, and Espiridion Supnet. Being interrelated, the two cases were jointly heard, after the discharge of Florentino Maddela as one of the defendants in said case No. 1530-A, to be used as state witness. In due course, the lower court rendered in both cases a decision, dated July 16, 1955, the dispositive part of which, as amended by an order of August 29, 1955, reads as follows:

"In view of the foregoing, the Court hereby renders judgment—

1. Sentencing each of the accused in Criminal Case No. 1526-A to suffer cadena perpetua; each to jointly and severally, with his co-accused, indemnify the heirs of Leonardo Martinez in the sum of P3,000.00, without subsidiary imprisonment; and each to pay 1/4 of the costs.

2. Sentencing the accused Ramon Rodriguez, Pedro Rodriguez, Sianong Bacutan and Lucas Mercado, accused in Criminal Case No. 1530-A, to suffer an indeterminate imprisonment of ten years, 1 month and 11 days of prison mayor as minimum, to 12 years, 5 months and 11 days of reclusion temporal, as maximum; to indemnify, with his co-accused, jointly and severally Domingo Lazo in the sum of P200.00 for medical treatment and the further sum of P35.00, representing the amount he failed to earn for a period of 14 days at P2.50 a day; Justino Vela in the sum of P10.00 for medical treatment and the further sum of P52.50, representing the amount he failed to earn in 21 days at P2.50 a day; Sabas Manzano, in the sum of P250.00 for medical treatment and the further sum of P125.00 which he failed to earn in 50 days when he was incapacitated; and Espiridion Supnet, in the sum of P250.00 for medical treatment and the further sum of P37.50 which he failed to earn during his incapacity to work for 15 days at P2.50 a day; and each to pay 1/4 of the costs.

It appearing that the accused Ramon Rodriguez in Criminal Case No. 1530-A has been preventively imprisoned for a period of 10 days, he is hereby credited with 1/2 of said period, or 5 days, in the service of his sentence. The other accused, Pedro Rodriguez, Sianong and Loreto Mercado, having been preventively imprisoned, for a period of 558 days, each of them is hereby credited with 1/2 of said period, or 279 days, in the service of his sentence.

Exhibits A and B, two of the bolos used in the commission of the crimes, and which were the only ones presented in court, are hereby confiscated."

The defendants thus convicted appealed from said decision, but, subsequently, Lucas Mercado withdrew his appeal. Hence, we are now concerned with the appeal taken by Ramon Rodriguez, Maximo Rodriguez, Pedro Rodriguez and Casiano Bacutan.

The version of the prosecution is as follows: In the morning of October 30, 1953, Sabas Manzano, Justino Vela, Leonardo Martinez, Domingo Lazo, Gregoria Supnet, Espiridion Supnet and Catalino Cuaresma went to the rural market in Guidem, Abulug, Cagayan. At about 11:00 a.m., they proceeded to return to their respective houses walking together, except Leonardo Martinez who was astride a carabao. As they were north of the house of one Simon de San Jose, after passing by the place where Ramon Rodriguez and Sianong Bacutan lived, they noticed nearby a group composed of Ramon Rodriguez, Pedro Rodriguez, Maximo Rodriguez, Lucas Mercado, Casiano Bacutan, Juan Liban, Florentino Maddela, and Bino Aragon armed with boloes, a bow and arrows. Soon thereafter, Casiano Bacutan boloed Sabas on the right elbow, and Ramon Rodriguez hacked him on the back, whereas Florentino Maddela shot an arrow at his leg, and Lucas Mercado stoned him on the forehead. There upon, Leonardo Martinez dismounted from his carabao, but, as he did so, Pedro Rodriguez, Ramon Rodriguez and Maximo Rodriguez gave him bolo slashes on the head, the right forehead, the right shoulder and the left elbow. When Leonardo fell down prostrate, Casiano Bacutan boloed him several times. Noticing that Leonardo Martinez

was helpless against his aggressors, Domingo Lazo tried to succor him, but Pedro Rodriguez met him with a blow on the right forearm, near the wrist, given with the blunt edge of his (Pedro's) bolo. As Domingo Lazo turned about to flee, Pedro hit him, once more, on the back, with the same blunt edge of his bolo. At about the same time, Florentino Maddela shot an arrow at Espiridion Supnet, wounding him in the right leg, just below the knee, when he tried to come to the assistance of Leonardo Martinez, whereas Lucas Mercado boloed him (Espiridion) on the right knee.

The prosecution further proved that Pedro Rodriguez harbored ill-feeling towards Leonardo Martinez, for, prior to the occurrence, both wanted to dance with a given lady and the latter chose to dance with Leonardo. In fact, in the morning of October 16, 1953, Pedro Rodriguez, who was then accompanied by Casiano Bacutan, unsheathed his (Pedro's) bolo for the purpose of attacking Leonardo Martinez, at the rural market in Guiddem, but the presence of soldiers in that place and their timely intervention prevented Pedro from carrying out his intent. However, he warned: "There will be a time for you people from Bunnong," which is the barrio in which Leonardo Martinez and Domingo Lazo reside.

Upon the other hand, the defense tried to prove the following: While Casiano Bacutan was in said market, on October 30, 1953, he found Sabas Manzano and Espiridion Supnet drinking liquor. Sabas invited Casiano to drink, but the latter declined to do so, whereupon Sabas drew out his bolo and tried to attack him. Casiano ran away towards the house of Ramon Rodriguez, he being the auxiliary barrio lieutenant, but having noticed that he (Ramon) was in the nearby house of San Jose, he (Casiano) cried out to Ramon for help. Ramon was then in said house, with his son, Pedro Rodriguez, to borrow a "banca". Having heard Casiano's calls for help, Ramon went down the house and inquired from Sabas why he was chasing Casiano. In reply, Sabas cursed Ramon and stabbed him in the abdomen. Ramon tried to flee, but Leonardo Martinez gave him a slash on the forehead. As Ramon fell to a somewhat sitting position, Domingo Laze hacked him with a bolo on the right knee. Ramon attempted to stand up and run away, but Catalino Cuaresma came and, with a bolo slash, wounded the middle finger of Ramon's left hand and the posterior part of his left forearm, with which he had sought to parry the blow.

Noticing that the wound in the abdomen of his father (Ramon) left his intestines exposed, Pedro Rodriguez ran towards him (Ramon), but Sabas came to his (Pedro's) encounter and tried to attack him. So Pedro ran away, only to be met by Espiridion Supnet, who boloed him on the right arm, just above the elbow. Maximo Rodriguez, another son of Ramon, was then in the ricefield, near the house of San Jose. Having heard screams coming from their house, he approached it and saw his father trying to go up the house with his intestines protruding in the abdomen. He tried to give his father a helping hand, but Leonardo Martinez gave him (Maximo) a bolo slash that wounded the palm of his left hand. He (Maximo) then held the bolo of Leonardo with one hand, and unsheathing his (Maximo's) own bolo, with the other hand, he (Maximo) hacked him (Leonardo) several times until he fell down.

Meanwhile, Pedro Rodriguez had returned to the house of San Jose, where he lay down. He was soon followed by his father, Ramon, and then by Maximo. They noticed that Florentino Maddela was in one of the windows of said house, shooting arrows with his bow. Casiano Bacutan had, in turn, gone to his own house.

Loreto Mercado denied having been present in Guiddem at the time of the occurrence, or having participated in it. He was then, he claimed, in the barrio of Bulala, where he resided. As already adverted to, he withdrew his appeal from the judgment of conviction of the lower court.

In view of the conflicting versions of both parties, the determination of this case depends upon the credibility of the testimony of their respective witnesses. Upon a review of the record, we are satisfied that the same does not warrant interference in the findings made by His Honor, the Trial Judge, who saw the witnesses and observed

their behaviour during the trial, and was, thus, in a better position than We are to gauge the veracity of their testimony. What is more, the following circumstances are strongly indicative of the artificiality of the theory of the defense, and of the fact that the story given by the witnesses for the prosecution is substantially closer to the truth:

- 1) The defense did not try to explain the injuries sustained by Sabas Manzano, Domingo Lazo and Justino Vela. By making reference to the fact that Florentino Maddela had been shooting arrows with a bow from a window in the house of Simon de San Jose, it merely intimated that all other lesions not specifically testified to by appellants must have been caused by said arrows. However, Domingo Lazo sustained only contusions, produced by blows with a blunt instrument. The lone injury suffered by Justino Vela was caused by a bolo, not an arrow, such as that used by Florentino Maddela. Upon the other hand, Sabas Manzano had two (2) bolo wounds and one (1) contusion, produced, obviously, by a blow with a blunt instrument, apart from the punctured wound caused by an arrow.
 - 2) If the occurrence was merely a consequence of Casiano's failure to accept the invitation of two (2) presumably inebriated persons—Sabas Manzano and Espiridion Supnet—to take part in their drinking spree, why is it that Catalino Cuaresma and Justino Vela, according to the evidence for the defense, joined Sabas Manzano and Espiridion Supnet in allegedly chasing Casiano Bacutan?
 - 3) It may not be amiss to note that the relation between the latter and Loreto Mercado—who withdrew his appeal—was not merely casual. Both had previously been jointly charged with robbery. In short, they were partners in crime.
 - 4) The defense tried to prove that, when Ramon Rodriguez inquired why Sabas Manzano was chasing Casiano Bacutan, the complainants in this case gave up their pursuit and concentrated their fury on Ramon Rodriguez; that, when his son Pedro came, said complainants ganged up on him, while Ramon Rodriguez was retreating to the house of Simon de San Jose; that when, at this juncture, Maximo Rodriguez appeared at the scene of the occurrence, Leonardo Martinez attacked him; that, meanwhile, Casiano Bacutan had returned to his house, whereas Pedro Rodriguez and Ramon Rodriguez had found refuge in the house of Simon de San Jose; and that Maximo Rodriguez had thus been left alone to face Leonardo Martinez.
- Had the latter and Sabas Manzano, Espiridion Supnet, Catalino Cuaresma and Justino Vela been sent on liquidating the members of the Rodriguez family, as the defense would have us believe, appellant Maximo Rodriguez would have surely been cut down to pieces by the concerted attack of said complainants and the deceased Leonardo Martinez. Now that they could have closed in upon Maximo, Sabas Manzano, Espiridion Supnet, Catalino Cuaresma and Justino Vela did nothing to attack him, and, instead, allowed him (Maximo) to unsheath his bolo and slash Leonardo seven (7) times in different parts of the body.
- 5) The defense did not even try to explain why appellants did not prefer criminal charges against their alleged assailants, despite the injuries allegedly inflicted by the latter upon the former.
 - 6) In point of fact, Sabas Manzano, Espiridion Supnet and Justino Vela hailed from different places and were together with Leonardo Martinez and Domingo Lazo by sheer coincidence. Sabas resided in Magurano, Luna, Apayao, Mt. Province, whereas Espiridion lived in the very barrio of Guidem, and Justino Vela was a resident of Payagan, Ballesteros. They merely happened to be going in the same direction. Hence, they could not have conspired, and did not conspire, to attack appellants herein.

Modified only as to the penalty in Case No. 1526-A (G.R. No. L-10046), which should be reclusion perpetua, or life imprisonment, instead of cadena perpetua, which no longer exists, the decision appealed from is hereby

affirmed, therefore, in all other respects, with costs against appellants Ramon Rodriguez, Maximo Rodriguez, Pedro Rodriguez and Casiano Bacutan.

Paras, C.J., Bengzon, Padilla, Montemayor, Bautista Angelo, Labrador and Endencia, JJ., concur.
Padilla and Endencia, JJ., voted and concurred in toto.

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