

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
MAXIMO SATURNINO, DEFENDANT AND APPELLANT.***G.R. No. L-6972. April 29, 1955*

Ponente: CONCEPCION, J.

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It is an undisputed fact that, on May 18, 1952, between 9:00 and 10:00 a.m., defendant Maximo Saturnino struck Marcelino Valdez with a wooden club on the left side of the head, and that, as a consequence, Valdez sustained the following injuries:

"(a) Wound, lacerated, head fronto-parietal region, left.

"(b) Depressed fracture, head, fronto-parietal left." (Exhibit B, p. 1, Record of Exhibits)

which produced "intracranial hemorrhage, acute, shock, moderate, paralysis, right half-body, cerebral concussion, acute, secondary," and caused his death a few minutes later. Saturnino claimed to have acted in self-defense, but their pretense was not sustained by the Court of First Instance of Ilocos Norte, which sentenced him to reclusion perpetua, with the accessory penalties prescribed by law, to indemnify the heirs of the deceased in the sum of P6,000, and to pay the costs. Hence, the appeal taken by said defendant.

The only question for determination before us is whether or not his plea of self-defense has been established satisfactorily. In this connection, it appears that, at the time of the occurrence, Procesa Morales, Alipio Miguel and Gregorio Mateo were on board an autobus, parked between the Popular Bazaar and the Washington Bazaar at General Lewis Street, Laoag, Ilocos Norte. Gregorio Mateo was the driver, then in the corresponding seat, whereas Procesa Morales and Alipio Miguel were his passengers, then near Marcelino Valdez, who stood sidewise at the entrance of said vehicle, with the left foot on the floor thereof and the right foot on the ground. While Valdez was, according to Procesa Morales, Alipio Miguel and Gregorio Mateo, conversing and joking with them, in the aforementioned position, Maximo Saturnino came from behind Valdez and struck him with the club Exhibit A, which he (appellant) held with both hands and was wrapped in a newspaper.

The defense does not even suggest that said witnesses for the prosecution had any possible motive to testify falsely against appellant herein. Indeed, their testimony merely confirms the affidavits (Exhibits 1, 1-B, 3, 3-C, 4 and 4-A) made by them before the justice of the peace of Laoag, immediately after the occurrence. Besides, the record shows that, sometime before the occurrence, Valdez had inflicted physical injuries upon him. When Valdez tried to settle the matter amicably, appellant imposed certain conditions, which the former did not accept. As the chief of police intervened on behalf of Valdez, appellant refrained from instituting the corresponding criminal action, but, remarked that, if Valdez could not meet said terms, he (appellant) would try to get even with him. In other words, appellant had the motive to commit the crime charged.

The defense tried to prove that as appellant walked past the space between the aforementioned autobus and the Washington Bazaar, Valdez accosted him (appellant) bolo in hand and asked: "Why are you trying to waylay

me?" Although Saturnino denied the imputation, Valdez advanced towards him. Saturnino retreated, picked up a piece of wood he saw nearby and, with it, he struck Valdez when he gave a bolo thrust.

We need not go into a detailed examination of this defense, which was sought to be established through the testimony of appellant and that of Dante Ildefonso and Rufino Mayor. Suffice it to say that, after a detailed analysis of the evidence for the defense, the same was found, in the decision appealed from, to be unworthy of credence, and that this finding should not be disturbed, for the lower court does not appear to have overlooked or misunderstood any fact of weight and importance in this case. Indeed, the bolo allegedly wielded by Valdez has not been introduced in evidence and was not seen either by the peace officer who repaired to the scene of the crime, immediately after its commission, or by any other impartial person. Moreover, Valdez had no reason whatsoever to attack appellant herein. In fact, the latter twice offered, in the lower court, to plead guilty of homicide, instead of murder. Surely, no such offers would have been made if the theory of the defense reflected the truth.

It is clear, therefore, that appellant is guilty of the crime of murder, qualified by treachery, he having approached Valdez from behind and struck him, without previous warning or altercation, when Valdez was engaged in a friendly conversation with other persons, and, hence, could not have possibly defended himself or even tried to escape. The lower court gave appellant the benefit of the mitigating circumstance of voluntary surrender to the authorities, although there is no competent evidence thereon and it appears that, although the warrant of arrest was issued on May 20, 1952, or two days after the occurrence, he was not apprehended until June 3, 1952. Evidently, the officers of the law had to look for him in order to detain him. In the case of *People vs. Adlawan*[1] (46 Off. Gaz., p. 4299) we said that "where there has been actual arrest the mitigating circumstance of Toluntary surrender cannot be invoked." Neither may appellant's offer to plead guilty be considered as a mitigat- ing circumstance, because said offer was qualified (*People vs. Noble*,[2] 43 Off. Gaz., 2010) and he has committed a crime graver than that which he offered to admit.

Being in accordance with the facts and the law, the decision appealed from is hereby affirmed, therefore, with costs against the defendant-appellant. So ordered.

Pablo, Bengzon, Padilla, Montemayor, Reyes, A., Bautista Angelo, Labrador, and Reyes, J.B.L., JJ., concur.

Judgment affirmed.

[1] 83 Phil., 194.

[2] 77 Phil., 99.

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