

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
CALIXTO MAMALAYAN, ET AL., DEFENDANTS. CALIXTO
MAMALAYAN, VICENTE CABRERA, TELESFORO TALATALA AND
MARIANO PANGANIBAN, ...**

G.R. No. 11210. May 30, 1961

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PER CURIAM:

Calixto Mamalayan, Faustino Magpantay, Vicente Cabrera, Telesforo Talatala, Gervacio Legaspi, Mariano Panganiban and Bartolome Legaspi were charged in the Court of First Instance of Laguna with the crime of kidnapping and serious illegal detention for the purpose of extorting ransom from the victim (Ng Poi Gong) or her family in the sum of P100,000, under the provisions of article 267 of the Revised Penal Code, as amended by Republic Acts Nos. 18 and 1084 (Crim. Case No. 16344). Their alleged confederates, namely, Balbino Ladra, Lorenzo Deticio and three others whose names are unknown, have not yet been apprehended. Upon arraignment, the defendants entered a plea of not guilty. The Court proceeded with the trial of the case. After the prosecution had rested its case, upon motion made in open court by counsel for the defense and without objection on the part of the prosecution, the Court quashed the information as regards Bartolome Legaspi on the ground of lack of evidence against him. The Court resumed trial of the case and thereafter on 23 August 1956 rendered judgment finding Calixto Mamalayan, Vicente Cabrera, Telesforo Talatala, Mariano Panganiban and Gervacio Legaspi guilty of the crime charged, the first four as principals and the last as accomplice, and sentenced the principals to death and the accomplice to suffer *reclusión perpetua*, each of them to pay the proportionate costs. In view of the fact, however, that the victim was rescued by the peace officers and the culprits failed to receive the ransom money they had attempted to extort from her or her relatives and no bodily injury was inflicted upon her, the Court recommended to the President of the Philippines that the death penalty imposed upon the principals be commuted to life imprisonment. The Court found Faustino Magpantay not guilty of the crime charged and acquitted him with costs *de oficio*.

The convicted defendants have appealed to this Court. On 6 February 1958, upon motion of Gervacio Legaspi, this Court dismissed his appeal.

The following facts are established by the evidence for the prosecution: Ng Poi Gong is a Chinese merchant engaged in the bakery and restaurant business. She also supplied bread to the officers and men of the Second Military Area, Armed Forces of the Philippines, stationed at Camp Vicente Lim, Canlubang, Laguna. At about 5:15 o'clock in the morning of 19 July 1955 Ng Poi Gong, accompanied by Margarita Diego and Dionisio Alcazaren, left her bakery in Calamba, Laguna, riding in a jeep owned by her and driven by Alcazaren, bound for Camp Vicente Lim to deliver bread. At about 5:30 o'clock in the morning, upon reaching barrio Mabolo, Canlubang, Laguna, they saw several persons, five to eight in number, on the road, two of them on the right side, signalling the driver to stop. Ng Poi told Alcazaren not to heed the signal but speed on. As one of the men crossed the road, Alcazaren swerved the jeep to avoid hitting him and slowed down. Another man coming from the right side of the road jumped into the jeep and, aiming a gun at Alcazaren's right side, ordered him to stop, asked him

why he did not stop when signalled to do so and threatened to "blow up" his brains. The same man divested Alcazaren of his wrist watch. Alcazaren answered that he did not stop because his vehicle was not a passenger jeep. He stopped the jeep, parked it on the right side of the road and switched off the head lights. Then other men boarded the jeep. One of them (Vicente Cabrera) armed with a pistol sat beside Margarita Diego, who was at the front seat; another (Mariano Panganiban) carrying a balisong stood on the running board on the left side of Alcazaren, and the third (Telesforo Talatala) also armed with balisong sat beside Ng Poi, who was on one of the seats back of the driver's seat. Margarita attempted to get off but the one carrying a gun held her by the hands and warned her not to get off. She brushed him aside and succeeded in getting off. She identified Vicente Cabrera as the one who sat beside her. She fled to the direction of Manila and boarded a bus of the Laguna Tayabas Bus Company that passed by. At the first checkpoint of the military police that she reached she alighted and reported on the incident to the military police authorities. Then she proceeded to Calamba to inform Ng Poi's husband of the incident.

At the place from which Margarita fled, the malefactors warned Ng Poi not to leave and ordered Alcazaren to drive the jeep on reverse gear and proceed to barrio Prinsa. On the way, one of the men took Alcazaren's ring from a finger of his left hand. After driving for a distance of about two kilometers, the jeep got stuck in the mud and could not go any farther. One of the men ordered Alcazaren to alight from the jeep and brought him to a place near a river where he was asked if he had a sheet of paper and pencil. After answering that he had none, he was told to transmit the message to Ng Poi's family that they were asking the sum of P100,000 in P10 and P5 bills as ransom for her release. They ordered him to leave the place without looking back. He retraced on foot the way he took in going to the place. On the way he met Mak Ling, Ng Poi's husband, some PC soldiers, MPs and policemen who were in pursuit of the kidnappers. He pointed to them where Ng Poi was. The pursuers continued the search for Ng Poi, taking Alcazaren along. The search lasted up to noon time.

Ng Poi was left behind by Alcazaren with the kidnappers at the place where the jeep was stuck in the mud. Ng Poi identified the three men who were with them in the jeep on the way to barrio Prinsa as Vicente Cabrera, who held a gun and sat beside the driver, Telesforo Talatala, who held a balisong knife and sat beside Ng Poi, and Mariano Panganiban, who held a balisong knife and stood near the driver. When Alcazaren was ordered to alight from the jeep to be taken to a place near a river, Vicente Cabrera and Telesforo Talatala ordered Ng Poi to go down. She was brought to an open field and made to walk. When she became tired and exhausted, she complained to them and refused to go on. After a while Gervacio Legaspi came along riding on horseback. Vicente Cabrera and Telesforo Talatala ordered her to ride on the horse, but as she did not know how to ride on horse back, they raised and put her on the horse's back. Legaspi continued riding the horse. Talatala was on her left side holding her and Cabrera carrying a firearm on her right side. When they reached a dry river bed, they told her to alight from the horse and let her rest under a tree where she was blindfolded for the first time. There she stayed for four days. Afterwards she was moved to another place in the same dry river bed where she stayed for five days. In this place her captors told her to write a letter in Chinese characters to inform her family that she was still alive. She thumbmarked the letter. As she was blindfolded, she only saw a hand take it from her. Then she was brought to a place where the men indulged in drinking tuba and stayed there for four days. Later on she was taken to a wooded place planted with Santa Elena trees, where she stayed four days. While there Vicente Cabrera arrived and the guard reported to him that she had been crying and expressed apprehension that somebody might hear her. After Cabrera had talked with the guard for about half an hour, he told her to ride on a horse and brought her to a hut in the middle of the field. There she was guarded by five men. She also saw somebody give her captors P3.00. As the men were being pursued by the PC authorities, they left her in the hut and entrusted her to the care of an old couple. In the morning of the sixth day of confinement in the hut, the old man left and after lunch the old woman also left ostensibly to fetch water. Half an hour after the old woman had left, she seized the opportunity to leave

the hut and walked into the open field. As she felt tired and her swollen feet ached, she rested under a mango tree. While resting she heard two shots and voices saying that they were army people and ordering her to lie down. When they recognized her they told her to rise and took her into their custody. She was taken to the PC camp where she passed the night because she was too tired and her legs were swollen. The following morning the PC authorities investigated her. She was deprived 23 days of liberty by her kidnappers, 17 days in the vicinity of the dry river bed and 6 days in the mountains. The ransom in the amount of P100,000 demanded by the kidnappers for her release, which was successively reduced to P50,000, P10,000, P8,000, P5,000 and finally to P3,000 was not paid to them. The amount of P3,000 entrusted by Ng Poi's husband to Colonel Justo A. Rosales, PC provincial commander of Laguna, was returned to Ng Poi's husband through the Area Commander.

Ng Chao, uncle-in-law of Ng Poi, testified that at about 6:00 o'clock in the morning of 19 July 1955, he was awakened by Ng Poi's eldest daughter who told him that her mother was kidnapped; that immediately he went to the house of the Governor of Laguna in Bantayan, Calamba, to report the matter; that at about 8:30 o'clock in the morning of that day at Cosmos Restaurant he saw Dionisio Alcazaren, the driver, who told him that the kidnappers were demanding the sum of P100,000 as ransom for the release of Ng Poi to be paid in Tagaytay City; and that later on he received a letter written by Ng Poi in Chinese characters informing her daughter Raymunda that she was still alive.

Upon being apprised of the incident, Colonel Justo A. Rosales investigated Margarita Diego and Dionisio Alcazaren, The Commanding General of the Second Military Area assigned Lt. Ruben Burgos to work on the case. The latter contacted people whom he thought could be of help in the solution of the crime. At about 5:00 o'clock or 6:00 o'clock in the afternoon of 20 July 1955, Lt. Burgos talked with Balbino Ladra, an army informer, at Bantayan, outside of the town of Calamba, and asked him if he knew of anybody who had something to do with the kidnapping of Ng Poi. Ladra said that Pedro Castillo might be among those who had kidnapped Ng Poi. About five days after the kidnapping incident, Lt. Burgos went to see Frisco Panganiban, then vice-mayor of Calamba, at his house in barrio Pook Tibong. Lt. Burgos asked the vice-mayor whether he knew Pedro Castillo and if he did to inform him that he was a suspect in the kidnapping of Ng Poi. The vice-mayor answered that he knew Pedro Castillo but that he did not believe he had anything to do with the case. Frisco Panganiban agreed to look for Pedro Castillo.

Upon learning that he was wanted by the PC authorities as a suspect in the kidnapping of Ng Poi and that he would be arrested, Pedro Castillo, who was working as laborer in the irrigation tunnel project between barrios Lawa and Prinsa, sent his wife to Frisco Panganiban to ascertain the veracity of the information. He also went into hiding for about one and a half weeks.

Toward the end of July 1955, Lt. Burgos, accompanied by Frisco Panganiban, met Pedro Castillo at barrio Lawa in the house of one Manaig. Pedro Castillo told Lt. Burgos that he had been hiding for the last few days because he heard that he was suspected of having something to do with the kidnapping of Ng Poi. Lt. Burgos asked Castillo to help solve the kidnapping case of Ng Poi. Castillo agreed provided that the army authorities would support him in his work until the end. Lt. Burgos appointed Castillo as his undercoverman or informer. He told Castillo to go into hiding and feign that he was wanted by the PC authorities as a suspect in the kidnapping of Ng Poi. Before separating, Lt. Burgos gave Castillo P3. After taking his breakfast on the same day, Castillo went to see Balbino Ladra at his house in Ulango, Tanauan, Batangas, because Lt. Burgos told Castillo that Ladra might know something of the case. Upon meeting Balbino Ladra, Castillo told him that he (Castillo) was wanted by the PC authorities for the kidnapping of Ng Poi and asked Ladra to take him along. Ladra took Castillo with him to barrio Kay-Anlog where Ng Poi was confined. There he saw Calixto Mamalayan, Vicente Cabrera, Telesforo Talatala, Mariano Panganiban and another whose name he did not know. Ladra, accompanied by Castillo and the

five mentioned persons brought Ng Poi to the boundary of Ulango, Kale, Altura and Malaking Pulo, in an uninhabited hut where they stayed overnight. Castillo gave Cabrera and Ladra P3 when they reached the place. The next day Cabrera and Ladra left the place to buy sardines and liquor. When they returned, Castillo told them that he would visit his wife in barrio Lawa. Instead, he went to the house of Frisco Panganiban in barrio Pook Tibong, Calamba, Laguna, to report to Lt. Burgos on what he saw. He arrived at Panganiban's house between 11:00 o'clock in the morning and 12:00 o'clock noon of that day, and at about 4:00 o'clock or 5:00 o'clock in the afternoon of the same day, Castillo reported to Lt. Burgos that he was able to get in touch with Balbino Ladra and that he saw Calixto Mamalayan, Vicente Cabrera and Mariano Panganiban at the boundary of Ulango, Kay-Anlog and Malaking Pulo, where Ng Poi was confined by them, and suggested that the place where Ng Poi was confined be raided to prevent her captors from transferring her to another place. Lt. Burgos told Castillo to return to the place where she was being confined because the kidnappers might suspect him of double crossing them. The next day, Castillo did as he was told by the lieutenant, but found that they had already left for another place. He returned and reported to Lt. Burgos that Ng Poi and her captors were no longer in the place where he had left them.

Between 11:00 o'clock in the morning and 12:00 o'clock noon of 19 July 1955, the day when Ng Poi was kidnapped, Sgt. Edilberto Lirio, who was on patrol together with Sgt. Juan Tolentino and some PC soldiers, and Dionisio illcazaren, Ng Poi's driver, had an encounter in barrio Ulango with Calixto Mamalayan, who was armed with a Garand rifle and wore short pants and "maong" shirt, and Faustino Magpantay with a side arm. When Sgt. Tolentino ordered them to lay down their arms and surrender, they ran away. The patrol fired at the fleeing men, who sought cover in a wooded area and fired at the patrol. Because of the rugged terrain they were able to escape. (Exhibit A)

At about 4:00 o'clock in the afternoon of 20 July 1955, Lt. Henry Cuyong, first lieutenant, PC, assigned with the 34th PC Company, stationed at Camp Slridge, Los Banos, Laguna, was ordered by the provincial commander to go on patrol in the barrios of Bubuyan, Pasong Diablo, Kay-Anlog, Malaking Pulo and Burol, Calamba, Laguna, and to invite to the headquarters for questioning Vicente Cabrera, Telesforo Talatala, Gervacio Legaspi, Mariano Panganiban, Bartolome Legaspi, Claro Liquido and two others whose names the lieutenant could not remember. Lt. Cuyong and his men first went to barrio Bubuyan and at about 6:00 o'clock in the afternoon of that day arrived at the house of Faustino Magpantay and was told by Magpantay's wife that her husband was in Malaking Pulo. They proceeded to barrio Pasong Diablo and, after inquiring on the way for Gervacio Legaspi's house, arrived there at about 7:00 o'clock in the evening. Gervacio's mother told Lt. Cuyong that her son was in Malaking Pulo. Resuming their patrol, they went to barrio Kay-Anlog and arrived at the house of Telesforo Talatala at about 7:30 o'clock in the same evening. There they were told by the mother of Talatala that he was in barrio Malaking Pulo. Proceeding to the house of Vicente Cabrera, about 200 meters away from Talatala's house, Cabrera's mother and brother told Lt. Cuyong that Cabrera was in Malaking Pulo. Then they went to the house of Balbino Ladra in the same barrio and found that his house was closed, all its doors and windows were locked, and the house was abandoned. They proceeded to barrio Malaking Pulo to check on the whereabouts of the wanted men, arriving at the place at about 3:00 o'clock in the morning of the next day, 21 July 1955. They scoured the vicinity up to 12:00 o'clock noon of 21 July 1955 but did not find any of the wanted men. On 24 and 25 July Lt. Cuyong and his men again went on patrol in the same barrios they had covered during the first patrol but did not find any of the wanted men.

After Pedro Castillo had reported to Lt. Ruben Burgos that Ng Poi and her kidnappers were no longer at the vicinity where he had left them the day before, Lt. Burgos personally led a team of PC soldiers to barrio Kay-Anlog. Upon reaching the house of Vicente Cabrera, Lt. Burgos called him and an old woman answered that Vicente was not there. Then he asked for his brother and the brother identified himself and asked why they were

looking for Vicente. The lieutenant answered that they were law enforcement agents looking for Vicente because he was a suspect in the kidnapping of Ng Poi. Then Lt. Burgos asked permission to go up the house to verify. At that juncture he saw his men signalling to him that Vicente Cabrera was there. He went up the house and saw Vicente Cabrera lying flat between the living room and another room where palay was stored, which was a step lower than the living room. When Lt. Burgos' men shouted to Vicente to come out, Vicente jumped out of the house and at a distance of about 50 yards fired at them. The patrol team returned his fire but he was able to escape.

Appellants' common defense is alibi. Calixto Mamalayan claims that in the evening of 13 July 1955 Julio Maunahan, Hilarion Sanque, Gregoria Hernandez and Roberto Sanque came to his house in barrio Bubuyan, Calamba, Laguna, to ask for the hand in marriage of Luisa Tuiza, his wife's cousin, who has lived with them since she was a child; that early the next morning he went with the affianced couple and the three above-named persons to Calamba to secure for them an application for marriage license. He was corroborated by Amador Suarea and Julio Maunahan. Vicente Cabrera testifies that in the morning of 19 July 1955 he was at his house in barrio Kay-Anlog attending to his rice-field which was being weeded by a group of about thirty people whose help he had previously sought; that at about 9:00 o'clock in the morning he went to Calamba to buy bread from Ng Poi's bakery and returned to his place at about 2:00 o'clock in the afternoon of the same day. Julian Trones corroborated him. Telesforo Talatala swears that at about 5:00 o'clock in the morning of 18 July 1955 (a Sunday) he, his wife and small child went to barrio Malaking Pulo to hear mass in fulfillment of a vow for the recovery of their 'sick child and stayed there up to the following Tuesday, when they returned to barrio Kay-Anlog at about 6:00 o'clock in the evening. Rosario Magsino, his wife, and Santiago Uruga, her grandfather, corroborated him. Mariano Panganiban alleges that at about 5:00 o'clock in the morning of 19 July 1955 he accompanied Ladislao Narvaes and Felix Chaves to barrio Malakinn Pulo to buy a fighting cock from Feliciano Narvaes. Ladislao Narvaes and Feliciano Narvaes corroborated him.

Aside from the fact that in criminal prosecutions, the defense of alibi is inherently weak,^[1] the appellants' assertions are not sufficient to overcome the clear, precise, direct and convincing testimony of Margarita Diego, Ng Poi and Pedro Castillo, that the appellants were among those who kidnapped the victim.

On direct examination Margarita Diego categorically and positively swore that Vicente Cabrera was one of those who held them up in the morning of 19 July 1955. On cross examination, she testified that before the incident she saw him thrice and once at the crossing recently; that he used to eat at Ng Poi's restaurant and his friends used to call him Vicente; that she is well acquainted with him; and that he was not masked at the time he and his companions held them up. Vicente Cabrera's assertion that at about 11:00 o'clock in the morning of 19 July 1955 he was at Ng Poi's bakery in Calamba, buying bread from Margarita Diego and that the following Saturday he returned to the same bakery to buy bread again, but that Margarita Diego did not confront him with the accusation that she made at the witness stand, cannot be true. If Vicente's assertions were true, then Margarita Diego would have readily mentioned in her testimony the significant fact that she saw Vicente Cabrera at Ng Poi's bakery on the day of the kidnapping and the following Saturday. The truth is that he never went to Ng Poi's bakery on the dates he mentioned.

Ng Poi testified that the three men who rode in the jeep and ordered Alcazaren to proceed to barrio Prinsa were Vicente Cabrera, who held a gun, Telesforo Talatala, who held a balisong knife and Mariano Panganiban, who held also a balisong knife; that when they continued the journey on foot after the jeep got stuck in the mud, they met Gervacio Legaspi riding on horseback and it was Cabrera and Talatala who raised and placed her on the back of the horse and Legaspi remained riding the horse; that Talatala was on her left side holding her and Cabrera carrying a firearm on her right side; and that it was Cabrera who told her to ride on horseback when she was

brought to a hut where she was left to the care of an old couple.

Vicente Cabrera's claim that it was at the instance of the PC officers that Margarita Diego and Ng Poi testified in the manner they did, because the officers "could not find anybody responsible," deserves just a passing mention. It is significant that the rest of the appellants have not imputed to Margarita Diego and Ng Poi any motive that could have prompted them to perjure to the damage and prejudice of the appellants.

Pedro Castillo testified that when Balbino Ladra took him to Kay-Anlog where Ng Poi was confined, there he saw Calixto Mamalayan, Vicente Cabrera, Telesforo Talatala, Mariano Panganiban and another whose name he did not know; that he, together with Ladra and the four mentioned appellants brought Ng Poi to the boundary of Ulango, Kale, Altura and Malaking Pulo where she was confined in an uninhabited hut. Calixto Mamalayan has not imputed to Pedro Castillo any reason why he would pervert the truth and testify falsely against him. Mariano Panganiban's reaction to Pedro Castillo's testimony is merely of feigned surprise. Telesforo Talatala claims that Pedro Castillo testified in the manner he did to get even with him because he (Telesforo) caught him (Castillo) stealing his cow and got it back after paying Castillo P50, and that he warned him not to repeat what he had done because he would file a complaint against him and kill him. Vicente Cabrera swears that he apprehended Pedro Castillo twice for theft of large cattle and warned him not to go back to his barrio. The incident might have hurt and caused Castillo to testify falsely against him. Taking, however, into consideration the overwhelming and convincing evidence against the appellants, the latter's claim and profession of innocence cannot be believed.

In an attempt to discredit the testimony of Pedro Castillo, the appellants put on the witness stand Frisco Panganiban, who made it possible for Lt. Ruben Burgos to meet and enlist Pedro Castillo's aid. Frisco Panganiban testified that a day and a half after Castillo's meeting with Lt. Burgos at his house, at about 3:00 o'clock in the afternoon, Castillo returned to his (Panganiban's) house and told him that he had returned from the mountains but that he neither saw the victim nor any of the suspects and that he did not mention to Lt. Burgos in his presence the fact that he saw the appellants. The witness' reason for testifying is quite understandable. A veteran politician who has been in politics since he was 18 years of age, twice a councilor, vice-mayor, acting mayor of Calamba, and a candidate for mayor in the election of 1955, although unsuccessful in his bid for the last mentioned office, he did not want to incur the ire of anybody. He testified that he wanted it known to all present and those interested that he was not the one who helped the army in rescuing the victim; that he wanted to correct the impression that he had something to do with the case; and that he was merely requested by Lt. Burgos to get in touch with Pedro Castillo.

In a last attempt to destroy the established identity of the appellants, Sgt. Juan Gomez, formerly a comrade of Vicente Cabrera in a Commando Unit, assigned to the Presidential Security Unit in Malacañang, with special assignment as driver for the First Lady, was presented as witness for the defense. He testified that sometime in the later part of November 1955, he met Ng Poi at the PC headquarters in Los Banos while she and the appellants were being investigated; that he (Sgt. Gomez) asked her if she recognized any of the appellants and their co-suspects and she answered by moving her head from one side to the other; and that when he repeated to her the same question, she answered in Tagalog "Wala." On rebuttal, Ng Poi testified that when she arrived at the PC headquarters that day, she saw Sgt. Gomez, whom she did not know and who was wearing civilian clothes, talking with Vicente Cabrera and others in his group, and she suspected that he was related to Cabrera.

The fact that when on 20 July 1955, the day after the kidnapping of Ng Poi, Lt. Henry Cuyong and his patrol team went to Vicente Cabrera's house in barrio Kay-Anlog to invite him to the PC headquarters for questioning, his mother told the lieutenant that Cabrera was in barrio Malaking Pulo, but he could not be found at the last mentioned place; also the fact that when Lt. Ruben Burgos and his patrol team went to Cabrera's house, instead of welcoming the PC authorities, he hid between the living room and a room where palay was stored; and further the

fact that when Lt. Burgos went up the house and his men ordered Cabrera to come out, he jumped out of the house and at a distance of about 50 yards, fired at the patrol, all betray his guilt. Likewise, the act of Calixto Mamalayan on 19 July 1955, after the kidnapping incident, in evading the PC patrol of Sgts. Edilberto Lirio and Juan Tolentino and firing at them when ordered to surrender, is a proof of guilt. Similarly, the fact that when Lt. Henry Cuyong and his patrol team went to see Talatala at his house, they were told that he was in Malaking Pulo, but was nowhere to be found at the last mentioned place, shows that he purposely left his house to hide.

The appellants guilt has been established beyond reasonable doubt by direct and circumstantial evidence presented by the prosecution.

While this case was pending in this Court, on 21 May 1957 Vicente Cabrera and Telesforo Talatala filed a "joint motion for reconsideration-new trial," attaching thereto a true copy of an affidavit of Pedro Castillo stating that he was not sure that Vicente Cabrera and Telesforo Talatala were with Mariano Panganiban, Lorenzo Deticio, Faustino Magpantay, Balbino Ladraf etc.; and that he was not certain that Cabrera and Talatala had anything to do with the kidnapping of Ng Poi Gong. The witness' recantation of his previous testimony is unreliable in the face of his testimony given freely and voluntarily that he knew very well the appellants Vicente Cabrera and Telesforo Talatala because they grew up together, thereby precluding the possibility that he was mistaken in identifying them.

The "joint motion for reconsideration-new trial" is denied. As the penalty imposed upon the remaining four appellants is in accordance with law (the last paragraph of article 267 of the Revised Penal Code, as amended by Republic Acts Nos. 18 and 1084), the judgment appealed from is affirmed, with costs against the appellants.

Bengzon, C.J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Barrera, Paredes, and Dizon, JJ., concur.

[1] People vs. Pakingan, 105 Phil., 541; 56 Off. Gaz., [25] 4227.

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