

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. DOMINGO SALAZAR ALIAS DARQUEZ, DEFENDANT AND APPELLANT.

G.R. No. 11601. June 30, 1959

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PER CURIAM:

A complaint for multiple murder, frustrated murder, and attempted murder was filed against the accused before the Justice of the Peace court of Roxas, Palawan. Having waived his right to preliminary investigation, the case was forwarded to the Court of First Instance of the province where the Fiscal filed an information for the same crime against him of the following tenor:

"That on or about the 11th day of October, 1956, in the municipality of Roxas, province of Palawan, Philippines and within the jurisdiction of this Honorable Court, the said accused, with deliberate intent, evident premeditation, treachery and with the use of deadly weapon, to wit: a spear and big bolo, did then and there wilfully, unlawfully and feloniously attack, assault and wound one after another, in one continuous act and in and around their dwelling houses, the following persons, namely: Maxima Pacho, 37 years old and Romana Pacho, 34 years old, both pregnant; Fortunato Nares, Jr., 5 years old; Aurelia Paz, 7 years old; Lilia Paz, 5 years old; Herminia Paz, 6 months old; Nenita Sausa, 5 years old; and Henry Pacaldo, 5 years old, all minors; and Pelomina Baaco, 48 years old; Salome Baaco, 23 years old; Baudelio Pacho, 18 years old; Leonila Llavan, 25 years old; Urbana Abique, 50 years old; Felisa Adion, 37 years old; Lolita Yayen, 17 years old and Manuela Llavan, 39 years old, and as a result thereof, the said victims died instantly; and, in furtherance, of his criminal and heinous act, did then and there wilfully, unlawfully and feloniously assault, attack and wound one Manuel Adion with the same spear, who, as a result thereof, suffered a spear wound at the back, hitting the left lower lobe of the lung, which ordinarily would cause the death of said Manuel Adion, thus performing all the acts of execution which should have produced the crime of Murder as a consequence, but nevertheless, did not produce it by reason of causes of independent of his will, that is, by the timely and able medical attendance rendered to said Manuel Adion which prevented his death; and, finally, not satisfied with his heinous acts and to show further his criminal propensity, did then and there wilfully, unlawfully and feloniously, with deliberate intent to kill Pablo Paz and Severino Adion, try and attempt to thrust his spear against said Pablo Paz and Severino Adion, by overt acts, but fortunately missed the said Pablo Paz and Severino Adion.

"With the aggravating circumstances of evident premeditation, taking advantage of superior strength, alevosia, that the crime was committed in the dwelling of the victims and that the wrong done in the commission of the crime was deliberately augmented by causing other wrong not necessary for its commission." (pp. 2-3, appellee's brief).

On October 24, 1956, a physical and mental examination of the accused was conducted by the Chief of the Puerto Princesa Hospital and he was found to be normal and sane. He even narrated how he killed his common-law wife and his other victims. Two local lawyers were appointed counsel de oficio to defend him. Upon arraignment, interpreted in the local dialect, he pleaded guilty. This notwithstanding, considering the gravity of the offenses charged, the Court asked him to take the witness stand and narrate the circumstances surrounding their commission, but he refused stating that he had already made a confession. Thereupon, the Court asked the

prosecution to present its evidence, and the Fiscal presented among his exhibits the murder weapon, the confession of the accused, the sketches of the scene of the crime, the sixteen certificates of death, the affidavits of some witnesses, and the ante mortem declaration of Manuel Adion.

The Provincial Commander of Puerto Princesa who investigated the accused testified that he propounded the questions to him in Tagalog, which is the dialect known to him, while Justice of the Peace Oscar Siat, before whom the confession was subscribed and sworn to, testified that he read the document and translated it into Tagalog for the benefit of the accused, and when he asked him if he was coerced into making the statement, he acknowledged that it was voluntarily given by him. His statement is embodied in Exhibit "C".

After hearing, the lower court rendered decision the dispositive part of which reads:

IN VIEW OF THE FOREGOING, the Court renders judgment finding DOMINGO SALAZAR alias DARQUEZ, guilty of the crime of Multiple Murder with Frustrated Murder as charged, and sentences him to suffer the penalty, as provided for in the Revised Penal Code, of sixteen (16) death penalties corresponding to the murder of each of the sixteen (16) victims, to indemnify the heirs of the deceased in the amount of P3,000.00 each; also to suffer the penalty for the crime of frustrated Murder of imprisonment the minimum of which shall not be less than EIGHT (8) years and one (1) DAY of prision mayor and the maximum of which shall not be less than seventeen (17) years, FOUR (4) months and one (1) day of reclusion temporal for the two crimes of Attempted Murder to suffer imprisonment for each crime, the minimum of which shall not be less than TWO (2) years, FOUR (4) months and one (1) day of prision correccional and the maximum of which shall not be more than eight (8) years and ONE (1) day of prision mayor and to pay the costs.:" (pp. 10-11, appellee's brief).

The case was elevated to this Court for review.

The accused is a moro native of Zamboanga. For many years before the occurrence of the tragedy, he went to barrio San Nicolas, Roxas, Palawan, where he established his home with his common-law wife Maxima Pacho. In the morning of October 11, 1956, he invited his wife to go with him to gather nipa for the repair of their house. Romana then arrived and invited Maxima to accompany her to her house to get pajay. Because of the invitation of Romana, Maxima refused to go with her husband, which aroused his anger. At that time, the accused already entertained the suspicion that his wife was having illicit relation with Fortunato Nares, husband of Romana, to the extent that he believed that the child his wife was bearing was the result of such illicit relation. This incident started the accused on a killing rampage leaving in its wake sixteen dead and some wounded. The following is what happened as related by the trial court: "He started by killing his own sister-in-law. Then he turned to kill his own wife and his nephew. He then walked for about 800 meters to another house where he killed and massacred all the inmates he found therein. He went to three other houses and repeated the same performance leaving behind him several household filled with tragedy and bloody deaths, the like of which have never been seen or known in this province. Then he went into the school premises of that sitio and attacked one man from behind who was able to run away and is the lone survivor of this bloody incident. After that he chased and actually did throw his spear to two other men but whom he did not hit. And then he went to the school house and tried to force open the door, also with dark criminal intention. Fortunately due to the presence of mind of the lady teacher the door and windows were locked and barricaded while the accused went around trying to force open the entrance and the windows of the school house. The imagination of this Court shudders of the thought of what might have happened if this accused succeeded in going into the school room filled with young school children. And the accused went up to the bell tower of the Chapel, sounded the alarm calling for everybody to come. He asked that he be killed but no one dared to come and obey his request. Finally, when two armed guards arrived accompanied by a barrio officer, the accused was persuaded to surrender but on condition that he be shot and killed immediately. The guards and barrio officer cleverly made a ruse by asking the accused to go with them to the wharf where he will

be shot, and by asking him to sign a piece of paper to serve as their protection for killing the accused which would be presented to the authorities later on. The accused in the meantime had put down his arms and as he was about to affix his thumbmark on the piece of paper he was suddenly grabbed and was subdued and put under custody."

Let us now come to the arguments advanced by counsel for the accused in an effort to mitigate his liability. These arguments in a nutshell may be boiled down into three, to wit:

- That the accused's plea of guilty did not extend to the admission of the correctness of the qualification of his acts as expressed by the prosecution in its information, particularly the allegation that the acts of the accused were committed with evident premeditation and with treachery,
- That running amuck, or becoming a "juramentado" is a cult among the Moros that forms part of their religion. It is age-old and deeply rooted in their psychology. The Moros do not discourage its observance. They do not view the observance of this cult as a heinous crime." The calculated risk they take when a Moro becomes "juramentado" is taken graciously. They are always alert to kill a "juramentado" before his victims multiply. And
- Consequently, because the acts committed by the accused were parts and parcel of his observance of the Moro cult of being a "juramentado", which should be distinguished from the acts of a common murderer under our laws, counsel believes that the accused should only be considered as having committed the crimes of homicide, frustrated homicide, and attempted homicide, or something lesser than murder.

There is no merit in the first argument. It should be noted that, in spite of the plea of guilty entered by the accused, the Court asked him to take the witness stand and narrate the circumstances surrounding the commission of the acts imputed to him, but he refused stating that he had already made a confession. When he was arraigned, he was assisted by two lawyers who were appointed by the Court to defend him. And when the information was read to him, its contents were interpreted into a dialect known to him, and when asked about his answer, his plea was of guilty. If he did not understand the clear import of what is embodied in the information, or of what was stated in his written confession, he could have so explained when called by the trial court to take the witness stand. His refusal to do so gives rise to no other implication than that he was well aware of the seriousness of the occasion and of the import of the proceedings against him. He cannot, therefore, complain of the consequences.

A plea of guilty is an admission of all the material facts alleged in the information (U.S. vs. Burlado, 42 Phil., 72; People vs. Acosta, 98 Phil., 642; 52 Off. Gaz., 1930-1933, March 23, 1956). A plea of guilty when formally entered on arraignment is sufficient to sustain conviction of the offense charged without the introduction of further evidence, upon the theory that the defendant himself has supplied the necessary proof by his plea of guilty (U.S. vs. Jawad, 37 Phil., 305). But in this case, despite the accused's plea of guilty, the prosecution offered evidence considering the peculiar circumstances surrounding the commission of the acts charged. And the evidence presented substantially supports the material allegations of the information. In other words, by his plea, the accused is deemed to have admitted not only the commission of the offenses charged, but the circumstances surrounding their commission, such as evident premeditation, taking advantage of superior strength, alevosia, and dwelling.

The mitigating circumstance of obfuscation arising from jealousy cannot be invoked in favor of the accused considering that his relationship with his common-law wife was illegitimate. (U.S. vs. Hicks, 14 Phil., 217; People vs. Olgado, et al., G. R. No. L-4406, March 31, 1952). In addition, many days had already passed from the discovery of the alleged infidelity of his common-law wife before he committed the crime allegedly in vindication of his honor. As a matter of fact he admitted having planned his vengeance long before the opportune moment came to carry it out.

Regarding the contention that running amuck is a cult among the Moros that is age-old and deeply rooted and should be distinguished from murders where the murderer is not resigned to expiate his offense by being killed unlike the amuck, the claim is likewise unmeritorious. Our penal laws enumerate the circumstances which mitigate criminal liability, and the condition of running amuck is not one of them. In so far as they are applicable they must be applied alike to all criminals be they Christians, Moros or Pagans. More so in the case of the accused who though Moro by blood, has however settled for many years before the occurrence of the tragedy in Christian community and lived there with a Christian common-law wife and relatives. Under such atmosphere, he must have been indoctrinated into the Christian way of life to such an extent that he should have known that running amuck is abhorred in our society and punished by our law. He cannot even invoke in his favor what Section 106 of the Administrative Code of Mindanao and Sulu accords to a Moro who commits a crime and is convicted, for even then said section gives to the Court ample discretion to determine the penalty to be imposed considering the circumstances of the case, the degree of his instruction, and nature of the crime committed, the Court being justified in imposing the penalty which would best serve the interest of justice. This is a case where the degree of perversity of the criminal warrants not mercy but the enforcement of the law to its full extent.

We are, therefore, constrained to hold that the accused is guilty beyond doubt of the crimes of multiple murder, frustrated murder, and attempted murder, all qualified by evident premeditation as charged in the information. The murder of Filomena Baaco, Baudilla Pacho, Salome Baaco, Leonila Llavan, Urbana Abique, Lilia Paz, Aurelia Paz, Herminia Paz, Lolita Yayen, Felisa Adion, Nenita Sausa, Henry Pacaldo and Manuela Llavan, was attended by the aggravating circumstances of treachery and dwelling. The murder of Maxima Pacho, Romana Pacho and Fortunato Nares, the frustrated murder of Manuel Adion and the attempted murder of Pablo Paz and Severino Adion, were committed with the aggravating circumstance of treachery. The aggravating circumstance of treachery in the sixteen murders, one frustrated murder and two attempted murders is however offset by the mitigating circumstance of plea guilty.

With respect to the murder of the accused common-law wife, Maxima Pacho, his sister-in-law, Romana Pacho, and the latter's nephew, Fortunato Nares, the frustrated murder of Manuel Adion and attempted murder of Pablo Paz and Severino Adion, the penalty should be imposed in its medium period. In the murder of Maxima Pacho, Romana Pacho and Fortunato Nares, the penalty should be reclusion perpetua, in the frustrated murder of Manuel Adion, the defendant should be sentenced to suffer an indeterminate penalty of 4 years, 2 months and 1 day of prision correctional as minimum to 12 years and 1 day of reclusion temporal as maximum.

For each of the two crimes of attempted murder, the defendant should be sentenced to suffer an indeterminate penalty of 4 months and 1 day of arresto mayor as minimum to 6 years and 1 day of prision mayor as maximum.

The indemnity to the heirs of each of the deceased should be P6,000.00.

Wherefore, modified as above indicated, the decision appealed from is hereby affirmed in all other respects, with costs.

Paras, C. J., Bengzon, Padilla, Montemayor, Bautista Angelo, Labrador, Concepcion, Endencia, and Barrera, JJ. concur.

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