

THE PEOPLE OF THE PHILIPPINES, VS. FEDELINO GUILLANO, DEFENDANT-APPELLANT.

G.R. No. 11904. February 29, 1960

Ponente: BENGZON, J.

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BENGZON, J.:

Appeal from a judgment of conviction for murder.

On May 8, 1956, Major Osmundo C. Ramos (retired) died as a consequence of several stab wounds inflicted upon him by the accused Fedilino Guillano on the same day. Prosecuted and tried for murder, Guillano alleged self-defense. The Davao court of first instance found him guilty as charged, and gave him life imprisonment. He was also required to pay P6,000.00 to the heirs of the deceased, plus costs.

Ramos was manager of oriental Farming Corporation, a large-scale farming company in Davao. In 1952, said entity filed with the Bureau of Lands its Sales Application covering 580 hectares of public land in Padada, Davao. The application was approved, and the corporation took possession. But some persons, claiming priority of occupation, contested the right of the corporation in an opposition submitted to the Bureau of Lands. Such opposition however was, after investigation, dismissed by the order of the Director of said Bureau dated November 21, 1953.

The oppositors filed a motion to reconsider. This time they were joined, for the first time, by Fedilino Guillano. Acting on the motion, a special land investigator conducted a new inquiry, which resulted in a second dismissal of the oppositors' protest. On appeal, the Secretary of Agriculture affirmed the action of the Bureau of Lands.

Meanwhile, during the pendency of the appeal, some of the claimants including Fedilino Guillano, armed with bolos, invaded the portion occupied by the corporation, destroyed cassava plants growing therein and did other damage to the extent of P2,000.00. This gave ground to a civil complaint for forcible entry and detainer and also to a criminal complaint for malicious mischief before the justice of the peace court of Padada, Davao, at the instance of Ramos.

Originally scheduled for April 20, 1956, the hearing of the two cases was postponed to May 7 and then May 8, 1956. On that last date, as stated, Guillano stabbed Ramos to death in the municipal building of Padada at nine in the morning.

According to the witnesses for the prosecution, principally Gualberto Gorre, Ramos was walking towards the toilet when Fedilino Guillano following him from behind, suddenly grabbed his left shoulder and plunged a dagger into his (Ramos') back. Instantly turning around, Ramos faced his assailant, wrestled with him, only to fall on his back. Straddling his fallen victim, Guillano continued stabbing the latter in various parts of the body (abdomen and breast) until the arrival of three policemen who disarmed him and separated him from Ramos.

One of the policemen helped Ramos to stand up. A witness noted — and so testified — that Ramos' revolver was still in its closed holster on his right hip.

As indicated, the defendant asserted self-defense. This was his account: When I met Major Ramos that morning, I asked why he had included me in the cases (malicious mischief and ejectment) since I had no fault. "You just wait, because we have trial now," he answered. I told him it was not possible for me to leave the land because I got my living from it. This angered the Major, who pushed me and said "what do you mean by it is not possible?" Immediately thereafter Ramos, with his right hand attempted to pull his revolver; but I seized and held his hand with my left, then drew my dagger and stabbed him first on the right breast and then on the left part of his stomach. We wrestled; he fell on his back and I straddled him. In this position, Ramos turned on his right side and with the left hand, tried to pull his revolver which was then under his back. Seeing the movement, I tried to stab his left biceps to prevent his using the gun, but he suddenly moved his left shoulder further towards the right thereby exposing his back, which was wounded instead.

The trial judge did not believe the defendant's story. If it were true, His honor said, that Ramos pushed defendant and drew his gun, he would have had plenty of time to use it, having been a Major in the Constabulary. And yet everybody says that the gun was found inside its holster.

Again, noting the position of the stab wound in Ramos' back, His Honor reasoned out that it could not have been inflicted in the way the accused described — the wound extended from the shoulder blade down.

We think this estimate of the situation accords with plain common sense. It is very unlikely that a retired Constabulary officer, bigger than the accused, well-built (210 pounds) and armed with a revolver could so easily be downed, unless he had been caught unawares and given a crippling blow at the outset (as declared by the prosecution witnesses). And the position of the wound in the left interscapular area directed downward could not have been caused in the manner described by the accused. On the other hand, its place and aspect tallied with the story in court of the witness Gualberto Gorre of the prosecution.[1] Dr. de la Fuente who examined the corpse confirms this view in his testimony and certificate.

Besides, on the same day of the killing, Guillano was arrested and examined at the police headquarters. The questions and his answers are transcribed on Exh. C, which this accused subscribed voluntarily before the justice of the peace of Padada. Therein appear statements like these:

"Q. —

Since when did you think of killing Major Ramos?

"A. —

At the time we received the decision of our case regarding the possession of the land, from Manila.

x x x

"Q. —

And from that time on, you already had in mind the intention to kill him?

"A.—

Yes, sir, if I have the chance.

"Q.—

Why, what made you so desirous to kill him?

"A.—

Because the land on which I was earning the livelihood of my family was decided not in my favor but to Major Ramos who was a latecomer.

x x x

"Q.—

What occurred to your mind upon knowing that you lost the appeal?

"A.—

I again thought of killing him if I will have the chance.

"Q.—

And is that the reason why you killed him this morning?

"A.—

Yes, Sir.

"Q.—

What weapon did you use in killing him?

"A.—

I used a dagger."

Which statements show he was intent on murder that morning. And murder he committed.

Treachery, of course, qualified the killing.[2] We do not think the accused could be given the benefit of mitigating circumstance of obfuscation caused by the complaints against him by Ramos. The latter was acting within his rights and duties as manager of the farm, and the complaints had been filed many days before.[3]

There was premeditation; however, not enough votes are available to impose the extreme penalty of death.

The judgment will, consequently, be affirmed, with costs.

Paras, C. J., Montemayor, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Endencia, Barrera, and Gutierrez David, JJ., concur,
Padilla, J., took no part.

[1] Which coincided with his statement immediately after the incident. [2] U. S. v. Sanchez, 20 Phil. 427. [3] Cf. People v. Noytay, 58 Phil. 393; People v. Sarikala, 37 Phil. 486.

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