

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MARDO TUAZON, DEFENDANT-APPELLANT.*G.R. No. 12142. March 30, 1960*

Ponente: BENGZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-12142/>**BENGZON, J.:**

After the corresponding trial before the Court of First Instance of Abra, Mardo Tuazon, 28, was sentenced, for murder, to reclusion perpetua and to pay P4,000.00 to the heirs of the deceased Catalino Darisay. He appealed in due time.

According to the evidence of record, Catalino Darisay left his home town of Dolores, Abra in 1947 to improve his economic conditions in Cotabato, mandanao. Eight years later, he returned for a short visit with his aunt Cornelia Darisay, arriving in Tayum, Abra, on October 29, 1955. That very morning he took leave of her to visit his grandfather Teodoro Britos. She never saw him again. As he had agreed to return to Cotabato with her after the town fiesta on November 25, 1955, and as he did not show up, Cornelia Darisay decided to call upon Teodoro Britos. The latter informed her that Catalino had stayed in his house for two days and then proceeded to the poblacion of Dolores accompanied by him (Britos). The old man said he left Catalino in Dolores, because the latter wanted to proceed to the barrio or sitio called Pudoc, whereas he had to, and did, return to his house. Admitting he never saw Catalino again, he however refused to accompany Cornelia when she announced her intention to report the matter to the municipal authorities. It seems, according to his own testimony, he had already given notice of Catalino's disappearance.

Inquiries failed to elicit information regarding Catalino's whereabouts.

Then on December 18, 1955, Roberto Tejero, 27, while looking for his horse stumbled across some human bones and a skull, in sitio Nagalangan, Dolores. Nearby were a pair of rubber shoes, a cap, and a leather belt shown to have been worn by Catalino the day he went to Dolores. Expert testimony affirmed that the human remains could be those of a man of the age and physique of Catalino. In fact, everybody agrees he died.

Notified of the find and Catalino's disappearance, the constabulary authorities arrested Oricolo Balneg whose hut appeared to be the one nearest to the place of Tejero's discovery. After some hesitation, he revealed the grim story of how Catalino had been killed by Mardo Tuazon. "On October 31, 1955," he said in court, "Catalino came to ask the location of the cornfield that belonged to his mother. I was then plowing my farm. I showed him the place, and then we went to my hut. It was about midday. Then he asked me the way to Pudoc. I pointed the way, went with him up to a distance of about 500 meters. When we reached the gate of my cornfield, I noticed that that Mardo Tuazon was following Darisay, who in turn was following me. Then Mardo Tuazon told Catalino to wait for him. Catalino stopped walking, and suddenly Mardo Tuazon boloed Catalino even as he exclaimed 'So you have come to get the land of my wife.' Catalino fall dead. Mardo threatened me with death should I reveal the incident."

Oricolo Balner withstood a thorough cross-examination, and impressed with his sincerity, the Hon. Felix R.

Domingo, Judge, rendered a verdict of guilt in a well-prepared decision explaining and analyzing the proofs on both sides. Motive for the crime was this. Catalino had come to claim, as inheritance from his mother, the land under cultivation by Mardo, which Britos had given to his stepdaughter, who was Mardo's wife.

The evidence offered by the accused set up practically three lines of defense: (a) Oricolo Balneg killed Catalino; (b) Catalino could not have been killed in October 31, 1955, because on November 7, 1955, he went with his grandfather Teodoro Britos to Dolores; (c) alibi.

As to the first, two policemen reported that, when he was brought to the municipal building for investigation, Balneg confessed to having killed Catalino Darisay. But these witnesses admitted that the confession went further; he killed at the instigation of this appellant, who paid him P50.00. This point, therefore, does no help the defense.

The second derives no importance, because if it is true that Catalino went to Dolores on November 7, 1955, then the murder occurred on that date, Oricolo having merely committed a mistake as to the date of the deadly assault. He is illiterate, be it noted. Anyway, this defense led to mainly on the testimony of Teodoro Britos whose sincerity the judge openly doubted, not only because he has interests adverse to the deceased (he had disposed of, and was profiting partly from the land which Catalino wanted to get) but also because he made no serious efforts[1] to locate his missing grandson, beyond notifying the authorities, after a long time at that. (last part of November, 75 s.n.) He did not call on Cornelia Darisay in Tayum who he knew had accompanied Catalino from Minadanao (just in case Catalino had rejoined her, instead of coming back to Lubluba). He did not ask other persons (except his brother and sister) about Catalino. Instead, he said he looked for Catalino in the bushes of Pudoc, as if he had a premonition that his grandson lay there. Mardo Tuazon himself did not know that Teodoro Britos was looking for his grandson.[2a] Very peculiar indeed, because he would be the first whose help Britos would ask, being married to the latter's stepdaughter and living only a few meters away from his house.

As to the alibi, it is supported principally by the testimony of Britos and of the accused himself.[2] Of Britos, no further comment need be added. On the other hand, the accused deserved no credence, he having made on cross-examination statements highly improbable in the ordinary course of life. These are related in the following paragraphs of the appealed decision:

"On cross-examination, he admitted that his wife, even before he married her before the war, was living with Teodoro Britos and that after their marriage he became a tenant of Teodoro Britos. He was not informed how many children Teodoro Britos had who would inherit the latter's lands which he, the accused, was working on as a tenant. Neither did it interest him to know, nor was he told, that Teodoro Britos had grandchildren in Mindanao. Asked whether in the month of October, 1955 he saw new faces in Lubluba where he then resided he denied that he saw new faces therein. He admitted that his house was only about thirty meters away from the house of Teodoro Britos, and that they draw their water from a common well. The accused stated that on October 31, 1955, he was in his house but was working on a land which is within shouting distance from his house. Asked if it is not true that it was customary between his family and that of Teodoro Britos to help each other entertain visitors, he denied such cooperation stating that each family entertains its own visitors exclusively. He also denied that on November 6 and 7, 1955, he noticed a new face, a visitor, in the house of Teodoro Britos but admitted that sometime near Christmas time in 1955 Teodoro Britos was looking for a relative who disappeared. x x x."

"In answer to questions propounded by the Court, he stated that although his house is only thirty meters away from that of Teodoro Britos, he did not know of the presence of Catalino Darisay in the house of Teodoro Britos, and that he was informed only by the latter of the disappearance of Catalino Darisay before December, 1955. He denied knowledge of whether his own wife who is the daughter of the second wife of Teodoro Britos visited the house of the latter during the last days of October and early days of November, stating further that his wife never told him that there was a visitor in the house of her (wife's) own mother. He further stated that

he had been married exactly eleven years before into the family of Teodoro Britos but during that period Teodoro Britos never mentioned to him that the latter had relatives in Mindanao nor had he learned from any of their neighbors that such relatives were living in Mindanao. x x x."

Needless to say, an emigrant to Mindanao, (land of promise to Ilocano farmhands) who visits his home-town after an absence of eight years, could not have failed to excite the interest of the neighborhood. And one who has married into a family is supposed to know the immediate members thereof specially if he maintains contact with its head.

There is another witness to the alibi: Meno Quinto, another old man (80). But he spoke of being with Mardo on November 7, the day Catalino went, according to Teodoro Britos, to Pudoc. Yet, it is quite certain the crime occurred on October 31, the same Britos having admitted that Catalino stayed in his house two days only. (104 s.n.) At any rate, Meno's account proved to be unreliable when he showed on the witness stand how poor was his memory concerning dates.

Going back to the lone eye-witness, appellant's counsel vigorously assailed his veracity, contending that his declarations were "unnatural, improbable, unbelievable and unthinkable." They cite no less than eight instances, supported by quotations from the stenographic notes, wherein he allegedly contradicted himself or made assertions contrary to the natural course of human events.

We have read these quotations; as presented, however, they seem out of context. Interpreted in connection with other statements they do not so taint the testimony with signs of incredibility as to make it unacceptable. Indeed, the instances — most of them — were called to the attention of the trial judge, who ignored them altogether in giving full credit to Balneg's eye-witness account. We have found the sufficient reason to disagree with His Honor's appraisal of the circumstantial and direct evidence introduced at the trial of this case.

The attack was sudden and fatal. In the eyes of the law it was murderous.[3]

Wherefore, the appealed judgment will be affirmed with costs against appellant.

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

[1] He did not even proceed to the place where the remains were found.

[2] The trial judge found it insufficient, these two being together only up to 10 o'clock in the morning and after one o'clock in the afternoon; and the crime occurred at midday.

[2a] Until sometime near Christmas. [3] *People v. Bandajo*, 70 Phil. 486; *People v. Dosal*, Padilla-Criminal Law (1955 Ed.) Vol. II, p. 371.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.