

**PEOPLE OF THE PHILIPPINES, PLAINTIFF ANL APPELLEE, VS.  
ISIDORO VALLADOLID, ET AL., ACCUSED. DIOSCORO REPTIN,  
ANTONIA SANTONIA, AND PEDRO RUBIS, DEFENDANTS AND  
APPELLANTS.**

*G. R. No. 12405. October 20, 1959*

Ponente: MONTEMAYOR, J.

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**MONTEMAYOR, J.:**

On November 27, 1954, Bias Buela, his wife Josefina Borromeo, and their only son were living in the barrio of San Antonio, Municipality of Libon, Albay. That day, Josefina took her son to the Municipality of Tabaco for medical treatment, leaving her husband Bias alone at home. In the house there was a quantity of palay (known as "dinorado") placed in four containers, namely two buri bags, locally known as "bayong", one sack and one box. When Josefina returned home on November 29, she found that her husband had been killed and the house robbed. She saw the bloody' dead body of Bias on the ground, about ten meters from the house. She also found bloodstains inside the house, the stains trailing from it to the place where the body of Bias lay on the ground. She also found that the two bayongs and the sack, containing palay had disappeared and that only one half of the palay contents of the box remained.

The body of Bias was, examined by Dr. Zacarias Edades, municipal health officer, and he found on the body, six wounds, the most fatal of which was that in the neck. According to him, he must have been killed about 9:00 p.m. on November 28, but not earlier than 8:00 p.m. There is no question that the crime of robbery with homicide was committed on November 28, 1954.

In Criminal Case No. 1649 of the Court of First Instance of Albay, Isidro Valladolid, Dioscoro Reptin, Antonio Santonia, and Pedro Rubis were charged with robbery in band with homicide. After trial, they were all found guilty and were sentenced each to reclusion perpetua, with the accessories of the law, to indemnify the heirs of the deceased Bias, jointly and solidarily, in the sum of P6,000.00, and to pay the costs. All the accused, except Isidro Valladolid,. have brought the case to us on appeal.

We have scrutinized the record, particularly the extra-judicial statement made by the appellants and ratified before the Justice of the Peace of Libon, as well as the testimony of the witnesses and we agree with the trial court that the appellants' guilt has been established beyond reasonable doubt. Judge Mateo L. Alcasid in his well considered decision, on the basis of the evidence, has made a detailed and correct statement of the facts of the case. We reproduce with favor the pertinent portion of said decision:

"On November 27, 1954, Hilario Olivares, a member of the rural council of barrio Santo Nino, Libon, Albay, a barrio adjacent to San Antonio, received a complaint from one Andres Mendevil to the effect that he found in the possession of the accused Isidro Valladolid the sack which was the container of a certain amount of palay stolen from him some time ago. Being a resident of the barrio of Santo Niño, Isidro Valladolid was sent for by the rural councilor, and when he came to the house of Hilario Olivares the councilor inquired from him if it

was true that he took two cans of 'dinorado' palay from Andres Mendevil. Isidro Valladolid admitted that he did, where-upon, Olivares advised Valladolid to settle the matter with Mendevil by returning the two cans of 'dinorado' palay. Valladolid replied that he be given time until the next day, November 29, within which to procure the necessary palay with which to pay Mendevil and promised to return in the morning of said date to deliver the palay. Morning of the 29th came and he complied with his promise bringing with him the necessary amount of 'dinorado' palay to be paid to Mendevil. The councilor inquired from Valladolid as to where he got the palay and the latter replied that he got it from Januario Renganate, a resident of barrio San Ramon, also of Libon. On Wednesday, December 1st, the rural councilor learned of the robbery and killing that occurred in the house of Bias Buela and that some of the articles taken therefore were a sack and two buri bags containing 'dinorado' palay and in view of this report his suspicion was aroused that the 'dinorado' palay delivered to him by Valladolid might have been part of loot taken from the house of Bias Buela; so he sent for Valladolid again and told him to bring the original container of the palay which he claimed he got from Januario Renganate and with which he paid Mendevil. Valladolid himself fetched the container which turned out to be a buri bag. This buri bag was later identified by the widow of Bias Buela to be one of the buri bags containing 'dinorado' palay which disappeared from her house on the night of November 28. Further inquiries made by the barrio councilor revealed that the 'dinorado' palay delivered to him by Valladolid did not come from Januario Renganate, for the latter denied giving any palay to Valladolid. Concluding from the circumstantial evidence he had on hand that Valladolid might have been responsible for the robbery and the killing of Bias Buela, the councilor had him arrested immediately and brought to the office of the Chief of Police in the poblacion of Libon for further investigation.

"The Chief of Police conducted the necessary investigation in the course of which Isidro Valladolid confessed to the robbery and the killing of Bias Buela and pointed and identified Dioscoro Reptin, Antonio Santonia and Pedro Rubis as his confederates in the commission of the crime. One by one these three persons were arrested and investigated and all the four accused formally signed written confessions which were presented during the trial and marked as Exhibits B, C, D, and E. These written confessions were signed by all the accused in front of the Justice of the Peace of Libon, Albay, who translated the contents thereof to them in the Bicol dialect and who even inserted therein in his own handwriting, certain corrections which the accused requested be made in their answer. When the four accused were arraigned before the Justice of the Peace Court during the second stage of the preliminary investigation they, assisted by their counsel, voluntarily pleaded guilty to the charge.

"The facts as above narrated were fully established beyond doubt by the evidence presented by the prosecution during the trial."

During the trial, the accused repudiated their sworn statements, wherein they admitted participation in the commission of the crime, claiming that the said statements were obtained through maltreatment by the Chief of Police. We also reproduce the pertinent portion of the appealed decision on this point:

"There was also an attempt on the part of each of the accused to discredit the voluntary character of their signed confessions by alleging on the witness stand that they were maltreated by the Chief of Police of Libon, Albay, but the alleged maltreatment stands uncorroborated by any evidence except the verbal assertions of each of the accused. They did not complain to any authority, even to the Justice of the Peace before whom they signed the confessions, that they were maltreated, and their failure to complain as soon as possible against maltreatment alleged to have been inflicted upon them to procure their confessions indicates that there has been no such maltreatment (U.S. vs. Castellon, 12 Phil., 160; U.S. vs. Barroga, 21 Phil., 161). Besides, the veracity of the "acts performed in the commission of the crime as described by the accused in the confessions is proven by the multiple wounds found on the body of Bias Buela. There were no witnesses to the killing and robbery other than, the accused themselves and the narration, of details in the commission thereof as contained in the confessions reveals, facts which could have been known only to the accused. All these show unmistakably that the confessions were voluntary. Not only that, the truth of the acts committed as admitted by the accused in their written concessions is further corroborated by the testimony of Cipriano Sallan, who, at

about 8:00 o'clock in the evening of November 28, 1954, saw the four accused on the barrio path near his house going in the direction of the house of Bias Buela, and about half an hour later, this witness again saw Isidro Valladolid and Dioscoro Reptin walking on the same path coming from the direction of the house of Blas Buela, the former carrying a buri bag with some contents on his shoulder, while the latter was carrying a sack, also with some contents, on his head."

All the appellants interpose the defense of alibi and presented witnesses in corroboration. This defense had been fully analyzed by the trial court and found to be untenable. In this, the trial court was also correct. To show how far said witnesses were willing to go in order to support the defense of alibi of appellants, one witness testified that appellant Antonio Santonia was in his house on a certain date, whereas the record shows that on that date, Santonia had already been arrested and was in jail.

As we have already said, the record amply and fully establishes the guilt of the accused. Aside from their sworn confessions admitting complicity in the commission of the crime, in the course of the investigation made by the Justice of the Peace, while assisted by counsel, they all pleaded guilty to the charge of robbery with homicide. Not only this, but on the night of the robbery, a witness for the prosecution saw the four accused, including the three appellants herein pass his house and walk along the path leading to the house of the deceased Bias. Some time later, he saw two of said accused returning from the direction of said house of Blas, one carrying a loaded bayong on his shoulder and the other carrying "a sack with contents on his head. This fact not only connects the accused with the commission of the crime, but does away with their defense of alibi and the claim that on the night of the robbery, they were nowhere near the vicinity of the house of Blas.

The Solicitor General in his well written brief claims that the commission of the crime was accompanied by two aggravating circumstances, namely, dwelling and nighttime, and he recommends that the penalty should be imposed in its maximum degree, namely, death. The claim and recommendation are not without merit. However, for lack of the necessary number of votes for the imposition of the death penalty, we affirm the decision of the trial court, with costs.

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

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