

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. FLORO TILA-ON, BELTRAN AGRAVA AND VICTOR DAZO, DEFENDANTS AND APPELLANTS.

G.R. No. 12406. June 30, 1961

Ponente: REYES, J.B.L., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-12406/>

REYES, J.B.L., J.:

Found guilty by the Court of First Instance of Leyte of the crime of murder and assessed the penalty of reclusion perpetua, plus the usual concomitants, accused Floro Tila-on, Beltran Agrava and Victor Dazo appealed to this Court. Subsequently, however, Floro Tila-on moved to withdraw his appeal, and it was granted by this Court in its resolution of August 6, 1959, thereby leaving to be resolved only the cause of the two other appellants.

The State's evidence shows that at about 5:00 o'clock in the afternoon of June 18, 1955, the three defendants Floro Tila-on, Beltran Agrava, and Victor Dazo came to the store-residence of Severo Agustin at barrio Tangas, municipality of Burauen, Leyte. Present were Severo and his wife, Margarita Amarille, their 13 year-old daughter, Visitation Agustin, who was playing at their front yard, and Isabel Manasis, who was at the store to buy kerosene. Margarita and Isabel testified that the three accused pretended to buy some cigarettes, and when Severo turned his back to the trio to get the merchandise, Floro suddenly and without warning stabbed the former with a dagger, finding its mark at the back of the unwary victim. Visitation's attention was for the first time attracted when the victim moaned, and instantly turning her gaze in the direction of the wailing, she saw Floro at the moment he pulled out the dagger from her father's back. The stunned witnesses then saw Beltran Agrava almost simultaneously drive in the second bolo thrust at the victim; and as Severo reached for his own bolo which was hung in one of the posts, Victor Dazo gave him the final stab. Despite his wounds, Severo was able to turn around and swing his bolo, reaching and hitting Victor Dazo on the right thigh as the latter was attempting to leave. Senseless and confused, the three eyewitnesses finally scampered to safety.

Coming back later to the scene of the crime, Margarita and Visitation saw the lifeless body of Severo sprawled by the door of the store.

The autopsy report made by Dr. Jose Lucinario, the municipal health officer, indicates that death was due to internal hemorrhage caused by the three stab-wounds inflicted at the back of the victim's body (Exhibit "A").

As to the motive for the killing, it was shown that, some time in 1952, the deceased victim and his family were robbed by Floro Tila-on and consorts (not his co-accused) and threatened with death should the victims report the matter to the authorities. But despite the stern warning, Severo nonetheless reported the incident to the barrio lieutenant and the military police. In this connection, it may become worthy of note that Floro Tila-on and the appellants herein are closely related to one another.

The defense gave an entirely different version of the incident, the gist of which would reveal that Severo Agustin, in a fit of jealousy, was the aggressor, and pictures Victor Dazo as the object of Severo's assault, and Floro Tila-on as the mediator who was forced to kill the deceased in self-defense and in defense of Victor.

Carefully reviewing the evidence for the People and the defense, this Court is convinced of the guilt of the appellants. In contrast to the testimony of the witnesses for the prosecution, which we find to be substantially and naturally coherent, the asseverations of the defense, upon the other hand, vary in significant respects. Thus, (1) Victor Dazo testified that he was assaulted and wounded by Severo because the latter was supposedly enraged upon seeing the former and Margarita Amarillo drink tuba together; but that before stabbing and hitting Victor on the right thigh, the deceased reportedly remarked, "Why are you coming here? Are you courting my wife?" Defense witness Gorgonio Alipar heard altogether differently. The witness declared that before stabbing Victor, Severo exclaimed, "You are boastful! You take a drink!" Compare this with the testimony of accused Beltran Agrava who attested that no conversation of any kind transpired before the alleged wounding of Victor by Severo. (2) Victor Dazo himself stated that during the duel between the deceased and Floro Tila-on, which supposedly ensued because the latter intervened on Victor's behalf, he (Victor) was already lying wounded. Defense witness Rufo Rubino, on the other hand, insisted that Victor was merely in a sitting or squatting position. (3) Rufo further claimed that Codrato Agustin allegedly challenged Floro to a fight after the latter stabbed Severo, and that as a matter of fact, Codrato unsuccessfully tried to spear Floro. Others, however, stated that no such challenge was made and no fight ever ensued between the two because Codrato ran away after having been stoned by Floro's companion. (4) After the stabbing incident, Severo, according to defense witness Gorgonio Alipar, went slowly up to his house, with the bolo still in his hand. Floro Tila-on himself testified, however, that Severo fell to the ground after having been critically wounded.

Certain improbabilities in the defense's account of the killing are equally impressive. For instance, despite the alleged close struggle between Severo Agustin and Floro Tila-on, wherein the former was by and large the armed aggressor who delivered several blows at Floro, first with a bolo and later with a scythe, the later emerged unscathed. This accused also claims that he began stabbing the deceased after he (Floro) successfully wrested the bolo away from Severo and the latter continued the attack with a scythe. If this assertion is true, then it is hardly probable that the stab-wounds received by Severo would have all landed, as indeed they did, on the rear portion of his body. Appellant Victor Dazo also declared that in the course of struggle between the deceased and Floro Tila-on, Codrato Agustin, a son of Severo, assaulted him (Victor) with a spear; yet in spite of the charges preferred against him by the Agustin family, Victor neither reported the matter nor made any similar accusation against Codrato to the proper authorities.

We need not go further into reciting other inconsistencies and improbabilities in the testimony of the accused and their witnesses before it can convince us that the theory offered by the defense is but a fiction. In truth, going over the testimony of Gorgonio Alipar and Rufo Rubino, one cannot but be assured that they could not have really been with the accused during and immediately after the incident in question; and why the accused had to resort to said witnesses to build up their defense merely gives a strong indication of appellants' consciousness of guilt.

On the part of the State witnesses, on the other hand, no sufficient motive was shown or pretended to induce them to falsely implicate the appellants.

Finally, the rule is now firmly established to the point of becoming elementary in this jurisdiction and elsewhere that where there is an irreconcilable conflict in the testimony of witnesses, the appellate court will not disturb the findings of the trial court when the evidence of the successful party, considered by itself, is adequate to sustain the judgment appealed from.

The commission of the offense was characterized by treachery, considering that the attack was sudden, achieved from behind the accused who was apparently misled into remaining passive and unsuspecting, and executed while the latter was not in a position to offer an effective defense (see Art. 14, par. 16, Revised Penal Code).

Appellants are guilty as principals by direct participation, it appearing that they took part in stabbing the deceased victim inflicting wounds which all proved to be fatal (see Art. 17, par. 1, Revised Penal Code). That each of the accused knew of the criminal design of the other can be sufficiently inferred from the circumstances of the assault, such as the arrival of the accused at the same time, their presence from the start and up to the consummation of the crime, and, most important of all, the fact that the malefactors acted in concert all throughout its commission pursuant to the same evident objective (see *People vs. Mandagay, et al.*, 46 Phil., 838). It is thus proved that there was a conspiracy among the accused, thereby making their criminal responsibility collective.

There being no mitigating or aggravating circumstances to take into account, as none were proved, the penalty imposable is *reclusión perpetua*, which is the medium period of the penalty prescribed by law for the crime of murder (Art. 248, Revised Penal Code).

Wherefore, finding no error in the judgment appealed from, the same is hereby affirmed. Costs in this instance against the appellants.

Bengzon, C.J., Padilla, Labrador, Concepcion, Barrera, Paredes, Dizon, De Leon, and Natividad, JJ., concur.

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.