

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROGELIO SANSÆT Y SANTOJALA, SILVERIO SANSÆT Y SANTOJALA, AND LEOPOLDO SANSÆT Y SANTOJALA, ACCUSED-APPELLANTS.

G.R. No. 139330. February 06, 2002

Ponente: PARDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-139330/>

PARDO, J.:

The combination of liquor, hot heads and a bad joke was the dangerous concoction that led to the unfortunate death of Uldarico de Castro.

The Case

Silverio Sansaet y Santojala and Leopoldo Sansaet y Santojala, appeals from the decision[1] of the Regional Trial Court Antique, Branch 11, San Jose, finding them guilty beyond reasonable doubt of murder, and sentencing each of them to suffer the penalty of reclusion perpetua and to pay the widow of Uldarico de Castro the sum of P21,000.00 as indemnity for funeral expenses, P50,000.00 as indemnity for death and another P50,000.00 as moral damages.

In an Information[2] dated January 24, 1990, filed with the Regional Trial Court, Antique, San Jose, Provincial Prosecutor Leopoldo O. Villavert charged accused with murder, as follows:

“That on or about the 25[th] day of June 1989, in the Municipality of Tobias Fornier, Province of Antique, Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused being then armed with bolos and a sickle, conspiring, confederating and mutually helping one another, with intent to kill and taking advantage of superior strength, did then and there, willfully and unlawfully and feloniously, attack, assault and hack with said bolos and sickle one Uldarico de Castro thereby inflicting multiple wounds on the different parts of his body which caused his death shortly thereafter.”

Upon arraignment on April 24, 1990, the accused assisted by counsel pleaded not guilty.[3]

After trial, on May 21, 1997, the trial court rendered a decision, the dispositive portion of which reads as follows:

“WHEREFORE, in view of the foregoing pronouncements, judgment is hereby rendered finding the accused Silverio Sansaet y Santolaja and Leopoldo Sansaet y Santojala guilty beyond reasonable doubt of the felony of murder as defined and punished under Article 248 of the Revised Penal Code and, accordingly: (a) sentencing each one of the aforementioned accused to a penalty of imprisonment of reclusion perpetua and the accessory penalties inherent thereto; (b) ordering both of the aforementioned accused to pay Teresita de Castro, widow of Uldarico de Castro the sum of P50,000.00 as indemnity for his death; the sum of P21,000.00 as indemnity for funeral expenses; the sum of P50,000.00 as indemnity for moral damages; and cost.”[4]

Hence, this appeal.[5]

The Facts

As established by the evidence of the prosecution, the facts are:

“At around 5:30 in the afternoon of June 25, 1989, at a hut owned by Marcelo Tumaob at Barangay Igtugas, Tobias Fornier, Antique, about sixteen (16) people were drinking “tuba” with “pulutan” as they have just finished working the rice field. They were Benedicto Sansaet, Gonzalo Sansaet, Mariano Sansaet, Germinio Sansaet, Jovito Sansaet, Uldarico de Castro, Federico Satojate, Melito Mondragon, Maximo Mondragon, Benedicto Naparato, Nestor Sacajada, Rogelio Sansaet, Silverio Sansaet, Leopoldo Sansaet and the latter’s wife Lita and their two (2) children Joey and Resty. As they were engaging in merrymaking while drinking, a joke about a long penis cropped up. Leopoldo claimed Silverio had a long penis but Uldarico insisted his friend had longer. Then Leopoldo asked Uldarico. “why don’t you ask your wife how long is the penis of Vito?” This angered Uldarico who countered why Leopoldo had to involve his wife.

“There were verbal exchanges between the two. Thereafter, Rogelio accosted Uldarico saying “why, are you brave? Go downstairs.” Rogelio then unsheathed his bolo and went downstairs, whereas Uldarico also got his bolo and went downstairs. The two then started hacking each other. Uldarico was hit on the base of his ear and Rogelio on the bridge of his nose. Silverio and Leopoldo then positioned themselves behind Uldarico and hacked and hit the latter just above the nape and on the right shoulder. Uldarico retaliated with a hack blow wounding Silverio at the left forearm. Then Rogelio hacked Uldarico a second time. The latter raised his hand to parry the blow but was severed in the process, fell to the ground and rolled towards the river. Leopoldo and Rogelio followed and continued on hacking and hitting Uldarico on different parts of his body. Leopoldo then told Silverio, “To, we will just kill him.” His wife restrained Silverio. Not satisfied, Leopoldo and Rogelio dragged Uldarico towards the river and there they each twice hacked Uldarico. Afterwards, Leopoldo said “To, he is already dead.” The three brothers then left. Jovito Sansaet and Herminio Mondragon went to the Barangay Captain and reported the incident.

“That evening the three Sansaet brothers surrendered to the police of Tobias Fornier. Rogelio and Leopoldo Sansaet also surrendered their respective bolos.”[6]

The Issues

- Whether the trial court erred in giving full weight and credit to the testimony of prosecution witness Herminio Mondragon, a close relative of the victim, Uldarico de Castro.
- Whether the trial court erred in rejecting the evidence of the accused.[7]

The Court’s Ruling

We sustain the conviction of the accused, not of murder but of homicide.

“Somewhere along the painstaking review of the evidence on record, one version rings the semblance of truth, not necessarily because it is the absolute truth, but simply because it is the best approximation of the truth based on the declarations of witnesses as corroborated by material evidence. Perforce, the other version must be rejected. Truth and falsehood, it has been well said, are not always opposed to each other like black and white, but oftentimes, and by design, are made to resemble each other so as to be hardly distinguishable.”[8]

The accused-appellants argued that the judge who wrote the decision did not try the case and hence was not able to observe first hand the testimonies of the witnesses. Hence, when a question is raised as to whether to believe the version of the prosecution or that of the defense, Judge Nery G. Duremdes not having had the opportunity to observe the witnesses’ demeanor and deportment on the witness stand, and the manner in which they gave their testimonies, can not discern and gauge if said witnesses were telling the truth. However, we have held in several cases that “the decision of a judge who did not try the case is not by that reason alone erroneous.”[9] The fact that the judge who tried the case was different from the judge who penned the decision does not in any way taint the

same. Indeed, “the efficacy of a decision is not necessarily impaired by the fact that its writer only took over from a colleague who had earlier presided at the trial, unless there is showing of grave abuse of discretion in the factual findings reached by him.”[10] “Moreover, a judge who was not present during the trial can rely on the transcript of stenographic notes taken during the trial as basis of his decision. Such reliance does not violate substantive and procedural due process of law.”[11]

We have held in a long list of cases that “[M]ere relationship of a witness to the victim does not automatically impair his credibility and render his testimony less worthy of credence where no improper motive can be ascribed to him for testifying. Rather, the witness’ relationship to the victim, far from rendering his testimony biased, would even make it more credible as it would be unnatural for a relative who is interested in seeking justice for the deceased to accuse somebody other than the real culprit.”[12]

The accused-appellants harped on the fact that Herminio Mondragon did not report or tell anyone what he saw and waited for a long period of time before revealing that he saw the killing of Uldarico de Castro. “We do not find anything wrong with the witnesses’ failure to talk to the police immediately after the incident. It is not uncommon for witnesses to delay or vacillate in disclosing the identity of the offender after the startling occurrence for fear of reprisals. The natural reluctance of witnesses to get involved in a criminal case and to provide information to the authorities is a matter of judicial notice. Absent any showing that these witnesses were actuated by improper motives, their testimonies deserve full faith and credit.”[13]

Time and time again, we have ruled that denial like alibi is the weakest of all defenses, because it is easy to concoct and difficult to disprove. Furthermore, it cannot prevail over the positive and unequivocal identification of appellant by the offended party and other witnesses. “Categorical and consistent positive identification, absent any showing of ill motive on the part of the eyewitness testifying on the matter, prevails over the appellants’ defense of denial and alibi. In this case, there was no showing of any improper motive on the part of the witnesses to testify falsely against the three accused or to falsely implicate them in the commission of the crime. Hence, the logical conclusion is that no such improper motive exists and that their testimony is worthy of full faith and credence. Unless substantiated by clear and convincing proof, such defense is negative, self-serving, and undeserving of any weight in law.”[14]

However, the prosecution has not sufficiently proved the qualifying circumstance of abuse of superior strength alleged in the information. “Mere superiority in number, even assuming it to be a fact, would not necessarily indicate the attendance of abuse of superior strength. The prosecution should still prove that the assailants purposely used excessive force out of proportion to the means of defense available to the persons attacked.”[15]

“Finally, to appreciate the qualifying circumstance of abuse of superior strength, what should be considered is whether the aggressors took advantage of their combined strength in order to consummate the offense. To take advantage of superior strength means to purposely use excessive force out of proportion to the means available to the person attacked to defend himself.”[16] In the case at bar, the victim Uldarico de Castro was the one who picked a fight with the accused-appellants because he did not like the joke by one of the accused-appellants. There was no evidence to show that the accused-appellants purposely sought and took advantage of their number to subdue the victim.

Consequently, we rule that the prosecution failed to prove that the accused-appellants took advantage of their superior strength. Hence, the offense committed is homicide, not murder.[17]

The Fallo

WHEREFORE, the Court SETS ASIDE the decision of the Regional Trial Court, Antique, Branch 11, at San

Jose.

IN LIEU THEREOF, the Court finds accused-appellants Silverio Sansaet y Santojala and Leopoldo Sansaet y Santojala guilty beyond reasonable doubt of homicide, defined and penalized under Article 249, Revised Penal Code, and in the absence of any modifying circumstance, sentences each of them to an indeterminate penalty of ten (10) years of prision mayor, as minimum, to seventeen (17) years and four (4) months of reclusion temporal, as maximum, to pay the heirs of the deceased the amount of fifty thousand (P50,000.00) pesos as civil indemnity, twenty-one thousand (P21,000.00) pesos as funeral expenses, and fifty thousand (P50,000.00) pesos as moral damages, and costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno Kapunan, and Ynares-Santiago, JJ., concur.

[1] Original Record, Decision, pp. 282-299, Judge Nery G. Duremdes, presiding.

[2] Original Record, Information, p. 85.

[3] Ibid., Certificate of Arraignment, p. 92.

[4] Original Record, Decision, pp. 282-299, at p. 299, promulgated on May 21, 1997.

[5] On February 16, 2000, we accepted the appeal (Rollo, pp. 30-39).

[6] Brief for the Appellee, Rollo, pp. 88-100, at pp. 92-93

[7] Petition, Rollo, pp. 55-57.

[8] *Tangan v. People of the Philippines*, G.R. No. 105830, February 23, 2001.

[9] *People v. Nagsagaray*, 319 SCRA 622, 643 (1999), citing *People v. Gazmen*, 317 Phil 495 (1995).

[10] *Quinao v. People*, 333 SCRA 741 (2000).

[11] *People v. Hapa*, G.R. No. 125698, July 19, 2001, citing *People v. Espanola*, 338 Phil. 403, 430 (1997); *People v. Rayray*, 311 Phil. 1 (1995).

[12] *People v. Macandong*, G.R. No. 129534 and 1411691, June 6, 2001, citing *People v. Letigio* 335 Phil. 693 (1997).

[13] *People v. Garcia*, G.R. No. 129216, April 20, 2001, citing *People v. Reyes*, 350 Phil. 683 (1998) and *People v. Villanueva*, 349 Phil. 99 (1998).

[14] *People v. Manayan*, G.R. No. 142741-43, October 23, 2001, citing *People v. Banela*, 361 Phil. 61 (1999) and *People v. Jose*, 324 SCRA 196 (2000).

[15] *People v. Moyong*, 344 SCRA 730 (2000).

[16] *People v. Balano*, 339 Phil. 164, 174-175 (1997), citing *People v. Patrolla, Jr.* 324 Phil. 758 (1996).

[17] *People v. Lazarte*, 334 SCRA 635, 650-651 (2000); *People v. Canete*, 350 Phil. 933, 947-949 (1998); *People v. Ortega, Jr.*, 342 Phil. 124, 138-140 (1997).

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.