

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. FULGENCIO RANARIO AND LEON CADAY, DEFENDANTS. FULGENCIO RANARIO, APPELLANT.

G. R. No. 25083. August 17, 1926

Ponente: VILLA-REAL, J.

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VILLA-REAL, J.:

This appeal is taken by Fulgencio Ranario from the judgment of the Court of First Instance of Bohol, finding him, together with the accused Leon Caday, guilty of the crime of murder and sentencing him to life imprisonment, with the accessory penalties, to pay, jointly and severally with said Leon Caday, to the heirs of the deceased Agustin Galanida y Abuel the sum of P1,000 by way of indemnity, and one-half of the costs of the action.

In support of his appeal, the appellant assigns the following supposed errors as committed by the trial court in its judgment:

1. In admitting as evidence against him the confession of his coaccused Leon Caday contained in Exhibits A and D;
2. In, admitting Exhibit C as the dying declaration of the deceased Agustin Galanida y Abuel;
3. In holding that the bolo belonging to the appellant (Exhibit B) was the one used by the criminal;
4. In holding that there had been a dispute between the deceased and Moises Ranario, the appellant's son, over land boundaries;
5. In holding that there had been ill-feeling and a desire for revenge on the part of the appellant against Agustin Galanida;
6. In holding that the appellant admitted his guilt by not denying the charges made against him by Leon Caday at the preliminary investigation;
7. In holding that the appellant is guilty because he promised to give Caday a sum of money to defray his expenses of a trip to Manila; and
8. In convicting the appellant.

The following facts were proven at the trial beyond a reasonable doubt: According to the confession made by the accused Leon Caday, at about 8 o'clock on the night of October 16, 1925, while Agustin Galanida was seated on a bench underneath Maximo Barejo's house in Garcia- Hernandez, Bohol, with his back towards the street leaning against a bamboo wall, he was stabbed, through the said wall, with a bolo in the left lumbar region, causing a wound which passed through his body as a result of which he died in about twenty-four hours.

The only evidence there is against the accused appellant Fulgencio Ranario is that furnished by Leon Caday in his confession. When Leon Caday was examined by the Constabulary, he first attributed the death of Agustin

Galanida to Maximo Madelo and Paulino Amparo. On being confronted by said individuals and hearing them deny this, Leon Caday confessed that he killed Agustin Galanida, claiming, however, that he was induced to do so by Fulgencio Ranario, who promised to give him P10, and gave him a bolo, which he returned to him after he had committed the crime. According to Caday, Fulgencio Ranario suspected that the deceased was the cause of the illness of his son Moises Ranario. In view of these statements of Leon. Caday the latter was taken to Fulgencio Ranario's house, who was not there, having gone to the river. The Constabulary lieutenant who accompanied him, sent the chief of police to find him. Before Fulgencio Ranario reached his house he was disarmed by the chief of police who accompanied him. Upon seeing the bolo Leon Caday, said that it was the one which Fulgencio Ranario had given him. Fulgencio Ranario protested saying it was not so and that Leon Caday had not been in his house.

The prosecution also tried to prove that while Fulgencio Ranario and Maximo Madelo were drinking tuba in Candido Maldosa's house, Leon Caday arrived and told Maximo secretly that he had murdered Agustin Galanida. Upon hearing that, Maximo Madelo became frightened and suggested to Fulgencio Ranario that they go to his house, where he spent the night.

At about 9 o'clock on the night of October 16, 1926, Agustin Galanida, finding himself in a serious condition and knowing that he was about to die, made a declaration before the justice of the peace in which he said that he suspected that Moises Ranario was the aggressor because he was the only one with whom he had trouble in 1925.

On October 22, 1925, Leon Caday made another confession in which he explained the manner in which he committed the crime, again implicating Fulgencio Ranario.

Fulgencio Ranario being confined in jail with Leon Caday, asked him why he' had stated that he had ordered him to kill Agustin Galanida and censured him for his conduct. Leon Caday told him that he would plead guilty provided he would give him P100. Fulgencio Ranario replied that he would not give him that sum as he hadn't done anything, although at the beginning he was inclined to, but was afraid that Leon Caday would betray him and say something else.

Such is a resume of the evidence presented by the prosecution against the herein accused-appellant, Fulgencio Ranario who, during the trial, testified as a witness in his own defense and denied everything that Leon Caday had said against him outside of the court.

The trial court in finding the accused guilty as principal, by induction, of the murder of Agustin Galanida committed by Leon Caday, took into consideration the previous dispute had between the deceased and Fulgencio Ranario regarding land boundaries and the supposed suspicion of Fulgencio Ranario that Agustin Galanida was the cause of his son Moises Ranario's illness, but principally the confession of Leon Caday. This court has already held that an extrajudicial confession made by an accused implicating his coaccused is not admissible against him. (People vs. Durante, 47 Phil., 654.) It is true that when Leon Caday made his confession contained in Exhibit B, in which he implicates Fulgencio Ranario, the latter was present and said nothing, according to justice of the peace Castor del Bando, but it does not" appear that Fulgencio Ranario heard the confession of Leon Caday nor had the opportunity to deny it. On the other hand, however, it does appear that when Leon Caday, in the presence of the Constabulary soldiers, was shown the" bolo that Fulgencio Ranario carried and said it was the one that had been given him by the appellant, a discussion took place between them in which the said Fulgencio Ranario denied having given the said Leon Caday his bolo and having been in his house. Neither is the presumption of innocence sufficiently rebutted by the fact that before the commission of the crime Fulgencio had had a dispute with the deceased on the question of boundaries, which was amicably settled, aside from the fact that Agustin Galanida did not suspect him but his son Moises Ranario.

Considering all of the evidence presented at the trial by the prosecution and the defense, we are of the opinion that the guilt of the accused-appellant has not been established beyond a reasonable doubt and that he has the right to the benefit of the doubt.

By virtue of the foregoing, the accused is acquitted and it is ordered that he be released, with the costs de oficio. So ordered,

Avanceña, C. J., Street, Villamor, Ostrand, Johns, and Romualdez, JJ., concur.

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