

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. OLASAN AND MAYAWEN, DEFENDANTS. OLASAN, APPELLANT.

G. R. No. 25155. July 21, 1926

Ponente: VILLA-REAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-25155/>

VILLA-REAL, J.:

This is an appeal taken by the Igorrot Olasan from the judgment of the Court of First Instance of Bontoc, Mountain Province, finding him guilty of the crime of homicide and sentencing him to imprisonment for the term of twenty years reclusion temporal, with the accessory penalties prescribe by law, to indemnify the heirs of the deceased Dalmacio Gasalao in the sum of P1,000 and to pay one-half of the costs, by virtue of a complaint filed by the fiscal charging him, together with another Igorrot named Mayawen, with the crime of murder; but the latter was acquitted with one-half of the costs de oficio.

In support of his appeal, the appellant Olasan assigns the following errors as committed by the lower court, to wit:

- The court erred in holding that "The circumstantial evidence in this cause, in the opinion of this court, establishes the undeniable fact that Olasan was the very person who wounded Dalmacio Gasalao * * *" (dec. page 2) on which it based its judgment.
- The court erred in holding that "the fact that the accused Olasan had been heard shouting just after the occurrence and that his father held a 'sangkat' the night following the day of the occurrence, warning those who attended said 'sangkat' composed of old people, that they should not reveal that Olasan had killed the man, as under the special circumstances of the case it would not be at all improper to attribute to similar acts a probatory value which is usually attributed to res gestae * * *." (Dec. pages 5, 6.)
- The lower court erred in holding and admitting in its judgment that the body found by the witness Antonio Crispillo was the same person who in life was called Dalmacio Gasalao.

The following facts were established beyond a reasonable doubt at the trial: The Igorrot Ofoob and the Ilocano Dalmacio Gasalao were mail carriers. In the afternoon of January 16, 1925, they left Bontoc together carrying mail for Camp Ambolig, municipal district of Anabel, Mountain Province. As it was getting late the Igorrot Ofoob went on ahead of his companion arriving at Camp Ambolig between 4.30 and 5 o'clock on the same afternoon. Seeing that the sun had set and tha Dalmacio Gasalao had not yet arrived at the camp, Ofoob suggested to one Filomin, a road worker, that they start up the road and meet his companion. After walking for some time Ofoob discovered bloodstains on the road and suspected that his companion Dalmacio Gasalao had been killed. Fearing that he might meet the same fate as his companion and noticing that the road worker carried an Igorrot axe called "alioa," he suggested to him that he return to Camp Ambolig and guard the mail and that he would return to Bontoc and report what had occurred, which he did. Ofoob arrived at the house of his master, Mr. Belen, in Tococan, shortly after dark and the latter immediately reported the matter to the constabulary. That same night some constabulary soldiers, under the command of Lieutenant Torres, accompanied by Deputy Governor Blanco

and sanitary inspector Crispillo of Bontoc, proceeded to the place of the occurrence. After having searched all night, at about 7 o'clock the following morning, they discovered the body lying at the bottom of a precipice alongside the road near the place where they saw the bloodstains, with the head downward and the feet turned upward. Upon examining the body they discovered a sharp wound just a little above the angle formed by the neck and the right shoulder, which extended from the back towards the front in a downward direction, cutting two-thirds of the neck and severing the muscles, arteries, nerves, trachea, esophagus, and the fourth cervical vertebrae. Contusions were also found on the right parietal region and on the left thigh. About 20 yards from the place where they discovered the bloodstains they found the cane, Exhibit A.

It appears that on the afternoon of the occurrence Olasan and Mayawen were seen sitting on a bridge about 2½ kilometers from the place where the bloodstains were discovered, Mayawen holding the cane, Exhibit A in his hand and Olasan holding an "alioa" (head axe) in front of him. Later in the afternoon Olasan was seen coming along the road which lead to the spot where the occurrence took place.

It further appears that on the following night the Igorrot Macayba, the aged father of the accused Olasan, invited his old neighbors to eat dog and chicken in celebration of the heroic deed of his son Olasan, who had killed an Ilocano. During the feast he forbade the members present not to mention anything of what had occurred, because the Government prohibited the killing of a man, and he gave them warning that if they did so he would kill them. Olasan was present during the feast but did not partake of any food, the Igorrot custom permitting only the old people to eat.

The accused Olasan, when testifying in his own defense, denied having killed Dalmacio Gasalao. The defense called attention to certain contradictions which had occurred in the testimony with regards to what was eaten and what was said at the feast, from which might be gathered that no celebration had taken place.

From a reading of the stenographic manuscript it may be noted that much difficulty was experienced in interpreting the testimony of the Igorrot witnesses. There were times when the witness did not understand the question of the interpreter and there were times when the interpreter did not understand the testimony of the witness, so that on Various occasions the judge had to order the witness to answer, he having given a reply entirely foreign to the question.

We know, from experience, that in translating, orally, a declaration also made orally, errors and omissions are committed that often escape the attention of the judge and the parties, particularly when he does not understand the dialect interpreted, as, for instance, in the present case. All of the witnesses who attended said feast unanimously agreed on what took place and the reason for the celebration as mentioned by the witness Macayba, the father of the accused Olasan.

Now, then, is this evidence sufficient for finding, beyond a reasonable doubt, that the accused Olasan is the person who killed the Ilocano Dalmacio Gasalao? The fact that Olasan, carrying an "alioa" (head axe) a short time before the occurrence took place, was at the bridge 2½ kilometers from the scene of the crime, the fact that some time after he came along the road which lead to the spot where the occurrence took place, the fact that the wound which was found at the base of the neck of the deceased and which caused his death was inflicted by an "alioa," the fact that on the night following the occurrence, true to Igorrot traditions to celebrate the killing of an enemy or a Christian by a member of the family or one of the tribe, Macayba celebrated, with a feast for the old people, the heroic deed of his son Olasan who had killed a Christian Ilocano, and the fact that Olasan himself was present and enjoyed the feast given in his honor, convince the court that the herein appellant is responsible for the death of Dalmacio Gasalao.

In view of the above, we are of the opinion that the judgment appealed from must be, and is hereby, affirmed in

all its parts, with the costs against the appellant. So ordered.

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