

## THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. CRISPINO MANCAO AND CIRIACO AGUILAR, DEFENDANTS AND APPELLANTS.

*G.R. No. 26361. January 20, 1927*

Ponente: VILLA-REAL, J.

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### VILLA-REAL, J.:

This is an appeal taken by Crispino Mancao and Ciriaco Aguilar from a judgment of the Court of First Instance of Cebu convicting them, in accordance with the complaint, of the crime of homicide, and sentencing each of them to fourteen years, eight months and one day reclusion temporal, with the accessories of the law, to indemnify, jointly and severally, the heirs of the deceased Roberto Villela in the sum of P1,000, and each to pay one-half of the costs.

In support of their appeal, the appellants assign the following alleged errors as committed by the trial court in its judgment, to wit: (1) The lower court erred in giving too much weight to the testimony of Baldomero Villela and Eusebio Villela, aged 15 and 14 years, respectively, and in basing its judgment upon said testimony; (2) the lower court also erred in not holding that the evidence for the defense preponderates and is more worthy of credit than that for the prosecution; (3) the lower court likewise erred in not finding that, in view of the evidence presented by both parties, the accused are at least entitled to the benefit of reasonable doubt; (4) the lower court erred in not holding that the accused Ciriaco Aguilar is mentally deficient and is, therefore, not criminally liable, and, (5) the lower court erred in sentencing the accused instead of acquitting them as it should have done in view of the absence of incriminating evidence.

The prosecution and the defense are agreed that Hilaria Dejan, upon her death, left personal property, cattle and real property, the latter consisting of corn fields, some of which were in the possession of Roberto Villela who had leased them. The probate of the will of said deceased Hilaria Dejan, wherein she bequeathed one-half of her property to her nephew Roberto Villela and her niece Josefa Billones, having been denied and proceedings for the administration of the property left by her having been instituted, Crispino Mancao was appointed administrator thereof on June 26, 1916. Roberto Villela refused to deliver the lands in his possession to the administrator, alleging that the products of the same were to go to the deceased's creditors. On January 31, 1918, Crispino Mancao, as administrator of the property of the intestate estate of Hilaria Dejan, was cited to appear before the Court of First Instance to explain why almost all the deceased's property did not appear in the inventory.

As to the disputed facts, the prosecution tried to prove the following: In the afternoon of August 10, 1925, Crispino Mancao, accompanied by three men and several women, approached Graciana Sedimo, Roberto Villela's tenant, and inquired if there was still corn to be harvested and divided between her and Roberto Villela by virtue of the lease. The unharvested and undivided portion of the corn field having been pointed out to them, the accused Crispino Mancao ordered the persons with him to begin harvesting said corn. In view of Crispino Mancao's actions, Graciana Sedimo ordered her nephew Baldomero Villela to notify Roberto Villela of the matter. Upon

arriving at the corn field Roberto Villela asked the harvesters who ordered them to harvest the corn. Crispino Mancao, who was in the corn field, replied that he was the one who ordered them to do so and started towards Roberto Villela. The latter then asked the former if he had an order from the court to harvest the products. Crispino Mancao struck him with a bamboo stick and said: "This is the order." Roberto Villela dodged the blow and snatched the cane. Having been deprived of his bamboo stick, Crispino Mancao took hold of his bolo and attempted to strike Roberto Villela which the latter warded off with the stick he had in his hand. Crispino Mancao continued to strike Roberto Villela inflicting but slight wounds. Upon being attacked, Roberto Villela rushed at Crispino Mancao and a hand to hand fight ensued, in the course of which they fell down and the former succeeded in disarming the latter. After getting up, they continued to fight, Crispino Mancao receiving a wound on his right hand and another on the right calf, and seeing that he was getting the worst of it, shouted for help. A man dressed in khaki immediately appeared upon the scene and struck Roberto Villela a blow on the thigh as a result of which he fell to his knees. While in this position another man, wearing an undershirt, approached and, after striking him twice on the thigh, ran away. Crispino Mancao then took hold of Roberto Villela by the hands and while thus held, the accused Ciriaco Aguilar struck him with his sickle in the back as a result of which Roberto Villela fell to the ground unconscious. Upon Graciana Sedimo and the boy Baldomero Villela shouting for help, Crispino Mancao left the place and at about 6:30 in the evening presented himself to the councilman of the barrio, Victor Bienvenido, carrying a bolo in his belt, and informed the latter what had happened. The justice of the peace of Alonguisan, Cebu, accompanied by the chief of police, upon investigation at the scene of the combat, found the stick Exhibit A, and Roberto Villela's belt which had been slit with a sharp instrument. Upon examination of Roberto Villela's body which had been taken to Graciana Sedimo's house, he found a wound caused by a sharp instrument on the right side of the forehead; a small wound on the right side of the throat just below the Adam's apple; a large wound above the left knee; two wounds below the left knee, one over the other; a deep wound on the spine which almost completely severed the lumbar region; five deep wounds in about the same place and a wound in the palm of the left hand. Conscious of the seriousness of his condition and the hopelessness of living, Roberto Villela made a declaration which is contained in Exhibit C. The wounded man died on August 26, 1925 as a result of said wounds.

The defense tried to prove that while the accused and his companions were harvesting the corn on Hilaria Dejan's land on the afternoon of August 10, 1925, Roberto Villela approached and inquired: "Who ordered the harvesting of the corn?" that the accused Crispino Mancao replied: "I did it by order of the court and not of my own accord," and at the same time Roberto Villela drew his bolo and attempted to strike Crispino Mancao a blow on the neck which the latter succeeded in warding off, only striking the brim of his hat; that Roberto Villela continued to strike him and he defended himself by means of the stick which he had, but in spite of it he received a wound on the left hand, the stick falling from his hand; that once unarmed Crispino Mancao rushed at Roberto Villela and grasped him in order to take the bolo from him; that in doing so Crispino Mancao took hold of the blade of Roberto Villela's bolo, wounding the first and second fingers of his right hand; that in the course of the fight both fell to the ground, and as Roberto Villela was the taller and stronger of the two, he succeeded in pinning Crispino Mancao to the ground, who shouted for help; that the other accused Ciriaco Aguilar approached and said: "What have you done to him, he has done you no wrong;" that as Roberto Villela did not pay any attention to him the accused Ciriaco Aguilar struck him on the back with a sickle which he carried; that as Roberto Villela still did not mind him notwithstanding the wounds he had received on his back, the accused put the sickle around the former's left thigh and pulled it, forcing him to incline and free Crispino Mancao; that while Roberto Villela was on top of Crispino Mancao he continued kicking Ciriaco Aguilar who wounded him on the right thigh with his sickle; that one of the bolo blows of Ciriaco Aguilar aimed at Roberto Villela hit Crispino Mancao wounding him below the right knee; that Crispino Mancao had no bolo at the time; that the accused Ciriaco Aguilar is an epileptic and as such is susceptible to fits which deprive him of his reason and to attempt to commit suicide or homicide without

being aware of it; that, at times, due to his affliction, the accused Ciriaco Aguilar speaks at random, particularly when talking for any length of time.

Of the five assignments of error, four relate to findings of fact made by the trial court, and the fifth to the conclusion of law based upon said findings of fact.

A careful and detailed examination of the oral and documentary evidence presented by both parties, and the consideration given the antecedents of the case and the circumstances surrounding the commission of the criminal act, convince us that the accused Crispino Mancao was the instigator and aggressor, Roberto Villela having done nothing but to defend himself, first disarming the former of his stick with which he was assaulted, and later of his bolo which he used after having been deprived of his stick, Roberto Villela might have had the advantage in the fight had not one of Crispino Mancao's laborers, dressed, in khaki, come to his rescue, upon his cry for help, and struck Roberto Villela on the thigh; then, another man wearing an undershirt who struck Roberto Villela several times on the left knee; and, lastly, the accused Ciriaco Aguilar who struck Roberto Villela several blows on the back with his sickle, one of which nearly severed Ins spine in the lumbar region which later caused his death.

The allegation of self-defense made by the accused Crispino Mancao is groundless. The evidence sufficiently proves that he carried a stick and a bolo while Roberto Villela was unarmed. The latter refused to surrender the lands belonging to the intestate estate of the deceased Hilaria Dejan which were in his possession. And in view of this and of the fact that it did not appear in the inventory presented by Crispino Mancao, as administrator, that he was in possession of said lands, the court cited him to appear and explain his side of the matter, and ordered him to take the necessary steps to obtain possession of said lands. Crispino Mancao ordered the harvesting of the corn on said lands without any judicial order to that effect, knowing full well that Roberto Villela would object to his doing so. Crispino Mancao's behaviour showed that he was ready to face the consequences of his act. In this state of mind he undoubtedly became annoyed upon being asked by Roberto Villela, on the afternoon in question, if he had an order from the court to harvest the corn, and he replied by striking said Roberto Villela with a stick, saying that that was the order of the court.

While it is true that the wounds which caused Roberto Villela's death were not inflicted by Crispino Mancao but by his coaccused Ciriaco Aguilar, yet said Crispino Mancao having been the instigator and aggressor, and having called his harvesters to his aid, among them the said Ciriaco Aguilar, he wanted them to carry out, as in fact they did, the criminal act started by him and, therefore, he is liable not only for his own acts, but also for the acts of those who aided him.

Neither can the defense of lack of free will of the accused Ciriaco Aguilar, who is an epileptic, be sustained. While Ciriaco Aguilar, as an epileptic, was susceptible to nervous attacks that may momentarily deprive him of his mental faculties and lead him to unconsciously attempt to take his own life and the lives of others, nevertheless, it has not been shown that he was under the influence of an epileptic fit before, during, and immediately after the aggression.

For the foregoing, we arrive at the conclusion that the said accused are guilty beyond a reasonable doubt of the crime imputed to them, each being criminally liable as principal for having taken direct part in the commission of the crime.

Wherefore, and no error being found in the judgment appealed from, the same is hereby affirmed in all its parts, with the costs against the appellants. So ordered.

Johnson, Street, Malcolm, Villamor, Ostrand, and Romualdez., JJ., concur.

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