

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. FRANCISCO BUSTOS ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 27200. January 20, 1928

Ponente: VILLA-REAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-27200/>

VILLA-REAL, J.:

This is an appeal taken by the accused Francisco Bustos and Antonio Macaspac from the judgment of the Court of First Instance of Rizal convicting each of them of the crime of homicide, and sentencing Antonio Macaspac to fourteen years, eight months and one day reclusion temporal, and Francisco Bustos to twelve years and one day reclusion temporal, taking into consideration in favor of the latter the mitigating circumstance of provocation by the deceased; further sentencing both accused to the accessories of the law, to indemnify, jointly and severally, the heirs of the deceased in the sum of P1,000, and to pay the costs of the action.

In support of his appeal Antonio Macaspac assigns the following alleged errors as committed by the lower court in its decision, to wit: (1) The lower court erred in finding the appellant Antonio Macaspac liable beyond a reasonable doubt, as coprincipal, for the death of Felipe del Castillo; (2) the lower court erred in not finding the accused Antonio Macaspac's alibi proven.

Francisco Bustos, in turn, in support of his, assigns the following alleged errors as committed by the trial court in its decision, to wit: (1) The lower court erred in basing its decision principally upon the testimonies of Isabel Encarnacion (a deaf-mute) and Laureana Yumul, and upon the following findings: "However, immediately after the occurrence, Francisco Bustos met the Spaniard Juan T. Lechea and told him that Angel del Castillo's son had thrown stones at him in his own house. He said nothing of having been assaulted by Angel del Castillo, Felipe del Castillo and one Delfin. Francisco Bustos made the same statement to Nicanor Garcia, municipal president of San Pedro Macati, except that he said that it was old man Castillo, the deceased's father, who threw stones at him. The absence of any traces of blood between Francisco Bustos's house and the place where the deceased fell, shows that the latter was wounded in the latter place. The wound below the sternum was necessarily mortal. We doubt that the deceased could have walked one hundred fifty (150) meters—the distance between Francisco Bustos's house and the place where he fell wounded—and traverse that distance without leaving a trail of blood behind him." (Decision, page 4.) (2) The lower court erred in convicting the herein defendant-appellant Francisco Bustos and sentencing him to twelve years imprisonment reclusion temporal.

The alleged errors assigned by both of the accused in support of their respective appeals simmer down to the single proposition that the trial court erred in finding each of them guilty, beyond any doubt, of the crime with which they are charged in the information.

The following facts, without contradiction, were proved at the trial:

On the afternoon of October 24, 1925, while trying to determine the boundaries of the lands which they respectively occupied on the Guadalupe Estate, Francisco Bustos and Angel del Castillo became engaged in a

dispute, finally resulting in the former catching the latter by the neck. Attracted by the cries of the people, Mariano Montemayor and his ward, Antonio Macaspac, ran to the place of the fight, Antonio Macaspac catching hold of Francisco Bustos, and Mariano Montemayor of Angel del Castillo, thus separating the combatants. Mariano Montemayor entertained Angel del Castillo on the street by conversing with him. Antonio Macaspac took Francisco Bustos to the latter's house. Laureana Yumul, Angel del Castillo's wife, who was also there went to her house, leaving her husband. On nearing her home, she heard the desperate cries of her deaf-mute daughter, Soledad Encarnacion, who was under a mango tree gesticulating and making signs, falling upon her knees and getting up again, without knowing what to do. Going in the direction pointed out by her daughter, Laureana Yumul came upon her son Felipe del Castillo stretched out on the ground wounded, expiring a few moments later. The autopsy performed by Dr. Eugenio Santos disclosed the following wounds: A sharp wound 7 centimeters long and 4 centimeters deep on the left arm at the level of the humero-cubital articulation, penetrating the flesh and two bones; two sharp wounds on the posterior internal surface of the lower third of the same arm, running obliquely, and penetrating the cubitus and the radius; and a penetrating wound below the sternum, involving the stomach, and running obliquely downwards from left to right, 8 centimeters deep. The physician was of opinion that the last wound was necessarily fatal. (Exhibit B.) That same night Francisco Bustos presented himself to the municipal president with a wound on his forehead, stating that he had been stoned by someone. He was taken to the General Hospital where he was examined and found to have a wound on his forehead and several bruises on his nose and lips, caused by a blunt instrument which might have been a stone.

The only question of fact to determine in this appeal is: Who is or are responsible for the wounds found on Felipe del Castillo's body, which caused his death ?

On this point Laureana Yumul testified to the effect that when she repaired to the place pointed out by her deafmute daughter, she found her son stretched out on the ground, wounded, and she asked him who had inflicted the wounds on him; that her son answered: "Mother, go to the municipality and report this, because Francisco Bustos and Antonio Macaspac have hacked me up;" that upon hearing this, she shouted for help several times; that after the lapse of sufficient time for one to finish smoking a cigarette, her son expired; that some time thereafter, the agents of authority arrived, but her son was already dead.

The defense impeached the veracity of this witness by means of the testimony of the municipal president, Nicanor Garcia, and Cristino Basay, who testified that they were the first to arrive at the place where the deceased lay and that when Laureana Yumul came up, she asked them what had happened to her son, and who had killed him.

The court below found Laureana Yumul's testimony more credible. Taking into account the circumstances of the case and the number of persons in the vicinity who must have gone to the place of the occurrence, it is highly probable that some of the curious ones asked such questions without anyone taking notice of who they were, due to the excitement of the moment; and when municipal president Nicanor Garcia and Cristinb Basay testified on this point at the trial months afterwards, in harking back to the events of the removal of the body, it may be that in the midst of the confusion of thoughts they got the idea that it was the deceased's mother who had asked them such questions. Laureana Yumul stoutly denies having asked such Questions as are attributed to her.

Aside from the ante-mortem declaration of Felipe del Castillo, as to who had inflicted the wounds that caused his death, we have the testimony of Mariano del Castillo, the 8-year-old brother of the deceased, to the effect that on his return from having pastured his carabaos, he saw his brother pursued by Francisco Bustos and Antonio Macaspac, the former armed with a dagger and the latter with a bolo. As he became frightened he' ran to his house, where he met his father, Angel del Castillo, to whom he related what he had seen. When Angel del Castillo had heard his son's story, he picked up a bolo and went in search of his son's aggressors, but did not find them in their respective homes.

The prosecution also presented Soledad Encarnacion, deaf-mute daughter of Laureana Yumul, who was interpreted by a teacher from the deaf and dumb school who had never taught the witness; nor had the latter ever been to such a school. While it is true that modern pedagogy has made tremendous strides in the instruction and education of persons so afflicted, even to the extent of enabling the blind to read by means of the sense of touch, and deafmutes to receive instruction through conventional signs and objects, nevertheless, with respect to deaf-mutes, it is necessary that he who is to communicate with them know the meaning of their signs, either from having had them taught to him, or from having acquired a knowledge of them through frequent contact with the same. Without these circumstances, although it is possible to guess part of what deaf-mutes mean by their signs even without having had much to do with them, still much of what they wish to say escapes us, and in our eagerness to understand them, we resort to conjecture. It will be seen how dangerous then is such a procedure to arrive at the truth, and above all when the life and liberty of an accused man are at stake. This was shown in the present case, in which during the course of interpretation, there were times when the interpreter could not make out what the witness meant by such signs as she uses, and this is due to the fact that the deaf-mute had never been a pupil of the interpreter, nor had the latter previously had anything to do with the former, such as would have given her an opportunity to acquire some knowledge of the meaning of the signs the deaf-mute used. In view of this, it would not be prudent to admit the deaf-mute's testimony as interpreted by the teacher.

The accused Francisco Bustos, testifying in his own behalf, attempted to prove that after the encounter with Angel del Castillo, and while he was in his own house, said Angel del Castillo, accompanied by his son Felipe del Castillo and a certain individual named Delfin, as also his wife Laureana Yumul, called upon him to come down because he, the said Angel del Castillo, wanted to kill him; that because he did not accept the challenge, the challenger and his companions went up into his house; that, in order to defend himself, he picked up his dagger and with it dealt someone a blow, he knew not whom, having received a blow with a bolo on his forehead, which left him unconscious on the ground. By this the accused no doubt meant it to be understood that the one who received the blow with the dagger was Felipe del Castillo, who was found to have a deep wound below the sternum, which caused his death. The character of the wound on the accused Francisco Bustos's forehead when he presented himself to the municipal president Nicanor Garcia and his declaration that he had been stoned by someone, contradicts his own testimony. The blood stains found in his house do not corroborate his testimony, because if Felipe del Castillo had received the fatal wound in said accused's house, he would not have had strength enough to get to where he was found stretched out, which is 150 meters from said house, and, besides, there would have been blood stains along the trail. The said blood stains are not incompatible with the prosecution's version, since after having been stoned by Felipe del Castillo, when the latter was pursued by the accused, Francisco Bustos must have repaired to his house where some of the drops of blood issuing from his forehead must have fallen.

Francisco Bustos's declaration, then, far from detracting from the evidence presented by the prosecution, actually corroborates it.

The accused Antonio Macaspac pleaded an alibi, maintaining that he was absent from Guadalupe from 6.30 in the evening until 11.30 at night, having gone to Manila.

Taking into consideration the time when Felipe del Castillo was found wounded, which must have been shortly before nightfall, it is not improbable that he might have left for Manila after the assault with the object of preparing an alibi.

The wounds found on Felipe del Castillo's body, besides the stab, show that the assault upon him was made with two kinds of weapons, one sharp-edged and the other pointed, thus corroborating the deceased's ante-mortem declaration and witness Mariano del Castillo's testimony.

Therefore, the evidence of the alibi presented by the accused Antonio Macaspac cannot prevail over the clear and positive proof of the prosecution concerning his participation in the assault upon Felipe del Castillo.

The evidence adduced at the trial conclusively establishes the fact that on the afternoon in question the accused Francisco Bustos and Antonio Macaspac, on meeting Felipe del Castillo, son of Angel del Castillo with whom Francisco Bustos had just had a quarrel, and in which Antonio Macaspac had intervened, the said accused pursued him; that Felipe del Castillo threw a stone at his pursuers which struck Francisco Bustos wounding him on the forehead; that the accused continued to pursue their victim until they overtook him, inflicting several wounds upon him as a result of which he died a few minutes later.

These acts constitute the crime of homicide as defined and penalized in article 404 of the Penal Code, the herein accused being criminally liable as principals by direct participation, and the penalty provided by the law being reclusion temporal to its full extent.

In applying the penalty, no modifying circumstance of criminal liability can be taken into consideration, because neither can the fact that there were two aggressors be held to constitute abuse of superior strength, since the relative physical strength of the aggressors and the assaulted party does not appear of record; nor can the fact that the deceased stoned Francisco Bustos be considered a provocation, since it does not clearly appear that the deceased was the one who started the fight and not the one who was provoked. On the contrary, it may be inferred from the ante-mortem declaration of Felipe del Castillo that he took to stoning only upon being pursued by the accused.

By virtue of the foregoing, the judgment appealed from is modified, as recommended by the Attorney-General, sentencing the accused Francisco Bustos to fourteen years, eight months and one day reclusion temporal, and confirmed in all other respects, with one-half of the costs against each of the appellants. So ordered.

Johnson, Street, Malcolm, 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.