

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE VS. SULAMAN, SONTOT, ASLAL AND TANDJILON, DEFENDANTS AND APPELLANTS.

G.R. No. 31195. July 27, 1929

Ponente: ROMUALDEZ, J.

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ROMUALDEZ, J.:

The herein appellants were convicted of murder and sentenced by the Court of First Instance of Zamboanga to life imprisonment, to jointly and severally indemnify the respective heirs of Valente and Ananias de los Santos in the sum of P1,000, and each of the accused to pay one-fifth of the costs.

The case having been appealed to this court, the attorney de oficio for the appellants found no error in the sentence appealed from, and has so stated in this instance.

This is true. In view of the testimony of Sacalol, a companion of the defendants when the crime was committed, and excluded from the information to serve as a witness for the prosecution; of Santiago de los Santos, a companion of the deceased; of Maulani who saw and spoke to one of the deceased shortly after the assault; and in view of the affidavits of the appellants themselves (Exhibits A, B, C, D) wherein they admit having killed the deceased, we have no doubt but that the crime committed is murder, and that the appellants are criminally liable therefor.

Their denial during the trial of the case, when they took the witness-stand in their own behalf is inadequate; and the alibi they tried to establish by their own testimony and that of witnesses Iman, Tajali, Kolokee and Marahajah Keseng is untrue and hence does not exonerate them.

It is sufficiently proven that the accused are the slayers of the brothers Valente and Ananias, surnamed De los Santos, and that the crime was treacherously carried out, whence both the information and the judgment appealed from correctly deem it murder, the injured parties having been caught unprepared in the assault (arts. 403 and 10, circumstance 2, Penal Code).

The Attorney-General points out two aggravating circumstances: evident premeditation and uninhabited place. As to the first, we do not think it proven in the record that from the time the defendants conceived the idea of killing the victims until they carried out such intention, they had time to reflect sufficiently and to desist from their purpose, had they heeded the voice of conscience.

As to the circumstance of uninhabited place, we find it proven, considering the place where the crime was committed and the defenseless state of the persons assaulted. But said circumstance does not, in this case, increase the penalty to be imposed, to its maximum degree, taking into account section 106 of the Administrative Code of Mindanao and Sulu, cited by the Attorney-General in his brief, which the court below doubtless applied to the defendants in imposing upon them the penalty of life imprisonment only.

We agree with the Attorney-General's recommendation that the accused be also sentenced to the accessory

penalties provided by law.

Wherefore, the judgment appealed from is hereby affirmed, it being understood that the defendants are sentenced jointly and severally to indemnify the heirs of deceased Valente de los Santos hi the sum of P1,000, and the heirs of deceased Ananias de los Santos in the sum of P1,000, and to suffer the accessory penalties prescribed by article 54 of the Penal Code, with the costs of both instances against the appellants. So ordered.

Avanceña, C. J., Johnson, Street, Villamor, Johns, and Villa-Real, JJ., concur.

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