

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. MANUEL BABAC ET AL., DEFENDANTS AND APPELLANTS.

G. R. No. 33624. January 29, 1931

Ponente: STREET, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-33624/>

STREET, J.:

This case is before us upon appeal from a judgment of the Court of First Instance of the Province of Leyte, finding the appellants, Manuel Babac, Bonifacio Villagrancia, and Evaristo Villagrancia, guilty of the offense of murder, committed upon the person of one Braulio Doyula, and sentencing Manuel Babac, as principal, to undergo imprisonment for life (*cadena perpetua*), and Evaristo and Bonifacio Villagrancia, as accomplices, to undergo imprisonment for twelve years and one day, *cadena temporal*, with the accessories prescribed by law, and requiring the three jointly and severally to pay indemnity to the heirs of the deceased in the amount of P1,000, of which P600 was imposed upon the principal and P200 each upon the two accomplices, with the costs of prosecution against the appellants.

On the date stated in the information the three accused and the deceased started a game of tarapay (shell-throwing) in an open space in front of the house of one Catalino Ostaco in the barrio of Maricum, municipality of Dulag, Leyte. While they were matching the shells at the beginning of the game, an unpleasantness developed and as a result Braulio Doyula, the deceased, signified his intention of withdrawing from the game. As he arose from the circle, the appellant Babac seized the shells belonging to Braulio and threw them on the ground. Braulio became angered at this and attempted to strike Manuel but was unable to do so because the appellant Evaristo Villagrancia caught and held his right arm. At the same time Bonifacio Villagrancia seized and held Braulio by the left arm. Braulio at once attempted to free himself from the two who were holding him, while Manuel Babac, who was now standing behind Braulio, drew his bolo from its sheath and with this weapon gave Braulio a fatal thrust on the right side of the back immediately under Braulio's shoulder blade. At this moment Juliana Lavarez, the mother of Braulio, was standing a few paces away; and when she saw Manuel Babac in the act of drawing his bolo, she called out, so as to be heard by Evaristo and Bonifacio Villagrancia, that they should free Braulio because Manuel Babac had drawn his sword to attack him (Braulio). These words spoken by Juliana attracted the attention of one Catalino Ostaco who at the time was occupied with some task or other on the porch of his house and who, up to this moment, had neither heard nor seen anything out of the ordinary. Immediately upon hearing Juliana Lavarez utter the words above mentioned, Catalino Ostaco turned around and looked in the direction of the four men in the yard, and as he did so he saw Manuel Babac give Braulio Doyula the thrust in the back of which mention has been made. Immediately after delivering this stroke, the assailant Babac turned and went away, and as he did so, he dropped, or threw away, the bolo which he had used.

Juliana Lavarez fainted upon seeing her son thus wounded, and in a moment a brother of Braulio, named Potenciano Doyula, arrived on the spot, whereupon Evaristo and Bonifacio Villagrancia fled. Potenciano followed them, but he soon desisted from the pursuit and, returning to assist his brother, found him lying on the ground,

face downwards. Potenciano at once saw that Braulio was badly hurt and asked him if he had hopes of living. Braulio replied that he would not survive, and he stated further that the person who wounded him was Manuel Babac and that the Villagracias were holding his hands at the time the injury was inflicted. Within about twenty minutes thereafter Braulio expired. It appears that all of the participants in this affair were young men about nineteen years of age, except Evaristo Villagracia, who was perhaps twenty-four.

From the foregoing statement it is clear that, in so far as concerns Manuel Babac, the offense committed was murder, qualified by treachery (*alevosia*) since the fatal blow was delivered from behind the deceased while the two Villagracias were holding the latter's hands. With respect to the two Villagracias, the case is not so clear, inasmuch as it is not evident that at the time the fatal blow was struck these accused were holding the hands of the deceased in order to facilitate the attack made by Manuel Babac. It is of course certain that the killing was not premeditated and is furthermore clear that when the two Villagracias first seized the hands of the deceased, they did so in order to prevent him from striking Babac. Up to this point Braulio Doyula was the aggressor.

The case for the prosecution rests upon an inference drawn from the failure of the Villagracias to release Braulio at once when the boy's mother called to them that Babac was going to attack. Upon this it is insisted that the two Villagracias were evidently holding the deceased in order to assist Babac. But this conclusion is not, in our opinion, sufficiently certain to justify the court in fixing complicity in the crime upon the two Villagracias. The proof shows that Babac was behind the deceased, and we infer from the evidence that the two Villagracias also had their backs to Babac, and they could not have seen with their own eyes what Babac was doing. Furthermore, after Juliana called out that Babac was preparing to strike Braulio, the interval of time which elapsed before the blow was struck was too short to give the Villagracias time within which to act with discretion. In other words, they had no time within which to deliberate; and at any rate they are entitled to the benefit of the doubt arising from the presumption that they were still merely holding the hands of the deceased in order to prevent him from attacking his adversary. We note in passing that the trial judge found the two Villagracias guilty in the character of accomplices. We are of the opinion that, if guilty at all, they are guilty in the character of principals, inasmuch as their apparent participation in the offense was direct in form and material in substance. But for lack of criminal intent it must be declared that they are not guilty in any character.

It results from the foregoing that the judgment, in so far as concerns Manuel Babac, must be affirmed, and this accused will be required to pay indemnity to the heirs of the deceased in the amount of P1,000, without subsidiary imprisonment in case of insolvency; while the other two accused, Evaristo and Bonifacio Villagracia, will be absolved from the complaint, without costs. So ordered, with costs against the appellant Manuel Babac.

Avancena, C. J., Johnson, Malcolm, Ostrand, Johns, Romualdez, and Villa-Real, JJ., concur.

VILLAMOR, J., dissenting:

In my opinion defendants Evaristo and Bonifacio Villagracia are both guilty as accomplices.

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.