

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. RAMON BUMANGLAG ET AL., DEFENDANTS AND APPELLANTS.

G. R. No. 34320. August 28, 1931

Ponente: STREET, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-34320/>

STREET, J.:

This appeal has been brought to reverse a judgment of the Court of First Instance of the Province of Cagayan, finding the appellants, Ramon, Mariano, and Victoriano, of the surname Bumanglag, and Fausto Siazon, guilty of the offense of murder, and sentencing them to undergo life imprisonment (*cadena perpetua*), with the accessories prescribed by law, requiring them jointly and severally to indemnify the family of the deceased (Emilio Almazan) in the amount of P1,000, and requiring them to pay the costs of prosecution. The appellant Ramon Bumanglag, indifferently referred to as Santiago Bumanglag in the transcript, has died since this cause was submitted upon appeal, as appears in a certificate from the Bureau of Prisons, and nothing remains to be done by us in his case except to declare the prosecution abated.

As regards the other three appellants, the facts are briefly these:

The three brothers in this case named Bumanglag and their brother-in-law, Fausto Siazon, are part of a numerous connection, residents of the barrio of Cumao, in the municipality of Gattaran, Province of Cagayan. Prior to September, 1929, the entire lot had become incensed at their neighbor Emilio Almazan, by reason of the fact that he had been chiefly concerned in prosecuting Mariano Bumanglag for various offenses. As a result of the expenses incurred in defending himself successfully or unsuccessfully in these cases Mariano had become reduced to poverty. The ill will engendered in him on account of said proceedings was shared by his kinsmen; and a conspiracy was formed among them for the destruction of Emilio. This conspiracy took definite shape at a meeting held on the night of September 1 or 2, 1929, in the house of Elpidio Bumanglag, attended by numerous persons of the Bumanglag connection. Upon this occasion the aged Lorenzo Gamat gave Mariano P200 to pay the attorneys who had defended him in the previous litigation, and further proposed that a fund should be raised to bear the future expenses incident to the killing of Emilio Almazan according to the plan then formed. The incidents of this meeting were revealed by the witness Mariano meanwhile had planted himself at the head of the bed, using one hand to cover the mouth and the other to close the nostrils of the victim. The part assumed by Fausto Siazon was to place himself on the lower extremity of Emilio, holding his feet firmly together. Emilio of course attempted at once to free himself from constraint, and his body was seen to move convulsively while the bed creaked under the pressure. In a few moments a quiet resulted which indicated that he had succumbed. When convinced that life had departed, the murderers relaxed their hold, arranged the corpse in position, and placed a folded quilt over the body. They then departed through the same door by which they had entered. Terrorized with fear, Tomasa Pinson and Guillermo Martinez remained until morning upon the floor. Tomasa then arose and, directing herself to the bed where the body of Almazan was lying, she ascertained that the man was dead. She at once reported this fact to two servants who were sleeping in a bodega on the premises, and afterwards went out to call in the neighbors. While on this errand, Tomasa encountered Mariano Bumanglag, who inquired why she looked so preoccupied. She answered that it was

because they (meaning Mariano and his companions) had killed Emilio Almazan. Mariano replied that, if he heard anything of that again from her, she would be killed also. Actuated by fear Tomasa and Guillermo did not at once communicate to anybody the acts to which they were eyewitnesses on the night of the murder, but before long, as a result of an examination which was set afoot by the widow of the deceased, the full details of the occurrence were revealed.

Victoriano Bumanglag was the last of the four to be taken, and he made a confession under oath (Exhibit A), in which he related the manner in which he and his three companions had accomplished the death of Emilio Almazan. Fausto Siazon also confessed and his confession was reduced to writing, but he refused to sign the same, except upon condition that he should be used as a witness against his companions in the crime. The officials conducting the investigation were of the opinion, however, that they had sufficient proof without the necessity of using Siazon as a witness, and no indulgence was shown to him. Mariano and Ramon, the latter now deceased, did not confess, but the case against Mariano is, in our opinion, fully made out by the testimony of Tomasa Pinson and the boy Guillermo Martinez. In connection with the testimony of these two witnesses, we note that Guillermo Martinez was able to identify only three of the accused by their facial features. The features of the fourth individual he was unable to see well, for the reason that his back was turned, but he recognized the figure and identified this individual at the hearing as Victoriano Bumanglag. Tomasa Pinson identified the four in the same manner.

The accused introduced testimony tending to show that on the night when Emilio Almazan was killed, they were in other parts. We consider this proof of alibi on the part of the accused unworthy of credit, and the trial court committed no error in ignoring it.

The offense committed was murder, very clearly qualified by the element of *alevosia*. The aggravating circumstance of nocturnity is absorbed in the qualifying circumstance of *alevosia* (U. S. vs. Salgado, 11 Phil., 56). The same is true of the aggravating circumstance of abuse of superiority (Sentence of Supreme Court of Spain, September 14, 1871). The aggravating circumstance of evident premeditation is indicated in the testimony of the single witness who gave an account of the meeting in the house of Elpidio Bumanglag at which the death of Emilio Almazan was decided upon. But this witness was evidently a party in the conspiracy, and his testimony should not be accepted without corroboration, of which there is none; for it is a well recognized rule that the testimony of one of several conspirators should not be accepted, as against his fellows, without some corroboration. This is especially applicable in a situation where the facts testified to would, if fully accepted, necessarily result in the imposition of the death penalty.

The aggravating circumstance that the offense was committed in the dwelling of the deceased was also present, but this may be considered arrested by the mitigating circumstance mentioned in article 11 of the Penal Code, the benefit of which the court concedes to the appellants. It results that the proper penalty is that which was imposed by the trial court, namely, life imprisonment (*cadena perpetua*) under article 403 of the Penal Code.

The judgment appealed from will be affirmed with respect to the three appellants, Mariano Bumanglag, Victoriano Bumanglag, and Fausto Siazon, with proportional costs of this instance and one-fourth the costs of first instance against each. As to Ramon Bumanglag the prosecution is declared to have abated, without costs. So ordered.

Avanceña, C. J., Johnson, Malcolm, Villamor, Romualdez, Villa-Real, and Imperial, 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.