

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS, ANANIAS CERVO AND TOMAS OPULENCIA, DEFENDANTS AND APPELLANTS.

G.R. No. 3985. November 06, 1907

Ponente: ARELLANO, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-3985/>

ARELLANO, C.J.:

The accused are found guilty of the murder of a Chinaman named Domingo Cheng Lioco, who was staying at the time, as he was wont to do in his travels to the pueblo of Cabuyao to buy fertilizers, in the house of one Ananias Cervo. Domingo Cheng Lioco had with him on this occasion the sum of 150 pesos.

"The murderers [says the inferior judge] were armed with cylindrical wooden clubs, 1 vara long, in their attack upon the victim, who was then in a kneeling position begging for his life. The Chinaman was struck on the head repeatedly with the said clubs, and afterwards dragged along to the side of the lagoon, put aboard a banca, and finally thrown overboard into the stream away from the shore.

"Setting aside the mutual accusations made during the preliminary investigation by the accused, Ananias Cervo and Tomas Opuencia, regarding their responsibility as authors of the crime by direct participation in the commission thereof [the judgment continues] the testimony of two eyewitnesses to the murder is clear, as stated by the justice of the peace at the preliminary hearing. This testimony is corroborated by the owner of the banca, from whom Ananias Cervo obtained the loan of the same on the date and at the time of the murder."

According to the testimony of one of these two eyewitnesses, it was Cervo who struck the Chinaman on the head, while Opuencia stood guard over the only exit to the little room where the murder took place. According to the other eyewitness, a woman, both Cervo and Opuencia struck the Chinaman. Both witnesses, however, agree that the accused carried the body to the banca and then proceeded with it to midstream.

The conclusion of the judgment, therefore, is in accordance with the statute in so far as concerns the placing of the responsibility for the crime upon the accused, and no error can be found on this point. But the qualifying circumstance of vindictiveness can not well be adduced from the judgment as rendered, nor that of treachery from the pleadings of the fiscal, because, as a matter of fact, such circumstances did not exist. It does not appear from the evidence that, in the commission of the crime, the accused made use of means to insure themselves against any possible defense on the part of the person attacked, nor did they deliberately and unnecessarily increase the sufferings of the latter.

The crime as perpetrated is therefore homicide, with the attendant aggravating circumstances, on the part of Ananias Cervo, of abuse of confidence and of perpetration of the crime in the abode of the injured party; on the part of Tomas Opuencia, the commission of the crime was without provocation.

Therefore, we sentence Ananias Cervo to twenty years and Tomas Opuencia to eighteen years of reclusion temporal, and the remainder of the sentence below is hereby affirmed, provided that the indemnity imposed upon both is hereby made P1,000, together with the costs of both instances. So ordered.

Torres, Mapa, Johnson, Carson, Willard, and Tracey, 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.