

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. PEDRO SALCEDO, DEFENDANT AND APPELLANT.

G. R. No. 43037. January 09, 1936

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

Appellant was charged with the crime of murder in the Court of First Instance of Nueva Ecija and, after due trial, he was found guilty only of homicide and sentenced to not less than eight years and one day of prision mayor and not more than fifteen years of reclusion temporal, to indemnify the heirs of the deceased, Benigno de Guzman, in the sum of P1,000, and to pay the costs.

The facts which, led to the filing of the information against the appellant are stated in the opinion of the court below, and, to avoid repetition, we shall refer to them here only in so far as they are important to the determination of this appeal.

The question presented is somewhat simplified because the corpus delicti was established by undisputed evidence. There is no question that Benigno de Guzman was feloniously slain. It is likewise undisputed that the only persons who could have committed the homicide were the appellant and Raymundo Santiago and his wife Maria Nicban. These were the only persons who were with the deceased at the time he met his death early in the morning of October 26, 1934 in the municipality of Santa Rosa, Province of Nueva Ecija. But, while Raymundo Santiago and his wife testified that the unlawful deed was perpetrated by the appellant, the latter by his own testimony tried to fasten the guilt on the two spouses. The lower court, after a careful consideration of the evidence, came to the conclusion that the guilt of the appellant was proved beyond a reasonable doubt.

In support of this appeal, counsel for the appellant vigorously contends that the lower court erred in convicting the appellant, because the weight of the evidence points to the guilt of Raymundo Santiago and his wife, rather than that of the appellant. As the issue involved rests essentially on the credibility of the opposing witnesses, we may well rest our decision on the settled doctrine of this court that as the trial judge had opportunity to see the witnesses and to observe the manner in which they gave their testimony, he was in a better position to pass upon their credibility, and his findings of fact ought not to be disturbed in the absence of strong reasons that would warrant such a course.

Counsel for the defense maintains that there is no sufficient evidence to establish the motive of the accused to commit the crime charged against him. He lays great stress on that part of the evidence which seems to indicate that prior to the commission of the crime friendly relations existed between the appellant and the deceased. While this circumstance should not be overlooked, it is not decisive in determining the weight of evidence. Evil designs are sometimes concealed under the cloak of affection and friendship. The betrayal of the Great Master by one of his trusted disciples was stamped with a kiss, and so runs the old adage: "Faithful are the wounds of a friend, but the kisses of an enemy are hateful."

Upon a careful scrutiny of the evidence, we find that the version given by Raymundo Santiago and Maria Nicban

as to the manner in which Benigno de Guzman was slain, is more consistent with the established facts, than that of the appellant. Santiago and his wife testified, for instance, that the appellant hit the deceased on the occipital region with a stick; that the deceased fell as a result of the blow; that as he raised his left arm appellant struck it; and that the latter again hit the deceased on the face, and around the neck. This coincides with the testimony of Dr. Roman Rustia as to the marks of violence found on the body of the deceased.

This case has an aspect which is significant. The record shows that in the original complaint filed by Lieutenant R. Alejandro, of the Constabulary, Raymundo Santiago and Maria Nicban were, together with the appellant, charged with having murdered Benigno de Guzman. At the preliminary investigation, however, Maria Nicban testified substantially to the same facts to which she testified at the trial of this case as to the manner in which Benigno de Guzman was slain; and the appellant "having expressed in open court his unwillingness to testify against these two accused (Maria Nicban and Raymundo Santiago)," the justice of the peace of Santa Rosa, Province of Nueva Ecija, dismissed the case as to Nicban and Santiago, but remanded it to the Court of First Instance as to the herein appellant. While no presumption can be indulged against the appellant by reason of his failure to testify at the preliminary investigation, yet, under the peculiar circumstances of this case, his attitude in that respect may be taken into consideration in determining the weight of his subsequent testimony.

The Solicitor-General, in his brief, has shown a commendable effort to view the evidence presented in this case with absolute impartiality, free from any bias or prejudice against the appellant. And while he expresses doubt as to the appellant's guilt, he admits that "the records do not reveal such glaring errors on the part of the trial court as would justify us in recommending the reversal of its findings of fact."

The judgment appealed from is affirmed with costs against the appellant. So ordered.

Avanceña, C. J., Hull, Vickers, and Recto. JJ., concur.

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