

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. HERMENEGILDO BASTATAS AND VALENTIN BASTATAS, DEFENDANTS AND APPELLANTS.

G.R. No. 45584. May 25, 1938

Ponente: IMPERIAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-45584/>

IMPERIAL, J.:

The defendants were charged in the Court of First Instance of Cebu with the crime of murder, the information filed against them by the provincial fiscal alleging:

"That on or about the 28th day of January, 1937, in the barrio of Pit-os, municipality of San Fernando, Province of Cebu, Philippines, the above-named accused conspiring together and aiding one another, by means of treachery and evident premeditation, and taking advantage of superior strength, willfully, unlawfully and feloniously assaulted and attacked Conrado Marilao, a boy 16 years of age with bolos with which they had previously armed themselves, inflicting on the latter injuries, which were necessarily fatal, in different parts of the body, particularly the face, the neck and abdomen, and Which caused the immediate death of said Conrado Marilao, whose body the accused dragged to a mudhole in order to hide and prevent the discovery of the crime."

The defendants denied their guilt, but after trial the court found them guilty of the crime of murder and sentenced each to reclusion perpetua, to indemnify the heirs of the deceased in the sum of one thousand pesos (P1,000), without subsidiary imprisonment in case of insolvency, to the accessory penalties of the law, and to one-half of the costs. From the foregoing judgment, both defendants appealed.

The three witnesses for the prosecution named Apolinario Pardillo, Paciencia Himayas and Juliana Pardillo all declared under oath that about 2 o'clock in the afternoon of January 28, 1937, while harvesting corn on a certain land in the barrio of Pit-os, municipality of San Fernando, Province of Cebu, they heard the cries of a person which came from an adjacent field tilled by one Francisco Hermosa; that when they looked in that direction, they saw the defendants attack the deceased Conrado Marilao, a boy about 15 or 16 years of age, with bolos; that Hermenegildo Bastatas held the neck of the deceased with his left hand and at the same time gave the latter blows on the right shoulder and the back of the head with the bolo in his right hand; that Valentin Bastatas, the other defendant and brother of Hermenegildo Bastatas, likewise held the right forearm of the deceased with his left hand and with the bolo in his right hand stabbed the deceased in the abdomen and in the face; that the deceased fell dead to the ground and that the two defendants dragged his body to a mudhole in the vicinity.

Doctor Lucio San Diego, president of the sixteenth sanitary division, stated that he performed the autopsy on the body of the deceased and found the following wounds described in his medical report, Exhibit A of the prosecution: A stab wound, which was necessarily mortal, in the epigastric region, penetrating the stomach; another stab wound, also necessarily mortal, in the upper part of the back of the neck, penetrating the first cervical vertebra; a mortal incised wound on the left side of the maxillary region, extending to the left eye and penetrating the bone in that region; a serious incised wound on the right side of the upper maxillary region, penetrating the

bone in said region; two serious incised wounds in the back of the cranium penetrating the occipital region; and a light incised wound in the left scapular region, "penetrating only the skin. He added that, in his opinion, it was the first three wounds which produced the instantaneous death of the deceased.

In the affidavit, Exhibit D, which the defendant Valentin Bastatas made before the justice of the peace of San Fernando, in the presence of the municipal president, a constabulary sergeant, and the chief of police, Antonio Natinga, said defendant voluntarily admitted that about 2 o'clock in the afternoon of the day above-mentioned he and his brother Hermenegildo Bastatas found the body of the deceased in the same place and that Hermenegildo dragged the body to a mudhole and told him not to make any noise; and that they then immediately left the place.

When the two defendants took the witness stand in their own behalf, they refused to admit their guilt and denied the charge that they had killed the deceased. Hermenegildo testified that he had heard nothing about the murder of the deceased. Valentin affirmed that he had been in the barrio that afternoon and that on passing by the land tilled by Francisco Hermosa, he saw the latter beat the deceased. Valentin Sawit, another witness for the defense, testified that on that day he saw Francisco Hermosa beat the deceased with a weapon he was carrying. Severo Sarocam, another defense witness, testified that Francisco Hermosa went to his house on January 31, 1937 to buy five hens to be given to his lawyer as a present, and that he told him that he expected to have a case in court. Pedro Canoy, also a witness for the defense, testified that from the top of a coconut tree which he had climbed, he saw Francisco Hermosa strike the deceased with his bolo; that the deceased ran away, but Hermosa overtook him, again gave him bolo blows and when the deceased fell lifeless to the ground, Hermosa dragged him to a mudhole where he left his body. Finally, the policeman Victor Sorizo, testified that he asked Apolinario Pardillo if he knew anything about the death of Conrado Marilao and that Fardillo answered him affirmatively, but that when Sorizo inquired how the deceased had died, Pardillo refused to answer, saying that he would reveal the matter to the authorities.

The defense maintains in its brief that the following errors of law have been committed by the lower court: (1) In holding that both accused are guilty of murder despite the fact that the government has not established the motive for the crime; (2) in giving too much importance to the testimony of the witnesses for the prosecution; (3) in the judge who tried the case becoming a prosecutor, addressing questions to the witnesses for the defense and calling some of them liars, and intimidating and preventing them from testifying in favor of the accused; and (4) in sentencing the accused for the crime charged.

- The assignments of error, with the exception of the third, as a whole, question the probative value which the court gave to the evidence for the prosecution. We have carefully examined the entire evidence presented and have reached the conclusion that the evidence for the prosecution has established beyond reasonable doubt the guilt of the defendants. The testimony of the witnesses Apolinario Pardillo, Paciencia Himayas and Juliana Pardillo is convincing and the substance thereof has not been undermined by the testimony of the witnesses for the defense, including that made by the defendants exculpating themselves. We are fully persuaded that on the date alleged the defendants, taking advantage of superior strength, killed Conrado Marilao, mortally wounding him in different parts of the body. The testimony of said three witnesses is corroborated by the death of the deceased and the finding of his body, and also by the very significant admissions which the defendant Valentin Bastatas made in his affidavit, Exhibit D. The testimony of the witnesses for the defense, that of Pedro Canoy in particular, is not only improbable but also incredible in view of the circumstances of the case.

- As to the motive for the crime, it is not strange that the prosecution was unable to prove it because, according to the established facts, the persons who saw the defendants attack and kill the deceased were at a far distance and had not observed the commencement of the incident which culminated in the crime. At all events, the crime committed having been clearly established, the absence of proof of motive does not preclude the finding that the

crime has been consummated and that the defendants were really responsible therefor. In the instant case proof of motive is unnecessary (People vs. Francisco, 46 Phil., 403; People vs. Vizcarra, G. R. No. 40388 [59 Phil., 923]; People vs. Ragsac, 61 Phil., 146).

- The transcript of the stenographic notes shows that the trial judge manifested great zeal in his desire to find the truth and whether the defendants were really guilty by putting questions to the witnesses, being more strict with those who testified for the defense. To avoid false testimony he warned the witnesses to stick to the truth and never to swerve from it. We do not find in this procedure anything strange or deserving of censure, nor may the interest displayed by the judge be taken for partiality. For these reasons, we overrule the third error assigned by the defense.

The crime proved is that of murder defined in article 248 of the Revised Penal Code because it is qualified by abuse of superior strength. The accused-appellants being responsible therefor as principals and the penalty imposed on them being in accordance with law, the judgment appealed from should be, as the same is hereby, affirmed, with the sole modification that the civil liability of the appellants relating to the indemnity should be joint and several, with the costs in this instance against the appellants. So ordered.

Villa-Real, Abad Santos, Diaz, Laurel, and Concepcion, 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.