

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. ILDEFONSO SARMIENTO AND PIO JUMARANG, DEFENDANTS AND APPELLANTS.

G.R. No. 46776. June 17, 1940

Ponente: MORAN, J.

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MORAN, J.:

In the afternoon of January 31, 1939, at about three o'clock, Maria Arellano, an octogenarian, was found dead on the barrio road of Amuyong, municipality of Mabitac, Laguna, at a distance of about 55 meters from her house. Beside her dead body were found her wooden cane, an empty "pandan" bag where she kept the family's savings amounting to P200, two pieces of cloth, a package of cigarettes, and a white blanket. The medical examination points to death through asphyxia as a result of strangulation.

Thereafter, Ildefonso Sarmiento and Pio Jumarang were charged with robbery with homicide, and found guilty. Each of them was sentenced to reclusion perpetua and to pay jointly and severally an indemnity of P2,000 and the further sum of P200 representing the amount robbed from the deceased. Both appealed.

Ildefonso Sarmiento is, doubtless, 'guilty of the crime charged. Freely and spontaneously he confessed his guilt before the justice of the peace of Santa Cruz, Laguna, and ratified such confession before the provincial fiscal. His claim that the confession had been extorted from him by the constabulary soldiers through force and violence, is belied by the justice of the peace who vouchsafed to the accused's having, freely and without complaint whatsoever of any maltreatment supposedly inflicted upon him, signed the confession in his presence. Neither did he make such complaint when he again ratified his confession before the provincial fiscal.

Moreover, his conduct the night following the killing discloses, indeed, a guilty conscience. He was depressed, nervous and restless, unable to sleep and could not even appear at the house of the deceased to keep vigil over her, as many did. And when he was arrested on the day following, he appeared equally depressed and showed signs of deep repentance.

On the other hand, Pio Jumarang must, we think, be acquitted. His guilt is made to rest solely upon the uncorroborated testimony of his coaccused, Ildefonso Sarmiento which, in very important respects, is contradicted by his own previous written statements. Thus, while, in his written confession, Sarmiento admitted having planned, with Jumarang, the death of the old woman, in his testimony in court he averred that, when he was invited by Jumarang to go to her place, he had no knowledge whatsoever of the purpose which Jumarang had in mind. Again, while in his written confession, Sarmiento admitted having assisted in the killing of the old woman by holding her by her hands, in his testimony in court he denied having had such intervention, stating that he confined himself to passively standing by while she was being strangled to death by Jumarang.

We have had an occasion to hold that the testimony of an accomplice should be received with caution, since, as is usual with human nature, a culprit, confessing a crime, is likely to put the blame as far as possible on others rather than himself. (People vs. Mandangan, 52 Phil., 62.) And we have laid down the general rule that the testimony of

an accomplice shall not be sufficient as ground for conviction, unless supported by other evidence. (People vs. De Otero, 51 Phil., 201.) There are, undoubtedly, certain exceptional instances in which the sole testimony of an accomplice may, even if uncorroborated, be sufficient, as when it is shown to be sincere in itself, because given unhesitatingly and in a straightforward manner, and is full of details which, by their nature, could not have been the result of deliberate afterthought. In the instant case, the testimony of Sarmiento is lacking in those characteristics of sincerity. It is not only contrary to his previous written statements on material points, but also is shown to be false on other respects, as the lower court itself declares. The trial court gave no credence to Sarmiento's claim that it was Jumarang who strangled the old woman to death, and observed that, while Sarmiento told his story in a "general and incoherent manner", Jumarang gave his in a very "direct, coherent and specific manner". And the record discloses that, while Jumarang was testifying, Sarmiento was trying to hide his face.

Furthermore, the alibi offered by Jumarang appears credible. He averred that, early in the morning of January 31, 1939, he arrived at the barrio of Pugadlawin, four kilometers from the scene of the crime, and from 7 a. m. to 5 p. m. he was busy hauling firewood in said barrio for Juan Ferret, the barrio lieutenant. From 11 a. m. to 1 p. m. of that day he took his carabao to rest, took lunch in the house of the barrio lieutenant, and, after a while, resumed his work at about one o'clock. This alibi is corroborated by Juan Ferret, the barrio lieutenant, who has no motive of partiality in this case.

The lower court observed that "there is absolutely nothing in the conduct of Jumarang to demonstrate a guilty conscience or the existence of remorse on his part. He had been subjected to very strict questioning by the constabulary and by the officials, and he has consistently denied participation. His testimony in court, while apparently weak in connection with the close friendship between him and Sarmiento and with respect to that he had been doing between 11: 30 in the morning and 1: 30 in the afternoon, is entirely natural and coherent in all other respects and shows no signs or evidence of a guilty conscience." This observation is amply borne out by the evidence of the case. In the night of the 31st of January, Jumarang kept vigil in the house of the deceased, freely mingled with the people, and even participated in the game known as "juego de prenda". On the day following, he resumed his work, showing no sign of uneasiness on his part, until five o'clock in the afternoon, when he was called by the constabulary soldiers to accompany them to the house of Alfredo Relevo for the arrest of Sarmiento. And when Sarmiento was arrested, he gave no indication whatsoever that Jumarang had any participation in the crime. Under these circumstances, we cannot let our mind rest at ease as to the certainty of Jumarang's guilt.

Judgment is accordingly reversed as to Pio Jumarang, with half of the costs de oficio, and affirmed with respect to Ildefonso Sarmiento, with costs.

Avanceña, C.J., Imperial, Diaz, Laurel, and Concepcion, JJ., concur.

Judgment modified.

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