

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. DIONISIO HERNANDEZ AND EMILIANO FRANCISCO, DEFENDANTS AND APPELLANTS.

G.R. No. 47054. March 10, 1941

Ponente: MORAN, J.

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MORAN, J.:

At about 4 o'clock in the afternoon of June 25, 1937, appellant Dionisio Hernandez was in the house of the other appellant, Emiliano Francisco, in the barrio of Tibagan, San Miguel, Bulacan. Shortly thereafter, they were seen going in a westerly direction, towards San Ildefonso, Bulacan, one of them, Hernandez, carrying something wrapped in a sack, which turned out later to be a gun. At about midnight of the same day they were seen in the barrio of Garlang, San Ildefonso, in the yard of Vicente del Rosario's house, and there they untied a carabao owned by said Vicente del Rosario. Stirred by the noise of the animal running away, Vicente del Rosario went downstairs, but as he approached the gate to the back yard of his house a shot was fired from a bamboo grove which wounded him mortally and killed him almost instantaneously. Immediately thereafter, appellants were seen running away from said grove towards the adjoining field, one of them, Francisco, carrying a gun. They were charged in the Court of First Instance of Bulacan with the crime of murder and were convicted and sentenced to reclusion perpetua and to pay the heirs of the deceased an indemnity of P2,000, with costs.

The evidence fully establishes the truth of the facts above recited. The witnesses, Cirilo Nunez and Urbano Cruz, recognized distinctly the two accused. The credibility of these two witnesses is, however, challenged on the ground that for two years, from 1937 to 1939, they said nothing to anybody as to their knowledge of appellants' connection with the crime. But their silence was satisfactorily explained as one due to fear of revenge. A rumor was then persistent to the effect that any one who would testify against the accused would run the same fate of Vicente del Rosario. These witnesses are ignorant, wanting in civic courage, and would not have, up to the present, broken their silence had not the scare and excitement subsided in the barrio and ceaseless efforts been made by the government officers to bring the crime to light.

It is argued that no proof of motive has been offered. Although there are indications to the effect that both appellants were cattle rustlers, yet, even if no motive is known, there is sufficient evidence to convict the accused. Motive should be proved whenever possible, it being one of the most important aids in completing the proof of the commission of a crime. (U. S. vs. Carlos, 15 Phil., 47; U. S. vs. Esmundo, 27 Phil., 554.) But while evidence of motive is generally of moment in a criminal case, it is not absolutely indispensable (U. S. vs. Ricafor, 1 Phil., 173; U. S. vs. Bal mori, 18 Phil., 578; U. S. vs. Valdez, 30 Phil., 293), and where the evidence is such as to justify a conviction, no proof of motive is necessary (People v. Tagasa, G. R. No. 46177, May 23, 1939).

Furthermore, as to appellant Emiliano Francisco, his confessions made before the provincial fiscal and the justice of the peace are conclusive as to his guilt.

Judgment is affirmed, with costs of both instances against appellants.

Avancena, C. J., Imperial, Diaz, Laurel, and Horrilleno, JJ., concur.

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