

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. SANTIAGO ASAS ET AL., DEFENDANTS. SIMEON ASAS ET AL., APPELLANTS.*G.R. No. 47104. November 20, 1940*

Ponente: LAUREL, J.

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Melchor Ramirez was a driver of a caterpillar tractor used in plowing the fields of the Calamba Sugar Estate. In the afternoon of March 10, 1939, he went to plow the T-Field of Maquinang Apoy, in Santa Rosa, Laguna. The next morning he was found dead, his body lying flat on the field, face up, arms extended horizontally and hands extended upward. His penis, too, was cut off. An autopsy performed the same morning revealed that Melchor Ramirez was the victim of numerous stab wounds, some of them necessarily fatal, and that he expired at about midnight of March 10, 1939.

The suspicion pointed to Julio Atas, Simeon Asas, and Santiago Asas. In the course of the investigation undertaken by the police authorities of the Calamba Sugar Estate, upon indication of Julio Atas, the double-blade dagger (Exhibit B) used in killing Melchor Ramirez was found in the tampipi of the Asas Family. Later, on indication of Gabriel Asas, the club used in assaulting the deceased was found below the stove in the kitchen of the house of the Asas family. The investigation ended with the execution of affidavits by Simeon Asas, Gabriel Asas and Julio Asas (Exhibits G, H, and J), admitting and describing the commission of the crime. Only Santiago Asas did not execute any affidavit. On March 14, 1939, the affiants were brought before the Justice of the Peace of Santa Rosa and there swore to the truth of their statements.

The manner in which the crime was committed is minutely described in the affidavits of Simeon Asas and Gabriel Asas. According to these affidavits, at about 11 o'clock in the evening of Friday, March 10, 1939, Julio Atas, Guillermo Atas, Santiago Asas, Gabriel Asas and Simeon Asas went to what is known as the T-Field, in the barrio of Maquinang Apoy, for the purpose of killing Melchor Ramirez who at the time was plowing said field; that when they arrived at the place, they sat in a canal towards the west of the place where Melchor Ramirez was plowing; that they had not stayed there long when Melchor passed in front of them and Julio Atas invited his companions saying, "Let's go"; that to this Gabriel Atas answered, "Let's go"; that they walked forward and Julio was leading, followed by his brother Guillermo and the rest; that when Julio got behind Melchor Ramirez, he stabbed him once; that Melchor Ramirez jumped and ran towards the south where he was chased by Julio Atas, Guillermo Asas and Gabriel Asas; that Gabriel struck Melchor Ramirez on the head with a club (banga) that he carried, and embraced and threw Melchor Ramirez on the ground, and then held both arms of Melchor Ramirez away from his body so that the forearms were bent upwards; that Guillermo Atas held the feet of Melchor Ramirez while Julio stabbed Melchor Ramirez with his dagger; that Melchor cried: "Pardon me, pardon by life", and to this Julio answered: "I cannot pardon you"; that Julio tore out the pants of Melchor Ramirez and then cut his penis off; that Melchor was already dead when this was done, and that his two feet were stretched, his arms apart, his forearms bent upwards, and his fingers were clenched and his eyes open; that Julio used a bolo shaped

as a balisong knife in cutting the penis off; that the same night at about 12 o'clock while they were returning home, the dagger was handed to Simeon Asas by Guillermo, brother of Julio, and it was cleaned of blood; that when Simeon returned to the barrio of Maquinang Apoy, Julio went with him a part of the way and then went westward; that the killing of Melchor Ramirez was agreed upon in the evening of March 7, 1939, among Gabriel, Julio, Guillermo and Simeon, and that they talked inside the toilet that stood at the back of their house.

The provincial fiscal of Laguna filed the following information for murder against Santiago Asas, Simeon Asas, Gabriel Asas and Julio Atas:

"That on the night of March 10, 1939, in Bo. Maquinang Apoy, municipality of Santa Rosa, Province of Laguna, P. I., and within the jurisdiction of this Honorable Court, did, conspiring, confederating and mutually aiding one another with evident premeditation and treachery, and taking advantage of their superior strength, voluntarily maliciously and feloniously assault, and attack with their dagger and cane, one Melchor Ramirez, a driver of a tractor of the Calamba Sugar Estate, thereby inflicting upon said Melchor Ramirez several mortal wounds on various parts of the body' which mortal wounds and injuries caused the instantaneous death of said Melchor Ramirez.

"In the commission of the crime, the aggravating circumstances of treachery, and superior strength and cruelty and that the crime was committed in an uninhabited place were present."

The four accused pleaded not guilty of the charge. Trial Judge Alejo Labrador, after a careful consideration of the evidence presented in the case, convicted Julio Atas, Simeon Asas and Gabriel Asas of the crime of murder with the qualifying circumstance of treachery and the aggravating circumstance of evident premeditation, and with the attendant mitigating circumstance of immediate vindication of a grave offense committed against one of the accused, and sentenced them to suffer the penalty of reclusion perpetua, to indemnify the heirs of Melchor Ramirez, jointly and severally, in the sum of P2,000, and to pay in equal proportions the costs. Santiago Asas, one of the four accused, was acquitted on the ground of reasonable doubt. From this judgment Julio Atas, Simeon Asas and Gabriel Asas have appealed to this Court.

Defendants-appellants' contentions are principally confined to their affidavits. They vehemently urge that their affidavits were not freely given. As uniformly narrated by each one of them, they refused to make any statement but because they were one by one taken to the garage near the office of chief of police Rocamora, and there maltreated, they had to follow the bidding of Sergeant Portillo and declare as he wanted them; that when their signatures were to be affixed to the affidavits they again refused to sign but that again force and violence won them into signing; that when they were all brought before the justice of the peace of Santa Rosa, Laguna, they swore to their respective affidavits because of the ominous threat of bodily harm made by Sergeant Portillo.

Courts of justice, indeed, should consider cautiously, minutely and discriminatingly an admission or confession of guilt, especially when it is alleged to have been obtained by intimidation and force. One of the reasons for this, is the gravity which such admission or confession brings upon the avower. Withal, aversion of man against forced self-affliction is a matter of Natural Law. And, as a principle of human justice, the rule against self-incrimination is so far distended as to justify a man in keeping silent even when suspicion reaches the point of certainty. But in the instant case we have delved into the records of the case in search for facts to sustain appellants' contentions and have found none.

Their allegation of threat and force is not only denied but unsubstantiated by the fact that Santiago Asas, father of Gabriel and Simeon and one of the accused in the lower court, did not execute any affidavit and made no incriminating statement. On March 14, 1939, one day after they made their affidavits, they were brought before the Justice of the Peace of Santa Rosa, Laguna. There, after being questioned anew, they swore to the truth and voluntariness of their declarations. None of them disclosed the violence to which they had been subjected when

the justice of the peace asked each of them if the declarations were made voluntarily and if they were correct. Sergeant Portillo to whom the continued threat of the defendants was attributed, was not present in the office of the justice of the peace then. As well observed by the trial judge, "the contents of the affidavits themselves do not indicate that force or violence had been used to secure them. If a declaration is induced by violence, it is to be expected that some loathsomeness to disclose the facts should be evident. Such is not the situation in the present case, in relation to the affidavits. Rather is the desire to tell the truth apparent from the fact that when the killing is described by the affiants, the facts are not elicited by questions, but are recounted voluntarily without interruption."

The deceased, Melchor Ramirez, appears to have run away with Marcelina Mojica, wife of Julio Atas, and maintained illicit relations with her. This was the motive of the crime.

Julio Atas claims that he did not participate in the commission of the crime, imputing it to his three co-accused. A man's honor is his; his dishonor is twice his, and Julio Atas, being the party most directly concerned with the affront against his honor, it was natural that he should have been most interested in avenging the wrong done him and his family.

The judgment of the lower court is affirmed in all respects, with the proportionate costs against the appellants. So ordered.

Avanceña, C.J., Imperial, Diaz, and Horrilleno, JJ., concur.

Judgment affirmed.

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