

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. PEDRO SUPILA, DEFENDANT AND APPELLANT.*G.R. No. 5154. August 12, 1909*

Ponente: TORRES, J.

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On the afternoon of Thursday, the 9th of May, 1907, Materno Ocame, Felix de la Torre, Pedro de la Torre, Higinio Hajar, and Pedro Supila appeared near the house of Fernando Medel at a place called Islabon, in the municipality of Murcia, Occidental Negros, looking for work on the land of the said Medel, who was absent at the time. They went to his house, but as there was no work for them they left, asking Pablo Flores, a lessee on shares, to tell Medel that they would return on Saturday, the 11th of said month. This they did, the first four returning on the afternoon of that day, armed with cutting weapons, and entering the house of Medel, sequestered him as well as his wife, Francisca Gozon, and took them out into the fields. The body of the husband was subsequently found lying on the ground in a sugar-cane plantation at a place called Calaut or San Fernando, with the elbows tied together and presenting several wounds. Up to the present time the whereabouts of the woman Francisca Gozon has not been discovered, nor is it known what has become of her.

In view of the above, a complaint was filed by the provincial fiscal on the 1st of July, 1907, with the Court of First Instance of Said province, against the aforesaid persons, of whom only Materno Ocame and Pedro Supila were present, the former being accused as principals and the last-named as an accessory. The case was duly heard, and the trial judge, in view of the result of the evidence, entered judgment therein sentencing Pedro Supila, as accessory to the crime, to the penalty of twelve years and one day of cadena temporal, to suffer the accessory penalties, to indemnify the heirs of the deceased in the sum of P500, and to pay one-fifth of the costs. Materrio Ocame was acquitted and ordered released, with one-fifth of the costs de oficio, the proceedings against Felix de la Torre, Higinio Hajar, and Pedro de la Torre, who were absent, being suspended. From the above judgment Pedro Supila has appealed; this decision therefore deals with him only.

From the above facts it appears as proven that the violent death of Fernando Medel was caused by four individuals who sequestered him and his wife, Francisca Gozon, from their house and led them, the former with his elbows tied together, into a sugar-cane field at a place called Calaut, where the body with several wounds was found on Sunday, the following day. The crime should be classified as murder, because the victim was seriously wounded and deprived of his life at a time when he was unarmed and unable to defend himself or even escape from his armed aggressors who, when conducting him to said cane field, used means and methods in committing the crime that insured its consummation without any risk to themselves from such defense as the victim might have offered, and, even though there were no witnesses present when the crime was committed, it can not be believed, nor is there any evidence to show that his captors, prior to attacking him, had set him at liberty, for when the latter decided to kill him they tied him by the elbows in order to facilitate the execution of the crime. Unquestionably it falls within the provisions of article 403 of the Penal Code.

The accused appellant, Pedro Supila, pleaded not guilty, but, notwithstanding his exculpatory allegations which,

in the opinion of this court, have not been satisfactorily established, the case offers conclusive evidence that the said Pedro Supila was one of the four individuals who, on the afternoon of Saturday, the 11th of May, 1907, sequestered the deceased and his wife and conducted them to the said sitio of Calautit where the husband was murdered, inasmuch as three witnesses to the sequestration pointed out and recognized the said Pedro Supila as one of the four armed persons who effected the said sequestration, and who further testified that when they heard the cries of the wife of the deceased and went to the house to render assistance, Pablo Flores and Basilio Escala, old men over sixty years of age and tenants of the deceased, were unable to enter, because the thieves threatened them with their weapons, telling them that neither the tenants nor the employees of Medel had anything to do with the matter, and that it was not their property. Escala then ran out calling for help, but no one answered as they were the only persons in the vicinity. When the criminals left, taking with them the married couple, the tenant Flores begged them to at least set the woman free, but one of them said to him that, if Flores insisted upon defending her, he would strike the woman with his bolo, whereupon Flores ceased speaking. The third witness, Simpicio, testified that Pedro was one of those who objected to the said Escala and Flores entering the house in response to the cries of the woman, the said witnesses further testifying that they saw one of the aggressors take away the revolver and bolo of the deceased.

It appears therefore from the record of the proceedings that it is fully and unquestionably proven that Pedro Supila directly participated in the commission of the crime, inasmuch as he was one of the four individuals who sequestered the deceased, bound and conducted him to the place where his body was found on the following day. There is no specific and detailed evidence in the case as to which of the four sequestrators actually inflicted the wounds found on the body of Fernando Medel; but it is a well-known legal theory that all those who took part and witnessed the execution of the crime and did not oppose its consummation are equally responsible therefor, and deserving of the penalty that the law imposes.

If the allegation that Pedro Supila should be considered as an accomplice through lack of evidence to show that he was one of those who wounded the deceased, were just and in accordance with the law, his three companions, should they be captured, could advance the same plea, as long as only the same kind of evidence was forthcoming, and thus we would have a case where, after committing a crime, the only parties directly responsible for its perpetration become nothing more than mere accessories thereto.

Notwithstanding the observations of the trial judge as set forth in his decision, Pedro Supila, as pointed out in the brief of the Attorney-General, is considered as coauthor of the murder in question.

The mere fact that the complaint filed by the provincial fiscal only accuses him of complicity in the said murder to the extent of being an accomplice therein, is not, in view of the result of the evidence, a bar to his conviction as coauthor of the crime. The crime must be established in the decision of the trial judge in accordance with the evidence in the case, and not according to the opinion of the provincial fiscal without further proofs or particulars than the information obtained during the preliminary investigation. It has already been stated above that the culpability of Pedro Supila as coauthor of said crime has been completely proven; and it should be borne in mind that this is not a case in which the culprit was charged with a crime of relative gravity and is subsequently to be convicted of another calling for a heavier penalty.

The complaint wherein Pedro Supila was accused of being an accomplice in the crime of murder sets forth in detail the facts and circumstances that resulted in the murder, as well as the disappearance of the wife of the deceased, which is another crime committed by the four sequestrators, it subsequently appearing from the evidence that the degree of participation, which according to the provincial fiscal was only that of an accomplice, is that of coauthor, and it is neither just nor legal that there be imposed a penalty inadequate to the degree of his guilt.

In the commission of the crime there are no aggravating nor mitigating circumstances to be considered, for which reason the penalty, must be imposed in its medium degree.

In view of the foregoing, it is our opinion that the judgment appealed from should be reversed, and that Pedro Supila, as coauthor of the crime of murder, should be sentenced, as we do hereby sentence him to the penalty of cadena perpetua, to suffer the accessory penalties 2 and 8 of article 54 of the code together with those stated in the last paragraph thereof in the event of a pardon being granted, to indemnify the heirs of the deceased in the sum of P1,000, and to pay the costs of both instances. So ordered.

Arellano, C. J., Johnson, Carson, and Moreland, JJ., concur.

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