

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOSE SALIG, RAMON MACARI SALIG, GREGORIO BATALAN AND ROMEO BENLOT, ACCUSED. JOSE SALIG AND RAMON MACARI SALIG, DEFENDANTS-...

G.R. No. 53568. October 31, 1984

Ponente: RELOVA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-53568/>

RELOVA, J.:

Automatic review of the decision of the then Court of First Instance of Zamboanga del Norte (Dipolog City) in Criminal Case No. 620, finding accused Ramon Macari Salig, Jose Salig and Romeo Benlot guilty beyond reasonable doubt of the crime of robbery with homicide and sentencing Ramon Macari Salig and Jose Salig to suffer the extreme penalty of death. In the case of Romeo Benlot, the privilege of mitigating circumstance of minority was considered in his favor and he was sentenced to suffer the penalty of an indeterminate imprisonment ranging from "17 years, 4 months and one day, as minimum to twenty (20) years, as maximum." All the three accused were also sentenced (1) to jointly and severally indemnify the heirs of their victim the following:

- (a) Indemnity for the death of the victim P12,000.00
- (b) Loss of earning capacity 5,000.00
- (c) Moral and exemplary damages 20,000.00
- (d) To restitute the sum of 3,500.00

Total P40,500.00

(2) to suffer all the accessory penalties provided for by law, and (3) to jointly and severally pay the costs.

Appellant Jose Salig, according to the Solicitor General, "died at the New Bilibid Prisons Hospital on February 18, 1984 at about 10:20 p.m. of Cardio Respiratory Arrest Secondary to Metastatic Carcinoma of the Colon." (p. 182, Rollo) Thus, the case against him is dismissed insofar as his criminal liability only is concerned; his civil liability which, per decision of the trial court, consists of indemnity to the heirs is not extinguished, his death having occurred after judgment was rendered by the trial court. Thus, this automatic review concerns only Ramon Macari Salig, who was sentenced to the extreme penalty of death.

Review of the evidence discloses that in the evening of December 15, 1971, while Paula Oliveros was nursing her sick child and her husband Manuel Oliveros was asleep beside her in a bedroom of their house at barrio Erasan, municipality of Roxas, Zamboanga del Norte, appellant Ramon Macari Salig suddenly entered and struck Manuel on the head, with a pistol. Ramon Macari Salig then held Manuel by the chin and dragged him to the sala.

Terencia, a 17-year old daughter of Manuel and Paula, was awakened by the commotion and she tried to stop Ramon Macari Salig from dragging her father, but said appellant pushed her away. At the sala Romeo Benlot (who escaped from detention and is now still at-large), Gregorio Batalan (who died pending trial), and Jose Salig ganged up on Manuel who was lying on the floor. Thereafter, Ramon Salig fired three shots at Manuel who was hit once on the chest, following which, the group left hurriedly. The wallet of Manuel Oliveros containing P2,000.00 and the P1,500.00 placed inside a suitcase on top of the aparador were found missing.

The neighbors arrived and helped Paula and Terencia bring Manuel Oliveros to the hospital for treatment. However, on the way to the North General Hospital at Dipolog City, Manuel died of "internal hemorrhage due to gunshot wounds." (p. 17, Records)

Appellant Ramon Macari Salig is the brother-in-law of the deceased Manuel Oliveros. He and his wife lived with the Oliveros family until one week before the incident when Manuel dispossessed Ramon of the riceland he was tilling due to failure to attend to it regularly because of his drinking habit.

Records further show that before the promulgation of the appealed decision, Ramon Macari Salig applied for amnesty (Application No. 136) under Presidential Decree No. 206. The same, however, was disapproved by the President of the Philippines (as per letter dated October 24, 1979 of Col. Jose Sta. Romana, Deputy Chief, ODA, addressed to trial Judge Dimalanes B. Buissan). (p. 144, Record)

In his defense, Ramon Macari Salig claimed that he was in their house, about two hundred meters away from the residence of the victim, that night and did not leave the same until his arrest by the police the following morning. In his brief filed before Us, he alleged that the trial court erred (1) in finding them guilty beyond reasonable doubt of the crime of robbery with homicide; and (2) in admitting his extra-judicial confession.

Going over the evidence of the prosecution and the defense, We find that the former had proved success-fully beyond reasonable doubt that herein appellant treacherously killed Manuel Oliveros in his own house. Ramon Macari Salig suddenly struck the deceased on the head with a pistol, while asleep, dragged him to the sala, where he, lying on the floor, was ganged up by Ramon Macari Salig, Jose Salig, Romeo Benlot and Gregorio Batalan, and in such a defenseless position was shot by herein appellant. After they had left, the wallet of the deceased containing P2,000.00 and the P1,500.00 placed inside the suitcase on top of the drawer were found missing. Hereunder are the testimonies of the People's witnesses:

1. PAULA OLIVEROS

"Q Now, while you were breast feeding your child, what happened?

A There was a man or a person who came in and struck Manuel immediately, sir.

x x x x x x x x

Q With what did that person use in striking your husband, Manuel?

A A pistol, sir.

x x x x x x x x

Q In what part of his body was he hit?

A (Witness pointed to the lower portion of the right eye.)

x x x x x x x x

Q And then what happened?

A Then I heard that there was a gun explosion and I shouted by saying: 'Please do not kill my husband because he is not a bad fellow,' sir.

x x x x x x x x

Q To whom did you address your pleas not to kill your husband because he was not a bad man?

A I did not name any person because I was afraid that one of my children will be included, sir.

COURT: (To the witness)

Q To whom did you address that words?

A To the one who dragged my husband, Your Honor.

Q To that one who dragged your husband. Did you see that person while you were making your pleas?

A I saw him and I know him, Your Honor.

COURT:

Proceed.

ATTY. SARMIENTO: (To the witness)

Q You said you knew him. Did you know that person before the incident?

A Yes, sir.

Q And why did you know that person before the incident?

A He is the husband of the younger sister of my husband, sir.

Q And what is the name of the younger sister of your husband?

A Antonia Bulat-ag, sir.

Q And what is the name of the person whom you knew?

A Ramon Salig, sir.

Q And will you tell us whether this Ramon Salig is in Court?

A He is here, sir.

Q And will you please point to Ramon Salig?

A (Witness pointed to a person and when asked of his name, he answered that his name is Ramon Salig.) (tsn., pp. 38-39, June 14, 1972 hearing)

x x x x x x x x

Q Where did you hear that gun explosion?

A In the sala of our house, sir.

x x x x x x x x

Q Did you have money, that evening in your house?

A Yes, many, sir.

x x x x x x x x

Q Where was this P3,500.00 placed?

A The P2,000.00 was inside the pocket of my husband and the P1,500.00 was inside the suit case placed on top of the aparador, sir.

Q After the gunshot and you went to the sala to help your husband, did you find the P2,000.00 intact in his pocket?

A No more, sir.

Q Did your husband have a wallet?

A Yes, sir.

Q That evening, was he having a wallet?

A He was with a wallet inside the pocket, sir.

Q What happened to that wallet after the incident?

A It was missing, sir." (tsn., pp. 40-41, hearing of June 14, 1972)

2. TEREENCIA OLIVEROS

"Q What was that incident about?

A We were robbed, sir.

Q What time was that more or less in the evening when you said you were robbed?

A About 12:00 more or less, midnight, sir.

Q You said you were robbed, were you able to identify the persons who robbed your house?

A Yes, sir.

Q Who were with you . . . withdrawn. Who were they?

A Those people, sir. (Witness pointed to persons sitting on the bench).

Q Will you please identify them one by one?

A Jose Salig, Ramon Salig and Romeo Benlot, sir.

(Witness pointed to a person whom she identified as Ramon Salig and when asked of his name, said person answered that his name is Ramon Salig. Again the witness pointed to a person whom she identified as Romeo Benlot and when asked of his name, said person answered that his name is Romeo Benlot and again the witness pointed to a person whom she identified as Jose Salig and when asked of his name, said person answered that his name is Jose Salig)."

x x x x x x x x

Q Aside from robbing your house, what else did these persons do?

A They killed my father, sir.

Q Who killed your father?

A All of them helped in mauling my father and it was Jose Salig who stood on the breast of my father and it was Raton Salig who shot my father, sir.

Q When you first noticed these persons inside your house, what did they do?

A The first one who entered the room was Ramon Salig and he squeezed the neck of my father and I pulled him away but he pushed my back and then he continued dragging my father to the sala, then I followed them to the sala and in the sala, I saw Ramon Salig with his companions, sir.

x x x x x x x x

Q This incident you said happened in the evening. How were you able to recognize these persons since it was nighttime?

A There were two lights, one was placed in the altar and one on top of the aparador and there was no obstruction going to the sala, sir." (tsn., pp. 49-50, hearing of June 14, 1972)

Having been positively identified by the aforementioned eyewitnesses to the crime, the defense of denial and alibi must fail. It was not impossible for herein appellant Ramon Macari Salig to be at the scene of the crime and no improper motive has been shown why either of these two witnesses would falsely implicate him. When Police Corporal Anastacio Partosa came to investigate the matter the following morning, December 16, 1971, Paula and Terencia Oliveros narrated the incident. As testified to by Corporal Partosa –

"Q Will you please tell this Honorable Court when was Terencia investigated by you?

COURT: (To witness) How many days after the incident did you question Terencia?

A That time when we went to the scene of the crime on December 16, 1971.

Q You mean to say that you investigated Terencia Oliveros, the daughter of the victim right in her house?

A Yes, sir.

Q Did you ask her who were the persons who allegedly robbed and killed her father?

A I asked her.

Q What was her answer to your question?

A According to her statement she declared that she saw personally that her uncle Ramon Salig was the one who shot her father.

Q And that was all that she told you?

A There were still others.

Q What else?

A I further asked her as to why she clearly identified the person who shot or killed her father and she replied that she clearly identified the person due to the two lighted kerosene lamps and the light was bright coming from those two lamps. And then I asked her as to whether she was asleep or awake at the time and she replied that she was awakened when her father was dragged by the robbers from the place where her father was sleeping towards the sala they had to pass by the place where she was sleeping.

Q If I understand right that investigation of yours of Terencia Oliveros was taken on December 16, 1971, is it not?

A Yes, sir, that is correct.

Q Will you please tell this Honorable Court, what time was that on December 16, 1971 when you conducted that investigation on Miss Terencia Oliveros?

A More or less 10:00 in the morning of December 16, 1971.

x x x x x x x x

Q Did you also investigate the wife on that particular day of December 16, 1971?

A Yes, I also investigated her.

Q Did you ask her as to whether she had seen who was the very person who allegedly robbed and killed her husband?

A Yes, I also asked her.

Q What did she tell you?

A She declared to me that Ramon Salig was the one who killed or shot her husband, as a matter of fact she further declared that she was even pleading to Ramon Salig not to kill her husband because her husband has not committed anything wrong." (tsn., pp. 192, 193, 194, hearing of October 25, 1972)

Indeed, We have no cogent reason to disturb the trial court's finding of facts with respect to the killing of Manuel Oliveros.

Anent the second assigned error, We find the same untenable. The presumption is in favor of the spontaneity and voluntariness of the extra-judicial confession of an accused where there was no evidence of compulsion, duress or violence on his person; where he failed to complain to Municipal Judge Alfredo de la Peña who read the statement to him and who administered the oath; where he did not institute any criminal or administrative action against his alleged intimidators for maltreatment; where there appeared to be no marks of violence on his body; and, where he did not have himself examined by a reputable physician to buttress his claim. In the case at bar, appellant Ramon Salig who executed his extrajudicial confession on December 17, 1971 was not able to present or do any of the above; neither is there any evidence on record to substantiate his claim that he was mauled by the police and/or the PC officers who investigated him. He may not have been informed of his right to silence and to counsel; still, his extrajudicial confession is admissible in evidence against him because the same was obtained before the effectivity of the New Constitution (Magtoto vs. Manguerra, 63 SCRA 4). At any rate, appellant's filing of amnesty (Application No. 136) before the trial court had decided the case, was an admission of guilt. "The invocation of amnesty is in the nature of a plea of confession and avoidance, which means that the pleader admits the allegations against him, but disclaims liability therefor on account of intervening facts which, if proved, would bring the crime charged within the scope of the amnesty proclamation. (People vs. Llaneta, et al., L-2082, April 26, 1950, 86 Phil. 219; People vs. Guillermo, et al., L-2188, May 19, 1950, 86 Phil. 395)." (Vera vs. People, 7 SCRA 153)

However, We agree with the Solicitor General that the crime of robbery has not been established beyond reasonable doubt. "There was no eyewitness to the robbery. The only proof that there was robbery was the testimony of Paula Oliveros that the wallet of her husband allegedly containing the P2,000.00, together with the P1,500.00 placed inside the suitcase on top of the aparador is found missing." (Appellee's Brief, p. 18)

"It is well-settled that in order to sustain a conviction for the crime of robbery with homicide, it is necessary that the robbery itself be proven as conclusively as any other essential element of a crime. In order for the crime of robbery with homicide to exist, it is necessary that it be clearly established that a robbery has actually taken place, and that, as a consequence or on the occasion of such robbery, a homicide is committed. Where the evidence does not conclusively prove the robbery, the killing of the victim would, therefore, be classified

either as a simple homicide or murder, depending upon the absence or presence of any qualifying circumstance, and not the complex offense of robbery with homicide. (People vs. Pacala, 58 SCRA 370)."

In contrast to the paucity of proof on the commission of the crime of robbery is the clear and positive identification of appellant Ramon Macari Salig as the one who hit the victim on the head with a pistol, then slapped and dragged him to the sala and there fired at him on the chest. The killing of Manuel Oliveros is clear murder in view of the qualifying circumstance of treachery which is alleged in the information.

WHEREFORE, appellant Ramon Macari Salig is declared guilty beyond reasonable doubt of the crime of murder and the judgment of the lower court is accordingly modified in the sense that he is sentenced to suffer the penalty of reclusion perpetua.

The case against Jose Salig, who died during the pendency of the appeal, is dismissed. However, his estate and appellant Ramon Salig are hereby sentenced to jointly and severally indemnify the heirs of Manuel Oliveros as adjudged by the lower court, except the payment of P3,500.00 which was allegedly taken from the victim and with the further modification that the indemnity for the death of the victim is increased from P12,000.00 to P30,000.00.

SO ORDERED.

Makasiar, Concepcion, Jr., Guerrero, Melencio-Herrera, Plana, Escolin and De la Fuente, JJ., concur.

Gutierrez, Jr., J., concurs in separate opinion.

Cuevas, J., concurs and dissents in separate opinion.

Abad Santos, J., concurs with Justice Cuevas.

Fernando, C.J., Teehankee, and Aquino, JJ., no part.

CONCURRING OPINION

GUTIERREZ, JR.:

There is no question from the facts that murder was committed and that the late Jose Salig was one of the perpetrators. Co-principal Ramon Macari Salig is sentenced to reclusion perpetua. The circumstances are different from a case where there is only one accused and a final determination as to his guilt or innocence has been precluded by his death pending appeal. Here, the fact of the murder has been finally established. I concur in the main opinion which holds his estate jointly and severally liable for civil indemnity.

CONCURRING AND DISSENTING OPINION

CUEVAS, J.:

Accused-appellant JOSE SALIG was convicted by the then Court of First Instance of Zamboanga del Norte of "Robbery with Homicide" and thereafter sentenced to death. His appeal is before Us on automatic review. During the pendency of his appeal, however, or more specifically on February 18, 1984, Jose Salig died. May his heirs or estate be ordered to indemnify the heirs of the victim?

Article 89 of the Revised Penal Code provides - "that criminal liability is totally extinguished - (1) by the death

of the convict, as to the personal penalty; and as to pecuniary penalties, liability therefor is extinguished only when the death of the offender occurs before final judgment."

It is clear from the aforesaid provision that when death of the offender occurs before final judgment, then not only the personal but also the pecuniary penalty is extinguished. That is precisely the situation obtaining in the instant case. Jose Salig's death taking place before final judgment or during the pendency of his appeal before this Court, no reason exists as why his civil liability arising from the offense should not be extinguished, as earlier held in the cases of *People vs. Alison*, 44 SCRA 523; and *People vs. Jose*, 71 SCRA 273.

The civil liability referred to which is extinguished by the death of the convict taking place prior to final judgment is that civil liability arising from the offense charged, the civil action for the recovery of which, is impliedly instituted with the criminal action under Sec 1, Rule 111 of the Rules of Court, and not any other liability. Any pronouncement holding the heirs or estate of the deceased convict liable will render Art. 89 of the Revised Penal Code inutile and totally meaningless.

In view thereof, I am therefore constrained to withhold my concurrence to that portion of the Decision imposing upon Jose Salig's heirs or estate the obligation to indemnify the heirs of the victim.

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.