

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
JULAIDE SIYOH, OMARKAYAM KIRAM, NAMLI INDANAN AND
ANDAW JAMAHALI, ACCUSED-APPELLANTS.**

G.R. No. 57292, February 18, 1986

Ponente: ABAD SANTOS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-57292/>

ABAD SANTOS, J.:

This is an automatic review of the decision of the defunct Court of First Instance of Basilan, Judge Jainal D. Rasul as ponente, imposing the death penalty.

In Criminal Case No. 318 of the aforesaid court, JULAIDE SIYOH, OMARKAYAM KIRAM, NAMLI INDANAN and ANDAW JAMAHALI were accused of qualified piracy with triple murder and frustrated murder said to have been committed according to the information as follows:

"That on or about the 14th day of July, 1979, and within the jurisdiction of this Honorable Court, viz., at Mataja Is., Municipality of Lantawan, Province of Basilan, Philippines, the above named accused, being strangers and without lawful authority, armed with firearms and taking advantage of their superior strength, conspiring and confederating together, aiding and assisting one with the other, with intent to gain and by the use of violence or intimidation against persons and force upon things, did then and there willfully, unlawfully and feloniously, fire their guns into the air and stop the pumpboat wherein Rodolfo de Castro, Danilo Hiolen, Anastacio de Guzman and Antonio de Guzman were riding, traveling at that time from the island of Baluk-Baluk towards Pilas, boarded the said pumpboat and take, steal and carry away all their cash money, wrist watches, stereo sets, merchandise and other personal belongings amounting to the total amount of P18,342.00, Philippine Currency; that the said accused, on the occasion of the crime herein above-described, taking advantage that the said victims were at their mercy, did then and there willfully, unlawfully and feloniously, with intent to kill, ordered them to jump into the water, whereupon, the said accused, fired their guns at them which caused the death of Rodolfo de Castro, Danilo Hiolen, Anastacio de Guzman and wounding one Antonio de Guzman; thus the accused have performed all the acts of execution which would have produced the crime of Qualified Piracy with Quadruple Murder, but which, nevertheless, did not produce it by reasons of causes independent of their will, that is, said Antonio de Guzman was able to swim to the shore and hid himself, and due to the timely medical assistance rendered to said victim, Antonio de Guzman, which prevented his death." (Expediente, pp. 1-2.)

An order of arrest was issued against all of the accused but only Juliaide Siyoh and Omarkayam Kiram were apprehended. (Id., p. 8.)

After trial, the court a quo rendered a decision with the following dispositive portion:

"WHEREFORE, in view of the foregoing considerations, this Court finds the accused Omarkayam Kiram and Juliaide Siyoh guilty beyond reasonable doubt of the crime of Qualified Piracy with Triple Murder and Frustrated Murder as defined and penalized under the provision of Presidential Decree 532, and hereby sentences each one of them to suffer the supreme penalty of DEATH. However, considering the provision of

Section 106 of the Code of Mindanao and Sulu, the illiteracy or ignorance or extreme poverty of the accused who are members of the cultural minorities, under a regime of so-called compassionate society, a commutation to life imprisonment is recommended." (Id., p. 130.)

In their appeal, Siyoh and Kiram make only one assignment of error:

"THE LOWER COURT ERRED IN FINDING THAT THE GUILT OF THE ACCUSED-APPELLANTS OMARKAYAM KIRAM AND JULAIDE SIYOH HAS BEEN PROVED BEYOND REASONABLE DOUBT." (Brief, p. 8.)

The People's version of the facts is as follows:

"Alberto Aurea was a businessman engaged in selling dry goods at the Lamitan Public Market, in the province of Basilan (pp. 2-3, tsn). On July 7, 1949 and on July 10, 1979, Antonio de Guzman, Danilo Hiolen, Rodolfo de Castro and Anastacio de Guzman received goods from his store consisting of mosquito nets, blankets, wrist watch sets and stereophono with total value of P15,000 more or less (pp. 4-6, tsn). The goods were received under an agreement that they would be sold by the above-named persons and thereafter they would pay the value of said goods to Aurea and keep part of the profits for themselves. However these people neither paid the value of the goods to Aurea nor returned the goods to him (pp. 6-7, tsn). On July 15, 1979, Aurea was informed by Antonio de Guzman that his group was held-up near Baluk-Baluk Island and that his companions were hacked (p. 8, tsn). On July 16, 1979, the bodies of Rodolfo de Castro, Danilo Hiolen and Anastacio de Guzman were brought by the PC seaborne patrol to Isabela, Basilan (pp. 17-18, 29, tsn). Only Antonio de Guzman survived the incident that caused the death of his companions.

"It appears that on July 10, 1979, Antonio de Guzman together with his friends who were also travelling merchants like him, were on their way to Pilas Island, Province of Basilan, to sell the goods they received from Alberto Aurea. The goods they brought with them had a total value of P18,000.00 (pp. 36-37, tsn). They left for Pilas Island at 2:00 p.m. of July 10, 19 79 on a pumpboat. They took their dinner and slept that night in the house of Omarkayam Kiram at Pilas Island (pp. 37-38, tsn).

"The following day, July 11, 1979, de Guzman's group, together with Kiram and Juliaide Siyoh, started selling their goods. They were able to sell goods worth P3,500.00. On July 12, 1979, the group, again accompanied by Kiram and Siyoh, went to sell their goods at another place, Sangbay, where they sold goods worth P12,000.00 (pp. 40-42, tsn). They returned to Pilas Island at 5:00 o'clock in the afternoon and again slept at Kiram's house. However that night Kiram did not sleep in his house, and upon inquiry the following day when Antonio de Guzman saw him, Kiram told the former that he slept at the house of Siyoh.

"On that day, July 13, 1979, the group of Antonio de Guzman went to Baluk-Baluk, a place suggested by Kiram. They were able to sell goods worth P3,000.00 (pp. 43-46, tsn). They returned to Pilas Island for the night but Kiram did not sleep with them (p. 47, tsn).

"The following day, July 14, 1979, the group again went to Baluk-Baluk accompanied by Kiram and Siyoh (pp. 48, 50 tsn). They used the pumpboat of Kiram. Kiram and Siyoh were at that time armed with 'barongs'. They arrived at Baluk-Baluk at about 10:00 o'clock in the morning and upon arrival at the place Kiram and Siyoh going ahead of the group went to a house about 15 meters away from the place where the group was selling its goods (pp. 50-53, tsn). Kiram and Siyoh were seen by the group talking with two persons whose faces the group saw but could not recognize (pp. 53-54, tsn). After selling their goods, the members of the group together with Kiram and Siyoh, prepared to return to Pilas Island. They rode on a pumpboat where Siyoh positioned himself at the front while Kiram operated the engine. On the way to Pilas Island, Antonio de Guzman saw another pumpboat painted red and green about 200 meters away from their pumpboat (p. 55, tsn). Shortly after, Kiram turned off the engine of their pumpboat. Thereafter two shots were fired from the other pumpboat as it moved towards them (pp. 57-58, tsn). There were two persons on the other pumpboat who were armed with armalites. De Guzman recognized them to be the same persons he saw Kiram conversing with in a

house at Baluk-Island. When the boat came close to them, Kiram threw a rope to the other pumpboat which towed de Guzman's pumpboat towards Mataja Island. On the way to Mataja Island, Antonio de Guzman and his companions were divested of their money and their goods by Kiram (pp. 59-61, tsn). Thereafter Kiram and his companions ordered the group of de Guzman to undress. Taking fancy on the pants of Antonio de Guzman, Kiram put it on. With everybody undressed, Kiram said, 'It was good to kill all of you'. After that remark, Siyoh hacked Danilo Hiolen while Kiram hacked Rodolfo de Castro. Antonio de Guzman jumped into the water. As he was swimming away from the pumpboat, the two companions of Kiram fired at him, injuring his back (pp. 62-65, tsn). But he was able to reach a mangrove where he stayed till nightfall. When he left the mangrove, he saw the dead bodies of Anastacio de Guzman, Danilo Hiolen and Rodolfo de Castro. He was picked by a fishing boat and brought to the Philippine Army station at Maluso where he received first aid treatment. Later he was brought to the J.S. Alano Memorial Hospital at Isabela, Basilan province (pp. 66-68, tsn).

"On July 15, 1979, while waiting for the dead bodies of his companions at the wharf, de Guzman saw Siyoh and Kiram. He pointed them out to the PC and the two were arrested before they could run. When arrested, Kiram was wearing the pants he took from de Guzman and de Guzman had to ask Pat. Bayabas at the Pro-vincial Jail to get back his pants from Kiram (pp. 69-72, tsn).

"Antonio de Guzman was physically examined at the J.S. Alano Memorial Hospital at Isabela, Basilan and findings showed: 'gunshot wound, scapular area, bilateral, tangenital" (Exh. C, prosecution). (pp. 134-136, tsn). Dr. Jaime M. Junio, Provincial Health Officer of Basilan, examined the dead bodies of Rodolfo de Castro and Danilo Hiolen and issued the corresponding death certificates (Exhs. D and E, prosecution). (pp. 137-138; 140-141, tsn)." (Brief, pp. 5-11.)

As can be seen from the lone assignment of error, the issue is the credibility of witnesses. Who should be believed - Antonio de Guzman who was the lone prosecution eye-witness or Siyoh and Kiram the accused-appellants who claims that they were also the victims of the crime? The trial court which had the opportunity of observing the demeanor of the witnesses and how they testified assigned credibility to the former and an examination of the record does not reveal any fact or circumstance of weight and influence which was overlooked or the significance of which was misinterpreted as would justify a reversal of the trial court's determination. Additionally, the following claims of the appellants are not convincing:

1. That if they were the culprits they could have easily robbed their victims at the Kiram house or on any of the occasions when they were travelling together. Suffice it to say that robbing the victims at Kiram's house would make Kiram and his family immediately suspect and robbing the victims before they had sold all their goods would be premature. However, robbing and killing the victims while at sea and after they had sold all their goods was both timely and provided safety from prying eyes.
2. That the accused immediately reported the incident to the PC. The record does not support this assertion. For as the prosecution stated: "It is of important consequence to mention that the witness presented by the defense are all from Pilas Island and friends of the accused. They claimed to be members of retrieving team for the dead bodies but no PC soldiers were ever presented to attest this fact. The defense may counter why the prosecution also failed to present the Maluso Police Daily Event book? This matter has been brought by Antonio not to the attention of the PC or Police but to an army detachment. The Army is known to have no docket book, so why take the pain in locating the army soldiers with whom the report was made? (Memorandum, p. 7.) And Judge Rasul also makes this observation: "x x x, this Court is puzzled, assuming the version of the defense to be true, why the lone survivor Antonio de Guzman as having been allegedly helped by the accused testified against them. Indeed, no evidence was presented and nothing can be inferred from the evidence of the defense so far presented showing reason why the lone survivor should pervert the truth or fabricate or manufacture such heinous crime as qualified piracy with triple murders and frustrated murder? The point which makes us doubt the version of the defense is

the role taken by the PC to whom the report was allegedly made by the accused immediately after the commission of the offense. Instead of helping the accused, the PC law enforcement agency in Isabela, perhaps not crediting the report of the accused or believing in the version of the report made by the lone survivor Antonio de Guzman, acted consistently with the latter's report and placed the accused under detention for investigation." (Expediente, pp. 127-128.)

3. That the affidavits of Dolores de Guzman, wife of the deceased Anastacio de Guzman, and Primitiva de Castro, wife of the deceased Rodolfo de Castro, state that Antonio de Guzman informed them shortly after the incident that their husbands were killed by the companions of Siyoh and Kiram. The thrust of the appellants' claim, therefore, is that Namli Indanan and Andaw Jamahali were the killers and not the former. But this claim is baseless in the face of the proven conspiracy among the accused for as Judge Rasul has stated:

"It is believed that conspiracy as alleged in the information is sufficiently proved in this case. In fact the following facts appear to have been established to show clearly conspiracy: A) On July 14, 1979, while peddling, the survivor-witness Tony de Guzman noticed that near the window of a dilapidated house, both accused were talking to two (2) armed strange-looking men at Baluk-Baluk Island; B) When the pumpboat was chased and overtaken, the survivor-witness Tony de Guzman recognized their captors to be the same two (2) armed strangers to whom the two accused talked in Baluk-Baluk Island near the dilapidated house; C) The two accused, without order from the two armed strangers transferred the unsold goods to the captors' banca; D) That Tony de Guzman and companion peddlers were divested of their jewelries and cash and undressed while the two accused re-mained unharmed or not molested. These concerted actions on their part prove conspiracy and make them equally liable for the same crime (People vs. Pedro, 16 SCRA 57; People vs. Indic, 10 SCRA 130). The convergence of the will of the conspirators in the scheming and execution of the crime amply justifies the imputation of all of them the act of any of them (People vs. Peralta, 25 SCRA, 759)." (Id., pp. 128-129.)

4. That there is no evidence Anastacio de Guzman was killed together with Rodolfo de Castro and Danilo Hiolen because his remains were never recovered. There is no reason to suppose that Anastacio de Guzman is still alive or that he died in a manner different from his companions. The incident took place on July 14, 1979 and when the trial court decided the case on June 8, 1981 Anastacio de Guzman was still missing. But the number of persons killed on the occasion of piracy is not material. P.D. No. 532 considers qualified piracy, i.e. rape, murder or homicide is committed as a result or on the occasion of piracy, as a special complex crime punishable by death regardless of the number of victims.

5. That the death certificates are vague as to the nature of the injuries sustained by the victims; were they hacked wounds or gunshot wounds? The cause of death stated for Rodolfo de Castro and Danilo Hiolen is: "Hemorrhage due to hacked wounds, possible gunshot wounds." (Exhs. D and E.) The cause is consistent with the testimony of Antonio de Guzman that the victims were hacked; that the appellants were armed with "barongs" while Indanan and Jamahali were armed with armalites.

WHEREFORE, finding the decision under review to be in accord with both the facts and the law, it is affirmed with the following modifications: (a) for lack of necessary votes the penalty imposed shall be reclusion perpetua; and (b) each of the appellants shall pay in solidum to the heirs of each of the deceased indemnity in the amount of P30,000.00. No special pronouncement as to costs.

SO ORDERED.

Concepcion, Jr., Melencio-Herrera, Plana, Escolin, Gutierrez, Jr., De La Fuente, Alampay, and Patajo, JJ., concur. Aquino, C.J., no part.

Teehankee, J., for affirmance of death sentence.

CONCURRING**CUEVAS, J.,**

considering the gravamen of the offense charged and the manner by which it was committed, voted to affirm the death penalty imposed by the trial court.

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.