

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. JUAN IDICA AND SILVESTRE YADAO, DEFENDANTS AND APPELLANTS.*G.R. No. 5985. November 17, 1910*

Ponente: ARELLANO, C.J.

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Tecla Liana, an unmarried girl of about 22 years of age lived in the house of Saturnino Liana, her brother, together with the latter and his wife, Norberta Campos, in the sitio of Labot of the pueblo of Badoc, Ilocos Norte. One day in April, 1909, she entered into a formal engagement of marriage with Gelasio Lacuesta, and the betrothed were to marry on Monday, May 24 of the same year. On Sunday, the 23d, the day before the marriage, she was to go to the pueblo in company with her other brother, Venancio Liana, for the purpose of confessing preparatory to her wedding, as she had agreed with her said brother Venancio, on Saturday evening, the 22d. She left her house very early in the morning and went to Venancio's, about 60 meters distant, and invited him to go to the pueblo; but Venancio made the remark that it was still very early and suggested to her that she return to her house and wait until daybreak before starting for the pueblo. Tecla did return toward her house, but she never entered it again. The day dawned, and already a considerable time had elapsed since sunrise when the brothers, Saturnino and Venancio, and their wives started to look for Tecla, who was found, well along in the afternoon, in a small wood near the house, at a distance of some 30 meters therefrom; here, in a hollow, they came upon Tecla's body; it was stretched out on the ground face up; the skull was fractured and the upper teeth were broken; beside it was a piece of a broken club, about 8 inches long, stained with blood.

The justice of the peace, accompanied by a police corporal, in default of a competent physician, removed the body and made a description of its condition and immediately held a preliminary investigation, as a result of which a complaint was filed by the provincial fiscal against Juan Idica and Silvestre Yadao for the crime of homicide.

The justice of the peace, Buenaventura Arzadon, and the police corporal, Eugenio Baldonado, agree in their testimony that the body of Tecla Liana was found, at half past 5 o'clock of the afternoon of May 23, 1909, hidden in a small wood at a distance of some 30 meters toward the northwest from the house in which the deceased lived; that her brothers and other relatives were present at the time of the discovery; that the body showed that the skull was fractured and bore two other wounds, one in the mouth and the other in the occipital region; that the upper teeth were shattered; that these wounds were apparently inflicted with a club; and that a piece of a club or stick, the part next to the handle and stained with blood, was found at the right side of the body.

When the justice of the peace was asked whether he knew to whom the handle of the stick which was shown to him belonged, he replied, "To Juan Idica, the codefendant of Silvestre Yadao, for he identified it when he testified before me in the justice of the peace court of Badoc" (p. 11 of the record). And the following cross-question was put to the police corporal by the defense:

"Q. Did you people inquire of the family of the deceased as to who might be her slayer or slayers ? - A. Yes, sir, for the justice made an investigation and they told him that they suspected Juan Idica who, they said, was the owner of the club, a piece of which was shown to me."

On the strength of the foregoing and other evidence introduced at the trial, the Court of First Instance of Ilocos Norte sentenced the defendants, Juan Idica and Silvestre Yadao, to fourteen years eight months and one day of reclusion temporal, to the accessory penalties, to pay an indemnity of P1,000 to the heirs of the deceased, and the costs. Both defendants appealed from this judgment and the appeal was heard before this court; briefs were submitted by the attorneys for the defense together with a very lucid presentation by the Attorney-General.

There is this evidence against Silvestre Yadao: Venancio Liana testified that on his leaving the house of Simon Calaycay on the night of Saturday, May 22, 1909, after 12 o'clock, and passing in front of that of Cesarea Calaycay, he desired to enter her house in order to awaken his compadre, Silvestre Yadao, but his sister Tecla Liana, who accompanied him, endeavored to dissuade him by saying that the said Yadao did not have good intentions toward her, and that when, in spite of her persuasion, witness endeavored to awaken him, he saw that Yadao was clasp ing a stick, of which the piece shown in evidence in the court was a part. Cesarea Calaycay corroborated Venancio Liana's testimony with respect to the cane and identified the piece exhibited at the trial. David Marquez swore that, "on the morning of May 22, 1909" (that is, on Saturday, for on Sunday the 23d, Tecla was killed), just at daybreak, he saw the defendants Idica and Yadao running through the garden which lies south of Tecla Liana's house, in the sitio between Labot and Puroc, Badoc, Ilocos Norte, and within a distance of about 10 brazas from the said house.

We next have the testimony of Guillermo Raneses and Luis Idica, the brother-in-law and father, respectively, of the other defendant, Juan Idica. These witnesses testified that Silvestre Yadao confesses to having committed the homicide in question in the following manner; according to Raneses, the latter had met Yadao, who told him that he (Yadao) had just been talking to several persons to induce them to testify for him because he had committed homicide upon the person of Tecla Liana, and witness communicated this statement of Yadao's to his mother-in-law when she came crying to his house on the arrest of her son, Juan Idica, a brother-in-law of the witness; and, according to Luis Idica, on the 28th of May, 1909, while Yadao was passing in front of his (Idica's) house, witness asked him where he was going, to which Yadao replied that he was going to mass and that he would offer two candles in request for divine assistance because he had taken a life as a result of his having made an agreement with the deceased that she should not marry without his consent, and thereupon the witness told him that he should give himself up in order to prevent an innocent person's suffering. This same witness, Juan Idica's father, further testified that, on the 23d of May, 1909, the day of Tecla Liana's death, he noticed the disturbance in Yadao's house, on passing near it, for his parents were crying and Yadao was asking their pardon, saying that he had taken the life of a girl from Badoc; this the witness testified he had heard from the street.

The foregoing testimony is all the evidence there is in the case against the defendant Yadao.

The criticism of this testimony made by the Attorney-General in this instance is a correct appreciation of the grounds of the charge against the said defendant, and is of the following purport:

"As to the confessions alleged to have been made by Yadao to Juan Idica's father and brother-in-law to say nothing of the improbability of Yadao thus confessing his guilt to Juan Idica's relatives four or five days after Juan had been arrested, the falsity of this testimony is apparent on its face, and so apparent that we think it not improper here to observe that the responsibility of a prosecutor (procurador) who represents the Government extends to the protection of the innocent as well as the punishment of the guilty. A prosecutor should never concede to the pernicious doctrine, which is altogether too prevalent among the ignorant, that 'the end justifies the means.' The fact that a prosecutor believes a defendant to be guilty is never any justification for his permitting witnesses, eager through motives of sentiment or self-interest, to perjure themselves on behalf of the prosecution.

"Eliminating that testimony relative to the alleged confessions of Yadao as wholly unworthy of belief, we next

come to the testimony of David Marquez to the effect that he saw Yadao on Sunday morning running away from the scene of the crime in company with Juan Idica. This bald statement is not only contradicted by Yadao himself and his three credible witnesses, but it is in flat contradiction of the credible testimony of the three witnesses for the prosecution, who testified that, in the early morning of that day, Idica was seen alone in the said neighborhood, and two of them swore that they spoke with him.

"So that the whole case against Yadao is reduced to the testimony of Venancio Liana and Cesarea Calaycay that they saw Yadao using Idica's cane 'as a bolster;' but this is specifically denied by Yadao. Therefore, that testimony not only lacks evidentiary force, but is also, we believe, rather a recourse employed in consonance with the reprobated doctrine that the end justifies the means. Venancio Liana and Cesarea Calaycay suspected Yadao from the fact that he was in the company of Idica that Saturday night, and so they tried, aided by David Marquez, a brother-in-law of Norberta Campos, and by Idica's relatives, to create a combination against Yadao.

"Against Yadao, not a fact can be discovered in the record to show that this man, who has a wife and five small children and who, according to the testimony of Venancio Liana, did not visit the house of Saturnino Liana oftener than once a year, had any designs whatever upon the deceased, or that he had any real or imaginary cause for injuring her."

The following facts were, without contradiction, proved against Juan Idica:

Idica, although he resided in Sinait, 4 kilometers distant from Labot, the place of residence of the Liana family, was very frequently in this latter barrio, as he was a tenant of Mariano Raneses, and on various occasions he visited the house of Saturnino Liana where, as before stated, Tecla Liana lived, and whom he liked, according to the testimony of Saturnino Liana and his wife.

Before Tecla Liana's betrothal to Gelasio Lacuesta, one morning just before daylight Juan Idica stealthily entered the house of Saturnino Liana, while all its inmates were asleep and, in going to the place where Tecla was sleeping, trod on the feet of Norberta Campos, Saturnino's wife, who awoke and insulted him, and, on awakening and taking cognizance of the fact that an attempt was being made against her by Idica, Tecla did likewise. From that time, Idica ceased to visit Saturnino's house, although after the incident just mentioned he daily went to the house of Simeon Calaycay, his compadre. (Testimony of Norberta Campos.)

On the morning of Saturday, May 22, just prior to the death of Tecla Liana, the latter went to the river to do some washing, together with her other sister-in-law, Lorenza Baldivino, the wife of Venancio Liana, and while she was so engaged Idica arrived, bringing his carabao to drink, and opened a conversation. He remarked that Felix Bautista had proposed to him that they both oppose Tecla Liana's marriage, but that he had replied to Bautista, "and what ground have we to oppose it if we have no dealings with her?" He continued, saying that if he were Felix Bautista, he would prefer to kill the woman with whom he was in love, if he were rejected by her, rather than oppose her marriage, whereupon the woman Lorenza remarked: "And what reason have you to compel the woman, if you have no dealings with her," to which Idica replied, "No matter." He was about to leave, when he turned around toward Tecla and spoke with her, making an appointment for that night in the house of Simon Calaycay, where they proposed to meet for the purpose of offering their presents because both of them, Idica and Tecla, had been chosen godfather and godmother, respectively, of a son of Calaycay. (Testimony of Lorenza Baldivino.)

On the night of that same day, Saturday, a party was held in the house of Simon Calaycay for the purpose above stated. Tecla Liana went there and also other persons of the barrio; it was already past midnight, and Idica had not yet put in an appearance, wherefore, according to the uniform testimony on this point of those who attended, the party broke up, all returning to their respective homes. Mariano Raneses, one of the guests, on leaving the party,

saw Idica in the yard of the house where the gathering was held and asked him why he had not attended, inasmuch as he was godfather and was to act jointly with Tecla, to which he replied that he was ashamed because he had no money. Raneses then asked him from whence he had come and whether he came with Silvestre Yadao (the other defendant), and he answered that he had come from his locality (Sinait) and in the company of Silvestre Yadao and that he had already been there, in the yard of Simon Calaycay's house, a considerable while.

Silvestre Yadao testified that, while he was in his house that Saturday night and in conversation with Manuel Palpalatoc, Idica arrived and invited him to go to the house (that where the party gathered) in which the baptism was to be celebrated; that he excused himself, because he felt tired and had a visitor, Palpalatoc, but Idica was so insistent that he finally accompanied him; that while they were on the way witness observed a sparkling ring on one of Idica's fingers and asked him why he carried it, whereupon Idica immediately took off the ring and put it into his pocket, telling Yadao not to touch it as it was the pledge of his love for Tecla Liana; that Idica lamented the fact that Tecla was then about to be married, and expressed to the witness how much he regretted that marriage, but that, notwithstanding, he (Idica) would know how to do what was appropriate; that when they arrived near the house where the baptism was to be held, Idica told the witness to go on ahead, for he (Idica) would first have to go to a certain place; that witness replied that he did not dare to go to the said house, for the reason that he was not invited, and that Idica then suggested to him that he go to the house of Cesarea Calaycay, where witness waited for Idica up to a very late hour, until 12 o'clock midnight, and then returned home, where he still found Palpalatoc.

Tecla Liana, at that hour, left the house of Simon Calaycay, and, as before related, her brother Venancio accompanied her to the house of her other brother, Saturnino, where she lived, previously agreeing that on the following day, Sunday, the 23d, they should go to the pueblo in order that Tecla might make her confession preparatory to her marriage, which was to take place on Monday, the 24th.

Pursuant to the said arrangement, and before dawn on the following day, Tecla left her house and went to her brother Venancio's, but the latter told her that it was yet too early, it being still dark, and that she should return to her house and sleep a little longer; and Tecla returned toward her home.

At dawn of that day Idica passed near the house of Saturnino Liana, and the latter and his wife invited him to come in, but he did not wish to, and proceeded upon his way.

When it was broad daylight Venancio went to Saturnino's house for the purpose of going to the pueblo, and it was a surprise for all that Tecla had not returned to the house, as Venancio had told her to do when it was still very early and that she could sleep awhile longer. They set out to look for her and, well along in the afternoon, they found her body in the place and in the manner before related. It was the same place through which Idica had passed at daybreak when Saturnino and his wife had greeted and invited him to come into the house, a place which was one not usually traversed and was a wood adjoining the house of Saturnino Liana.

The man who, scarcely had he learned that Tecla Liana was to be married to Lacuesta, tried to surprise her during her sleep at night and entered her house as a robber enters homes to steal others' belongings; who, two days prior to the date set for the marriage, figuratively described his displeasure at Tecla's becoming the wife of another and gave hypothetical expression to his sentiments, by suggesting the death of the woman he desired as a means of preventing her marriage; who learned from the lips of the woman herself that they were to meet at a given place, and that night caused himself to be awaited by the people there, though he went to the place, but remained in the yard of the house a considerable while without entering, while at the same time he had a social duty to perform at that gathering; who probably hoped to be able to speak with Tecla when she should be alone on leaving the house, but likely was again disappointed on seeing that Tecla was returning to her house accompanied by her brother

Venancio, thus losing the opportunity to offer her a ring, an expression, as he said, of his vehement amorous desire; that man, who forgot Yadao and was lost from sight, would find a propitious occasion, on seeing Tecla return the following day by an obscure and almost deserted trail which separates Venancio's house from Saturnino's, and very likely it was there that he expected to speak to her and give full rein to his desire before she could enter her house; and it is already known that, if he did not succeed in that purpose, if he were rejected, he (Juan Idica) had resolved "to do what was appropriate," and he had stated "what was appropriate" the day before, on the river bank where Tecla was washing clothes, which was to kill Tecla Liana. When he was seen at daybreak of that day to pass near Saturnino's house, through the place which was not an ordinary one of travel, but a wood, and in a hollow or depression in that wood the body of the deceased was found, he had but a short while before carried out his perverse idea of killing the woman who resisted his ungovernable passion.

It is to be added that the deceased was killed by blows from a stick, and beside the corpse was found a piece of stick, the part next to the handle, with Idica's initials on it, which numerous witnesses had frequently seen in Idica's hands and which Idica, as the justice of the peace averred, identified as his own at the preliminary investigation.

There is no room for reasonable doubt, according to the natural and ordinary course of events, that any man who harbors the wicked idea that when he is disappointed in securing the possession of the woman he desires, and who is to cast her lot with that of another man, he must kill her, thus employing the most expeditious means to prevent her marriage with her successful suitor, when he finds an opportunity to effect such a wicked purpose and the moment and the occasion are critical and propitious for the realization of the design he has planned, he will carry out that idea, thus gratifying his longing either to possess her or to kill her.

By reason of the foregoing, the sentence appealed from is affirmed, in so far as it relates to Juan Idica, with one-half of the costs of both instances and the accessory penalties; and the judgment is reversed with respect to Silvestre Yadao, whom we freely absolve, with the other half of the costs de oficio. So ordered.

Torres, Johnson, Moreland, and Trent, JJ., concur.

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