

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. EMILIANO, RAMOS, LUIS RAMOS AND SEGUNDO RAMOS, DEFENDANTS AND APPELLANTS.

G.R. No. 6050. March 03, 1911

Ponente: MORELAND, J.

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MORELAND, J.:

The appellants in this case were convicted of the crime of murder in the Court of First Instance of the Province of Bulacan and sentenced each one to cadena perpetua.

It appears that about noon of the 5th day of April, 1909, Antonio Punsalan and his two sons, Elias and Perfecto, were seated together in a little hut in a place called Pinac de Calaparan, in the municipality of Calumpit, Province of Bulacan, being in that locality for the purpose of taking fish from a certain water hole which Elias Punsalan claimed to be his property; that they had been there in that locality since very early in the morning engaged in their work; that at the time of the commission of the crime which gave rise to this action, all three were seated within the shadow of said hut, protecting themselves from the intense heat of the sun; that while thus seated the accused Emiliano Ramos approached and told them that they must not take the fish from the water hole about which they had been working during the morning; that Antonio Punsalan replied that the water hole and the fish therein belonged to them, whereupon the said Emiliano, saying that he would tell his father, Segundo Ramos, what had been said, went away in search of him, and returned a few minutes later accompanied by his said father, Segundo Ramos, and his brother Luis Ramos; on arriving Segundo Ramos stated to the Punsalans that they must not dry the water hole in question or remove the fish therefrom because he had bought it of one Captain Manuel, who would arrive there on the afternoon of that day; to this Perfecto Punsalan replied, saying that they would continue drying the water hole so that when Captain Manuel arrived he would see it dry; that at this moment the accused Emiliano Ramos, who had taken a position outside of the hut and behind Perfecto Punsalan, struck the latter a blow in the back with his bolo, called a pisao, the assaulted being seated on his heels with his back to the accused, unarmed and defenseless; that as the assaulted turned his face toward' his aggressor the latter with his bolo struck him another blow in the face, and he fell to the ground; that Elias Punsalan, seeing his brother attacked, ran to his defense and succeeded in disarming Emiliano Ramos; that while these two were fighting, the other accused, Luis Ramos struck Elias a blow in the head with his bolo; that, while badly injured and considerably dazed, Elias was able to see Segundo Ramos attack his brother Perfecto while he was laying on the ground mortally wounded and strike him a blow with his bolo which penetrated his bowels; and that on seeing this Elias ran forward as best he could and struck Segundo Ramos a blow in the foot to prevent him from injuring his brother further.

It further appears that at this time one Sabino de Leon, for the purpose of preventing further fighting among the families, spoke to Segundo Ramos and asked him to cease his attack on the Punsalans; that instead of his suggestion being heeded, the other accused, Luis Ramos, attacked Leon and struck him a blow in the neck with his bolo, while Segundo Ramos attacked him, wounding him in the hand.

As a result of this fight Perfecto Punsalan was mortally wounded, having received five bolo cuts, one in the abdomen, one in the left check, one in the right knee, one in the left shoulder, and the fifth in the palm of the left hand. Of these wounds he died a few hours later. Elias Punsalan received nine wounds. Sabino de Leon two wounds. Emiliano Ramos and Segundo Ramos each received slight wounds, the first a slight wound in the forearm, and the second slight wounds in the foot, in the forehead, in a finger, and in an arm.

These facts were established by the testimony of several witnesses.

Elias Punsalan testified that on the morning of the 5th of April, 1909, he left his house to go to the Lake of Pinac, in Calaparan, municipality of Calumpit, Province of Bulacan, where he had a well of fish which he had sold to one Morong, of Calumpit, for the sum of P18, and that the comprador was to remove the water from the well himself; that while there, and as it was very warm, they took refuge in a little hut or covering; that after a short time there came there Segundo Ramos and his two sons, but that before their arrival and while he was placing stakes preparatory to his work, Emiliano Ramos came and said to him that his father had ordered him to give to the Punsalans notice that they must not remove the water from the well or take the fish therefrom; that the father of the witness replied that the water and the fish belonged to him and that he proposed to do what he pleased with his own property; that thereupon Emiliano said that he would tell his father what had occurred and went in search of him for that purpose; that very soon Emiliano returned with his brother Luis and his father Segundo, and the latter said to the Punsalans that they must not dry the water hole or remove the fish therefrom because Captain Manuel would arrive there in the afternoon; that thereupon Perfecto Punsalan took part in the conversation, saying that he would remove the water and that Captain Manuel when he arrived would see it dry; that thereupon Emiliano Ramos attacked Perfecto with his bolo, striking him in the back, while he was seated on his heels with his back toward Emiliano; that he instantly struck a second blow, hitting Perfecto in the face; that after the second blow Elias Punsalan ran forward and took the bolo from Emiliano, whereupon Luis Ramos struck him a blow in the back, wounding him; that while engaged in fighting with Emiliano he saw Segundo Ramos strike his brother Perfecto several times with his bolo, whereupon he, the witness, went forward and struck Segundo a blow in the foot with the bolo which he had taken from Emiliano; that thereupon Segundo attacked him and struck him several blows; that Sabino de Leon sought to pacify Segundo Ramos and Luis Ramos and by such intervention save the lives of the remainder of the family; that when his brother Perfecto was assaulted by Emiliano he was entirely without arms; that his wounds were such that he required medical attention for two months, during which time he had not been able to go about his usual vocation, and that the wound which he had in the ear was not yet completely cured.

Sabino de Leon, who is a brother-in-law of Segundo Ramos, testified that he was near Calaparan the 5th day of April in question, where he had gone to buy fish; that on the way he came up with Francisco de Leon and Fulgencio Bayan and they arrived there together, finding there present Segundo Ramos, Emiliano Ramos, Luis Ramos, Antonio Punsalan, Perfecto Punsalan, Elias Punsalan, and Macario Punsalan; that Segundo Ramos was seated outside of the little hut and that his two sons were on the west side thereof; that the Punsalans were seated within the hut; that when they arrived Elias was talking saying that they had come to dry out the water hole and obtain the fish which they had sold; that Segundo answered that they should not do so because Captain Manuel would come in the afternoon; that Perfecto at this point took part in the conversation, saying that they would dry the water hole and take the fish and if Captain Manuel came in the afternoon he would find it dry; that thereupon Segundo Ramos repeated that they should not remove the fish; that Emiliano, Ramos, who at the time was behind Perfecto Punsalan, arose and attacked the latter, striking him a blow in the back with his bolo; that at the time Perfecto was struck he was seated on the ground with his back toward Emiliano in such a way that he was unable to see Emiliano or what he was trying to do; that the witness was only about 1 yard from Emiliano when he struck Perfecto in the back; that he said nothing whatever to him and gave him no warning of what he was about to do;

that Perfecto had no arms and that as he turned his head upon receiving the first blow, he was struck a second blow in the face by Emiliano; that thereupon Perfecto arose and Segundo on seeing him struck him various blows in the face and other parts of the body, while Perfecto defended himself as best he could with a piece of bamboo which he snatched from the floor; that the wound in Perfecto's abdomen was made by Segundo Ramos; that when Elias Punsalan saw Emiliano Ramos assault Perfecto he took the bolo away from him; that while thus engaged Luis Ramos attacked Elias, striking him several blows in the head; that as soon as Elias disengaged himself from Emiliano and saw that Segundo Ramos was assaulting his brother Perfecto he ran forward and struck Segundo a blow in the foot with his bolo for the purpose of preventing him doing further injury to his brother; that thereupon the witness approached Segundo Ramos and beseeched him to cease his attack, but Segundo answered him, saying that he was an obstacle in the way of the Ramos family and that they were going to kill him; that at this moment Luis Ramos struck the witness in the neck with his bolo and Segundo Ramos struck him a blow in the hand. This witness further testified that Emiliano inflicted two wounds on Perfecto Punsalan, one in the back and the other in the face, and Segundo Ramos inflicted three wounds, one in the face, one in the hand, and one in the abdomen. He further testified that only one of the Punsalans, Elias, had a bolo, but that bolo was not taken from its sheath during the fight.

To the same effect testified Francisco de Leon and Perfecto Punsalan, who made a statement of the facts of the crime a few minutes before his death.

The accused in their testimony presented a different history of the case. They sought to demonstrate that they were the ones who were attacked and that whatever they did was done in self-defense. Their testimony, however, is entirely destroyed by the testimony of the witnesses already mentioned and the testimony of Fulgencio Bayan, who was also present at the time and who saw the whole occurrence.

The learned trial court found the facts to be substantially as stated by the witnesses for the prosecution and accordingly convicted the defendants of the crime of murder. We have carefully examined the testimony in the case and are of the opinion that the evidence fully supports the judgment of the court.

Aside from the questions of fact raised by the appellants, they assert that the two accused, Luis Ramos and Segundo Ramos, are not principals in the crime. Under the provisions of the Penal Code, however, not only those are authors who cooperate in the execution of the act by another act, without which it would not have been accomplished, but also those who take direct part in the execution of the act itself. (Art. 13, Penal Code; U. S. vs. Raymundo, 14 Phil. Rep., 416; supreme court of Spain, 22 April, 1878; U. S. vs. Supila, 13 Phil. Rep., 671; supreme court of Spain, 11 October, 1883.) It is undoubted that the defendants in this case all took direct part in the execution of the acts by which Perfecto Punsalan met his death.

The appellants also assert that Luis Ramos and Segundo Ramos ought not to be convicted of the crime of murder, inasmuch as they took no part in the act of Emiliano Ramos when he treacherously struck Perfecto Punsalan in the back, this being the act which qualified the crime as murder. It appears from the evidence, however, that after Emiliano had struck Perfecto the blow which stretched him helpless on the ground, the accused Segundo Ramos then attacked him and inflicted upon him various other wounds, among them being a frightful wound in the abdomen, which was one of the moving causes of his death. While Segundo was thus wounding Perfecto, Luis Ramos was preventing Elias Punsalan from protecting his brother Perfecto against the attacks of Segundo. They thereby, as we have said before, became principals in the crime, whatever it was. If the crime chanced to be homicide, they were principals in it. If it chanced to be murder, they were principals in that crime also. They were there present when the attack was made by Emiliano, saw the manner in which he attacked Perfecto and, taking advantage of that attack and the injury which it inflicted upon Perfecto, they attacked Perfecto and Elias with their weapons. While it is true that Luis and Segundo took no actual part in the blow delivered by Emiliano, they,

nevertheless, sanctioned that blow and took advantage of its results. There can be no doubt about the legal necessity of imputing to them the same alevosia which was present in the act of Emiliano.

For these reasons the judgment of conviction is affirmed.

Arellano, C. J., Mapa, Carson, and Trent, JJ., concur.

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