

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. MATEO PADO (ALIAS BANGIT) AND FAUSTO GARFIN, DEFENDANTS AND APPELLANTS.

G.R. No. 6061. March 18, 1911

Ponente: TRENT, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-6061/>

TRENT, J.:

This case is before us en consulta from a death sentence rendered March 4, 1910, by the Hon. Albert E. McCabe, judge of the Tenth Judicial District, against Mateo Pado (alias Bangit) and Fausto Garfin, for the crime of murder.

The defendant, Mateo Pado (alias Bangit), pleaded guilty and on the trial of his codefendant, Fausto Garfin, gave a detailed account of the crime charged in the information and the circumstances that led up to the commission of the deed, incriminating himself, his son-in-law, Laurencio Indo (who was subsequently shot by the Constabulary while attempting to escape arrest), and his codefendant, Fausto Garfin, as joint perpetrators of the crime.

The defendant Fausto Garfin pleaded not guilty. As a witness in his own behalf he admitted that he was present at the house of his brother-in-law, Julian Masuelas, on the evening of December 24, 1909, when the latter and his mother, Lucia Copertino, were murdered, and that he then carried a bolo, but claims that instead of having caused Bangit and Laurencio to come there to murder his brother-in-law and family, he himself was one of the victims of the assault, but had the good fortune to escape from the house uninjured.

The night before the double murder was committed, about the hour for evening prayers, Fausto Garfin presented himself at the house of the defendant Bangit in the barrio of Alimudias for the purpose of securing the latter's aid in killing his elder sister and her husband, assigning as a reason for the proposition that the proposed victims were witches. Bangit's only opposition to engaging in this enterprise was that he did not know where the barro in which the proposed victims resided was located. This objection was overcome by Fausto who assured him that he would accompany him and point out the place. Starting immediately from the barrio of Alimudias, accompanied by Laurencio Indo, the three men, after walking all night, arrived early the next morning in the barrio of Cadolonan where Fausto and the proposed victims lived. The next day, Friday, December 24, 1909, they spent at Fausto's house. They dined at his house and sharpened their bolos for the evening's work. Bangit's account of the subsequent occurrences is as follows:

"My conscience would not allow me to do this wrongful act, and I told him, 'Fausto, I am going to leave. I am going away,' and Fausto stated, 'No, don't be afraid because there will be three of us; you will follow and when I get to the house I will strike the first blow and then you two will strike also;' and we left Fausto's house, Fausto walking ahead and I following behind, came upstairs into Julian's house; his older sister was sitting on the bench. Then Fausto and I sat at her side and Laurencio, my son-in-law, sat by me, and we did not kill his older sister yet because Julian was not there at the house but was in the street, and then his sister, Fausto's sister, asked him, 'What do you come here for?' and I answered, 'We came to buy some tobacco for chewing purposes/ and Julian had not arrived yet, and shortly afterwards Julian came and he entered the house and stood near his wife and Fausto was yet sitting on the bench. He attracted my attention by touching my foot. In

other words meaning to rush and strike. I stood up then. My son-in-law also stood up and went to the other side as if trying to circle around both of those persons, and I went to where Julian was standing and stood beside him. As I did this, Fausto stood up and immediately struck his sister while I at the same time struck Julian and my son-in-law struck the old woman, and after we had delivered these blows, Fausto immediately jumped out of the house, passing through one of the side rooms, and then my son-in-law and myself searched around the house to see if there were any persons therein living yet.

* * * * *

"Q. Who killed Julian and Lucia? - A. My son-in-law and myself killed Julian and Lucia, but Fausto struck Julian once before he died."

Fernanda Garfin, Julian's wife and Fausto's sister, corroborates Bangit as to the absence of her husband when the two strangers accompanied by Fausto arrived at their house on the evening of the murder, and as to the pretense Bangit made of coming there to buy some chewing tobacco. Fernanda testifies that after her husband returned to the house he held a short conversation with the two strangers, and then, instead of sitting down to eat supper with her and the children, began walking the floor. While she was eating and he was walking the floor to and fro Bangit "struck him with the bolo, and Fausto also struck him in the back of his ear and then I tamed around and I said, 'What is this, Fausto? Have you conspired to kill my husband?' And Fausto then jumped out from the house, leaving through the kitchen." Fernanda also describes the struggle she made to rescue her husband from the blows of Bangit, in which she seems to have been successful until the third man, Bangit's son-in-law, came to the old man's rescue and with his bolo cut loose both her hands from her grasp on Bangit, and inflicted other grave and serious wounds upon her body. Fernanda then fell to the floor almost unconscious and remained in this state until Bangit and his son-in-law left the house.

Seeing the brave fight put up by Fernanda to save her husband Julian, the latter's mother, Lucia Copertino, one of the deceased named in the information, came to Fernanda's assistance, and at the same time crying for help. At that moment Laurencio Indo, Bangit's son-in-law, made a lunge at her with his weapon, stabbing her in the stomach. As a direct result of this wound Lucia died immediately. Bang-it and his son-in-law then proceeded to make away with the two little boys, sons of Julian and Fernanda. These boys, aged nine and ten years, received grave wounds in different parts of their bodies, and no doubt were left for dead. The boys, however, will probably recover, although one of them at the time of the trial was yet in a serious condition.

The testimony of Bangit and Fernanda, as to Fausto inflicting a blow on the head of Julian with his bolo before he made his escape, is corroborated by the testimony of Miguel Masuelas, one of the little boys, who swore positively that he saw this blow struck by Fausto.

According to the testimony of Fausto Garfin he went to his sister's house about eight o'clock on the night of December 24th to pay a visit. When he arrived Julian, his brother-in-law, had gone out to look for his (Julian's) little boy. On entering the house he took a seat and began talking with his sister. After a short time he laid down upon the floor on account of having been drinking a great deal of tuba and then being in an intoxicated state. While he was lying on the floor Julian came in and abused him for being drunk. He then got up and on leaving the premises he fell against a fence knocking it down and destroying some of Julian's plants. On account of the destruction of these plants Julian became very angry with him. He then went away, but feeling that he should apologize for these acts he returned to the house (Julian's) for this purpose, and while in said house Bangit and Laurencio entered, giving as their excuse for so doing that they wanted to purchase some chewing tobacco. They entered into a conversation with Julian and his wife and shortly thereafter, without any reason, they began attacking the family, including himself, and that fortunately he had the good luck to escape uninjured. This testimony of Fausto is entirely uncorroborated. According to his own testimony he made no effort to assist this

family against this unlawful attack. He did not return to the house to see what had happened, neither did he notify any of the local officials, or anyone else, of what was taking place in the house of his sister. On the other hand, the account of the crime as given by Bangit is frank and consistent and is fully corroborated by the surrounding circumstances and by the direct and positive testimony of Fernanda Garfin and her little son Miguel Masuelas. The guilt, by direct participation, of the two defendants of the crime charged in the complaint has been established beyond peradventure of a doubt.

There was present in the commission of this crime the qualifying circumstance of known premeditation inasmuch as it has been shown that the defendants formed a design to kill the two deceased at least twenty-four hours before the acts were committed. During this period of time they discussed in detail the manner in which this, plan was to be executed. They spent the whole day at Fausto's house sharpening their bolos and perfecting their plans. This circumstance raises the crime to that of murder. The fact that the crime was committed in the house of the offended parties, and at nighttime, must be considered as aggravating circumstances. There must also be considered the aggravating circumstances set forth in Nos. 1 and 3 of article 10 of the Penal Code, the first as to Fausto Garfin and the second as to Bangit. None of the extenuating circumstances set forth in article 9 were present.

The trial court properly found that the defendants were guilty as principals of the crime of assassination, marked by the qualifying circumstance of known premeditation and with the generic aggravating circumstances as above set forth, without, as we have said, any of the extenuating circumstance set out in article 9 of the Penal Code. Upon these findings of fact there can be no doubt that the capital penalty was properly imposed, unless in the exercise of the discretion vested in the courts the extenuating circumstance of race should be taken into consideration in favor of the defendants, under the provisions of article 11 of said Code. We have concluded to give the defendants the benefit of the provisions of this article. In so doing we are largely influenced by the fact that the principal motive which moved these defendants to commit this terrible crime was that they believed that Julian Masuelas, his wife, and mother were witches. This fact is established by the testimony of Fernanda Garfin herself. She could give no other reason why her brother desired to destroy herself and family. She stated that her brother contended and thought that she had killed and eaten their father. It is true that Bangit was promised ten cavanes of palay for his participation in the commission of this crime, but he testified that he desired to rid the community of these witches; that he had been informed, and believed, that the old woman, Lucia was accustomed to eating children whenever she could find any alone. This superstition was so imbedded in the minds of these defendants that they thought they were rendering their community a service when they massacred these people. The defendants have spent their lives in a remote, mountainous barrio of the province where they have had no opportunity to come in contact with the more enlightened people and learn the error of their ways.

"In the application of the provisions of article 11 the courts may use it in their discretion to offset any number of generic aggravating circumstances." (U. S. vs. Bundal, 3 Phil. Rep., 89; U. S. vs. Montecillo, 11 Phil. Rep., 109.)

The judgment appealed from is, therefore, affirmed: Provided, however, That the penalty imposed be that of cadena perpetua (life imprisonment) instead of death. The costs will be taxed against the appellants. So ordered.

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

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.