

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. INOCENTES DAGUINUTAN, MELCHOR DAGUINUTAN, EDGAR DAGUINUTAN, NENITA DAGUINUTAN, RICKY DAGUINUTAN, AND RICHARD DAGUINUTAN, ACCUS...

G.R. No. 93807. June 27, 1994

Ponente: QUIASON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-93807/>

QUIASON, J.:

This is an appeal from the decision of the Regional Trial Court, Branch 49, Palawan and Puerto Princesa City, in Criminal Case No. 7852, finding the six appellants, all members of the same family, guilty beyond reasonable doubt of Murder.

I

The information filed against appellants reads as follows:

"That on or about the 19th day of November 1988, at Sitio Suring, Barangay Pangabilian, Municipality of Brooke's Point, Province of Palawan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating together and mutually helping one another, with evident premeditation and treachery, with intent to kill, all armed with deadly weapons, did then and there willfully, unlawfully and feloniously, suddenly attack, assault and shoot with their air-gun, hack with their bolos and stab with their sharp-pointed bamboo sticks (sibat), one VINCENT BROWN hitting him in the vital parts of his body and inflicting upon him the following injuries, to wit:

1. Hack wound on the left forearm;
2. Lacerated wound on the left eye-brow and foot;
3. Gunshot wound on the right infra-orbital area and on the left chest;
4. Multiple lacerations and contusions at the back,

all causing hemorrhage and collapsed lungs which were the direct and immediate cause of his instantaneous death.

That the commission of the crime by the above-named accused was aggravated by the following circumstances:

- (a) All the accused have taken advantage of their superior strength; and
- (b) That there is a presence of evident premeditation and treachery.

Contrary to law and penalized under Article 248 of the Revised Penal Code, as amended" (Rollo, pp. 33-34).

At their arraignment, appellants pleaded not guilty. After trial, the court rendered a decision, convicting appellants

and disposing as follows:

"WHEREFORE, the Court found and so finds all accused guilty beyond reasonable doubt of the crime of MURDER, defined and penalized under Article 248 of the Revised Penal Code as principal by direct participation, with a mitigating circumstance of minority with respect to accused Ricky and Richard Daguinutan. Accused Inocentes, Melchor, Edgar and Nenita Daguinutan are sentenced to suffer RECLUSION PERPETUA. While Ricky and Richard Daguinutan are sentenced to suffer an imprisonment of Ten (10) years and One (1) day of Prison Mayor to Seventeen (17) years and Four (4) months of Reclusion Temporal, to indemnify the heirs of Vincent Brown the amount of Three Million Four Hundred Fifty-Six Thousand (P3,456,000.00) Pesos for his unearned income, Thirty-Five Thousand Five-Hundred (P35,500.00) Pesos for funeral expenses and other incidental services; Ten Thousand (P10,000.00) Pesos for moral damages and Ten Thousand (P10,000.00) for exemplary damages, without subsidiary imprisonment in case of insolvency and to pay the costs" (Rollo, pp. 49-50).

II

The evidence favorable to the prosecution, as found by the trial court, shows that the victim, Vincent Brown, bought a parcel of land from Delfin Lim. It so happened that Inocentes Daguinutan and his wife, Nenita, also wanted to buy the same parcel of land and they deposited the amount of P10,000.00 with Lim for that purpose. A deed of sale was later executed by Lim in favor of Brown. The deposit of the spouses Daguinutans was given by Lim to Brown, with instructions to return it to them. Although the couple got back their deposit, and even finished harvesting their crops on the land as allowed them by Brown, the Daguinutans still persisted to stay thereon.

On that fateful day of November 19, 1988, Brown with two companions, Alfredo Romero and Eduardo Pacheco, went to the land he bought from Lim to plant coconut seedlings. Inocentes and Nenita Daguinutan went to the place where Brown was working and chided him for reneging on his promise that he would first file a complaint in court before ejecting them. Brown told the couple that he would institute the necessary court proceedings. Thereafter, Nenita called her four children, Melchor, Edgar, Richard and Ricky, saying "Come on, Come here, let us carry our plan to kill Mr. Brown." Melchor then fired his airgun three times. Richard and Edgar hacked the victim, while Ricky speared him. Nenita was the first one who hacked Brown at the back while the latter was fighting with Inocentes (TSN, April 11, 1989, pp. 14-15). When the victim fell down, appellants continued to spear him.

III

In this appeal, appellants reiterated their claim that it was Inocentes Daguinutan who killed Brown in self-defense. They refuted the findings of the trial court that they had a motive to kill Brown because the spouses Daguinutans had been bested in the rivalry for the purchase of the land from Lim and that they acted with treachery in killing the victim.

The Solicitor General recommended the acquittal of all appellants, except Inocentes, pointing out:

- (1) That the physical evidence negates the finding of the trial court that appellants "ganged up" on Brown (Rollo, p. 150); and
- (2) That it is contrary to human nature that a mother would expose her young children to a grave peril and rally them to engage in a deadly combat, such as a "bolo" fight with three armed men (Rollo, p. 152).

According to the Solicitor General, if the six appellants, acting in concert, really "ganged up" on Brown, the latter would have sustained more and graver wounds than the ones mentioned in the autopsy report. Moreover, he would have been so overwhelmed by the combined strength of his assailants as to disable him from inflicting the

hacking wounds on Inocentes.

Besides, there was no evidence showing that the Daguinutans had foreknowledge that Brown would go to the disputed land that morning of November 19, 1988.

We cannot rely on the testimonies of the prosecution witnesses. Romero was the caretaker of the house of Brown in Cainta, Rizal, while Pacheco is the husband of a niece of Brown. The two were brought to Palawan just three days before the incident in question. Romero claimed that Nenita was the first to hack Brown at the back (TSN, April 11, 1989, pp. 14-15). Both Romero and Pacheco also testified that Ricky speared Brown at the back.

The autopsy report of Dr. Narciso Leoncio did not show any serious wounds, much less any stab or hack wounds at the back of Brown. The wounds were:

- “a) Hacking wound on (L) forearm posterior area about 20 cm. in sizes, involving the large vessel;
- b) Lacerated wound 1) (L) eyebrow about 3 cm
- 2) (R) foot solar area about 2-3 cm.;
- c) Multiple superficial laceration at the back with contusions;
- d) Gunshot wound 1) POE (R) infraorbital area dissected and collected the bullets
- 2) POE (L) chest at the level of 4th rib, point of exit (R) posterior axillary line" (Rollo, p. 39; Underlining supplied).

In evaluating the evidence on the claim of the prosecution that appellants simultaneously attacked Brown from all sides, we should not discount the fact that Brown had two companions, who served as his bodyguards, and the three were armed with a "piko," a shovel and a grass cutter. Romero, on cross-examination, admitted that he did not see the children of Inocentes when the latter and his wife confronted Brown.

The nature of the wounds sustained by Edgar lends credence to his version that he was not able to get near Brown because he was intercepted by Romero and Pacheco, who delivered hacking blows on him (TSN, November 22, 1989, pp. 4-5). According to Dr. Nieto H. Gepigon, Edgar suffered the following injuries: "(1) incised wound about one inch long; non-penetrating, involves superficial muscle on (R) anterior axilla; (2) incised wound about two inches transversely on scapular region; (3) incised wound (R) upper mid-back involving muscles, non-penetrating transversely about three-and-a-half inches long; and (4) lineal abrasion longitudinally back, spinal region" (TSN, Oct. 11, 1989, pp. 7-8).

It is hard to believe the claim of Brown's two companions, Romero and Pacheco, that they simply watched appellants attack Brown, without coming to his aid.

We therefore agree with the Solicitor General that conspiracy was not established and that the guilt of Nenita and her four children was not proven beyond reasonable doubt.

This brings us to the admission of Inocentes that he was the one who killed Brown but that he did so in self-defense. With this admission, the burden of proving self-defense shifts to him (*People v. Picardal*, 151 SCRA 170 [1989]). In doing so, he must rely on the strength of his own evidence and not on the weakness of the evidence of the prosecution (*People v. Taloboc*, 30 SCRA 87 [1969]). He must establish his claim by clear and convincing evidence (*Andres v. Court of Appeals*, 151 SCRA 268 [1987]).

For self-defense to exist, three requisites must be complied with, to wit: (1) unlawful aggression; (2) reasonable necessity of the means employed to repel it; and (3) lack of sufficient provocation on the part of the person

defending himself (People v. Molina, 213 SCRA 52 (1992); People v. Batas, 176 SCRA 46 [1989]).

With respect to the unlawful aggression, Inocentes testified: (1) that when he saw his wife being chased by Brown, he rushed to her aid; (2) that Brown shifted his attention to him; that when he saw Brown armed with small kris, he fled; and (3) that Brown chased him and hacked him at the back (TSN, Nov. 28, 1989, pp. 1-15).

The medical findings belie the claim of Inocentes that he was the victim of an unlawful aggression by Brown. According to the Medico Legal Slip (Exh. 10), executed by Dr. Nieto H. Gepigon, Inocentes suffered the following injuries: "(1) Incised wound (R) eyebrow superficial transversely about 2 cm.; (2) small lacerated wound - 1 cm. at lateral portion canthus (R) eye; and (3) contusion hematoma (R) eye, including conjunctival - with a duration of ten (10) days."

The medical report of the examination conducted by Dr. Gepigon did not mention any wound on the back of Inocentes, much less a wound caused by a kris.

As to the necessity of the means employed to repel the unlawful aggression, Inocentes testified that after he was hit on the back by the kris of Brown, he hit Brown with his airgun. Inasmuch as Brown continued to advance, Inocentes fired two more shots from the airgun. As testified to by Dr. Leoncio, the one who conducted the autopsy on the body of Brown, the gunshot wounds on the infra-orbital area, were fatal (Rollo, p. 108).

As noted by the Solicitor General, such gunshot wounds could have been enough to disable Brown. Dr. Leoncio testified that the gunshot wounds caused the collapse of the lungs and sudden death of Brown five minutes later (Rollo, p. 108). There was no need therefore for Inocentes to hack Brown with a bolo after his airgun ran out of pellets.

The third element of self-defense is that there was no sufficient provocation by the person defending himself. In the natural order of things, the one who was deeply offended by the acts of his adversary is deemed to be the one who struck the first blow (U.S. v. Laurel, 22 Phil. 252 [1912]). Inocentes was the one grievously offended by the entry of Brown into the disputed land without asking permission from Inocentes, who still claimed the right of possession of the land.

WHEREFORE, the judgment of conviction of the trial court is REVERSED insofar as appellants Nenita, Melchor, Richard, Edgar and Ricky, all surnamed Daguinutan, are concerned and all of them are ACQUITTED of the crime charged.

The judgment of conviction is AFFIRMED, with respect to Inocentes Daguinutan, with the MODIFICATION that the offense committed is Homicide, and he is sentenced to suffer an indeterminate penalty of SIX (6) YEARS AND ONE DAY of Prison Mayor to FOURTEEN (14) YEARS, EIGHT (8) MONTHS AND ONE (1) DAY of Reclusion Temporal.

SO ORDERED.

Cruz, (Chairman), Davide, Jr., Bellosillo, and Kapunan, 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.