

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. CANDIDO AQUINO, DEFENDANT AND APPELLANT.

G.R. No. 9483. July 25, 1914

Ponente: TORRES, J.

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TORRES, J.:

This case was brought up on appeal filed by counsel for the accused from the judgment dated September 15, 1913, whereby the Honorable Francisco Santamaria, judge, found him guilty of the crime of homicide and sentenced him to the penalty of twelve years and one day of reclusion temporal, to the accessories of article 59 of the Code, to pay an indemnity of P1,000 to the family of the deceased, and to the costs.

It appears to have been duly proven in said case that in the early morning of Monday, May 19, 1913, Candido Aquino attacked Ceferino Cristal, because the latter had tried to take away a carabao of his or of Braulio Cacatian, as is recorded on page 33. Cristal was near the inclosed lot where Candido Aquino had his carabao quarantined, in the territory of the pueblo of Narvacan, Ilocos Sur. Aquino inflicted upon him four wounds, the first a stab in the right shoulder near the spinal column, which penetrated his chest; the second in the upper right portion of his breast, which also penetrated his chest; the third in the lower part of the same region near the diaphragm and the fourth in the middle of his neck near the larynx. As a result of these wounds the victim fell face downwards on the ground and must have died a few moments afterwards.

At the time of the occurrence, Braulio Cacatian was leaving his house in search of fodder for his carabao and, upon going by the place, saw the corpse with spots of blood on its back; he also saw his uncle, Candido Aquino, near the place where the corpse was. Cacatian asked him who had killed the man stretched out on the ground and the person addressed answered that he himself had killed him, whereupon Cacatian, amazed and terrified, went back into his house to get away from the accused, without asking any further questions about the affair. Candido Aquino there-upon returned to his house with his shirt stained with blood, and there told his son, Nemesio Aquino, 19 years old, that he had killed Ceferino Cristal, but did not state his reason.

A little while later in the same morning Candido Aquino went to the garden of Mariano Liberato, the lieutenant of the barrio, approached the place where Liberato was working, and voluntarily stated to him that he had killed the unfortunate Ceferino Cristal. But the lieutenant of the barrio, doubting the truth of the occurrence, went to the place where the corpse was said to be and there actually saw it stretched out on the ground. He did not inquire into the motive or make any investigation, because of his fear, but conducted the accused to the house of the councilman of the barrio. There the accused was placed under arrest and taken to the justice of the peace, Rufino Vilorio, before whom, upon examination, he pleaded guilty, affirming that he had killed Ceferino Cristal with a knife because the latter had attempted to take away a carabao of his.

The facts set forth constitute the crime of homicide, penalized under article 404 of the Penal Code, for Ceferino Cristal was violently done to death by means of a deadly weapon; but it has not been ascertained whether any qualifying circumstance concurred in the commission of the crime, which must therefore be classified merely as

simple homicide.

At the trial of the case the accused did not plead guilty, nor did he on his part reveal the motive that induced him to kill the deceased; but his counsel alleged that the court erred in finding him guilty and in imposing upon him the penalty for the crime of homicide, and in not dismissing the case and acquitting the accused, saying, moreover, that evidence of the guilt of the accused was lacking, and that the circumstantial evidence was not sufficient for his conviction.

In spite of these allegations the case furnishes circumstantial evidence which produces in the mind, beyond all doubt, complete proof of the guilt of the accused as the sole proven author by direct participation of the violent death of Ceferino Gristal. The fact that the accused Aquino was seen with his shirt stained with blood near the place where the corpse was stretched out; the free and voluntary statement that he made to Braulio Cacatian that he had killed the deceased, Ceferino Cristal; also the statement that he afterwards made in his house to his own son, Nemesio Aquino, who saw his father's shirt covered with blood, that he had killed the deceased; the third statement, also voluntary, that he made a few hours afterwards to Mariano Liberate, the lieutenant of the barrio, who, doubting the truth of the occurrence, went to the place where the corpse lay, guided by the accused himself; and the confession that he afterwards made to the justice of the peace who conducted the preliminary examination, and to whom he stated that the motive which led him to kill the deceased was that the latter had attempted to take away his carabao—the declarations of these four witnesses, one of them the son of the accused himself, constitute conclusive and decisive proof of his guilt as the undoubted author of the violent death of the said Ceferino Cristal.

The courts must apply the penalties set forth in the code when the guilt of the accused is proven by any of the duly accepted means, according to the rules of sound judgment. Among these, grave and convincing circumstantial evidence may serve as ground for the conviction, when it is derived from facts duly proven, when there exists more than one circumstance, and when the combination and connection of the circumstances leave no reasonable doubt of the guilt of the accused, in the ordinary and natural course of human affairs.

This case offers more than two circumstances, and the merits and facts which it brings out demonstrate the guilt of the accused in a positive manner. No aggravating circumstance is to be considered as concurring in the commission of the crime, but the special circumstance established in article 11 of the Code in connection with Act No. 2142 must be applied.

For the foregoing reasons, whereby the errors assigned to the judgment appealed from are deemed to have been refuted, it is proper to affirm the same, as we hereby do, with the costs of this instance against the appellant.

Arellano, C. J., Johnson, Carson, Moreland, and Araullo, JJ., concur.

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