

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BALTAZAR LACAO, SR., PATRIA LACAO AND TRINIDAD LACAO MANSILLA, ACCUSED-APPELLANTS.**

*G.R. No. 95320. September 04, 1991*

Ponente: REGALADO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-95320/>

---

**REGALADO, J.:**

In an information filed on February 3, 1986 and docketed as Criminal Case No. 1416 in the Regional Trial Court of Capiz, Branch XXI, Baltazar Lacao, Sr., alias "Bantan", Patria Lacao, Trinidad Mansilla, Baltazar Lacao II, alias "Boticol," and Baltazar Lacao III, alias "Toto," were charged with the complex crime of murder with direct assault upon an agent of a person in authority allegedly committed as follows:

"That on or about the 28[th] day of September, 1985, at around 10:00 o'clock in the evening, in Brgy. Manibad, Municipality of Mambusao, Province of Capiz, and within the jurisdiction of this Court, the above-named accused armed with knives and wooden stools, conspiring, confederating and mutually helping one another, did then and there wilfully, unlawfully and feloniously, with evident premeditation, treachery and taking advantage of nighttime and superior strength to better facilitate the commission of the offense, assault, attack and hit one POLICE CORPORAL JOSE G. INOCENCIO, JR., an agent of person in authority while in the actual performance of his official duties, thereby inflicting upon the latter several injuries on the different parts of his body which caused his instantaneous death; that due to the death of said Police Corporal Jose G. Inocencio, Jr. and the consequent loss of his earning capacity, his heirs have suffered and are entitled to an indemnity in the sum of P30,000.00 plus moral and exemplary damages.

"That accused Baltazar Lacao, Sr., alias 'Bantan', has been previously convicted by final judgment of the crime of homicide.

"CONTRARY TO LAW."[1]

Upon arraignment, herein accused-appellant Baltazar Lacao, Sr. admitted killing the victim but interposed self-defense, hence a plea of not guilty was entered in his behalf, while Patria Lacao and Trinidad Mansilla pleaded not guilty. The other two accused, Baltazar Lacao II and Baltazar Lacao III, were not apprehended and have remained at large.

The facts found by the trial court, as established by unassailable evidence adduced at the trial, are as follows: At about 10:00 o'clock in the evening of September 28, 1985, prosecution witness Mila Parto was at her house in Barangay Manibad attending to persons who came to the wake of her aunt, Nemesia Lacao. Mila Parto is the sister-in-law of the deceased Police Cpl. Jose G. Inocencio, Jr. While she was so engaged, she heard and witnessed a commotion at the first floor of the two-storey house and the events that took place thereafter. The commotion arose from a card game where one Mansueto Rivera was losing and accused Baltazar Lacao II, who was playing with him, was furiously arguing with the former. Baltazar Lacao II then unsheathed his knife and threatened Mansueto Rivera by pointing the knife at the latter's neck. Wilma Rivera, the sister-in-law of

Mansueto, intervened and Baltazar Lacao II released the latter. Baltazar Lacao II then went inside the house wielding his knife and causing the other guests to panic.

It was then that Cpl. Jose G. Inocencio, Jr. went down to inquire into the matter and to pacify the people. When he saw Baltazar Lacao II with a knife, he held the latter's hand holding that knife. Baltazar Lacao II then said: "Nyor, release me." As Cpl. Inocencio did not release him, the latter's mother, Patria Lacao, then said: "Nyor, release my son." When Cpl. Inocencio released Baltazar Lacao II, the latter suddenly stabbed Inocencio on his right side. Baltazar Lacao, Sr. and his other son, Baltazar Lacao III, together with his wife, Patria Lacao, and his sister, Trinidad Lacao Mansilla, rushed inside the house and surrounded the victim.

The men then stabbed Cpl. Inocencio several times while the women hit him with stools. As the attack continued, the victim was pushed toward the door of the kitchen and he later slumped on the floor facing downward. Baltazar Lacao, Sr. then sat astride him and continued stabbing the latter as he was thus lying prostrate. Thereafter, this appellant asked: "Nyor, Nyor, are you still alive?" Appellant Patria Lacao interjected: "What are you waiting for, it is already finished, we have to go." Baltazar Lacao III then got the gun of Cpl. Inocencio and all the accused went away.[2]

All the foregoing facts were clearly and categorically established by said prosecution witness, unshaken and unaffected by the grueling cross-examination to which she was subjected. In the process she categorically identified the three appellants then present in the courtroom, as well as the knives and the stools used against the victim in the commission of the crime. Ample and credible corroboration was afforded by the straightforward testimonies of two other eyewitnesses, Isabel Llorente[3] and the victim's widow, Nelfa Inocencio,[4] who were admittedly present at the scene and the time of the bloody incident.

After an examination of the body of the deceased by Dr. Abel P. Martinez, a medico-legal officer and rural health physician, the following autopsy report was submitted and thereafter admitted in evidence:

"PERTINENT POST-MORTEM FINDINGS ON THE BODY OF P/CPL. JOSE G. INOCENCIO, JR. DONE AT MAMBUSAO, CAPIZ, ON SEPTEMBER 29, 1985 at 4:30 AM:

1. Rigor mortis — present.
2. Livor mortis — present.
3. Lacerated wound about 1" dia. located at the left frontoparietal region of the head, superficial.
4. Stab wound, about 3/4" dia. located at the level of 31CS MCL, left, going postero-inferiorly reaching the anterior peri-cardium.
5. Stab wound, about 3/4" dia. located at the level of 31CS 1" lateral to MCL right, going postero-inferiorly reaching the right lung tissue.
6. Stab wound, about 2-1/2" horizontally located at the subcostal area, MCL right, going postero-superiorly, hitting the liver.
7. Stab wound, 1" dia. located at the level of 51CS AAL, right, going medio-superiorly reaching the right lung.
8. Stab wound, about 2" dia. located at the level of the 10ICS AAL right, going medio-superiorly reaching the right lung.
9. Incised wound, about 1/2" dia. superficially located at the superior portion of the posterior elbow.
10. Stab wound, about 1/2" dia. located at the base of the neck, left going medio-inferiorly reaching the body of the cervical vertebra.
11. Stab wound, about 1" dia. diag. located at the supra-scapular region, left going antero-inferiorly reaching the left lung.
12. Two stab wounds superimposed to one another located at the scapular region, left, superficial, reaching the scapula.
13. Stab wound about 1-1/2" dia. perpendicularly located at the midscapular region, superficial, reaching the

body of the scapula.

14. Stab wound, about 1" dia. located at the left paravertebral line 10T, left hitting the rib.

15. Stab wound, about 1" dia. located at the left paravert, line 1L, superficial, hitting the underlying muscles.

16. Stab wound, 1" dia. located 2" lateral to Wd 15 going antero-medially hitting the underlying muscles.

#### CAUSE OF DEATH:

CARDIAC TAMPONADE SEVERE INTERNAL AND EXTERNAL HEMORRHAGES SECONDARY TO THE HEREIN INFLICTED WOUNDS."[5]

After trial, the court a quo rendered judgment convicting the three appellants of the crime charged, imposing on them the penalty of reclusion perpetua, and ordering them to indemnify the heirs of the victim in the sum of P30,000.00 for his death, P9,250.00 as actual damages, plus P100,000.00 as moral damages, without subsidiary imprisonment in case of insolvency, and to pay the costs.[6]

In their present recourse, appellants assign the following errors:

"I

THAT THE TRIAL COURT ERRED IN FINDING THE ACCUSED-APPELLANTS BALTAZAR LACAO, SR., PATRIA LACAO AND TRINIDAD LACAO MANSILLA GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF MURDER WITH DIRECT ASSAULT UPON AN AGENT OF PERSON IN AUTHORITY PURSUANT TO THE PROVISION OF ARTICLES 248 AND 148 IN RELATION TO ARTICLE 48 OF THE REVISED PENAL CODE, AS AMENDED, WHERE THE TRIAL COURT SENTENCES EACH OF THEM TO SUFFER THE PENALTY OF RECLUSION PERPETUA AND TO INDEMNIFY THE HEIRS OF THE VICTIM P/CPL JOSE INOCENCIO, JR. IN THE SUM OF THIRTY THOUSAND PESOS (P30,000.00) FOR HIS DEATH; PLUS P9,250.00 AS ACTUAL DAMAGES; PLUS P100,000.00 MORAL DAMAGES AND TO PAY THE COST OF THE SUIT.

II

THAT THE TRIAL COURT ERRED IN NOT FINDING THAT THE ACCUSED-APPELLANT BALTAZAR LACAO, SR. ACTED IN COMPLETE SELF-DEFENSE WHEN HE STABBED THE DECEASED JOSE INOCENCIO, JR.

III

THAT THE TRIAL COURT ERRED IN HOLDING THAT TREACHERY AS A QUALIFYING CIRCUMSTANCE ATTENDED IN THE KILLING OF JOSE INOCENCIO BY ALL ACCUSED-APPELLANTS.

IV

THAT THE TRIAL COURT ERRED IN HOLDING APPELLANTS PATRIA LACAO AND TRINIDAD MANSILLA GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF MURDER WITH DIRECT ASSAULT NOTWITHSTANDING THE FACT THAT THEY HAVE NOT PERFORMED OVERT ACT SHOWING CONSPIRACY FOR MERE KNOWLEDGE, ACQUIESCENCE OR APPROVAL OF THE ACT, WITHOUT COOPERATION IS NOT ENOUGH TO CONSTITUTE ONE A PARTY TO A CONSPIRACY, AND THAT THE TRIAL COURT ERRED IN NOT HOLDING THAT APPELLANTS TRINIDAD MANSILLA AND PATRIA LACAO NOT HAVING CONSPIRED WITH BALTAZAR LACAO, SR. IN KILLING THE VICTIM JOSE INOCENCIO, JR. TREACHERY CANNOT BE CONSIDERED AGAINST THEM.

V

THAT THE TRIAL COURT ERRED IN NOT ACQUITTING ACCUSED-APPELLANT BALTAZAR LACAO, SR. ON SELF-DEFENSE AND IN NOT ACQUITTING THE ACCUSED-APPELLANTS PATRIA LACAO AND TRINIDAD MANSILLA FOR FAILURE OF THE PROSECUTION TO ESTABLISH THE GUILT OF SAID ACCUSED BEYOND REASONABLE DOUBT.”[7]

The main thrust of the defense is that appellant Baltazar Lacao, Sr. acted in self-defense since Cpl. Jose Inocencio, Jr. attempted to shoot him but the gun did not fire. Said appellant allegedly grabbed the gun and stabbed the deceased more than five (5) times.[8]

The other appellants, Trinidad Mansilla and Patria Lacao, interposed the defense of alibi. Their version is that at 7:30 in the evening of September 28, 1985, they and one Consolacion Lago went to the wake at Barangay Manibad. They prayed and, at about 9:30 A.M., they went home but Baltazar, Sr. was left behind.[9] Baltazar Lacao II was alleged to be sleeping in their house and Baltazar Lacao III was said to be then in Roxas City studying at the La Purisima College.[10]

The Court finds the appeal to be devoid of merit.

Appellant Baltazar Lacao, Sr., by pleading self-defense necessarily admits that he killed the victim and he is thus duty-bound to prove the essential requisites for this justifying circumstance.[11] This circumstance he has to prove by clear and convincing evidence,[12] the onus probandi having shifted to him.

Now, this appellant admitted stabbing the victim more than five (5) times. As seen from the medico-legal report, the victim actually suffered fifteen (15) stab wounds, that the cause of death was hemorrhage and multiple stab wounds,[13] and that most of the injuries inflicted were indeed fatal. It cannot now be denied that, even indulging said appellant in his theory, he definitely exceeded the limits of what is necessary to suppress an alleged unlawful aggression directed to him by the victim. In fact, from the eyewitness accounts, he even continued stabbing the victim who was already slumped prone and helpless.

Said appellant also sought to buttress his defense by claiming that Cpl. Inocencio, prior to the stabbing, fired his gun at the former but the gun did not fire. This subterfuge is refuted by the unequivocal statements of the prosecution witnesses that the victim never removed his gun from his waistband,[14] and that the revolver only fell when appellants pushed the deceased.[15] Significantly, this story of appellant Baltazar Lacao, Sr. was never corroborated by any evidence of unlawful aggression on the part of the victim. The first requisite of self-defense is indispensable. There can be no self-defense unless it is proven that there has been unlawful aggression on the part of the person injured or killed by the accused. If there is no unlawful aggression, there is nothing to prevent or to repel. The second requisite of self-defense will have no basis.[16]

We also take note of the finding of the court below that none of the six (6) bullets recovered from the gun showed any sign or mark that the gun was ever fired. Had the gun been fired, the base of at least one bullet would have been impressed in the center by the corresponding indentation caused by the impact thereon by the firing pin of the revolver when the trigger is pulled. The absence of such physical evidence further sustains the holding of the trial court that even the first element of self-defense has not been proved despite said appellant's protestations.

Appellants Patria Lacao and Trinidad Mansilla were positively identified by all the prosecution witnesses as the ones who hit the victim with stools several times while the other three (3) male accused were stabbing the victim with their knives. In their defense, Patria and Trinidad sought refuge in the impuissant sanctuary of alibi. Trite as it is, we have to impress on appellants once again the doctrine that alibi is the weakest defense an accused can concoct. In order to prosper, it must be so convincing as to preclude any doubt that the accused could not have been physically present at the place of the crime or its vicinity at the time of the commission. In the face of positive identification of the accused by eyewitnesses, an alibi crumbles like a sand fortress.[17]

The trial court definitely held that appellants "Patria Lacao and Trinidad Mansilla were positively identified by all the eyewitnesses for the prosecution who were without any motive to falsely testify and implicate or point an unerring finger at the three accused inside the courtroom as the perpetrators of the crime. Their disavowal of participation in the gory killing of Cpl. Inocencio are self-serving and feeble attempts to disprove complicity and to which the court gives scant consideration." [18] Indeed, the participatory acts of said appellants having been testified to so clearly in detail by three (3) eyewitnesses, to refute the same by the discreditable defense of alibi would be an evidential travesty.

Identification of the culprits in this case was not difficult because the place where the crime occurred was sufficiently lighted. Where considerations of visibility are favorable and the witnesses do not appear to be biased against the accused, their assertions as to the identity of the malefactor should be normally accepted. This is more so when the witness is the victim or his near relative because these witnesses usually strive to remember the faces of the assailants. Moreover, the trial court gave credence to the prosecution's identification of the appellants as the culprits. Subject to exceptions which do not obtain in this case, the trial court is in a better position to decide this question, having seen and heard the witnesses themselves and observed their deportment and manner of testifying during the trial. [19]

The Court, however, is not favorably impressed with the prosecution's theory that the assailants acted pursuant to a conspiracy just because they apparently acted in unison in attacking the victim. True, conspiracy is always predominantly mental in composition because it consists primarily of the meeting of minds and, generally, complicity may be inferred from circumstantial evidence, i.e., the community of purpose and the unity of design in the contemporaneous or simultaneous performance of the act of assaulting the deceased. [20] However, conspiracy must be proved with as much certainty as the crime itself. [21] The same degree of proof required to establish the crime is required to support a finding of conspiracy, [22] that is, proof beyond reasonable doubt. [23]

At the very least, conspiracy presupposes a prior agreement or contemporaneous understanding on the part of the conspirators to commit a felony, in this case, to kill Cpl. Inocencio. A dispassionate appraisal of the facts readily reveals, however, that the attack on the victim originated spontaneously from and was initiated unexpectedly by Baltazar Lacao II. Appellant Baltazar Lacao, Sr. and his other son, Baltazar Lacao III, immediately joined in the fray by attacking the victim with their knives, whereupon the two female appellants, also assisted their menfolk by hitting the victim with stools.

The rapidity in the succession of such consecutive acts of the assailants, with the last four coming instinctively, as it were, to the aid of the original assailant, cannot but produce the conclusion that their actuations were activated without prior or apparent deliberation. It does not even appear that there was a call or a signal from one to the other to join the attack on Cpl. Inocencio, much less is there even an intimation that they had such a murderous intent or cabal at any time prior thereto. The spontaneity of their respective reactions, albeit resulting in an attack where they all participated, rules out the existence of a conspiracy.

As a consequence, therefore, the respective liabilities of appellants shall be determined by the nature of their individual participations in the felonious act. [24] It is understood, however, that whatever liabilities may attach to Baltazar Lacao II and Baltazar Lacao III are not concluded by the dispositions herein nor shall they be bound by the discussions in this opinion on their putative participations in the crime charged.

Anent the issue on whether or not treachery was properly appreciated as a qualifying circumstance, we agree with the holding of the court below since this was sufficiently proven by the evidence. It is elementary hornbook knowledge that there is treachery when the offender commits any of the crimes against persons employing means, methods, or forms in the execution thereof which tend directly and specially to insure its execution, without risk

to himself arising from the defense which the offended party might make.[25]

In the present case, the deceased was stabbed without warning the moment he unsuspectingly released the hand of Baltazar Lacao II. So sudden and unanticipated was the attack that the victim was given no chance to defend himself. Then herein appellants, although apparently acting without prior agreement, also instantly and all together attacked him. Even if their aforesaid acts were independently performed on their individual initiatives, such concerted action ensured the commission of the crime without risk to them arising from any defense or retaliation that the victim might have resorted to. Treachery was thus correctly appreciated against all appellants, the use of superior strength being absorbed as an integral part of the treacherous mode of commission.

Appellant Baltazar Lacao, Sr. admitted during the trial that he was once convicted of the crime of homicide but he was granted an absolute pardon therefore.[26] The lower court properly considered recidivism since a pardon for a preceding offense does not obliterate the fact that the accused is a recidivist upon his conviction of a second offense embraced in the same title of the Code.[27] This aggravating circumstance of recidivism accordingly offsets the mitigating circumstance of voluntary surrender by Baltazar Lacao, Sr.

With respect to appellants Patria Lacao and Trinidad Lacao Mansilla, they did cooperate in the execution of the offense by simultaneous acts which, although not indispensable to the commission of the offense, bore a relation to the acts done by the principal and supplied material or moral aid in the execution of the crime in an efficacious way.[28] Since they were aware of the criminal intent of the principals and having participated in such murderous criminal design sans a conspiracy, we hold them guilty of the milder form of responsibility as accomplices.[29]

The penalty for the complex crime at bar is that for the graver offense, the same to be applied in its maximum period. No modifying circumstance can be considered for or against herein appellants. With the proscription against the imposition of the death sentence, the trial court correctly sentenced appellant Baltazar Lacao, Sr. to suffer reclusion perpetua. Appellants Patria Lacao and Trinidad Lacao Mansilla are hereby sentenced to serve an indeterminate penalty of six (6) years and one (1) day of prision mayor, as minimum, to twelve (12) years and one (1) day of reclusion temporal, as maximum. The death indemnity is hereby increased to 50,000.00 in accordance with the present policy on the matter, with appellant Baltazar Lacao, Sr. primarily liable for P40,000.00 and appellants Patria Lacao and Trinidad Lacao Mansilla for P10,000.00, subject to the provisions of Article 110 of the Revised Penal Code.

WHEREFORE, with the foregoing modifications, the judgment of the trial court is hereby AFFIRMED.

**SO ORDERED.**

Melencio-Herrera, (Chairman), Paras, and Padilla, JJ., concur.  
Sarmiento, J., on leave.

---

[1] Original Record, 83-84.

[2] TSN, October 21, 1986, 3-11; June 16, 1987, 3; July 14, 1987, 18-22; August 17, 1987, 23-25.

[3] TSN, July 14, 1987, 748-755; August 17, 1987, 23-38.

[4] TSN, October 14, 1988, 10-16; November 24, 1988, 1-8.

[5] Exhibit "A"; Original Record, 8.

[6] Per Judge Julius L. Abela.

- [7] Rollo, 61-62.
- [8] TSN, December 19, 1989, 2-4; December 27, 1989, 6-8.
- [9] TSN, June 27, 1989, 9; August 1, 1989, 2-3; November 14, 1989, 3-4.
- [10] TSN, November 14, 1989, 4; December 19, 1989, 2-4; December 27, 1989, 6-8.
- [11] *People vs. Gavino, Sr.*, 155 SCRA 625 (1987).
- [12] *People vs. Masangkay, et al.*, 155 SCRA 113 (1987).
- [13] TSN, September 14, 1988, 10.
- [14] TSN, June 16, 1987, 3.
- [15] TSN, November 24, 1988, 6.
- [16] *Ortega vs. Sandiganbayan*, 170 SCRA 38 (1989).
- [17] *People vs. Cinco, et al.*, G.R. No. 79497, February 27, 1991.
- [18] Rollo, 52; See *People vs. Bermoy*, 105 SCRA 106 (1981).
- [19] *People vs. Berenguel, et al.*, G.R. Nos. 63753-54, December 21, 1990.
- [20] *People vs. Guevarra*, 179 SCRA 325 (1989).
- [21] *People vs. Geronimo, et al.*, 53 SCRA 246 (1973); *People vs. Dagangon, et al.*, 145 SCRA 464 (1986).
- [22] *People vs. Tumulip, et al.*, 60 SCRA 303 (1974).
- [23] *People vs. Saavedra*, 149 SCRA 610 (1987).
- [24] *People vs. Tividad, et al.*, 20 SCRA 549 (1967); *People vs. Cajandab, et al.*, 52 SCRA 161 (1973).
- [25] Art. 14(16), Revised Penal Code; *People vs. Melgar, et al.*, 157 SCRA 718 (1988).
- [26] TSN, December 19, 1989, 6.
- [27] *U.S. vs. Sotelo*, 28 Phil. 149 (1914).
- [28] *People vs. Tamayo, et al.*, 44 Phil. 38 (1922).
- [29] *People vs. Torejas, et al.*, 43 SCRA 158 (1972); *People vs. Palencia, et al.*, 71 SCRA 679 (1976).

**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.