

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. IGNACIO BELTRAN AND TEOTIMO BALTAZAR, DEFENDANTS AND APPELLANTS.

G.R. Nos. 46119-46121. May 12, 1939

Ponente: MORAN, J.

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MORAN, J.:

Between 7 and 8 o'clock in the evening of June 18, 1937, while Florencio Laparan and his wife Simeona Castillo were taking supper in their house in the barrio of Langkaan, municipality of Dasmarinas, Province of Cavite, two (2) persons with firearms shot them without warning and in rapid succession, killing thus Florencio Laparan and wounding Simeona Castillo on the head just above the left ear. After the corresponding investigation had been conducted by the constabulary and police authorities, the accused, Ignacio Beltran, was arrested on the same night, and the other, Teotimo Baltazar, surrendered two (2) weeks later. Three (3) informations were filed, one against Ignacio Beltran for the murder of Florencio Laparan (G. R. No. 46119), another against Teotimo Baltazar for the murder of the same Florencio Laparan (G. R. No. 46120), and another against both, Ignacio Beltran and Teotimo Baltazar, for the frustrated murder of Simeona Castillo (G. R. No. 46121). Upon arraignment, the defendants pleaded not guilty. Upon agreement of the parties, the three (3) cases were jointly heard. After trial, the lower court found the accused, Ignacio Beltran, guilty of the murder of Florencio Laparan, with the aggravating circumstance of dwelling and mitigating circumstance of lack of instruction, and sentenced him to life imprisonment, with the accessory penalties provided by law, and to pay the costs; the accused, Teotimo Baltazar, guilty of the murder of the same Florencio Laparan, with the same aggravating and mitigating circumstances plus another mitigating circumstance of surrender to authorities, and sentenced him to an indeterminate penalty of from ten (10) years and one (1) day of prison mayor, to seventeen (17) years, four (4) months and one (1) day of reclusion temporal, with the accessory penalties provided by law, and to pay the costs; both accused were also sentenced to indemnify the heirs of the deceased Florencio Laparan in the sum of one thousand pesos (P1,000) without subsidiary imprisonment taking into consideration the nature of the principal penalty. The court found both defendants guilty of the frustrated murder of Simeona Castillo, with the same aggravating and mitigating circumstances, and sentenced each of them to an indeterminate penalty of from four (4) years, two (2) months and one (1) day of prison correctional, to ten (10) years and one (1) day of prison mayor, with the accessory penalties provided by law, and to pay the costs. They appealed.

In this appeal the defendants do not question the commission of the crimes charged. They deny only their supposed identity as the assailants. But it appears that Luis Laparan and Conrado Laparan, who were living near the house where the crimes were committed, upon hearing the shots, went to the said house and found their brother, Florencio Laparan, already dead lying on the bosom of Simeona Castillo. They asked their sister-in-law Simeona who had killed Florencio, and she answered that they were Ignacio Beltran and Teotimo Baltazar, the two defendants herein.

Lieutenant Rueda of the Philippine Constabulary, informed of the crime, went to the place, accompanied by the

chief of police of Dasmariñas and several soldiers. He arrived there at about 11 o'clock of the same night and with the chief of police immediately proceeded to investigate Simeona Castillo, who again stated that the persons who assaulted her and her husband were the two defendants, Ignacio Beltran and Teotimo Baltazar. Ignacio Beltran was immediately arrested and brought before Simeona Castillo who identified him as one of the assailants. Teotimo Baltazar could not be arrested immediately, as above stated, but two weeks later he surrendered to the police authorities.

At the trial, Simeona Castillo ratified her statement as to the identity of the two defendants, as the assailants, explaining that she could recognize them on account of the light that was on the floor where she and her husband were then dining, and because they were old acquaintances. She testified further that after her husband was shot and killed, the defendant Teotimo Baltazar instructed his co-defendant Ignacio Beltran to shoot and kill her so that she might not be able to testify before the authorities; that accordingly a shot was then fired at her which wounded her on the head above the left ear, and she fell down shouting that she was dying; and that, thereafter, the two defendants threw her child of four or five years of age to a wall, kicked at the light that was on the floor, and then left the house.

After examining the testimony of this witness, we find no ground to disturb the conclusion of the trial court as to her credibility. Appellants point out some supposed inconsistencies in her testimony regarding certain details of the shooting. But whether or not the shots fired were three, four or five, or whether or not the shot on Florencio's forearm was prior or subsequent to that which caused him to fall dead and the like, are details regarding which no accuracy can reasonably be expected from a witness who, like Simeona Castillo, was extremely excited and confused during the bloody affair.

As to the motive of the crime, it appears that on June 1, 1937, the two defendants went to the house of Florencio Laparan and asked him for a fighting cock. When Florencio Laparan refused to give them the cock, they showed disappointment. This motive seems indeed to be a trifle. But this is not the first time that serious crimes had been committed on a trifling motive. The fact that these defendants had the audacity of asking without payment for a thing belonging to another, is an indication of the kind of people that they are. Besides, in the present case, evidence of motive is not indispensable, for the evidence as to the identity of the defendants as the assailants is clear and positive.

The defendants, aside from their weak and uncorroborated evidence of alibi, introduced two witnesses, Martin Anerna and Felix Ronas, who testified that, after hearing the shots, they went to the house of the crime, and there Simeona Castillo told them that one of the assailants was one "Kuya Simeon." This testimony was belied by Simeona Castillo, who testified that she had told nobody who the assailants were, except her brothers-in-law, Luis Laparan and Conrado Laparan, and the agents of the law. It was certainly improbable for her to say one thing to Lieutenant Rueda, the chief of police and her two brothers-in-law, and another thing to these two witnesses for the defense. And as between the testimony of Lieutenant Rueda and of the chief of police and that of these two witnesses for the defense, there is every reason to accept the former, not only because Lieutenant Rueda and the chief of police were then complying with their duties, but because their testimony is ratified by Simeona Castillo. The testimony of these two officers of the law is further corroborated by the indisputable fact that after Simeona Castillo had told them who the assailants were, they arrested Ignacio Beltran and ordered the arrest of Teotimo Baltazar.

On the other hand, one of these two witnesses, Felix Ronas, testified that Simeona Castillo told him that she recognized the assailants but requested him not to ask her any question because she was not feeling well. This corroborates her testimony that, on account of her condition, after having spoken to her two brothers-in-law, she did not pay attention to the other people who came to the house (except the agents of the law). This fact appears to

be in consonance with the circumstances of the case. As she was then desperate, attending to the dead body of her husband, and was herself wounded, it was but natural that she should have no willingness to talk with the people and to answer any question except those coming from her relatives and the agents of the law. We therefore find no sufficient ground to disturb the conclusion of the lower court as to the lack of credibility of these two witnesses for the defense.

A motion for new trial is filed by the appellants on the ground of newly discovered evidence. The supposed evidence consists in the testimony of Miguel Umali, a convict, who, according to him, succeeded in escaping from jail, and, while thus at large, happened to receive the confession of three (3) persons (Miguel "Tancad", Doro and Simeon), to the effect that they were the ones who had committed the crimes herein charged. The evidence comes from a polluted source and does not seem to be meritorious. It is also contrary to the evidence offered at the trial by the defense of Ignacio Beltran, purporting to show that the authors of the crime were the accused Teotimo Baltazar and two other persons by the names of Lazaro Rojas and Valentin (alias Cuping). Besides, the Government may proceed to the investigation of the facts testified to by said convict, for the guilt of the three (3) persons referred to by him is not entirely inconsistent with the guilt of the defendants herein. Judgment appealed from being in conformity with the law and the facts, is hereby affirmed, with costs against appellants.

Avanceña, C. J., Villa-Real, Imperial, Diaz, Laurel, and Concepcion, JJ., concur.

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