

45 Phil. 78

[G.R. No. 20238. July 28, 1923]

**THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS.
BERNARDO BAYQUEN, DEFENDANT AND APPELLANT.**

D E C I S I O N

STATEMENT

July 6, 1921, at or about midnight, Manuel Valera, Mateo Valera, Nicolas Valera and Marcos Bersamira, all residents and political leaders of the municipality of Bangued, Province of Abra, broke and entered the home of two helpless women while they were sleeping, and brutally murdered them. The evidence tends to show that they thought that one of the women had about P40,000 concealed in and around the house, and that the primary purpose was robbery. It also tends to show that the women were aroused from their slumber, and that at least two of the defendants were recognized, and that because they were recognized, the women were murdered. The screams of the murdered women and the force of the assault aroused a servant who was sleeping upstairs and who started to go to the relief of the women, which scared the murderers, and they fled from the house without having actually committed the robbery. A few days later all four of them made a detailed confession of their guilt before Felipe Santo Tomas the Constabulary commander, and later to provincial fiscal Azanza, in which each of them expressly stated that no other person was implicated in the commission of the crime. Marcos Bersamira and Mateo Valera made affidavits, which they identified and affirmed at their trial as their free and voluntary act, and in which the positive statement is made that no other person, except the four confessed murderers, participated in the commission of the crime. Based upon their respective confessions, an information was filed against them, and the four were tried and convicted of the crime of "attempted robbery in band with

double murder," and each was sentenced to life imprisonment.

November 29, 1922, more than sixteen months after the making of the affidavits and confessions, an information was filed against the defendant in the instance case, charging him as one of the conspirators in the commission of the crime. It appears that Bernardo Bayquen is a first cousin of Francisca Vasquez, who was one of the victims to the crime, and Manuel Valera, one of the confessed murderers and the principal witness against the defendant here, was a third cousin. After trial the defendant here was found guilty as a principal of the crime alleged, and under the provisions of article 506 of the Penal Code and the aggravating circumstances Nos. 15 and 20 of article 10, was sentenced to *cadena perpetua*, to suffer the accessory penalties provided in article 54 of the Penal Code, and with his confederates to indemnify jointly and severally the heirs of the deceased in the sum of P1,000, and to pay the costs of the trial. From this sentence the defendant appeals, claiming, first, that the court erred in finding him guilty of the crime charged; second, in sustaining objections to evidence offered pro and con by the accused; and, third, in displaying manifest prejudice and hostility against the accused, and in denying him a fair and impartial trial.

JOHNS, J.:

At midnight two helpless and defenseless women were cowardly and brutally murdered in their own home, ostensibly for the purpose of robbery, and a few days later the parties to the actual commission of the crime made voluntary confessions of their guilt, in which they detailed how and when and by whom the crime was committed. As a result, the four parties are now serving a life sentence in Bilibid. It is not claimed that the defendant here was in or near the house, or that he actually participated in the commission of the crime. But it is claimed that he conspired and confederated together with the four, who personally did commit the crime, and that in truth and in fact he was responsible for, and induced them to commit, the crime, and that they killed the two women, acting on the advice and suggestion of the defendant, to the effect that if anyone of the four were recognized by either of the women, that the women should be killed, so as to destroy any evidence of identity.

We have carefully read and re-read all the testimony in this case, and

outside of the evidence of the three self-confessed murderers, there is not a single fact or circumstance which tends to corroborate the testimony of Manuel Valera, Mateo Valera, and Marcos, Bersamira, that the defendant here was a party to the crime.

Upon that point, in its final analysis, their testimony is vague, indefinite, and uncertain. No details of any conspiracy are given, or as to what was said, by whom it was said, where it was said and when it was said. It is, indeed, strange that where five men have conspired and confederated together to commit such a brutal and cowardly crime, that there should not be more evidence of the details as to what was said and done by the respective parties at the conferences, and, in particular, as to the one alleged to have been held in the Cine on the morning of July sixth.

Manuel Valera testified that he had known the defendant since childhood.

“Q. Why did you people kill those two women?—A. The order of Mr. Bernardo Bayquen was: ‘As soon as any one of you is recognized, kill them.’

“Court:

“Q. That is no answer to the question, why did you kill them?—A. I did not kill anybody.

“Q. Well, the others, why did they kill them?—A. Probably under the order of Mr. Bayquen when we had a meeting.”

He further testified that he was candidate for municipal president.

“A. And because I know Mr. Bernardo Bayquen and my companions were leaders of good standing in this municipality and I wanted to get their help, so I agreed with their proposal but I said that the only thing I agreed to was to rob and nothing else.

“A. He said ‘Well, just follow.’

“A. I agreed to his proposal.

“A. He said that what we could rob will be spent in politics.

“Q. What do you mean by many times, about how many times did you talk with him?—A. I do not remember.

“Q. Guess at it, 10 times, 40 times, 100 times (witness does not answer). Hurry up, how many times?—A. Probably ten times.

“A. He and others, he said that he would also get some others for our companions.”

When asked how many conferences were held with the defendant, this witness says: “I do not remember,” and after a long hesitation, he says: “Ten times.” Yet, there is not a syllable of evidence as to what was said by either of them in the other nine conferences, or as to who was present or where they were held. So far as appears from the record, about the only thing which was discussed at the meeting in the Cine on the morning of the crime were the plans of the house where the women were sleeping. Yet, it conclusively appears that prior to the murder, Manuel Valera was a frequent visitor at the house of the deceased women and was familiar with the house. The record shows that the defendant here was a prominent, substantial business man of the municipality, and that his only accusers are self-confessed murderers, and that Nicolas Valera, one of the four, as a sworn witness at the trial, testified that the defendant was not a party to the crime, and expressly exonerated him of the charge. It is, indeed, strange that for sixteen long months, no charge was ever made against the defendant here, and that the charge was for the first time made after Manuel Valera received a letter from his brother Esteban Valera, as to which Manuel Valera said: “I received a letter from my brother whereby he tells me that he and the fiscal of Abra had a talk and that we must implicate Bernardo Bayquen.”

It appears that at the time the testimony was given Manuel Valera had the letter in question, but for some unknown reason, it was never offered in evidence.

The testimony is also conclusive that at the time the letter was written, and

for a long time prior thereto, the defendant and Esteban Valera were personal and political enemies, and that they did not speak to each other.

It is a fundamental rule of law that a defendant is presumed to be innocent until such time as his guilt is established beyond a reasonable doubt, and that this presumption of innocence is continuous throughout the trial. Applying that rule, the testimony is not sufficient to convict the defendant of such a brutal crime. There is not a single surrounding fact or circumstance which corroborates or tends to corroborate the testimony of the three self-confessed murderers. Their testimony is vague, indefinite, and uncertain, and there is an entire absence of any detail as to any conspiracy or confederation, to which the defendant was a party, or as to what was said, who said it, or who was present, or when or where it was said, outside of the conference in the Cine on the morning of July 6th.

In the absence of any corroborating evidence whatever, no person ought to be convicted of the crime of murder on the indefinite, uncertain, and doubtful testimony of self-confessed murderers, especially where the prosecution was instigated, as in this case, by a personal and political enemy sixteen months after the crime was committed, and the evidence of the self-confessed murderers is in direct conflict with their own affidavits and confessions made at the time the crime was committed.

For aught that appears in the record, the same proof could have been made against any other citizen in the community. Something more should be required to find a reputable citizen guilty of such a brutal crime.

With all due respect to the trial court and the Attorney-General, the proof is not sufficient to find the defendant guilty beyond a reasonable doubt.

The judgment of the lower court is reversed, the defendant acquitted, his bondsmen released, with costs *de officio*. So ordered.

Street,
Malcolm, Avanceña, Villamor, and Romualdez, JJ.,
concur.

Johnson, J., did not take part.

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