

[G.R. No. 584. April 27, 1903]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. PEDRO PEREZ ET AL.,
DEFENDANTS AND APPELLANTS.**

D E C I S I O N

TORRES, J.:

At 10 o'clock on the night of the 27th of October, 1901, the accused, Pedro Perez and Graciano Buenaventura—Perez carrying a gun and a bolo and Buenaventura only a bolo—went to the house of Rosa Magalang, situated in the barrio of Cabol, in the town of San Carlos, and captured Mariano Gonzales and Lorenzo de Vera, who were there visiting. After binding them they carried them toward the west to a place some 40 *brazas* from the house. On the same night and at the same house Pedro Perez and Apolinario Reyes went to the house of Alberto de Guzman, situated a short distance from the house of Rosa Magalang, his mother, and also captured Alberto, who was taken to the same place to which Gonzales and Vera had been conducted, near a stream not far distant, and there all three met a violent death by decapitation. The police, who searched for them on the following day, upon complaint of Severina de Guzman, sister of Alberto, and who lived in the house of his mother, Rosa Magalang, found the bodies of these three men with their heads separated from their trunks and with their arms tied, but without finding any other wounds on the bodies.

From the facts related, it follows that the triple crime of murder has been committed, defined and punished by article 403 of the Penal Code, inasmuch as the deceased, after having been captured, between 10 and 11 o'clock on the night of the 27th of October, 1901, were bound and taken to a place not far distant from their houses where they were treacherously killed, the aggressors, in the execution of the crime, having availed themselves of the defenseless condition of their victims. It therefore appears that the murderers assured the consummation of the crime without risk to themselves arising from any attempt at self-defense, which they knew their victims were unable to make.

The three accused pleaded not guilty to the crimes of which they were charged, but nevertheless the record discloses sufficient evidence for the prosecution. The facts established by the evidence, and sufficient in number, unquestionably show the guilt of the three accused as coprincipals in the murders for which they were prosecuted.

Robbery was not the motive of this triple crime. It was revenge, hatred, and malice, arising from the passion of jealousy on the part of a third person, who took no part in the murders, as was clearly explained by the girl, the sister of the unfortunate Alberto, and who lived in the house of the mother of the latter, Rosa Magalang. This girl was an eyewitness to the seizure of Gonzales and Vera.

Severina de Guzman had been abducted by Benigno de Vera for immoral purposes, and for this abduction Benigno de Vera was prosecuted and convicted. A few days after the girl Severina had been carried off by her abductor, and while still detained in his house, Mariano Gonzales, accompanied by others who had been searching for her, found her in Benigno's house, from which they took her, restoring her to her mother. After this occurrence Gonzales desired to marry her, while Benigno still continued his solicitations that she return to him. As Benigno was a friend of the accused, Pedro Perez and Graciano Buenaventura, Severina believed that the latter had acted by reason of their hatred toward Gonzales. The fact is that not only was the latter murdered, but also Vera and Alberto, brother of the abducted girl.

It is a familiar doctrine, constantly observed and applied in practice, that the courts, after a careful study of a case, are required to conscientiously weigh the evidence of all kinds produced in the course of the trial, the statements of the accused, and the arguments for the prosecution and the defense, in order that they may thereby render a proper judgment.

Circumstantial evidence arising from well-established facts, and which fully convinces the mind, may be the basis of a judgment of conviction and is as important as any other kind of proof producing moral evidence, inasmuch as the ample power which the court has under the law to consider evidence of both kinds, is only subject to the rules of a rational discretion; and it is common sense to believe that when the truth has once been ascertained, whatever may have been the means of proof by which such truth may have been arrived at, the upright judgment and severe conscience of the judges will not be in conflict with sound discretion.

The fact of the murders is unquestionable. That has been plainly demonstrated by the

finding of the three decapitated bodies, which cry for justice and demand the punishment of the murderers. It is unquestionable that the murderers were the three accused, Pedro Perez, Graciano Bueneventura, and Apolinario Reyes, and that they, acting in concert, proceeded to carry off the three victims and assassinate them by decapitation, as the heads of the deceased were found separated from their bodies.

There was no witness to these murders, but the testimony of the three witnesses who saw and were present at the capture of the three deceased; the fact that on the day following the three bodies, somewhat separated, but only a short distance from one another, were found as described; the uniform manner of their killing, as all three were decapitated, no other wounds being found on the bodies; the participation of Pedro Perez in the capture of the three deceased; the fact that these captures took place almost at the same hour on the night of the 27th of October, 1901, although it does not appear whether Gonzales and Vera were captured before Alberto de Guzman, or *vice versa*; the circumstance that no other crime was committed in the two houses from which the deceased were taken; the fact that the accused have not produced any evidence to destroy or contradict the charges brought against them in the trial, inasmuch as, if they were not the murderers they should explain—it having been shown that they were the ones who carried off the deceased—who it was that so cruelly and inhumanly decapitated the three men who were carried off on that night. All these data in support of the prosecution, founded upon established facts which constitute circumstantial evidence and give rise to the strongest presumptions when considered together with the other data contained in the case, especially, the testimony of the three witnesses mentioned, demonstrate conclusively, and without leaving room for the slightest doubt, that the three accused were coprincipals by direct participation, and, as a result of a previously concerted agreement, in the commission of the three offenses of murder charged.

In the perpetration of the three murders we must consider the presence of the aggravating circumstances of premeditation and nocturnity, there being present no mitigating circumstances. The record discloses the fact that the three murderers, acting upon agreement and well armed, proceeded to capture the three victims, availing themselves of the silence of the night, acting upon a preconceived plan and purpose of revenge, it being unquestionable that they acted jointly and as a result of a previous agreement, after having meditated with reflection upon the consummation of the crime. This is shown by the presence of Perez at the time of the commission of both seizures. The proximity of the houses in which the victims were living, the fact that these captures were effected one after the other with a very short interval of time between them, the fact that the three bodies were found, as stated, with no other wounds than those on the neck, and all with the head

separated from the body and in the same place, although slightly separated from one another—all these details demonstrate premeditation and a cold-blooded and methodical commission of the crimes, without precipitation or confusion.

With respect to the objection raised by counsel for the accused, made before this court, it is sufficient to say that the complaint expresses in the singular number the denomination of the crime of which the accused are charged, and that the deceased were conducted, bound, to the place where they were subsequently murdered.

From the context of the complaint it is inferred that the same refers to one single crime of murder, and as the decision of the judge and the decision of the court are limited to convicting the accused of only one crime of murder, although the evidence demonstrates that they were guilty of three murders, it does not appear that there has been any infraction of the procedure of law, nor, because the record discloses the commission of three murders, can the complaint, the trial, and the judgment below be considered as defective or void, more especially in view of the fact that no exception was taken at the proper time during the trial in the court below.

Upon these grounds, therefore, we consider that the judgment of the court below should be affirmed with respect to the personal penalty imposed, which will be executed in accordance with article 101 of the Penal Code, in the public square of the town of San Carlos, Pangasinan, the three accused being further condemned, in case of a pardon, to the accessories, of absolute, perpetual disqualification and subjection to the vigilance of the authorities during their lifetime, unless such penalties shall have been expressly remitted in this pardon covering the principal penalty, and, further, to pay, *pro rata* or *in solidum*, the sum of 1,000 Mexican pesos to the heirs and widow, if any, of each one of the three deceased, and the payment, each one, of a third part of the costs of both instances. So ordered.

Arellano, C. J., Cooper, Willard, and Ladd, JJ., concur.

McDonough, J., did not sit in this case.

Mapa, J., dissents.

