

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. PANFILO BLAS, DEFENDANT-APPELLANT.

G.R. No. L-31605. July 31, 1981

Ponente: CONCEPCION, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/3f2f66220556/>

CONCEPCION, JR., J.:

On February 18, 1968, Nathanael Lotuaco and a policeman Rolando Molina, both residents of Barrio Malimba, Gapan, Nueva Ecija, were killed in the same place and occasion, resulting in the filing of two informations[1] in the Circuit Criminal Court of Nueva Ecija, at Cabanatuan City, charging Panfilo Bias and John Doe of the crime of murder, allegedly committed as follows:

(1)

"That on or about the 18th day of February, 1968, in the Municipality of Gapan, Province of Nueva Ecija, Republic of the Philippines, and within the jurisdiction of this Honorable Court, the above-named accused conspiring and confederating with another person who was killed thereafter, with intent to kill, evident premeditation and treachery, did then and there wilfully, unlawfully and feloniously shoot Nathanael Lotuaco with a firearm,

hitting and fatally wounding him which injuries caused his instantaneous death.

"Contrary to law,"[2]

(2)

"That on or about the 18th day of February, 1968, in the Municipality of Gapan, Province of Nueva Ecija, Republic of the Philippines, and within the jurisdiction of this Honorable Court, the above-named accused conspiring and confederating with another person who was killed thereafter, with intent to kill, evident premeditation and treachery, did then and there wilfully, unlawfully and feloniously shoot Rolando Molina with a firearm, hitting and fatally wounding him with caused his instantaneous death.

"Contrary to law."[3]

On petition of both parties a joint trial of the two cases was held, after which, based on the testimonies of the lone principal witness Mario de la Cruz and Dr. Diosdado del Fonso, the doctor who conducted the autopsy on the body of Nathanael Lotuaco, the trial court convicted the accused Panfilo Bias, in the decision dated January 8, 1970, in the Criminal Case No. CCC-IV-66 (524)-NE with dispositive part as follows:

WHEREFORE, this Court finding the accused Panfilo Bias guilty beyond reasonable doubt of the crime of Murder, in Criminal Case No. CCC-IV-66 (524)-NE, and there being no aggravating nor mitigating circumstances in his favor, hereby sentences him to suffer the penalty of reclusion perpetua, to indemnify the heirs of the deceased offended party in the amount of P12,000.00 and to pay the costs. The herein accused shall be entitled to one-half (1/2) of the preventive imprisonment he has already undergone in the service of his sentence.

"So Ordered." [4]

In Criminal Case No. CCC-IV-67 (525)-NE, the trial court, in the absence of evidence of conspiracy and the autopsy examination of the victim Rolando Molina, acquitted Panfilo Bias. [5]

Panfilo Bias appealed from the judgment of conviction. The version of the prosecution is as follows:

In the morning of February 18, 1968, at sitio Bulihan, Barrio Malimba, Municipality of Gapan, Nueva Ecija, Nathanael Lotuaco was in his farm together with his companions, Mario dela Cruz, Danilo dela Cruz and Rolando Molina. Three persons arrived, later on allegedly identified as Panfilo Bias, Ramon Jose and Mario Ramos. At that time victim Rolando Molina was sleeping in his hut, while victim Nathanael Lotuaco and the cousins Mario and Danilo dela Cruz were laying iron pipes on the ground. Ramon Jose asked Lotuaco the question in Tagalog: "Pare, yari na ba ang kadena ng landmaster?" (Friend, is the chain for the Landmaster already finished?) Without answering, Lotuaco told Mario de la Cruz to get the chain. Mario and Danilo left the place to comply. Not having gone far, Mario and Danilo heard two gunshots. Looking in the direction of the gunfire, they saw the victim Nathanael Lotuaco in a kneeling position with the accused Bias and his two companions behind him. Bias held a gun. The three then entered the hut, and the cousins afterwards heard two shots inside the hut. Both Mario and Danilo, because of fear, ran towards the creek and did not return to the hut. Later, they saw Lotuaco and Rolando already dead. [6]

Dr. Diosdado del Fonso, a rural health officer, conducted the autopsy on Lotuaco's cadaver, with the following findings:

"HEAD AND NECK:—

"(a) Gunshot wound of about 1/2 cm. in diameter with clean cut edges. The said wound is about 5 cm. away from the left pinna, on the occipital region, on the level of the left ear. The said wound is through and through to exit on the frontal aspect, about 2 cm. above the left eyebrow. The said wound is about 1 and 1/2 cm. by 2 cm. with corrugated edges.

"(b) Gunshot wound on the left parietal region of about J1 cm. above the external auditory meatus of the left ear. The said wound is 1/2 cm. in diameter with clean cut edges to make an exit on the right parietal region of about 9 cm. above the right external auditory meatus. The said wound is the exit with 1 and 1/2 cm. by 2 cm. with corrugated edges.

"(c) Brain substances with blood are found oozing on the point of exit of the bullets.

"IMPRESSION: Death is due to shock with internal hemorrhage." [7]

Dr. del Fonso testified that when victim Lotuaco was fired at he was most probably in a sitting or standing position, and his assailant was on his left side. [8] Mario de la Cruz testified that he saw Lotuaco in a squatting position after he heard the shots. [9]

The version of the defense is as follows:

Accused-appellant Panfilo Bias presented as alibi that on February 18, 1968, he drove his tricycle to the house of Mayor Nagano of San Leonardo, Nueva Ecija, with Luis Asperas and Exequiel Marquez, at between 7:00 to 9:00 a.m. Between lunch time and 5:00 p.m. on that day he drove his tricycle to get passengers for pay. [10] Luis Asperas, Sixto Nunez, Tagumpay Nagano corroborated the alibi of the accused. [11]

Sgt. Benito Vispo of the PC testified that the extrajudicial statements of witness Mario de la Cruz [12] were taken before him and not before the police. [13]

Artemio Reyes, the incumbent Chief of Police of San Leonardo, Nueva Ecija, testified that Adriano Marquez, son of Exequiel Marquez, was a policeman of that town from January 20 to April 2, 1968.[14]

Exequiel Marquez and Luis Asperas were brought by the accused to the house of Mayor Tagumpay Nagano of San Leonardo, Nueva Ecija, on February 18, 1968, in the morning, on board the accused Bias' tricycle precisely to talk on the case filed against policeman Adriano Marquez.

Appellant questions the veracity and credibility of the testimony of the lone prosecution witness Mario de la Cruz as glaringly inadequate and insufficient for conviction in this case.

It is claimed that witness Mario de la Cruz contradicted himself in his testimony. As to the gun used by appellant in relation to the size of the victim Lotuaco's head wound, witness Mario de la Cruz was shown a .45 caliber gun during the trial, and he testified that it was that "kind of gun" that was used.[15] It is true that the entry wound in the head was caused by a .22 caliber firearm, but witness Mario de la Cruz did not testify that the gun used was a .45 caliber one. What he said was that he saw the appellant holding a small gun.[16] Witness Mario de la Cruz, having reached no higher than grade school cannot be expected to have knowledge of kind and caliber of guns. He had no experience in handling guns.

Regarding the witness Mario's description of appellant being dark complexioned, mustached, and limping, it was simply his first impression of appellant Bias. Witness Mario said he remembered appellant's face.[17] Mario also stated that appellant could have shaved already.[18] Witness also said that it was not appellant but Ramon Jose who limped.[19] A person's complexion may be considered a relative matter. We are convinced of the positive identification of the appellant by witness Mario de la Cruz.

Mario de la Cruz knew the appellant's name is Bias because the Gapan Police told him so on February 20, 1968.[20] His having failed to state Bias' name in the statement of February 21, 1968[21] must be for the reason that he was not asked by the P.C. investigators the name of the appellant. Witness Mario de la Cruz stated in his statement, Exhibit 9, that Narciso Ramos was one of those who shot the victim Lotuaco.[22] He clarified that statement during the hearing, stating that appellant was the one who shot the victim, and Ramos was one of the appellant's companions.[23]

On the wounds of the deceased, Dr. Del Fonso testified that when the victim was fired at he was probably in a sitting or standing position, his assailant on his left side.[24] Witness Mario de la Cruz testified that the victim was in a squatting position when the former saw the latter.[25] Prosecution witness was not precise on this point because he was in a confused state of mind at that moment.

The supposed inconsistencies of the witness Mario de la Cruz in his testimony were more apparent than real. The trial court observed that witness de la Cruz, like any other normal witness "inexperienced and unlearned", had to fall into some inconsistencies. His "apparent confusion in dates was probably caused by the poor memory of herein witness which is not unusual under the circumstances.[26] Truthful witnesses are seldom perfect witnesses.

The evidence of record is bereft of any known motive why this witness should falsely testify against the appellant, or of any special personal interest in appellant's conviction. His testimony must be given full faith and credit.

It is true that witness de la Cruz did not testify that he saw the appellant shoot the victim. It is however true that this witness said that of the three intruders he "only saw Bias holding a gun." [27] Witness de la Cruz told the police that the appellant was the one who shot the victim; [28] that appellant Bias was the assailant; [29] and that "Panfilo Bias was the only one who shot Nathanael." [30]

The positive identification of appellant by the witness Mario de la Cruz is beyond doubt, hence the alibi of

appellant cannot stand against it. The trial court was morally convinced that it was appellant Panfilo Bias, together with Ramon Jose, deceased, and Narciso Ramos, still at large, who shot and killed the victim in the morning of February 18, 1968, and no evidence of record appears to contradict such conclusion.

WHEREFORE, the decision dated January 8, 1970, in Criminal Case No. CCC-IV-66 (524)-NE, is hereby AFFIRMED, with costs against appellant.

SO ORDERED.

Barredo (Chairman), Aquino, Abad Santos and De Castro, JJ., concur.

[1] CCC-IV-66 (524)-NE and CCC-IV-67 (525)-NE.

[2] p. 1, Original Record, CCC-IV-66 (524)-NE.

[3] p. 1, Original Record, CCC-IV-67 (525)-NE.

[4] pp. 42-43, rollo.

[5] pp. 43-45, rollo.

[6] pp. 5-8 t.s.n., April 14, 1969.

[7] Exh. 1, Exh. "A", p. 35, Original Record.

[8] p. 3, t.s.n., April 14, 1969.

[9] p. 19, t.s.n., April 28, 1969.

[10] pp. 9-23 t.s.n., Nov. 18, 1969.

[11] pp. 45-47, t.s.n., May 30, 1969; pp. 54-55, t.s.n., July 14, 1969; pp. 1-4, t.s.n., Nov. 4, 1969.

[12] Exhs. 2 and 3.

[13] pp. 52-54, t.s.n., July 14, 1969.

[14] pp. 56-58, t.s.n., August 28, 1969.

[15] p. 20, t.s.n., April 28, 1969!

[16] p. 18, t.s.n., April 28, 1969.

[17] p. 23, t.s.n., April 28, 1969; p. 31, t.s.n., April 14, 1969.

[18] p. 31, t.s.n., April 14, 1969.

[19] pp. 31-32, t.s.n., April 14, 1969.

[20] p. 11, t.s.n., April 14, 1969.

[21] Exhibit 2.

[22] p. 35i t.s.n., April 16, 1969.

[23] pp. 36-37, t.s.n., April 14, 1969.

[24] p. 3, t.s.n.. April 14, 1969.

[25] p. 19, t.s.n., April 28, 1969.

[26] p. 126, Original Record.

[27] p. 18, t.s.n., April 28, 1969.

[28] pp. 21, 22, t.s.n., April 28, 1969.

[29] pp. 23, t.s.n., April 28, 1969.

[30] p. 36, t.s.n., April 14, 1969.

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.