

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NARCISO MARTINEZ Y RUBIA ALIAS NARDING, DEFENDANT-APPELLANT.

G.R. No. L-33907. January 31, 1984

Ponente: MELENCIO-HERRERA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c0b0b3c929d8/>

MELENCIO-HERRERA, J.:

Appeal from the decision of the then Circuit Criminal Court of Manila, finding Narciso Martinez, alias Narding, guilty beyond reasonable doubt of the crime of Murder and sentencing him "to reclusion perpetua, to pay the heirs of the deceased Roberto Dorado y de Lara the sum of P12,000.00 for the death of the latter, the sum of P6,000.00 by way of moral damages, and to pay the costs."

The facts upon which conviction was based are, as summarized by the Solicitor General in the People's Brief, as follows:

"On December 21, 1969, at about 9:00 o'clock in the evening, one Asuncion Mendez of 2656 Dagupan Street, Tondo, Manila, was fetching water from a faucet near her house, together with one named Aling Nelly (p. 3, Feb. 3, 1971). At that moment, there was a stabbing incident about seven meters away. (p. 4, t.s.n., *ibid*). Around the place where the incident happened there were many Christmas lights, and it was near the lights of the train. (p. 5, t.s.n., *ibid*).

That night, Asuncion saw the accused with some companions talking to the deceased. (p. 9, t.s.n., *ibid*). She heard the deceased saying 'Hindi ako, hindi ako.' Immediately thereafter, Asuncion saw the accused put his arms around the shoulder of the deceased and twisted the arms of the latter to the back. Later, the companions of the accused got a handkerchief and covered the mouth of the deceased. Then, she saw a man coming from across the railroad track who drew a knife, causing Asuncion to exclaim, 'Naku po.' At that instant, she saw the man with a drawn knife stab the deceased in the chest (pp. 10-11; p. 13, t.s.n., *ibid*), while the accused and his companions, who co-vered the mouth of the deceased, were holding the latter (pp. 11-12, t.s.n., *ibid*). Asuncion later saw the deceased slowly falling forward on the ground on his stomach. Afterwards, the accused and his com-panions left the place and proceeded towards the direction where Asuncion was (pp. 13-14, t.s.n., *ibid*.) Asuncion and Aling Nelly also went home. (pp. 15-16, t.s.n., *ibid*).

Although a few hours after the incident the police were investigating the killing, Asuncion did not at once reveal to them that she saw the commission of the crime, because she was afraid that she might be killed. (p. 34, t.s.n., *ibid*). That is the reason why it was only in January (should be June) 27, 1970, when she gave a written statement (Exhibit A) to the police. She also identified the accused in the Police Precinct as the one responsible for the killing of the deceased (pp. 38-39, t.s.n., *ibid*).

The necropsy report showed that the victim died of "profuse hemorrhage and shock due to four stab wounds, two being fatal" (Exhibit "D").

The defense is alibi. Appellant claims that on the night of December 21, 1969 he was in the company of a group of carolers who met in the house of school teacher, Wilhelmina Villanueva, at around 7:00 P.M. The meeting was preparatory to their caroling. Appellant was a leading member of the group, being its soloist and guitarist. The

group carolled in Manila and in Quezon City. Appellant claims that he never left the group which caroled from past 7:00 p.m. to around 4:00 a.m. the following day; and that at around 9:00 p.m. that evening, they were in Quezon City.

Appellant's testimony was corroborated by his teacher Wilhelmina Villanueva. Vicenta Credo, a co-teacher of Wilhelmina, was about to be presented as another witness but because her testimony was to have been merely corroborative, it was dispensed with.

Appellant also denied having killed the deceased contending that it was another man, whose identity and whereabouts are unknown, who stabbed the victim.

The Trial Court disbelieved the witnesses for the defense and accepted the prosecution version as being more deserving of credence, hence, its judgment of conviction.

The appeal hinges on the sufficiency or insufficiency of the evidence to establish that appellant had, indeed, conspired with his companions to murder Roberto Dorado.

We find for conspiracy. The rule is that there is conspiracy where the acts committed by the accused taken collectively, result from concerted and associated action, although if each circumstance is considered separately, it might not show confederation. The circumstances that in themselves are inconclusive, may, when taken as a whole, show apparently isolated acts springing from a common object and have in view the promotion of a common purpose.[1] To establish conspiracy, proof of a previous agreement is not essential but it must be established by positive and conclusive evidence. And conviction must be founded on facts, not on mere inferences and presumption.[2]

Upon the criteria aforementioned, there can be no question that appellant's act in twisting the victim's arm from behind when the latter was stabbed by appellant's companion, was a positive act towards the realization of a common criminal intent. It can be safely assumed that had not appellant twisted the arm of the victim to the back, the latter could have parried the thrust or even run away from his assailant. By immobilizing the hand of the victim and by the act of appellant's companion in covering the mouth of the deceased, apparently to prevent any attempt on the part of the victim to call for help, the appellant and his companion showed unity of criminal purpose and intent immediately before the actual stabbing. The method by which appellant twisted the arm of the deceased towards his (deceased's) back clearly prevented the latter from moving and defending himself, and without which act the crime would not have been accomplished. This makes appellant a conspirator and a principal by indispensable cooperation.[3]

In the words of Asuncion Mendez, who witnessed the incident from a distance of seven (7) meters:

"Q: And after you heard that remark from the deceased 'Hindi ako, hindi ako,' what subsequently happened?

"A: Accused Narding put his arms around the shoulders of the deceased.

"Q: Alright, and when this accused put his arm around the shoulders of the deceased, what happened?

"A: And afterwards, he twisted the deceased arm to the back.

"Q: And at this juncture, what happened next?

"A: The companion of Narding got a handkerchief and covered the mouth of the deceased.

"Q: Alright, and after that companion of the accused put handkerchief on the mouth of the deceased, what next happened?

"A: And then I saw a man coming from across the railroad track and draw a knife and I said 'Naku po' and I happened to sit down.

FISCAL BARBOSA: (CONT'D)

"Q: Which caused you to sit down?

"A: He stabbed the deceased.

FISCAL BARBOSA: (CONT'D)

"Q: At that particular moment that this man coming from across the railroad track did the stabbing, where was this accused and his companion who placed a handkerchief in the mouth of the accused then?

"A: They were there and holding the deceased.

COURT:

"Q: And how was the accused Narding holding the deceased when the man made the thrust?

FISCAL BARBOSA:

Witness demonstrating the position of the hands at the back.

"Q: And how about the other one who place handkerchief on the mouth of the victim, what was he doing, if he was doing anything?

"A: He was there standing."

The testimony of a single witness, even it uncorroborated, is sufficient for conviction provided it is clear and convincing, as in this case. Asuncion could not have been mistaken about appellant's identity as she was only about seven meters away besides the fact that appellant went towards her direction as he left the crime scene.[4] Nor has any motive to fabricate the facts been attributed to her.

Her delay of several months in reporting the incident to the police does not affect her credibility, the reluctance of witnesses to volunteer information in a criminal case being of common knowledge[5] besides the fact that she was in fear of her life.[6]

The non-presentation of the other eyewitness, Aling Nelly, does not detract from the prosecution evidence, the number of witnesses called to testify being left largely to the sound discretion of the prosecuting officer.[7]

The accused's alibi is a weak defense not only because of the facility with which it is fabricated, but also because it is so easy for witnesses to get confused as to the dates.[8] Thus, although the accused's teacher, Wilhelmina Villanueva, corroborated his testimony about his being a member of a caroling group, considering that they caroled from December 15 to 23 of that year[9], the likelihood of a confusion or mistake in dates is great. Evidence that said witness could pinpoint the date with exactitude is wanting. Moreover, an alibi becomes worthless in the face of positive identification by prosecution witnesses pointing to the accused as *particeps criminis*. [10] In this case, appellant was positively identified by eye-witness Asuncion, whose testimony the Trial Court found to be natural and truthful, quick, frank and straightforward.

Further, to establish an alibi, it is not enough to prove that the defendant was at some other place when the crime was committed but it must likewise be demonstrated that it was physically impossible for him to have been at the scene of the crime at such time.[11] There was no showing of physical impossibility for the accused to have been at the crime scene because he was then, according to him, at the Teacher's Village, Quezon City, an easily negotiable distance from the crime scene.

Appellant's claim of lack of motive to commit the crime neither tilts the balance in his favor, motive not being essential to secure conviction[12] except when there is doubt as to the identity of the culprit[13] , which doubt is inexistent herein. The certifications in appellant's favor regarding his good behavior during detention is more properly directed to the executive branch of government.

In fine, the judgment of conviction is supported by sufficient evidence.

WHEREFORE, the decision appealed from, being in accordance with law and the evidence is hereby AFFIRMED, except as to the indemnity for death, which is hereby increased to P30,000.00.[14]

Costs against accused-appellant.

SO ORDERED.

Teehankee (Chairman), Plana, Relova, and Gutierrez, Jr., JJ., concur.

[1] Wharton's Criminal Evidence, pp. 284-288.

[2] People vs. Marquez, 110 SCRA 91 (1981).

[3] see People vs. Labis, 21 SCRA 875, 885 (1967)

[4] T.s.n., February 3, 1971, p. 15.

[5] People vs. Repato, 6 SCRA 202 (1962).

[6] T.s.n., February 3, 1971, p. 34.

[7] U.S. vs. Dragat, 28 Phil. 78 (1914).

[8] People vs. Ramos, 8 SCRA 758 (1963).

[9] T.s.n., February 3, 1971, p. 68.

[10] People vs. Peralta, et al., 25 SCRA 759 (1968)

[11] People vs. Balbas, 122 SCRA 859 (1983).

[12] People vs. Diva, 23 SCRA 332 (1968).

[13] People vs. Verzón, 21 SCRA 1403 (1967).

[14] People vs. De la Fuente, G. R. Nos. 63251-52, December 29, 1983.

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.