

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SGT. HERMES DALANON, ACCUSED-APPELLANT, GODELIO MONSALES, SALVADOR ALBAO ALIAS “BADOY,” (AT LARGE) AND JOHN DOE (AT LARGE) ACC...

G.R. No. 107458. October 14, 1994

Ponente: PUNO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-107458/>

PUNO, J.:

Sgt. Hermes Dalanon, Godelio Monsales, Salvador Albao alias "Badoy," and a John Doe were charged before the Regional Trial Court of Masbate[1] with ATTEMPTED ROBBERY with MULTIPLE HOMICIDE,[2] in an Information dated April 22, 1991, which reads:

"That on or about February 17, 1991 in the evening thereof at Barangay Asid, Municipality of Masbate, Province of Masbate, Philippines, within the jurisdiction of this Honorable Court, the above-named accused, all armed with deadly weapons, conspiring together and confederating with another whose true name and identity is still unknown, with intent to gain, by means of violence and intimidation, did then and there willfully, unlawfully and feloniously commence the commission of the crime of Robbery directly by overt acts, to wit: by then and there demanding money from the spouses RODRIGO and FELICIDAD REJUSO but the said accused were not able to perform all the acts of execution which would have produced the crime of Robbery as a consequence, by reason of causes other than their own spontaneous desistance, that is the said spouses refused and/or denied having money, and pursuant to the same conspiracy, with intent to kill, by means of treachery, said accused, did then and there, willfully, unlawfully and feloniously help each other attack, assault and hack, with a bolo, RODRIGO his wife FELICIDAD and their children, SHEILA and REBECCA, all surnamed REJUSO, inflicting upon them several wounds in different parts of the body which caused their instantaneous death; that before killing their victims, the said accused gained entrance into the victims' dwelling by pretending to ask for a glass of water but once inside, they tied the hands of the victims and raped REBECCA REJUSO before killing her.

Committed with the aggravating circumstances of rape, dwelling, band, treachery and craft.

CONTRARY TO LAW."[3]

Salvador Albao and a certain John Doe remain at-large and cannot be located.

Upon arraignment, the remaining two (2) accused pleaded not guilty and were tried. During the pendency of the case, accused Godelio Monsales escaped from the Masbate Provincial Jail.[4] He was later found dead at Sitio Bagalihog, Kinamaligan, Masbate on June 12, 1992.[5]

The prosecution evidence came principally from the testimony of the lone survivor of the carnage, OLIVER CERVANTES.[6] Sometime in November 1990, spouses Rodrigo and Felicidad Rejuso hired him as househelper and caretaker of their small pakwan plantation in Barangay Asid, Masbate, Masbate.[7]

Cervantes testified that at around ten o'clock in the evening of February 17, 1991 while he was about to sleep,

Rodrigo called him to pacify the four (4) barking dogs. With the illumination from the gas lamp placed on a bottle about five (5) inches tall,[8] he saw Rodrigo talking to accused-appellant Sgt. Hermes Dalanon in the balcony.[9] Accused-appellant Dalanon was in fatigue uniform and he had a pistol tucked on his waist.[10]

Cervantes went down to drive away the dogs. On the ground, he saw accused Salvador "Badoy" Albao, Godelio Monsales, and another person whose identity was unknown to him.[11] They were all armed with long guns. Albao requested for a glass of water. As Cervantes went up the house, Albao, Monsales, and the unidentified third person followed him. He gave the glass of water to Albao who drank it. Immediately thereafter, Albao ordered Cervantes at gun point to lie face down on the bamboo flooring. Rodrigo asked accused-appellant Dalanon if they had committed any wrong but Albao replied with a kick.[12] Albao sought Felicidad and her two (2) daughters, Rebecca and Sheila, from their rooms. They were also ordered to lie flat on the floor.

Albao then tied the hands of Rodrigo, Felicidad, and Sheila at their backs with straws.[13] He also pig-tied Rebecca's hands with her own belt.[14] They were ordered by accused-appellant Dalanon to sit down.

At this juncture, Albao demanded money from Felicidad but in vain. She told him they had none, as they even sold their "shellane."[15] Albao was infuriated. He struck Felicidad on the head with a bolo.

In the meantime, accused-appellant Dalanon ordered Rebecca to sit in front of him. He started to sexually molest her. He caressed her back and her breast. He told her, "Ayaw ka hadlok, adi ako."[16]

Disappointed that the Rejusos had no money, Albao brought Rodrigo downstairs. He had his gun slung on his shoulder while he held the bolo in his hand. Cervantes then heard Rodrigo's painful moan of "adoy."[17] Upon the instigation of accused-appellant Dalanon, Felicidad was also taken downstairs by Monsales. Albao was waiting for them on the ground. Cervantes then heard "chopping sounds."[18]

It was the turn of Cervantes to be brought down. He was dragged down by the person he did know. He pleaded for his life.[19] He was told to keep silent. On the ground, he was dumbfounded when he saw Rodrigo and Felicidad Rejuso sprawled dead. Sensing that Albao and Monsales were some two (2) meters away from him, he ran away.[20] They pursued him and fired at him.[21] He stumbled on the ground and hid among the tall grasses. His pursuers missed him in the darkness of the evening.

He waited until two o'clock in the morning to make his next move. Cervantes then rushed to the house of Bonifacio Cañares, eldest brother of Felicidad Cañares Rejuso. Bonifacio untied the nylon from his hands.[22] He informed Bonifacio about the tragedy that befell them.

Promptly, Bonifacio and Cervantes went to the house of the Barangay Captain of Malinta, Cornelio Carles. Carles in turn accompanied them to the Masbate Police Station. Lt. Perfecto Delima, C1C Jimmy Rabiliona, C1C Rene Ojeda, C1C Ygusquiza, SPO Elner Antang, Pat. Alex Baldeo, Pat. Mario Danao III, Station Official Photographer, Barangay Captain Carles, and Bonifacio Cañares went with Cervantes to the scene of the crime.[23] They saw the lifeless bodies of Rodrigo, Felicidad, Rebecca, and Sheila bathed in their own blood. They recovered a bolo stained with blood and hair fibers behind the house of the victims.[24]

Still horrified, Cervantes narrated the gruesome incident to Col. Silas Laurio at the Municipal Building of Masbate. He named accused-appellant Hermes Dalanon and Salvador "Badoy" Albao as two (2) of the perpetrators of the crime. SPO Elner Antang prepared the necessary Police Blotter Report.[25]

A day after, or on February 19, 1991, Cervantes identified accused-appellant Dalanon and Monsales from a police line-up composed of about thirty (30) persons at the PNP Headquarters, Camp Bonny Serrano, Masbate.[26]

The defense had a different story to tell.

Accused-appellant SGT. HERMES DALANON[27] is a member of the PC-INP Masbate Command and assigned as Deputy Commander at Barangay Malinta, Masbate. He alleged that on February 17, 1991, he along with Godelio Monsales, and Nicolas Cervantes escorted Engr. Jaime Bravo, Mrs. Bella Dalanon Panes Bravo, and their son Benjie to Rancho Bravo in Asid.[28] After Mrs. Bravo paid the wages of their workers, they proceeded to Nabungsuran Ranch. They arrived there at 11:00 o'clock in the evening.[29] The party then left at 2:00 o'clock in the morning for Bacolod, Milagros, Masbate.[30] They had breakfast at his residence in Bacolod. After which, they sent-off the Bravo family to the Masbate Airport for their flight to Manila.

Exhausted by the trip, he returned to the bunkhouse of Rancho Bravo to rest. He was surprised when he was implicated in the killings of the Rejuso family. More so, when he was made to join the police line-up at Camp Bonny Serrano on February 19, 1991. Lt. Delima then ordered him and his men, Godelio Monsales, Igmedio Mangubat, Efren Candidato, and Esteban Mirrales to be disarmed.[31]

Accused GODELIO MONSALES[32] is a member of the Civilian Volunteer Organization (CVO) under the supervision of accused-appellant Dalanon. He was hired as an inspector of the barb wire fence of the ranches of Engr. Bravo.[33] He claimed that on the night of February 19, 1991, he was with the group of Engr. Bravo. They left Asid Ranch at eight o'clock in the evening bound for Nabungsuran Ranch at Aroroy, Masbate.

On the other hand, accused SALVADOR "BADOY" ALBAO was once a member of the CVO. He was also under the supervision of accused-appellant Dalanon. Late in December 1990, he ceased to report to the unit after he was disarmed.[34]

Defense witness BELLA DALANON PANES BRAVO[35] corroborated the testimonies of the accused. She alleged that Engr. Bravo had requested Col. Antero Javier, the Provincial Commander of Masbate to provide them military escorts in their trips to Masbate. On February 15, 1991, accused-appellant Dalanon, Monsales, and Nicolas escorted them in paying the wages of their ranch workers in Asid and Nabungsuran.[36]

In due course, a Decision was rendered convicting the accused of the crime charged, viz:

"WHEREFORE, the Court finds the accused, Hermes Dalanon and Godillo (sic) Monsales guilty beyond reasonable doubt of the crime of Attempted Robbery with Multiple Homicide committed with the aggravating circumstances of treachery, dwelling and rape and hereby sentences each one of said accused, Hermes Dalanon and Godillo (sic) Monsales to suffer the penalty of RECLUSION PERPETUA together with its accessory penalties and to pay jointly and solidarily the heirs of the late Rodrigo Rejuso, Felicidad Rejuso, Rebecca Rejuso and Sheila Rejuso the amount of Fifty Thousand (P50,000.00) Pesos each without subsidiary imprisonment in case of insolvency and to pay the proportionate cost.

SO ORDERED."[37]

Only accused-appellant Dalanon assailed his conviction. In this appeal, he contends that the lower court erred:

I

[I]N NOT BELIEVING THE TESTIMONY OF APPELLANT, AS CORROBORATED BY WITNESSES, THAT AT THE TIME THE CRIME WAS BEING COMMITTED HE WAS AT NABUNGSURAN, FIFTY-TWO KILOMETERS AWAY FROM THE SCENE OF THE CRIME.

II

[I]N CONCLUDING THAT ALLEGED LONE-EYEWITNESS HAD POSITIVELY IDENTIFIED APPELLANT AS ONE OF THE PERPETRATORS OF THIS HEINOUS CRIME.

II

[I]N BASING ITS DECISION ON THE TESTIMONY OF OLIVER CERVANTES, THE ALLEGED LONE-EYEWITNESS TO THIS GORY CRIME.

We affirm the conviction of accused-appellant Dalanon.

Essentially, the case involves calibration of the credibility of witnesses. Prosecution witness Oliver Cervantes has identified accused-appellant Dalanon as one of the perpetrators of the crime. On the other hand, said accused-appellant has denied his presence at the scene of the crime when it was committed.

We give credence to the testimony of witness Cervantes which is positive and clear. He even passed in the crucible of a voir dire.[38] Thus, he testified:

x x x x x x x x

(Branch Clerk of Court to Oliver Cervantes)

"Q : Do you swear to tell the truth regarding your knowledge in this case?

A : Yes, sir.

Q : And who was that somebody he (Rodrigo) was talking to?

A : Its Hermes Dalanon.[39]

Q : When you drove the dogs away, what happened?

A : That was the time I saw Salvador Albao outside with Monsales and the other person whose name I do not know.[40]

Q : What happened after the five (5) of you were lying face down?

A : The five of us were tied up.[41]

Q : What happened after that?

A : Then Salvador Albao asked the money to Felicidad.[42]

Q : And what did Felicidad Rejuso answer?

A : Felicidad answered, that we are sorry because we have no money. We even sold our shellane because we have nothing at all.

Q : And what happened after Felicidad made those pleas?

A : Salvador Albao immediately struck Felicidad on her head with the bolo.

Q : So Salvador Albao is now also armed with a bolo?

A : The bolo came from that same house, the house of Rejuso.

Q : What happened next after Rodrigo Rejuso was brought down by Salvador Albao and Godelio Monsales?

A : After that I heard from Rodrigo Rejuso a painful moaning (adoy). I thought he was just being struck.[43]

Q : And what happened after Felicidad Rejuso was brought down by Godelio Monsales?

A : Then after that I just heard sound of striking.

Q : And what was Sgt. Hermes Dalanon doing while you were brought down by that person whose name you do not know?

A : He kept on caressing Rebecca Rejuso."[44]

(On cross-examination)

"Q : But it took you sometime to point Sgt. Dalanon?

A : At first I passed him by because I was to scrutinize and closely identify his face and after sometime I can identify him.

Q : [W]hen you were passing by the police line-up you cannot be sure whether or not it was Sgt. Dalanon because you were not able to point him immediately because you point to Monsales first?

A : I wanted to be sure so, it took me sometime because he might resemble somebody else."[45]

Cervantes' knowledge of the crime at bench is based not only on his sense of sight but also his sense of sound. He audibly heard Albao demanding money from Felicidad. He heard Rodrigo's excruciating moans, "adoy." And, he heard the "chopping sounds" of death. The physical evidence confirmed the killings of the Rejusos.

Cervantes' initial reluctance to disclose the names of the criminals is understandable. Firstly, the harrowing experience completely upset him. Secondly, he did not want to shock Bonifacio Cañares, eldest brother of Felicidad Cañares Rejuso. Thirdly, without any relative from Asid, he was fearful of reprisal from his assailants who were in the military. Lastly, he did not trust Reynaldo Villamor because the latter belongs to the unit of accused-appellant Dalanon. In fact, Provincial Commander Col. Monforte stopped them from handling the case because of the involvement of their own men in the crime at bench.

The conduct of Cervantes subsequent to the crime bolsters his credibility. He immediately accompanied the authorities to the scene of the crime. This prompt action led to the immediate arrest of two (2) of the killers. This spontaneous reaction negates any opportunity to concoct falsehoods. Indeed, it is far fetched for Cervantes, a fourth grade, uncouth barrio boy to falsely impute a heinous crime against accused-appellant Dalanon, a Deputy Detachment Commander of Asid, Masbate. He had no motive to falsify facts against accused-appellant.

Time and again, we have ruled that alibi cannot prevail over the positive identification of an accused as the perpetrator of the crime. To sustain the defense of alibi, an accused must not only prove satisfactorily that he was at another place at the time the crime happened. But more important, that it was physically impossible for him to be at the scene of the crime at the time of its commission.[46]

The alibi proffered by accused-appellant Dalanon does not meet the above test. He himself admitted he was in Asid and Nabungsuran, Masbate when the slaughter happened. The distance between Rancho Bravo and the locus criminis, the house of the Rejusos, is only one (1) kilometer while Nabungsuran Ranch is fifty-two (52) kilometers away. Since accused-appellant was in Asid and Nabungsuran from eight o'clock to eleven o'clock in the evening of February 17, 1991, it was not physically impossible for him to be at the time and place of the crime when it was committed. His alibi is not air tight.

The possibility that Cervantes erred in identifying accused-appellant Dalanon is nil. Accused-appellant Dalanon is not a stranger to witness Cervantes. Cervantes knew accused-appellant because the latter sometimes have his manicure done in the Rejusos' house. Besides, his outpost is only five hundred (500) meters from the house of the victims. On that fateful evening, Cervantes vividly saw accused-appellant because the house was lighted by a gas lamp. Accused-appellant had no mask to hide his identity. Loose alibi must yield to and cannot prevail over the positive identification made by Cervantes.[47]

Not much credence should be given to the testimony of Bella Dalanon Panes Bravo. She is the niece of accused-appellant Dalanon. Moreover, accused-appellant is her military escort and the administrator of their ranches. Her testimony has to be taken with a grain of salt. It is not invulnerable to bias. Indeed, it taxes credulity why she has to pay the wages of their cowboys at night in the critical area of Masbate. Similarly, the testimony of Reynaldo Villamor is suspect. Accused-appellant Dalanon is the superior of Villamor.

To cap it all, motive for the commission of the crime at bench was established by prosecution witness OSCAR REJUSO,[48] the oldest and only son of spouses Rejuso. He averred that his sister Rebecca turned down accused-appellant's proposition of love. Accused-appellant is a married man.[49]

The trial court correctly convicted accused-appellant for attempted robbery with homicide. It is clear that when Albao demanded money from Felicidad, accused-appellant and his company had the intention of robbing the Rejuso family. The robbery would have been complete were it not for the refusal of Felicidad to give money as they had none.

Neither did the trial court err in finding conspiracy among the accused. Conspiracy need not be proved by direct evidence of prior agreement to the crime. It could be inferred from the conduct of the accused before, during, and after the commission of the crime, showing that they acted in unison with each other, evincing a common purpose or design.[50] The evidence proved that: Albao and Monsales brought spouses Rejuso to the ground; Albao butchered them; and accused-appellant Dalanon did not do anything to stop the killings. Their unity of design is self evident.

We now deal with the aggravating circumstances that attended the commission of the crime. Dwelling or morada was present because the principal crime took place in the house of the victims, although the killings were committed outside thereof. The accused showed greater perversity in their deliberate invasion of the tranquility of the Rejuso's domicile.[51]

Treachery characterized the commission of the crime. The victims were first hog-tied to render them incapable of defense.[52] They were then mercilessly hacked to death.

Rape was likewise established. Prior to Cervantes' escape, he saw accused-appellant fondling the breast of Rebecca. The Physical and Medical Examination Report of Rebecca showed that there was a fresh deep and incomplete laceration of the hymen corresponding to a 6:00 o'clock position.[53] It concluded that there was penetration of her private organ.[54] The Crime Scene Sketch also revealed that human blood stains were found in the bedroom of Rebecca.[55]

WHEREFORE, premises considered, the judgment of the trial court, finding accused-appellant HERMES DALANON guilty beyond reasonable doubt of Attempted Robbery with Homicide, is AFFIRMED in toto. Accused-appellant is sentenced to suffer the penalty of reclusion perpetua[56] and to pay civil indemnity to the heirs of RODRIGO, FELICIDAD, REBECCA, and SHEILA REJUSO, in the amount of FIFTY-THOUSAND PESOS (P50,000.00). With costs against accused-appellant.

SO ORDERED.

Narvasa, C.J., (Chairman), Regalado, and Mendoza, JJ., concur.
Padilla, J., on leave.

[1] Fifth Judicial Region, Branch 48, Masbate, Masbate.

[2] Docketed as Criminal Case No. 6334.

*Should be Attempted Robbery with Homicide. The number of persons killed in homicide on the occasion of attempted robbery is immaterial. All homicides or murders are merged in the composite, that is attempted robbery with homicide. Further, the term "homicide" in robbery should be understood as a generic term.

[3] Filed by Third Assistant Provincial Prosecutor Danilo V. Ontog; Original Records pp. 1-2.

[4] Letter dated January 28, 1992 addressed to the Clerk of Court of the Supreme, Rollo, p. 45; Manifestation dated May 20, 1993, p. 59.

[5] Letter dated March 16, 1993 to Julieta Y. Carreon, Clerk of Court (3rd Division) Supreme Court; Necropsy Report on Godelio Monsales by Dra. Victoria P. Manalo, MD, Medicolegal Officer, Masbate, Masbate, Rollo p. 49.

[6] Seventeen (17) years old, single, laborer, and resident of Tugo, Masbate, Masbate. He finished only Grade Four. TSN, July 1, 1991, p. 2.

[7] Ibid., p. 40.

[8] Ibid., p. 51.

[9] Ibid.

[10] Ibid., p. 28.

[11] Ibid., p. 7.

[12] Ibid., p. 14.

[13] Ibid., p. 15.

[14] Ibid., p. 16.

[15] Ibid., p. 19.

[16] Meaning "Do not be afraid for I am here."

[17] Ibid., p. 20.

[18] Ibid., p. 21.

[19] Ibid., p. 78.

[20] Ibid.

[21] Ibid., p. 79.

[22] Affidavit of Bonifacio Cañares dated February 19, 1991; Original Records, p. 71.

[23] Exhibit "E".

[24] Exhibit "I"; The biochemical examination conducted on the bolo gave POSITIVE result to the test for the presence of human blood; Original Records, p. 81.

[25] Exhibit "D".

[26] Exhibit "B".

[27] He was the patrol leader of the CAFGUS. Under him were two (2) CAFGUS and five (5) CVO's all armed

with armalites, carbines, and a garrand. TSN, August 13, 1991, p. 32.

[28] Ibid., p. 15.

[29] Ibid., p. 16.

[30] Ibid., p. 17.

[31] Ibid., p. 18.

[32] Thirty (30) years old, married, laborer, and resident of Del Carmen, Unson, Masbate. TSN October 9, 1991, p. 2.

[33] Ibid., p. 8.

[34] Brief for the Appellee, p. 14; Rollo p. 116.

[35] Forty-one (41) years old, married, businesswoman, and a resident of No. 319, Katarungan Street, Mandaluyong, Metro Manila. TSN, October 11, 1991, p. 1.

[36] Ibid., pp. 2-3.

[37] Penned by Judge Ricardo B. Butalid.

[38] Words and Phrases, Vol. 44, pp. 598-599.

[39] TSN, July 1, 1991, p. 5.

[40] Ibid., p. 7.

[41] Ibid., p. 15.

[42] Ibid., p. 19.

[43] Ibid., p. 20

[44] Ibid., p. 21.

[45] Ibid., p. 107.

[46] People vs. Opiniado Dolar, G.R. No. 100805, March 24, 1994, citing People vs. Villagrancia, G.R. No. 94471, March 1, 1993, 219 SCRA 212.

[47] People vs. Bugho, G.R. No. 91849, September 30, 1991, 202 SCRA 164.

[48] Twenty-four (24) years old, married, farmer, and resident of Dagusungan, Milagros Masbate, TSN, October 16, 1991, p. 31.

[49] Ibid., p. 36.

[50] People vs. Balanag, G. R. No. 103225, September 15, 1994.

[51] People vs. Tajon, No. L-47067, April 17, 1984, 128 SCRA 656.

[52] See People vs. Talaver, G.R. No. 105390, February 23, 1994.

[53] Exhibit "N".

[54] Supra.

[55] Exhibit "E".

[56] People vs. Perciano, G.R. No. 101576, June 27, 1994.

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.