

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE,
VS. DOMINADOR GUILLERMO, RODOLFO DELA CRUZ, ROMULO
DELA CRUZ, JOHN DOE, PETER DOE, JAMES DOE AND RICHARD DOE,
ACCUSED-APPELLANTS.**

G.R. No. 111292. July 20, 2000

Ponente: BUENA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-111292/>

BUENA, J.:

Before us on automatic review is the case for murder arising from the senseless killing of one Samson Cristobal. The dispositive portion of the decision dated June 22, 1993 of the Regional Trial Court, 2nd Judicial Region Branch 32, Cabarroguis, Province of Quirino in Criminal Case No. 847 is as follows:

"WHEREFORE, the judgment is hereby rendered finding the accused Dominador Guillermo, Rodolfo dela Cruz, and Romulo dela Cruz guilty beyond reasonable doubt of the crime of murder defined and penalized under Article 248 of the Revised Penal Code qualified by treachery convicting each of the accused to suffer reclusion perpetua with all the accessory penalties provided by law and to indemnify the heirs of the victim Sammy Cristobal in the amount of Fifty Thousand (Php 50,000.00) Pesos without subsidiary imprisonment in case of insolvency. The detention of the accused is hereby fully credited in their favor in accordance with Article 29, of the Revised Penal Code as amended by Republic Act 2167.

SO ORDERED."[1]

The antecedents upon which the decision under review was based are as follows:

On January 9, 1991 at about 9:00 o' clock in the evening at Manglad, Maddela, Quirino Province, a drinking spree was held at the house of Jerry Cristobal in celebration of his son's birthday.[2] Among the visitors who attended the affair were the deceased Samson Cristobal, Renato Marquez, and accused-appellants Rodolfo dela Cruz and Dominador Guillermo.[3]

During the affair, Renato Marquez and Samson Cristobal had an altercation.[4] Renato boxed Samson on the face.[5] In turn, Samson took hold of Renato's hand and they grappled.[6] This prompted Renato to ask accused-appellant Dominador Guillermo for help.[7] Accused-appellant Dominador ran to the succor of Renato and stabbed Samson.[8] Accused-appellant Rodolfo dela Cruz also joined the fray by throwing a gas lamp and hitting Samson with a guitar.[9] Thereafter, the group dispersed.[10] Then came accused-appellant Romulo dela Cruz looking for Renato and threatening to kill the Cristobals if they do not bring out Renato. Teresita Cristobal prevailed upon accused-appellant Romulo and said that Renato had already left for home.[11]

Brandishing clubs and bladed weapons, Romulo dela Cruz, together with the other accused-appellants, roamed around Jerry Cristobal's house.[12] Thus, Jerry waited for the accused-appellants to leave before deciding to bring Samson to the hospital and have the latter's profusely bleeding leg treated.[13] On their way, about five meters from Jerry's house, Jerry went back to get a flashlight leaving Joel and Samson by the road.[14]

On the road, Joel and Samson were met by accused-appellants Dominador Guillermo, Rodolfo dela Cruz and Romulo dela Cruz.[15] Upon seeing the group, Samson advised Joel to run for safety.[16] Joel heeded the advice and ran for cover behind some guava trees.[17] After losing sight of Joel, Renato and the accused-appellants went back for Samson. Renato was the first to stab Samson followed by accused-appellants Rodolfo and Romulo dela Cruz.[18] Accused-appellant Dominador Guillermo clubbed Samson after Renato stabbed him.[19] From his hiding place, Joel was able to witness the incident with the illumination from the flashlights of the accused-appellants.[20]

After the incident, Joel went home and reported the matter to his mother and to his brother Jerry.[21] Joel, together with Jerry, went to the place where Samson was attacked but failed to find the latter.[22] Samson's body was seen floating in the Cagayan River three days thereafter.[23]

On March 13, 1991, Renato Marquez together with accused-appellants Dominador Guillermo, Rodolfo dela Cruz and Romulo dela Cruz and four (4) John Does were charged with Murder before the court a quo in an information which reads:

"That on or about 9:00 o'clock in the evening of January 9, 1991, in barangay Manglad, Municipality of Maddela, Province of Quirino, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, with intent to kill, treachery and evident premeditation, and armed with sharp bladed and pointed instruments and pieces of wood, did then and there willfully, unlawfully and feloniously stab, hack assault and maul, Samson Cristobal, hitting the latter to the different parts of his body which caused his instantaneous death.

"That the following aggravating circumstances attended the commission of the crime of murder to wit:

"1.....That the accused took advantage of the superior strength; and

"2.....That the accused took advantage of the darkness to insure impunity and facilitate the commission of their heinous deed;

CONTRARY TO LAW."[24]

While accused-appellants Dominador Guillermo, Rodolfo dela Cruz and Romulo dela Cruz were at-large, trial proceeded against Renato Marquez.[25] In its decision, dated August 8, 1991, the court a quo acquitted Renato Marquez.[26] Thereafter, the three accused-appellants were apprehended and the case against them revived.[27]

Upon arraignment on October 29, 1992, accused-appellants Dominador Guillermo, Romulo dela Cruz and Rodolfo dela Cruz entered a plea of not guilty to the offense charged.[28]

In disclaiming liability, accused-appellants denied the offense charged and interposed their respective alibi. Dominador Guillermo claimed that he was in his house at the time of the incident.[29] Rodolfo dela Cruz claimed that he assisted Renato Marquez to the hospital and stayed there the whole night.[30] On the other hand, Romulo dela Cruz insisted that he was in their house that fateful night.[31]

After trial on the merits, accused-appellants were found guilty as charged and were sentenced accordingly. Separate appeals were filed by Dominador Guillermo and the Dela Cruz' brothers, thus:

ASSIGNMENT OF ERRORS

(Accused-appellant Dominador Guillermo)

"-I-

THE LOWER COURT ERRED IN HOLDING THAT `THE EVIDENCE OF THE PROSECUTION HAS OVERCOME THE CONSTITUTIONAL PRESUMPTION OF INNOCENCE AND ESTABLISHED THE GUILT OF THE ACCUSED DOMINADOR GUILLERMO BEYOND REASONABLE DOUBT.

"-II-

THE LOWER COURT'S FACTUAL FINDING OF TREACHERY IS DEVOID OF EVIDENTIARY BASIS, AND IS INCONSISTENT WITH THE PROSECUTION'S EVIDENCE. IT THUS ERRED IN SUSTAINING THE CHARGE OF MURDER AS DEFINED AND PENALIZED UNDER ARTICLE 248 OF THE REVISED PENAL CODE DESPITE THE ABSENCE OF EVIDENCE SUPPORTING THE AVERRED QUALIFYING CIRCUMSTANCES OF TREACHERY AND EVIDENT PREMEDITATION.

"-III-

THE LOWER COURT ERRED IN HOLDING THAT THERE WAS CONSPIRACY AMONG THE ACCUSED IN THE COMMISSION OF THE ALLEGED CRIME DESPITE THE ABSENCE OF ANY SUPPORTING EVIDENCE."[32]

ASSIGNMENT OF ERRORS

(Accused-appellants Romulo and Rodolfo dela Cruz)

"-I-

THE TRIAL COURT ERRED IN APPRECIATING THE TESTIMONY OF THE ALLEGED EYE-WITNESS JOEL CRISTOBAL WHICH IS PALPABLY INCREDIBLE AND COULD NOT EVEN PASS THE TEST OF REASON.

"-II-

THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANTS RODOLFO DELA CRUZ AND ROMULO DELA CRUZ DESPITE FAILURE OF THE PROSECUTION TO PROVE THEIR GUILT BEYOND REASONABLE DOUBT."[33]

In essence, the appeal of Dominador Guillermo on one hand, and Romulo and Rodolfo dela Cruz on the other, are anchored on the credibility of the lone prosecution eyewitness Joel Cristobal. Since Joel's testimony will determine the outcome of this case, the same is challenged in Guillermo's first assigned error, and the dela Cruzes' first and second assigned errors.

We find for accused-appellants.

Joel's testimony is indeed self-contradictory. The more glaring inconsistencies that we cannot simply overlook are set below.

At the start of Joel's cross examination, he testified that he was not yet sleeping when the altercation between accused-appellant Dominador Guillermo and the deceased Samson Cristobal started, [34] and that he already knew that Samson was stabbed before he went to sleep.[35] In fact, he saw how accused-appellant Dominador Guillermo stab Samson.[36] Towards the end of his cross examination however, Joel changed his story and claimed that he was already sleeping when the first incident happened.[37] This shows the unreliability of the first witness. He cannot even decide whether or not he was awake during the first incident. The lapse in memory, when it comes to things the witness ought to know, instills disbelief.[38]

On direct examination, Joel said that while he was sleeping in his own house he was awakened by his brother Jerry Cristobal in order to bring the wounded Samson Cristobal to the hospital.[39] Under cross examination, however, Joel testified that he was then sleeping in his brother Jerry's house.[40] Again the unreliability of the witness is manifested here, casting serious doubts on his credibility.

Next, Joel narrated that he only slept for an hour after the first incident,[41] and yet he subsequently testified that he slept from 7:30 pm to 10:00 pm that fateful evening.[42] While the discrepancy as regards time is often disregarded, we cannot do so in this case for the fatal incident purportedly happened at around 9:00 pm - clearly

within the time Joel was allegedly asleep.

Aside from being self-contradictory, Joel's testimony does not also jibe with the testimonies of the other prosecution witnesses. According to Joel, Samson's body was fished out from the Cagayan River the day after the incident.[43] After further inquiry, he clarified that they saw Samson's body on January 10, 1991.[44] On the other hand, Jerry Cristobal disclosed that they were able to recover Samson's body only after three (3) days from the day of the incident,[45] and their mother Teresita Cristobal said that they saw Samson's body after two (2) days.[46]

Finally, Joel's account of the second incident - the fatal assault on Samson Cristobal - is likewise unconvincing. In his narration, it appears that the alleged assailants, herein accused-appellants, attacked the deceased in succession. They allegedly hit Samson one after the other.[47] No details were offered to show how the assailants helped one another in the assault. Neither was it shown that the attack was treacherous. Moreover, there was no account of how the deceased tried to fend off his attackers. Indeed, the picture is incomplete.

Since the above-mentioned inconsistencies are neither trivial nor inconsequential, these are more than enough to engender some doubt as to the guilt of the accused-appellants. Lest we forget, "the onus probandi in establishing the guilt of an accused for a criminal offense lies with the prosecution. The burden must be discharged by it on the strength of its own evidence and not on the weakness of the evidence for the defense or the lack of it. Proof beyond reasonable doubt, or that quantum of proof sufficient to produce a moral certainty that would convince and satisfy the conscience of those who are to act in judgment, is indispensable to overcome the constitutional presumption of innocence." [48]

Stated otherwise, "the overriding consideration is not whether the court doubts the innocence of the accused but whether it entertains a reasonable doubt as to his guilt." [49]

With this in mind, we are not bound to believe the court a quo's appraisal of the prosecution's lone eyewitness especially where his testimony defies human experience.[50]

Consequently, discussion of the second and the third assigned errors of accused-appellant Dominador Guillermo is no longer necessary. With the prosecution's failure to discharge the burden of proof, the accused-appellants should be set free, and this Court is constitutionally bound to acquit them.[51]

While the killing is deplorable, especially the manner in which it was done, the accused-appellants should not be loosely persecuted and condemned in the absence of the required quantum of proof.

"Admittedly, if a life is taken, justice demands that the wrong be redressed, but this same justice that calls for retribution cannot be the same one that would convict the accused-appellant at bar whose guilt has not been proven beyond reasonable doubt. The burden of proof rests upon the prosecution and unless the State succeeds in proving his guilt, the presumption of innocence in favor of the accused-appellant applies. The conscience must be satisfied that on the accused-appellant could be laid the responsibility of the offense charged." [52]

WHEREFORE, on reasonable doubt, the judgment of the trial court is hereby **REVERSED** and **SET ASIDE** and the accused-appellants Dominador Guillermo, Romulo dela Cruz and Rodolfo dela Cruz are **ACQUITTED** of the crime charged and are ordered released unless they are detained for some other lawful cause. Costs de officio.

The Director of the Bureau of Corrections is **DIRECTED** to implement this Decision and to report to this Court immediately the action taken hereon but not later than five (5) days from receipt hereof.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Quisumbing, and De Leon, Jr., JJ., concur.

- [1] RTC Decision, p. 237, Records.
- [2] TSNs, November 25, 1992, pp. 2-3; November 17, 1992, p. 7.
- [3] TSNs, November 25, 1992, p. 3; May 4, 1993, p. 3.
- [4] TSNs, November 25, 1992, pp. 3-5; May 4, 1993, pp. 8-9.
- [5] Ibid.
- [6] Ibid.
- [7] Ibid.
- [8] Ibid.
- [9] Ibid.
- [10] TSN, November 25, 1992, pp. 5 and 18.
- [11] TSN, May 4, 1993, pp. 4-5 and 10.
- [12] Ibid.
- [13] TSN, November 25, 1992, pp. 5, 17 and 19.
- [14] Ibid., pp. 6-7 and 19-20.
- [15] TSN, November 17, 1992, pp. 3-5.
- [16] Ibid.
- [17] Ibid.
- [18] Ibid., pp. 4 and 20.
- [19] Ibid.
- [20] Ibid., pp. 18-20.
- [21] Ibid., pp. 5 and 21-22.
- [22] Ibid.
- [23] TSN, November 25, 1992, p. 23.
- [24] Information, p. 27, Records.
- [25] RTC Decision, p. 85, Records.
- [26] Ibid., p. 117.
- [27] Motion to Revive, p. 118, Records; Order, p. 119, Records.
- [28] Certificate of Arraignment, p. 123, Records.

- [29] Appellant's Brief (DOMINADOR GUILLERMO), p. 87.
- [30] Appellant's Brief (ROMULO DELA CRUZ and RODOLFO DELA CRUZ), p. 145.
- [31] Ibid., p. 145-146.
- [32] Appellant's Brief (DOMINADOR GUILLERMO), p. 84, Rollo.
- [33] Appellant's Brief (Romulo and Rodolfo dela Cruz), p. 139.
- [34] TSN, November 17, 1992, pp. 9 and 11.
- [35] Ibid., pp.10 and 11.
- [36] Ibid., p. 13.
- [37] Ibid., p. 23.
- [38] Marco vs. Court of Appeals, 273 SCRA 276, 285 (1997)
- [39] TSN, November 17, 1992, p.2.
- [40] Ibid., p. 13.
- [41] Ibid., pp. 9 and 11.
- [42] Ibid., p. 24.
- [43] Ibid., p. 5.
- [44] Ibid., p. 25.
- [45] TSN, November 25, 1992, p. 23.
- [46] TSN, May 4, 1993, pp. 6 and 11.
- [47] TSN, November 17, 1992, p. 20.
- [48] People vs. Gomez, 270 SCRA 432, 444 (1997)
- [49] People vs. Salangga, 234 SCRA 407, 423 (1994) as cited in People vs. Villagonzalo, 238 SCRA 215, 230 (1994); People vs. Pagaura, 267 SCRA 17, 24 (1997)
- [50] People vs. Igpas, 232 SCRA 521, 524-525 (1994); People vs. Vasquez, 280 SCRA 160, 177 (1997)
- [51] People vs. Mejia, 275 SCRA 127, 155 (1997); citing People vs. Cordova, 224 SCRA 319, 348 (1993)
- [52] People vs. Eslaban, 218 SCRA 534, 544 (1993); as cited in People vs. Vasquez, supra, p. 180.

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.