

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FELICIANO HILARIO ALIAS "FELING"; DEFENDANT-APPELLANT.

G.R. No. 114268. May 31, 1995

Ponente: MELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-114268/>

MELO, J.:

Feliciano Hilario was charged with Murder in an Information reading as follows:

That on or about the 17th day of May, 1992, in the Municipality of Obando, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the abovenamed accused, together with one (1) John Doe, against whom the preliminary investigation has not yet been completed by the Municipal Trial Court of Obando, Bulacan, armed with a piece of wood and handgun, and with intent to kill one Simeon dela Cruz, Jr. y Santiago, conspiring, confederating together and mutually helping each other, did then and there willfully, unlawfully and feloniously, with evident premeditation, abuse of superior strength and treachery, attack, assault and hit with the said piece of wood and shoot with the handgun the said Simeon dela Cruz, Jr. y Santiago, hitting the latter on the different parts of his body, thereby causing him serious physical injuries, which directly caused his death.

(p. 6, Rollo.)

After trial, Hilario was found guilty by the trial court in a decision dated January 5, 1994, the dispositive portion of which reads as follows:

WHEREFORE, the Court finds the accused Feliciano Hilario guilty beyond reasonable doubt of the crime of murder, penalized under the provisions of Art. 248 of the Revised Penal Code, and so, hereby imposes upon said accused penalty of Reclusion Perpetua and to indemnify the heirs of Simeon dela Cruz, Jr. the amounts of P50,000.00 for the loss of his life and P20,000.00 for funeral expenses. With costs de officio.

(pp. 27-28, Rollo.)

From said decision, Hilario has interposed the instant appeal contending that:

1st

The trial court gravely erred in giving full credence and weight to the uncorroborated testimony of the lone alleged eye-witness Edna Tolentino despite existence of circumstances seriously affecting the veracity and credibility of her testimony.

2nd

The trial court gravely erred in not finding that the prosecution's evidence is weak and failed to overcome the presumption of innocence.

3rd

The trial court gravely erred in finding the existence of conspiracy in the case.

(p. 48, Rollo.)

We find the summarization of the background facts by the Office of the Solicitor General supported by the evidence on record, for which reason the same is hereby adopted, to wit:

At about 8:00 in the morning of May 17, 1992, Edna Tolentino stood beside a window in the upper floor of their house situated in Barangay Lawa, Obando, Bulacan as she awaited the religious procession that was about to pass by. Momentarily, Edna Tolentino saw Simeon dela Cruz, Jr. walking on the outer lane of the street in front of their house proceeding towards Barangay Lawa proper. As Simeon dela Cruz, Jr. was about to enter an alley, Edna Tolentino noticed appellant Feliciano Hilario and another man who were then suspiciously seeking cover behind an electric post nearby. Suddenly, appellant left his cover and approached Simeon from behind and, without any warning, hit the latter on the nape with a lead pipe. Simeon stumbled and crouched forward and before he could recover from the blow, appellant pushed him towards the alley. Seconds later, Edna Tolentino heard three (3) successive gunshots coming from that alley. Edna Tolentino did not see who fired the shots as her view was blocked by a fence and the alley was dark. Immediately thereafter, Edna Tolentino saw a man come out from the alley. He was the same person whom she earlier saw hiding with appellant behind the electric post and who entered the alley right after Simeon was pushed therein (TSN, pp. 4-24, July 27, 1992).

Edna Tolentino stepped out of her house and proceeded towards the alley where she saw the victim sprawled lifeless on the ground surrounded by onlookers. After Simeon was taken away, Edna Tolentino saw appellant standing in front of the bakery beside the alley. Edna Tolentino observed that appellant had changed his shirt (TSN, pp. 24-27, *ibid.*).

Dr. Benito Caballero, medico-legal officer and Municipal Health Officer of Bocaue, Bulacan, conducted an autopsy on the cadaver of the victim. The Death Certificate (Exh. "C") issued states that the cause of death was "shock due to massive external and inter cranial hemorrhage due to multiple gunshot wounds in the head, extremity and chest penetrating the brain."

(pp. 79-81, Rollo.)

Accused-appellant impugns the testimony of the lone prosecution witness, Edna Tolentino, asserting that her testimony is unworthy of belief. In support thereof, accused-appellant asserts that although Edna testified that accused-appellant hit the victim, Simeon de la Cruz, Jr., with an iron at the nape, no such injury was found per the autopsy report. However, this seeming discrepancy in Edna's testimony and the autopsy report is fully explained by the testimony of the medico-legal officer who declared on the witness stand that the hitting of the nape by a hard object does not necessarily result in an injury if the part hit is the soft portion of the nape.

Accused-appellant also contends that the trial court's reliance on the testimony of Edna runs counter to its previous ruling during the hearing for bail that "the fact that there was no injury shown at the nape or back creates doubts as to the testimony of Edna Tolentino." Such previous ruling of the trial court during the hearing for bail does not negate the correctness of its decision rendered after trial, for the reason that a hearing for an application for bail is summary and not for the purpose of trying the merits of the case (*Go vs. Court of Appeals*, 221 SCRA 397 [1993]). And it should be noted in this regard that when the application for bail was heard, the testimony of the medico-legal officer, Dr. Benito B. Caballero, had not yet been given.

Further, accused-appellant argues that Edna could not have noticed the victim pass by while she was waiting for her husband and the procession. This is clearly a trifling argument without any cogency whatsoever. Edna could not have helped noticing the victim as she was only 15 meters away from the victim, seated by a window at the

second floor of her house while the victim was walking just across the street. She had a vantage point of view of the street in front of her house.

What is beyond dispute is the fact that Edna positively identified accused-appellant as one of the perpetrators of the crime. She testified that she saw the victim walking along the street in front of her house; that accused-appellant and another man were behind an electric post nearby; that suddenly accused-appellant left his cover, approached the victim from behind and without any warning, hit the victim at the nape with a lead pipe; that before the victim fell, accused-appellant pushed him toward the alley; that soon thereafter, she heard three gunshots coming from the alley; that she saw the companion of accused-appellant whom she had seen earlier, crouching behind the electric post, emerge from the alley (pp. 4-17, TSN, July 17, 1992).

Edna could not have been mistaken in her identification of accused-appellant. She was only 15 meters away from the scene of the crime; she was well acquainted with accused-appellant whom she had known for about five years and who was her neighbor at Obando, Bulacan (p. 23, TSN, May 21, 1993). The record, not showing any improper motive on her part to falsely charge accused-appellant as one of the perpetrators of the crime, Edna's testimony must be accorded full faith and credit (*People vs. Tolentino*, 218 SCRA [1993]).

Moreover, it is a settled rule that the findings of fact of trial courts are entitled to great weight and respect by appellate courts and should not be disturbed on appeal in the absence of a clear showing that the trial court overlooked, disregarded, or misinterpreted some facts of weight and significance, which if considered would have altered the result of the case (*Donato vs. Court of Appeals*, 217 SCRA 196 [1993]; *People vs. de la Cruz*, 217 SCRA 283 [1993]). The record yields no such facts, perforce, we are left with no alternative but to accept the findings of fact of the trial court.

In a final attempt to win exculpation, accused-appellant assails the finding of conspiracy made by the trial court. A review of the evidence supports the finding of the trial court as to the existence of conspiracy. As aforesaid, prosecution witness Edna testified that she observed accused-appellant and his unidentified companion crouching behind the cover of an electric post. At the approach of the victim, accused-appellant suddenly and without warning attacked the victim from behind, hitting him at the nape with a lead pipe and thence pushing him to a dark alley. Immediately thereafter, Edna heard three successive gunshots, following which, the unidentified companion of accused-appellant emerged from the alley and hurriedly left.

The foregoing facts clearly establish conspiracy. Conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it (Article 8, Revised Penal Code; *People vs. Villanueva*, 211 SCRA 403 [1992]), but conspiracy may be inferred from the acts of the accused and need not be proven by direct evidence (*People vs. Pinzon*, 206 SCRA 93 [1992]; *People vs. Ocimar*, 212 SCRA 646 [1992]). Manifestly, there was close and spontaneous coordination in the attack committed by accused-appellant and his companion, evincing the existence of conspiracy (*People vs. Aleta*, 72 SCRA 544 [1976]). Conspiracy is present when each of the conspirators performed specific acts with such closeness and coordination that would indicate a common purpose or design (*People vs. Francisco*, 182 SCRA 305 [1990]). Accused-appellant's participation and specific acts necessary for the commission of the crime in furtherance of the conspiracy were his ambushing the victim, disabling him with a blow administered with a lead pipe, and pushing him into the alley where his companion thereupon dealt the death blows.

WHEREFORE, the appealed decision is hereby AFFIRMED.

SO ORDERED.

Feliciano, (Chairman), Romero, Vitug, and Francisco, JJ., concur.

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.