

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FLORENTINO REOVEROS, ACCUSED-APPELLEE.

G.R. No. 115987. August 23, 1995

Ponente: REGALADO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-115987/>

REGALADO, J.:

Accused-appellant Florentino Reoveros was charged with murder before the Regional Trial Court, Branch 61, Gumaca, Quezon, in Criminal Case No. 4039-B thereof. The accusatory portion of the information alleges:

"That on or about the 2nd day of June 1991, at Barangay Del Rosario, Municipality of Buenavista, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, Florentino Reoveros alias 'Anoy', conspiring and confederating together with two (2) other persons whose true names are still unknown and whose physical descriptions were not given by available witnesses and who are still at large, and mutually helping one another, with intent to kill and by means of treachery, armed with high powered firearms of unknown caliber, did then and there willfully, unlawfully and feloniously attack, assault and shoot with said firearms one Cipriano Bulfa who, as a result thereof, sustained gunshot wounds on different parts of his body which directly caused his death.

That the accused attacked, assaulted and shot the victim suddenly and unexpectedly, without giving the latter any opportunity to defend himself or to escape."[1]

Duly assisted by counsel, appellant entered a plea of not guilty upon arraignment. On May 19, 1994, after trial on the merits, the lower court promulgated its judgment convicting appellant of the crime charged, with the following disposition:

"WHEREFORE, judgment is hereby rendered convicting the accused, Florentino Reoveros, of the crime of murder, defined and punished under Art. 248(1) of the Revised Penal Code, and he is hereby sentenced to suffer the penalty of reclusion perpetua and all the accessory penalties, to pay the Heirs of Cipriano Bulfa, the amount of P10,000.00 for actual expenses, P10,000.00 attorney's fees and litigation expenses, and indemnity of P50,000.00."[2]

Appellant has now come to us on appeal and, in his brief, he imputes to the trial court a lone assignment of error, that is, that said court erred in convicting him.[3]

The pertinent confluence of facts which gave rise to this prosecution, as found by the trial court based on and with references to the record, are concisely stated in appellee's brief[4] from which we cull the material facts hereunder narrated.

On June 2, 1991, at about 9:00 o'clock in the evening, the deceased Cipriano Bulfa, together with his wife, Marivic, and their six-month old baby, were about to retire at their house in Barangay Del Rosario Buenavista, Quezon, when somebody called the nickname of the deceased, "Ka Pianing," three times.

Marivic, who eventually turned out to be the only eyewitness, recognized the voice of the caller to be that of

appellant Florentino Reoveros, also known as "Ka Anoy," who was also a resident of the same barangay.

The deceased did not answer the call. At the third call, Marivic got up, lighted and lifted another gasera to illuminate those calling her husband who were facing the side door of the house, and whom she could see through a small opening of about four inches on that door.

While peeping through the opening, the witness saw appellant Reoveros who was holding a long gun with its muzzle pointing to the ground. He was in the company of two other persons, one of whom was wearing a bonnet, while the other one was hatless and was standing a little farther behind appellant. These two other men were not armed and she did not recognize them. Marivic asked them what they wanted from her husband and they responded that they just wanted to talk to him. She accordingly asked her husband to stand up and face the group who were calling him.

Thereafter, the victim got up, took a flashlight which he pointed towards the direction of the callers, and asked them what they wanted. The latter answered that they wanted to talk to him. At this juncture, the victim, instead of going down to talk to them; retreated and sat just behind Marivic to whom he whispered "Ka Anoy," "Ka Anoy."

Marivic then saw appellant go around the house towards the front door. He inserted the muzzle of the gun into the slight opening thereof and then she heard four gunshots. She looked back and saw her husband sprawled on the floor, apparently dead. Appellant and his companions then warned Marivic against reporting the incident or else they would kill her, after which they left.

Marivic shouted for help and three persons responded to her call, namely, Rodel Soronicman and her two aunts, Sonnylen Valonzo and Jocelyn Gonzales. Soon thereafter, Barangay Captain Vicente Hermina and some members of the barangay council, including the father of Marivic, Kagawad Manuel Gonzales, arrived. Hermina attended to the cadaver of the deceased. Both Barangay Captain Hermina and Kagawad Gonzales asked Marivic if she knew who killed her husband, but she was unable to answer their question because she was still confused and afraid.

The following morning, the corpse of the deceased was brought to the municipal building in the poblacion of Buenavista where an autopsy was conducted by the Rural Health Officer, Dr. Rosalita Villasanta.

Appellant did not testify, nor did he present any witness. The defense was based only on two main arguments, firstly, that Marivic Bulfa's testimony is very doubtful, since it took her one month and a half to report that it was appellant who killed her husband; and, secondly, that the prosecution was unable to prove the guilt of appellant beyond reasonable doubt.[5]

The principal contention of appellant was that the lapse of one month and a half before witness Marivic Bulfa reported the incident to the authorities and pinpointed Reoveros as the assailant makes her testimony doubtful, unnatural, unreasonable and improbable.[6]

The Court does not ascribe to the same view. In a large number of cases, it has been held that the lapse of a considerable length of time before a witness comes forward to reveal the identity of the assailant does not taint the credibility of the witness and his testimony. In the case of *People vs. Dominguez, et al.*, [7] the Court explained the settled doctrine that delay on the part of the witnesses in informing the authorities of what they know about the occurrence of a crime will not, by itself, affect their credibility where such delay is satisfactorily explained. Likewise, in *People vs. Gamboa*, [8] the Court reiterated that delay on the part of the witnesses to immediately report the identity of the offender to the police investigators does not effect their credibility, especially so when the witnesses are related to the victim.

In the case at bar, the delay on the part of Marivic to report to the authorities that it was appellant who killed her

husband was explained in her testimony in this manner:

"Q.

Can you tell us any reason why it took you several months to pass by before you make (sic) up your mind to file a case for the death of your husband?

A.

It was because of my fear that if I report that matter, they might retaliate, relatives and other persons, so I thought of it carefully before filing a case."[9]

Such overwhelming fear felt by witness Marivic Bulfa caused her to withhold the identity of appellant when she was asked even by her own father as to who the assailant was. Such a reaction from the witness is natural, spontaneous and logical, contrary to what appellant alleges. It is of common human experience that people overcome by great fear, not only for their lives but also of those of their loved ones, will choose to remain tight-lipped about an incident and suffer in silence, rather than expose to risk their own safety and of those for whom they care.

As to the contention of appellant that the evidence presented by the prosecution is not sufficient to prove beyond reasonable doubt that he was the assailant of the deceased, our careful review and assessment of the same convinces us that such defense should be rejected.

Proof beyond reasonable doubt is that degree of proof which produces conviction in an unprejudiced mind. The Court, after a thorough and conscientious evaluation of the forthright and categorical testimony of witness Marivic Bulfa is fully convinced and morally certain that it is appellant Florentino Reoveros who killed the deceased Cipriano Bulfa in the manner testified to by said witness.

Marivic Bulfa having positively and categorically identified appellant as the malefactor, this fact negates the need for establishing the motive for the killing of the victim. Furthermore, in the absence of any proof that her testimony is motivated by ill will or any other dubious cause, she falls within the doctrine repeatedly laid down that the fact that the principal witness is the victim's wife even lends credence to her testimony. Her natural interest in securing the conviction of the guilty would deter her from implicating persons other than the culprits for otherwise the latter would thereby gain immunity.[10] Consequently, that relationship does not, ipso facto, impair the credibility of the witness.[11]

The defense was completely unable to undermine or erode the reliability of Marivic's declarations in court. During the cross-examination, she neither wavered nor equivocated in her contentions. The main argument of the defense was on the supposed inconsistency between the verbal testimony of Marivic, that it was the right hand of appellant holding the gun, and that of her demonstration in court whereby, merely to show that appellant had a gun, she happened to use her left hand.[12] This alleged inconsistency is so trivial that this Court cannot even consider it material to the purpose of her testimony, which was simply to establish that appellant was carrying a gun. In fact, when queried on the specific issue of which hand of the appellant held the gun, she remained steadfast and firm in testifying that he held that gun with his right, and not with his left, hand.[13]

On the alleged improbability that Marivic could have seen appellant shoot the deceased through the small opening in the side door, appellant's theory is untenable. It was established by the prosecution and uncontroverted by the defense that the witness lighted an additional gasera, aside from that which was already lit and being used by them at the time, to enable her to clearly see the callers of her husband.[14] Furthermore, the distance between the witness and appellant was only two meters, making it easy for her to clearly see him and perceive his movements.[15]

This was clearly explained in her testimony, as follows:

"Atty. Trinidad:

Q.

From that position of the person holding the gun, he went to that place in front of your front door, is that what you mean?

A.

Yes, sir, to that door where there is a slight opening.

Q.

So when you first saw that gunman holding the gun with his right hand the shot has not yet been fired?

A.

Yes, sir.

Q.

It was only when he went around the front door with an opening when the muzzle of the gun was inserted on the door, is that what you mean?

A.

Yes, sir.

Q.

You are not then possibly and absolutely sure whether that person holding that gun whom you saw in front of that open door is the very same person who inserted the muzzle of the gun on the front door of your house because you did not see the person go around?

A.

The person who shot my husband was the person who went around the front door of our house, sir.

Q.

In spite of the fact that you were inside the house?

A.

Yes, sir, because the distance was just the corner and the place was lighted."[16]

All told, there is nothing in Marivic's testimony that could cast doubt on the correctness of the conclusion of the court below that appellant shot and killed the deceased Cipriano Bulfa on the night of June 2, 1991. The settled jurisprudential rule is that on the matter of credibility of witnesses the findings of the trial court are given weight and the highest degree of respect by the appellate court.[17]

The prosecution having successfully discharged beyond reasonable doubt the onus probandi imposed on it as to the guilt of appellant, it has consequently overcome the disputable presumption of innocence in his favor. The affirmance of the conviction of appellant by the trial court is accordingly inescapable.

WHEREFORE, the judgment of the court a quo finding accused-appellant Florentino Reoveros guilty beyond reasonable doubt of the crime of murder is hereby **AFFIRMED** in toto.

SO ORDERED.

Puno, Mendoza, and Francisco, JJ., concur.
Narvasa, C.J., (Chairman), on official leave.

[1] Original Record, 2-3.

[2] Ibid., 235; per Executive Judge Proceso K. De Gala.

[3] Brief for the Appellant, I; Rollo 33.

[4] Appellee's Brief, 2-3; Rollo, 80-81.

[5] Brief for the Appellant, 5, 16; Rollo, 37, 48.

[6] Ibid., 48.

[7] G.R. No. 100199, January 18, 1993, 217 SCRA 170.

[8] G.R. No. 91374, February 25, 1991, 194 SCRA 372.

[9] TSN, November 18, 1992, 25.

[10] People vs. Villalobos, et al., G.R. No. 71526, May 27, 1992, 209 SCRA 304.

[11] People vs. Tinampay, et al., G.R. Nos. 80658-60, March 23, 1992, 207 SCRA 425.

[12] TSN, November 18, 1992, 9.

[13] Ibid., id., 16.

[14] Ibid., September 15, 1992, 5.

[15] Ibid., November 18, 1992, 14.

[16] Ibid., November 18, 1992, 17-18.

[17] People vs. Kintuan, G.R. No. 74100, December 3, 1987, 156 SCRA 195; People vs. Trigo, G.R. No. 74515, June 14, 1989, 174 SCRA 93.

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.