

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MANOLITO CASTILLO Y MOGA, AND LEONARDO ESPIRITU Y MOZO, A.K.A. BERNARDO ESPIRITU Y MOZO, ACCUSED,

G.R. No. 130188. April 27, 2000

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-130188/>

MENDOZA, J.:

This is an appeal from the decision[1] of the Regional Trial Court, Branch 156, Pateros City finding accused-appellant guilty of murder and imposing upon him the penalty of reclusion perpetua.

The Information against accused-appellant Manolito Castillo and his co-accused Bernardo Espiritu alleged -

That on or about the 31st day of August 1995, in the Municipality of Pateros, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together with one unidentified male person and mutually helping and aiding one another, by means of treachery and evident premeditation, did then and there willfully, unlawfully and feloniously attack, assault and shoot with the said gun one Edgardo T. Tiamzon on the vital parts of his body, thereby inflicting upon the later mortal wounds which directly caused his death.

CONTRARY TO LAW.

When arraigned, the two pleaded not guilty, whereupon trial ensued.

Presented by the prosecution as eyewitness was Emiliano Tiamzon, whose testimony is as follows:

Emiliano Tiamzon was 16 years old on August 31, 1995 when the fatal shooting of his cousin Edgardo Tiamzon, known as "ET," took place. At about 3 a.m. that day, he and Edgardo were having snacks in their grandmother's house at 006 Quioge St., Pateros, Metro Manila. After finishing, Edgardo went upstairs to sleep while Emiliano went out to fetch water and, afterward, went to a hamburger stand. When he returned to the house at around 5 a.m., Emiliano rested on the sofa on the ground floor and fell asleep. He was roused by someone looking for "ET." The man poked a gun at Emiliano's thigh. He could not recognize the intruder as the latter was wearing a helmet. Emiliano told the intruder that he was not "ET." When the latter asked him where "ET" was, Emiliano said he did not know ("Ewan ko.") The man then went upstairs. Emiliano did nothing and went back to sleep. A minute later, a shot rang out from upstairs. Emiliano rushed out of the house and saw two men, one of whom he recognized as "Tururukan," who was actually the accused Bernardo Espiritu. He did not recognize the latter's companion who was on a motorcycle parked about four to six meters away from the house.

Emiliano said he saw the gunman rush down the stairs. It was then that he recognized the man because the latter removed his helmet, thus revealing his face. The man was accused-appellant, whom he knew was an acquaintance of Edgardo. Accused-appellant ran towards the waiting motorcycle and escaped. Shakened, Emiliano told her aunt who had just arrived home after buying bread for breakfast that a shot had been fired upstairs. When they entered the house, they were met by Emiliano's grandfather who told them that Edgardo was seriously wounded.

Edgardo eventually died as a result of a gunshot wound in the chest.

On September 14, 1995, Emiliano executed a sworn statement before the Pateros Police implicating accused-appellant and Bernardo Espiritu in the killing of Edgardo Tiamzon. Accused-appellant fled to Baguio City where he was eventually arrested on December 8, 1996 by agents of the National Bureau of Investigation and Baguio City Narcotics Command operatives.

Teresita Tiamzon, Edgardo's aunt, also testified for the prosecution. She stated that on September 1, 1995, between 7 and 8 a.m., accused-appellant came to Edgardo's wake. Accused-appellant was restless and appeared to be drunk. He asked Teresita if charges have already been filed against a certain Bobby Cruz, a known trouble-maker and drug addict, for the killing of Edgardo. After viewing the body of Edgardo, accused-appellant surprised Teresita by seating beside her and blurting out "Hindi ko naman tutuluyan si Egay, pero nadamay lamang siya." [2] Teresita's testimony was corroborated by Cecilia Tiamzon, another close relative of Edgardo, who heard the latter's statement. [3]

After the prosecution had presented its evidence, the other accused, Bernardo Espiritu, filed a demurrer which was granted by the trial court by acquitting said accused on July 24, 1996. [4]

Accused-appellant testified in his defense. He claims that on August 31, 1995, at around 5:30 in the morning, he was at home sleeping until 9:30 that morning. This tale was corroborated by accused-appellant's 11 year-old daughter, Analyn Castillo. Accused-appellant admitted that he knew Edgardo and they did not have any feud; in fact that was why he attended the latter's wake. He said that it was really Bobby Cruz who shot and killed Edgardo and that he was being implicated in the killing only because of a past incident wherein his brother had stabbed a relative of Edgardo. He admitted that he fled to Baguio City after the killing but claimed that was because he got scared of going to jail without bail and because he received death threats from the killer.

The defense presented other witnesses to support accused-appellant's claim that it was Bobby Cruz who shot Edgardo. Daryl Mae C. Jovenon, an acquaintance of Emiliano Tiamzon, testified that she had a conversation with Emiliano when she attended Edgardo's wake on September 3, 1995 when Emiliano allegedly told her that Bobby Cruz had shot Edgardo. [5] Another witness, Cecille Moga Castillo, a tricycle driver, testified that immediately after the shooting, a crowd gathered near the Tiamzon residence and he heard people saying that Bobby Cruz was the assailant. He said that when he attended Edgardo's wake that night, Enrico Tiamzon, elder brother of Edgardo, told him that Bobby Cruz was Edgardo's assailant. [6]

To corroborate accused-appellant's claims, the defense also offered the testimony of Elizabeth Castillo, accused-appellant's sister-in-law. She lived in the same compound as accused-appellant and their houses are only about a meter away. She stated that when accused-appellant was awake, his radio was usually turned on, but on the morning of August 31, 1995, accused-appellant's house was silent and its windows and door were closed. [7] She further said that accused-appellant used to ask for hot water from her every morning. That morning, however, he did not do so. From these circumstances, she concluded that accused-appellant was then still asleep in his house. [8]

On the basis of the evidence, the trial court found accused-appellant guilty of murder, relying principally on: (1) Emiliano's testimony identifying accused-appellant as the gunman, and (2) on the fact that the latter fled after the incident to avoid arrest. [9] The trial court ruled out accused-appellant's alibi that it was physically impossible for him to be at Edgardo's house at the time the shooting incident happened. [10]

Hence, this appeal. Accused-appellant argues that Emiliano Tiamzon's testimony identifying him as the assailant is not entitled to credence because said witness did not see the actual shooting incident and even failed to report

immediately the matter to the police. In the alternative, he argues that, at most, he can only be held liable for homicide, there being no eyewitness who could actually prove the qualifying circumstance of treachery.[11] The Solicitor General agrees with this contention.

We find the appeal to be meritorious. There is reasonable doubt whether accused-appellant was the killer of Edgardo Tiamzon.[12]

First. In criminal prosecutions, the identity of the offender must be established.[13] In this case, the prosecution's only evidence against accused-appellant is Emiliano Tiamzon's testimony. It is argued that Emiliano was able to recognize accused-appellant as the latter rushed down the stairs after shooting Edgardo Tiamzon and removed his helmet, thereby revealing his face.

We are not persuaded.

Emiliano testified twice, first against Bobby Espiritu, who, as already noted, was eventually acquitted by the trial court, and second, against accused-appellant. In both instances, Emiliano was intensively questioned during direct and cross-examination as well as during re-cross and re-direct. At this point, however, he never claimed to have recognized accused-appellant when the latter removed his helmet. The entire theory of the prosecution regarding accused-appellant's identification is founded upon this crucial detail. Considering its importance to the prosecution's case, there is no reason why this was not mentioned by Emiliano, if he truthfully had basis for such claim. It was only at the very end of his testimony as a rebuttal witness that he claimed he recognized accused-appellant because the latter, while rushing down the stairs fleeing, removed his helmet and thus revealed his face. The pertinent portion of Emiliano Tiamzon's testimony reads:

Atty. Fernandez [for the defense]:

No further questions, your Honor.

Atty. Daliva [for the private prosecution]:

No redirect, your Honor.

COURT:

I remember you testified sometime ago that you saw the killer going down the stairs and passing by through the alley running out?

A: Yes, your Honor.

COURT:

After one shot?

A: Yes, your Honor, after one shot, he went down the stairs and he boarded the motorcycle and going out of E. Quioge.

COURT:

Ano'ng suot nung nakita mo?

A: He was wearing a Jacket with a red mark at the back, and green colored walking shorts, with a helmet and when he went down the stairs, when he was going down the stairs, he removed his helmet, that's why I recognized him.

COURT:

What point in time did the killer removed his helmet?

A: After the shot, your Honor, when he was going down the stairs, there was another door there, when he was about to go out of the door, he removed his helmet and he passed in the alley because there were two doors, sir. . . .[14]

Indeed, the claim that accused-appellant removed his helmet, thereby enabling the witness to recognize him, appears to be a mere afterthought and casts doubt on the veracity of his testimony.

Second. We likewise find merit in accused-appellant's contention that Emiliano's failure to immediately report him to the police as the one who shot Edgardo Tiamzon puts in question said witness' credibility.

As a general rule, the failure of a witness to immediately report to the police authorities the crime he had witnessed cannot be taken against him.[15] It is not unusual for a witness to show some reluctance about getting involved in a criminal case and such natural reticence of most people is of judicial notice.[16] In some cases, the witness may have been threatened.[17]

In the present case, however, neither of these reasons was given why, despite the fact that the killing happened on August 31, 1995, Emiliano Tiamzon gave his sworn statement identifying accused-appellant as the assailant only on September 14, 1995. His explanation, given during his cross-examination, is as follows:

Q When this happened in the morning of August 31, 1995 and you said you saw Manolito Castillo and another unidentified person and accused Leonardo Espiritu also in that vicinity where this crime was committed, did you not feel then your obligation to report this matter to the police?

A No, sir. I waited until my brother was buried.

Q Actually you are referring to your cousin?

A Yes, sir.

Q When was he buried?

A Sept. 5, 1995, sir.

Q This statement now marked in evidence as Exh. "A" was given on Sept. 14, 1995? Is this correct?

A Yes, sir.

Q Why did you wait until Sept. 14 when your cousin was interred Sept. 5, 1995?

A Because my mind was blocked, sir.

Q What do you mean your mind was blocked. You mean your mind were still confused at that time?

A Yes, sir.

Q Meaning to say you cannot still figured out what happened?

A Yes, sir.

Q You are not suffering from any mental disorder as would cause forgetfulness?

A None, sir.

Q In other words you have to wait until Sept. 14 because at that time you still did not know what to do. Am I correct?

A Yes, sir.

Q In fact probably you still did not know what to tell the police at that time?

A Yes, sir.

....

Q This incident that you allegedly saw you did not tell or say your father about this at any time between August 31 to Sept. 14, 1995? Am I correct?

A I told him, sir.

Q When did you tell your father?

A On August 31, 1995 also.

Q Aside from telling your father what you saw who else did you tell about this incident that you saw and the personality that you saw in the incident?

A My Tito and Tita, sir.

Q When did you tell your Tito and Tita?

A Also on that date Aug. 31, 1995.

Q In other words there was nothing blocking your mind. You can tell and narrate everything that you saw?

A Yes, sir.

Q In other words there was no confusion in your mind that you could narrate this incident?

A Yes, sir.

Q In other words what you are saying now what you told this Court earlier that you are confused is not correct?

A Because I was afraid.[18]

Clearly, the explanation is not convincing. Emiliano never claimed he was threatened, intimidated, or coerced not to reveal the identity of the killer. Considering that the deceased was his cousin and that they lived together in their grandmother's house, there was no reason why he hesitated to identify the killers. Emiliano claimed that he told his father, aunt and uncle who the killer was, but not one of the latter reported this matter to the police until September 14, 1995 when they accompanied Emiliano to the police where the latter executed the sworn statement in question. The tragic killing of a relative should have naturally impelled the family of the deceased to immediately seek justice lest the assailant escaped. If Emiliano had indeed told his family who the assailant was, it has not been explained why the family did not immediately act on the information. As a matter of fact, accused-appellant even attended Edgardo's wake but the victim's family did not do anything to have him arrested. These circumstances cast serious doubt on the prosecution's claim that the identity of Edgardo Tiamzon's assailant was immediately known or ascertained.

Third. As a general rule, great respect is accorded to the evaluation of the credibility of witnesses by the trial court.[19] However, if it clearly appears that the trial court's findings are arbitrary or that the trial judge overlooked certain facts of substance which, if considered, might affect the outcome of the case,[20] this Court will not hesitate to set aside such factual findings. E-xsm

In this case, the trial court described Emiliano Tiamzon as "a boy who displayed no non-sense with his words and

neither a trace of confusion." [21] To the contrary, as the foregoing portion of his testimony shows, Emiliano Tiamzon himself admitted to the court that he was so confused he did not immediately make a report to the authorities of what he had allegedly witnessed.

Moreover, his testimony is full of contradictions and improbabilities which put in doubt his credibility. The first time he testified, he stated that accused-appellant woke him up by calling him "ET," because he mistook him for Edgardo Tiamzon. He said that when Emiliano told the man that he was not "ET," the latter went upstairs while he, apparently not alarmed, went back to sleep. Then, he said, after a minute, he heard a shot and he went outside as he thought that a tire blew up. [22] However, the next time he took the stand, Emiliano told a significantly different story. His testimony is quoted below as follows:

Q After being awakened by Mr. Manolito Castillo, what happened next?

A He was waking me up by saying ET, ET, sir.

Q After that, what did he do?

A He asked where ET was, sir.

Q What did he use in waking you up?

A A gun, sir.

Q How did he use the gun in waking you up?

A He was doing like this, sir.

Interpreter:

Witness demonstrating by his left hand pointing to his left upper thigh.

Q What part of the gun did he use in waking you up?

A The end, sir. "dulo". [23]

Emiliano, therefore, subsequently stated that the intruder was armed with a gun. Like his statement that the intruder was wearing a helmet, this claim, if true, should have been stated at the outset. Whether or not the intruder was armed is very material because not only does such detail help in establishing the offense, it also provides a basis for evaluating Emiliano's testimony. Considering these latter claims of Emiliano Tiamzon, it would appear that the unidentified person who barged into the house early in the morning was wearing a helmet, which concealed his identity, and armed; yet, it did not occur to Emiliano that the intruder could have evil intentions. Instead, Emiliano said that, after denying that he was "ET" he simply went back to sleep. Emiliano was 16 years old at the time the crime was committed. Even a child of much younger years could not have failed to sense the danger in the offing. The whole story is simply unbelievable, and the trial court certainly erred in taking it hook, line, and sinker.

Fourth. The following circumstances are said to point to accused-appellant's guilt. First, the remark made by accused-appellant when he attended Edgardo Tiamzon's wake, and second, the fact that he fled and hid in Baguio City. As to the first, when he attended Edgardo Tiamzon's wake, accused-appellant was allegedly heard by prosecution witnesses to have said: "Hindi ko naman tutuluyan si Egay, pero nadamay lang." The statement in question, assuming it refers to the shooting incident, implies lack of intent to commit the offense as shown by the use of "hindi tutuluyan" and "nadamay." On the other hand, the killing appears to have been carried out deliberately because the gunman was precisely looking for Edgardo Tiamzon. Furthermore, accused-appellant

went to the wake of Edgardo. It would be quite unusual for him to do this if he were really was gunman, as claimed by the prosecution. He also testified that what he actually said was something like "Pati si ET nadamay. Hindi ko pa naman sana itutuloy." He explained that prior to the incident, the victim and Bobby Cruz, whom accused-appellant claims to be the killer, had stolen his motorcycle. He said he had intended not to file charges against Edgardo Tiamzon in order to make him his witness against Bobby Cruz.

The other circumstantial evidence against accused-appellant is the fact that he fled after the shooting and went in hiding in Baguio City. Chief

Flight, in most cases, strongly indicates guilt.[24] As a lone circumstantial evidence, however, it does not suffice as plurality of circumstantial evidence is required before guilt beyond reasonable doubt may be inferred from such indirect proof. To fully dispose of this issue, the motive of accused-appellant is a key element in the web of circumstantial evidence.[25] In this case, no motive on the part of accused-appellant was shown for him to want to kill Edgardo Tiamzon. Accused-appellant may have testified as to the theft of his motorcycle by the deceased and Bobby Cruz, but this angle, has neither been alleged nor proved by the prosecution.

Moreover, said incident has already been reported to the police for investigation.[26] It would thus be purely speculative to deduce that it provided accused-appellant with a motive for the killing. On the other hand, it appears that Bobby Cruz, claimed by the defense witnesses to be Edgardo Tiamzon's actual assailant, is a fugitive wanted for several serious crimes such as frustrated murder, qualified trespass to dwelling and violation of the Republic Act No. 6425 (Dangerous Drugs Act of 1972), as attested to by a certification from the Pateros Police.[27] Given accused-appellant's un rebutted testimony about the deceased's involvement in the unlawful activities of Bobby Cruz and the testimonies implicating the latter to the killing, it would have been the prudent course for the prosecution to have included Cruz as a suspect. Unfortunately, no such effort appears to have been made by the prosecution. An investigation on the involvement of Bobby Cruz clearly could have shed light as to accused-appellant's statements.

Fifth. Accused-appellant's defense is alibi. While this is an inherently weak defense, it is still imperative that the people's case must stand on the strength of its own evidence and not on the weakness of the defense.[28] Here, we have enumerated serious flaws in the prosecution's case against accused-appellant. Their combined effect is unmistakably to create reasonable doubt on the guilt of the latter.

WHEREFORE, the decision of the Regional Trial Court, Branch 156, Pateros City is hereby REVERSED and accused-appellant is ACQUITTED on the ground of reasonable doubt.

The Director of Prisons is hereby directed to forthwith cause the release of accused-appellant unless the latter is being lawfully held for another cause and to inform the Court accordingly within ten (10) days from notice.

SO ORDERED.

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

[1] Per Judge Martin S. Villarama.

[2] TSN, pp. 4-8, March 27, 1996.

[3] TSN, pp. 7-9, Feb. 5, 1997.

[4] RTC Decision, p. 5; Rollo, p. 30.

[5] TSN, pp. 5-6, March 19, 1997.

[6] TSN, pp. 5-8, April 15, 1997.

- [7] TSN, pp. 6-7, May 7, 1997.
- [8] Id., pp. 14-15.
- [9] RTC Decision, pp. 15-17; Rollo, pp. 40-42.
- [10] Ibid.
- [11] Appellant's Brief, pp. 11-14, 7-8, 13-16; Rollo, pp. 72-73, 76-69, 130-133.
- [12] *People v. Vasquez*, 280 SCRA 160 (1997).
- [13] *People v. Beltran*, 61 SCRA 246 (1974).
- [14] TSN, pp. 13-14, June 18, 1997. (Emphasis added)
- [15] *People v. Viovicente*, 286 SCRA 1 (1998); *People v. Mandapat*, 196 SCRA 157 (1991); *People v. Demate*, 113 SCRA 353 (1982).
- [16] *People v. Lising*, 285 SCRA 595 (1998); *People v. Pacabes*, 137 SCRA 158 (1985); *People v. Coronado*, 145 SCRA 250 (1986).
- [17] See *People v. Pallarco*, 288 SCRA 151 (1998); *People v. Lusa* 288 SCRA 296 (1998); *People v. Cabanit*, 139 SCRA 94 (1985); *People v. Millora*, 119 SCRA 417 (1984).
- [18] TSN, pp. 12-14, March 6, 1996. (Emphasis added)
- [19] *People v. Lapay*, 298 SCRA 62 (1998); *People v. Obello*, 284 SCRA 79 (1998); *People v. Magpantay*, 284 SCRA 96 (1998); *People v. Erese*, 281 SCRA 316 (1997).
- [20] See *People v. Villonez*, 298 SCRA 566 (1998); *People v. Alas*, 274 SCRA 310 (1997); *People v. Fernandez* 275 SCRA 49 (1997); *People v. Ragay*, 277 SCRA 106 (1997).
- [21] RTC Decision, p. 16; Records, p. 41.
- [22] TSN, pp. 4-17, March 6, 1996.
- [23] TSN, pp. 8-9, Jan. 8, 1997. (Emphasis added)
- [24] *People v. Israel*, 272 SCRA 95 (1997).
- [25] *People v. Villaran*, 269 SCRA 630 (1997).
- [26] Exh. 5-C.
- [27] Exh. 5-D.
- [28] *Santiago v. Court of Appeals*, 295 SCRA 334 (1998); *People v. Antido*, 278 SCRA 425 (1997); *People v. Cruz*, April 30, 1984.

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.