

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NAPOLEON MONTEALEGRE, DEFENDANT-APPELLANT.

G.R. No. 67948. May 31, 1988

Ponente: CRUZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-67948/>

CRUZ, J.:

It is a settled rule in this jurisdiction that the conviction of the accused, who is constitutionally presumed innocent, depends upon the strength of the prosecution and not the weakness of the defense. Unfortunately for the accused in this case, his prosecution for murder with assault upon a person in authority, undoubtedly already strong, was made even stronger by the defense itself.

As the trial court^[**] which convicted him saw it, the crime imputed to Napoleon Montealegre was committed as follows:

At about 11:30 in the evening of March 11, 1983, while Edmundo Abadilla was eating at the Meding's Restaurant in Cavite City, he detected the smell of marijuana smoke coming from a nearby table. Intending to call a policeman, he quietly went outside and saw Pfc. Renato Comantigue in his car whom he hailed to report the matter. After parking his vehicle Camantigue joined Abadilla in the restaurant and soon thereafter the two smelled marijuana smoke from the table occupied by Vicente Capalad and the accused-appellant. Camantigue then approached the two and collared both of them, saying "Nagmamarijuana kayo, ano?" Forcing them up, he asked the waitress if she know them but the waitress said she did not.^[1] Then the mayhem began.

While Camantigue was holding the two, Montealgre with his right hand and Capalad with his left hand, Capalad suddenly and surreptitiously pulled out a knife from a scabbard tucked in the right side of his waist and started stabbing Camantigue in the back.^[2] Camantigue let loose Montealegre to draw the gun from his holster but Montealegre, thus released, restrained Camantigue's hand to prevent the latter from defending himself. Montealegre used both his hands for this purpose,^[3] as Capalad continued stabbing the victim.^[4] While they were thus grappling, the three fell to the floor and Capalad, freed from Camantigue's grip, rose and scampered toward the door. Camantigue fired and, continuing the pursuit outside, fired again.^[5] Capalad fled into a dark alley. Camantigue abandoned the chase and asked to be brought to a hospital. Capalad was later found slumped in the alley with a bullet wound in his chest. Neither Camantigue nor Capalad survived, both expiring the following day.^[6]

The accused-appellant, for his part, escaped during the confusion.^[7] Having been informed of the incident, Capt. Cipriano Gilera of the Cavite police immediately organized a team that went to look for him that very night.^[8] They did not find him in his house then but he was apprehended in the morning of March 12, 1983, on board a vehicle bound for Baclaran. He gave his name as Alegre but later admitted he was the fugitive being sought.^[9]

Dr. Regalado Sosa, reporting on the autopsy of the Camantigue's body, testified that death was caused by severe shock due to massive internal hemorrhage caused by seven stab wounds affecting the heart, lungs, liver, stomach, pancreas, and diaphragm.^[10] The weapon used was 6" in length and about 2 to 2.5 cm. in width and the blood

found on it was analyzed as human.[11] The stabbing incident was narrated in detail at the trial by Abadilla,[12] who was corroborated by Generoso San Juan.[13]

On direct examination, Abadilla testified that Montealegre prevented Camantigue from drawing his pistol while he was being stabbed by Capalad, demonstrating with the aid of court personnel the relative positions of the three during the incident.[14]

On cross-examination, he reiterated his previous declaration even more emphatically, thus:

Q.

When accused Montealegre hold the hand of Pfc. Camantigue upon drawing his gun, what happened to Camantigue?

A.

We could not move, sir. He could not make any defense because he was being held by Montealegre and he was being stabbed at the back.[15]

He replied as follows to questions on re-direct to stress the participation of the accused-appellant:

Q.

When accused Capalad started stabbing Pfc. Camantigue at the back, accused Montealegre was being held by Pfc. Camantigue at that time?

A.

Yes, sir.

Q.

And in fact Montealegre was very close to the right of Camantigue at that time?

A.

Yes; sir.

Q.

And Montealegre was aware that Capalad was stabbing Pfc. Camantigue?

A.

Yes, sir, he knew.[16]

In answer to clarificatory questions from the court, he declared:

Q.

And When Montealegre saw that Camantigue was about to draw his gun, Montealegre grabbed the hand of Camantigue?

A.

Yes, sir.

Q.

With what hand?

A.

Both hands, sir.

Q.

And was Camantigue able to pull out from his waist the gun?

A.

No, sir.

Q.

Why?

A.

Because Montealegre was holding his hand, Your Honor.

Q.

With both hands?

A.

Yes, sir.

Q.

Montealegre was holding with both hands the right hand of Camantigue?

A.

Yes, sir.

Q.

And at this moment When Montealegre was holding with both hands the hand of Camantigue, what was Capalad doing?

A.

Capalad was still stabbing Camantigue, Your Honor.[17]

San Juan was equally categorical in his testimony, saying on direct examination:

Q.

When Camantigue was being stabbed, where was Montealegre?

A.

He was on the right side.

Q.

What was he doing at that time?

A.

While Camantigue was being stabbed, he tried to pull his gun but Montealegre held his hand.

Q.

Was Camantigue able to draw his gun?

A.

No, sir.

Q.

What happened when Camantigue failed to draw his gun?

A.

They slammed down on the floor and when they were already on the floor, I ran away because I was already frightened.[18]

The cause of the defense did not improve when on cross examination, he insisted:

A.

When Camantigue was about to draw his gun, Montealegre suddenly hold the hand of Camantigue.

Q.

And when Montealegre suddenly held the hand of Camantigue, what happened to Camantigue?

A.

He could not draw his gun because while Montealegre was holding his hand, Capalad was stabbing him at the back.[19]

And to the court, the witness maintained his testimony as follows:

Q.

So Camantigue was hit many times by Capalad while Montealegre was holding the right hand of the policeman to prevent him from drawing his gun?

A.

Yes, sir.[20]

The accused-appellant, testifying on his behalf, only succeeded in confirming his own guilt. He claimed he ran away before the stabbing but his testimony, consisting of denials, evasions, contradictions, claims of ignorance and forgetfulness and protestations of innocence, does not have the ring of truth. The following excerpts are reflective of the kind of defense he offered to exculpate himself from the charge established against him by the prosecution:

Q.

Now, while Pfc. Camantigue was arresting Vicente Capalad, what happened if any?

A.

Camantigue pulled his gun.

Q.

What happened after that?

A.

Nothing, I did not see anymore what happened.[21]

xxx xxx xxx

A.

I cannot say anything about that. I did not see what really happened.

Q.

Did you see Capalad stabbing Pfc. Camantigue?

A.

I did not see.[22]

xxx xxx xxx

Q.

From whom did you come to know that Pfc. Camantigue shot and killed Vicente Capalad?

A.

From the witness Abadilla. I have heard from him that Camantigue killed Capalad.[23]

xxx xxx xxx

Q.

Mr. Montealegre, did you notice while Pfc. Camantigue was holding both of you, did you notice that Vicente Capalad stabbed Pfc. Camantigue?

A.

I did not see anything.[24]

xxx xxx xxx

Q.

And you were standing on the right side of Pfc. Camantigue while Capalad was on the left side?

A.

I am not sure whether I was standing at the right or at the left.

Q.

But the fact is that you were standing on the right side of Camantigue?

A.

I am not sure if that is the right side.

Q.

But you were standing on the side where his gun and holster were placed?

A.

I cannot remember.[25]

It is simply unbelievable that the accused-appellant did not know what was happening on that evening of March 11, 1983. As one of the principal figures of the stabbing incident, he could not have not known, nor could he later not remember, that startling event that even mere onlookers could not forget. The evidence has established that the accused-appellant was directly and personally involved and was in fact one of the two persons held by the victim when he was stabbed. Yet Montealegre would now insist, quite incredibly, that he was unaware of what had transpired that night.

If it is true, as he says, that he ran away before the stabbing, there would have been less likelihood of Capalad's attack as Camantigue's attention would have been fully concentrated on his lone captive. Moreover, there would have been nothing to restrain the policeman from drawing his pistol and defending himself against Capalad if the accused-appellant had, by his own account, already escaped before the stabbing.

It is also worth noting that, instead of reporting to the authorities, what the accused-appellant did was attempt to hide, only to be found the following morning on board a bus bound for outside Cavite City. When apprehended, he first gave a false name before he finally admitted his identity, thus beginning the mesh of contradictions, admissions and denials, in which he would ensnare himself.

The Court accepts the evidence established by the prosecution that at the time of the stabbing, the victim was in uniform and, therefore, could easily be recognized as a person in authority. Several witnesses testified as to his attire when he was killed.[26] And even assuming that the victim was in civilian clothes on that tragic night, the record shows that no less than the accused-appellant himself, replying to questions put to him by the prosecution, declared twice that he knew the victim to be a policeman.[27]

The accused-appellant was correctly considered a co-principal for having collaborated with Capalad in the killing of the police officer. The two acted in concert, with Capalad actually stabbing Camantigue seven times and the accused-appellant holding on to the victim's hands to prevent him from drawing his pistol and defending himself. While it is true that the accused-appellant did not himself commit the act of stabbing, he was nonetheless equally guilty thereof for having prevented Camantigue from resisting the attack against him. The accused-appellant was a principal by indispensable cooperation under Article 17, par. 3, of the Revised Penal Code.

AS correctly interpreted, the requisites of this provision are: "(1) participating in the criminal resolution, that is, there is either anterior conspiracy or unity of criminal purpose and intention immediately before the commission of the crime charged; and (2) cooperation in the commission of the offense by performing another act without which it would not have been accomplished." [28]

The prosecution contends that although there was no evidence of a prior agreement between Capalad and Montealegre, their subsequent acts should prove the presence of such conspiracy. The Court sustains this view, which conforms to our consistent holding on this matter:

"Conspiracy need not be established by direct proof as it can be inferred from the acts of the appellants. It is enough that, at the time the offense was committed, participants had the same purpose and were united in its execution; as may be inferred from the attendant circumstances." [29]

xxx xxx xxx

"We agree that there is no evidence to show a previous plan to kill Regino Bautista. The whole incident happened because the accused came upon Bautista and Mallabo fishing within or near the fishpond enclosure of Carlo Aquino which was under the care of Vicente Cercano.

"But for a collective responsibility among the herein accused to be established, it is not necessary or essential that there be a previous plan or agreement to commit the assault; it is sufficient that at the time of the aggression all the accused by their acts manifested a common intent or desire to attack Bautista and Mallabo, so that the act of one accused became the act of all." [30]

xxx xxx xxx

"If it be proved that two or more persons aimed by their acts towards accomplishment of the same unlawful object, each doing a part so that their acts, though apparently independent, were in fact connected and cooperative, indicating a closeness of personal association and concurrence of sentiment, a conspiracy may be inferred though no actual meeting among them to concert is proven. A conspiracy may be entered into after the commencement of overt acts leading to the consummation of the crime." [31]

As for the second requirement, the Court has held that:

"There can be no question that appellant's act in holding the victim from behind when the latter was stabbed by his cousin, Victor Buduan, was a positive act towards the realization of a common criminal intent, although the intent can be classified as instantaneous. It can be safely assumed that had not appellant held both arms of the victim from behind, the latter could have parried the thrust or even run away from his assailant. By immobilizing the two hands of the victim from behind, and although there was no anterior conspiracy, the two cousins showed unity of criminal purpose and intent immediately before the actual stabbing." [32]

xxx xxx xxx

"It has been sufficiently established that appellant Cabiles seized the running decedent in such a manner that the latter could not even move or turn around. This enabled the pursuing Labis, who was armed with a drawn bolo and was barely five meters away from the decedent, to finally overtake him and stab him at the back with

hardly any risk at all. Cabiles therefore performed another act — holding the decedent — without which the crime would not have been accomplished. This makes him a principal by indispensable cooperation.”[33]

The above requisites having been established, the accused-appellant was correctly convicted of the complex crime of murder, as qualified by treachery, with assault upon a person in authority. Accordingly, he must suffer the penalty imposed upon him, to wit, reclusion perpetua, there being no aggravating and mitigating circumstances, plus the civil indemnity, which is hereby increased to P30,000.00, and the actual, medical and funeral expenses in the sum of P37,380.00 as proved at the trial.

Pfc. Renato Camantigue was only 34 years old when he died in line of duty while enforcing the law against the abuse of dangerous drugs. He was struck down with no less than seven vicious stabs by a man who, by his own admission, was at the time of the incident "burned" on marijuana. The killer also eventually succumbed, and that, made the second life needlessly lost to the wickedness of drug addiction. There was another life also ruined, this time of the 28 year-old accused-appellant himself, although, fortunately for him, his loss is not irretrievable nor is his future forever foreclosed. In the somber shadows of the prison bars, as he ponders the wrong he has done, he may yet find his ultimate redemption in rehabilitation and remorse.

WHEREFORE, the appealed judgment is AFFIRMED as above modified, without any pronouncement as to costs. It is so ordered.

Narvasa, (Chairman), Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[**] Decision penned by Judge Rolando D. Diaz, RTC, Cavite City, Branch XVII.

[1] Decision (Rollo, p. 12).

[2] Ibid.

[3] TSN, May 9, 1983, p. 34.

[4] Ibid., pp. 29-30.

[5] Id., pp. 35-40.

[6] Id., p. 44; Id., Sept. 20, 1983, p. 165.

[7] Id., p. 36.

[8] Rollo, p. 13.

[9] TSN, Oct. 17, 1983, pp. 172-173.

[10] Ibid., July 12, 1983, p. 151.

[11] Ibid.; Id., June 1, 1983, p. 70.

[12] Id., May 9, 1983, pp. 29-30.

[13] Id., June 27, 1983, pp. 123-124.

[14] Id., May 9, 1983, pp. 21, 31-34.

[15] Id., June 27, 1983, p. 99.

[16] Id., pp. 105-106.

- [17] Id., pp. 111-112.
- [18] Id., pp. 123-124.
- [19] Id., pp. 137-138.
- [20] Id., pp. 142-143.
- [21] Id., Feb. 28, 1984, p. 187.
- [22]
- [23] Id., p. 188.
- [24] Id., pp. 193-194.
- [25] Id., pp. 203-204.
- [26] Id., June 27, 1983, p. 143; Id., July 29, 1983, p. 158, Id., March 5, 1984, pp. 231-234.
- [27] Id., Feb. 28, 1984, pp. 210-211, 219-220.
- [28] Luis B. Reyes, Criminal Law, 1977 ed., p. 506.
- [29] People v. Laganson, 129 SCRA 333, 350.
- [30] People v. Cercano, 87 SCRA 1, 11-12.
- [31] People v. Garcia y Cabarse, 94 SCRA 14, 26.
- [32] Dacanay v. People, 94 SCRA 383, 389.
- [33] People v. Labis, 21 SCRA 875, 885.

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.