

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RODRIGO ESCOLTERO AND RODOLFO ONCE ALIAS IMPONG (AT bLARGE), ACCUSED-APPELLANTS.

G.R. No. 68160. October 09, 1985

Ponente: GUTIERREZ, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-68160/>

GUTIERREZ, JR., J.:

Rodrigo Escoltero and Rodolfo Once were charged with the crime of murder in an information filed with the Court of First Instance of Iloilo, to wit:

"That on or about the 19th day of August, 1981, in the City of Iloilo, Philippines, and within the jurisdiction of this Court, said accused, Rodrigo Escoltero armed with a knife and Rodrigo Once alias 'Impong' armed with a sharp pointed instrument, conspiring and confederating between themselves, working together and helping one another, with deliberate intent, and with a decided purpose to kill with treachery and taking advantage of their superior strength, did then and there wilfully, unlawfully and criminally stab, hit and wound Ambrosio Hosillos with the said knife and sharp pointed instrument, with which they were provided at that time, thereby causing upon Ambrosio Hosillos stab wounds and injuries on the vital parts of his body which caused his instantaneous death thereafter."

When arraigned Rodrigo Escoltero pleaded not guilty. Rodolfo Once evaded arrest and remains-at-large.

The evidence for the prosecution is summarized in the decision of the lower court as follows:

"x x x in the evening of August 19, 1981, at around 10:00 o'clock, the deceased Ambrosio Hosillos and his companions, Valentino Abreira, Antonio Gedalanga and Magdalena Tolosa, were walking along the alley on their way home coming from NARDO's place where they bought 'kutsinta' or rice cake at Tanza-Bonifacio, Iloilo City.

"Suddenly, the accused Rodrigo Escoltero and Rodolfo Once appeared and blocked the way of Hosillos' group. The two approached Hosillos and pushed him to the concrete wall causing him to fall on his buttocks and then took turns in stabbing Hosillos inflicting upon him multiple wounds on the different parts of the body. Thereafter, the accused ran away.

"Hosillos' companions got frightened and ran away. Abreira and Gedalanga entered a house nearby. Later, policemen and several persons arrived and the victim was brought to St. Mary's Hospital. Abreira and Gedalanga were investigated by the police and they pointed to Escoltero and Once as the ones who waylaid and stabbed the deceased.

"Dr. Jose Rafio, medico-legal officer of the Integrated National Police, Iloilo City, autopsied the body of the victim and found that he suffered multiple wounds and injuries on the different parts of the body which he enumerated in the Autopsy Report, Exhibit "A", as follows:

""THORACO-ABDOMINAL REGIONS:

""1. Stab wounds, horizontal 1.4 cm., long 0.7 cm., wide sharp on the right lateral end, mid-anterior chest wall,

50.5" from the right heel, penetrating the mid-sternum, above the level of the 3rd costal cartilage, with sub-sternal hematoma, perforating the supero-anterior pericardium, penetrating superficially the supero-anterior right ventricle 0.3 cm., long 0.3 cm., deep.

"The direction of the wound is backward, slightly downward with a deep of 7 centimeters.

"2. Stab wound, diagonal, 1.2 cm., long 0.6 cm., wide sharp on the infero-lateral end, right mid-upper chest wall, 4.5 cm., from the anterior median line, 52.25" from the right heel, penetrating the muscle tissue, cutting halfway the right costal cartilage near the sternum, penetrating the right para-vertebral, where it ends.

"The direction of the wound is backward, upward, medially with a deep of 6.1 centimeters.

"3. Stab wound, diagonal, 2.2 cm., long 0.8 cm., wide, sharp on the supero-medial end, right supero-lateral chest wall, 10 cm., from the anterior median line, 51.5" from the right heel, penetrating the thoracic cavity at the level of 2nd intercostal space, right along mid-clavicular line, penetrating the inferior upper lobe and the superior middle lobe right lung, where it ends, with a deep of 5 centimeters.

"The direction of the wound is backward, downward, medially with a deep of 10.5 centimeters.

"4. Stab wound, diagonal, 1.7 cm., long 1.1 cm., wide sharp on the inferior end, left mid-axillary line, 20 cm., from the anterior median line, 49" from the right heel, penetrating the thoracic cavity at the level of the 6[th] intercostal space, cutting the lower border of the 6[th] rib, penetrating the infero-lateral left pericardium perforating to its lumen the left ventricle, where it ends.

"The direction of the wound is left to right slightly upward, slightly anteriorly with a deep of 13.5 centimeters.

"5. Stab wound, horizontal, 1.5 cm., long 0.5 cm., wide sharp on the posterior end, right posterior axillary line 17.5 cm., from the posterior median line, 51" from the right heel, penetrating the thoracic cavity at the level of the 5th intercostal space, penetrating thru & thru the superior portion lower lobe right lung, ending beyond it.

"The direction of the wound is forward, slightly downward slightly medially.

"About 150 cc. of clotted and liquified blood was extracted from the pericardial sac and about 300 cc., also of clotted and liquified blood was extracted from the right thoracic cavity.

"6. Stab wound, horizontal 1.7 cm., long 0.6 cm., wide sharp on the lateral end, right mid-posterior shoulder 15.5 cm., from the anterior median line, 55.75" from the right heel, penetrating muscle tissue, ending at the superior portion right scapula, directed downward, anteriorly with a deep of 4 centimeters.

"7. Stab wound, vertical, 1.8 cm., long 0.8 cm., wide sharp on the inferior end, right postero-medial shoulder 9.3 cm., from the anterior median line, 55.75" from the right heel, penetrating the muscle tissue, directed forward, slightly upward, slightly laterally, ending at the right clavicle with a deep of 8.5 centimeters.

"8. Abrasion, 8.9 x 1.4 cm., in dia., mid-posterior lumbar area.

"9. Abrasion, 0.4 x 0.3 cm., in dia., & 1.5 x 0.6 cm., in dia., each left medial posterior lumbar area.

EXTREMITIES:

"1. Stab wound, vertical, 1.6 cm., long 0.7 cm., wide sharp on the inferior end, right indero-anterior deltoid area, penetrating the muscle tissue, directed medially, slightly downward, with a deep of 4.3 centimeters.

"2. Stab wound, thru & thru, entrance, vertical, 1.7 cm., long 0.4 cm., wide sharp on the inferior end, postero-lateral aspect, middle 3rd, right arm penetrating the muscle tissue, exiting at the anterior aspect, junction of middle & lower 3rd right arm, with an exit wound, measuring 0.7 cm., long 0.2 cm., wide.

"The direction of the wound is forward, slightly downward.

"3. Stab wound, diagonal, 1.4 cm., long 0.3 cm., wide sharp on the inferior end, posterior aspect lower 3rd, right arm, penetrating muscle tissue, directed medially, slightly upward with a deep of 1.3 centimeters.

"4. Stab wound, thru & thru, entrance, 2.5 cm., long 1 cm., wide sharp on the inferior end, anterior aspect, middle 3rd left arm, penetrating the muscle tissue, exiting at the middle 3rd medial aspect, left arm, with an exit wound 2.4 cm., long 1 cm., wide directed, backward, slightly medially.

"5. Stab wound, thru & thru, entrance, 2.5 cm., long 1 cm., wide sharp on the infero-lateral end, antero-lateral aspect, left palm, penetrating the muscle tissue, exiting at the dorsolateral aspect, above the knuckle of the left index finger with an exit wound, 1.5 cm., long 0.6 cm., wide.

"6. Stab wound, 3.5 cm., long 0.6 cm., wide dorsal aspect, left thumb, penetrating skin, deep.

"7. Stab wound, 4.2 cm., long antero-medial aspect, left palm penetrating muscle tissue, chipping the knuckle of left middle finger, exiting at the dorsal aspect knuckle of left middle finger with an exit wound, 2.1 cm., long 0.9 cm., wide.

"8. Stab wound, thru & thru, entrance 2 cm., long 0.7 cm., wide postero-medial aspect, right wrist, penetrating the muscle tissues, exiting at the antero-medial aspect, right wrist joint with an exit wound, measuring 1.3 cm., long 0.3 cm., wide directed forward.

"9. Stab wound, 1.1 cm., long 0.3 cm., wide postero-lateral aspect, right wrist joint, penetrating muscle tissue with a deep of 1.5 centimeters, directed forward.

"10. Stab wound, thru & thru, entrance 2 cm., long 0.7 cm., wide dorsal aspect, right hand, penetrating muscle tissue exiting at the palmar aspect, right thumb with an exit wound measuring 0.5 cm., long 0.2 cm., wide, directed forward, slightly downward laterally.

"11. Incised wound, diagonal, 8.9 cm., long 4 cm. wide, antero-medial aspect upper to middle 3[rd], left forearm.

"12. Incised wound, 2.7 cm., long 1.2 cm., wide antero-medial aspect, lower 3[rd], left forearm.

"13. Incised wound, 4 cm., long 0.6 cm., wide medial aspect lower [3rd], right forearm.

"14. Incised wound, 1.5 cm., long 1.2 cm., wide anterior aspect, right wrist.' (Autopsy Report, Exh. "A")

"The doctor, opined that the victim died of hemorrhage due to multiple stab wounds. He adverted to wounds nos. 1, 3, 4 and 5 in the Autopsy Report as fatal wounds considering that they affected vital organs of the body such as the heart and lungs."

Appellant Escoltero denied any participation in the killing of Hosillos. He admitted that he was present at the incident but pointed to his co-accused as the one who stabbed Hosillos. He narrated the incident as follows:

xxx xxx xxx

"x x x while the group of Hosillos was passing by him and his companions that evening of August 19, 1981 at Tanza-Bonifacio, one of his companions, namely, Pan-ot Garduce, called the lady companion of Hosillos, ugly. Hosillos and his two male companions resented this remark of Garduce and so a fist fight ensued between the group of Hosillos and that of the accused.

"While the fist fight was going on, Hosillos ran away going towards the junction of the alley. Rodolfo Once saw Hosillos and ran after him. Abel Espinosa, one of the companions of the accused, followed Rodolfo Once at the same time shouting at Escoltero to follow him. Escoltero ran and followed Rodolfo Once in order to tell him to go home. Rodolfo Once was, however, able to overtake Hosillos and pushed the latter to the concrete wall causing him to fall on his buttocks. While in this position, Hosillos was stabbed by Once with a knife.

"Escoltero ran away. He does not know where Rodolfo and Abel Espinosa are at present. He has not seen them since they parted that evening after the incident."

xxx xxx xxx

The trial court gave credence to the prosecution's version of the incident and rejected that of Escoltero. The appellant was found guilty as charged and sentenced to suffer the penalty of RECLUSION PERPETUA and to indemnify the heirs of the deceased, Ambrosio Hosillos, the sum of P12,000.00 without subsidiary imprisonment in case of insolvency, together with all the accessory penalties provided for by law and to pay one half (½) of the costs.

Appellant Escoltero now raises the following assignments of errors in this appeal:

I

THE LOWER COURT ERRED IN HOLDING THE ACCUSED-APPELLANT GUILTY OF THE CRIME OF MURDER, QUALIFIED BY TREACHERY.

II

GRANTING WITHOUT ADMITTING THAT THE ACCUSED-APPELLANT PARTICIPATED IN THE STABBING OF AMBROSIO HOSILLOS, THE OFFENSE COMMITTED COULD ONLY BE HOMICIDE AND NOT MURDER.

III

THE LOWER COURT ERRED IN CONSIDERING THE TESTIMONY OF THE TWO PROSECUTION WITNESSES AS AN OVERWHELMING PROOF IN HOLDING THE ACCUSED-APPELLANT GUILTY OF THE CRIME OF MURDER NOTWITHSTANDING OBVIOUS INCONSISTENCIES IN THE ORAL TESTIMONY OF SAID TWO WITNESSES, NAMELY VALENTINO CUSTODIO AND ANTONIO GEDALANGA.

IV

THE LOWER COURT ERRED IN HOLDING THAT THE PRESENCE OF THE TWO PROSECUTION WITNESSES REMAINED UNDENIED BY THE ACCUSED-APPELLANT.

The appellant insists on his version of the incident. On the premise that Ambrosio Hosillos was stabbed to death as result of a rumble between the group of the appellant and the group of Hosillos, the appellant argues that the crime could only be homicide and not murder. He points out inconsistencies in the testimonies of prosecution witnesses Valentino Abreira Custodio and Antonio Gedalanga which, according to him, destroy the probative value of the prosecution's evidence.

The inconsistent statements attributed to the two witnesses are as follows: (1) Custodio stated that his house is five kilometers away from the scene of the crime and that Gedalanga is his neighbor. Gedalanga, however, testified that his house is only 50 meters away from the scene of the crime; (2) Custodio stated that the place of the incident was 6 meters from the house where their group bought "kutsinta" while Gedalanga stated that the place of the incident was 25 to 50 meters from where they bought "kutsinta"; (3) Custodio stated that their group met several persons from the main road going to the house where they bought "kutsinta" but Gedalanga denied meeting any other person except for the two accused; (4) Custodio stated that on their way to buy "kutsinta" their group met the two accused walking while Gedalanga stated that when their group entered the place where they bought "kutsinta", they saw the accused seated in a pushcart; (5) Custodio stated that the accused were running when they encountered and stabbed Hosillos while Gedalanga stated that the accused approached Hosillos, pushed him to the concrete wall and stabbed him; and (6) Custodio stated that their group was not able to leave the place where they were then standing after the incident while Gedalanga stated that he ran away right after the

incident.

It is readily seen that the alleged inconsistent statements of the prosecution witnesses pertain to minor details which do not affect the integrity of their testimonies. It has been held that "x x x only the testimonies of rehearsed witnesses will tally on every point." (People v. Paculba, 124 SCRA 383).

The unfamiliarity of a person with units of measurement such as meters, feet, kilos, pounds, degrees Celsius, or degrees Fahrenheit does not make him incompetent to testify about a killing he witnesses. The statement of Custodio that the accused were running is not inconsistent with the statement of Gedalanga that during the incident itself the victim was pushed against a wall and stabbed. On the last alleged inconsistency, it is possible that Custodio remained while Gedalanga ran after the incident. The trial court observed the witnesses as they testified. Its having given credence to their apparent sincerity and candor cannot be overcome by the alleged inconsistencies pointed out by the appellant.

The appellant also contends that it is not true that the presence of the two prosecution witnesses, Custodio and Gedalanga at the scene of the crime was un rebutted. The appellant admitted that at the time of the incident the deceased Hosillos was with three companions, two of them male and one female. On direct examination, the appellant said that he did not know who were Hosillos' companions. (TSN, November 21, 1983, p. 5). When asked during cross-examination whether or not prosecution witnesses Custodio and Gedalanga were the two companions of Hosillos, he answered that he was not sure whether they were the ones (TSN, November 21, 1983, p. 19). He also stated that he never knew nor met Hosillos' companions before the incident. There was no clear rebuttal or admission but the testimony of the appellant taken with the other evidence in the record shows the last assigned error to be without merit.

Custodio and Gedalanga positively identified the appellant as one of the assailants. Both declared that, together with Magdalena Tolosa, they were the companions of Hosillos at the time of the incident. They were able to identify the appellant since the incident happened in a well-lighted place. There was a lighted electric bulb in an electric post five meters away from the scene of the incident. Both testified that they had known the appellant for about four years before the incident. According to Custodio, the appellant was once his neighbor in Tanza-Bonifacio. There is no showing that the two witnesses falsely incriminated Escoltero. Under these circumstances, the testimonies of Custodio and Gedalanga are entitled to full faith and credit. (See People v. Alcantara, 126 SCRA 425).

Ambrosio Hosillos suffered multiple wounds and injuries: 17 stab wounds, 4 incised wounds and 2 abrasions for a total of 23 wounds. The number of wounds inflicted on Hosillos negates the assertion of the appellant that his co-accused was the only one who stabbed the former. In the earlier case of People v. Remollo (123 SCRA 208) we ruled:

"The infliction of as many as nineteen wounds on the deceased attests to his being the victim of aggression, not the illegal aggressor as he must have to be, if self-defense is to prosper as the justifying circumstance which the accused is invoking for his exculpation. The exceedingly numerous wounds inflicted on the deceased also attest to the number of assailants as not limited to only one, as Salvador claims to have been the only one who took part in the killing, not even to only two or three, but to all the five herein appellants who were all identified as having inflicted injuries on the defenseless victim."

Another circumstance which strengthens the prosecution's version is the fact that the appellant disappeared from his residence without any justifying reason after a warrant of arrest was issued against him. The offense was committed on August 19, 1981. The warrant of arrest was issued on October 5, 1981 but the same was returned unserved because the appellant could not be found in his residence or elsewhere despite efforts of the police

authorities to locate him. He was arrested on March 17, 1983, or after the lapse of 1 year and 5 months from the issuance of the warrant of arrest. The appellant did not offer any explanation as to why he left his residence. The appellant's attempt to evade arrest and prosecution is incompatible with his protestations of innocence. (See *People v. Pospos*, 23 SCRA 557).

All these circumstances lead us to the conclusions that the appellant is guilty as charged. His uncorroborated testimony can not stand against the evidence of the prosecution regarding his participation in the killing of Hosillos.

The trial court correctly ruled that treachery was present in the commission of the crime. The unarmed Hosillos was suddenly met by the accused who were both armed with knives. They pushed the victim against a concrete wall and without warning took turns in stabbing him. The means employed by the assailants to execute the crime were such that the victim was rendered helpless to retaliate and insured the crime's execution without risks to themselves arising from any defense which Hosillos might make (Article 14, par. 16, Revised Penal Code).

All the assigned errors are without merit.

WHEREFORE, the judgment appealed from is hereby **AFFIRMED** with **MODIFICATION** that the indemnity is raised to **THIRTY THOUSAND PESOS (P30,000.00)**. With proportionate costs against the appellant.

SO ORDERED.

Teehankee, (Chairman), Melencio-Herrera, Plana, Relova, De la Fuente, and Patajo, 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.