

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. WILBUR ABOGA Y EVANGELISTA ALIAS 'WILLY', RODOLFO BAS NAVARRA ALIAS 'BOY ILONGGO'; ALIAS BOY BRITANNICO' AND JOHN DOE ALIAS 'LI...'

G.R. No. 70255. January 29, 1987

Ponente: GUTIERREZ, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-70255/>

GUTIERREZ, JR., J.:

This is an appeal interposed by the accused Wilbur Aboga y Evangelista alias Willy from the decision of the Regional Trial Court of Quezon City, Branch 89, finding him guilty of the crime of Murder and sentencing him to reclusion perpetua, to indemnify the heirs of the deceased Emitterio Roquid the sums of P12,000.00, as compensatory damages; P10,000.00 as moral damages and P1,200.00 as funeral expenses, and to pay his proportionate costs.

The information filed against the accused alleged:

"That on or about the 22[nd] day of August 1979, in Quezon City, Philippines, the above-named accused, conspiring with, confederating together and mutually helping one another, did then and there wilfully, unlawfully and feloniously, with intent to kill and qualified by evident premeditation and taking advantage of superior strength, assault and employ personal violence upon the person of EMITERIO ROQUID Y CLEOFAS by then and there hacking him with bolos, thereby inflicting upon him serious and mortal wounds which were the direct and immediate cause of his death, to the damage and prejudice of the heirs of said victim in such amount as may be awarded to them under the provisions of the Civil Code."

The lower court found the following facts established:

"At about 6:30 in the evening of August 21, 1979 accused Rodolfo Navarra alias Boy Britanico was at the store of Ricardo Aboga, father of accused Wilbur Aboga, at Commonwealth Avenue, Quezon City, talking about the former's desire to rent the house of the latter, at which accused Navarra requested Ricardo Aboga, who agreed, to transfer to the latter's house without paying advance rental.

"Accused Navarra was thankful. And, because of this, he invited Ricardo Aboga to celebrate with him. For this purpose, at the instance of accused Navarra, Ricardo Aboga, who guaranteed for the said accused, accompanied accused Navarra to buy one (1) case of beer from his daughter on credit, as their own beer supply had already been exhausted.

"Ricardo Aboga, cooked pancit for their 'pulotan', and he and accused Navarra started drinking at 7:30 P.M.

"While thus drinking beer at the same time conversing with each other, the brothers: Graciano Aldabe, Antonio Aldabe, and Alberto Aldabe, as well as Tommy Tubal, arrived and joined the drinking at the invitation of Ricardo Aboga.

"Later, at past 8:30 P.M., Reynaldo Pantinople and Emitterio Roquid arrived and ordered beer from the wife of

Ricardo Aboga. But, they were later invited by the latter to join the group which they did.

"While thus drinking, an argument arose between Roquid and accused Navarra regarding the card game 'pusoy' with Roquid asking accused Navarra why the latter quarelled with his brother. Accused Navarra asked that it be forgotten. But Pantinople stood, remarking why it should be forgotten, then boxed accused Navarra at the forehead, causing the latter to fall from his chair.

"At this, accused Navarra stood, then got a knife and ran after Pantinople towards the outside.

"After a while, accused Navarra, still with his knife, returned to the store saying he did not catch up with Pantinople; and he then asked Roquid, who was left there, why his Compadre Pantinople boxed him, to which Roquid answered that Pantinople is like that whenever he is drunk.

"Then, they continued drinking. But after a while, accused Navarra borrowed P5.00 from Ricardo Aboga, who instead gave P10.00, as he was going to some place.

"After accused Navarra left, Pantinople arrived with a scythe. Roquid told him that accused Navarra already left.

"At this, Roquid asked Pantinople to go home with him. They went to the house of Pantinople.

"It was at this time, when accused Wilbur Aboga, who was at the store of his mother from 6:30 P.M. that evening on August 21, 1979 helping her, asked the permission of his mother to sleep inside the room.

"Then accused Navarra and his brother 'Little Boy' also known as 'Boy Ilongo' arrived asking for the house of Pantinople. Luis Revero, who was the neighbor of Pantinople and who was pointed to by an old man, accompanied the Navarras to the house of Pantinople.

"It turned out that upon the arrival of Roquid, and Pantinople at the latter's house situated in the compound of the Diliman Preparatory School, Don Mariano Marcos Ave., Quezon City, which is just 500 meters away from the store of Ricardo Aboga, they rested at the open balcony of Pantinople's house and slept there. Luzviminda, the wife of Pantinople, slept inside the house.

"At about 12:00 midnight, a thud was suddenly heard by Pantinople. He woke up and saw accused: Navarra alias Boy Britanico, Wilbur Aboga, and Little Boy alias 'Boy Ilongo', with bolos in their hands.

"Accused Little Boy alias 'Boy Ilongo' hacked Pantinople. But he was not hit as he was able to enter the room of his house. But he was able to see, at a distance of one (1) arm length away, the said three (3) accused hacking Roquid several times with their bolos while the latter was lying down at the porch.

"This was also seen by Luzviminda, wife of Pantinople, at a distance of two (2) arm lengths away. For, when her husband entered their house, she asked him what happened. However, instead of answering, her husband leaped out of the house thru the window. She then looked outside at the porch and there saw the three (3) accused hacking Roquid who was lying down.

"At this, Pantinople asked help from his neighbors, and they brought Roquid to the Hospital Ng Bagong Lipunan at Quezon City where he died on arrival on August 22, 1979, per his certificate of death (Exh. "A").

"At the request of Roquid's sister (Exh. "E"), Major Desiderio A. Moraleda, Chief, Medico-Legal Branch of the PC Crime Laboratory, Camp Crame, Quezon City, conducted an autopsy on the cadaver of Roquid, issuing as a result thereof a Medico-Legal Necropsy Report on October 2, 1979, with the following postmortem findings:

"Fairly developed, fairly nourished male cadaver in the rigor mortis with postmortem lividity over the dependent portions of the body. Conjunctivae, lips and nailbeds are pale. Stomach is 1/3 full of partially digested food

particles.

HEAD, TRUNK AND EXTREMITIES:

- '1). Hacked wound, frontal region, measuring 9 x 2.5 cm., crossing the anterior midline, 3.5 cm. right and 5.5 cm. left.
- '2). Abrasion, frontal region, measuring 2 x 1 cm., 3.5 cm. right of the anterior midline.
- '3). Hacked wound, right zygomatic extending to the right cheek, measuring 9.5 x 1.3 cm., 8.5 cm. from the anterior midline.
- '4). Hacked wound, right maxillary extending to the right ear, measuring 15 x 3 cm., 9 cm. from the anterior midline.
- '5). Hacked wound, occipital region, measuring 7.5 x 1.5 cm., 9 cm. left of the posterior midline.
- '6). Hacked wound, occipital region, measuring 8 x 1 cm., crossing the posterior midline, 1.5 cm. right and 6.5 cm. left.
- '7). Incised wound, right lateral aspect of the neck, measuring 9.5 x 0.3 cm., 6 cm. from the anterior midline.
- '8). Incised wound, right lateral aspect of the neck, measuring 8.5 x 0.2 cm. 9 cm. from the anterior midline.
- '9). Linear abrasion, right infrascapular region, measuring 9.2 cm. long, 7 cm. from the posterior midline.
- '10). Abrasion, proximal 3rd of the right arm, measuring 6 x 0.8 cm., 6 cm. medial to its posterior midline.
- '11). Hacked wound, distal 3rd of the right arm, measuring 15 x 3 cm. medial to its posterior midline.
- '12). Hacked wound, left elbow, measuring 2.7 x 0.8 cm., 2 cm. lateral to its posterior midline.
- '13). Lacerated wound, left elbow, measuring 3.5 x 1 cm., 2 cm. medial to its posterior midline.
- '14). Incised wound, middle 3rd of the right forearm, measuring 2 x 0.5 cm. along its posterior midline.
- '15). Incised wound, dorsum of the right hand, measuring 0.8 x 0.7 cm., 5.5 cm. lateral to its posterior midline.
- '16). Hacked wound, dorsum of the right hand, measuring 9 x 2.5 cm., 2.5 cm. medial to its posterior midline.
- '17). Hacked wound, dorsum of the right hand, measuring 2 x 0.6 cm., 4 cm. medial to its posterior midline.
- '18). Hacked wound, right ring finger, measuring 6.5 x 1 cm.
- '19). Hacked wound, palmar aspect of the left hand, measuring 13.5 x 1.5 cm., bisecting its anterior midline.
- '20). Incised wound, thenar surface of the left thumb, measuring 4 x 2 cm.
- '21). Incised wound, palmar aspect of the left hand, measuring 1.5 x 0.1 cm., 3 cm. lateral to its anterior midline.
- '22). Hacked wound, proximal phalange of the right middle finger, measuring 2 x 1.5 cm.
- '23). Lacerated wound, middle 3rd of the right leg, measuring 3.2 x 0.6 cm. along its anterior midline.
- '24). Linear abrasion, distal 3rd of the left leg, measuring 6 x 0.3 cm., 4 cm. medial to its anterior midline.
- '25). Incised wound, distal 3rd of the left leg, measuring 2.5 x 0.5 cm., 4 cm. medial to its anterior midline.
- '26). Incised wound, dorsum of the left foot, measuring 3.5 x 0.1 cm., 9 cm. medial to its anterior midline.

"The left cerebral hemisphere is lacerated.

"The frontal, occipital bones, distal phalange of the left and right middle finger, metacarpal of the right ring finger are fractured, with amputation of the left thumb. (Exhs. "C" and "C-1")'

which injuries are also indicated in the sketches (Exhs. "D" to "D-13"). According to said Necropsy report, the cause of death was cardio-respiratory arrest due to shock and hemorrhage as a result of multiple injuries of the head, trunk and extremities."

Appellant Aboga raised the following assignment of errors in this appeal:

I

THE TRIAL COURT COMMITTED GRAVE AND REVERSIBLE ERROR IN GIVING CREDENCE TO THE ALLEGED POSITIVE IDENTIFICATION MADE BY THE PROSECUTION WITNESSES;

II

THE TRIAL COURT COMMITTED GRAVE ERROR IN FINDING THE ACCUSED-APPELLANT WILBUR ABOGA GUILTY AS CHARGED MERELY BECAUSE HIS EVIDENCE IS WEAK.

The two assigned errors center on the issue of whether or not the trial court erred in determining the value and credibility of the evidence presented.

We have carefully studied the records of this case and we find no reason to deviate from the well-settled rule that the findings of fact of the trial court on the credibility of witnesses are generally accorded the highest respect by the appellate court in view of its privilege of examining the demeanor of the witnesses as they testify (*People v. Ramilo*, G.R. No. 52230, Dec. 15, 1986; *People v. Natipravat*, G.R. No. 69876, Nov. 13, 1986; and *People v. Adones*, G.R. No. 63453, Sept. 24, 1986).

The appellant contends that the spouses Pantinople could not have made a positive identification on him, as one of the attackers of the deceased Roquid, because at the time of the assault, they (the Pantinoples) had just awakened from sleep and it was very dark, there being no electricity in the area nor was the moon out that night.

The contention is without merit.

Both Reynaldo Pantinople and Roquid were then sleeping on the balcony of the former's house. When the assault was committed, Reynaldo woke up to see the appellant together with Navarra alias Boy Britanico and Little Boy alias "Boy Ilongo" with bolos in their hands. Reynaldo was able to run inside the house but not before he saw the three accused hacking Roquid. He could not have erred in his identification as he was only one arm length away. (TSN., February 25, 1980, p. 6).

Although, he had just awakened from sleep, Reynaldo recognized the assailants immediately. He saw that they were carrying bolos and he then instinctively decided to enter the house right away before he could be mortally wounded.

Likewise, Reynaldo's wife, Luzviminda was able to identify the assailants when Reynaldo rushed inside the house.

The appellant questions the credibility of the testimony of Luzviminda due to its alleged "infirmity, inconsistency, unreliability and absurdity". He said that, at one time, Luzviminda declared:

"Q - Will you please state briefly what you saw and witnessed?

"A - While I was resting at our porch, I heard a commotion.

"Q - Now, when you heard a commotion, what did you do, if you have done anything?

"A - I saw my husband enter our house and I asked him what happen(ed). Instead of answering me, I saw that he immediately leap(ed) and from our porch I look and saw men holding bolo(es). What I did was to lean against our door.' (t.s.n., p. 3, hearing of November 6, 1979)

xxx

xxx

xxx

"Q - And you also stated that you were surprised when your husband entered your house and leaped through the window outside your house?

"A - Yes, sir.

"Q - And that your husband entered the house and closed the door behind him, is that right?

"A - No, Sir. I was the one who closed and leaned my body against the door.' (t.s.n., p. 6, Ibid);'" (Rollo, p. 32)

Accordingly, the appellant contends that Luzviminda could not possibly have seen the hacking incident. It is clear from the records that Luzviminda saw the assailants as she was only two arms length away and although there was no electricity, there was a lighted "gacera" or wick lamp inside the house when Luzviminda was sleeping (t.s.n., February 25, 1980, p. 26).

We agree with the following observations of the Solicitor General:

"Moreover, appellant Wilbur Aboga was long known to the Pantinoples, he being a long time neighbors of theirs. The two other accused — the Navarra brothers — were also known to the Pantinoples for about a year already prior to Roquid's killing; the Navarra brothers were then living with the appellant in the same house (tsn, February 25, 1980, pp. 9-11). Consequently, his identification, as well as that of the Navarra brothers, was prompt and immediate, for it is a fact that when one meets a person known to him, identification takes place at first sight.

"Also, it should be noted that immediately after the killing of Roquid, when Reynaldo Pantinople and his wife Luzviminda were still too shaken to concoct a story falsely incriminating the appellant and his two co-accused, the former positively and promptly stated to the authorities that appellant Wilbur Aboga and his two co-accused — the Navarra brothers Rodolfo and Little Boy — hacked to death Emiterio Roquid (tsn, Feb. 25, 1980, pp. 15-16; see also pp. 21-22, record).

"Aside from the positive identification of the appellant and his two co-accused, the existence of sufficient motive on the part of the appellant and his two co-accused was also established. Aboga and his two co-accused were mad at Pantinople and Roquid who appeared to have gotten the upper hand in their verbal altercation, and with Pantinople boxing Rodolfo Navarra, during their drinking spree that fateful night.

"On the other hand, there is no evidence whatsoever to show that these witnesses had ulterior motive to testify falsely against the appellant or falsely implicate him if he was not involved at all in the killing. On the contrary, appellant Aboga even admitted that he had no personal differences with the Pantinoples and that they were in fact friends. In the absence of such a contrary evidence, the only logical conclusion is that no such improper motive existed and their testimony are worthy of full faith and credit (People v. Angeles, 92 SCRA 432)."

The defense interposed an alibi through the testimonies of the accused Wilbur Aboga and his father, Richard

Aboga that the accused was sleeping at their house at the time of the incident.

Such a defense is unavailing. The positive identification of the accused being decisive, the defense of alibi cannot assume importance in the case at bar. (See *People v. Ramilo*, supra; *People v. Ibal*, G.R. Nos. 66010-12, July 13, 1986; *People v. Bihasa*, 130 SCRA 62; *People v. Cabanit*, 139 SCRA 94; *People v. Pampanga*, 139 SCRA 339; *People v. Sarol*, 139 SCRA 125; *People v. Garcia*, 141 SCRA 336; *People v. De las Pinas*, 141 SCRA 379; and *People v. Valentino*, 141 SCRA 397).

It was not physically impossible for the accused to be at the house of Pantinople where the hacking incident occurred as the said house is merely 500 meters away from their store.

WHEREFORE, the judgment appealed from is AFFIRMED with the MODIFICATION that the indemnity to be paid is increased to THIRTY THOUSAND PESOS (P30,000.00).

SO ORDERED.

Fernan, (Chairman), Alampay, Paras, Padilla, and Bidin, 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.