

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MARTIN ALVERO, JR., “JOHN DOE”; RUBEN DE LAS ALAS AND “ISTING DOE,” ACCUSED. MARTIN ALVERO, JR., ACCUSED-APPELLANT.

G.R. No. 72319. June 30, 1993

Ponente: DAVIDE, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-72319/>

DAVIDE, JR., J.:

Appellant Martin Alvero, Jr. appeals from the decision of Branch 30 of the Regional Trial Court (RTC) at San Pablo City, Fourth Judicial Region, in Criminal Case No. 2365-SP. The court a quo convicted him of the crime of robbery with homicide and sentenced him to suffer the penalty of reclusion perpetua, indemnify the heirs of the victim, Victor Alvaran, in the amount of P30,000.00, pay them the additional sums of P600,000.00 representing the victim's unearned income, P20,000.00 as actual damages and P30,000.00 as moral damages, and bear the costs of the suit.[1]

In the morning of 21 January 1980, San Pablo City policemen found in Dagatan Boulevard the lifeless body of a young man which bore twelve stab wounds, including one that penetrated both the lung and the heart. Initial reports identified the deceased as Victor Alvaran, a seaman and a resident of San Pablo City last seen leaving his house in the early evening of 20 January 1980 on board his father's Suzuki motorcycle. The motorcycle was never found. Two days later, however, police authorities recovered some parts of the missing motorcycle. With the assistance of a number of witnesses, the investigators were able to apprehend two of the four male suspects who were reportedly responsible for the crime. The two, appellant Martin Alvero, Jr. and Ruben de las Alas, both of San Pablo City, were taken in for questioning. While the former was investigated in the police station in the night of 21 January 1980 and released on 22 January 1980, the latter remained in police custody. The two other suspects have neither been apprehended nor investigated.

In an Information[2] filed on 24 July 1980 with the then Court of First Instance (CFI), now RTC, of Laguna and San Pablo City, appellant Martin Alvero, Jr., Ruben De Las Alas, "John Doe" and "Isting Doe" were charged with the crime of Robbery with Homicide in that:

“x x x on or about January 20, 1980, in the City of San Pablo, Republic of the Philippines and within the jurisdiction of this Honorable Court, the accused Martin Alvero, Jr. and ‘John Doe,’ conspiring, confederating and mutually helping one another with intent to gain did then and there wilfully, unlawfully and feloniously rob one VICTOR ALVARAN, in the following manner to wit: accused Martin Alvero, Jr. and ‘John Doe’ by means of force and intimidation, did then and there take, steal and carry away a suzuki motorcycle valued at P8,000.00 driven by said Victor Alvaran and that in furtherance of and on occasion of said robbery, accused Martin Alvero, Jr. and ‘John Doe’ with intent to kill, did then and there wilfully, unlawfully and feloniously stab said Victor Alvaran with bladed weapons with which both accused were then conveniently provided, thereby inflicting mortal wounds upon the person of the said offended party which caused his death and accused Ruben de las Alas and ‘Isting Doe’ having knowledge in (sic) the commission of the crime and

without having participated therein either as principal or accomplice, take part subsequent to its commission by concealing the body of the crime or the effects thereof in order to prevent its discovery."

Only accused Ruben de las Alas was arrested. During his arraignment on 19 August 1980,[3] he entered a plea of not guilty. Thereafter, the investigating fiscal conducted a reinvestigation upon the filing of a proper petition. On 27 September 1980, the prosecution petitioned for the dismissal of the case as against de las Alas on the ground that he had no knowledge of the commission of the said crime and did not know that the dismantled motor parts inside the sack which was in the possession of appellant Martin Alvero, Jr. were stolen.[4] On 29 September 1980, the trial court granted the petition and dismissed the case as against de las Alas.[5]

Since the other accused -- including appellant Martin Alvero, Jr. -- remained at large, the trial court issued an order on 29 December 1980 which directed the archiving of Criminal Case No. 2365-SP and the issuance of alias warrants of arrest against the accused.[6] However, about four years later, or at 7:20 o'clock in the evening of 5 May 1984, police operatives nabbed Martin Alvero, Jr. at Don Carlos Street in Don Antonio Subdivision, Diliman, Quezon City.[7]

Arraigned on 1 June 1984,[8] Alvero entered a plea of not guilty. Thereupon, trial on the merits commenced. The prosecution presented as its witnesses Victoria Alvaran, Pat. Ruel Tasico, Pfc. Godofredo Cordero, Nestor Comia, Dr. Emma Brion, Ruel Atienza, Pfc. Almorito Calabia, Pat. Zosimo Tubig and Renato Ortega. The defense presented, as its lone witness, the accused Martin Alvero, Jr. who raised the defense of alibi.

On 26 July 1985, the trial court promulgated its decision the dispositive portion of which reads:

"WHEREFORE, this Court finds the accused Martin Alvero Jr., guilty beyond reasonable doubt of the crime of Robbery With Homicide, as defined and penalized under Art. 294 of the Revised Penal Code, without any mitigating or aggravating circumstances, hereby sentences him to suffer the indivisible penalty of Reclusion Perpetua (Life Imprisonment), to indemnify the heirs of Victor Alvaran in the amount of P30,000.00, by reason of his death, and to pay them the additional sum of P600,000.00 as victim's unearned income, P20,000.00 as actual damages and P30,000.00 as moral damages, with costs against the said accused.

The motorcycle engine block assembly, Exh. E is hereby ordered to be returned to the heirs of the said victim, upon the finality of this judgment.

Accused shall be credited with the full time during which he has undergone preventive imprisonment, provided he agrees in writing to abide by the rules imposed upon convicted prisoners, otherwise, he shall be credited with 4/5 of such time only.

SO ORDERED."[9]

The evidence for the prosecution is summarized by the trial court in the following manner:

"After a careful study and evaluation of the evidence on record, this Court is convinced that following (sic) facts and circumstances have been fully established:

The victim Victor Alvaran, now deceased, was a resident of 1st Street, Lakeside Park Subdivision, San Pablo City. He was single and had seven brothers and sister (sic), among them was Victoria Alvaran, one of the prosecution witnesses. On January 20, 1980 when the said victim left their house, he was riding on a motorcycle, registered in the name of his father, Orlando M. Alvaran, under Registration Certificate No. RCO-0472125, Land Transportation Commission, San Pablo City Agency, (Exh. D) which described the said motor vehicle as follows:

Make: Suzuki

Type of Body: MC

Yr. Model: 1979

Motor No.: TS 1252-159446

Serial or Chassis No.: ASC-T-125 M 00429

In the evening of January 20, 1980, the accused Martin Alvero, Jr., was seen inside the Seven Lakes Disco Club by Pat. Godofredo Cordero, (who went there to pass water) wearing a blue jacket with red stripes.

That same evening (Jan. 20, 1980), while Nestor Comia was in his house at Dagatan Blvd., San Pablo City, he heard someone shouting for help. So he went down with his flashlight and proceeded to the house of one Eva, 50 m. away near said Dagatan Blvd., but he did not see any person near the said house. When he flashed his light elsewhere, he saw a motorcycle in front of the house of Ex--congressman Manuel Concordia at said boulevard. As he approached the place, at a distance of 30 m. away, he saw a person, he did not recognize ran (sic) to the said motorcycle which first fell down, and then sped (sic) away towards the San Pablo City Hall. When he reached the said place, he saw a lever motor part that was left there. From the sound of the vehicle and from his experience as a motorcycle mechanic, it was a susuki type motorcycle. Comia got the lever and went home and discussed the matter with his wife. The following morning, there were many persons gathered at the same place where he saw the previous night, a motorcycle, and when he approached the place, he saw a person there who was stabbed dead. The police said the victim was Victor Alvaran, and near his body a blue jacket with red stripes was found. The body of said victim was examined and autopsied at the Funeraria Avenue Morgue by Asst. City Health Officer Dra. Emma G. Brion, at 8:15 A.M. that day, January 21, 1980 and per the Necropsy Report (Exh. A, A-1) and Anatomical sketch (Exh. B), which she prepared, there were twelve (12) stab wounds found on the victim's body, one which (sic) was the most fatal, as it penetrated the lung and the heart, (Exh. A-3); said wounds could have been caused by one or different weapons. And the cause of death was 'Shock and Hemorrhage Secondary To Multiple Lacerated Stabbed Wounds involving the Lung and Heart', (Exh. A-2). Dra. Brion also issued the victim's death certificate, (Exhs. C and C-1).

On Jan. 22, 1980, Pat. Ruel Tasico, upon the request of Pat. Zosimo Tubig, went to the latter's residence, and when he arrived there, Pat. Tubig pointed to him (Tasico) a sack in a vacant lot at Alvarez St., San Pablo City, containing a motorcycle part, and engine block assembly (Exh. E), bearing Motor No. TS-1252-159446. Pat. Tasico found also in the said sack 2 rubber handles, 1 carburetor, and 1 plastic tank oil cover -- all parts of a motorcycle which were all recorded in the police blotter of said police station.

About 8:00 P.M. of said date, (Jan. 22, 1980) Ruel Atienza, a tricycle driver, picked up accused Ruben de las Alas and Martin Alvero Jr., and their companion whose name he does not know, in front of Renato Ortega's house at Brgy. San Gabriel, San Pablo City. They were carrying a sack, containing motorcycle part (sic). Martin Alvero and his 2 companions went to Ortega that evening, with the motorcycle parts, and before they boarded the tricycle, Martin Alvero requested Ortega to keep the said motorcycle parts (Exh. E) in his (Ortega) house for them but he refused and told them to go back; so Alvero and his companions boarded Atienza's tricycle and went back, followed by Ortega riding his own motorcycle up to Alvarez St., San Pablo City, near the corner of Sgt. de Roma Street, where Martin Alvero and his companions unloaded the said sack and left it there after they failed to see the person they were looking for; thereafter, Ortega gave his statement to the police, (Exhs. F, F-1).

On January 21, 1980, in the evening, accused Alvero was invited to the San Pablo City Station for questioning. He was told that he was involved in the killing of Victor Alvaran at Sampaloc Lake. He was released the following morning. One week after, he left for Metro Manila, stayed there and did not go back to San Pablo City up to his arrest four years later or on May 5, 1984 at Diliman, Quezon City."[10]

The appellant's evidence, on the other hand, has been condensed-by the trial court in this wise:

"For his defense, accused Martin Alvero, Jr. presented no other evidence except his testimony, that: he is 24

years of age, married and jobless; he does not know the accusation against him, as well as his co-accused Ruben de las Alas; in the evening of January 20, 1980, he was at home in San Pablo City; on January 21, 1980, in the evening, while he was at home, a policeman whose name he does not remember, came and invited him to go to the San Pablo City Police Station for questioning; he was told that he was involved in the killing of the victim Victor Alvaran at the Sampaloc Lake, San Pablo City; at said Station, when he was interrogated, he answered he did not know the assailants of the said victim; the following morning, he was allowed to go home; after staying at home for more than a week, his Aunt Margie Ocho, came and when she left, he went with her to Manila and stayed at Cogui Village, Antipolo, Rizal; he was given a job as photographer of (sic) Dom's Portrait, owned by Domingo Cabuyo, and located at No. 148 Makati Avenue, Makati, Metro Manila, where he stayed for more than one year.

Accused further testified that: he went back to his said Aunt Margie Ocho, sister of his mother Norma; he worked in Marikina, Rizal, for 3 months as helper (sic) in the Camarines Machine Shop, located at a street he does not remember; then he went back to his Aunt at Cogui Village, and got married in 1982 in Marikina; from January 21, 1980 up to his arrest on May 5, 1984, he did not receive any notice from the Court; he does not know Ruel Atienza, and Atienza's declaration that on January 22, 1980, he (Alvero) and De las Alas, were in a tricycle from Brgy. San Gabriel to San Pablo City proper, carrying with them some parts of a motorcycle, is not true; he did not ask Renato Ortega to hide for them the motorcycle parts; when asked of Ortega's statement that said Ortega had known him one month before the incident in question, he answered 'maybe not he'; of Pfc. Cordero's testimony that at 10:00 P.M. of (sic) Jan. 20, 1980, he met said accused inside the comfort room of the Seven Lakes Disco Club and he (accused) was then wearing a blue jacket with red stripes, accused answered he does not know; he was arrested at Don Carlos St., Don Antonio Subdivision, Diliman, Quezon City, where he was working, by a police officer, who informed him that he has a homicide case in San Pablo City; he does not know the present case.”[11]

As disclosed by the prosecution's evidence, no eyewitness to both the robbery and the killing was presented. The trial court thus convicted the appellant on the basis of circumstantial evidence. It made the following exposition:

"x x x accused Martin Alvero failed to explain, among others, some incriminating, albeit, decisive circumstantial evidence, to wit: (1) the blue jacket with red stripes that said accused was seen wearing inside the Seven Lakes Disco Club, which was found near the body of the victim at the scene of the crime; and (2), the motorcycle part engine block assembly, seen in his possession, and which he was carrying in a sack, but which he left at the corner of Alvarez St. and Sgt. de Roma Street, after Renato Ortega refused to keep it for him. The blue jacket with red stripes cannot but place the accused, by inference, at the scene of the crime about the time a man was heard shouting for help from the said place. And the motorcycle engine block assembly, (Exh. E) which bears Motor No. TS-1252-159446 identifies the motorcycle from which it was dismantled, as the very Suzuki Motorcycle covered by Registration Certificate, (Exh. D) and with Motor No. TS-1252-159446, the victim was riding before his death, (Exh. C); it also points to the accused Alvero as the man who sped away on a Suzuki-type motorcycle from the scene of the felony before Nestor Comia was able to come near him.

The aforementioned unexplained incriminating circumstantial evidence points to the herein accused and unmasked him as the perpetrator of the offense charged, the homicide was done in furtherance of the robbery, or by reason thereof (Peo. vs. Gongora, 8 SCRA 472). Needless to state that accused Alvero having been found in possession of the motorcycle engine block assembly, (Exh. E) dismantled from the Suzuki type motorcycle, subject of the robbery, (Exh. D), is presumed to be the robber. And said accused was not able to overcome the said presumption.

This Court is also convinced that the series of facts and circumstances that have been proved, as demonstrated hereinabove, are consistent with each other, consistent with the hypothesis that the accused is guilty, and at the same time, inconsistent with any other hypothesis except that of guilt, (Peo. vs. Constante, 12 SCRA 653). To the mind of the Court, the combination of all the said facts and circumstances is such as to produce a

Conviction beyond reasonable doubt, (Peo. vs. Modesto, 25 SCRA 36).

The circumstances of flight above-mentioned on the part of the said accused who after he was held by the police on January 21, 1980, for questioning, anent the killing of Victor Alvaran, and released the following day, left San Pablo City, went in hiding in Metro Manila and never returned to San Pablo City up to his arrest more than four (4) years later, or May 5, 1984, lend much support to the above findings of the Court, for flight is an evidence of guilt, (Peo. vs. Carillo, L--30281, August 2, 1978); it is a circumstance tending to establish also the guilt of the accused, (Ibid)."[12]

Unsuccessful in his motion to reconsider the decision[13] which was denied by the trial court in its Order of 4 September 1985,[14] accused Alvero filed his Notice of Appeal which was then given due course on 13 September 1985.[15] The entire records of the case were then forwarded to this Court. However, the stenographic notes of the 8 August 1984 testimony of prosecution witness Ruel Atienza were not transcribed by stenographer Antonio Gesmundo. Though he was required to do so, Gesmundo still failed to submit the transcripts. In the face of such obstinacy, this Court, in the Resolution of 12 October 1987, ordered Gesmundo's arrest and detention until he shall have transcribed the said notes and submitted the same to this Court.[16] The latter was thus arrested, but later on released by jail authorities before he could comply with the directive. A subsequent order issued by this Court for his re-arrest proved futile. Left with no other alternatives, we ordered the retaking of Ruel Atienza's testimony. By this time, however, Atienza -- per the report of the Judge designated to retake the same[17]-- was already in Saudi Arabia. Hence, this Court, in the Resolution of 11 November 1991,[18] required the parties to comment on whether Atienza's testimony would still be necessary. In its Comment of 13 February 1992,[19] the Office of the Solicitor General manifested that the retaking of Atienza's testimony could be dispensed with as such testimony is merely corroborative of witness Ortega's own statements. As a result thereof, accused Alvero was directed to submit his Brief; he complied with the order on 15 May 1992.[20] The People, on the other hand, filed the Appellee's Brief on 30 October 1992.[21]

The accused-appellant submits the following assignment of errors:

"I

THE LOWER COURT ERRED IN FINDING THE ACCUSED GUILTY BEYOND A REASONABLE DOUBT OUT OF INFERENCES DRAWN FROM OTHER INFERENCE (sic) AND OF DOUBTFUL (sic) BROKEN CHAIN OF EVENTS THAT WILL LEAD TO THE CONCLUSION THAT ACCUSED IS THE PERPETUATOR (sic) OF THE CRIME.

II

THE LOWER COURT CONVICTED THE ACCUSED BY ADMITTING THE EXISTENCE OF EVIDENCE NOT PRESENTED AS WELL AS ACCEPTING EVIDENCE FROM A DUBIOUS SQUARE OVER THE OBJECTION OF THE ACCUSED."[22]

Discussing both errors jointly, the appellant maintains that the prosecution's evidence was not sufficient to prove his guilt beyond a reasonable doubt. For one, he avers that the blue jacket with red stripes which he was purportedly seen wearing in the disco club on the night of the robbery, and which was supposedly found in the crime scene the following day, was never presented in court or during the preliminary investigation. Not even a police blotter entry concerning the controversial jacket was offered. This being the case, he could not be positively linked to the commission of the crime. Appellant further claims that it is highly inconceivable that he would intentionally leave his jacket at the scene of the crime. For another, the testimonies of Ruel Tasico and Renato Ortega are replete with inconsistencies and improbabilities, making them unreliable. If Ortega had been acquainted with the appellant for only a month prior to the incident, it would not have been consistent with the

natural scheme of things and human nature for the latter to have entrusted to the former the safekeeping of the motorcycle parts. Considering that the appellant was seen with his co-accused Ruben de las Alas and "Isting Doe," it is quite possible that the former was merely identified by association as one of the perpetrators. Lastly, it is claimed that Tasico did not include the engine block in his inventory of the motorcycle parts inside the sack.

The chief issue posed in this appeal is whether the appellant's conviction on the basis of circumstantial evidence is correct. After a careful review of the records, we rule in the affirmative and sustain the conviction.

In order that circumstantial evidence may be sufficient to convict, the same must comply with these essential requisites, viz.: (a) there is more than one circumstance; (b) the facts from which the inferences are derived are proven; and (c) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.[23] The circumstantial evidence must constitute an unbroken chain of events so as to lead to a fair and reasonable conclusion that points to the guilt of the accused.[24]

In this case, six circumstances were duly considered by the trial court in arriving at its judgment of conviction, to wit: (1) moments before the incident on 20 January 1980, the appellant, who was then wearing a blue jacket with red stripes, was seen by Pat. Cordero inside the comfort room of a disco club; (2) that same evening, when Nestor Comia came down from his residence to investigate the source of cries for help, he chanced upon a man nearby speeding away on a motorcycle; Comia also found a lever which had apparently fallen from the said motorcycle; (3) the following morning (21 January 1980), the jacket which the appellant was seen wearing was found near the corpse of Victor Alvaran and subsequently identified by Cordero at the police station where it was brought; (4) on 22 January 1980, the appellant was seen by two San Pablo residents, tricycle driver Atienza and truck driver Ortega, in the company of the other accused; the appellant was carrying a sack containing motorcycle parts and was looking for someone with whom he could leave the same for safekeeping; (5) a few hours later, Pfc. Ruel Tasico discovered a sack containing motorcycle parts, one of which was the engine block assembly bearing the same number as the engine block assembly of Victor Alvaran's missing motorcycle; and (6) the flight of the appellant which was not sufficiently explained. There is no reason for us to disagree with the trial court on these matters. Such findings are fully supported by the evidence and constitute an unbroken chain of events which, by their concordant combination and cumulative effect, more than satisfy the requirements for the conviction of the appellant.[25]

While it is true that the blue jacket with red stripes was not presented in court and no police blotter entry as to it was submitted in evidence, it does not necessarily follow that Pfc. Cordero did not see the appellant wearing the said jacket in the evening of 20 January 1980 or see the same after it was brought to the police station. As a matter of fact, when Cordero testified on 18 July 1984, the prosecuting fiscal manifested his intention to subsequently present the controversial jacket, thus:

"FISCAL JAVIER

If your honor please, we will make a reservation on the presentation of the jacket because it is still in the custody of the property custodian."[26]

It would seem, however, that the prosecution forgot about such a reservation. In any event, the following testimony of Pfc. Cordero deserves full faith and credit:

"FISCAL JAVIER

Q What was that incident that happened that you heard that morning?

A That a person was killed by the name of Victor Alvaran, sir.

Q Now, when you came to know about this killing incident regarding with (sic) a blue jacket that was recovered at the scene of the incident, what did you do?

A Upon knowing that fact, sir, I went to the police department and looked at the jacket that was recovered.

Q Have you recognized the jacket that was recovered?

A Yes, sir.

Q And what was your observation upon seeing that jacket?

WITNESS

A I remembered that I have seen that jacket worn by the man which (sic) I met inside the comfortroom of the disco, sir.

FISCAL JAVIER

Q In what manner did you recognize this jacket and to whom was this jacket (sic)?

A I recognized the jacket because of the color, sir.

Q And to whom does it belong?

A To Martin Alvero, Jr., sir.

Q And you are referring to the person to whom you pointed to a while ago?

A Yes, sir. "[27]

Appellant's counsel even enhanced the credibility of the above testimony by asking the following questions during cross?examination:

"ATTY. LACSAM

Q Was it on January 20, 1980, Mr. witness, night time when you saw that alleged jacket?

WITNESS

A Yes, sir.

ATTY. LACSAM

Q And the next morning in (sic) January 21, you found the jacket at the police station here in San Pablo?

A Yes, sir.

ATTY. LACSAM

That's all for the witness, your honor." [28]

Moreover, Pfc. Cordero could not have been mistaken in his identification of the appellant because they had been neighbors for a long time. [29]

It is worth noting that the appellant has not questioned Pfc. Cordero's motive in testifying against him. It is settled that in the absence of evidence to show why a prosecution witness would have testified falsely, the logical conclusion is that no such improper motive existed and that therefore, the testimony is worthy of full faith and credit. [30] Indeed, if an accused had really nothing to do with the crime, it is against the natural order of events and of human nature and against the presumption of good faith that a prosecution witness would falsely testify

against him.[31] Surely, such a misdeed against the appellant could hardly be expected from a peace officer such as Pfc. Cordero, unless of course the latter was so moved by an ulterior motive which, even then, should have been convincingly proven at the outset. As already pointed out, however, the appellant made no attempt to prove any motive whatsoever.

The aforementioned sack which contained the motorcycle parts was identified by prosecution witnesses Renato Ortega and Pat. Ruel Tasico. Ortega declared:

"COURT

Q Did the Court get you right when you said that the motorcycle spare parts were brought to you because they wanted you to keep them?

WITNESS:

A Yes, your honor.

COURT

Q Who in particular told you that?

A Martin Alvero, your honor.

FISCAL JAVIER

Q If we show you those spare parts, would you still be able to recognize the same?

WITNESS:

A Yes, sir.

FISCAL JAVIER

Q Showing you these spare parts, will you kindly look at the same and tell us whether they are the same spare parts that you saw in that evening loaded in a tricycle that arrived in your place, telling (sic) you to keep the same?

A Yes, sir.

COURT

Was that already marked as exhibit, Fiscal?

FISCAL JAVIER

Yes, your honor. Already marked as Exhibit E.

FISCAL JAVIER

We have no more questions, your honor."[32]

On the other hand, Pat. Ruel Tasico testified that he was the person who recovered the sack with the motorcycle engine parts and claimed that he even placed his initials on the engine block assembly. Thus:

"FISCAL JAVIER

Q Now, you mentioned that there were motorcycle spare parts that you recovered that was (sic) pointed to you by Pat. Tubig and you are going to testify for (sic) the same. Will you please look at this evidence if this is the same spare part contained in the sack when investigated?

x x x

COURT

Answer.

WITNESS

A Yes, sir, that one. (witness referring to Exhibit "E", as one of parts of the motorcycle contained in the sack, sir.

FISCAL JAVIER

Q Why did you know that this was the one you recovered at the time you made the investigation?

A This is the same CN TSI-252-159446 and I also have my initial (sic) on it, sir, R.T.. (witness referring to the engine assembly).

FISCAL JAVIER

Which we request, your honor, that the number of the engine assembly be marked as Exhibit "E-1" and the initial (sic) of the Investigating Officer R.T. be marked as Exhibit "E-2", your honor."[33]

Again, the appellant could not even suggest any possible motive as to why prosecution witnesses Ortega and Tasico should testify falsely against him. Moreover, the latter had in his favor the presumption of regularity in the discharge of his duties.[34]

The inconsistencies in the testimony of Ortega which are pointed out by the appellant are on minor matters. Established is the rule that discrepancies on minor matters do not impair the essential integrity of the prosecution's evidence as a whole or reflect on the witnesses' honesty. On the contrary, they even tend to strengthen the credibility of the prosecution witnesses because they erase any suspicion of rehearsed testimony.[35]

Then too, the appellant suddenly left San Pablo City a few days after the commission of the crime and returned only when he was brought back after his arrest on 5 May 1984. Such a sudden departure, coupled with the conduct he displayed thereafter, indisputably shows that he had gone into hiding to elude arrest and avoid prosecution. The trial court correctly summarized such questionable conduct:

"On cross examination, accused admitted that there was no occasion when he went back to San Pablo City, from Jan. 28, 1980 up to May 5, 1984, when he was arrested; no one of his parents visited him at his aunt's place at Coguo Subdivision, Antipolo, Rizal; they may be mad at him as he got from his mother P3,000.00 without her knowledge; he can't remember when his aunt arrived at San Pablo City, but she stayed for 4 days with them before she left; his parents did not know that he left with his aunt for Manila; he was asked by his aunt to go with her to Manila for a job and his parents and aunt talked about it; he did not communicate with his parents from the time he left for Manila up to his arrest; when he got married, he did not get the advice of his parents, and all his parents' signatures on the marriage documents were fake; he left his aunt in 1982 and lived in Project 4, Quezon City with his friend Rolando, whose family name he forgot; not even his aunt knew of his marriage; he can't remember how long he worked for Dom's Portrait, but he stopped working there in 1982; from 1980 up to 1984, he did not bother to visit his parents, brothers and sisters in San Pablo City, not even during X'mas time; x x x"[36]

Here is, clearly, a young man who did not want his parents, brothers and sisters to know about his departure, destination and residence. Nor did he want them to attend a very memorable moment in his life, the day of his wedding -- a day treasured by every Filipino family for it is an occasion to celebrate together. So afraid was the appellant to return to San Pablo City that he did not even visit his family during Christmas -- another occasion to

hold festive family reunions. Furthermore, he even forged his parents' signatures on some documents necessary for his marriage as he was probably afraid to return to San Pablo City and personally procure the same.[37] He neither stayed in a permanent residence nor held permanent employment during the period of his absence from San Pablo City.[38] In fine, the appellant did not even want to be seen by his own flesh and blood. It may even be said that he was afraid of his own shadow.

It is settled doctrine that the flight of an accused is competent evidence to indicate his guilt.[39] Summarizing our rulings thereon in various cases, we said in *People vs. Garcia*[40] that flight, when unexplained, is a circumstance from which an inference of guilt may be drawn; it evidences guilt and a guilty conscience or strongly indicates a guilty mind. The reason for this may be found in the literature of the Old Testament:

"The wicked man flees though no man pursues,

But the righteous are as bold as a lion." [41]

The trial court correctly found the appellant guilty of the crime of robbery with homicide as defined in paragraph 1, Article 294 of the Revised Penal Code. The penalty prescribed therein is reclusion perpetua to death. The latter, however, is no longer imposable by virtue of paragraph (1), Section 19, Article III of the 1987 Constitution. Even so, since no modifying circumstances were proven to have existed in this case, the proper imposable penalty is reclusion perpetua.[42] In the dispositive portion of the appealed decision, the trial court encloses in parenthesis, after reclusion perpetua, the term life imprisonment. We have declared in a number of rulings that reclusion perpetua is not synonymous with life imprisonment and that, therefore, the latter should not be used in lieu of or as a substitute for the former.[43]

Anent the RTC's award of P600,000.00 to cover the victim's unearned income, we hereby rule that the same should be deleted. The trial court arrived at this amount as "x x x it has been established that Victor Alvaran at the time he was killed, was only 21 years old, single, a seaman, employed by the International Shipping Corporation, earning P2,000.00 a month. After 50 years, or at the age of 70, which is the average span of life of men in our country, he would have earned P1,200,000.00 or a net income (after expenses) of P600,000.00, but for his untimely death." [44] Such a conclusion is rather sweeping, to say the least. There is no evidence to prove that at the time of his death, Alvaran had an existing contract with the International Shipping Corporation, his alleged employer. While Victoria Alvaran, [45] the victim's sister, testified on the matter of Victor's employment, she did not, however, testify as to whether the latter was a seaman serving on a domestic vessel or a vessel engaged in foreign trade; whether such employment was probationary or regular; or whether the contract of employment was still existing at the time of his death. There is, as well, no competent proof to show that the victim was on vacation. The prosecution should have therefore presented the latter's contract of employment or any evidence that may have proven the nature and duration of his employment. The rule in this jurisdiction is that the measure of the loss or damage that dependents and intestate heirs of the deceased may sustain by reason of the latter's death is not the full amount of the deceased's earnings, but the support they received or would have received from him had he not died. In *Villa Rey Transit, Inc. vs. Court of Appeals*, [46] this Court said that:

"At this juncture, it should be noted, also, that We are mainly concerned with the determination of the losses or damages sustained by the private respondents, as dependents and intestate heirs of the deceased, and that said damages consist, not of the full amount of his earnings, but of the support they received or would have received from him had he not died in consequence of the negligence of petitioner's agent. In fixing the amount of that support, We must reckon with the 'necessary expenses of his own living', which should be deducted from his earnings. Thus, it has been consistently held that earning capacity, as an element of damages to one's estate for his death by wrongful act is necessarily his net earning capacity or his capacity to acquire money 'less the necessary expense for his own living. Stated otherwise, the amount recoverable is not loss of the

entire earning, but rather the loss of that portion of the earnings which the beneficiary would have received. In other words, only net earnings, not gross earning, are to be considered that is, the total of the earnings less expenses necessary in the creation of such earnings or income and less living and other incidental expenses."

Victoria Alvaran did not testify on the extent of the support which her deceased brother had provided their family. Moreover, the trial court did not adequately prove that seventy (70) years is the average life-span of a Filipino male; besides, a person's life-span is not among the measures to be used in determining the extent of loss or damage. Rather, it is the life expectancy of the deceased. In *Villa Rey Transit, Inc.*, this Court applied the following formula to determine the victim's life expectancy:

$$\frac{2}{3} \times (80 - \text{age of the deceased at the time of death}) = \text{life expectancy}$$

In the instant case, the victim was twenty-one years old when he died on 20 January 1980. Thus, he had a life expectancy of $\frac{2}{3} \times (80 - 21)$ or 39.33 years.

In the absence of the aforementioned particulars, the award of P600,000.00 for unearned income would be purely speculative. Consequently, it should be deleted from the dispositive portion of the decision.

Finally, conformably with the current policy of this Court, the indemnity for the death of the victim should be increased from P30,000.00 to P50,000.00.

WHEREFORE, the Decision of Branch 30 of the Regional Trial Court of San Pablo City, Fourth Judicial Region, in Criminal Case No. 2365-SP is hereby **AFFIRMED**, subject to the following modifications: The award of P600,000.00 for unearned income is hereby deleted while the indemnity for the death of the victim is increased to P50,000.00. Costs against appellant Martin Alvero, Jr.

SO ORDERED.

Feliciano, (Chairman), Bidin, Romero, and Melo, JJ., concur.

[1] Original Records (OR), 142-155; Rollo 19-32. Per Judge Clemente M. Soriano.

[2] OR, 1-3.

[3] OR, 10.

[4] Id., 21.

[5] Id., 22.

[6] OR, 27.

[7] Id., 31; TSN, 20 February 1983, 12.

[8] Id., 37.

[9] OR, 155; Rollo, 32.

[10] OR, 150-152; Rollo, 27-29.

[11] OR, 148-149; Rollo, 25-26.

[12] OR, 152-153.

[13] OR, 158-160.

[14] Id., 172.

[15] Id., 174.

[16] Rollo, 68.

[17] Id., 115.

[18] Id., 117.

[19] Id., 130-133.

[20] Rollo, 145-160.

[21] Id., 224, et seq.

[22] Id., 146.

[23] Section 4, Rule 133, Revised Rules of Court; *People vs. Pajanustan*, 97 SCRA 699 [1980]; *People vs. Cruz* 134 SCRA 512 [1985]; *People vs. Rodriguez*, 193 SCRA 231 [1991].

[24] *People vs Austria*, 195 SCRA 700 [1991]; *People vs. Lazarte*, 200 SCRA 361 [1991].

[25] *People vs. Viernes* (unreported), 99 Phil. 1045-1046 [1956].

[26] TSN, 18 July 1984, 10-11.

[27] TSN, 18 July 1984, 9-10.

[28] TSN, July 1984, 11-12.

[29] Id., 12.

[30] *People vs. Simon*, 209 SCRA 148 [1992] and cases cited.

[31] *People vs. Balili*, 92 SCRA 552 [1979].

[32] TSN, 1 February 1985, 25-27.

[33] TSN, 28 September 1984 10-12.

[34] Section 3(m), Rule 131, Revised Rules of Court.

[35] *People vs. Madriaga*, 211 SCRA 698 [1992] and the cases cited.

[36] OR, 149; Rollo, 26.

[37] TSN, 20 February 1983, 21.

[38] Id., 21-24.

[39] *U.S. vs. Alegado*, 25 Phil. 510 [1913].

[40] 209 SCRA 164 [1992].

[41] Proverbs, 28:1.

[42] Article 63(2), Revised Penal Code.

[43] People vs. Penillos, 205 SCRA 546 [1992].

[44] OR, 154; Rollo, 31.

[45] TSN, 29 August 1984, 5.

[46] 31 SCRA 511, 517-518 [1970], citations authorities omitted; People vs. Daniel, 136 SCRA 92 [1985].

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.