

PEOPLE OF THE PHILIPPINES, PLAINTIFF, VS. EDMUNDO DE GUZMAN @ JOJO, PERFECTO GUETA AND JOEL GUETA, ACCUSED, EDMUNDO DE GUZMAN @ JOJO, APPELLANT.

G.R. No. 73464. August 09, 1988

Ponente: PARAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-73464/>

PARAS, J.:

Before Us for review is the decision[1] of Regional Trial Court, Branch XIX sitting at Bacoor, Cavite in Criminal Case No. B-85-87 entitled People of the Philippines vs. Edmundo de Guzman, Perfecto Gueta and Joel Gueta, its dispositive portion reading as follows:

“WHEREFORE, foregoing considered, the Court finds accused Edmundo de Guzman GUILTY beyond reasonable doubt of the crime of Murder quali-fied with treachery and after consi-dering the aggravating circumstance of dwelling in the commission of the crime, without any mitigating circumstance to offset the same, hereby sentences said accused EDMUNDO DE GUZMAN to suffer the penalty of DEATH; to indemnify the heirs of the victim the amount of P30,000.00; P10,000.00 moral damages and P5,000.00 exemplary damages and to pay the costs.

“SO ORDERED.” (p. 89, Rollo)

The cases against accused Perfecto Gueta and Joel Gueta were dismissed by the trial court for lack of proof that they were involved in a conspiracy to kill the victim.

The appellant presented the following statement of facts:

“Luis Baliber, Sr. died in the evening of January 29, 1985 as a result of gunshot wounds. (Exhibits "G"; t.s.n., p. 4, May 7, 1985; t.s.n., p. 4, May 10, 1985; t.s.n., pp. 6 and 10, June 14, 1985; t.s.n., pp. 8-9 and 13, September 5, 1985.) He was then watching a television program. (T.s.n., p. 3, May 7, 1985; t.s.n., p. 4, May 10, 1985.) The assailant entered (the room) and then shot him. (T.s.n. pp. 4-5, May 10, 1985; t.s.n., pp. 8-9, September 5, 1985.)

“The dispute between the prose-cution and the defense centers on the identity of the assailant. According to the prosecution, defendant-appellant was the assailant. (T.s.n., p. 3, May 7, 1985; t.s.n., p. 10, May 10, 1985; t.s.n., pp. 6 & 10, June 14, 1985.) On the other hand, defendant-appellant denied he was the assailant. The evidence for the defense shows that from 6 p.m. to 11 p.m. of January 29, 1985, defendant-appellant was at home drinking beer with a neighbor, Rodolfo Saique. Defendant-appellant never left his house that night. His wife was giving birth, and his child was sick. (T.s.n., pp. 6--8, August 20, 1985; t.s.n., pp. 3-4, 12-13 and 30, September 13, 1985.) The evidence for the defense also showed that it was somebody (else) who shot Luis Baliber, Sr. The killer, who was five feet and ten inches tall, was much taller than defendant-appellant and had a big stomach. (T.s.n., p. 10, September 5, 1985; t.s.n., p. 35, September 13, 1985.) The killer was clad in a T-shirt and a black jacket. He also wore a pair of green gloves and a 'palos' hat. (T.s.n., p. 24, September 5, 1985; t.s.n., p. 35, September 13, 1985.)

"It is undisputed that when defendant-appellant learned that Perfecto Gueta and Joel Gueta had been arrested and were being detained in the municipal jail, he proceeded there to visit them. (T.s.n., pp. 5-6, September 13, 1985.) Perfecto Gueta is the grandfather of the wife of defendant-appellant, while Joel Gueta is the uncle of his wife. (T.s.n., p. 26, September 13, 1986.) To his surprise, defendant-appellant was unceremoniously arrested and detained in the municipal hall despite his protestations of innocence. (T.s.n., p. 6, September 13, 1986.)" (pp. 2-3, Brief for Defendant-Appellant, p. 52, Rollo)

The prosecution presented its own counterstatement of facts, to wit:

"At about 6:00 p.m. on January 29, 1985, accused Edmundo de Guzman was seen by Joaquin Carique, brother-in-law of Luis Baliber, Sr., peeping in the store of Luis Baliber, Sr., Carique was then residing at the house of the Balibers located at Highway 17, Malumot, Bacoor, Cavite (pp. 6-7, 14, tsn, June 14, 1985; Exhibit 'E'). An hour later that same evening, both Carique and Mrs. Francia Baliber, wife of Luis Baliber, Sr., saw co-accused Perfecto and Joel Gueta, father and son respectively, pass by and go around their (Balibers') house twice (pp. 3, 9, 12, tsn, May 7, 1985; p. 7, tsn, June 14, 1985).

"Two hours later, or around 8:00 o'clock that same evening, Carique was standing in front of the store of Francia Baliber, and he saw at the highway, about 5 meters fronting the store, Edmundo de Guzman also known as Jojo, conversing with a certain Andy. Thereafter the two separated. Andy was left at the highway, while Jojo approached the store of Francia Baliber. Carique then saw Jojo de Guzman carrying a long gun as the latter was approaching the store (p. 7, tsn, June 14, 1985; pp. 2-3, 4, tsn, June 9, 1985; Exhibit 'E').

"At that time, Francia Baliber was also standing by the door of her store, which is adjacent to the door of their house. She saw Jojo de Guzman approaching the store. She also saw Andy at the highway as if on guard. Jojo de Guzman greeted her as he passed by, and he proceeded to the house of the Balibers. Jojo de Guzman was wearing a jacket (pp. 3-4, 5, 10, tsn, May 7, 1985; Exhibit 'A').

"Upon reaching the house of the Balibers, Jojo de Guzman saw Carique, and, pointing the gun at him, he ordered the latter to enter the house. Carique obeyed. Inside the house, Luis Baliber, Sr. and his three sons, Luis, Raymond and Joel were in front of the television set, watching its shows. Luis Baliber, Sr., was lying on his wooden seat. Noticing that Jojo de Guzman followed him inside the house, Carique touched his brother-in-law to inform him of the presence of Jojo de Guzman (pp. 7-9, 15, tsn, June 14, 1985; p. 5, tsn, July 9, 1985; pp. 3-4, tsn, May 10, 1985; Exhibits 'A', 'E', 'F'). Luis Baliber, Jr. also noticed Jojo de Guzman and somebody else enter their house, while they were watching television shows (pp. 3-4, 5, tsn, May 10, 1985; Exhibit 'F').

"Still standing by the door of her store, Francia Baliber saw Jojo de Guzman stop and stand by the door of their house nearby. Moments later, she saw Jojo de Guzman actually shoot her husband who was inside the house watching television shows (p. 3-4, 10-11, tsn, May 7, 1985; Exhibit 'A'). On the other hand, after touching the shoulder of his brother-in-law, Carique heard the cocking of a gun, and immediately thereafter, he heard gunshots. He was shocked at first. He turned and saw Jojo de Guzman firing his gun at Luis Baliber, Sr., saying: 'CANU ito, CANU ito.' Carique saw his brother-in-law move (nangisay) as he was hit by the gunshots, which caused his death (pp. 9-10, tsn, June 14, 1985; p. 5, tsn, July 9, 1985; Exhibit 'E').

"On the part of Luis Baliber, Jr., after he saw Jojo de Guzman and somebody else enter the house, he stood up and went to the stairs to go up. But, as he was on the third step of the stairs, he heard the first burst of gunfire, and then he looked at the direction where he left his father watching the television shows. He saw Jojo de Guzman, standing half a meter inside the house, shooting at his father (pp. 6-7, 8, tsn, May 10, 1985; p. 17, tsn, June 14, 1985; Exhibit 'F').

"After having shot Luis Baliber, Sr., the accused Jojo de Guzman left and ran towards the highway. Francia and their children rushed to the wounded Luis Baliber, Sr., and they embraced him and cried. The victim expired from the gunshot wounds (p. 4, tsn, May 7, 1985; pp. 6-7, tsn, July 9, 1985; Exhibit 'A').

"Thereafter, they called for the police. Around five policemen arrived at the house that evening, and they conducted an investigation of the shooting incident thereat. The body of the deceased Luis Baliber, Sr. was loaded in a funeral car and brought to the parlor. Dr. Desiderio Moraleda, medico-legal examiner, PC crime laboratory, conducted an autopsy on the cadaver of the deceased Luis Baliber, Sr., and he found no less than 14 gunshot wounds on the different parts of the body, and one lacerated wound on the right small finger. The cause of death of the victim was 'cardio-respiratory arrest due to shock and hemorrhage secondary to multiple gunshot wounds of the body' (see Exhibits 'G' and 'H', 'B'; pp. 2-3, tsn, July 11, 1985).

"Subsequently, the police investigator took the statements of Joaquin Carique, Exhibit 'E' (p. 13, tsn, June 14, 1985), Luis Baliber, Jr., Exhibit 'F' (pp. 4-5, tsn, May 10, 1985), and Mrs. Francia Baliber, Exhibit 'A' (pp. 5-6, tsn, May 10, 1985). Except Andy, all the three above-named three suspects were subsequently arrested by the police.

"Before his death, Luis Baliber, Sr. was a contractor, earning about P50.00 a day. He was a barangay tanod in the locality. He left his wife, Francia, with eight (8) children, still to be reared by her (pp. 7-8, tsn, May 7, 1985). In connection with the wake and funeral of her deceased husband, Francia Baliber spent P750.00 for the construction of the niche; P230 for the church; and about P2,400.00 for the six-day wake in their house (see Exhibit 'C'; p. 2, tsn, May 10, 1985)." (pp. 3-8, Brief for the Appellee; p. 61, Rollo)

Appellant assigns two errors, to wit:

I

THE REGIONAL TRIAL COURT ERRED IN NOT RULING THAT DEFENDANT-APPELLANT WAS DENIED DUE PROCESS OF LAW BECAUSE OF THE BIAS OF THE PRESIDING JUDGE.

II

THE REGIONAL TRIAL COURT ERRED IN NOT RULING THAT THE PROSECUTION FAILED TO PROVE THE GUILT OF DEFENDANT-APPELLANT BEYOND REASONABLE DOUBT.

In his first assignment of error, appellant assails the judge as being biased in favor of the prosecution since (h)e took upon himself to cross-examine the witnesses for the defense in an attempt to discredit testimonies. The instances referred to by the appellant are quoted hereinbelow:

Richard Lorejas testifying on cross-examination:

Court to Mr. Lorejas:

Q. They were also your relatives?

A. No, your honor.

Q. They were afraid when they ran away?

A. Yes, your honor.

Q. And those inside the house of Aling Francia viewing the TV, were they afraid?

A. Yes, sir.

Q. You want to tell us that you were the only one that did not run away?

A.

Yes, your honor. (tsn, pp. 28-29, September 5, 1985)

Judge to defendant-appellant, de Guzman:

Q. Now was that the first time you went to Barrio Malumot when you fetched your grandfather?

A. No, your honor.

Q. When for the last time have you been in Malumot?

A. The last time was on January 26, 1985, your honor.

Q. Where is your residence?

A. I am residing at Highway 17, Anabu, Imus, Cavite.

Q. Now you said that the victim was your good friend or close friend. Since when have you had a chance to talk with the victim?

A. For almost a month as we had no chance to talk.

Q. For almost a month? When did you talk to the victim when you said a month before?

A. It was a long time ago, I could not remember, sir.

Q. How far is your residence from the place of the victim?

A. There are two (2) houses between our house, your honor.

Q. And what time did you leave for the farm?

A. At around 9:00 o'clock in the morning, your honor.

Q. And what was your purpose in going to the farm?

A.

We were going on a picnic, your honor.

Q. Picnic with your family?

A. Yes, your honor.

Q. Who else were to join you in that picnic?

A. My cousins composed of two (2) couples, Marilou, Maritess and Gina.

Q. What time was that when you left that early morning for the farm at 7:00 o'clock in the morning?

A. I forgot the date, your honor.

Q.

These couples that you said were you (sic) joined (sic) in your farm for the picnic, were they with you when you had your picnic at 7:00 o'clock?

A.

No, sir, because they are residing in the farm.

Q. And what is your relationship with this couple that you said were to be with you to join in the picnic? (sic)

A. They are my cousins, your honor.

Q. How far is the farm from your residence?

Interpreter: At about 1½ the distance from where the witness referring to this court-room up to the municipal building at Bacoor.

Court: And what day was that if your remember?

Mr. de Guzman: I think it was a Thursday may be your honor.

Q. How long did you stay in the farm?

A. May be more or less half an hour, your ho-nor.

Q. And when you left to fetch your grandfather at Barrio Malumot, the members of your family were left in the farm?

A.

Yes, your honor.

Q. And all the members of your family were with you that same morning?

A. Yes, sir.

Q. What did you notice when you left that early morning your residence, going to the farm?

A. None, your honor.” (T.s.n., pp. 9-12, September 13, 1985)

xxx xxx xxx

Q. How far is this place where you had your drinking spree from your residence? Where did you have that drinking spree?

A. In my house, sir.

Q. Your house is only 3 to 4 houses from the house of the deceased as you earlier said?

A. The place of the incident is very far from my place of residence, almost one (1) kilometer away, your honor.

Q.

And you were only purposely going to the residence of your grandfather that early morning coming from the farm to fetch him in order to gather firewood, is that your only purpose?

A.

I was to fetch my brother-in-law, your honor. I was to bring along my brother-in-law in order to fetch firewood, sir." (T.s.n., pp. 14-15, September 15, 1985) (Pages 5-8, Appellant's Brief)

A perusal of these instances referred to by appellant shows that the questions were clarificatory not adversary. The questions propounded to witness Richard Lorejas, who was then only 13 years old, were made to assure the court of the veracity of his testimony. Witness' testimony was taken by the court as unbelievable, being contrary to human nature. In the case of the accused himself, the questions asked from him were made to elicit the truth from the witness and did not have the purpose of unduly harming the substantial rights of the accused. Apparently, not satisfied with the incompleteness and vagueness of the witnesses' testimonies, the presiding judge, fully conscious of his duty to bring out the truth for the just determination of the issues involved, did not violate any rule of law or transcend the proper bounds of judicial inquiry in making the questions assailed by appellant.

We now consider the second assignment of error, appellant contending that the lower court erred in not finding that the prosecution failed to prove the guilt beyond reasonable doubt, claiming that (a) the evidence of the prosecution is inherently incredible and hopelessly contradictory (b) certain circumstances confirm his innocence of the crime charged; and (c) the lower court failed to properly evaluate the evidence, while (d) the evidence of the defense is credible and strong.

Such arguments hold no water. There can hardly be any doubt as to the identity of the appellant as the assailant. Direct and positive testimonies of eye-witnesses have satisfactorily proven that appellant shot and killed the victim Luis Baliber, Sr. Their testimonies are credible and believable, being pragmatic and factual in the narration of the events and circumstances unfolding before their very eyes before and during the actual shooting of the victim by the appellant. Such positive testimonies are not rendered less worthy of full faith and credit by the fact that these witnesses are relatives of the victim in the absence of any showing by the defense of any improper motive of the witnesses for testifying against the accused. Moreover the inconsistencies and contradictions in the testimonies of the eye-witnesses referred to by appellant are trivial details which do not affect their credibility.

On the other hand, appellant invoked the defense of alibi. Alibi is not a proper defense where it is not impossible for the accused to be at the scene of the crime, and no improper motive was shown against the witnesses who identified the accused. It was shown that appellant's place of residence is only one and one-half kilometers from the residence of the victim (p. 27, tsn, September 13, 1985) a distance which will not preclude the presence of the appellant at the scene of the crime. In rejecting the defense of alibi offered by the accused-appellant, the lower court stated as follows:

"The self-serving assertion of accused cannot prevail over the positive identification of prosecution witnesses who incidentally had no reason to testify falsely against him. The motive was clear. Accused Joel Gueta and a brother-in-law of accused de Guzman had a pending charge of assault (p. 73, rec.) at the instance of the victim.

"Accused has been charged with Murder under Article 248 of the Revised Penal Code which provides:

'Murder.- Any person who, not falling within the provision of Article 246 shall kill another shall be guilty of murder and shall be punished by reclusion temporal in the maximum period to death, it committed with any of the following attendant circumstances.'

'1. With treachery x x x

'2. With evident premeditation

'3. x x x

"Treachery which was alleged in the Information was sufficiently proven. In treachery, the following conditions must concur: 1) the employment of means, method or manner of execution which would insure the offender's safety from any defensive or retaliatory act on the part of the party which means that no opportunity is given the latter to do so; (People vs. Casalma, L-18033, July 26, 1966, 17 SCRA 717) 2) that such means, method or manner of execution was deliberately or consciously chosen. (People vs. Dadis, L-21270, Nov. 22, 1966, 18 SCRA 699).

"Here the victim was lying down, viewing a television program when accused fired successive shots. The violent attack on the victim was sudden and the treacherous act manifest. Baliber, Sr., was with his two (2) young children inside his house resting comfortably after a day's work as a Barangay Tanod or Purok Leader. He needed a rest most when accused without warning barged into the house and killed his defenseless victim who suffered fifteen (15) gunshot wounds, mostly on the head and at the back. The victim's innocent sons miraculously escaped unscratched.

"Accused consciously adopted a mode of attack which would insure the killing of his target. That there was Treachery was supported by the findings of Dr. Desiderio Moraleda showing that fifteen (15) gunshot wounds, some of the entrances located at the back of the victim. (Exhs. 'G' & 'H', pp. 23 & 45, rec.)

"Evident premeditation was not proven. It was not shown that before its commission or during its commission, accused planned the killing. The crime was committed at the victim's dwelling. Although not alleged in the Information, if proven during the trial, it may be considered. (People vs. Bautista, 28 SCRA 184, 1969) The victim was a Barangay Tanod, an agent of person in authority. It was not controverted. Nighttime was not shown to have been purposely sought by accused.

"The penalty for Murder is reclusion perpetua to death. The maximum penalty of death shall be imposed there being the aggravating circumstance of dwelling.

"The heirs of the victim, a widow, with nine (9) children are entitled to P30,000.00." (pp. 87-89, Rollo)

WHEREFORE, finding the accused guilty beyond reasonable doubt, the assailed decision is hereby AFFIRMED,

but the sentence is reduced to an indeterminate term of 10 years and 1 day of prision mayor, as minimum to 18 years and 8 months and 1 day of reclusion temporal, as maximum. No costs.

SO ORDERED.

Melencio-Herrera, (Chairman), Padilla, and Sarmiento, JJ., concur.

[1] Penned by Judge Mariano M. Umali.

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.