

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DENNIS SONG AND ELMO LABRIAGA, ACCUSED, ELMO LABRIAGA, ACCUSED-APPELLANT.

G.R. No. 73747. November 21, 1991

Ponente: FERNAN, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-73747/>

FERNAN, C.J.:

In the evening of August 29, 1982, a dance was held in the school ground (plaza) of Barangay Resurrection, San Fernando, Masbate. At about 10:20 of the same night, outside the dance hall, accused-appellant Elmo Labriaga was seen handing a machete to co-accused Dennis Song who was under the influence of liquor.

The two accused entered the dance hall. Ten minutes later, appellant Labriaga, without a word, held Percival Alcovendas. At the same time, accused Song approached the victim slowly and stabbed him with a machete on the left side of his back. Then the two assailants ran away.

The wounded Percival staggered. Patrocino Albano who witnessed the stabbing, tried to help him but she could not do it alone. She called for help from the victim's relatives who were also at the dance. Together they brought the still ambulatory victim to the Ticao District Hospital in San Jacinto, Masbate.

Percival was confined in the hospital for five days. On the fifth day, he developed high fever and hypertension and died. His body was not autopsied due to the objections of his relatives. But Dr. Bailon, the attending physician, presented her diagnosis as:

"(1) cardiac arrest

"(2) stab wound 1 cm at region of 10th ICS, post axillary line, left

"(3) acute peritonitis, secondary"[1]

On the strength of the preliminary examination conducted by the municipal circuit judge on eyewitness Patrocino Albano, a warrant of arrest was issued for the capture of Song and Labria-ga.[2] The two were subsequently charged with the crime of murder in an information filed with the then Court of First Instance of Masbate, now Regional Trial Court, Branch 46, on November 11, 1982.[3] Song managed to elude arrest and the case was tried only with respect to Labriaga.

In the decision dated January 10, 1985, Labriaga was found guilty as charged and sentenced to reclusion perpetua and to pay the heirs of the deceased Percival Alcovendas P12,000.00 as death indemnity and P20,000.00 as moral damages and the costs of the suit. The case against Song was ordered archived until his capture.[4]

In this appeal, accused-appellant contends that the trial court erred in convicting him of murder notwithstanding the fact that the stab wound inflicted on the victim was not the proximate cause of his death, and also because appellant's guilt was not proven beyond reasonable doubt.

The instant appeal is devoid of merit.

The case for the prosecution was established by the eyewitness accounts of Patrocino Albano and Dominica Alcovendas who were present at the scene of the crime.

Patrocino (Patrocinio) Albano, a 37-year old housewife and a sister-in-law of the deceased, testified that she was at the dance on the night of the stabbing. She was seated with some neighbors and children. The victim was then standing by a post, barely two meters away from her. She saw appellant approach Percival, followed closely by accused Song. Without a word, appellant held Percival and then Song stabbed the victim at the back with a machete. It happened so quickly. There was no prior altercation, no heated exchange between the protagonists. The victim was unable to put up any resistance.[5]

Patrocino witnessed the violent incident clearly because it occurred near a post where there was a lighted mantle lamp.[6]

The other eyewitness, Dominica Alcovendas, 42 years old and elder sister of the deceased, corroborated the testimony of Patrocino. She stated that before the stabbing inside the school plaza, she noticed that the accused Song had been drinking gin at a nearby store. She also saw the appellant Labriaga hand over a machete to Song who then placed the weapon inside his pocket. Then Song entered the dance hall, followed by the appellant. Dominica was about ten meters from Song when the latter knifed Percival who was then being held by the appellant.[7]

Despite the milling crowd, Dominica had an unobstructed view of the killing because there were four lighted mantle lamps nearby.[8]

Dominica had known the appellant for quite some time since they are both from Barangay Resurreccion.

Appellant's defense is denial. Labriaga, 30 years old, fisherman, branded as completely false the statements of Patrocino and Dominica that he held the victim while the other accused Song stabbed him with a machete. Appellant claimed that the two alleged eyewitnesses were biased because of their close relationship with the deceased. Appellant did not deny that on the evening of May 29, 1982 at about 10:30, he was at the school dance. The affair was sponsored by the Out-of-School Youth Organization of which he was then the president.[9]

During the fatal altercation, appellant was at the stage making some announcements on the microphone. He only found out about the incident when he noticed people scampering and at that time he was approximately fifteen meters from the spot where Percival was knifed. Appellant also admitted that prior to May 29, 1982, there was no grudge or enmity between him and the two prosecution witnesses.[10]

Pfc. Darlie Alvarez, the policeman assigned to maintain peace and order at the dance on the night in question, testified on behalf of the defense. He declared that he questioned the victim Percival right after the incident. Percival told him that it was Song who stabbed him. The name of the appellant was not mentioned at all. Alvarez wanted to question Percival further but the victim was in a hurry to get to the hospital.

The trial court did not err in giving more credence to the version of the prosecution and in adjudging appellant guilty of the crime of murder.

Appellant points out that when Pfc. Alvarez asked the victim as to who wounded him right after the incident, the latter categorically stated that it was Song. Never for an instance did Percival implicate the appellant. In other words, as far as Percival was concerned, it was only Song and not the appellant Labriaga who did him wrong.

Contrary to appellant's assertion, the testimony of the police officer does not create any doubt as to appellant's complicity. Pfc. Alvarez asked Percival only once as the latter wanted to be immediately brought to the hospital.

Thus:

"Q: When Percival Alcovendas was stabbed, what did you do?

"A: Somebody approached me and told me that a person was stabbed and when I go near the place I saw Percival Alcovendas being assisted by a relative and so I asked him who stab him.

"Q: What was his answer?

"A: That he was stabbed by Dennis Song.

"Q: That was the only utterances that he made to you, is that correct?

"A: That was the only answer he made because when I asked him who were the companions of the persons who stabbed him, he told me that he should be brought to the Doctor immediately and he will just testify when a complaint was already filed.

"Q: In other words you want to impress to this Honorable Court that you were not able to conduct your investigation right there and then?

"A: No more because he was in a hurry to go to the Doctor." [11]

Moreover, as observed by the trial court, if it were true that the victim had not denounced appellant, why did Alvarez not exclude appellant's name from the complaint filed in the Municipal Court when he was deputized to prosecute the criminal case against Song and Labriaga? Consider the following testimony:

"Fiscal Alforte:

"Q: And this particular case when this case was tried preliminary investigation you were the one prosecuting, is it not?

"A: Yes, sir as investigator we attended to it.

"Q: And Dennis Song was. . . and Elmo Labriaga is one of the accused in this case?

"A: Yes, sir.

"Q: You did not move that the accused Elmo Labriaga be excluded?

"Marcaida:

"The witness would be incompetent.

"Fiscal Alforte:

"I'll reform Your Honor.

"Q: Knowing that the victim in this case told you that it was Dennis Song who stabbed him, why did you not exclude in your complaint filed by your office Elmo Labriaga?

"A: I included him in the complaint because the witness testified that he was seen holding the victim while this 'Bana' was stabbing him.

"Q: In other words somebody told you that Elmo the accused was holding the victim when the victim was stabbed by the co-accused Dennis Song, is that what you want to explain before this Honorable Court?

"A: Yes, sir.

"Q: And can you remember who was that person who told you that this Elmo Labriaga was holding the victim

when the victim was stabbed by Dennis Song?

"A: I could not tell whether it was Dominador that Ningning who stated." [12]

Weighed against the denial of the appellant, the positive identification made by Patrocino Albano and Dominica Alcovendas deserves full belief. The school plaza where the killing took place was well lighted by several mantle lamps. Patrocino was only two meters from the victim while Dominica stood ten meters away. Both witnesses unerringly identified and recognized the appellant whom they knew because they all resided in the same Barangay Resurreccion.

Appellant likewise raises the argument that the stab wound inflicted by Song was not the proximate cause of Percival's death, but rather the absence of proper medical treatment. Appellant cites the fact that Percival was "ambulatory with assistance" when he was admitted at the Ticao District Hospital.

The argument is untenable. As earlier stated, Dr. Bailon declared that the deceased died of acute peritonitis secondary to the stab wound which injured his intestines. The acute peritonitis was the direct and natural consequence of the three-inch deep stab wound which perforated the victim's intestines. At any rate, this Court held in *People vs. Quianzon*, 62 Phil. 162, 169-170, citing 13 R.C.L., that:

"While the courts may have vacillated from time to time it may be taken to be the settled rule of the common law that one who inflicts an injury on another will be held responsible for his death, although it may appear that the deceased might have recovered if he had taken the proper care of himself, or submitted to a surgical operation, or that unskilled or improper treatment aggravated the wound and contributed to the death, or that death was immediately caused by a surgical operation rendered necessary by the condition of the wound.

"The principle on which this rule is founded is one of universal application, and lies at the foundation of all criminal jurisprudence. It is, that every person is to be held to contemplate and to be responsible for the natural consequences of his own acts. If a person inflicts a wound with a deadly weapon in such a manner as to put life in jeopardy, and death follows as a consequence of this felonious and wicked act, it does not alter its nature or diminish its criminality to prove that other causes cooperated in producing the fatal result. Indeed, it may be said that neglect of the wound or its unskillful and improper treatment, which are of themselves consequences of the criminal act, which might naturally follow in any case, must in law be deemed to have been among those which were in contemplation of the guilty party, and for which he is to be held responsible x x x."

The crime is murder, with appellant Elmo Labriaga and co-accused Dennis Song as principals. The killing was attended by the qualifying aggravating circumstance of treachery. The fatal attack on the victim was deliberate --- the appellant providing the murder weapon and the other accused making the deadly thrust in a sudden and unexpected manner, catching the victim by surprise and rendering him completely powerless to defend him-self. Song stabbed Percival while the latter was held by Labriaga. The two malefactors made sure that their prey would not be able to put up a fight. Their concerted action shows beyond any question that they conspired to kill Percival for a motive we can only speculate on.

WHEREFORE, the Court finds that the guilt of the accused-appellant Elmo Labriaga has been established beyond reasonable doubt. The judgment appealed from is hereby **AFFIRMED** with the sole modification that the death indemnity of P12,00.00 is increased to P50,000.00. Costs against the accused-appellant.

SO ORDERED.

Gutierrez, Jr., Bidin, Davide, Jr., and Romero, JJ., concur.

[1] Exh. C, Original Record, p. 97.

- [2] Original Record, pp. 8-10.
- [3] Original Record, p. 37.
- [4] Original Record, p. 144.
- [5] TSN, April 19, 1983, pp. 7-13.
- [6] TSN, April 19, 1983, pp. 7-8.
- [7] TSN, May 24, 1983, pp. 20-25, 31-33.
- [8] TSN, May 24, 1983, p. 34.
- [9] TSN, October 15, 1984, pp. 72-74.
- [10] TSN, October 15, 1984, p. 74.
- [11] TSN, September 28, 1983, pp. 51-52.
- [12] TSN, September 28, 1983, pp. 58-59.

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.