

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DIAPAR QUIMA ALIAS ALI BUGSO, ACCUSED-APPELLANT.

G.R. No. 74669. April 14, 1988

Ponente: PARAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-74669/>

PARAS, J.:

This is an appeal interposed by Diapar Quima alias Ali Bugso from a judgment of conviction for the special complex crime of rape with multiple homicide rendered on April 14, 1986 by the Regional Trial Court,[*] Branch XIX, of Digos, Davao del Sur. The two other accused, Mohammad Bugso and Romeo Doto, were acquitted by the trial court for insufficiency of evidence. The dispositive portion of the decision reads:

"WHEREFORE, finding accused Diapar Quima guilty beyond reasonable doubt of the crime of rape with multiple homicide, aggravated by dwelling, he is hereby sentenced to suffer the supreme penalty of death, as mandated by law (Art. 335, last paragraph, of the Revised Penal Code, as amended by Republic Acts Nos. 2632 and 4111); with the accessory penalties provided by law; to indemnify the heirs of the victims, Rene, Marilyn and Annie Saplagio, in the total sum of P90,000.00 (P30,000.00 per victim) plus moral damages in the sum of P10,000.00 to each parent, and to pay the costs.

"For insufficiency of evidence, accused Mohammad Bugso and Romeo Doto are acquitted.

"SO ORDERED." (p. 35, Rollo)

The facts of the case are briefly summarized as follows:

In the evening of March 1, 1981, Lucia Arcaena was roused from his sleep by calls for help emanating from the Saplagio household, in Bongol-Bongol, Dapok, Kiblawan, Davao del Sur. From a distance of thirty (30) meters, he saw about five (5) persons go down the Saplagio household, one of whom had a flashlight. When his friend, Exequiel Carbonilla, arrived, they proceeded to the place and peeped through some holes in the wall of the house. They saw the bloody bodies of Marilyn and Annie sprawled on the floor leading to the kitchen.

They immediately reported the incident to Barangay Captain Nicasio Peralta, and together with Councilman Lope Fiel, they went to the poblacion of Kiblawan to fetch the parents of the hapless children. Thereafter, they reported the matter to the police. Two police officers accompanied them to the scene of the crime where they found Marilyn, 15 years old; Rene, 3 years old; and Annie, 6 years old, dead. A room had been forcibly opened and the contents of cabinets scattered and in disarray. They also found strands of hair in Marilyn's fingernails and took bloodstained samples for laboratory analysis.

At about 6:00 in the morning of March 2, 1981, the police arrested Quima together with the two other accused at the house of the spouses Bandala and Matea Arro which is about two (2) kilometers away from the crime scene. The three accused willingly gave hair samples for examination by the NBI. Later during the day, Lt. Gregorio Manos, the station commander, investigated the accused at the municipal jail but prior to the investigation, he allegedly found a bloodstained knife in the waistline of Quima (Exh. "U"), (p. 16, tsn, Aug. 16, 1983.)

Meanwhile, Dr. Valentin T. Bernales, Medico-Legal Officer in Zamboanga City who autopsied the bodies of the victims, reduced his findings into writing (Exhs. "E", "FF", and "G") to wit: that the causes of death of the victims are severe, massive hemorrhages secondary to multiple stab wounds. Dr. Reynaldo Jacinto, Director of the Southern Davao Hospital who also conducted a necropsy examination of the cadaver of Marilyn, found semen in her vagina as well as hymenal lacerations at 3:00 and 12:00 o'clock (Exh. "CC").

Charged with the crime of Robbery with Homicide and Multiple Rape, all the accused put up alibi as their defense.

Among others, Quima claimed that he, together with Mohammad Bugso and Romeo Doto, went to Dapok, Kiblawan, Davao del Sur on March 1, 1981 to fetch his cousin Matea Arro to assist his wife during the latter's delivery; that they never left the house of the Arro spouses that evening and were surprised why they were fetched by the police the following day; that he was bodily searched twice - when he was apprehended and upon arrival at the police station - but nothing was found on his person; and that he confessed that he committed the crime because he was threatened with death if he refused to do so. (pp. 5-40, tsn, Nov. 20, 1984).

Subsequently, Neva Gamosa, a Forensic Chemist of the NBI Manila, testified that the hair samples taken from the fingernails of Marilyn (Exh. "R") did not have similar characteristics with samples of her own hair as well as those taken from Quima (Exh. "T") and co-accused Bugso (Exh. "T"). While the hair samples taken from the accused Doto (Exh. "Q") exhibited similar characteristics with those taken from the fingernails of Marilyn, they also exhibited dissimilarities.

Examining the knife allegedly taken from Quima (Exh. "U"), Gamosa found it positive for human blood but insufficient for blood grouping purposes. The bloodstains taken from the crime scene (Exh. "W") were also positive for human blood, showing reactions of Group O (p. 32, Rollo).

The trial court disregarded Quima's purported extrajudicial confession as he was not assisted by counsel when he was interrogated by the police.

After trial, the trial court convicted Quima of the special complex crime of rape with multiple homicide.

Hence, the present appeal.

We find merit in this appeal.

After a careful review of the evidence, We entertain serious doubt as to the proof of Quima's guilt.

The trial court failed to accord significance to the physical evidence which could exonerate Quima. The hair samples taken from him were found to be different from those taken from the fingernails of Marilyn. The bloodstains on the knife were likewise insufficient for blood probing.

To warrant Quima's conviction, the trial court relied on three links as sufficient circumstantial evidence, to wit: the place where he claimed he was when the offense was committed was only about two (2) kilometers away from the scene of the crime, thus, it was physically possible for him to have gone to the Saplagio dwelling and to have committed the offense; a hunting knife stained with human blood was taken from him the day following the commission of the crime; and the fact that no other crime involving blood had been committed in Bongol-Bongol, Dapok, Kiblawan during the entire day of March 1, 1981 (p. 14, Decision).

We find these circumstances not convincing and conclusive of Quima's guilt.

Although Quima's defense of alibi has not been proven as satisfactorily as to leave no room for doubt since he was not far from the vicinity of the crime scene, this cannot be the basis of conviction, the rule being that in a

criminal prosecution, the State must rely on the strength of its own evidence and not on the weakness of the defense.

The statement of Lt. Manos that he recovered the bloodstained knife from the appellant at the municipal jail is of doubtful credibility as it does not strike us as probable or entirely in accord with human experience (People vs. Olalia, Jr., 128 SCRA 139). Lt. Manos himself admitted that ordinarily, suspects are bodily searched immediately upon their apprehension. Thus, on cross-examination, he testified:

“Q

Who apprehended Diapar Quima and the other suspects?

A My team.

Q When you apprehended the suspects, is it not a fact that it is a standard operating procedure that you immediately search him?

A That is supposed to be done, that is why when I arrived, because I wanted to talk to them, to be sure also, I had to conduct myself the searching of these people.

Q

Was the searching not made by your patrolmen?

A I did it personally.

Q

You had informed your men of the correct procedure in apprehending suspects. One of these procedures is to immediately dispossess the suspects of any dangerous weapons in their possession?

A Yes, sir.

Q In your opinion, your men were of course following it strictly?

A I cannot also presume that they did what I instructed them to do, so I had to do it personally.

Q Even if you believe that the persons were already searched by your men, you still had to do it?

A

That is my usual procedure.

Q Is it not a fact Lt. Manos that whenever you put any suspects inside the cell of your office, you will first search them for dangerous weapons, is it not?

A That is supposed to be the usual procedure. If they apprehend a person, the first thing to do is to search him for weapons for personal security.

Q Are you telling this Honorable Court that you did not do this procedure when you put these suspects in prison?

A That is why when I arrived I did it. That led to the discovery of the weapon which my men failed to find." (Tsn, Aug. 16, 1983, pp. 46-48).

While the Court on appeal would normally not disturb the findings of the trial court on the credibility of witnesses in view of the latter's advantage of observing first hand their demeanor in giving their testimony, the Court has consistently held that this rule of appreciation of evidence "must bow to the superior and immutable rule that the guilt of the accused must be proved beyond reasonable doubt because the law presumes that a defendant is innocent and this presumption must prevail unless overturned by competent and credible proof." (People vs. Alto, 26 SCRA 342)

In the case at bar, the evidence for the prosecution is weak and betrays lack of concreteness on the question of whether or not Quima is the author of the crime charged. Such doubt must be resolved in favor of Quima, it being preferable to acquit a guilty person rather than convict an innocent one. (People vs. Ganal, 85 Phil. 743)

ACCORDINGLY, the judgment appealed from is hereby REVERSED and SET ASIDE. The accused-appellant Diapar QUIMA alias Ali Bugso is hereby ACQUITTED for insufficiency of evidence. If still under detention he is hereby ordered RELEASED immediately.

SO ORDERED.

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

[*] Penned by Judge Nicasio O. de los Reyes.

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.