

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FERNANDO ILIGAN Y JAMITO, EDMUNDO ASIS Y ILIGAN AND JUAN MACANDOG (AT LARGE), DEFENDANTS, FERNANDO ILIGAN Y JAMITO AND EDMUNDO...

G.R. No. 75369. November 26, 1990

Ponente: FERNAN, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-75369/>

FERNAN, C.J.:

In this appeal, uncle and nephew, Fernando Iligan and Edmundo Asis, seek a reversal of the decision of the then Court of First Instance of Camarines Norte, Branch II[1] convicting them of the crime of murder and sentencing them to suffer the penalty of reclusion perpetua and to indemnify the heirs of Esmeraldo Quiñones, Jr. in the amounts of P30,000 for the latter's death and P256,960 representing the victim's unrealized income.

On October 21, 1980, the following information for murder was filed against Fernando Iligan, Edmundo Asis and Juan Macandog:

"That on or about 3:00 a.m., August 4, 1980, at sitio Lico II, barangay Sto. Domingo, municipality of Vinzons, province of Camarines Norte, Philippines, and within the jurisdiction of the Honorable Court, the above named accused, conspiring and mutually helping one another, with treachery and evident premeditation, one of the accused Fernando Iligan armed with a bolo (sinampalok) and with deliberate intent to kill, did then and there wilfully, unlawfully and feloniously, gang up and in a sudden unexpected manner, hacked Esmeraldo Quiñones, Jr., on his face, thus causing fatal injuries on the latter's face which resulted to (sic) the death of said Esmeraldo Quiñones.

"CONTRARY TO LAW."

Juan Macandog was never apprehended and he remains at large. At their arraignment on January 12, 1981 Fernando Iligan and Edmundo Asis pleaded not guilty to the crime charged. There-after, the prosecution presented the following version of the commission of the crime:

At around 2:00 o'clock in the morning of August 4, 1980, Esmeraldo Quiñones, Jr. and his companions, Zaldy Asis and Felix Lukban, were walking home from barangay Sto. Domingo, Vinzons, Camarines Norte after attending a barrio fiesta dance. In front of the ricemill of a certain Almadrones, they met the accused Fernando Iligan, his nephew, Edmundo Asis, and Juan Macandog. Edmundo Asis pushed ("winahi") them aside thereby prompting Zaldy Asis to box him.[2] Felix Lukban quickly told the group of the accused that they had no desire to fight.[3] Fernando Iligan, upon seeing his nephew fall, drew from his back a bolo and hacked Zaldy Asis but missed. Terrified, the trio ran pursued by the three accused. They ran for about half an hour, passing by the house of Quiñones, Jr. They stopped running only upon seeing that they were no longer being chased. After resting for a short while, Quiñones, Jr. invited the two to accompany him to his house so that he could change to his working clothes and report for work as a bus conductor.[4]

While the trio were walking towards the house of Quiñones, Jr., the three accused suddenly emerged on the roadside and without a word, Fernando Iligan hacked Quiñones, Jr. with his bolo hitting him on the forehead and causing him to fall down.[5] Horrified, Felix Lukban and Zaldy Asis fled to a distance of 200 meters, but returned walking after they heard shouts of people. Zaldy Asis specifically heard someone shout "May nadale na." [6]

On the spot where Quiñones, Jr. was hacked, Zaldy Asis and Felix Lukban saw him already dead with his head busted.[7] They helped the brother of Quiñones, Jr. in carrying him to their house.[8]

That same day, August 4, 1980, the body of Quiñones, Jr. was autopsied at the Funeraria Belmonte in Labo, Camarines Norte by the municipal health officer, Dr. Marcelito E. Abas. The postmortem examination report which is found at the back of the death certificate reveals that Esmeraldo Quiñones, Jr., who was 21 years old when he died, sustained the following injuries:

"1. Shock and massive cerebral hemorrhages due to multiple fracture of the entire half of the frontal left, temporal, parietal and occipital bone of the head, with massive maceration of the brain tissue.

"2. Other findings - Incised wound at the right eyebrow, medial aspect measuring about 4 cms. in length, 0.5 cm. in width and 0.5 cm. in depth, abrasion on the left shoulder and right side of the neck." [9]

The death certificate also indicates that Quiñones, Jr. died of "shock and massive cerebral hemorrhages due to a vehicular accident."

The defendants denied having perpetrated the crime. They alleged that they were in their respective houses at the time the crime was committed.

Accused Fernando Iligan testified that at around midnight of August 4, 1980, he left his house to fetch his visitors at the dance hall.[10] Along the way, he met his nephew, Edmundo Asis, whom he presumed was drunk. He invited his nephew to accompany him to the dance hall. However, they were not able to reach their destination because Edmundo was boxed by somebody whom he (Edmundo) sideswiped.[11] Instead, Fernando Iligan brought his nephew home.[12] On their way, they were overtaken by Julianio Mendoza whom Fernando Iligan invited to his house to help him cook.[13] After bringing his nephew home, Fernando Iligan and Julianio Mendoza proceeded to Iligan's house and arrived there between 1:30 and 2:00 o'clock in the morning of the same day.[14]

Edmundo Asis corroborated Iligan's testimony. He testified that while they were walking in front of the Almadrones ricemill, he sideswiped someone whom he did not recognize because there were several persons around. He said, "Sorry, pare" but the person to whom he addressed his apology boxed him on his left face. He fell down and Iligan helped him. Later, Iligan accompanied him to his home in Lico II.[15] After Iligan and Julianio Mendoza had left his house, he slept and woke up at 7:00 o'clock the following morning.[16]

The defense made capital of the testimony of prosecution witness Dr. Abas to the effect that Quiñones, Jr. died because of a vehicular accident. In ruling out said theory, however, the lower court, in its decision of May 7, 1986, said:

"The accused, to augment their alibi, have pointed to this Court that the Certificate of Death have shown that the victim's death was caused by a vehicular accident. To this, notwithstanding, the Court cannot give credit for some reasons. First, the fact of the alleged vehicular accident has not been fully established. Second, Esmeraldo Quiñones, Sr., (the) father of the victim, testified that Dr. Abas told him that if his son was hacked by a bolo on the face and then run over the entire head by a vehicle's tire, then that hacking on the face could not be visibly seen on the head (t.s.n., pp. 16-17, October 13, 1981). Third, Exhibit '2' (the photograph of the victim taken immediately after his body had been brought home) is a hard evidence. It will attest (sic) show that the entire head was not crushed by any vehicle. On the contrary, it shows that only half of the face and head, was damaged with the wound starting on a sharp edge horizontally. There are contusions and abrasions

on the upper left shoulder and on the neck while the body downwards has none of it, while on the right forehead there is another wound caused by a sharp instrument. Therefore, it is simple, that if the victim was run over by a vehicle, the other half portion of his head and downward part of his body must have been likewise seriously damaged, which there are none." [17]

The lower court also found that Iligan's group conspired to kill anyone or all members of the group of the victim to vindicate the boxing on the face of Edmundo Asis. It appreciated the aggravating circumstances of evident premeditation and treachery and accordingly convicted Iligan and Edmundo Asis of the crime of murder and imposed on them the aforementioned penalty.

Iligan and Edmundo Asis interposed this appeal professing innocence of the crime for which they were convicted. For the second time, they attributed Quiñones, Jr.'s death to a vehicular accident.

No eyewitnesses were presented to prove that Quiñones, Jr. was run over by a vehicle. The defense relies on the testimony of Dr. Abas, a prosecution witness, who swore that the multiple fracture on the head of Quiñones, Jr. was caused by a vehicular accident [18] which opinion was earlier put in writing by the same witness in the postmortem examination. Dr. Abas justified his conclusion by what he considered as tire marks on the victim's left shoulder and the right side of his neck. [19] He also testified that the incised wound located at the victim's right eyebrow could have been caused by a sharp bolo but it was so superficial that it could not have caused the victim's death. [20]

Circumstantial evidence on record indeed point to the veracity of the actual occurrence of the vehicular mishap. One such evidence is the testimony of prosecution witness Zaldy Asis that when he helped bring home the body of Quiñones, Jr., he told the victim's father, Esmeraldo Quiñones, Sr. that "before Esmeraldo Quiñones (Jr.) was run over by a vehicle, he was hacked by Fernando Iligan." [21] When asked why he mentioned an automob-ile, Zaldy Asis said that he did not notice any vehicle around but he mentioned it "because his (Quiñones, Jr.) head was busted." [22] It is therefore not farfetched to conclude that Zaldy Asis had actual knowledge of said accident but for understandable reasons he declined to declare it in court. Defense witness Marciano Mago, the barangay captain of Sto. Domingo, also testified that when he went to the scene of the crime, he saw bits of the brain of the victim scattered across the road where he also saw tire marks. [23]

For its part, the prosecution, through the victim's father, presented evidence to the effect that Iligan authored the maceration of half of the victim's head. Quiñones, Sr. testified that from their house, which was about five meters away from the road, he saw Fernando Iligan holding a "sinampalok" as he, together with Edmundo Asis and Juan Macandog, chased someone. During the second time that he saw the three accused, he heard Iligan say, "Dali, ayos na yan." [24] Hence, the lower court concluded that the victim's head was "chopped" resulting in the splattering of his brain all over the place. [25] It should be emphasized, however, that the testimony came from a biased witness and it was uncorroborated.

While the factual findings of the trial court are generally given due respect by the appellate court, an appeal of a criminal case throws it open for a complete review of all errors, by commission or omission, as may be imputable to the trial court. [26] In this instance, the lower court erred in finding that the maceration of one half of the head of the victim was also caused by Iligan for the evidence on record point to a different conclusion. We are convinced beyond peradventure that indeed, after Quiñones, Jr. had fallen from the bolo-hacking perpetrated by Iligan, he was run over by a vehicle. This finding, however, does not in any way exonerate Iligan from liability for the death of Quiñones, Jr.

Under Article 4 of the Revised Penal Code, criminal liability shall be incurred "by any person committing a felony (delito) although the wrongful act done be different from that which he intended." Based on the doctrine

that "el que es causa de la causa es causa del mal causado" (he who is the cause of the cause is the cause of the evil caused),[27] the essential requisites of Article 4 are: (a) that an intentional felony has been committed, and (b) that the wrong done to the aggrieved party be the direct, natural and logical consequence of the felony committed by the offender.[28] We hold that these requisites are present in this case.

The intentional felony committed was the hacking of the head of Quiñones, Jr. by Iligan. That it was considered as superficial by the physician who autopsied Quiñones is beside the point. What is material is that by the instrument used in hacking Quiñones, Jr. and the location of the wound, the assault was meant not only to immobilize the victim but to do away with him as it was directed at a vital and delicate part of the body: the head.[29]

The hacking incident happened on the national highway[30] where vehicles are expected to pass any moment. One such vehicle passed seconds later when Lukban and Zaldy Asis, running scared and having barely negotiated the distance of around 200 meters, heard shouts of people. Quiñones, Jr., weakened by the hacking blow which sent him to the cemented highway, was run over by a vehicle.

Under these circumstances, we hold that while Iligan's hacking of Quiñones, Jr.'s head might not have been the direct cause, it was the proximate cause of the latter's death. Proximate legal cause is defined as "that acting first and producing the injury, either immediately or by setting other events in motion, all constituting a natural and continuous chain of events, each having a close causal connection with its immediate predecessor, the final event in the chain immediately effecting the injury as a natural and probable result of the cause which first acted, under such circumstances that the person responsible for the first event should, as an ordinarily prudent and intelligent person, have reasonable ground to expect at the moment of his act or default that an injury to some person might probably result therefrom." [31] In other words, the sequence of events from Iligan's assault on him to the time Quiñones, Jr. was run over by a vehicle is, considering the very short span of time between them, one unbroken chain of events. Having triggered such events, Iligan cannot escape liability.

We agree with the lower court that the defense of alibi cannot turn the tide in favor of Iligan because he was positively seen at the scene of the crime and identified by the prosecution witnesses.[32]

But we disagree with the lower court with regards to its findings on the aggravating circumstances of treachery and evident premeditation. Treachery has been appreciated by the lower court in view of the suddenness of the attack on the group of Quiñones, Jr. Suddenness of such attack, however, does not by itself show treachery.[33] There must be evidence that the mode of attack was consciously adopted by the appellant to make it impossible or hard for the person attacked to defend himself.[34] In this case, the hacking of Edmundo Asis by Iligan followed by the chasing of the trio by the group of Iligan was a warning to the deceased and his companions of the hostile attitude of the appellants. The group of Quiñones, Jr. was therefore placed on guard for any subsequent attacks against them.[35]

The requisites necessary to appreciate evident premeditation have likewise not been met in this case. Thus, the prosecution failed to prove all of the following: (a) the time when the accused determined to commit the crime; (b) an act manifestly indicating that the accused had clung to their determination to commit the crime; and (c) the lapse of sufficient length of time between the determination and execution to allow him to reflect upon the consequences of his act.[36]

Absent any qualifying circumstances, Iligan must be held liable only for homicide. Again, contrary to the lower court's finding, proof beyond reasonable doubt has not been established to hold Edmundo Asis liable as Iligan's co-conspirator. Edmundo Asis did not take any active part in the infliction of the wound on the head of Quiñones, Jr. which led to his running over by a vehicle and consequent death. As earlier pointed out, the testimony that he

was carrying a stone at the scene of the crime hardly merits credibility being uncorroborated and coming from an undeniably biased witness. Having been the companion of Iligan, Edmundo Asis must have known of the former's criminal intent but mere knowledge, acquiescence or approval of the act without cooperation or agreement to cooperate, is not enough to constitute one a party to a conspiracy. There must be intentional participation in the act with a view to the furtherance of the common design and purpose.[37] Such being the case, his mere presence at the scene of the crime did not make him a co-conspirator, a co-principal or an accomplice to the assault perpetrated by Iligan.[38] Edmundo Asis therefore deserves exoneration.

There being no mitigating circumstances, the penalty imposable on Iligan is reclusion temporal medium (Arts. 249 and 64, Revised Penal Code). Applying the Indeterminate Sentence Law, the proper penalty is that within the range of prision mayor as minimum and reclusion temporal medium as maximum. We find insufficient proof to warrant the award of P256,960 for the victim's unrealized income and therefore, the same is disallowed.

WHEREFORE, appellant Fernando Iligan y Jamito is hereby convicted of the crime of homicide for which he is imposed the indeterminate penalty of six (6) years and one (1) day of prision mayor as minimum to fourteen (14) years, eight (8) months and one (1) day of reclusion temporal medium as maximum and he shall indemnify the heirs of Esmeraldo Quiñones, Jr. in the amount of fifty thousand pesos (P50,000). Appellant Edmundo Asis is hereby acquitted of the crime charged against him. Costs against appellant Iligan.

SO ORDERED.

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

Feliciano, J., on leave.

[1] Presided by Judge Luis D. Dictado.

[2] TSN, February 12, 1981, pp. 54-55.

[3] TSN, February 11, 1981, p. 7.

[4] TSN, February 12, 1981, pp. 57-58.

[5] Ibid., pp. 58-59.

[6] Ibid., p. 59.

[7] Ibid., p. 63.

[8] Ibid., pp. 59-60.

[9] Exh. A.

[10] TSN, May 11, 1983, p. 316.

[11] Ibid., pp. 317-318.

[12] Ibid., p. 319.

[13] Ibid., pp. 320, 322-323.

[14] Ibid., p. 325.

[15] TSN, August 29, 1983, pp. 349-350.

- [16] Ibid., p. 351.
- [17] Decision, pp. 8-9.
- [18] TSN, September 2, 1981, p. 114.
- [19] Ibid., p. 121.
- [20] Ibid., pp. 114-116.
- [21] TSN, February 12, 1981, p. 60.
- [22] Ibid., p. 63.
- [23] TSN, February 24, 1982, pp. 196 & 208-209.
- [24] TSN, January 19, 1982, pp. 157-163.
- [25] Decision, p. 8.
- [26] *People v. Valerio, Jr.*, L-4116, February 25, 1982, 112 SCRA 208, 231.
- [27] *People v. Ural*, G.R. No. L-30801, March 27, 1974, 56 SCRA 138, 144.
- [28] *People v. Mananquil*, L-35574, September 28, 1984, 132 SCRA 196, 207.
- [29] See: *People v. Diana*, 32 Phil. 344 (1915).
- [30] TSN, February 11, 1981, p. 8.
- [31] *Urbano v. Intermediate Appellate Court*, G.R. No. 72964, January 7, 1988, 157 SCRA 1 quoting *Vda. de Bataclan v. Medina*, 102 Phil. 181.
- [32] *People v. Pineda*, G.R. No. 72400, January 15, 1988, 157 SCRA 71.
- [33] *People v. Gadiano*, L-31818, July 30, 1982, 115 SCRA 559.
- [34] *People v. Crisostomo*, L-32243, April 15, 1988, 160 SCRA 47.
- [35] *People v. Mercado*, L-33492, March 30, 1988, 159 SCRA 455.
- [36] *People v. Batas*, G.R. Nos. 84277-78, August 2, 1989, 176 SCRA 46.
- [37] *People v. Izon*, 104 Phil. 690 (1958).
- [38] *Orobio v. Court of Appeals*, G.R. No. 57519, September 13, 1988, 165 SCRA 316.

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.