

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BENITO ESPIRITU Y ISRAEL ALIAS ITONG, PEPING MANDAC ALIAS PEPING, SERRENG, AND BERTING CALISO ALIAS BILLIT, ACCUSED, PEREGRINO...

G.R. No. 80406. November 20, 1990

Ponente: CRUZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-80406/>

CRUZ, J.:

In the evening of May 30, 1976, at about seven o'clock, four men came to the house of Bernardo Cristobal in Uluan, Cunig, Gattaran, in Cagayan. They asked to buy a can of rice, but Bernardo invited them instead to have supper with them. They accepted and had the repast with Bernardo, his wife, Rosa, his daughter, Felina, her husband, Marcelino Batu, and their four children.

After the meal, the group moved to the balcony, where they engaged in conversation. They asked Bernardo if he had a gun and the latter said no. Suddenly, the men drew their weapons and one of them shot Bernardo in the face. Rosa and Felina were dragged back by their hair as they attempted to help Bernardo. Somebody clubbed him on the head with a rice pestle. Then the men jumped from the balcony and fled. Bernardo died the following morning.

In due time, an information for murder was filed against Benito Espiritu, Peregrino Abarquez, Dominador Combate, and Berting Caliso. Espiritu jumped bail and is still at large. Caliso died before the case could be decided. On July 16, 1987, the trial court rendered a decision convicting both Abarquez and Combate of the crime charged and sentenced them to life imprisonment. They were also required to pay civil indemnity in the sum of P30,000.00, plus the costs.[1]

In this appeal, both Abarquez and Combate contend that they were not sufficiently identified by the prosecution witnesses. They also claim that the respondent court erred in not giving credence to their alibi, which established that they were nowhere at the scene of the crime when it was committed.

The identification of the two was made by Rosa Cristobal and Felina Batu, who were both present when Bernardo was killed. They each pointed to Dominador Combate as the person who shot Bernardo. The two witnesses sat with the four assailants at the same table when they took supper together and then conversed with them at the balcony where they suddenly attacked Bernardo. They were both present at the time of the surprise attack. There was sufficient illumination from the kerosene lamps that lit the house.

The argument that the accused-appellants should have been identified at a police line-up is not acceptable. There is no law requiring a police line-up as essential to a proper identification. And it is not true that the identification was merely suggested to the witnesses by the police for the fact is that Rosa immediately recognized the accused-appellants at the police station.

As the trial court correctly observed:

Rosa Cristobal, wife of the victim, could not have been mistaken in identifying the accused Dominador Combate as the one who shot her husband Bernardo Cristobal because (1) she was sitting side by side with her husband at the balcony when Dominador Combate, Peregrino Abarquez, Benito Espiritu and the unnamed companion pulled her husband; (2) the balcony was lighted with a bottled kerosene lamp; (3) she had the opportunity to recognize their faces when they all ate together in the kitchen as she was seated beside Peregrino Abarquez, Dominador Combate was seated in front of her husband and Benito Espiritu was seated beside her husband; and (4) she was with her husband at the balcony when the accused arrived in the house and her husband told them to come up their house. Felina Batu corroborated Rosa Cristobal's testimony on these particular facts, as she also was in the balcony when Dominador Combate, Peregrino Abarquez, Benito Espiritu and the fourth companion arrived in the house; ate with them in the kitchen; saw her father Bernardo Cristobal being pulled by the said four persons; shouting to her mother that her father was being killed by the four persons as she was only about two meters away from them; and that the balcony was lighted with a bottled kerosene lamp.

The many inconsistencies in the testimony of both Rosa and Felina can be explained by the fact that they were not experienced in testifying and were probably confused or raffled when they were under examination. At any rate, the discrepancies are minor and do not affect the essential credibility of their declarations as a whole. Furthermore, and no less important, even the accused-appellants admitted that the witnesses had no motive for testifying falsely against them as they had not known each other before the commission of the crime.

The alibi of the accused-appellants is not persuasive. According to them, they were both in Rosario, Lallo, Cagayan, when the crime was committed. They presented witnesses to corroborate their statement that they were both attending a fiesta at that time and until dawn and that they went to a baptismal party the following day. That may be so, but that does not mean they could not have gone first to Bernardo's house before attending the fiesta, considering that the distances between Rosario and Cunig could have been negotiated in about an hour and a half. More significantly, the two accused-appellants were positively identified by the two prosecution witnesses who actually saw the slaying of Bernardo.

There is no question that the four assailants acted in conspiracy with each other. This was evident from the time they went to Bernardo's house pretending to look for a lost carabao and, more convincingly, when they moved in concert to kill Bernardo even as the two witnesses were pulled away by the hair, after which all four of them fled together. As conspirators, they are each liable for the attack on Bernardo, regardless of who actually pulled the trigger or wielded the club that killed him.

It was also correctly held by the trial judge that the killing was qualified by treachery, as the attack took Bernardo completely by surprise, let alone the further fact that two of the men prevented Rosa and Felina from succoring the victim. The assailants clearly took steps to insure the commission of the offense without risk to themselves arising from the defense the offended party might make. However, nighttime should not have been considered a separate aggravating circumstance as this was absorbed by alevosia.[2] But dwelling was properly taken into account as the murder was committed in the house of the victim.[3]

The appropriate penalty would have been death, but as this is no longer allowed under the Constitution, it is reduced to reclusion perpetua. Conformably to the resolution of the Court dated August 30, 1990, the civil indemnity is increased to P50,000.00.

WHEREFORE, the decision of the trial court is AFFIRMED as above modified. It is so ordered.

Narvasa, (Chairman), Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] Decision penned by Judge Ricardo A. Baculi.

[2] *People v. Bardon*, 165 SCRA 416; *People v. Briosos*, 155 SCRA 463; *People v. Ramillano*, 133 SCRA 201.

[3] *People v. Perante*, 143 SCRA 56; *People v. Briosos*, 155 SCRA 463; *People v. Liston*, G.R. No. 63396, November 15, 1989.

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.