PEOPLE OF THE PHILIPPINES, DEFENDANT-APPELLANT, VS. ELIZALDE CULALA Y BOGNOT, PLAINTIFF-APPELLEE.

G.R. No. 83466. October 13, 1999

Ponente: PURISIMA, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-83466/

PURISIMA, J.:

This is an appeal[1] from the Decision[2] dated February 1, 1987, of the Regional Trial Court of Valenzuela, Metro Manila, Branch 172, convicting appellant Elizalde Culala y Bognot of the crime of Robbery with Homicide in Criminal Case No. 4916-V-82; and sentencing him to suffer the penalty of death,[3] as follows:

> "WHEREFORE, in view of the foregoing the accused Elizalde Culala is found guilty beyond reasonable doubt of the crime of Robbery with Homicide punishable under art. 249 par. 1, and considering the generic aggravating circumstance of treachery hereby sentences him to suffer the penalty of death; and to pay by way of indemnification the heirs of the victim the sum of P30,000.00, to indemnify the victims the sum of P500.00 for the uncovered Ohm Meter and P100.00 cash taken from the victim and to pay the costs of the suit.
>
> SO ORDERED"[4]

Filed, on May 10, 1982 by Provincial Fiscal Pascual C. Kliatchko, the Information indicting the accused-appellant, alleges:

> "That on or about the 14th day of March, 1982, in the municipality of Valenzuela, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the said accused Elizalde Culala y Bognot, did then and there willfully, unlawfully and feloniously, with intent to gain, by means of violence, force and intimidation, take rob and carry away with him the following, to wit:
>
> Cash money amounting to --------- P100.00
>
> Ohm meter tester amounting to---- 400.00
>
> Tools and spare parts amounting to 500.00
>
> One (1) bag amounting to ---------- 20.00
>
> T O T A L P1,020.00
>
> belonging to one Eduardo C. Simoy, to the damage and prejudice of the said owner in the total amount of P1,020.00, and that during the commission of this crime and on the occasion thereof, the said accused, with intent to kill the said Eduardo C. Simoy, did then and there willfully, unlawfully and feloniously attack, assault and stab with a bladed instrument he was then provided said Eduardo C. Simoy, hitting the latter on the different parts of his body, thereby inflicting upon him physical which directly caused his death.
>
> Contrary to law"[[5]]

With the accused pleading not guilty upon arraignment,[6] trial ensued.

The version of the prosecution as testified on by its lone eyewitness Juliana Celon-Simoy, mother of the victim, runs as follows:

At about 9:50 p.m. of March 14, 1982, Juliana Simoy went out to fetch her twenty-three (23) year old son, Eduardo C. Simoy, a radio and television technician.[7] Proceeding to R. Delfin St., she saw, at a distance of fifteen (15) meters, in front of Interworld Steel Factory, two men whom she did not recognize as the area was quite dark.[8] One man was picking the left pocket of the other, at the same time pointing a knife at the back of the latter.[9] The aggressor then grabbed the bag hanging on the left shoulder of the other man and thereafter, stabbed him at the back.[10] Out of fear, Juliana Simoy sought cover at the gate of Skylark Plastic Corp., located on the road side.[11] After accomplishing his evil deed, the culprit ran at the direction where Juliana was hiding. Nearing the gate of Skylark which was then illuminated, he slowed down and walked, giving Juliana an opportunity to see his face before, and as, he passed right in front of the said gate (at a distance of one (1) meter),[12] with the aid of the light emanating from an electric post. Thereafter, accused-appellant fled towards the Batimana Compound.[13]

As the workers of Interworld Steel started to come out and gather around the lifeless body in front of the factory, Juliana took a look at the victim. It was only then that she learned that the victim was her son, Eduardo Simoy. The bag belonging to Eduardo was later recovered at Batimana Compound. Missing from the same, was the Ohm meter of the victim worth P400.00 and cash of P100.00.[14]

On March 16, 1982, Juliana Simoy positively identified Elizalde Culala in a police line-up as the person who robbed and killed her son, on the night of March 14, 1982.[15]

The prosecution introduced in evidence the extra-judicial confession of the accused-appellant admitting the commission of the crime, alleged to have been obtained in the presence and with the assistance of Atty. Celso E. Santamaria, Municipal Attorney of Valenzuela, Metro Manila, who testified that he apprised the accused of his constitutional rights.[16]

Accused-appellant, on the other hand, placed reliance on the defense of denial and alibi. He theorized that he could not have committed the crime because at the alleged time of its perpetration (around 9:00 p.m. of March 14, 1982) he was having a good time at a certain Bell’s Pub house in Monumento, where he stayed until the early morning of March 15, 1982.[17] He pointed out that the extra-judicial confession executed by him suffer from constitutional infirmities and consequently, inadmissible as evidence because it was extracted under duress, force and intimidation and was only countersigned later by the Municipal Attorney.[18]

After trial, the court a quo came out with a judgment of conviction. Therefrom, appellant took this appeal, theorizing that:

I.

THE TRIAL COURT GRIEVIOUSLY ERRED IN RULING THAT JULIANA COLON SIMOY, MOTHER OF THE VICTIM, EDUARDO C. SIMOY, POSITIVELY IDENTIFIED THE ACCUSED ELIZALDE CULALA y BOGNOT.

II.

THE TRIAL COURT ERRED IN FINDING THE ACCUSED ELIZALDE CULALA y BOGNOT GUILTY OF THE ROBBERY WITH HOMICIDE AND SENTENCING HIM TO THE PENALTY OF DEATH.[19]

Well-settled to the point of being elementary is the doctrine that questions of fact are best resolved by the trial

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

court. The factual findings of the trial court are to be upheld on appeal unless it is clearly shown that facts of substance had been overlooked or circumstances of significance have been disregarded.[20] In the case under consideration, the trial court gave credence to the testimony of eye-witness Juliana Simoy, who categorically identified the accused-appellant at the police station as the person who robbed and killed her son. She narrated, in part:

> "x x x
>
> ATTY. SORIANO:
>
> Q You said you went to the police station the following day and upon arriving there, you inquired from the police if there was already a person arrested in connection with the stabbing incident, is that correct?
>
> A I did not inquire, sir. What I did at the following day, I went to the Municipal Building because I heard from the people talking within our vicinity that the person who did the stabbing was already apprehended and when I went there, the policemen asked me, "Mrs., can you recognize the person who stabbed your son?" and I told them that if I would see him again, I would be able to recognize him, and then the police tole (sic) me, "will you please look at these persons and point to us that man." When I looked at the men around there, I saw a man sitting with his head bowed. I asked the policeman to ask that man to show his face to me and the policeman told the man: "Hoy, tumingin ka sa kanya", and when he look (sic) at me, I told the police after I was sure that he was really the man whom I saw and told the police he is the one.
>
> Q So it is clear that you saw him in that place at the instigation of the police?
>
> FISCAL:
>
> That is misleading; how can it be instigation when she voluntarily went to the police station because she had heard already from the people talking that the accused was already arrested.
>
> ATTY. SORIANO:
>
> And what I am after is, what I am referring to is that she could have not pointed to that person had she (he) not been pointed to her by the police.
>
> COURT:
>
> That is misleading. The police just asked her to look without any specific person being pointed to and it was the witness on her own to ask the police wo (sic) ask the man who was stooping, his face, to let his face be shown to the witness. Therefore, it is not instigation by the police. It was upon the request of the witness.
>
> x x x"[21]

Juliana Simoy's credibility is not diminished by her admission that she saw the appellant for the first time during the commission of the crime. On the contrary, it appears that she indeed had a clear view of the accused-appellant as he approached the gate where she was hiding. Pertinent portions of the unwavering testimony of the prosecution witness, state:

> "x x x
>
> ATTY. SORIANO:
>
> Q. When you saw that person who was according to you carrying the bag in the left hand and in the right hand he was holding a knife, you were behind and he was in front, is that right?
>
> A. I was here and he was there. (Witness pointing to 2 distances which the way they look at them they were opposite each other.)

COURT:

Q. Let us clarify. When for the first time did you see the accused walking? While you were hiding, was it at the time when he did not pass yet the point when he was exactly in front of you?

A. He has not yet passed me while he was walking I was looking at him.

Q. You mean to say that the first time you saw him walking on that road he was somehow facing you or you could see his face, is that correct?

A. Yes, sir, as a matter of fact he even looked at my direction.

x x x"[22]

"x x x

ATTY. SORIANO:

x x x

Q. And you saw him only on his profile of his face, is that correct?

FISCAL:

I think the question is a little bit vague.

COURT:

What do you mean?

ATTY. SORIANO:

Q. What part of the face did you see?

A. The whole face, sir.

Q. You said that he was walking along the road; he stopped, he did not run anymore when he reached your place but still walking in the direction of Batimana Compound?

FISCAL:

Objection.

COURT:

Sustained.

ATTY. SORIANO:

He was walking already.

COURT:

Reform the question.

ATTY. SORIANO:

Q. According to you this person, the stabber stopped running but continued walking and passed by you, at the time you said you were looking. So the person who was running was facing in the direction of the road, is that correct?

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

A. Yes, sir, but my position was I was facing him.

Q. And if you are facing him then you saw the right side of his face, is that correct?

A. I saw his face entirely because he was walking towards my position where I was standing.

x x x"[23]

So also, it bears stressing that a violent incident such as the one complained of may even serve as a catalyst to the witness' memory. The face of Elizalde Culala must have been, in the very nature of things, forcefully impinged upon and etched into the memory of Juliana Simoy by the atrocity perpetrated before her eyes.[24]

With respect to the alibi theorized upon by accused-appellant, the Court believes, and so rules, that the same cannot hold against the positive identification by Juliana Simoy of the appellant as the culprit. Basic is the rule that alibi which is easy to concoct, cannot prevail over the positive identification by the witnesses who were not shown to have been ill-motivated to testify against the accused-appellant.[25] Thus, in the absence of proof of improper motive on the part of Juliana Simoy to implicate accused-appellant in the commission of the malefaction sued upon, there is no cause or ground for not giving due weight and probative value to her testimony.

On the admissibility of subject extra-judicial confession of accused-appellant, it is worthy to note that during the custodial investigation he was assisted by Atty. Celso E. Santamaria, Municipal Attorney of Valenzuela, Metro Manila. In People vs. Bandula,[26] it was held that a Municipal Attorney cannot be an independent counsel as required by the Constitution.[27] As a legal officer of the municipality, he provides legal assistance and support to the mayor and the municipality in carrying out the delivery of basic services to the people, including the maintenance of peace and order. It is therefore seriously doubted whether he can effectively undertake the defense of the accused without running into conflict of interests. He is no better than a fiscal or a prosecutor who cannot represent the accused during custodial investigations.[28] Consequently, for being violative of the Constitution, the extrajudicial confession of accused-appellant is inadmissible.

But even without the accused-appellant's extra-judicial confession, the judgment of conviction under scrutiny is affirmable as the testimonial and documentary evidence on record have established the guilt of accused-appellant beyond reasonable doubt.

Absent the inadmissible extrajudicial confession of accused appellant, the aggravating circumstance of treachery, primarily anchored on the narration by accused-appellant as to how he attacked the deceased, cannot be considered. Anyway, with or without treachery aggravating the crime, the imposable penalty would still be reclusion perpetua, considering that the crime happened on March 14, 1982. Section 19 (1) of Article III of the 1987 Constitution provides that "(a)ny death penalty already imposed shall be reduced to reclusion perpetua."

While Republic Act No. 7659, which reimposed the death penalty for certain heinous crimes including robbery with homicide, was thereafter passed and took effect on December 31, 1993, such law, being penal in nature, cannot have retrospective effect.[29]

Following prevailing jurisprudence, the civil indemnity should be increased to Fifty Thousand (P50,000) Pesos.[30] However, the indemnity for the unrecovered Ohm meter should only be P400.00, the value thereof alleged and proven.

All things studiedly considered, and viewed in proper perspective, the mind of the court can rest easy on a finding of accused-appellant's guilt.

WHEREFORE, the appealed judgment in Criminal Case No. 4916-v-82 is AFFIRMED with MODIFICATION, as above ratiocinated, and the accused-appellant, Elizalde Culala y Bognot, is declared guilty beyond reasonable

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

doubt of the crime of Robbery with Homicide and is hereby sentenced therefor to the penalty of reclusion perpetua.

Appellant is ordered to pay the heirs of Eduardo C. Simoy in the amount of Fifty Thousand (P50,000.00) Pesos as indemnity ex delicto, P400.00 for the unrecovered Ohm Meter and P100.00 for the cash taken from the deceased. Costs against accused-appellant.

SO ORDERED.

Melo, (Acting C.J.), Vitug, Panganiban, and Gonzaga-Reyes, JJ., concur.

---

[1] Dated February 13, 1987; Original Records (O.R.), pp. 340-342.

[2] Penned by Judge Teresita Dizon-Capulong.

[3] Commuted to reclusion perpetua by virtue of the suspension of the imposition of death penalty under the 1987 Constitution. (See People vs. Redulosa, 255 SCRA 279, p. 286, citing: Resolution dated April 30, 1987 in Administrative Matter No. 87-5-3173-0.

[4] Decision, Rollo, p. 49.

[5] Rollo, pp. 7-8.

[6] O.R. p. 37.

[7] Decision, Rollo, p. 42.

[8] Cross-examination of Juliana Simoy, June 18, 1984; T.S.N., p. 164.

[9] Decision, Rollo, p. 42.

[10] Ibid., October 8, 1982; T.S.N., p. 25.

[11] Ibid., July 30, 1984; TSN, p. 171.

[12] Ibid., pp. 174-175 and August 27, 1984, p. 178; Decision, Rollo, p. 42.

[13] Ibid., May 21, 1984, p. 154.

[14] Decision, Rollo, p. 42.

[15] Cross-examination of Juliana Simoy, June 13, 1984, T.S.N., p. 163.

[16] Cross-examination of Atty. Celso Santamaria, May 8, 1995, T.S.N., p. 223.

[17] Cross-examination of Elizalde Culala, November 2, 1983, T.S.N. at pp. 24 and 29.

[18] Re-direct Examination of Elizalde Culala, January 18, 1984, T.S.N. p. 110-111.

[19] Brief for the Accused-Appellant, Rollo, p. 82.

[20] People vs. Camayan, 245 SCRA 66, p. 74, citing: People vs. Ruelo, 237 SCRA 737 and People vs. Utinas, G.R. No. 105832, December 22, 1994.

[21] Cross-examination of Juliana Simoy, December 11, 1984, T.S.N., pp. 189-190.

[22] Ibid., May 21, 1984, T.S.N., p. 155.

[23] Ibid., July, 20, 1984, T.S.N., pp. 174-175.

[24] People vs. De la Cruz, G. R. No. 111704, March 17, 1999; citing: People vs. Campa, 230 SCRA 431, 442.

[25] People vs. Lacatan, G.R. No. 121532, September 7, 1998, 295 SCRA 203.

[26] 232 SCRA 566.

[27] Sec.12. (1) Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of a counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.

[28] People vs. Bandula, supra, p. 576, citing: People v. Matos-Viduya, 189 SCRA 403.

[29] People vs. Derilo, et al, 271 SCRA 633, 662, April 18, 1997; People vs. Recones, et al., G.R. No. 129535, July 20, 1999; People vs. Patalin, et al., G.R. No. 125539, July 27, 1999.

[30] People vs. Tabones, G.R. No. 129695, March 17, 1999.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

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.