

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JANUARIO DELA CRUZ Y HURADO, ACCUSED-APPELLANT.*G.R. No. 84714. October 05, 1990*

Ponente: SARMIENTO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-84714/>**SARMIENTO, J.:**

The accused contests the decision of the Regional Trial Court,[1] finding him guilty of murder and sentencing him to suffer reclusion perpetua plus actual damages.

The evidence for the prosecution reveals the following:

On August 3, 1987 at about 10:00 o'clock in the evening, Reynaldo Pascasio, a tricycle driver, was on his motorized tricycle parked in front of the "Big Foot" Bar located at East Dirita, San Antonio, Zambales, near the crossroad of the National Highway and the road leading to the U.S. Naval Communication Station at San Miguel, San Antonio, Zambales. While there, accused Januario dela Cruz, who crossed the road, approached him and told him "Maykadtoy ta adda ibelleng", which in English is "Come here, we shall throw something". Responding, he went with the accused Januario dela Cruz in front of the gate of the Guerrero Compound where the latter's companions were. From where Reynaldo Pascasio was parked in front of the "Big Foot" Bar, the accused's companions were about eight (8) meters away across the street. Then, three (3) male persons, as well as accused Januario dela Cruz boarded the tricycle. The three (3) companions of Januario dela Cruz rode inside the sidecar of the tricycle, while accused Januario dela Cruz rode in tandem with Reynaldo Pascasio on the motorcycle of the tricycle. Of his four (4) passengers, only accused Januario dela Cruz was known to Reynaldo Pascasio, having known him for the past three (3) years. After boarding the tricycle, the persons inside the sidecar told Reynaldo Pascasio to bring them to the terminal at Olongapo City. However, he was later told to proceed to San Narciso, Zambales (p. 21, t.s.n., November 17, 1987). While on the way to San Narciso, Zambales, near the Elementary School of Barangay Beddeng, San Narciso, Zambales, Reynaldo Pascasio heard the shout in the vernacular, "Array" and blood spurted from the sidecar and landed on his forearm, as well as on the steering bar of his motorcycle (p. 30, Ibid). Upon hearing this, Reynaldo Pascasio stopped his tricycle and one of the passengers in the sidecar, who was bloodied, was brought out from the tricycle by the other two (2) passengers in the sidecar. Once on the ground, the two (2) passengers mauled the bloodied passenger. Later, they threw him by the roadside. While this was going on, accused Januario dela Cruz was standing behind Reynaldo Pascasio. Afterwards, the accused Januario dela Cruz and the two (2) unidentified persons boarded the tricycle and Januario dela Cruz directed Reynaldo Pascasio to bring them to his (Januario dela Cruz's) place (p. 26, Ibid), leaving behind the bloodied person, whom the two (2) unidentified companions of Januario dela Cruz threw away by the roadside, in front of the Beddeng Elementary School.

In going to the house of accused Januario dela Cruz, accused Januario dela Cruz directed Reynaldo Pascasio to pass through the alley behind the Mini Mart, instead of passing through the checkpoint at the road leading to the U.S. Naval Communication Station, and exited into the road going to the Base (p. 28, t.s.n., November 17, 1987). Upon arrival at the house of accused Januario dela Cruz, the two (2) unidentified passengers alighted from the

tricycle and accused Januario dela Cruz washed away the blood from the steering bar and inside the sidecar with water in a pail, using a rag, which he got from his neighbor (p. 30, Ibid). And while accused Januario dela Cruz was washing the tricycle, the two (2) persons went behind the house of accused Januario dela Cruz where the wound of one of them was treated by them (p. 33, t.s.n., supra).

Later, after washing the tricycle, accused Januario dela Cruz gave Reynaldo Pascasio the amount of P7.00 and the latter went home. Because he was afraid, he did not report the incident to the police. However, five (5) days later, he was arrested by the police and was investigated. He gave his statement to the police narrating the incident that occurred in the evening of August 3, 1987 (Exhibit "C"). And it was after his arrest that he learned from the father of the slain man that the latter's name was Jerry Pamoleras.

The following morning at 6:00 o'clock on August 4, 1987, Barangay Captain Ricardo Abinsay of Barangay Beddeng, San Narciso, Zambales reported to the Station Commander of the police station of San Narciso, Zambales his discovery of the dead body. In turn, the Station Commander, P/Lt. Manuel Tejada, dispatched Pat. Arsenio Agawin and Pat. Salvador Wagma, to the place where the body was found. Taking the mini-bus, the two (2) peace officers arrived at the scene in front of the Beddeng-Mabangcal Elementary School at Barangay Beddeng, San Narciso, Zambales at about 6:30 a.m. where they came upon P/Lt. Amado Fariñas viewing the dead body of a person, who was wearing a red undershirt (sando) and a white pant, bloodied and lying flat on his stomach on the ground. Lt. Fariñas then gave the wallet, which he took from the pocket of the dead person's pants, to Pat. Agawin, which contained an I.D. with a name "Jerry Reyes" (p. 7, t.s.n., January 12, 1988). Thereafter, the body was transported to the police station of San Narciso, Zambales. On the same date in the morning, Dr. Jaime Braga, the Rural Health Physician of the San Narciso Rural Health Unit performed a post-mortem examination of the cadaver found in front of Beddeng-Mabangcal Elementary School and found the following:

"lacerated wound proximal 3rd arm posterior aspect (L)

- Incised wound palmar surface (L)
- Stab wound 2 cm length neck lateral (R)
- Stab wound 2 cm length medial scapular (R)
- Stab wound 2 cm length vertebral area posterior
- Lacerated wound 3 cm knee (L)"

which injuries caused the cardiorespiratory arrest, and consequently, caused the death of said person, identified through his wallet as "Jerry Reyes" (Exhibit "B"). Dr. Braga issued a death certificate (Exhibit "A").

In the meantime, Rodolfo Pamoleras, who last saw his son at his house in Olongapo City on August 3, 1987 was informed by his wife that his father who lives at Iba, Zambales, has told her that their son had been missing for three (3) days already. But, somehow, on August 6, 1987, by a stroke of Fate, Rodolfo Pamoleras' brother-in-law, a tricycle driver, was told by a woman traveller from San Narciso, Zambales that a dead body was found in San Narciso (p. 20, Ibid). Reacting to this information, he and his wife went to San Narciso at about 7:00 p.m. on August 6, 1987 (p. 20, Ibid) and talked to the Chief of Police (Station Commander) of the San Narciso INP. Because the cadaver of their son was already buried, they and the police chief were able to identify the deceased as their son, through the latter's picture they brought (Exhibi "E-1") and the wallet, which contained an ID card showing the name "Jerry Reyes". The deceased was using the family name of his mother, "Reyes", because Pamoleras is long and cannot be contained in the identification card.

Upon learning that their son was already buried, Rodolfo Pamoleras, Sr. talked to his wife and they agreed that the

body of their son should be exhumed to determine if it was really their son's body that was buried by the police. So, on August 7, 1987, witnessed by the policemen of San Narciso, Zambales, the security men of the Martin Funeral Parlor, Rodolfo Pamoleras, Sr. exhumed the body of his son, Rodolfo Pamoleras, Jr. alias "Jerry R. Reyes". When the coffin was opened, he indentified the body as that of his son through the growth at the tip of the ear, the rotten front teeth, the Red T-shirt his son was wearing when he saw him for the last time and the shoes his son was wearing, which belonged to him. He also identified the body in the coffin because of the similarity of his and that of his son's facial features. Then, a photograph of the dead body of his son inside the coffin was taken (Exhibit "E").

Because the sister of Rodolfo Pamoleras' wife was buried at Subic, Zambales, and his wife wanted their son buried there, the remains of his son was re-buried at Subic, Zambales. For the burial services, he spent P3,000.00 (Exhibit "C") and P3,000.00 for expenses in the exhumation and for the nine (9) days prayer which are not supported by receipts.[2]

The version of the accused, on the other hand, is as follows:

On the other hand, as claimed by accused Januario dela Cruz, he knows prosecution witness Reynaldo Pascasio and are friends (p. 8, t.s.n., April 5, 1988) and Reynaldo Pascasio drives a tricycle whose route is from the town proper of San Antonio, Zambales to the gate of the U.S. Naval Communications Facility at San Miguel, San Antonio, Zambales; that at about 10:00 o'clock in the evening on August 3, 1987, he was standing infront of his cousin's store located at the intersection of the National Highway and the road leading to the U.S. Naval Communication Facility, known locally as "crossing". He was there because he paid his indebtedness.

While standing infront of his cousin's store at West Dirita, a man, who came from the direction of the Holiday Inn (p. 14, Ibid) approached him and offered him a bottle of beer, he was holding, but, he refused. He then asked for his name and the man gave his name as Doming Lachingco. Thereafter, Doming Lachingco asked him if he knew somebody who could bring someone to San Narciso. And he replied he knew a driver named Reynaldo Pascasio, whose tricycle was parked across the street infront of the "Big Foot" Bar and he called Reynaldo Pascasio, telling him he had a passenger (pp. 10-11, t.s.n., April 5, 1988). After caling Reynaldo Pascasio, the latter and Doming Lachingco talked to each other. Afterwards, Reynaldo Pascasio asked him to accompany him in bringing his passengers to San Narciso and he acceded. When Domingo Lachingco talked to him, he was alone and did not know he had companions. But, when Doming Lachingco boarded the tricycle, two (2) others also boarded the tricycle (p. 24, Ibid). Of the three (3) passengers, two were tall. Domingo Lachingco was the tallest, while the third passenger was the smallest. The latter wore short pants and a red T-shirt.

On the way to San Narciso, Zambales, a commotion among passengers ensued inside the sidecar of the tricycle. Reynaldo Pascasio, the driver, then stopped his tricycle and the three (3) passengers, including Doming Lachingco inside the sidecar alighted. Then, the three (3) passengers had a free-for-all fight on the ground. He noticed that Doming Lachingco was already bloodied but the deceased was not yet bloodied. Then, all of a sudden, he saw Doming Lachingco holding a glittering object, swinging it towards the shortest man in the group and the latter fell on the right side of the road just infront of the Beddeng-Mabangcal Elementary School about four (4) meters from the tricycle. He then told the tricycle driver, Reynaldo Pascasio, to leave the passengers. And, the tricycle driver maneuvered his tricycle in order to leave his passengers in the sidecar, but Doming Lachingco and his companion held the baggage rack (parilla) of the tricycle and boarded the tricycle.

After coming from San Narciso, Reynaldo Pascasio drove the tricycle to his (Januario dela Cruz) house at West Dirita, which is about one (1) kilometer from the National Highway, because Reynaldo Pascasio told him, after coming from San Narciso, that he would bring him home. And, instead of passing through the access road leading

to the U.S. Naval Communication Facility and the checkpoint, they passed behind the Mini-Mart and exited into the road going to the Base. Upon arrival in front of the house of accused Januario dela Cruz, Doming Lachingco asked Januario dela Cruz if he could wash his hands at his gate. And after Doming Lachingco and his companion had finished washing the tricycle of Reynaldo Pascasio, they left (p. 21, t.s.n., April 5, 1988). Then, he went inside his house; that he did not voluntarily wash the blood from the sidecar of the tricycle of Reynaldo Pascasio and he was threatened with death by Doming Lachingco if he would report the incident. That was why he did not report the incident (p. 12, t.s.n., April 5, 1988).

To corroborate the claim of Januario dela Cruz that he did not wash the tricycle of Reynaldo Pascasio, Mercy de Guzman, a neighbor of accused Januario dela Cruz at Purok 5, West Dirita, San Antonio, Zambales, declared that between 10:00 and 11:00 o'clock in the evening on August 3, 1987, she was then at the balcony of her house having some fresh air when accused Januario dela Cruz alighted from a tricycle. After alighting therefrom, she saw him go inside his house.[3]

In returning its verdict, the lower court relied on the testimony of Reynaldo Pascasio, who drove the tricycle in which the stabbing occurred, who narrated in detail the tragic trip from East Dirita, San Antonio, Zambales to San Narciso, Zambales, and who implicated dela Cruz as one of the men who went on that journey.

Dela Cruz assigns a lone error committed supposedly by the trial court, that is, that it was mistaken in holding him liable as a co-conspirator in the killing of Rodolfo Pamoleras, Jr.

As the trial court noted, there is no dispute as to the corpus delicti. Neither is it questioned that Januario dela Cruz did not personally inflict any injury on the deceased, other than the fact that at the time the latter died, he was in the scene of the crime. What is apparent is that it was either Doming Lachingco[4] (who has since remained at large and hence, beyond judicial jurisdiction), or the "Doe" accused, who actually knifed the victim. The issue then is whether or not dela Cruz may be held responsible on the theory of conspiracy.

The issue hangs on credibility of witnesses, and in this connection, this Court has time and time again held that "credibility" is the sole province of the trial court.[5]

Apart from that, the records themselves amply show that Januario dela Cruz was indeed, a co-conspirator in the murder of Rodolfo Pamoleras.

Reynaldo Pascasio's testimony was candid and straightforward, and more importantly, dela Cruz has shown no improper motive on Pascasio's part that may have led him (Pascasio) to lie on the stand.

Dela Cruz's version that he had all along been but a chance passenger in Pascasio's tricycle and that he had merely accompanied Lachingco, et al., and that on their way, a free-for-all had broken out leading to the fatal stabbing, is hardly believable. First, according to him, Lachingco was a total stranger who had merely asked him a favor (to look for a ride to San Narciso). If this were so, there was no need to go with him on that ride. As common experience suggests, one does not simply hang around with perfect strangers. Second, he did nothing after Lachingco had disposed of the victim's remains (laid by the roadside), and subsequently, after they had all gone home. His own evidence does not indicate that he had indeed, thereafter sought to alert the authorities about the murder he had witnessed, or at the very least, have Pascasio come forward to acquit him. His behavior certainly does not speak his innocence.

On the testimony alone of Reynaldo Pascasio, this Court is convinced that Januario dela Cruz was a co-conspirator in the murder of Rodolfo Pamoleras, Jr., and must be held as a co-principal along with the actual killers. A conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.[6] While proof of the agreement need not rest on direct evidence, the agreement

itself may be inferred from the conduct of the parties, disclosing a common understanding among them with respect to the commission of the offense.[7] Pascasio's recital that dela Cruz was one of Lachingco's gang, one of whom thrust a fatal stab wound on the deceased and threw his cadaver by the roadside, after which dela Cruz instructed him, Pascasio, to take another route, and that he, dela Cruz, later washed the dead's blood off the vehicle, are an eloquent testimony of a conspiracy in the murder of Rodolfo Pamolares, Jr. It is also proof of treachery, in which the malefactors, without warning and with no risk to themselves, did away with Pamolares. On this score, however, this Court can not appreciate evident premeditation as a qualifying circumstance, because in evident premeditation, the time intervening between the plan to slay the victim and the actual slaying must be shown.[8] As to "use of motor vehicle," the evidence indeed shows that dela Cruz, et al. had deliberately availed themselves of a tricycle in order to consummate their dastardly act and to use it as cover to facilitate it.[9]

WHEREFORE, the decision appealed from is AFFIRMED. No costs.

SO ORDERED.

Melencio-Herrera, (Chairman), Padilla, and Regalado, JJ., concur.
Paras, J., on leave.

[1] Branch 71, Iba, Zambales, Hon. Santiago Maliwanag, Presiding Judge.

[2] Rollo, 17-20.

[3] Id., 20-22.

[4] Referred to as "Romy" Lachingco on page two of the decision; id., 17.

[5] People v. Caringal, G.R. No. 75368, August 11, 1989.

[6] REV. PEN. CODE, art. 8; People v. Saavedra, No. L-48738, May 18, 1987, 149 SCRA 610 and host of cases cited there.

[7] Supra.

[8] People v. Balansi, G.R. No. 77284, July 19, 1990.

[9] See People v. Tingson, No. L-31228, October 24, 1972, 47 SCRA 243.

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.