

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FELIX RAQUIPO Y TOLENTINO, ACCUSED-APPELLANT.

G.R. No. 90766. August 13, 1990

Ponente: REGALADO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-90766/>

REGALADO, J.:

Accused-appellant Felix Raquipo and Fidel Climaco, Jr. were charged in and convicted by the Regional Trial Court of Manila, Branch 18,[1] with the crime of murder, attended by treachery and evident premeditation, for allegedly conspiring and stabbing to death with a bladed weapon one Estifanio Permejo y Quintilla on January 10, 1985.[2]

Only accused-appellant was arraigned and pleaded not guilty to the crime charged, his co-accused Climaco having theretofore and up to now remained at large. The trial court found appellant guilty as charged and sentenced him to suffer the penalty of reclusion perpetua and to pay the costs of the proceedings. As his part of the civil liability, appellant was ordered to pay the victim's parents, Alejandro Permejo and Feliciano Permejo, actual damages in the sum of P200,000.00 and attorney's fees in the sum of P20,000.00.[3]

Through the principal prosecution witness, Elieser Odevillas,* on whose testimony the trial court based its judgment, the following facts were considered to have been duly established:

"From the evidence on record this Court has gathered that Accused Raquipo and the victim, Estifanio Permejo y Quintilla, were both students of the Technological Institute of the Philippines, TIP for short, in Quiapo, Manila.

"On the afternoon of January 10, 1985, at around 5:45 o'clock, Elieser Odenillas, a security guard of TIP, while roving in the premises of the school, heard and saw Accused Raquipo and two other men, Edison Baclic and Arnold Fernandez, all students of TIP, shouting boisterously and creating trouble on the second floor. Odenillas blew his whistle and told them to calm down. At the same time, he went up thru the stairway whereat he met the three trouble makers who were on their way down, and one of them tried to embrace Odenillas, who told them to go out of the school premises and they did. Later, at around 6:00 p.m. of that day, Odenillas saw the same group, Accused Raquipo, Fernandez and Baclic, rushing out from a men's comfort room. He also noticed Accused Raquipo wiping out his bloodied hands with a handkerchief.

"The first reaction of Odenillas was to pursue the three men, but gave up the idea upon seeing that they had already gone out of the building. Instead, Odenillas went inside the comfort room from where Accused Raquipo and his two companions came from, (sic) and he saw the lifeless body of Estifanio Permejo sprawled on the floor in a pool of his own blood. Odenillas immediately reported the incident to the police authorities, who conducted an investigation thereof.

"The body of the victim was brought to the Medico-Legal Section of the Western Police District for autopsy. Dr. Marcial Ceñido, who examined the body of the victim, discovered that the victim had suffered multiple stab wounds that caused his death, Exhibits 'B', 'D' and 'D-1'".[4]

Testifying as the lone witness for the defense, appellant denies having killed the victim and claims that on the date of the incident he attended his classes from 8:00 o'clock in the morning until 4:30 o'clock in the afternoon and that, after his classes, he went home directly and never returned to the school that afternoon; that he does not know his co-accused; and that the only reason he knows why he was implicated in the case was because he was framed-up by some students of the TIP who were the real culprits, particularly Edison Baclig and his companions, whose invitation for him to join the fraternity known as Samahan ng Genuine Ilocano (SGI) he turned down.[5] However, neither Edison Baclig nor any of his alleged companions were presented as witnesses.

It will be noted that while witness Odevillas identified Arnold Fernandez, Edison Baclig and Felix Raquipo, it was only against the latter and Fidel Climaco that this case for murder was filed. Such prosecutory determination was based on the Advance and Progress Reports[6] of the police pointing to the two accused as the actual perpetrators with the finding that while Fernandez and Baclig were present at the scene of the crime, they did not appear to be responsible for its perpetration. Also, as earlier stated, accused Climaco has remained at large and was never arraigned, hence this decision will touch only on the alleged liability of appellant Raquipo.

The case is now before us on appeal with the defense contending in its brief that the trial court erred (1) in declaring that witness Elieser Odevillas positively identified appellant as the assailant; and, (2) in convicting appellant of murder despite the failure of the prosecution to prove his guilt beyond reasonable doubt.[7]

While there was indeed no eyewitness to appellant's alleged stabbing of the victim, we find that the prosecution's evidence, albeit circumstantial, yields the requisite quantum to establish the guilt of the accused.

Circumstantial evidence is sufficient to sustain a conviction if (1) there is more than one circumstance; (2) the facts from which the inferences are derived are proven; and (3) the combination of all the circumstances is such as to produce a conviction beyond a reasonable doubt.[8]

No general rule has actually been formulated as to the quantity of circumstantial evidence which will suffice for any particular case. Jurisprudence teaches us, however, that all that is required is that the circumstances proved must be consistent with each other, and at the same time inconsistent with the hypothesis that the accused is innocent and with every rational hypothesis except that of guilt.[9]

Tested by such criteria, we are convinced that the concatenation of the following circumstances point to no other conclusion than that appellant was responsible for the victim's death:

- (1) The appellant along with his two (2) companions were seen by witness Odevillas rushing out of the men's comfort room with appellant wiping his bloodied hands with a handkerchief, upon sight of which Odevillas intended to pursue them but desisted after they had gone out of the building.
- (2) Thereupon, Odevillas entered the comfort room from where appellant and his companions came, and he saw the lifeless body of the victim sprawled on the floor bathed in his own pool of blood. Upon examination by Dr. Marcial Ceñido who also testified for the prosecution, it was found that the victim suffered multiple stab wounds in the head, thorax and upper extremities which caused his death.
- (3) Even prior to the killing, appellant and his companions were seen by Odevillas shouting and creating trouble on the second floor of the TIP building which prompted him to send them out of the school premises.
- (4) The principal prosecution witness had no motive whatsoever to falsify the truth and to impute to appellant the commission of so grave an offense.

While appellant and his companions were ordered to leave the school premises in the afternoon of that fateful day, this fact alone cannot serve to establish appellant's absence from the scene of the crime as to exculpate him of any liability therefrom. Neither is his being a student attending his classes at the TIP annex building, which was about

a kilometer away from the main building where the incident occurred, be of much weight for his defense.

As pointed out in the brief for the People, it was not altogether impossible for appellant to return to the premises of the TIP main building. Neither was it impossible for him to enter the said premises considering its proximity to the annex building[10] and the facility in gaining such entrance, he being a TIP student himself.

It is an undisputed jurisprudential rule that for alibi to prosper, the evidence must show that the accused was so far away that he could not have been physically present at the place of the crime or its immediate vicinity at the time of its commission.[11] Evidently, appellant was not so situated on that occasion.

Besides, the defense of alibi cannot prevail over the positive identification of the accused.[12] In the case at bar, appellant was definitely identified and established as having been in the school premises before and shortly after he and his companions hurriedly left the scene of the crime. The fact that prior to the killing he was seen by witness Odevillas creating trouble on the second floor of the TIP building serves to bolster the circumstance that Odevillas could not have made a mistake as to the identity of appellant.

Anent the argument that Odevillas' testimony is replete with inconsistencies, a review of the records reveals that the alleged lapses were merely on the details of the testimony which do not in any way materially impair Odevillas' credibility. On the contrary, such minor inconsistencies indicate veracity rather than prevarication and only tend to strengthen his testimony.[13] It is also significant that appellant did not present either Edison Bacilig or Arnold Fernandez to belie the testimony of Odevillas, nor did he even explain why he chose not to do so.

With regard to the evidence presented by appellant to prove the bad character of Odevillas, suffice it to state that the same do not have any bearing on his general reputation for truth, honesty and integrity as to affect his credibility as a witness.[14] In fact, such evidence merely consists of newspaper clippings of said witness having allegedly been involved in a robbery long after he had testified in the case, which clippings were not even marked as exhibits or testified on. Also, as noted by the court a quo, said witness is a disinterested party, and no malevolent or improper motive has been claimed or proven against him by the defense.[15]

The Court, however, holds that the crime committed by appellant is only homicide, and not murder. While the information alleges that the killing was accompanied by treachery and evident premeditation, the records are wanting in evidence to support this allegation. Well-settled is the rule that the circumstances which would qualify the killing to murder must be proved as indubitably as the crime itself.[16]

In the present case, the number and the respective locations of the stab wounds of the victim, which were all on the frontal part of his anatomy, or the mere fact that he was unarmed cannot adequately sustain a finding of treachery. Aside from these, it is a fundamental and elementary rule that for treachery to exist the offender consciously and deliberately adopted the particular means, methods and forms in the execution of the crime which tend directly and specially to insure its execution without risk to himself.[17] The records are barren of proof thereof.

The same is true with evident premeditation. It is an old and consistent rule that for this circumstance, the prosecution must prove (1) the time when the offender determined to commit the crime; (2) an act manifestly indicating that the culprit has clung to his determination; and (3) a sufficient lapse of time between the determination and execution to allow him to reflect upon the consequences of his act.[18]

In the absence of the requisite proof that the death of the victim was the result of meditation, calculation or reflection, neither the circumstance of treachery nor evident premeditation can be appreciated to qualify the killing to murder.[19] Thus, appellant can only be convicted of homicide.

The penalty prescribed for the offense of homicide, in the absence of modifying circumstances, is the medium period of reclusion temporal, or fourteen (14) years, eight (8) months and one (1) day to seventeen (17) years and four (4) months. Applying the Indeterminate Sentence Law, the penalty that should be imposed, and which we hereby impose, upon appellant is eight (8) years and one (1) day of prision mayor, as the minimum, to fourteen (14) years, eight (8) months and one (1) day of reclusion temporal, as the maximum.

As to the civil liability, we note that the actual damages proved and admitted by the defense amounts to only P39,600.00, and not P200,000.00 as stated in the dispositive portion of the trial court's decision. The total indemnity to be paid to the heirs of the victim should therefore be P69,600.00 broken down into P30,000.00 as the death indemnity, and P39,600.00 representing the expenses incurred by the family of the victim for the airshipment of his remains to Marinduque and for the wake and interment. The award of attorney's fees is disallowed and deleted for lack of basis.

ACCORDINGLY, the judgment appealed from is hereby **AFFIRMED** with the modifications above indicted. Costs against accused-appellant.

SO ORDERED.

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

[1] Presided over by Judge Perfecto A. S. Laguio, Jr.

[2] Rollo, 6.

[3] Ibid., 15.

* His surname is spelled "Odenillas" in the decision of the trial court.

[4] Ibid., 13-14.

[5] Ibid., 24.

[6] Exhibits F, G, H and I; Original Record, 181-187.

[7] Ibid., 20.

[8] Section 4, Rule 133, Rules of Court.

[9] People vs. Contante, 12 SCRA 653 (1964); People vs. Jara, et al., 144 SCRA 516 (1986).

[10] Rollo, 48.

[11] People vs. Baniaga, et al., 1 SCRA 283 (1961); People vs. Aquino, 133 SCRA 283 (1984); People vs. Pacada, Jr., et al., 142 SCRA 427 (1986); People vs. Madriaga IV, etc., et al., 171 SCRA 103 (1989).

[12] U.S. vs. Garcia, 9 Phil. 434 (1907); People vs. Ocaya, 144 SCRA 165 (1986).

[13] People vs. Cabeltes, 91 SCRA 208 (1979); People vs. Agudo, etc., et al., 137 SCRA 516 (1985).

[14] See Section 11, Rule 132, Rules of Court.

[15] Rollo, 14.

[16] People vs. Vicente, etc., 141 SCRA 347 (1986); People vs. Salcedo, et al., 172 SCRA 78 (1989).

[17] Article 14, Paragraph 16. Revised Penal Code; *People vs. Tumaob*, 83 Phil. 738 (1949); *People vs. Saez*, 1 SCRA 937 (1961).

[18] *U.S. vs. Gil*, 13 Phil. 530 (1909); *People vs. Bangug, et al.*, 52 Phil. 87 (1928); *People vs. Diva, et al.*, 23 SCRA 332 (1968).

[19] *U. S. vs. Balagtas, et al.*, 19 Phil. 164 (1911).

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.