

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RUBEN CALIJAN Y MAGALSO, ACCUSED-APPELLANT.*G.R. No. 94592. September 28, 1993*

Ponente: BELLOSILLO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-94592/>**BELLOSILLO, J.:**

Smoking, it is said, is hazardous to health. More, in some peculiar way, it can be a death knell. This, the family of the late Gregorio Belnas realized when, smoking in what appeared to be a ritual of friendship, he puffed his last. For, in that tobacco smoking session, his erstwhile friend who invited him, Ruben Calijan y Magalso, knifed Gregorio to death.

The evidence for the government tends to establish that at about 4:00 o'clock in the afternoon of 30 June 1989, in Sitio Pinanginan, Barangay Obat, Sta. Catalina, Negros Oriental, Arnolfo Baya was weeding at the sugarcane field. Ruben Calijan, a 39-year old farmer, passed by and persuaded Arnolfo to accompany him to Felipe Nario's place at the "tabuan" (market fair). However, before proceeding, they fetched Fredo Paunillan, another farmer. While at Fredo's place, Ruben met Gerry Camporedondo, took the latter's six-inch hunting knife and tucked it to his waist. Then they all proceeded to Felipe's house where Ruben drank one "lapad" of Anejo rum while Arnolfo imbibed "tuba". Ruben played "hantak" (cara y cruz).[1]

At seven in the evening, Ruben and Arnolfo moved to the house of Francina Esia, walking slowly as the terrain was uphill, reaching there at around 10:00 o'clock. Again they drank "tuba". By this time Ruben had already consumed about a gallon of the native wine. Half an hour later, Ruben and Arnolfo headed for home.[2]

Enroute home, the duo passed the house of Gregorio Belnas, the landlord of Arnolfo[3] back in Sitio Pinanginan, Barangay Obat. Standing at the front yard, Ruben called out to Gregorio: "Nong, let us smoke." [4]

After a brief while, Gregorio came down bringing with him a lighted kerosene lamp and some tobacco leaves for smoking. They all sat down on a bench by a bamboo table near a stove in the kitchen[5] contiguous to the main house.[6] Arnolfo and "Gorio" sat side by side, with Ruben facing them. They smoked for ten minutes. Then, for no apparent reason, Ruben stood up saying, "Nong Gorio, you want to be killed?" Completely taken aback, the 55-year old Gregorio could only mutter: "I have not done any offense against you, Ruben, because we have not quarreled with each other." Ruben replied, "If I want to kill you, I may kill you now." [7]

Arnolfo tried to pacify Ruben saying, "Dong, do not do that; Dong, let us go home." But Ruben could not be dissuaded. Arnolfo stepped back and Gregorio ran towards the door. But Ruben, being much younger, was quicker. He overtook Gregorio, held his left hand and stabbed him on his left chest with the hunting knife he had earlier taken from Gerry.[8] The stab wound proved to be fatal. Gregorio died of hemorrhage that same night.[9] Seeing the fallen Gregorio, Arnolfo ran away.[10]

The ensuing events were witnessed by Edwin Baya, brother of Arnolfo. Edwin recounted that between 11:00 o'clock and 12:00 o'clock midnight of 30 June 1989, Ruben went to his (Edwin) house and asked him, "Dong,

come with me because 'Gorio' is already dead." So, together they repaired to the house of Gregorio. Pointing to the prostrate victim, Ruben told Edwin to lift him because they were going to throw the cadaver into the Sicipong River. Edwin refused but Ruben threatened him with the hunting knife.[11]

After disposing of the corpse, Ruben and Edwin went to the house of Ruben's relative, Walter Calijan, and both slept there. Edwin heard Ruben admitting to the wife of Walter that he (Ruben) killed Gregorio.[12] Edwin left the following morning and reported the incident to a CAFGU member who then formed a team to arrest Ruben and turn him over to the police.[13]

On his part, as sole witness for himself, Ruben Calijan denied responsibility for the death of Gregorio. He pointed to the brothers Arnolfo and Edwin Baya as the real killers. He testified that at about 10:00 o'clock in the evening of 30 June 1989, after taking "tuba" in the house of Francina Esia, he walked home. As he neared the river separating the house of Gregorio and his, he heard him shouting for help. Immediately he went to the house of Gregorio and saw Arnolfo and Edwin standing at the front yard looking down at the inert body of Gregorio. When he asked them what happened, they told him to go home as he had nothing to do with the incident, and that Gregorio was a "traitor" because the bamboo he had promised them was sold to another.[14]

After trial, the court gave more credence to the testimonies of the Baya brothers,[15] declared Ruben guilty of murder under Art. 248 of the Revised Penal Code, and sentenced him to reclusion perpetua as well as to indemnify the heirs of Gregorio Belnas in the amount of P30,000.00. Aside from the qualifying circumstances of evident premeditation and treachery, the trial court considered the aggravating circumstance of adding ignominy by throwing the cadaver of the victim into the river.[16]

Obviously realizing the overwhelming evidence against him, the accused, interestingly, opted to "adopt" on appeal the findings of the court a quo as his own.[17] Thus, in a complete turnabout, Ruben now admits in his Appellant's Brief that he killed Gregorio Belnas on the night of 30 June 1989 and afterwards threw his body into the Sicipong River with the help of Edwin Baya. He in fact prays that he be adjudged guilty but only for homicide because there was neither treachery nor evident premeditation that attended the killing, contrary to the conclusion of the lower court.

After a careful assessment of the evidence, we hold that the trial court erred in appreciating treachery and evident premeditation as having qualified the crime to murder. Consequently, the killing of Gregorio Belnas was simple homicide aggravated by scoffing at the corpse and mitigated on the other hand by intoxication that was not habitual.

Let it be emphasized that aggravating circumstances, especially those which qualify criminal responsibility, must be proved indubitably as the crime itself. Mere presumptions or inferences are never enough.[18]

In the absence of other notorious acts evincing his determination to murder Gregorio, known premeditation in the instant case cannot be deduced from the mere fact that six (6) hours before he stabbed Gregorio to death, Ruben took the hunting knife of Gerry. There is nothing in the records to show that there was enmity between the two and it is not for the Court to conjecture that there was. Indeed, it is foolhardy for us to draw from this single act a cold-blooded intention to take the life of another. We simply characterize the killing as spur-of-the-moment, induced by that degree of intoxication which then triggered off the bellicosity in Ruben who, incidentally, is known in the community as an ex-convict and a killer.[19] Indeed, as disclosed by Arnolfo, before they left Felipe's place, Ruben got into a tiff with fellow "hantak" players because after a particular game, Ruben forcibly gathered all the bets amounting to P40.00.[20] Quite obviously, Ruben was in a not-so-pleasant mood that night and was just itching to pick a quarrel with anyone. It just so happened that Gregorio got the full brunt of it, resulting in his violent death.

Neither was there treachery, given the open confrontation between the aggressor and the victim moments before the actual stabbing. This placed Gregorio on guard because he actually attempted to escape by running towards the door; only he was overtaken by Ruben.[21]

The court a quo likewise took into account the "aggravating circumstance of adding ignominy on the victim by throwing his cadaver (into) the river." [22] Strictly speaking, the act of disposing of a cadaver into the river did not make the crime more shameful nor add to the victim's moral suffering since it was done after death had occurred and intended more to conceal the effects of the felony.[23] The correct aggravating circumstance to be appreciated is scoffing at the corpse of the deceased, as provided in Art. 248, par. 6, of the Revised Penal Code, which is a qualifying circumstance. However, since this attendant circumstance was not expressly alleged in the Information, but only proved at the trial, it should be treated merely as a generic aggravating circumstance.

The penalty for homicide under Art. 249 of the Revised Penal Code is reclusion temporal. Applying the Indeterminate Sentence Law, and the generic aggravating circumstance of scoffing at the corpse being offset by the mitigating circumstance of intoxication not otherwise habitual, the maximum penalty should be taken from the medium period of the imposable penalty, i.e., reclusion temporal, the range of the medium period of which is fourteen (14) years, eight (8) months and one (1) day, to seventeen (17) years and four (4) months, while the minimum should be taken from the penalty next lower in degree, in any of its periods, which is prision mayor, the range of which is six (6) years and one (1) day to twelve (12) years. After evaluating fully the evidence on record, the Court resolves to impose upon the accused an indeterminate prison term of eight (8) years, four (4) months and ten (10) days of prision mayor medium, as minimum, to fourteen (14) years, ten (10) months and twenty (20) days of reclusion temporal medium, as maximum.

As regards the indemnity imposed by the court a quo in the amount of P30,000.00, the same should be increased to P50,000.00 conformably with established jurisprudence.[24]

WHEREFORE, the Court finds the accused RUBEN CALIJAN Y MAGALSO guilty beyond reasonable doubt of the crime of HOMICIDE, instead of murder, and imposes upon him an indeterminate prison term of eight (8) years, four (4) months and ten (10) days of prision mayor medium, as minimum, to fourteen (14) years, ten (10) months and twenty (20) days of reclusion temporal medium, as maximum.

The accused is further directed to indemnify the heirs of the deceased Gregorio Belnas in the increased amount of P50,000.00.

SO ORDERED.

Cruz, (Chairman), Davide, Jr., and Quiason, JJ., concur.
Griño-Aquino, J., on official leave.

[1] TSN, 14 March 1990, pp. 3-6, 8.

[2] Id, pp. 8-9.

[3] TSN, 14 March 1990, p. 22.

[4] Id, pp. 9-10.

[5] TSN, 14 March 1990, p. 25.

[6] Id, p. 13.

[7] Id, pp. 11-12.

[8] Id, pp. 12-14.

[9] Exh. "B", Records, p. 11.

[10] TSN, 14 March 1990, p. 14.

[11] Id, pp. 35-38.

[12] Id, pp. 40-41.

[13] Exh. "1", Records, pp. 7-8.

[14] TSN, 3 April 1990, pp. 6-8.

[15] Witness Gerry Camporedondo gave corroborative testimony. The widow, Teodocia, was called only to testify on the victim's burial expenses.

[16] Penned by Judge Constancio E. Jaugan, Regional Trial Court of Dumaguete City, Br. 36, Records, pp. 57-60.

[17] Appellant's Brief, pp. 2 and 6.

[18] People v. Uy, G.R. No. 84275, 14 February 1992, 206 SCRA 270; People v. Sarmiento, 118 Phil. 266 (1963).

[19] TSN, 14 March 1990, p. 24

[20] Id, pp. 23-24.

[21] People v. Hatague, G. R. No. 97308, 7 April 1992, 207 SCRA 779.

[22] See Note 14, p. 60.

[23] People v. Obenque, G. R. No. 57893, 30 January 1987 147 SCRA 488. See also People v. Carmina, G. R. No. 81404, 28 January 1991, 193 SCRA 429.

[24] Resolution, En Banc, 30 August 1990; People v. Sison, G.R. No. 86455, 14 September 1990, 189 SCRA 643; People v. Bartolay, G.R. No. 83696, 21 December 1990, 192 SCRA 621.

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.