

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALFREDO MORENO, JR. Y ANDAYA, ANTONIO GONZALES Y JAMITO, NOLI RIVERA AND FROILAN JACINTO, ACCUSED-APPELLANTS.

G.R. No. 94755. April 10, 1992

Ponente: NOCON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-94755/>

NOCON, J.:

On October 12, 1981, Oscar Guevarra, Sr. went to the Western Police District (WPD) Headquarters, along U.N. Avenue, Manila, to report that his son, Oscar Guevarra, Jr. was missing and was last seen driving a Toyota Corolla car.

On October 17, 1981, after five (5) days of arduous search, Oscar Guevarra, Sr. found the body of his son at Funeraria Popular, on top of a stainless steel tray, looking very pathetic and appeared to have been in terrible pain, as he lay prostrate and lifeless on the steel table.[1] Oscar, Jr. had 13 stab wounds in different parts of the body, in front, as well as at his back.[2]

Apparently, the dead body of Oscar Guevarra, Jr. was first found on October 13, 1981 in Meycauayan, Bulacan. While his car was recovered in Tondo, Manila, in November 1981, stripped of tires, tools and accessories.[3]

Four persons were charged for his brutal death; Alfredo Moreno, Jr., Noli Rivera, Antonio Gonzales and Froilan Jacinto, who were all named in an information which reads:

"That on or about October 21, 1981, in the City of Manila, Philippines, the said accused conspiring and confederating together and mutually helping each other, all of whom were armed and therefore acting in band, did then and there wilfully and unlawfully and feloniously, with intent to gain and by means of force, violence and intimidation, to wit: by poking a Magnum caliber 22 revolver at one OSCAR GUEVARRA, JR. Y ORLINO while he was about to board his car at the Liwasang Bonifacio, Manila, likewise boarding the same and forcibly taking the steering wheel from the latter and taking the said vehicle to Meycauayan, Bulacan for the purpose of robbing him and by reason of or on the occasion thereof and with intent to kill by hitting his head with the butt of the said revolver and stabbing him several times with bladed weapons, hitting him on the different parts of his body, thereby inflicting upon him mortal wounds which were the direct and immediate cause of his death thereafter; take, rob and carry away the following:

"A Toyota Corolla car (2-door sedan)

bearing Plate No. NEA 328, painted

gray with black stripes amounting to P16,500.00

"A wallet containing cash money in

different denominations amounting to P 15.00

TOTAL P16,515.00

"belonging to said OSCAR GUEVARRA, JR. Y ORLINO, against his will, to the damage and prejudice of the said owner in the aforesaid sum of P16,515.00, Philippine Currency."

Froilan Jacinto having been discharged as state witness was acquitted, while Noli Rivera, is at large and unapprehended up to present.[4] Accused Alfredo Moreno, Jr. and Antonio Gonzales were both found GUILTY beyond reasonable doubt of the special complex crime of Robbery with Homicide as defined in Art. 293 and penalized by Art. 294 (1) of the Revised Penal Code and considering the aggravating circumstance of abuse of superior strength, were sentenced to reclusion perpetua, with the accessory penalties, and to indemnify the heirs of the victim P203,670.98 as actual expenses incurred due to his death paid to Himlayang Pilipino, Inc.; P73,125.00 for interment and burial expenses paid to Himlayang Pilipino; P30,000.00 as death indemnity; P50,000.00 as moral damages; P15.00 for the cash money taken from the victim; P50,000.00 for attorney's fees; and costs of suit.[5] Thus, this appeal.

Except with slight modifications in the amount of indemnity, We do not see any reason to reverse the findings of the lower court.

The antecedent facts as related by Froilan Jacinto reveal that late in the afternoon of October 12, 1981, while he was in the house of Alfredo Moreno, Jr., he together with Moreno and Antonio Gonzales, was invited by Noli Rivera for a stroll in Sta. Cruz. They boarded a mini bus to reach Sta. Cruz and proceeded to Plaza Lawton in front of the Post Office. The four of them were having snacks at a small store located in the parking area when Jacinto saw Alfredo Moreno talking with somebody beside a gray colored car.

Moreno then called them, and as they approached, he saw Moreno already poking a gun (a .22 caliber Magnum) at the victim, while accused Noli Rivera and Antonio Gonzales were holding sharp pointed instruments. Since it was only Froilan Jacinto who knew how to drive, he was instructed to take the driver's seat. The victim was seated between Antonio Gonzales who sat at his left, and Alfredo Moreno, who was at his right, while Noli Rivera took the seat beside the driver.[6]

Jacinto was ordered to proceed to Bulacan on the presumption that the victim will be dropped there to lose his way.[7] Upon reaching the far end of Meycauayan, Bulacan, however, he heard the victim shout, "Tulungan n'yo ako." [8] A commotion inside the car ensued and as he looked at the rear, he saw blood already oozing from the victim's left side, while Alfredo Moreno repeatedly beat the face of the victim with the butt of the gun. While the victim was struggling, Moreno said, "Tuluyan na ito." At that, Noli Rivera bent to the rear from where he was seated and started stabbing the victim frontally.[9] The victim was stabbed several times both by Gonzales and Rivera.[10]

Jacinto was then instructed to stop before crossing a wooden bridge to bring the victim out of the car.[11] Moreno, Rivera and Gonzales dragged the victim out of the car through the driver's side[12] and was dumped at the "talahiban,"[13] while Jacinto was to look out for passersby or people who might approach.[14] Moreno stabbed the victim thrice to make sure that he was dead, using the weapon of Gonzales.[15]

Moreno then took the diver's watch of the victim, while Noli Rivera took his wallet.[16] They proceeded back to Manila taking the North Diversion Road, but due to Jacinto's apprehension, he did not realize that he was driving fast that the car hit the rear of a truck.[17] Moreno approached the driver of the truck to settle things, saying that since the truck did not suffer any damage the driver should just proceed, while they would take care of their own damage.[18]

Upon reaching Monumento, they proceeded to Grace Park, then to the Chinese Cemetery and stopped at a dark street called Hermosa where the car was parked on the sidewalk.[19] They removed the mag wheels of the car, took the tools, accessories and the spare tire, while Antonio Gonzales hired a jeep to load the things they

appropriated from the car.[20]

The preceeding testimony was corroborated by the report submitted by Cpl. Edgardo Calderon,[21] regarding recovery of an abandoned car, which was found opposite the Dragon Hardware, located at 708 Hermosa St., Gagalangin, Tondo, Manila. Said car with Plate No. NEA 328, and registered in the name of Oscar Guevarra, Jr. was parked on the pavement, all of its wheels and rims missing, its windshield shattered into pieces, with dent on the right front fender and right windshield bracket. Inside the car, there were bloodstains on the back of the driver's seat and at the left rear seat. Found also by the police is a live .22 caliber magnum bullet, corroborating Froilan Jacinto's testimony that accused Alfredo Moreno, Jr. was in possession of a .22 caliber magnum gun when he held up the victim.

On the other hand, the autopsy[22] report reveals the following:

"Pallor, severe and generalized.

"Incise wounds: 7.0 cm. long, mandibular region, right side; 1.5 cm. long, mandibular region, left side; 1.6 cm. long, antero-lateral aspect, neck, left side; 2.0 cm., anterior aspect, lower third, thigh, left.

"Stab wound, thirteen (13) in number, spindle shape, one extremity sharp, opposite extremity blunt, with clear-cut edges:

"(1) 1.2 cm. long, infraclavicular region, chest, left, 5.0 cm. from anterior median lines; track is directed backward, downward and laterally, entering left thoracic cavity thru the 2nd intercostal space without lung involvement, approximate depth 4.0 cm.

"(2) 1.2 cm. long, pectoral region, chest, right side, 4.0 cm. from anterior median line, directed backward downward and medially, taking sub-cutaneous route 3.0 cm. deep.

"(3) 1.0 cm. long pectoral region, chest, left side, 4.5 cm. from anterior median line, directed backward, downward, and laterally, entering left thoracic cavity thru the left intercostal space, perforating the pulmonary artery; approximate depth, 9.0 cm.

"(4) 0.8 cm. long, pectoral region, chest, left side, 8.0 cm. from anterior median line, directed backward, downward and laterally, taking an intramuscular route, 6.0 cm. deep.

"(5) 0.8 cm. long, pectoral region chest, left side, 9.5 cm. from anterior median line, directed backward, downward and laterally, entering left thoracic cavity thru the 2nd intercostal space perforating the upper lobe of left lung, approximate depth, 10.0 cm.

"(6) 0.5 cm. long, antero-lateral aspect, chest, left side along anterior axillary line, directed medialward, slightly upward and anteriorly, taking a subcutaneous route, non-penetrating, 6.0 cm. deep.

"(7) 0.8 cm. long, lateral aspect, chest, left side, along mid-axillary line, directed medialward, slightly upward and anteriorly, taking an intramuscular route, non-penetrating, 8.0 cm. deep.

"(8) 1.5 cm. long, epigastric region, abdomen, right side, 4.0 cm. from anterior median line, 11.0 cm. above navel, directed backward slightly downward and medially, penetrating the right lobe of liver, 10.0 cm. deep.

"(9) 1.5 cm. long epigastric region, right side, 8.0 cm. from anterior median line, 9.0 cm. above navel, directed backwards (sic), slightly downward and medially penetrating the right lobe of liver, 11.0 cm. deep.

"(10) 1.0 cm. long umbilical region, abdomen 4.5 cm. to the right of the anterior median line, 5.0 cm. above the navel, directed backwards (sic), slightly downward and medially, perforating omentum and transverse colon of large intestines, approximate depth 10.0 cm.

“(11) 0.5 cm., long, para-umbilical region, abdomen, right side, 8.0 cm. from anterior median line, 6.0 cm. above level of the navel, directed backwards (sic), slightly downward and medially, penetrating right lobe of liver, 12.0 cm. deep.

“(12) 1.5 cm. long, postero-lateral aspect, lumbar region, left, 14.0 cm. from posterior median line, 7.0 cm. above iliac crest, directed forwards (sic), slightly downward and medially, taking an intramuscular route, 7.0 cm. deep.

x x x

“Cause of Death: Hemorrhage, severe, secondary to multiple stab wounds.”

Appellants averred that the trial court erred in giving credence to the testimony of state witness Froilan Jacinto, and in finding that conspiracy existed among them.

Accused Froilan Jacinto was discharged as state witness in a resolution of this Court dated November 6, 1984,[23] it appearing from the memorandum for prosecution[24] that, he appears to be the least guilty among the four accused, considering among others that he never inflicted the fatal wounds that led to the victim's death.[25]

Be that as it may, We do not find the testimony of Froilan Jacinto to be incredible. On the contrary his testimony and the statement he made during the investigation[26] are consistent on the relevant and material points. As a matter of fact, all the accused, except Noli Rivera who was not able to complete his statement before the police, gave an almost identical narration of the pertinent facts, to the effect that they held the victim up at Liwasang Bonifacio; that they proceeded to Meycauayan, Bulacan, and while driving in the said place, the victim was stabbed several times; that the body of the victim was dumped in Meycauayan, Bulacan; that upon their return to Manila they hit the rear of a truck, which caused considerable damage to the car; that upon reaching Manila, they parked the car and took whatever they could from it (such as the wheels, tools and accessories).[27]

At any rate, the trial court is the best judge of whether or not a witness is credible.[28] Its findings on the credibility of a witness are entitled to great weight and respect and will not be disturbed on appeal unless some facts or circumstances were overlooked that will affect the outcome of the case,[29] which We do not find in the case under review.

Settled is the rule that conspiracy need not be established by direct evidence, but may be proven through a series of acts done in pursuance of a common unlawful purpose.[30] In the present case, there are strong evidences which indicate that the accused conspired to commit robbery. And when they did so, and armed themselves for the purpose, no member of the group may disclaim responsibility for any act of violence that is perpetrated by reason or on occasion of the robbery. Such violence is reasonably expected to happen either to overcome active opposition or to forestall it altogether by disabling the victim at the very onset, or even silence him completely thereafter.[31]

Robbery with Homicide is a special complex crime. It is inconsequential that homicide preceded the robbery, where robbery was the real motive of the perpetrators. What is essential is that there was a direct link, an intimate connection between the two felonies, which is the prospect of monetary gain which impelled the malefactors "to place filthy lucre above the value of human life." [32]

Conspiracy to commit the crime of robbery having been established by the concerted acts of the accused, and homicide occurred as a consequence thereof, all those who participated in the robbery are principals in the complex crime of robbery with homicide, although they did not actually take part in the homicide, unless it appears that they attempted to prevent the killing.[33]

In the case at bar, while accused Moreno commenced the hold-up of the victim, co-accused Gonzales and Noli Rivera assisted him by poking their knives at the victim,[34] and all took part in killing him by stabbing the latter[35] and thereafter taking the victim's car to Tondo where it was cannibalized.[36]

We find no reason, therefore, to reverse the finding of guilt of accused-appellants by the trial court.

WHEREFORE, except for the increase of the amount of civil indemnity from P30,000.00 to P50,000.00, the decision appealed from is hereby AFFIRMED in toto, accused-appellants' guilt having been proved with that degree of proof which produces conviction in an unprejudiced mind. Costs against appellants.

SO ORDERED.

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

[1] Rollo, p. 493, Decision, p. 9.

[2] Rollo, p. 490, Decision, p. 6.

[3] TSN, pp. 21-28, Dec. 10, 1985.

[4] Rollo, p. 487, Decision, p. 3.

[5] Decision, p. 34.

[6] TSN, pp. 31-48, April 6, 1987.

[7] TSN, p. 15, April 7, 1987.

[8] TSN, p. 18, id.

[9] TSN, p. 14-22, id.

[10] TSN, pp. 7-11, April 13, 1987.

[11] TSN, p. 20, id.

[12] TSN, p. 22, id.

[13] TSN, pp. 30-37, id.

[14] TSN, p. 36, id.

[15] TSN, pp. 36-37, 41-42, id.

[16] TSN, pp. 44-46, id.

[17] TSN, pp. 52-53, id.

[18] TSN, p. 57, id.

[19] TSN, p. 59-62, id.

[20] TSN, p. 64-69, id.

[21] Exhibit "V".

[22] Exhibit "N" and "O".

[23] G.R. 60246, see Records, p. 343.

[24] see Records, p. 245.

[25] People v. Padilla, G.R. 52119, 172 SCRA 644 (1989); People v. Lapaz, G.R. 68898/70445, 171 SCRA 539 (1989).

[26] Original Records, pp. 889-892, Annex "5".

[27] Annexes "3", "4", "5" and "6", pp. 882-95 of the Original Records.

[28] People v. Bantac, 167 SCRA 109; People v. Santillan, 157 SCRA 534.

[29] People v. Aliocod, 167 SCRA 665.

[30] People v. Alvarez, G.R. 70446, 169 SCRA 730 (1989).

[31] People v. Alvarez, *supra*; People v. Espejo, G.R. 27708, 36 SCRA 400 (1970).

[32] People v. Gapasin, L-52017, 145 SCRA 178 (1986).

[33] People v. Gapasin, *supra*; People v. Gardon, 104 Phil 371 (1958).

[34] p. 36, TSN, April 6, 1987.

[35] TSN, pp. 8-9, April 13, 1987.

[36] TSN, pp. 15-16, April 14, 1987.

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.