

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROGELIO BARQUILLA Y ARCILLA, ACCUSED-APPELLANT.

G.R. No. 99049. October 11, 1995

Ponente: REGALADO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-99049/>

REGALADO, J.:

The judicial proceedings in this case followed the usual chronological sequence: Accused-appellant Rogelio Barquilla y Arcilla was charged with murder; he was arraigned, with the assistance of counsel, and pleaded not guilty; after trial on the merits, he was convicted and sentenced to serve reclusion perpetua and to pay death indemnity of P30,000.00. All these took place in Criminal Case No. 16745 of the Regional Trial Court of Cebu City, Branch 14.[1]

The antecedent factual backdrop of the case is of the cut-and-dried variety. Apparently, it did not merit the attention of media which is understandably sated with such incidents. Withal, one man lies in his grave and another languishes in jail. The trial court summarized the material details in its decision with page references to the record.[2] Assayed against the evidence of record, especially the transcripts of the notes taken at the trial, we are satisfied that the findings of fact of said court are correct and may be adopted for purposes of this appellate review.

It appears that at about midnight of July 5, 1989, appellant had a heated argument with his live-in partner, Jocelyn Villarin, in the latter's house at No. 29-J MacArthur Boulevard, Cebu City. During the altercation, appellant fired a gun and slapped Jocelyn. Iluminada Villarin, mother of Jocelyn, called for a policeman, but appellant was able to elude arrest by leaving the house.

Subsequently, at around 4:30 o'clock the next morning, while Iluminada and her daughter, Vilma, were urinating at the ground floor of their house, they noticed that there was someone near the back portion thereof, so they hurriedly went upstairs. When they peeped through the still unfinished windows they saw and heard someone going up the stairs. Thereafter, they saw appellant clinging to the grills of the porch of their house, with his head near the grills. They then saw him aim a handgun at and shoot the victim, Romeo Baltazar, who was at that time sleeping on the porch together with one Roger Velasco. These two witnesses were so close to the porch, which was illuminated by light from a lamppost, that they even saw the gunfire singe the hair on the victim's head.

After the shooting, appellant tried to force open the door of the house, but he failed to do so. However, he did not go away immediately but stayed around for almost an hour and a half before finally leaving. Petrified with fear during that period, it was only at about 6:00 o'clock of that morning that Iluminada and Vilma Villarin were able to get out of the house and appeal for help from their neighbors.

The deceased was brought to the Cebu City Medical Center and was subsequently transferred to the Southern Islands Medical Center, but he died after fourteen days. Dr. Rolando Anzano, resident physician of the latter hospital, testified that the cause of the death of the deceased was hematoma that developed at the left frontal lobe of the brain.

Dr. Anzano detailed his medico-legal report, as follows:

"AUTOPSY FINDINGS:

- Gunshot wound, entry at (L) frontal area 3mm. from midline with contusion collar, no exit
- Fracture of ethmoid bone (L)
- Dural laceration, (L) frontal area
- Subdural hematoma, (L) post, fossa
- Brain laceration, (L) frontal, parietal, postero-basal, occipital lobe, (L) cerebellar hemisphere
- Intracerebral hematoma, (L) parieto-occipital lobe
- Torsillar herniation, bilateral
- Trajectory of the bullet on the (L) frontal bone to the (L) frontal lobe to (L) parietal lobe, posterior-basal occipital lobe, then to the (L) cerebellar hemisphere
- Amount of hematoma about 35 cc
- Slug recovered at (L) posterior fossal."

Appellant put up the combined defense of denial and alibi. He alleged that at about 9:00 P.M. on July 5, 1989, he was at the house of one Jovita Bitos, a neighbor of his at T. Padilla Street, Cebu City, attending the wake of Jovita's five-year old granddaughter, Jennyline. He allegedly stayed at the wake throughout the night until 6:00 o'clock the following morning. He first played cards until around midnight and then went to sleep on a bench there.[4]

His alibi was corroborated by both Jovita Bitos, the decedent's grandmother who owned the house where the wake was held, and one Victoria Labrador, a neighbor of appellant who served food to the mourners there. They both testified that they saw appellant at the wake playing cards from 9:00 P.M. of July 5, 1989 up to around 1:00 A.M. of July 6, 1989, and that he left the place at around 6:00 o'clock of that same morning. Mrs. Bitos claimed that she knew appellant left at 6:00 A.M. of July 6, 1989 because she was the one who woke him up.[5]

The prosecution, on the other hand, argues that for the defense of alibi to prosper, the defense should not only prove that appellant was not at the scene of the crime when it happened but it must also demonstrate the impossibility of his being at the place of the commission of the crime.[6]

The defense sought to establish that appellant was at the wake during the aforestated period by relying on this testimony of Jovita Bitos:

"Q.

How did you know that he arrived in your place at 9:00 o'clock in the evening of July 5 and then left only at 6:00 o'clock in the morning of the following day of July 6, 1989?

A.

I know because we have a timepiece at home and also I was the one who served coffee till morning.

Q.

Between th(ose) hours from 9:00 o'clock in the evening to 6:00 o'clock in the morning of the following day, had there been an instance where you were able to sleep?

A.

No, I was not able to sleep because I was the one who attended to the visitors of the wake considering that I am the grandmother.

Q.

Also between the hours from 9:00 o'clock in the evening to 6:00 o'clock in the morning, could you recall whether there was even one instance where the accused Roger Barquilla left?

A.

No, because he was all the time playing cards.

Q.

He played cards all through the night until the morning of the following day?

A.

Yes, there were many of them playing cards in our place.

Q.

There was never an instance between those hours from 9:00 o'clock in the evening to 6:00 o'clock in the morning of the following day, there was never an instance that Roger Barquilla slept?

A.

Yes, there was a time that he fell asleep after playing cards, probably he got tired but at about 6:00 o'clock I awakened him.

Q.

Could you not recall at what time did he f(a)ll asleep?

A.

Maybe that was around 1:00 o'clock when he fell asleep.

Q.

In what portion of the house did he sleep?

A.

Just on the bench where they played cards.

Q.

Had there been moments where your attention was diverted to any other things other than those who were playing cards in attending the wake of your granddaughter?

A.

No, Sir, because I was the one who attended to the people around. I was even the one who lighted up the fire for the coffee because if I would not do so then the people around would go home and sleep and I would be the one left."[7]

In the testimony of witness Victoria Labrador, she also declared that she saw appellant at the wake from 9:00

P.M. of July 5, 1989 up to 6:00 A.M. the following morning, July 6, 1989. She was sure of the presence of appellant during the aforesaid period because she was serving food to the people present at the wake, which included appellant Rogelio Barquilla.[8] It was not explained, however, why she and witness Bitos performed that service the whole night, especially for appellant who reportedly went to sleep after midnight.

The prosecution, however, contends that the alibi of the accused failed to pass the "physical impossibility test" as to appellant being present at the scene of the crime. During the cross-examination of appellant, it was able to establish that the distance between T. Padilla Street and MacArthur Boulevard is so short that it could be easily reached either by walking or taking a brief ride on a jeepney.[9] Hence, the probability of appellant's leaving the place of the wake to go to the scene of the crime and then returning to the wake was not at all remote. This is even on the assumption that witnesses Bitos and Labrador were truthful when they claimed to have virtually kept watch over appellant the whole night, an averment we find unnatural and extremely doubtful.

The Court has reiterated all over again in *People vs. Saguban*[10] that the requirements for the defense of alibi to prosper are that the accused was not at the scene of the crime at the time it was committed, and that it was physically impossible for him to be there at the time of its commission. In the instant case, the prosecution further stressed the fact of positive identification of appellant by its witnesses and the amplitude of details in their narration of the shooting incident.

During the trial, both Iluminada and Vilma Villarin positively identified Rogelio Barquilla as the one who shot and killed Romeo Baltazar, with the former testifying thus:

"Q.

After that, what happened?

A.

And so I saw Rogelio Barquilla climbing up through the porch and while this Romeo Baltazar was also sleeping at our porch.

Q.

How far were you from Rogelio Barquilla when he shot Romeo Baltazar?

A.

Very near, around one arm length because after the window is the porch.

x x x

Q.

Can you demonstrate to the court how the accused shot Romeo Baltazar?

A.

While Romeo Baltazar was sleeping, his head was near the grill of the porch and while this Rogelio Barquilla also climbed up the porch, he shot Romeo Baltazar thru the grill of the porch on his head. I even saw his hair burned."[11]

Indicative of her honesty, the antipathy for him that appellant attributed to Iluminada Villarin was candidly confirmed by her when she testified on cross-examination, to wit:

"Q.

My question is when for the first time did you nurture that kind of feeling towards the accused in this case.

x x x

A.

I can not recall when my ill feeling started but all I can remember was that I got angry with him and I told him at that time that he maltreated my daughter." [13]

The court below, however, dismissed the insinuations of appellant with regard to the supposed animosity of witness Iluminada saying that "the Court is not persuaded that the mother and daughter witnesses, Iluminada and Vilma, were animated by improper motives into testifying against the accused simply because they were against Jocelyn's common-law relationship with the accused." [14] We agree with this succinct and perceptive observation.

Appellant expectedly asserts his present sweeping but baseless conclusion that the court a quo gravely erred in finding him guilty of murder despite the failure of the prosecution to prove his guilt beyond reasonable doubt, due to insufficiency of evidence. [15] Evidently, this is a last-ditch and desperate effort at exculpation hopefully, but hopelessly, condensed into a single assignment of error.

It is elementary that, for alibi to be believed, credible and tangible proof of physical impossibility for the accused to be at the scene of the crime is indispensable. [16] Corollarily, where there is no evidence and nothing to indicate that the principal witnesses for the prosecution were impelled by any improper motive, the presumption is that they were not and their testimonies are thus entitled to full faith and credit. [17]

The issues in this case being essentially factual, after a careful consideration of the evidence of both parties, we are persuaded that the findings of the lower court on the relative weight thereof, and its conclusion of appellant's guilt as a consequence of that evaluation, have to be respected and sustained. We need not repeat here the well-entrenched evidentiary rules on the primacy of a trial court's findings, the flaccidity of alibi before the force of positive identification, and the superiority of affirmative evidence of existing facts over negative evidence anchored on mere denials. Our own holistic review of this case convinces us that appellant has indeed committed murder through treachery sans any aggravating or mitigating circumstances.

WHEREFORE, the judgment of the court a quo is hereby **AFFIRMED**, with the modification that the death indemnity is increased to P50,000.00 in accordance with our current case law and policy.

SO ORDERED.

Narvasa, C.J., (Chairman), Puno, Mendoza, and Francisco, JJ., concur.

* As is the practice in some cases, the decision of the lower court added "alias Rogel" after the name of accused in the title of the case. That should not have been considered an alias, with its ambiguous and sometimes unsavory connotation. From customary Philippine usage, that is only a nickname (in fact, it should be "Roger") which almost every person has.

[1] Judge Renato C. Dacudao, presiding.

[2] Rollo, 15-20.

[3] Exh. A; Original Record, 43.

[4] TSN, July 24, 1990, 3-5.

- [5] Brief for the Accused-Appellant; Rollo, 60.
- [6] Appellee's Brief; Rollo, 103.
- [7] TSN, July 18, 1990, 4-5.
- [8] Ibid., id., 26.
- [9] Ibid., July 24, 1990, 62.
- [10] G.R. No. 96287, April 25, 1994, 231 SCRA 744.
- [11] TSN, January 18, 1990, 3-5.
- [12] TSN, July 24, 1990, 6-7.
- [13] Ibid., January 18, 1990, 9.
- [14] Rollo, 19.
- [15] Brief for the Accused-Appellant, 1.
- [16] People vs. Servillon, G.R. No. 92154, September 12, 1994, 236 SCRA 385.
- [17] People vs. Constantino, G.R. No. 109119, August 16, 1994, 235 SCRA 384.

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.