

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BENJAMIN DE LA CRUZ, FREDDIE SOMBREA ALIAS FEDERICO SOMBREA, NARCISO EDIO, GUILLERMO LAPORGA, JOSE BLANZA AND EDUARDO PALMARES...

G.R. Nos. 101000-01. October 18, 1993

Ponente: CRUZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-101000-01/>

CRUZ, J.:

Two men lay dead on a hilltop in Barangay Tahing, Calinog, Iloilo. One had two bullet wounds in his head, with points of entry at the nape. The other had been stabbed and shot in the abdomen and had another bullet wound in the head. Their names were John Castro and Roman Catedrilla.

The killers said the victims had been slain during a "shooting encounter" in the course of a "preventive patrol" against criminal elements, including members of the NPA. The PC Provincial Commander of Iloilo officially commended them.[1] However, the National Bureau of Investigation conducted its own investigation and came to a different conclusion.[2] As a result, separate informations for the murder of Castro and Catedrilla were filed against the six herein appellants.

Of the six accused, Jose Blanza and Eduardo Palmares were members of the Integrated National Police detailed at Dueñas, Iloilo, while Freddie Sombrea and Guillermo Laporga belonged to the Integrated Civilian Home Defense Force (ICHDF). Benjamin de la Cruz and Narciso Edio were police informants.[3]

The evidence for the prosecution showed that on April 29, 1983, at about 6 o'clock in the evening, some men were gathered on a hilltop in the aforementioned barangay. Among them were John Castro, Roman Catedrilla, Mario Alcarde, Leopoldo Pastolero and Warlito Catedrilla. Upon seeing them, the appellants divided into two groups and made a sudden and simultaneous attack upon them. They killed Catedrilla on the spot.[4] The rest of his companions scampered in fright but Castro was unable to escape. As he ran downhill, he was felled with two shots that hit him in the neck.[5]

At around eight o'clock, barangay captain Romulo Acebuque, together with Leopoldo Pastolero, arrived at the hilltop to investigate the shooting. Palmares pointed a gun at them, asking them to raise their hands before they were allowed to see the corpses.[6] Warlito Catedrilla went to see his brother's body the following morning but left briefly to cut banana leaves to cover it. Upon his return, he was surprised to find that his brother's position had been changed, with the right hand now on his breast and the left hand extending to the side.[7] He was shocked when Blanza placed a pistol in his brother's right hand as someone took a picture of the act. The picture was presented as Exhibit "G." [8]

Except for Palmares, the appellants admitted killing Castro and Catedrilla but claimed self-defense. They said they were on a mission to investigate the strafing of Edio's house by a group led by Manuel Frias and were conducting a "preventive patrol" when they saw several persons on the hilltop. Their suspicions aroused, they

divided themselves into two teams, one composed of four and the other of two members, and started ascending the hill. They were met with gunshots from above. They instinctively dropped to the ground and announced they were police officers but the men on the hilltop kept shooting at them. They returned fire until their adversaries retreated. When the exchange ceased, they found the lifeless bodies of Catedrilla and Castro. They sent for reinforcements, which arrived at 10 o'clock that same night, and stayed in the place until morning, when the investigators came.[9]

Palmares had a different defense. He denied any part in the shooting and said he was detailed at the Dueñas public market when it happened. He reported back to the police station at 8 o'clock that night and went to the scene of the crime only at 10 o'clock as a member of the reinforcement team.[10] His alibi was corroborated by the other appellants as well as Pat. Aujero and Gil Rosas.[11]

The plea of self-defense was correctly rejected by the trial court. The evidence is overwhelming that it was the group of the appellants that fell upon the victims and their companions while they were peacefully gathered on the hilltop. The claim that it was Castro's group that started the shooting is implausible, considering that no slugs or shells were found at the scene of the crime.[12] These should have been scattered all over the place if it were true that the men on the hilltop had high-powered rifles that began the volley of gunfire. The defense brief says they brought their firearms with them as they fled, which is the reason the weapons were not found on the hill. Did they also first pick up the incriminating shells and slugs?

Palmares's alibi was also correctly disbelieved. There were several witnesses who placed him at the scene and time of the killings and saw him shoot at Castro.[13] His claim that he arrived only at 10 o'clock that night as a member of the reinforcement team was belied by Acebuque and Pastolero, who said that when they went to the hilltop at 8 o'clock, he was already there. In fact, he aimed a gun at them and told them to raise their hands before allowing them to view the corpses.

It is true that there were other witnesses who corroborated Palmares, but as with all the witnesses, Judge Ricardo P. Galvez had the right and responsibility to assess their credibility. The assessment of the trial judge is usually received with respect if not indeed as conclusive on appeal, barring any showing of arbitrariness. The trial judge has a better opportunity than the appellate court to evaluate the demeanor of the witnesses. We go only by the sterile record. By contrast, the trial judge is able to directly observe the person on the stand and detect from his conduct the furtive lie that will itself expose the hidden truth.

The defense faults the testimonies of the alleged eyewitnesses as peppered with contradictions and even with the mistaken identification of two of the accused. We find, however, that the inconsistencies are not of such a nature as to destroy the credibility of their testimonies as gauged, not separately, but in their totality.

It is significant that the killings were committed in a matter of minutes and were attended with much surprise, confusion and fright. What happened on the hilltop was not a formal execution as by a firing squad with all the orderliness and solemnity of a ritual killing. It was a sudden attack. One moment the men on the hilltop were chatting quietly and the next moment the intruders were upon them with guns and knives. Two fell dead. The others fled in terror. It was over before they realized what had happened.

Recalling that shocking incident later, the eyewitnesses for the prosecution could not be expected to narrate it in flawless detail or perfect concordance. For one thing, they could not have viewed the same incident from the same perspective and with the same composure (or lack of it). They also did not have the same degree of intelligence or powers of recollection, let alone articulation or vividness of language. In these circumstances, the eyewitnesses would naturally differ on some of the details of the killings without being deliberately untruthful. What is important is that there was basic agreement on the attack as a whole among all those who narrated how the

killings were committed.

There is no doubt that a conspiracy existed among the appellants when, after dividing themselves into two groups, they surreptitiously climbed the hill to make their surprise attack. The six men acted in concert when they started shooting at their unsuspecting prey. They all had a common plan, which was to fall upon the men on the hilltop and kill them. The eyewitnesses testified that De la Cruz hit Catedrilla with a slingshot; that Blanza fired at him; that De la Cruz barred Castro's way as he sped down the hill, and that Sombrea fired twice at Castro, as so did the others.[14] But it did not matter who fired the shots or wielded the knife that killed Catedrilla and Castro. The point is that whoever the actual killers were, all of them were directly involved. In a conspiracy, the act of one is the act of all and damns them all equally.[15]

Treachery qualified the killings to murder as the appellants took the victims by surprise and thus insured the execution of their plan without risk to themselves. Curiously, none of the attackers was injured although they claimed to have been met with a hail of bullets from the men on the hilltop. It is no less strange that, despite their supposed positional advantage and superior fire power, the men on the hilltop bolted in fear when the appellants started shooting back, even as they ran uphill toward the enemy.

Having arrived at the above conclusions, we see no need to discuss the appellants' plea that they were acting in the performance of their official duties when they killed Castro and Catedrilla. Performance of duties does not include murder.

The Court notes that these killings could have been whitewashed and the case conveniently closed with the commendation of the killers by the PC Provincial Commander. Without the intervention of the National Bureau of Investigation, the murders of Catedrilla and Castro would have been soon forgotten in the official records of the police as another justified punishment of alleged subversives. Murder is never justified, regardless of the victim. Mere suspicion of subversion is never a legal reason for summary execution. Even if they were members of the NPA - and there is no proof here of that suspicion - Castro and Catedrilla did not deserve to be shot down without trial, by decision and decree alone of the appellants.

The appellants took the law into their own hands when they arbitrarily pronounced the guilt of the men on the hilltop and decided by themselves to impose the summary punishment of death. For their arrogant and lawless act they must and will be punished. But it will be in accordance with the law they have disdained, the law "which hears before it condemns, which proceeds upon inquiry and renders judgment only after trial," as the Bill of Rights ordains.

WHEREFORE, the appeals are DISMISSED and the challenged decision is AFFIRMED, with costs against the accused-appellants. It is so ordered.

Davide, Jr., Bellosillo, and Quason, JJ., concur.
Griño-Aquino, J., on leave.

[1] Exhibit "3," Records, p. 647.

[2] Appellants' Brief, p. 79, Rollo; Records, pp. 731, 759.

[3] TSN, December 4, 1989, p. 3; January 28, 1988, p. 3; January 5, 1990, p. 4; June 9, 1989, p. 3; January 12, 1990, p. 3; August 18, 1989, p. 2.

[4] TSN, May 13, 1986, pp.1-19.

[5] Ibid., p. 20.

[6] Id., pp. 24-25; July 2, 1987, pp. 3-5.

[7] TSN, May 13, 1986, pp. 25-27.

[8] Records, p. 398.

[9] TSN, March 8, 1988, pp. 3-8; June 9, 1989, pp. 14-15, 23- 24.

[10] TSN, January 28, 1988, pp. 3-5.

[11] TSN, June 9, 1989, p. 6; August 18, 1989, p. 17; December 4, 1989, p. 10; January 5, 1990, p. 10; January 12, 1990, pp. 11-12; March 8, 1988, p. 5; December 8, 1989, p. 10.

[12] TSN, December 4, 1989, p. 31.

[13] TSN, May 13, 1986, p. 16; August 12, 1986, pp. 8-12; December 4, 1986, pp. 5-7.

[14] TSN, May 13, 1986, pp. 19-20; August 12, 1986, pp. 5-6; December 4, 1986, pp. 3-7; May 26, 1987, p. 9.

[15] *People v. Magalang*, 217 SCRA 571 (1993).

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.