

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CARLOS ESLABAN, ACCUSED-APPELLANT.

G.R. Nos. 101211-12. February 08, 1993

Ponente: CAMPOS, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-101211-12/>

CAMPOS, JR., J.:

Accused-appellant Carlos Eslaban, was charged under two (2) separate informations filed on February 20, 1989 before the Regional Trial Court of Capiz (hereinafter, the "RTC") which were docketed as Criminal Case No. C-2851 for multiple murder and attempted murder and Criminal Case No. C-2852 for murder. The criminal informations read:

a. CRIMINAL CASE NO. C-2851

"The undersigned Assistant Provincial Prosecutor with prior authority and approval of the Provincial Prosecutor accuses CARLOS ESLABAN of the crime of MULTIPLE MURDER and ATTEMPTED MURDER, committed as follows:

That on or about 6:30 o'clock in the afternoon of January 13, 1988, at Barangay Ilas Sur, Dao, Capiz, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and acting in common accord with six (6) other persons whose identities are still unknown, with intent to kill, willfully, unlawfully, and feloniously, with treachery, evident premeditation, taking advantage of superior strength, and with the aid of armed men, shot ISIDRO DELA CRUZ, SUSAN DELA CRUZ, and EMILIO DELA CRUZ inflicting upon them gunshot wounds which caused the death of Isidro dela Cruz and Susan dela Cruz immediately thereafter but does not perform all the acts of execution which should produce murder with respect to Emilio de la Cruz by reason of some cause other than their own spontaneous desistance."^[1]

b. CRIMINAL CASE NO. C-2852

The undersigned Assistant Provincial Prosecutor with prior authority and approval of the Provincial Prosecutor accuses CARLOS ESLABAN of the crime of MURDER, committed as follows:

That on about 6:30 o'clock in the afternoon of January 13, 1988, at Barangay Ilas Sur, Dao, Capiz, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and acting in common accord with six (6) other persons whose identities are still unknown, wilfully, unlawfully and feloniously, with treachery, evident premeditation, taking advantage of superior strength, and with the aid of armed men, shot ELIAS DELA CRUZ inflicting upon the latter gunshot wounds which caused his death immediately thereafter."^[2]

Accused-appellant pleaded not guilty to both informations.^[3] After arraignment, both informations were amended to charge six (6) John Does with accused-appellant.^[4] The six (6) John Does have never been identified, apprehended nor arraigned.

The two (2) cases were thereafter consolidated. Under a consolidated Decisioⁿ^[5] dated June 19, 1991, the RTC

(Branch 15) acquitted the accused-appellant in Criminal Case No. C-2851 but convicted him for murder in Criminal Case No. C-2852. The dispositive portion of the Decision reads:

"WHEREFORE, the court finds that:

1. the prosecution failed to prove the guilt of the accused, Carlos Eslaban, beyond reasonable doubt in Criminal Case No. 2851, hence, Carlos Eslaban is hereby acquitted for the crime charged. With the conclusions reach (sic) in said case, there is no legal basis for any award of civil indemnity arising therefrom;

2. the accused, Carlos Eslaban, is guilty beyond reasonable doubt for the crime of Murder in Criminal Case No. 2852. The impossible (sic) penalty for the crime of Murder is Reclusion temporal in its maximum period to death pursuant to Article 248 of the Revised Penal Code. There being no mitigating or aggravating circumstance proven, the penalty shall be imposed in its medium period. Accordingly, the accused, Carlos Eslaban, is sentenced to suffer a penalty of reclusion perpetua and to pay the heirs of Elias dela Cruz the sum of P50,000.00 as indemnity by reason of such death and P9,090 as expenses incident to the burial of the victim. Conspiracy, being the basis of conviction, the accused's liability is joint and solidary. x x x

Payment of corresponding docket fees shall constitute the first lien on herein judgment in view of the failure of the complaining witness to pay the corresponding docket fees.

This judgment in both criminal cases is without prejudice to the prosecution of the six (6) armed companions of the accused herein in the event they shall be identified in some future time and jurisdiction over their persons is acquired by the court.

The property bond of the accused in Criminal Case No. 2851 is deemed cancelled.

Since bail bond is not a matter of right on capital offenses even with the non-imposition of the death penalty, x x x with the finding of conviction, the court orders the cancellation of the property bond of the accused. He shall be placed under detention pending the finality of herein judgment.

Costs against the accused.

SO ORDERED."[6]

From the records, the following material facts are either admitted or not disputed by the parties:

In the afternoon of January 13, 1988, accused-appellant was at the barangay feeder road in Barangay Ilas Sur, in the municipality of Dao, Capiz, supervising the grading of the feeder road, he being the Barangay Chairman of the place. At about 5:30 o'clock in that afternoon, six men wearing fatigue uniforms with long firearms, the men charged as "John Does" in the informations, arrived at the site and looked for the Barangay Chairman of the place. The accused-appellant was identified and from him they asked the whereabouts of Elias and his brother Isidro, both surnamed dela Cruz, and residents of the barangay.

The accused-appellant accompanied the six John Does to the house of Diosdado dela Cruz, father of Elias and Isidro. Present at the house were Diosdado. Loreta Delandao (daughter of Diosdado), Anacleto (widow of Isidro), Perlita (widow of Elias) and Isidro's children, Susan and Emilio.[7]

At Diosdado dela Cruz's house, accused-appellant and the John Does were informed that Isidro was at the farm while Elias was at the house of Araceli Estorque, about a kilometer away down the feeder road. The John Does fetched Isidro who was then asked to go to the house of Araceli Estorque. Limping and with a painful leg, Isidro stayed behind. Three of the John Does guarded him and the others then present.[8]

The three other John Does, together with accused-appellant, trooped to Araceli Estorque's house. The accused-appellant stayed at the front yard with two of the John Does as the third entered the house and dragged

Elias outside after having announced that they were insurgents. Then, all the three armed men, with Elias and the accused-appellant, walked back towards the house of Diosdado dela Cruz. At the feeder road about seventy (70) meters from Diosdado dela Cruz's house, the three John Does stopped, shot and killed Elias in the presence of accused-appellant. Accused-appellant did not participate in the shooting of Elias.[9]

The three other John Does at Diosdado dela Cruz's house, on the other hand, ran to the feeder road after shooting the victims in Criminal Case No. C-2851. They joined the other John Does who shot Elias and left the accused-appellant, who, finding opportunity to escape, ran from the scene.[10]

Within an hour from the killing of Elias, accused-appellant reported the incident at the police station at the Dao poblacion about seven (7) kilometers away from Barangay Ilas Sur."[11]

Elias eventually died from the gunshot wounds inflicted by the three John Does.[12]

What is being disputed however is the reason that prompted accused-appellant to accompany the John Does. Likewise, utterances and actions of the accused-appellant when Elias was being located, when he was being taken from Araceli Estorque's house and when he was shot at the feeder road by the three John Does are also being controverted.

Four of the nine prosecution witnesses, namely: Gomersindo Denosta, Diosdado dela Cruz, Loreta Delandao and Perlita dela Cruz, testified on these disputed matters.

However, of the four testimonies, the RTC believed only the testimony of Perlita dela Cruz, wife of Elias. On the basis of her testimony, the court convicted accused-appellant of murder. The RTC said:

"However, from above facts and circumstances there is concurrence of wills among the three (3) armed men and the accused, Carlos Eslaban, in committing the offense charged in Criminal Case No. 2852. First, when Elias de la Cruz, did not arrived (sic) after the accused, Carlos Eslaban, and his six (6) companions waited for thirty (30) minutes, he told his companions to proceed to the house of Araceli Estorque and herein accused insisted they should go despite protestation of his companions because the place could be far; second, Perlita de la (sic) Cruz saw her husband with his arms twisted at his back while walking towards the feeder road immediately followed by the accused who likewise pushed him in order to walk faster; third, before Elias de la Cruz was shot by the armed companions of herein accused, no effort was made by him to pacify or prevent them from doing their evil act despite his assurance to the father and the wife of Elias that nothing shall happened (sic) to the victim since he is the barangay captain after the former cautioned herein accused on possible danger; fourth, herein accused and his three (3) armed companions immediately left the victim after the latter was shot by running towards the direction of the poblacion; fifth, the accused never bothered to meet the families of the victims after the incident to explain his innocence, if indeed he has absolutely nothing to hide; and sixth, the complaining witness had no motive to implicate herein accused to such killing, if it were true that the accused had nothing to do with it especially so because the late Isidro de la Cruz was his godson and the brother of the dead victim, Elias. The conduct of the accused before, during and after the commission of the crime strongly suggest he acted in concert with the three (3) armed companions pursuant to their common objective to kill Elias de la Cruz.

While admittedly, Perlita de la Cruz is the wife of Elias de la Cruz, her eye-witness account does not smack of a conviction. A careful scrutiny of the transcript of her testimony shows that it is a clear narration of events that unfolded before her eyes."[13]

As for the evidence of the defense that accused-appellant acted under uncontrollable fear of an equal injury or harm in being with the company of the John Does, this was simply disregarded by the RTC.

Accused-appellant maintains in this appeal that in convicting him in Criminal Case No. C-2852 instead of

acquitting him as in Criminal Case No. C-2851, the RTC committed grave and reversible errors both as to the facts and the law as it misappreciated the evidence and disregarded the applicable laws and jurisprudence.

The sole issue before Us is whether or not the evidence for the prosecution was sufficient to establish guilt of the accused-appellant beyond reasonable doubt.

After conducting a thorough study of the records of this case, this Court concludes that the court a quo disregarded some details which, if taken into account, would have entirely changed its opinion as to the credibility of the prosecution witnesses and their testimonies, particularly that of Perlita dela Cruz, on whose testimony the conviction of the accused heavily relied.

While this Court recognizes the principle that findings of fact of the trial court are accorded respect, it cannot be ignored that this rule admits of certain exceptions."^[14] The case at bar rightly falls within the exception and thus it is but proper for this Court to rule on the credibility of the witnesses and their testimonies.

It is conceded that the testimonies of the three other prosecution witnesses, namely: Loretta Delandao, Diosdado dela Cruz, and Gomersindo Denosta, who testified on alleged utterances and actuations of the accused-appellant at Diosdado dela Cruz's house and at the feeder road grading site were correctly disregarded. The mistake however, lies in the lower court's reliance solely on the testimony of Perlita dela Cruz (hereinafter referred to as Perlita), wife of victim, for the conviction of herein accused-appellant.

Perlita's version of the incident brings to fore several unanswered questions which hereby cast doubt on her credibility as a witness, as well as on her testimony which was allegedly an eyewitness' account.

She testified to the effect that she followed accused-appellant and the three John Does to Araceli Estorque's house from where Elias was dragged; that they stopped at the feeder road and it was after accused-appellant shouted the word "bira" that the three armed men shot and killed Elias; and that after the shooting of Elias, the accused-appellant and the John Does ran towards the poblacion of Dao, Capiz. In short, she claims to have witnessed the killing of her husband Elias. Her reaction, however, to the killing of her husband was notably unnatural in light of human nature and experience, as can be gathered from the pertinent portions of the transcripts of her testimony, to wit:

"Q

You said that the 6 armed men were running towards the poblacion after they shot your husband and (sic) Elias de la Cruz, do I get you right?

A

Yes, sir.

Q

In other words these armed persons were then leaving your place?

A

Yes, sir.

Q

And despite the fact that you know that they were already leaving your place, you still hid on the bushes?

A

Yes, sir because I have not yet recovered from my shock.

Q

Despite of (sic) the knowledge that the armed men were leaving your place, you did not go to the place where your husband was shot?

A

No, sir I went to the place where my husband was shot on the following day January 14, 1988.

Q

You did not approach your husband immediately after the armed men left your place because you have not actually seen the shooting?

ATTY. LUMAWAG:

Argumentative, your Honor.

COURT:

Witness may answer.

A

I have seen it but I did not proceed to the place where my husband was shot because I was very afraid.

Q

You went out of the forest at about midnight?

A

Yes, sir.

Q

And coming out from the forest you can pass by where your husband was shot?

A

I passed on the down hill (sic) portion of the land, while my husband who was shot was up on the feeder road.

Q

But in going home you could have easily passed by the place where your husband was shot?

A

In my going home it is more (sic) easier in passing the road, but I have taken the path going downhill, but if I have to pass the place where my husband was shot. I have to return to the place and then come down the hill in order to pass the feeder road.

Q

You said that you were about 30 meters away from the place where your husband was shot at the time he was shot?

A

Yes, sir.

Q

And because it was around dusk, you were not sure if your husband was killed instantly?

A

I am sure I saw my husband fell (sic) down because I was near."[15]

Q

You did not tell your parents-in-law that Elias de la Cruz was shot?

A

How would I tell my in-laws because (sic) they have heard the shots.

Q

You did not tell them that you saw the armed men shot (sic) Elias de la Cruz?

A

Why should I tell them when they saw the armed men.

Q

How did you come to know that they knew that your husband was shot?

A

They have not seen my husband shot, but they only heard the shots.

Q

So your previous statement that why should they ask you because they saw that your husband was shot is not correct?

A

Yes, sir.

Q

You said that you alone saw your husband shot by the armed men, correct?

A

Yes, sir.

Q

And you said that you also did not see anybody else near the place where your husband was shot?

A

No, sir what I have seen were the 3 armed men and Carlos Eslaban.

Q

You did not ask your parents to recover the body of Elias de la Cruz?

A

I told my in-laws the next morning and asked them that we will proceed to the town to look for somebody to make the investigation of the killing of my husband.

Q

You mean that in the evening your husband was killed you did not ask your parents-in-laws (sic) to recover the body of your husband?

A

Yes, sir."[16]

If what she claims were true, why would she, being the wife of the victim, leave the scene of the crime, without even checking the condition of her husband, who had just been shot and possibly at point of death, despite having stayed in the bushes from 6:30 o'clock in the evening to midnight?

What is more incredible is the fact that, when she had the opportunity to relate what she had supposedly witnessed to her parents-in-law, she chose not to, and still waited for the day to pass before going back to the site of the killing.

We likewise find it difficult to believe that she even managed to accompany others to bring her niece to a hospital which was more than thirty (30) kilometers away from her in-laws' house while she left her husband, possibly dead, on the feeder road which was only a short distance away.

It is rather inconceivable that a wife, who, after witnessing the killing of her husband, would go home acting as if nothing tragic has happened and instead would choose to help a victim other than her own husband.

The inescapable and logical conclusion is that she did not witness the killing of Elias dela Cruz. Rather, she only became aware of the incident the following day when she went to get her husband's body.

This Court has time and again emphasized that for evidence to be believed, it must not only proceed from the mouth of a credible witness: it must be credible in itself such as the common experience and observation of mankind can approve as probable under the circumstances.[17] Still, in an earlier case,[18] it was pronounced that the courts are not required to believe that which they judicially know to be unnatural, unusual and improbable when tested by the rules which govern men of ordinary capacity and intelligence in a given matter.

Perlita's testimony points to the accused-appellant as the leader of the killing. However, her testimony establishes only the presence of the accused-appellant while the murder transpired -- fact which is undisputed. The only thing in Perlita's testimony which would prove the existence of conspiracy was the alleged utterance by the accused of the word "bira". This part of her testimony is also questionable. The prosecution did not establish that she actually saw and heard the accused-appellant mouth "bira". Instead, Perlita admitted that she only recognized the voice of the accused-appellant. The likelihood of this happening is very slim as Perlita was thirty (30) meters away from the site where the word was allegedly uttered. Besides, the armed men and the accused-appellant were situated relatively close to each other, such that from said distance, it would be difficult to distinguish which of them actually shouted "bira". Hence, accused-appellant's only fault was his presence, which presence is definitely not the same as participation. Anyone put under the same circumstance -- threatened by armed men -- would have done the same.

The rest of Perlita's testimony, regarding the existence of conspiracy, are purely circumstantial evidence. Although it may be the sole basis for conviction, it was still not sufficient to establish that there was indeed a

conspiracy. Accused-appellant merely acted to save his own life and limb.

Admittedly, if a life is taken, justice demands that the wrong be redressed, but this same justice that calls for retribution cannot be the same one that would convict the accused-appellant at bar whose guilt has not been proven beyond reasonable doubt. The burden of proof rests upon the prosecution and unless the State succeeds in proving his guilt, the presumption of innocence in favor of the accused-appellant applies. The conscience must be satisfied that on the accused-appellant could be laid the responsibility of the offense charged.[19]

WHEREFORE, his guilt not having been proven beyond reasonable doubt, the judgment convicting accused-appellant, CARLOS ESLABAN, is hereby REVERSED and SET ASIDE and is ACQUITTED of the crime charged. His immediate release from custody is ordered unless he is being held on other legal grounds. SO ORDERED.

Narvasa, C.J., (Chairman), Feliciano, Regalado, and Nocon, JJ., concur.

[1] Rollo, p. 4.

[2] Rollo, p. 6.

[3] Records, Crim. Case No. C-2851, p. 67.

[4] Records, Crim. Case No. C-2851, pp. 81-82; Records, Crim. Case No. C-2852, pp. 105-106.

[5] Rollo, pp. 26-40; penned by Judge David A. Alfeche, Jr.

[6] Rollo, pp. 39-40.

[7] TSN, September 4, 1989, p. 3; TSN, November 8, 1989, pp. 2-3.

[8] TSN, August 29, 1990, pp. 18-20, 23.

[9] Id., at pp. 23, 24, 29-36; TSN, October 15, 1990, pp. 4-9.

[10] TSN, August 29, 1990, pp. 46-47.

[11] TSN, August 29, 1990, pp. 49-50; TSN, January 30, 1990, pp. 3-4; TSN, December 8, 1989, p. 8.

[12] Exh. "A", Crim. Case No. C-2852; TSN, September 11, 1989, pp. 4-5.

[13] Rollo, p. 36.

[14] People vs. Llenado, G.R. No. 100916, October 29, 1992; People vs. Carido, 167 SCRA 462 (1988).

[15] TSN, November 8, 1989, p. 13.

[16] Id. at pp. 15-16.

[17] People vs. Marti, 193 SCRA 57 (1991); People vs. Sarda, 172 SCRA 651 (1989); People vs. Suñga, 123 SCRA 327 (1983); Castañares vs. CA, 92 SCRA 567 (1979).

[18] People vs. Ang-Angan, et al., G.R. No. 25660-R., May 26, 1960, 57 O.G. 4133 (May 1961).

[19] People vs. Nicolas, 204 SCRA 191 (1991), citing People vs. Aldana, 175 SCRA 635 (1989).

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.