

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMEO SOLIVEN AND RUDY SOLIVEN, ACCUSED.

Ponente: LAMPAS PERALTA, J.

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LAMPAS PERALTA, J.:

Before the Court is an appeal from the Decision dated September 12, 2013[1] in Criminal Case No. 2924 of Branch 34, Regional Trial Court, Balaoan, La Union, finding accused-appellant Romeo Soliven guilty beyond reasonable doubt of homicide under Article 249, Revised Penal Code.

THE ANTECEDENTS

On April 16, 2002, about 4:30 P.M., accused-appellant and the victim Alfredo Javillonar, together with other companions, had a drinking spree at the poultry farm of ex-Governor Bobby Dulay.[2] In the course of the celebration, a heated argument occurred between accused-appellant and the victim which led to a physical confrontation between them.[3] Accused-appellant pushed the victim to the ground, causing the latter to fall.[4] When the victim stood up, he picked up a bowl which he threw at accused-appellant, slightly hitting his head near his right ear. Then, accused-appellant and his son, co-accused Rudy Soliven, boxed the victim, hitting the latter on the head and nape several times. They were pacified by their companions. When the victim decided to go home, accused-appellant followed him and boxed him on his face.[5]

On that same night of April 16, 2002, the victim was treated at the Northern La Union Maternity & Children's Hospital, Balaoan, La Union.[6] He was examined by Dr. Fidel M. Mabalot, who certified that he had “lacerated wound, left supra-orbital area secondary to mauling” and would need medical attention for less than nine (9) days, barring complications.[7]

Accused-appellant, on the other hand, claims that he also sustained physical injuries and was brought to Lopez Hospital for medical treatment.[8] This, however, is unsupported by any medical certificate.

On May 11, 2002, the victim died of “Cardio Pulmonary Arrest Secondary to Cardio Cerebral Pathology.”[9] It was established in Autopsy Report No. NO-02-09-LU[10] that the cause of death was “HEMORRHAGE, INTRACRANIAL, SEVERE, TRAUMATIC.” The postmortem findings read:

“Cadaver, preserved by embalming.

Abrasion, recently healed, characterized by soft scar, Scapular region, left, approximately 2.3 x 1.7 cms. in size.

Wound, Lacerated, recently healed, characterized by soft whitish scar formation, stellate shaped, Forehead, left side, just above the left eyebrow, shortest at 2.7 cms. and longest at 3.3 cms.

Hemorrhage, Intracranial, involving the right Occipito-parietal lobe, approximately 10.0 x 8.0 cms. in size, massive, extensive.

Brain, slightly swollen, with widened gyri and narrowed sulci.

Other internal visceral organs, congested.

Stomach, with small amount of greenish-yellow viscous fluid .”

In an Information dated September 16, 2002,[11] petitioner was charged with Homicide under Article 249 of the Revised Penal Code, the accusatory portion of which reads:

“That on or about the 16[th] day of April 2002, at Barangay Mamay, Municipality of Luna, Province of La Union, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating together and mutually helping one another, did then and there, with intent to kill, willfully, unlawfully and feloniously [sic] attack, box and maul Alfredo Javillonar, as a result of which said victim sustained several injuries which caused his death, to the damage and prejudice of the heirs of said victim.

CONTRARY TO LAW.”[12]

Upon arraignment on March 18, 2003, accused-appellant entered a plea of “not guilty.”[13] After pre-trial,[14] trial on the merits ensued.

Presented as witnesses for the prosecution were Domingo Bautista,[15] Caridad Javillonar,[16] Dr. Primitivo Gil Zambrano,[17] and Antonio Nuesa.[18] The witnesses for the defense were accused-appellant Romeo Soliven,[19] Carmiling Ajoc,[20] and accused Rudy Soliven.[21]

On September 12, 2013, the trial court rendered a Decision convicting accused-appellant of homicide and sentencing him as follows:

“WHEREFORE, PREMISES CONSIDERED, a judgment is hereby rendered, finding accused Romeo Soliven GUILTY beyond reasonable doubt of the offense of Homicide and is hereby sentenced to serve the penalty of imprisonment from Four (4) Years, Two (2) Months and One (1) Day as Minimum to Eight (8) Years as Maximum and to pay the offended party the amount of Php50,000.00 for the death of the victim; and Php20,000.00 as Exemplary Damages.

For accused Rudy Soliven, he is hereby acquitted there being no evidence to prove his guilt and his bail bond is set aside and released to the bondsman.

SO ORDERED.”[22]

Hence, accused-appellant filed the present appeal assigning the following errors allegedly committed by the trial court:

1. THE HONORABLE TRIAL COURT ERRED IN DECLARING THAT ACCUSED ROMEO SOLIVEN IS GUILTY BEYOND REASONABLE DOUBT OF THE OFFENSE OF HOMICIDE;
2. THE HONORABLE TRIAL COURT COMMITTED A REVERSIBLE ERROR IN DECLARING THAT THE PROXIMATE CAUSE OF THE VICTIM'S DEATH WAS THE INJURY HE SUFFERED ON APRIL 16, 2002;
3. THE HONORABLE TRIAL COURT ERRED IN GIVING EVIDENTIARY WEIGHT TO THE TESTIMONY OF DR. PRIMITIVO GIL ZAMBRANO, THE MUNICIPAL HEALTH OFFICER OF LUNA, LA UNION, ON THE CAUSE OF DEATH OF THE LATE ALFREDO JAVILLONAR SINCE HE IS NOT AN EXPERT WITNESS.”[23]

THE ISSUE

Whether the trial court erred in finding accused-appellant guilty beyond reasonable doubt of Homicide.

THE COURT'S RULING

Accused-appellant argues that he cannot be held responsible for the death of the victim as the prosecution failed to establish that the mauling incident on April 16, 2002 was the direct and immediate cause of his death.[24] Allegedly, (i) the injury sustained by the victim from the mauling was not fatal, having a healing period of less than nine (9) days only;[25] (ii) there was a big possibility that the cause of the victim's death was not said injury but other supervening events or the negligence of the victim himself;[26] and (iii) Dr. Primitivo Gil Zambrano, the Municipal Health Officer of Luna, La Union, cannot be considered as an expert witness who can testify on the cause of death of the victim because he was a general practitioner, not a pathologist, and he was not the one who prepared the autopsy report or the death certificate of the victim.[27]

On the other hand, the Office of the Solicitor General, counsel for plaintiff-appellee, contends that the chain of events that transpired from the time the victim was mauled by accused-appellant up to the time of his death sufficiently established that the injuries inflicted by accused-appellant were the proximate cause of the death of the victim.[28] Accused-appellant failed to adduce proof that the victim's death was caused by some other supervening event.[29] Also, Dr. Primitivo Gil Zambrano, as physician and medical practitioner, was competent to render his interpretation and opinion on the findings stated in the medical certificate.[30]

The appeal is bereft of merit.

Proximate cause has been defined as that cause which, in natural and continuous sequence, unbroken by any efficient intervening cause, produces the injury, and without which the result would not have occurred.[31] A careful perusal of the evidence adduced by the prosecution readily shows that the injuries sustained by the victim during the mauling incident on April 16, 2002 were the proximate cause of his death.

There is no question that in the afternoon of April 16, 2002, accused-appellant and the victim, who were both attending the birthday celebration of ex-Governor Dulay in the latter's poultry farm, had an altercation that led to a physical confrontation.[32] The events which transpired on said date were described in detail by eyewitness Domingo Bautista, who testified that he was actually with accused-appellant, the victim and the other accused, Rudy Soliven, when the incident happened. Thus:

“Q In the afternoon at about 4:30 of April 16, 2002, do you recall where were you?

A I was in Mamay, Luna, La Union.

Q What particular place in Mamay?

A Near the poultry, sir.

Q What [sic] are your companions if any?

A The 2 [sic] of them Alfredo, Romeo and Rudy, sir.

Q Who is this Alfredo you are referring to, Mr. Witness?

A The deceased, sir.

Q What about the other two companions, who are they, Mr. Witness?

A Romeo Soliven and Rudy Soliven, sir.

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Q What were you doing at that time, Mr. Witness with the other companions?

A We were having a drinking spree, sir.

Q What were you drinking then?

A Gin, sir.

Q While you were [having a] drinking spree, do you recall any significant events which happened then?

A There is a misunderstanding between Romeo and Alfredo, sir.

Q What is the family name of Alfredo?

A Javillonar, sir.

Q What is this misunderstanding all about, Mr. Witness?

A because there is a statement of the other one that is why they have misunderstanding, sir.

Q You are referring to statement of the other one, who is that person you are referring to?

A Alfredo, sir.

Q To whom did he talk to at that time?

A Romeo Soliven, sir.

Q And after that misunderstanding, what happened next if any?

A Romeo pushed Alfredo that is why Alfredo fell on the ground, sir.

Q And when Alfredo fell to the ground, what happened next?

A He stood and he get [sic] the bowl and he threw it to [sic] Romeo Soliven, sir.

Q Was Romeo hit at that time?

A Yes, he was hit with his own right ear slightly hit with his right ear, sir.

Q After that incident, what happened next?

A When Romeo was slightly hit with the bowl then Romeo and Rudy boxed Alfredo, sir.

Q What part of the body of Alfredo was hit by Romeo and Rudy?

A (Witness demonstrating that they hit the nape and hit the deceased.)

Q Do you know how many blows who [sic] received by Alfredo at that time?

A I can no longer remember how many times, sir.

Q You said that he was hit on his head, what about his body?

A Because he fell on the ground that is why he hit him on his nape and head, sir.

Q What were you doing at that time?

A After Alfredo hit by this Romeo only I let Alfredo stood up and I let him go home then afterwards Romeo Soliven followed Alfredo, then again he hit him again that is the time his face was injured, sir.

Q What happened to the face of Alfredo when Romeo were pursued him to go home?

A Romeo followed him and he boxed him on his face that is why he fell to the ground, sir.

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Q How far were you when xxx Romeo pursued Alfredo from where he boxed him again for the 2[nd] time?

A 15 meters away, sir.

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Q After Romeo pursued Alfredo and boxed him again, what happened next?

A The incident where his wife came to fetch him, sir.

Q What did his wife do at that time?

A She brought his husband home and then brought him to the hospital, sir.”[33] (emphasis supplied)

As a result of the incident, the victim was treated for injuries described by the attending physician, Dr. Fidel M. Mabalot, as “lacerated wound, left supra-orbital area secondary to mauling” which needed medical attention for less than nine (9) days.[34]

Caridad Javillonar, the victim's common-law wife, testified that the victim was not able to go to work anymore after the mauling incident because he stayed at home most of the time as he was not feeling well. He had apparently lost his appetite and always told her that he was feeling dizzy. Thus:

“Q Do you know the reason why your husband die [sic]?

A When I was fetching water at the well there are group of people who are gathering around and I went there and I saw it was my husband, sir.

Q When did this happen [sic]?

A April 16, 2002, sir.

Q This place whom [sic] you said they were gathering around your husband, where?

A Mamay, Luna, La Union, sir.

Q When you saw the group of people gathering around [your husband], what did you do?

A I was shocked and I was Romeo going back and forth and saying, 'kayat mo! kayat mo! do you still want it'.

Q You said you saw Romeo going back and forth, to whom [was] this Romeo going back and forth?

A To my husband, sir.

Q When you came to that place, what have you observed regarding your husband?

A 'The witness is demonstrating, witness covering her right eye with her right arm.'

Q Why was he covering his right eye or his forehead?

A The wounded right eye, sir.

Q Why was he doing that, madam witness?

A Because it is bleeding, sir.”[35] (underscoring supplied)

“Q Madam witness[,] from April 16, 2002 during the time when you were called to see what happened to your husband up to May 11, 2002 when your husband died, what happened during those time?

A My husband [was] in our house, always lying on bed and he is treating his wound on the forehead, sir.

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Q Was there an incident during those period wherein your husband went out of your home?

A He is always at home sitting because he is not feeling well, sir.

Q Did your husband tell you [of] his illness, madam witness?

A Yes, he told me that he is dizzy, sir.

Q How about the way he eats his meals?

A He only eat a little, sir.

Q Can you tell the Honorable Court the incident prior to the death on May 11, 2002, madam witness?

A He [was] always at home and I presumed there was puppy who is producing sound, sir.

Q And as you observed this things on your husband, what did you do as his wife?

A I was working during that time and when I went near him, I saw him on the ground and his mouth is bubbling, sir.

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Q When you observed your husband bubbling on his mouth, what did you do next?

A I seek help from my neighbor to bring my husband to the hospital, sir.

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Q And can you tell the Honorable Court when was that when you bring your husband to the hospital?

A May 11, 2006, sir.

Q What time did you bring your husband to the hospital?

A Around 8:30, sir.

Q 8:30 in the morning or in the evening?

A In the morning, sir.

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Q At about noon of May 11, 2002, what happened to your husband?

A He died, sir.”[36] (underscoring supplied)

Notably, the victim's death certificate showed that the cause of death was “Cardio-Pulmonary Arrest Secondary to Cranio-Cerebral Pathology.”[37] As interpreted by the expert witness, Dr. Primitivo Gil Zambrano, cranio-cerebral “involves the brain and the head.”[38] The autopsy report further described the cause of death as “hemorrhage, intracranial, severe, traumatic,”[39] connoting that there was bleeding on the brain, an event which can be brought about by hitting the head with force using a blunt object or by simply boxing the person, depending on its severity. As Dr. Zambrano explained:

“Q Doctor, you are subpoenaed to appear today in order to enlighten us with regards to the medical findings as found at the Death Certificate of one Alfredo Javillonar as well as the Autopsy Report or Postmortem Findings issued by the Medical Officer II, Balaoan District II and the Medico legal Officer of the NBI respectively? I'm showing you a Certificate of Death of one Alfredo Javillonar, kindly go over the same and tell the Honorable Court the indicated findings or cause of his death of that person indicated therein.

A For the immediate cause of death 'Cardio-pulmonary arrest secondary to cranio-cerebral pathology, sir.

Q In layman's term, what do you mean by that?

A Cranio-cerebral means, it involves the brain and the head, sir.

Q If it involves the brain, what happened to the brain?

A In the Death Certificate, the pathology was not indicated [but] on the Postmortem Findings, there is bleeding on the brain, sir.

Q You mentioned also the Postmortem Findings, based on the Postmortem Findings Doctor, what is the cause of death of Alfredo Javillonar?

A Bleeding on the brain, sir.

Q Based on your opinion as a medical expert what are the causes of these nature of injury or causes of death?

A Hitting the head, sir.

Q With?

A With force, sir.

Q Could it be with the use of a blunt object?

A Maybe, sir.

Q A piece of wood?

A Even boxing the person can caused [sic], sir.

Q What if for example the victim will fall and that his head hit on the pavement, would that be possible caused [sic] of the said injury?

A Yes sir.

Q Doctor considering that you were asked an opinion, if a patient was boxed for example or hit with used [sic] of force in using a blunt object on the head or the victim falls on the ground and hit his head on the pavement, would it be possible that he could still survived [sic] for a possible day before he will be declared dead?

A Yes, it is possible, sir.

Q There is also a possibility that the victim could also be dead spontaneously because of that?

A Yes sir.

Q According to you a while ago that there is possibility also that even after a lapse of within a [sic] days or weeks?

A It depends on the severity of the bleeding, sir.

Q In this case I believed Doctor that as far as this case is concerned, the incident took place sometime on April 16, 2002 and the victim died sometime on May 11, 2002 which is more or less 15 [sic] days, would that be possible that the cause of death is the hitting on his head?

A Yes, possibility, sir.”[40] (underscoring supplied)

There is no merit in accused-appellant's allegation that Dr. Primitivo Gil Zambrano cannot testify on the cause of the victim's death because he did not qualify as an expert witness. Under the Rules of Court, there is a substantial

difference between an ordinary witness and an expert witness.[41] The opinion of an ordinary witness may be received in evidence regarding (a) the identity of a person about whom he has adequate knowledge; (b) a handwriting with which he has sufficient familiarity; and (c) the mental sanity of a person with whom he is sufficiently acquainted. Furthermore, the witness may also testify on his impressions of the emotion, behavior, condition or appearance of a person.[42] On the other hand, the opinion of an expert witness may be received in evidence on a matter requiring special knowledge, skill, experience or training which he shown to possess.[43] The probative value of an expert testimony lies in the assistance that the expert witness may afford the courts “by demonstrating the facts which serve as a basis for his opinion and the reasons on which the logic of his conclusions is founded.”[44]

Here, Dr. Primitivo Gil Zambrano was called to the witness stand as an expert witness for the purpose of interpreting the medical findings, certificate of death and autopsy report issued in relation to the case, and rendering his medical opinion on the matter.[45] His expert qualifications were duly noted by the trial court, upon the prosecution's manifestation that it was not the doctor's first time to appear before the court as an expert witness.[46]

Moreover, accused-appellant failed to make a timely objection to the presentation of the prosecution's expert witness. He even subjected the witness to a cross-examination.[47] The rule is that evidence not objected to may be deemed admitted and be validly considered by the court in arriving at its judgment.[48] Section 36, Rule 132, Rules of Court provides that objection to evidence offered orally must be made immediately after the offer is made. Hence, it is clear that an objection in the course of the oral examination of a witness should be made as soon as the grounds therefor shall become reasonably apparent. Having failed to do so, accused-appellant cannot now belatedly question the admissibility of the testimony of the prosecution's expert witness, Dr. Zambrano.

Accused-appellant's contention that the cause of the victim's death was not the injury allegedly inflicted by him but some other supervening event or the negligence of the victim himself, is unfounded. For, such allegation is self-serving and bereft of evidentiary support. The prosecution evidence proved beyond reasonable doubt that the mauling of the victim by accused-appellant was the first and immediate act that produced the injury and set the other events in motion, each having a close causal connection with its immediate predecessor, in a continuous chain of events leading to the victim's death.

It is a settled rule that one who alleges a fact has the burden of proving it and mere allegation is not evidence.[49] Hence, the Court sustains plaintiff-appellee's argument that a mere assertion without an iota of evidence cannot overcome the positive and direct testimonies of prosecution witnesses who testified in clear and categorical manner that accused-appellant inflicted fatal blows on the victim's head which resulted to intracranial hemorrhage, causing his death.

Notably, accused-appellant claims that his act of boxing the victim was in response to the alleged unlawful aggression made by the latter by hitting him with the bowl.[50] In effect, accused-appellant invokes self-defense.

It bears stressing, however, that self-defense, like alibi, is an inherently weak defense for it is easy to fabricate. It must be proven by sufficient, satisfactory and convincing evidence that excludes any vestige of criminal aggression on the part of the person invoking it.[51] In order for self- defense to be appreciated, the accused must prove by clear and convincing evidence the following elements: (a) unlawful aggression on the part of the victim; (b) reasonable necessity of the means employed to prevent or repel it; and, (c) lack of sufficient provocation on the part of the person defending himself.[52]

It is a statutory and doctrinal requirement that, for the justifying circumstance of self-defense, unlawful aggression as a condition sine qua non must be present. There can be no self-defense, complete or incomplete, unless the

victim commits an unlawful aggression against the person defending himself.[53]

Unfortunately, accused-appellant's claim of self-defense readily pales in light of the absence of the primordial element of unlawful aggression on the part of the victim. It was clearly established by the prosecution evidence that accused-appellant initially pushed the victim to the ground, and when the latter stood up, it was only then that the victim picked up a bowl which he threw at accused-appellant. Accused-appellant thereafter boxed the victim, repeatedly hitting the latter on the head and nape. Worst of all, despite the fact that the victim was already on his way home, accused-appellant still followed him and boxed him again, causing him further injuries on his forehead.[54] Apparently, there was not the least provocation done by the victim that could have triggered accused-appellant to think that he had to defend himself.

On this note, the Court thus cannot sustain the trial court's finding that there was unlawful aggression on the part of the victim. Unlawful aggression presupposes an actual, sudden and unexpected attack or imminent danger thereof.[55] Such aggression refers to an attack that has actually broken out or materialized or is, at the very least, clearly imminent; it cannot consist merely of any oral threat or intimidating stance or posture.[56]

Under Article 249 of the Revised Penal Code, the applicable penalty for homicide is reclusion temporal. There being no mitigating or aggravating circumstance alleged and proven in the instant case, the penalty should be applied in its medium period pursuant to Article 64(1) of the Revised Penal Code. Applying the Indeterminate Sentence Law, the imposable penalty shall be within the range of prision mayor in any of its periods, as the minimum, to reclusion temporal in its medium period, as the maximum. The range of prision mayor is from 6 years and 1 day to 12 years, while reclusion temporal in its medium period ranges from 14 years, 8 months and 1 day to 17 years and 4 months. Therefore, the proper penalty that may be imposed upon accused-appellant is six (6) years and one (1) day of prision mayor, as the minimum period, to 14 years, eight (8) months and one (1) day of reclusion temporal, as the maximum period.

The trial court's award of P50,000.00 for civil indemnity is proper. Article 2206 of the Civil Code provides that when death occurs as a result of a crime, the heirs of the deceased are entitled to be indemnified without need of any proof thereof.[57] Furthermore, in view of the death of the victim, moral damages of P50,000.00 should be awarded in favor of the heirs of the victims. [58]

The trial court's award of P20,000.00 as exemplary damages, however, should be deleted considering that no aggravating circumstance was duly proven. Article 2230 of the Civil Code provides that in criminal offenses, exemplary damages as a part of the civil liability may be imposed only when the crime was committed with one or more aggravating circumstances.[59]

WHEREFORE, the Decision dated September 12, 2013 of the trial court is **AFFIRMED**, subject to the modification of the imprisonment sentence to six (6) years and one (1) day of prision mayor, as the minimum period, to 14 years, eight (8) months and one (1) day of reclusion temporal, as the maximum period. Accused-appellant is further ordered to pay the heirs of the victim the amount of P50,000.00 as moral damages, in addition to the civil indemnity of P50,000.00 awarded by the trial court. The award of exemplary damages of P20,000.00 is **DELETED**.

SO ORDERED.

Cruz, S.C., and Hernando, R.P.L., J.J., concur.

[1] pp. 283-286, Records.

- [2] p. 182, Records; Police Blotter dated April 16, 2002.
- [3] Ibid.
- [4] p. 2, Transcript of Stenographic Notes dated January 27, 2004.
- [5] Ibid.
- [6] p. 259, Records; Medical Certificate dated May 17, 2002.
- [7] Ibid.
- [8] p. 182, Records; Police Blotter dated April 16, 2002.
- [9] p. 152, Records.
- [10] p. 153, Ibid.
- [11] p. 1, Ibid.
- [12] p. 153, Ibid.
- [13] p.19, Ibid.
- [14] p. 28, Ibid.
- [15] Transcript of Stenographic Notes dated January 27, 2004 and August 3, 2005.
- [16] Transcript of Stenographic Notes dated January 18, 2006, March 7, 2006, and January 25, 2007.
- [17] Transcript of Stenographic Notes dated June 29, 2010 and August 19, 2010.
- [18] Transcript of Stenographic Notes dated June 6, 2011.
- [19] Transcript of Stenographic Notes dated February 16, 2012.
- [20] Transcript of Stenographic Notes dated August 2, 2012.
- [21] Transcript of Stenographic Notes dated April 16, 2013.
- [22] p.285-286, Records.
- [23] pp.39-40, Rollo.
- [24] p. 46, Ibid.
- [25] p. 47, Ibid.
- [26] Ibid.
- [27] Ibid.
- [28] p. 61-63, Ibid.
- [29] p. 64-65, Ibid.
- [30] Ibid.
- [31] Vallacar Transit, Inc. vs. Jocelyn Catubig, G.R. No. 175512, May 30, 2011, 649 SCRA 281, 295.
- [32] pp.44 and 46, Rollo.

- [33] pp. 1-4, Transcript of Stenographic Notes dated January 27, 2004.
- [34] p. 259, Records.
- [35] p. 2, Transcript of Stenographic Notes dated January 18, 2006.
- [36] pp. 1-4, Transcript of Stenographic Notes dated March 7, 2006.
- [37] p. 152, Ibid.
- [38] pp. 2-3, Transcript of Stenographic Notes dated June 29, 2010.
- [39] p. 153, Records.
- [40] pp. 2-4, Transcript of Stenographic Notes dated June 29, 2010.
- [41] Dr. Leila A. Dela Llana vs. Rebecca Biong, G.R. No. 182356, December 4, 2013.
- [42] Ibid., citing Rules of Court, Rule 130, Section 50.
- [43] Ibid., citing Rules of Court, Rule 130, Section 49.
- [44] Ibid.
- [45] pp. 1-2, Transcript of Stenographic Notes dated June 29, 2010.
- [46] Ibid.
- [47] Transcript of Stenographic Notes dated August 19, 2010.
- [48] People of the Philippines vs. Roger Mendoza y dela Cruz, G.R. No. 180501, 575 SCRA 616, December 24, 2008.
- [49] Felicitas Amor-Catalan vs. Court of Appeals, et. al., G.R. No. 167109, 514 SCRA 607, February 6, 2007.
- [50] p. 46, Rollo.
- [51] People vs. Wilson Roman, G.R. No. 198110, July 31, 2013.
- [52] Ibid.
- [53] Ibid.
- [54] p. 2, Transcript of Stenographic Notes dated January 27, 2004.
- [55] People vs. Catbagan, G.R. No. 149430-32, 423 SCRA 535, February 23, 2004.
- [56] Ibid.
- [57] People vs. Pamfilo Quimson, G.R. No. 130499, 366 SCRA 581, October 5, 2001.
- [58] Ibid., citing People v. Abatayo, G.R. No. 139456, 433 SCRA 562, July 7, 2004.
- [59] People vs. Elmercito Manalo y Dulay, G.R. No. 173054, 510 SCRA 664, December 6, 2006.

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