

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RENATO JAVIER Y ITABLE @ “HAPON”, ACCUSED-APPELLANT.

Ponente: BATO, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/2edd1556f368/>

BATO, JR., J.:

This is an appeal from the Judgment[1] dated September 5, 2011 of the Regional Trial Court of Manila, Branch 17, in Criminal Case No. 94-139864, the dispositive portion of which reads:

“WHEREFORE, for the death of Rey Ismael Ayo y Demetrio, this Court finds accused RENATO JAVIER y ITABLE @ 'Hapon' GUILTY beyond reasonable doubt of the crime of Homicide defined and penalized under Article 249 of the Revised Penal Code.

Considering the provisions of the Indeterminate Sentence Law and where no aggravating nor mitigating circumstance was proven, this Court imposes upon accused RENATO JAVIER y ITABLE @ 'Hapon' an indeterminate penalty of TEN (10) YEARS of prision mayor in its medium period as minimum to FOURTEEN (14) YEARS, EIGHT (8) MONTHS and ONE (1) DAY of reclusion temporal in its medium period as maximum.

Consistent with prevailing jurisprudence which awards civil indemnity to the heirs of the deceased-victim without need of any evidence other than the fact of the commission of the crime, accused RENATO JAVIER y ITABLE @ 'Hapon' is directed to pay the amount of FIFTY THOUSAND PESOS (P50,000.00) as civil indemnity to the surviving heirs of the deceased-victim.

Also, moral damages in the amount of FIFTY THOUSAND PESOS (P50,000.00) is awarded to the heirs of the deceased-victim. It is too obvious to detail at this instance the anguish, suffering and emotional pain caused by the death of the deceased-victim to his family. The father's compunction is too deep, when the life of his son was suddenly snatched away, depriving him and his other son the financial assistance and support that would have been given by the deceased-victim.

Lastly, the total amount of THIRTY TWO THOUSAND FOUR HUNDRED EIGHTY SIX PESOS (P32,486.00) as actual damages for the medical treatment and wake and funeral expenses of the deceased-victim is hereby awarded to his surviving heirs.

With costs against the accused.

SO ORDERED.”[2] [Citations omitted]

The factual antecedents: Renato Javier y Itable a.k.a. Hapon[3] [herein accused-appellant] was charged before the Regional Trial Court [Branch 17, Manila; hereafter court a quo], with the crime of Homicide for the death of Rey Ismael Ayo y Demetrio [Rey Ismael] in the Information dated November 9, 1994, the accusatory portion of which states:

“That on or about November 5, 1994, in the City of Manila, Philippines, the said accused, conspiring and confederating with others whose true names, real identities and present whereabouts are still unknown and helping one another, did then and there willfully, unlawfully and feloniously, with intent to kill, attack, assault

and use personal violence upon one REY ISMAEL AYO y DEMETRIO, by then and there stabbing the latter with a bladed weapon on the different parts of his body, thereby inflicting upon the said Rey Ismael Ayo y Demetrio stab wounds which were the direct and immediate cause of his death.

CONTRARY TO LAW.”

Accused-appellant posted a cash bond in the amount of P10,000.00 for his provisional liberty.[4] Upon arraignment, accused-appellant pleaded “not guilty” to the charge.[5] Trial on the merits ensued.

During the trial, the prosecution presented the following witnesses, namely: Renato Ayo, Ernesto Ayo, Benito Bartolo, Joey Almenario, and Dr. Manuel Lagonera. The prosecution's testimonial evidence was summarized by the court a quo, as follows:

“x x x at around 11:00 in the evening of November 5, 1994, prosecution witness Renato Ayo ['Renato'] was on his way home when he chanced upon the drinking revelry of accused and his friends at the latter's patio in Blumentritt Street, Manila. He then overheard someone holler, 'Balut, Balut!' followed by jeering. While he paused and asked the accused why he was being heckled, accused simply shrugged and replied, 'Sumisigaw lang ako ng balut, ah!' ['I was just calling for a balut vendor']. Accused thereafter shoved Renato as his two other companions loomed from behind.

Renato decided to just leave and head for home. Back home, in a narrow alley, Renato's brother, Rey Ismael ['Rey Ismael'], was also having a drinking spree with his friends, among them Benito Bartolo ['Benito']. Renato related to Rey Ismael what just transpired. Rey Ismael determined to go to the place of the accused and tagged Renato along. Once they met the accused and his drinking companions, Rey Ismael derided, 'Pare, hindi mo ba kilala itong utol ko?' ['Do you not know my brother?'].

It was then that accused pulled out his balisong [fan knife] and stabbed Rey Ismael in the chest. This was seen by another passer-by Joey Almenario.

The moment Benito followed and reached the street corner where the confrontation was made, he immediately saw Rey Ismael sprawled on the ground. Accused towered over a wounded Rey Ismael while holding a fan knife and was about to strike again. It was at this instance that Benito attempted to block off the attack but instead, accused hit him on his left forearm. Benito staggered and also fell on the pavement. By this time, Rey Ismael's drinking companions joined in. A rumble soon erupted, accompanied by stoning. Later, accused and his companions were seen dashing towards accused's house.

Since an agitated Renato evinced that Rey Ismael was bloodied and wounded, Benito helped in carrying the victim to a tricycle. The victim's brother then rushed him to the hospital. The victim, however, soon expired.”[6] [Citations omitted]

Dr. Manuel Lagonera conducted an autopsy on the body of Rey Ismael and found the following injuries: (1) lacerated wound; (2) diagonal linear abrasion on the left anterior lumbar region; (3) penetrating stab wound on the left anterior thorax piercing the pericardium and lacerating the right ventricle; (4) penetrating stab wound on the left antero-lateral thorax piercing the lower segment of the upper lobe of the left lung; and (5) stab wound on the right anterior thigh.[7] Dr. Lagonera testified that among the injuries sustained by Rey Ismael, it was the penetrating stab wound on the left anterior thorax (depicted as wound 3 in the human sketch) which was the most fatal as it injured the right side of his heart.[8]

The prosecution also formally offered[9] the following pieces of documentary evidence, viz.: Sworn Statements of Renato Ayo and Benito Bartolo,[10] Death Certificate,[11] Certification of Identification of Dead Body,[12] Autopsy Report and the corresponding human sketch,[13] and receipts for medical and funeral services in the aggregate amount of P33,500.00.[14]

For his part, the accused-appellant denied the accusations against him. He testified that he was drinking with his visitors Frederick Villarin, Joel Mangalindal, Agnes and Buboy when Renato Ayo passed by. Joel shouted “balut, balut!” and Renato Ayo took offense and asked if Joel was referring to him. Renato Ayo hurriedly left. After a while, Renato Ayo came back with Rey Ismael, Federico dela Cruz, Pablo Nera and Benito Bartolo. Rey Ismael confronted him about the incident and suddenly hit him at his left eyebrow and “slapped” him at the gate. He ran inside his house and Joel and Frederick followed suit. He immediately phoned Arleen Augero to call the police.[15] He insisted that it was Joel Mangalindal who stabbed Rey Ismael.[16] The policemen arrived and arrested him. The defense also presented Arlene Augero as its witness.

On March 5, 2001, the defense verbally offered its evidence.[17] On even date, the court a quo issued an Order[18] requiring the parties to submit their respective memoranda and the stenographic reporters to submit their pertinent transcripts. It was discovered that the Transcript of Stenographic Notes [TSN] of the hearings held on June 5, 1995 (direct examination of Renato Ayo), July 11, 1995 (cross-examination of Renato Ayo) and January 28, 1997 (testimony of Arlene Augero) were not in the records of the case.[19] It appears that the TSN dated January 28, 1997 (testimony of Arlene Augero) was transcribed by Court Stenographer Emily Peralta who already passed away.[20] Thus, a clarificatory hearing was scheduled on October 2, 2009 but was postponed for several settings until the final schedule on September 30, 2010. Due to the impossibility of producing the missing TSN, the court a quo issued an Order[21] on September 30, 2010 giving accused-appellant's counsel a fifteen-day period “to file the necessary motion to determine what action to undertake on the consequences of such missing transcript of stenographic notes.”[22]

Considering that the accused-appellant's counsel failed to take the necessary action to retake or reconstitute the testimonies of Arlene Augero and Renato Ayo and to file a memorandum of authorities, the court a quo scheduled the promulgation of judgment on August 25, 2011.[23] The defense filed its motion for reconsideration which was denied by the court a quo in the Order[24] dated August 31, 2011.

On September 5, 2011, the court a quo rendered the assailed Judgment[25] and the accused-appellant filed his Notice of Appeal[26] which was granted on September 22, 2011.[27] The accused-appellant posted an appeal bond in the amount of P40,000.00.[28] Subsequently, the court a quo was informed that a compilation of the TSN dated June 5, 1995 and July 11, 1995 was found by the clerk in charge of criminal cases, prompting the court to schedule a hearing to formally notify the parties of this fact.[29] Thereafter, in the Order[30] dated January 12, 2012, the court a quo ordered that the entire records of the case be elevated to this court for the appeal proceedings.

In his brief, the accused-appellant raised the following assignment of errors:

“A. THE LOWER COURT ERRED IN RENDERING A DECISION WITHOUT EXPRESSING THEREIN CLEARLY AND DISTINCTLY THE FACTS AND THE LAW ON WHICH IT IS BASED.

B. THE LOWER COURT ERRED IN FINDING THAT THE PROSECUTION HAS PROVEN THE GUILT OF THE ACCUSED BEYOND REASONABLE DOUBT.”[31]

The accused-appellant argued that the prosecution failed to establish his guilt by proof beyond reasonable doubt. He argued that the court a quo erred in considering the sworn statement of Renato Ayo as part of the *res gestae* since it was given four (4) hours after the stabbing incident and because it was apparent therefrom that he is uncertain as to who was the assailant. He assailed Renato Ayo's credibility and claimed that his statements should be taken with caution because he is the brother of the victim. Likewise, he assailed the testimony of prosecution witness Joey Almenario because of his bias towards the prosecution. Further, the accused-appellant insisted that the assailed judgment should be reversed since the court a quo disregarded the sworn statements of Federico dela

Cruz and Nemie Agra and more importantly, because it committed a constitutional transgression when it rendered the same based on an incomplete set of facts.

We deny the appeal.

The Constitution mandates that an accused shall be presumed innocent until the contrary is proven beyond reasonable doubt. The burden lies on the prosecution to overcome such presumption of innocence by presenting the quantum of evidence required. In doing so, the prosecution must rest its case on its own merits and cannot merely rely on the weakness of the defense.[32] Apropos, for the charge of homicide to prosper, the prosecution must establish the following elements beyond reasonable doubt, viz.: (1) that a person was killed; (2) that the accused killed that person without any justifying circumstance; (3) that the accused had the intention to kill, which is presumed; and (4) that the killing was not attended by any of the qualifying circumstances of murder, or by that of parricide or infanticide.[33]

In the case at bar, the charge of homicide was duly established by the prosecution beyond reasonable doubt. It was sufficiently proven that the victim died due to the stab wounds he sustained, the most fatal of which is the penetrating stab wound on the left anterior thorax (depicted as wound 3 in the human sketch) as it injured the right side of his heart.[34] The prosecution was also able to establish that the killing is not murder, parricide or infanticide. Moreover, the accused-appellant's intent to kill may be deduced from the fact that death resulted from his unlawful act.[35]

Anent the identity of the assailants, Joey Almenario and Renato Ayo positively identified the accused-appellant as the one who stabbed Rey Ismael in the chest. Joey Almenario, who was a mere passer-by at the time of the incident, identified the accused-appellant in open court and categorically testified that he “saw Hapon stabbed Rey Ayo on the chest.”[36] Renato Ayo also identified the accused-appellant in open court and testified that “it is Renato Javier who stabbed my brother.”[37] Upon inquiry from the court, he also stated that the accused-appellant stabbed Rey Ismael on the chest.[38] However, considering that the TSN of Renato Ayo (dated June 5, 1995 and July 11, 1995) was unavailable at the time that the court a quo rendered its judgment, it relied upon the sworn statement of Renato Ayo the pertinent portion of which reads:

“T:

Sino naman itong taong sumaksak dito sa kapatid mong si Rey Ismael?

S:

Tatlo po sila sir na nagtulong-tulong na sumaksak sa kapatid kong si Rey Ismael, iyung isa po ay iyung kalugar namin na si @HAPON at iyung dalawa po ay hindi ko alam ang pangalan dahil nuon ko lang nakita iyung mga mukha nila sa lugar namin.

xxx xxx xxx

T:

Ano ba mismo ang ginawa ni @Hapon dito kay Rey Ismael?

S:

Siya ang unang nakita kong sumaksak sa kapatid kong si Rey Ismael.

T:

Ilang beses sinaksak ni Hapon itong si Rey Ismael?

S:

Ang nakita ko lang sir ay dito sa gitna ng dibdib sir.

xxx xxx xxx

T:

Nasaan ka ba nang maganap itong pagsaksak kay Rey Ismael?

S:

Magkasama ho kami ni Rey Ismael nuon at kinakausap namin si Hapon tungkol sa pangungursunada niya sa akin.”[39]

Contrary to accused-appellant's protestations, this sworn statement was properly admitted in evidence by the court a quo as part of res gestae. Res gestae refers to the circumstances, facts, and declarations that grow out of the main fact and serve to illustrate its character and are so spontaneous and contemporaneous with the main fact as to exclude the idea of deliberation and fabrication.[40] A declaration or an utterance is deemed as part of the res gestae and thus admissible in evidence as an exception to the hearsay rule when the following requisites concur, to wit: (a) the principal act, the res gestae, is a startling occurrence; (b) the statements are made before the declarant had time to contrive or devise; and (c) the statements must concern the occurrence in question and its immediately attending circumstances.[41] On this score, the court a quo aptly ruled that the requisites for admissibility of the sworn statement as part of the res gestae concur herein, to wit:

“x x x At around 11:00 late evening of November 5, 1994, accused pierced a balisong in his brother's chest. The victim was then soaked in his own blood and was rushed to the United Doctors Medical Center but was already dead on arrival (DOA). He was pronounced dead at 12:10 in the morning of November 6, 1994. By 2:45 in the morning of the same day, Renato Ayo gave his statement and remained consistent that it was the accused who stabbed his brother in the chest.

With the rapid sequence of events that followed, and the shock that he lost his own brother to an otherwise shallow act of jeering, Renato Ayo would not have had the chance to contrive a tale so serious in implication if it were not the truth. In this essence, the fact that it was the accused who plunged the fatal stab wound which caused the life of his brother only echoed what Renato Ayo personally witnessed and perceived. Such sworn statement given as part of res gestae should thus remain.”[42]

While the accused-appellant aptly stated in his brief that the element of spontaneity is critical, We find that the sworn statement of Renato Ayo manifests spontaneity since the declarations therein were voluntarily and spontaneously made four (4) hours after the incident or “so nearly contemporaneous as to be in the presence of the transaction which they illustrate or explain, and were made under such circumstances as necessarily to exclude the ideas of design or deliberation”.[43]

The fact that Renato Ayo is the victim's brother is not enough reason to discredit his statements as he had more reason to identify the real culprit. It would be unnatural if he would opt to testify against an innocent person and allow the guilty one to remain free. His innate desire to bring to justice those whom he personally knew committed a crime against a close relative makes his identification of the accused all the more credible.[44] As succinctly stated by the court a quo, the relationship of the witness to the victim is not by itself a demerit in

weighing his testimony especially in this case when the sworn statement is “disencumbered, credible, and in accord with human experience.”[45] Besides, Renato Ayo's identification of the accused-appellant was reinforced by Joey Almenario's testimony that it was the accused-appellant who stabbed Rey Ismael. We are in accord with the findings of the court a quo that Joey Almenario is a credible witness who had no other motive than to reveal an incident he just witnessed. Indeed, his presence at the time of the incident was enough for him to witness when the accused-appellant stabbed Rey Ismael.[46] The rule is that the assessment of the credibility of witness and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand; and to note their demeanor, conduct and attitude under examination. Its findings on such matters are binding and conclusive on appellate courts unless some facts or circumstances of weight and substance have been overlooked, misapprehended or misinterpreted.[47] We found no cogent reason to depart from this rule.

Against the evidence of the prosecution, the accused-appellant merely hinged his defense on denial. Nothing is more settled in criminal law jurisprudence than that denial cannot prevail over the positive and categorical testimony of the witnesses.[48] Denial is an intrinsically weak defense which must be buttressed with strong evidence of non-culpability to merit credibility.[49] In the present case, the accused-appellant failed to adduce strong evidence to bolster his denial. He merely insisted that it was his companion Joel Mangalindal who stabbed the accused-appellant. On this score, the court a quo aptly observed:

“x x x if it was indeed true that it should be Joel Mangalindal who should be held responsible for the stabbing, accused's lack of inertia in pinpointing the crime to him at the inception of the case is interestingly odd. For one, accused had drinking buddies who could have corroborated his testimony. Not one of them was, however, called to back up his defense. On the other hand, accused's family would have meticulously sought out the whereabouts of Joel Mangalindal and have him answer for the offense charged. However, no such effort was shown.”[50]

It may be true that the accused-appellant presented Arlene Augero as his witness. However, the TSN of her testimony was unavailable and the stenographer who transcribed the same had already passed away before the judgment was rendered. In addition, the TSN dated June 5, 1995 and July 11, 1995 of Renato Ayo were only submitted to the court a quo after it had rendered the assailed judgment. Nonetheless, these circumstances do not necessitate the dismissal of the case or the reversal of the assailed judgment on the ground that the latter was based on an incomplete set of facts, an act which is proscribed by the Constitution.

Section 14, Article VIII of the 1987 Constitution mandates that decisions must clearly and distinctly state the facts and the law on which it is based. To this end, the decisions of courts must be able to address the issues raised by the parties through the presentation of a comprehensive analysis or account of factual and legal findings of the court.[51] In this particular case, the assailed judgment squarely addressed the issues raised by the parties and adequately presented a complete account of the court a quo's legal and factual findings. In turn, these findings were amply supported by the evidence presented by the prosecution, both testimonial and documentary, which clearly established accused-appellant's guilt beyond reasonable doubt. An examination of the TSN dated June 5, 1995 and July 11, 1995 reveals that Renato Ayo's testimony as to the incident and the identity of the accused-appellant as the assailant was essentially similar to his declaration in his sworn statement. His sworn statement was offered as a part of his testimony – an offer which was not objected to by the accused-appellant.[52] Aside from Renato Ayo's sworn statement, the court a quo likewise based its findings on the sworn statements and testimonies of other prosecution witnesses, as well as the documents pertinent to the injuries sustained by Rey Ismael.

As regards the unavailability of the TSN dated January 28, 1997 (testimony of Arlene Augero), it is worthy to

note that the accused-appellant was notified of this fact and a clarificatory hearing was originally scheduled on October 2, 2009 but was postponed for several settings until it was finally scheduled on September 30, 2010. On the scheduled hearing, the court a quo issued an Order giving accused-appellant's counsel a fifteen-day period "to file the necessary motion to determine what action to undertake on the consequences of such missing transcript of stenographic notes." [53] Such action by the court a quo was prompted by the impossibility of producing the missing TSN since the court stenographer who transcribed the same had already died. However, the accused-appellant's counsel failed to take the necessary action to retake or reconstitute the testimony of Arlene Augero until the assailed judgment was rendered on September 5, 2011. As correctly noted by the court a quo in its Order of August 31, 2011:

"x x x The testimonies given by other witnesses remain intact in the records of the case from which a judgment can be based from.

x x x x x x x x

Any prejudice that may be caused the accused is thus purely imagined than real. It has not been shown that defense witness Arlene Augero y Cristobal is a material witness without whose testimony, the defense of the accused may fail." [54]

Indeed, a scrutiny of accused-appellant's testimony reveals that Arlene Augero is not a material witness because she did not witness the stabbing incident, to wit:

"Q:

After you heard that statement coming from Joel Mangalindal that he was able to stab one by the name of Rey Ayo, what steps did you do, if you do anything?

A:

I was frighten (sic), so I called up Arlene Augero.

Q:

Who is that Arlene Augero?

A:

She is the cousin of my wife.

Q:

What was the reason why you called up Arlene Augero?

A:

The Barangay Chairman of Vicente Cruz is the mother of Arlene, sir.

Q:

Were you able to talk to Arlene Augero?

A:

Yes, sir.

Q:

What was your conversation with Arlene Augero?

A:

I requested her to call a police at Precinct 4 sir.”[55]

It also bears stressing that the accused-appellant was afforded the right to be heard in his defense. He was likewise given the opportunity to present Arlene Augero for the purpose of retaking/reconstituting her testimony but he failed to take any action. Meanwhile, as to the sworn statements of Federico dela Cruz and Nemie Agra, the court a quo correctly disregarded the same considering the prompt and apt objection of the prosecution during the verbal offer[56] that these witnesses did not take the witness stand. It has been consistently ruled that sworn statement or affidavits are deemed hearsay evidence because the adverse party is deprived of the opportunity to cross-examine the affiants. Hence, affidavits are generally deemed inadmissible or rejected outright unless the affiants themselves are placed on the witness stand to testify thereon.[57] Necessarily, their sworn statements must yield to the sworn statement of Renato Ayo who testified on the veracity of the statements therein and stood firm despite cross-examination by accused-appellant's counsel.

In view of all the foregoing, the court a quo correctly found the accused-appellant guilty beyond reasonable doubt of the crime of homicide. Thus, it correctly imposed the indeterminate prison term of ten (10) years of prison mayor as minimum to fourteen (14) years, eight (8) months and one (1) day of reclusion temporal, as maximum in accordance with Article 249 of the Revised Penal Code and the Indeterminate Sentence Law. Likewise, civil indemnity and moral damages were correctly awarded by the court a quo to the heirs of the victim.[58] Nonetheless, the award of actual damages in the amount of P32,486.00 should be modified as the amount duly supported by receipts of medical and funeral expenses was P33,500.00.[59]

WHEREFORE, the appeal is DENIED. The Judgment dated September 5, 2011 of the Regional Trial Court of Manila, Branch 17, in Criminal Case No. 94-139864 is hereby AFFIRMED with MODIFICATION in that the accused-appellant RENATO JAVIER y ITABLE a.k.a. “Hapon” is hereby ordered to pay actual damages in the amount of P33,500.00 to the surviving heirs of REY ISMAEL AYO y DEMETRIO.

SO ORDERED.

Zalameda and Carpio,[*] JJ., concur.

[*] Acting Junior Member vice J. Diy per Office Order No. 283-14-ABR dated June 16, 2014.

[1] Rollo, pp. 17-26.

[2] Rollo, pp. 25-26.

[3] TSN, p. 13, February 5, 2001.

[4] Records, p. 14.

[5] Ibid., p. 34.

[6] RTC Decision, pp. 2-3; Rollo, pp. 18-19.

- [7] Records, p. 101.
- [8] TSN, p. 2, March 25, 1996.
- [9] Records, pp. 96-100.
- [10] Records, pp. 6-7.
- [11] Records, p. 104.
- [12] Records, p. 103.
- [13] Records, pp. 101-102.
- [14] Records, pp. 105-113.
- [15] TSN, p. 8, February 5, 2001.
- [16] TSN, p. 10, February 5, 2001.
- [17] Records, p. 439.
- [18] Records, p. 336.
- [19] Records, p. 347.
- [20] Records, p. 459.
- [21] Records, p. 505.
- [22] Records, p. 505.
- [23] Records, p. 546.
- [24] Records, p. 584.
- [25] Records, pp. 600-609.
- [26] Records, pp. 616-617.
- [27] Records, p. 623.
- [28] Records, p. 596.
- [29] Records, p. 626.
- [30] Records, p. 651.
- [31] Rollo, p. 61.
- [32] People vs. Dela Cruz, G.R. No. 176350, August 10, 2011.
- [33] People vs. Badriago, G.R. No. 183566, May 8, 2009 citing Nerpio vs. People, G.R. No. 155153, July 24, 2007.
- [34] TSN, p. 2, March 25, 1996.
- [35] Seguritan vs. People, G.R. No. 172896, April 19, 2010 citing United States vs. Gloria, 3 Phil. 333, 335 (1904).

[36] TSN, p. 5, September 18, 1995.

[37] TSN, p. 5, June 5, 1995.

[[38]] TSN, p. 13, July 11, 1995.

[39] Records, p. 7.

[40] People of the Philippines vs. Salafranca, G.R. No. 173476, February 22, 2012 citing Kaiko v. Dolinger, 440 A. 2d 198, 184 Conn. 509; Southern Surety Co. v. Weaver, Com. App. 273 S.W. 838.

[41] People of the Philippines vs. Salafranca, G.R. No. 173476, February 22, 2012 citing People vs. Peralta, G.R. No. 94570, September 28, 1994; People vs. Maguikay, G.R. No. 103226-28, October 14, 1994.

[[42]] RTC Decision, pp. 6-7; Rollo, pp. 22-23.

[43] People vs. Manhuyod, Jr., G.R. No. 124676, May 20, 1998 citing People vs. Sanchez, 213 SCRA 70, 77 [1992]

[44] People vs. Gaviola, G.R. No. 126125. March 9, 2000

[45] RTC Decision, p. 7; Rollo, p. 23.

[46] Ibid.

[47] People of the Philippines vs. Mapalo, G.R. No. 172608, February 6, 2007 citing People vs. Tampis, G.R. No. 148725, July 31, 2003.

[48] People of the Philippines vs. Bulasag, G.R. No. 172869, July 28, 2008.

[49] People of the Philippines vs. Bulasag, G.R. No. 172869, July 28, 2008 citing People of the Philippines vs. Penaso, G.R. No. 121980, February 23, 2000.

[50] RTC Decision, p. 8, Rollo, p. 24.

[51] Office of the President, et al. vs. Cataquiz, G.R. No. 183445, September 14, 2011.

[52] Records, p. 115.

[53] Records, p. 505.

[54] Records, p. 584.

[55] TSN, pp. 16-17, February 5, 2001.

[56] TSN, pp. 3-4, March 5, 2001.

[57] Dela Cruz vs. DECS, et al., G.R. No. 146739, January 16, 2004 citing Lim vs. Court of Appeals, G.R. No. 124715, January 24, 2000.

[58] Seguritan vs. People of the Philippines, G.R. No. 172896, April 19, 2010 citing People vs. Diaz, 443 Phil. 67, 90-91 (2003) and People vs. San Gabriel, 323 Phil. 102, 108 (1996).

[59] Records, pp. 105-113; People vs. Buyagan, G.R. No. 187733, February 8, 2012.

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.