

PEOPLE OF THE PHILIPPINES PLAINTIFF-APPELLEE, VS. MANUEL CORPUZ, ACCUSED-APPELLANT.

Ponente: SALANDANAN-MANAHAN, J.

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SALANDANAN-MANAHAN, J.:

This appeal assails the 25 March 2011 Decision[1] of the Regional Trial Court, Branch 10, Abuyog, Leyte, finding accused-appellant guilty beyond reasonable doubt of the crime of Murder in Criminal Case Nos. 2389 and 2390, the dispositive portion of which reads:

“WHEREFORE, premises considered, the Court finds accused MANUEL CORPUZ guilty beyond reasonable doubt of the crime of Murder and is hereby sentenced to suffer the penalty of RECLUSION PERPETUA in each of the aforesaid cases and to pay each of the heirs of the victims P75,000.00 by way of civil indemnity; P50,000.00 as moral damages and P25,000.00 as exemplary damages to the heirs of the victim.

SO ORDERED.”

THE ANTECEDENT FACTS

The first Information[2], indicts accused-appellant Manuel Corpuz of the crime of Murder which reads:

“That on or about the 29th day of October, 2004, in the Municipality of Abuyog, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused with deliberate intent to kill, with treachery and abuse of superior strength the victim being a woman and 74 years old, did then and there wilfully, unlawfully and feloniously attack, assault hack and wound one ROMANA P. ALKULAR with the use of a long bladed weapon locally known as “sundang” which the accused provided himself for the purpose, thereby hitting and inflicting upon the said ROMANA P. ALKULAR a hacking wound at the right occipital area with fracture of underlying bone which was the direct and proximate cause of her death.

ACTS CONTRARY TO LAW.”

The second Information[3], alleges:

“That on or about the 29th day of October, 2004, in the Municipality of Abuyog, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused with deliberate intent to kill, with treachery and abuse of superior strength the victim being a woman and 64 years old, did then and there wilfully, unlawfully and feloniously attack, assault hack and wound one LEONILA C. GISTO with the use of a long bladed weapon locally known as “sundang” which the accused provided himself for the purpose, thereby hitting and inflicting upon the said LEONILA C. GISTO a hacking wound with laceration of right earlobe at left sternocleidomastoid area which was the direct and proximate cause of her death.

ACTS CONTRARY TO LAW.”

On 30 October 2004, the accused was arrested and detained at the Abuyog District Jail.[4]

Upon arraignment on 3 May 2005, accused Corpuz, assisted by Atty. Emelinda Maquilan, entered a plea of not guilty.[5]

On 24 October 2005, Pre-trial was deemed terminated after the parties stipulated the facts, defined the issues, marked the evidence, named their witnesses and set the trial dates.[6]

Trial on the merits ensued. The two (2) cases were thereafter tried jointly because they arose from the same incident.

THE EVIDENCE FOR THE PROSECUTION

The prosecution presented the following witnesses: Pedro Dejaresco, Leonilo Bongalan, Teodoro Queri-Queri and Dr. Amelia Gacis whose testimonies are summarized as follows:

The prosecution presented its principal witness Leonilo Bongalan, the son-in-law of the victim Leonila Gisto and who saw Manuel Corpuz when he killed the two (2) victims. His testimony was corroborated by Pedro Dejaresco and Teodoro Queri-Queri.

Leonilo Bongalan testified that at around 4:00 o'clock in the afternoon of 29 October 2004, he followed his mother-in-law Leonila Histo at her farm in Brgy. Maitom, Abuyog, Leyte.[7] Suddenly, appellant, who was holding a bolo, more or less twenty-six (26) inches in length, hacked the two (2) helpless victims Leonila Histo and Romana Arcular. Without warning, appellant struck the victims in their heads, particularly on their napes, with a bolo, causing them to fall down and die instantly.[8] When Leonilo saw this, he ran away and cried out for help towards the Barangay Captain Joaquin Poliquit.[9] Thereafter, they went to the police station to report the incident.[10] He sought the assistance of Barangay Officials in retrieving the two (2) bodies of the victims they brought to the chapel.[11]

Pedro Dejaresco and Teodoro Queri-Queri testified that on 29 October 2004 at about 4:00 o'clock in the afternoon, while they were on their way home from the coconut plantation where Pedro was tending at Brgy. Maitom, Abuyog, Leyte, they saw appellant who came from the place of the incident, half-naked and carrying a bolo.[12] The appellant was about one hundred fifty (150) meters away from the place of the incident.[13] Earlier, Pedro already heard rumors that a killing incident took place in the said barangay. Pedro saw the bodies of the victims on the following day when he went to the chapel.[14] Teodoro, on the other hand, helped the Barangay Tanods in retrieving the dead bodies of the victims at the mountain.[15]

Dr. Amelia C. Gacis, a Medico-Legal Officer of the Municipal Health Officer of Abuyog, Leyte, conducted the autopsy on the remains of Leonila Histo and Romana Arcular. Her findings on the bodies Romana Arcular and Leonila Histo, respectively, are as follows:

“In my post-mortem preliminary findings - fairly developed, fairly nourished female cadaver in the state of rigor mortis. In my examination findings – positive hackingwound directed to the heart, five inches in length with fracture of the underlying bone. The cause of death is acute hemorrhagic shock secondary to hacking wound.

and

My examination findings – fairly developed, fairly nourished female cadaver in state of rigor mortis. Positive hacking wound, six inches in length with laceration of right earlobe at left sternum occipital area muscle deep. Cause of death was acute hemorrhagic shock secondary to hacking wound.”

On 12 November 2008, the prosecution formally offered Exhibits “A” to “D” with sub-markings which were admitted[16] by the trial court.

THE EVIDENCE FOR THE DEFENSE

To disprove the prosecution's claim, the defense relied on the theory of denial. The defense presented two (2) witnesses, namely: appellant's wife Annabelle Corpuz and the accused-appellant Manuel Corpuz himself.

The gist of their testimonies are as follows:

Appellant, on the other hand, denied the charges against him. He testified that he was cultivating Nelson's land when the crimes were committed.[17] He was even accompanied by Nelson Castos and a certain Eke in going home after the day's work.[18] When he reached home at around 5:30 in the afternoon, his wife and children, were already there. On the following day, he was arrested by the police officers of Abuyog, Leyte. He then learned that two (2) women were killed and that he was incriminated as the person responsible for their death.[19] When he was already incarcerated, he learned that he was being charged with two (2) counts of murder.

The defense also presented appellant's wife Annabelle Corpuz who testified that she went to Nelson Castos' house on 29 October 2004, at around 9:00 o'clock in the morning, when she saw appellant Nelson and Eke plowing the field. The field is located just in front of Nelson's house.[20] She recalled that appellant and company finished plowing at around 11:00 o'clock in the morning. Then after eating their lunch, they returned to work at 1:00 o'clock in the afternoon and finished at 5:00 o'clock in the afternoon. She further testified that she and their children accompanied appellant while walking towards home. They reached their home at around 6:00 o'clock in the evening.[21] On the following day, appellant was arrested by the police officers after plowing Nelson's farm and that was the time she came to know that her husband was charged with Murder for the death of Leonila Histo and Romana Arcular.

On 23 October 2009, the defense formally offered[22] Exhibit "1" with sub-markings, which the trial court admitted.[23]

On 25 March 2011, the trial court rendered the assailed Decision. Aggrieved, accused-appellant instituted the instant appeal,[24] reiterating his innocence and assigned the following errors:

I

THE TRIAL COURT ERRED IN GIVING CREDENCE TO THE INCREDIBLE AND UNRELIABLE TESTIMONY OF THE PROSECUTION'S WITNESSES.

II

THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

OUR RULING

On the first assigned error

Appellant belittles the testimonies of the prosecution witnesses for having different versions of the incident. Leonilo testified that the victim Leonila Histo was struck on the right nape, while Dr. Amelia Gacis claimed that she was hit on the left sternum occipital area. He further contends that the testimony of prosecution's eyewitness is contradictory with the police blotter. Hence, their testimonies were infested with disparity which is not inconsequential, but rather, it affects the credibility of their testimonies.[25]

The appellee, represented by the Office of the Solicitor General, argues that contrary to appellant's assertions, sufficient and clear evidence exists on record to prove appellant's guilt for the crime of Murder. What is important is that prosecution witness Leonilo Bongalan saw the incident and positively identified appellant as the person who hacked Leonila Histo and Romana Arcular. Further, the hacking incident was corroborated by the testimonies of prosecution witnesses Pedro Dejaresco and Teodoro Queri-Queri when they saw appellant holding a bolo and came from the place where the victims were killed and near the time when the hacking incident

occurred. Furthermore, appellant failed to impute any ill-motive to cast doubt on their testimonies.[26]

The appeal lacks merit.

Appellant principally attacks the credibility of prosecution witness Leonilo Bongalan and Dr. Amelia Gacis. Jurisprudence has decreed that the issue of credibility of witnesses is "a question best addressed to the province of the trial court because of its unique position of having observed that elusive and incommunicable evidence of the witnesses' deportment on the stand while testifying which opportunity is denied to the appellate courts"[27] and "absent any substantial reason which would justify the reversal of the trial court's assessments and conclusions, the reviewing court is generally bound by the former's findings, particularly when no significant facts and circumstances are shown to have been overlooked or disregarded which when considered would have affected the outcome of the case." [28]

In *People vs. Bi-ay, Jr., et al.*, [29] the Supreme Court held:

"Truth-telling witnesses are not expected to give flawless testimonies, considering the lapse of time and the treachery of human memory. The Court has stated time and again that minor inconsistencies in the narration of witnesses do not detract from their essential credibility as long as their testimonies on the whole are coherent and intrinsically believable. Inaccuracies may in fact suggest that the witnesses are telling the truth and have not been rehearsed. Instead, they may even serve to strengthen their credibility as they negate any suspicion that their testimonies have been fabricated or rehearsed."

The test is whether the testimonies agree on essential facts and whether the respective versions corroborate and substantially coincide with each other so as to make a consistent and coherent whole.[30]

Here, the trial court gave credence and full probative weight to the testimony of Leonilo who saw the appellant when he hacked the two (2) victims. Appellant had not shown any sufficiently weighty reasons for us to disturb the trial court's evaluation of the prosecution eyewitness' credibility. In particular, we defer to the trial court's firsthand observations on Leonilo's deportment while testifying and its veritable assessment of his credibility.

Appellant argues that the facts as stated to in the police blotter appears to be inconsistent with Leonilo's testimonies given in open court. However, police blotter cannot prevail over testimonies in open court. With that in perspective, this Court, therefore, has no reason to dispute the trial court's appreciation of the credibility of the prosecution witnesses' testimonies. Deeply entrenched in our jurisprudence is the rule that the assessment of the credibility of witnesses is a domain best left to the trial court judge, because of his unique opportunity to observe their demeanor on the witness stand. These are generally binding and conclusive upon this Court.[31]

Leonilo Bongalan, who was twenty (20) meters, from the appellant and his victims at the time of the incident and taking into consideration that the incident happened in broad daylight, clearly saw and recognized appellant Manuel Corpuz when he simultaneously hacked the two (2) aged women victims. Subsequently, accused was also seen by the prosecution witnesses Pedro Dejaresco and Teodoro Queri-Queri at a distance of one hundred fifty (150) meters from the place where the victims were killed.

During the trial, prosecution witnesses Leonilo Bongalan, Pedro Dejaresco and Teodoro Queri-Queri positively identified appellant Manuel Corpuz.

In *People vs. Rebucan*, [32] the Higher Court ruled that the appellate court should not interfere with the judgment of the trial court in determining the credibility of witnesses unless there appears in the record some fact or circumstance of weight and influence which has been overlooked or the significance of which has been misinterpreted. In this case, there is none.

On the second assigned error

Accused-appellant contends that the prosecution failed to prove his guilt beyond reasonable doubt for the killing of Leonila Histo and Romana Arcular. We disagree.

Presence of treachery and abuse of superior strength

We hold that the attack was definitely treacherous. An assailant uses treachery when he suddenly and unexpectedly attacks his unsuspecting victims and denies them of any real chance to defend themselves. By this, the assailant ensures the success of his attack with no risk to his person.[33]

Appellee avers that given the location and severity of the hacking wounds sustained by the victims and the weapon used by the appellant, the intent to kill on the part of appellant was manifested. Under the circumstances surrounding the case, the suddenness of the attack and the physical attributes of the victims, being women of advance age, clearly shows the presence of abuse of superior strength and treachery which attended the killing of the unarmed and unsuspecting victims who had no chance at all to defend themselves.[34]

In *People vs. Ducabo*,[35] the Supreme Court, emphasized, to wit:

“As we have consistently ruled, there is treachery when the offender commits any of the crimes against persons, employing means, methods or forms in the execution thereof which tend directly and specially to insure its execution without risk to himself arising from the defense which the offended party might make. Two conditions must concur for treachery to exist, namely: (a) the employment of means of execution that gave the person attacked no opportunity to defend himself or to retaliate; and (b) the means or method of execution was deliberately and consciously adopted.”

Also, the evidence of the prosecution reveals that the appellant's attack came without warning, and was swift and sudden. The appellant attacked the victims from behind; the unsuspecting victims had no expectation of the coming attack and was totally defenseless against it. From these facts, the appellant clearly and purposely denied the victims of any real chance to defend themselves and secured the commission of the crime without risk to himself.[36]

The aggravating circumstance of abuse of superior strength is considered whenever there is notorious inequality of forces between the victim and the aggressor that is plainly and obviously advantageous to the aggressor and purposely selected or taken advantage of to facilitate the commission of the crime.[37] It is taken into account whenever the aggressor purposely used excessive force that is out of proportion to the means of defense available to the person attacked.[38]

In this case, the manner by which appellant had brutally slain the victims with a 26-inch bolo, by hitting them in the nape to render them defenseless and vulnerable, unmistakably showed that appellant intentionally used excessive force out of proportion to the means of defense available to his unarmed victims.

It has long been established that an attack made by a man with a deadly weapon upon an unarmed and defenseless woman constitutes the circumstance of abuse of that superiority which is sex and the weapon used in the act afforded him, and from which the woman was unable to defend herself.[39]

Defense of alibi

Appellant merely interposed the defense of denial and alibi. He claimed that at the time of the incident, he was at Nelson's farm cultivating his land. His defense, however, cannot prevail over the straightforward and credible testimony of Leonilo who positively identified him as the perpetrator of the crimes of murder. Time and again, we have held that positive identification of the accused, when categorical and consistent and without any showing of

ill motive on the part of the eyewitness testifying, should prevail over the alibi and denial of the appellant whose testimony is not substantiated by clear and convincing evidence.[40]

Leonilo was firm and unrelenting in pointing to appellant as the one who attacked the victims. It should be noted that Leonilo knew appellant well as he is also a resident of Brgy. Maitom. With Leonilo's familiarity and proximity with the appellant during the commission of the crime, his identification of appellant could not be doubted or mistaken. There is no evidence to show any improper motive on the part of Leonilo to testify falsely against appellant or to falsely implicate him in the commission of a crime. Thus, the logical conclusion is that the testimony is worthy of full faith and credence.[41]

In *People v. Nieto*,[42] we reiterated that —

“It is an established jurisprudential rule that a mere denial, without any strong evidence to support it, can scarcely overcome the positive declaration by the victim of the identity and involvement of appellant in the crimes attributed to him. The defense of alibi is likewise unavailing. Firstly, alibi is the weakest of all defenses, because it is easy to concoct and difficult to disprove. Unless substantiated by clear and convincing proof, such defense is negative, self-serving, and undeserving of any weight in law. Secondly, alibi is unacceptable when there is a positive identification of the accused by a credible witness. Lastly, in order that alibi might prosper, it is not enough to prove that the accused has been somewhere else during the commission of the crime; it must also be shown that it would have been impossible for him to be anywhere within the vicinity of the crime scene.”

Appellant admitted that he was near the vicinity of the crime on the afternoon of 29 October 2004. In fact, during defense witness Annabelle Corpuz' cross-examination, she admitted that Nelson's house – where appellant has been the whole day- and the place where the victims were staying are just nearby considering that they are neighbors. Thus, appellant's defense of alibi is not worthy of any credit for the added reason that he has not shown that it was physically impossible for him to be at the scene of the crime at the time of its commission.

In view of the credible testimony of Leonilo, appellant's defenses of denial and alibi deserve no consideration.

The penalty for murder

Article 248 of the Revised Penal Code, as amended by Republic Act (R.A.) No. 7659, [43]

“Art. 248. Murder. – Any person who, not falling within the provisions of Article 246, shall kill another, shall be guilty of murder and shall be punished by reclusion perpetua to death if committed with any of the following attendant circumstances:

1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity; xxxx.”

The crime of murder qualified by treachery is penalized under Article 248 of the Revised Penal Code (as amended by Republic Act No. 7659) with reclusion perpetua to death. The other qualifying circumstance of abuse of superior strength is deemed absorbed in treachery.[44] There being no averment of mitigating or aggravating circumstance that attended the killing of the victims Leonila Histo and Romana Arcular, the proper imposable penalty is reclusion perpetua, pursuant to Article 63,[45] paragraph 2 of the Revised Penal Code. The prison term imposed by the trial court in Criminal Case Nos. 2389 and 2390 is correct.

Award of Damages

When death occurs due to a crime, the following damages may be awarded: (1) civil indemnity ex delicto for the death of the victim; (2) actual or compensatory damages; (3) moral damages; (4) exemplary damages; and (5) temperate damages.[46]

The award of civil indemnity is mandatory and granted to the heirs of the victim without need of proof other than the commission of the crime.[47] The Court maintains the award of civil indemnity in the amount of Seventy-Five Thousand Pesos (Php 75,000.00).[48]

In cases of murder and homicide, the award of moral damages is mandatory, without need of allegation and proof other than the death of the victim. The award of Fifty Thousand Pesos (Php 50,000.00) as moral damages is also maintained.[49] As borne out by human nature and experience, a violent death invariably and necessarily brings about emotional pain and anguish on the part of the victim's family.[50]

We also award exemplary damages in the increased amount of Thirty Thousand Pesos (Php 30,000.00) in line with recent jurisprudence[51], the rationale of which was explained by the Supreme Court in this wise:

“Unlike the criminal liability which is basically a State concern, the award of damages, however, is likewise, if not primarily, intended for the offended party who suffers thereby. It would make little sense for an award of exemplary damages to be due the private offended party when the aggravating circumstance is ordinary but to be withheld when it is qualifying. Withal, the ordinary or qualifying nature of an aggravating circumstance is a distinction that should only be of consequence to the criminal, rather than to the civil, liability of the offender. In fine, relative to the civil aspect of the case, an aggravating circumstance, whether ordinary or qualifying, should entitle the offended party to an award of exemplary damages within the unbridled meaning of Article 2230 of the Civil Code.”[52]

The heirs of the victim failed to prove actual damages. The party seeking actual damages must produce competent proof or the best evidence obtainable, such as receipts, to justify an award therefor. Nevertheless, the award of Twenty-Five Thousand Pesos (Php 25,000.00) in temperate damages for homicide or murder cases is proper when no evidence of burial or funeral expenses is presented in the trial court. Under Article 2224 of the Civil Code, temperate damages may be recovered, as it cannot be denied that the heirs of the victim suffered pecuniary loss although the exact amount was not proved. Thus, the heirs of Leonila Histo and Romana Arcular are entitled to temperate damages of Twenty-Five Thousand Pesos (Php 25,000.00) for his death.

In addition, and in conformity with current policy, We also impose on all the monetary awards for damages interest at the legal rate of 6% per annum from date of finality of this Decision until fully paid.[53]

WHEREFORE, premises considered, the Appeal is DENIED. The Decision dated 25 March 2011 of the Regional Trial Court, Branch 10, Abuyog, Leyte in Criminal Case Nos. 2389 and 2390 finding accused-appellant Manuel Corpuz guilty beyond reasonable doubt for the crime of Murder is hereby AFFIRMED with MODIFICATION. He is sentenced to suffer the penalty of Reclusion Perpetua, without eligibility for parole.

He is further ordered to pay the heirs of Leonila Histo and Romana Arcular the following:

- Seventy-Five Thousand Pesos (Php 75,000.00) as civil indemnity;
- Fifty Thousand Pesos (Php 50,000.00) as moral damages;
- Thirty Thousand Pesos (Php 30,000.00) as exemplary damages; and
- Twenty-Five Thousand Pesos (Php 25,000.00) as temperate damages.

All monetary awards for damages shall earn interest at the legal rate of 6% per annum from date of finality of this Decision until fully paid.

SO ORDERED.

Delos Santos, E. L., (Acting Chairperson), and Quijano-Padilla, M.L.C., JJ., concur.

[*] Vice Justice Hernando who is on leave as per Office Order No. 07-14-ELDS dated 14 March 2014.

[1] Penned by RTC Judge Buenaventura A. Pajaron, Record, pp. 155-164.

[2] Dated 18 January 2005; Record, pp. 1.

[3] Dated 18 January 2005; Record, pp. 16.

[4] Certification dated 3 November 2004, Record, p. 6 (Folder 2)

[5] Certificate of Arraignment, Record p. 21.

[6] Pre-trial Order; Record, pp. 36-37.

[7] TSN of Leonilo Bongalan dated 13 September 2006, p. 3.

[8] TSN of Leonilo Bongalan dated 13 September 2006, pp. 5-8.

[9] TSN of Leonilo Bongalan dated 13 September 2006, pp. 8-9.

[10] TSN of Leonilo Bongalan dated 13 September 2006, p. 16.

[11] TSN of Leonilo Bongalan dated 13 September 2006, p. 9.

[12] TSN Pedro Dejaresco dated 14 March 2006, pp. 4-5.

[13] TSN Pedro Dejaresco dated 14 March 2006, p. 6.

[14] TSN Pedro Dejaresco dated 14 March 2006, pp. 5-6.

[15] TSN of Teodoro Queri-Queri, dated 19 February 2007, p. 9; 23 April 2007, p. 4.

[16] Order dated 12 November 2008; Record, p. 108.

[17] TSN Manuel Corpuz dated 17 July 2009, p. 4.

[18] TSN Manuel Corpuz dated 17 July 2009, p. 5.

[19] TSN Manuel Corpuz dated 17 July 2009, p. 11.

[20] TSN Annabelle Corpuz dated 1 June 2010, pp. 5-7.

[21] TSN Annabelle Corpuz dated 1 June 2010, p. 8.

[22] Record, p. 189.

[23] Order dated 23 October 2009, Record, p. 125.

[24] Notice of Appeal dated 17 May 2011, Record, p. 165.

[25] Appellant's Brief, Rollo, pp. 41-56.

[26] Appellee's Brief, Rollo, pp. 76-97.

[27] People v. Nieto, G.R. No. 177756, March 3, 2008, 547 SCRA 511, 524.

- [28] People v. Dominguez, Jr., G.R. No. 180914, November 24, 2010, 636 SCRA 134, 161.
- [29] G.R. No. 192187 dated 13 December 2010.
- [30] People vs. de Guzman, G.R. No. 188352 dated 1 September 2010; citing Merencillo vs. PP, G.R. Nos. 142369-70, April 13, 2007, 521 SCRA 31, 43.
- [31] People vs. Ebet, G.R. No. 181635 dated 15 November 2010.
- [32] G.R. No. 182551, July 27, 2011, citing PP vs. Gutierrez, 93 Phil. 863, 874 (2000).
- [33] People vs. Teriapil, G.R. No. 191361, March 2, 2011.
- [34] Appellee's Brief, Rollo, pp. 76-97.
- [35] People vs. Ducabo, G.R. No. 175594 dated 28 September 2007, citing People vs. dela Cruz, G.R. Nos. 154348-50 dated 8 June 2004.
- [36] People vs. Banati, G.R. No. 176527 dated October 9, 2009.
- [37] People v. Beduya, G.R. No. 175315, August 9, 2010, 627 SCRA 275, 284.
- [38] Id.
- [39] People vs. Sanchez, G.R. No. 188610 dated June 29, 2010.
- [40] People v. Cañada, G.R. No. 175317, October 2, 2009, 602 SCRA 378, 393.
- [41] People v. Malate, G.R. No. 185724, June 5, 2009, 588 SCRA 817, 827.
- [42] People v. Nieto, G.R. No. 177756, March 3, 2008, 547 SCRA 527-528.
- [43] An Act to Impose the Death Penalty on Certain Heinous Crimes, Amending for that Purpose the Revised Penal Code, as amended, other Special Penal Laws, and for Other Purposes, effective 31 December 1993.
- [44] People vs. Bracia, G.R. No. 174477 dated 2 October 2009.
- [45] "Art. 63. Rules for the application of indivisible penalties.---
- "In all cases in which the law prescribes a penalty composed of two indivisible penalties, the following rules shall be observed in the application thereof:
- xxx
2. When there are neither mitigating or aggravating circumstances in the commission of the deed, the lesser penalty shall be applied.
- xxx"
- [46] People vs. Dela Rosa, G.R. No. 201723, June 13, 2013
- [47] People vs. Salcedo, G.R. No. 178272, March 14, 2011
- [48] People vs. Domingo, G.R. No. 184343, March 2, 2009
- [49] People vs. Domingo, G.R. No. 184343, March 2, 2009
- [50] People vs. Malicdem, G.R. No. 184601, November 12, 2012
- [51] People vs. Rarugal, G.R. No. 188603, January 16, 2013

[52] Ibid

[53] People vs. Dela Cruz, G.R. No. 183091, June 19, 2013

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