

PEOPLE OF THE PHILIPPINES. PLAINTIFF-APPELLEE, VS. LEONIDES T. CANILLO, ACCUSED-APPELLANT.

Ponente: DIY, J.

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DIY, J.:

Before Us is an appeal from the Decision[1] dated August 28, 2009 of Branch 29, Regional Trial Court of Toledo City in Criminal Case No. TCS-1760, the dispositive portion of which reads:

WHEREFORE, finding the guilt of the accused, LEONIDES T. CANILLO to have been proved beyond peradventure of a reasonable doubt, he is hereby sentenced to a reduced penalty for Homicide of from EIGHT (8) YEARS and ONE (1) DAY minimum period to TWELVE (12) YEARS as maximum period of prison mayor and indemnify the heirs of the deceased the sum of P50,000.00 plus moral damages of P50,000 plus costs.

SO ORDERED.

A subsequent motion for reconsideration was filed by accused-appellant. On October 20, 2010, the court a quo maintained the finding of conviction of accused-appellant but modified the penalty imposed in its earlier decision. The RTC sentenced accused-appellant to imprisonment ranging from six (6) years and one (1) day of prison mayor as minimum, to twelve (12) years and one (1) day of reclusion temporal as maximum.

The Antecedents

Accused-appellant was charged with Homicide, the accusatory portion of which states:[2]

That on or about April 19, 1992, at around 10:00 o'clock in the morning, more or less, at Daanlungsod, Toledo City, Philippines, and, within the jurisdiction of the Honorable Court, the said accused, without just cause or sufficient provocation, did then and there willfully, unlawfully and feloniously and with the intent to kill one JULITO R. MARATA, assault, attack and shoot the said Julito R. Marata with the use of an M14 rifle, thereby inflicting upon him gunshot wound behind the right ear penetrating the occiput and producing a compound fracture of the mentum of the right mandible, lacerating the right uncus of the cerebellum, causing intracranial hemorrhage secondary to gunshot wound, which directly caused the death of said Julito R. Marata.

CONTRARY TO LAW.

On May 22, 1992, the RTC issued a warrant for the arrest of accused-appellant.[3] However, on even date, he was provisionally released after posting sufficient cash bond.[4]

Upon his arraignment, accused-appellant, with the assistance of counsel, pleaded not guilty to the crime of homicide charged against him.[5] Thereafter, trial on the merits ensued after the termination of the pre-trial conference.

The antecedents, as presented by plaintiff-appellee People of the Philippines through the Office of the Solicitor General (OSG), are quoted as follows:[6]

At about 10:00 o'clock in the morning of April 19, 1992, Julito R. Marata (Marata), Rodirigo Ripdos (Ripdos)

and several persons were within the compound of Atlas Consolidated Mining and Development Corporation (Atlas) collecting scrap metals. Suddenly, accused-appellant, armed with an M14 rifle, arrived thereat. He then aimed his rifle at the group, while ordering them to leave the compound. As the group was about to leave the place, a gunshot was fired hitting Marata on the head. Immediately thereafter, accused-appellant left the place on board a motorcycle.

The victim was brought to the nearest hospital where he was declared dead on arrival. Dr. Hermes Labrador, Jr., Medico-Legal Officer of Toledo City, conducted an autopsy on Marata on April 20, 1992. Per his autopsy report, the cause of the victim's death was hemorrhage secondary to gunshot wound. The gunshot wound was about "1/2 inch or 20 cm. more or less located below or behind the right ear." The wound caused the instantaneous death of Marata. According to Dr. Labrador, the victim was shot from behind and that the perpetrator was more than four feet from the victim.

In his defense, accused-appellant admitted having used his firearm but he denied killing the victim. He claimed that when he saw a group of men carrying sacks in the vicinity, he approached them and ordered them to leave the area. The men resented his act and began approaching him. While the men were approaching accused-appellant, the latter moved backwards. While he was backing away, accused-appellant tripped and accidentally shot his firearm in an upward direction.

Accused-appellant further testified that at about the same time, he heard another gunshot coming from the group. As a result, someone from the group fell to the ground. The person died on the spot because of the gunshot wound.

On August 28, 2009, the court a quo rendered the assailed decision finding accused-appellant guilty beyond reasonable doubt of homicide.

Aggrieved, accused-appellant filed a Motion for Reconsideration.[7] On October 20, 2010, the lower court issued an Order,[8] disposing:

IN VIEW OF THE FOREGOING, the court hereby DENIES the motion for reconsideration for lack of merit and MAINTAINS the conviction of the accused. However, modifying it to its correct sentence of six (6) years and one (1) day of prison mayor to twelve (12) years and one (1) day of reclusion temporal.

SO ORDERED.

Hence, the instant appeal with the following assignment of errors:[9]

I.

IN IGNORING THE EXCLUSIONARY EVIDENCE OF PROSECUTION WITNESS DR. HERMES LABRADOR THAT THE ASSAILANT WAS NEAR THE VICTIM AT THE TIME OF THE SHOOTING.

II.

IN IGNORING THE TWIN PROSECUTION EVIDENCE THAT ACCUSED[-]APPELLANT WAS 70 METERS AWAY AT THE TIME OF THE OFFENDING GUNBURST [sic].

III.

IN IGNORING PROSECUTION EVIDENCE THAT THE OFFENDING BULLET SLUG WAS NOT FOUND FOR DETERMINING ITS CALIBER.

IV.

IN IGNORING THE FACT THAT THE BULLET SLUG WOULD DETERMINE THE EXECT [sic] FIREARM WHERE IT CAME FROM.

V.

IN IGNORING THE FACT THAT THERE WAS NO BALLISTIC TEST ON THE FIREARM TO DETERMINE WHETHER IT WAS THE ONE FROM WHERE THE BULLET SLUG CAME FROM [sic]. BESIDES THE AUTOPSY REPORT DOES NOT STATE THE SHAPE OF THE ENTRY WOUND.

VI.

IN IGNORING THE FACT THAT THE MEDICO LEGAL OFFICER NEGLECTED TO X[-]RAY THE BODY TO DETERMINE THE LOCATION OF THE SLUG, OR EVEN TO USE A METAL DETECTOR FOR THAT PURPOSE

VII.

IGNORING THE FACT THAT THE MEDICO LEGAL OFFICER DID NOT RECORD THE STEPS TAKEN DURING THE AUTOPSY.

VIII.

IN ADMITTING THE AUTOPSY REPORT EVEN AS THE SAME WAS UNRELIABLE FO[R] FAILURE OF DR. LABRADOR TO TAKE THE BASIC STEPS AND RECORDING OF THE AUTOPSY.

IX.

IN COMPLETELY DISREGARDING THE TESTIMONY OF THE EXPERT OPINION EVIDENCE OF THE EXPERTS PRESENTED BY THE ACCUSED[-] APPELLANT[,] NAMELY DR. JESUS CERNA, AND PHD DR. AYAG OF THE NATIONAL BUREAU OF INVESTIGATION PROVING THAT IT COULD NOT HAVE BEEN THE ACCUSED-APPELLANT WHO FIRED THE FATAL SHOT.

X.

IN DISREGARDING THE TESTIMONY OF WITNESS CRISTUTA THAT IT WAS PROBABLY THE SECURITY GUARD OF ATLAS FERTILIZER CORPORATION NEARBY WHO FIRED THE FATAL SHOT AS WAS SHOWN IN THE PERTINENT DOCUMENT.

XI.

IN DISREGARDING THE PHYSICAL EVIDENCE THAT THE FATAL GU[N]SHOT COULD HAVE COME FROM THE COMPANIONS OF THE VICTIM IN THE LIGHT OF PROSECUTION EVIDENCE THAT THE ASSAILANT WAS NEARBY.

XII.

IN RELYING ON THE TESTIMONY OF THE SOLICITOUS COMPANION OF THE VICTIM, WITNESS RIPDOS, WHO SHOWED EXTREME BIAS IN FAVOR OF THE VICTIM.

The Ruling of the Court

The appeal is bereft of merit.

The foregoing issues before the Court boil down to the credibility of the witnesses and the probative weight of their testimonies.

Homicide is defined as the killing of another without the attendance of the circumstances that qualify the crime of parricide, infanticide or murder. Its elements are: (1) that a person was killed; (2) that the accused killed him 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.[10]

The trial court correctly found that accused-appellant is guilty of the crime of homicide. Settled is the rule that the findings of facts of the trial court, its calibration of the testimonial evidence of the parties, its assessment of the probative weight thereof, and its conclusions anchored on said findings are accorded great respect, if not

conclusive effect, because of the unique advantage of the trial court in observing and monitoring at close range the conduct, demeanor and deportment of the witnesses as they gave their testimonies before the trial court. Unless it is shown that the trial court overlooked, misunderstood or misappreciated certain facts and circumstances which if considered would have altered the outcome of the case, appellate courts are bound by the findings of facts of the trial court.[11]

After carefully reviewing the records of the case, this Court finds no reason to depart from the findings of the lower court.

It should be emphasized that the trial court convicted accused-appellant as he was positively identified as the author of the crime charged. The testimonies of Rodrigo Ripdos (“Ripdos”) and Rodolfo Daclan (“Daclan”) are substantially consistent with each other on material and relevant points. The two eyewitnesses saw the actual shooting of the victim and both positively identified accused-appellant as the person who killed the deceased. Prosecution witness Ripdos testified in a straightforward manner, thus:[12]

COURT:

Q: Now at the time the accused arrived where were you and Julito Marata in relation to the accused?

A: The accused Leonides Canillo, the security guard, arrived we were gathered together.

ATTY. GONZALES:

Q: How far were you from Leonides Canillo?

A: Witness pointing the distance of 15 meters, more or less.

Q: What did the accused do?

A: He stood near the dumptruck [sic] ordering us to disperse.

Q: Do you know who owns that dumptruck [sic] where the accused stood and ordered you to disperse?

A: I do not know.

Q: Does it belong to the ACMC?

ATTY. GELLA:

Already answered.

COURT:

He does not know.

ATTY. GONZALES:

Q: How did the accused signify his desire that you disperse? Did he shout or utter any words?

A: We were just ordered or just made by gesturing his hand. Or he gestured to drive us away.

Q: Did your group comply with that gestures?

A: Yes, sir.

Q: How did you disperse? Did you immediately leave the place by running away or walk slowly?

A: We walked away from the dumpsite.

Q: Towards what direction?

A: We went away from the dumpsite. Farther from the dumpsite towards the seashore.

Q: Were you able to reach that seashore the direction [sic] of the seashore?

A: We did not reach because when we looked back there was already gunburst [sic].

Q:

What was the distance that you covered after leaving that dumpsite when you heard that there was gunburst [sic] upon looking back?

A: Witness pointing to the electric post distance of around 40 meters.

Q: After commuting at that distance?

COURT:

Q: You stated that you were not able to reach the seashore because when you looked back there was already a burst. What did you see when you looked back?

A: I saw that Julito Marata fell down.

Q: Why, where was Julito Marata? Was he following you?

A: We were walking side by side when we looked back Leonides Canillo was aiming and there was gunburst [sic] and I saw that Julito Marata fell down.

Q: How far was Leonides Canillo from you when you looked back?

A: As I have said 40 meters, more or less.

Q: Were you walking away from Leonides Canillo or towards him?

A: Away.

ATTY. GONZALES:

Q: Since you saw the rifle can you identify the rifle?

Was it the one marked Exh. "A"?

A: As long as that and similar to that.

Q: What happened to Julito Marata after that gunburst [sic] and after you have looked back and you saw the accused pointing his rifle towards your direction?

A: He fell down.

Q: Upon seeing Julito Marata fall down what did you do?

A: I and Roger Barason lifted Julito Marata placed him at the side of the road. He was in the middle of the road already dead.

Q: At the time you lifted Julito Marata on that occasion did you notice any blood in his person?

A: There were [sic] plenty of blood oozing from his head.

Q: Which part of the head?

A: Witness pointing to the occipital region of the head.

COURT:

Q: How many shot [sic] that [sic] you heard?

A: Only one.

ATTY GONZALES:

Q: Why did you lift him from the middle of the road? What was your purpose?

A: He might be ran [sic] over by the dumptruck [sic] because there was a dumptruck [sic] on the way going to the dumpsite.

Q: You mean to say that road near the dumpsite is the passage of truck which usually there [sic] unload scrap iron waste in that area?

A: Yes, sir.

Q: You mentioned about Julito Marata being dead. How did you know that he was already dead at that time that you brought him at the side of the road?

A: Because of the big wound and no longer bleeding.

Q: How about your other companions what did they do?

A: We grouped together watching Julito Marata.

Q: After you heard the shot and you saw Julito Marata what did the accused do?

A: After one gunburst [sic] he immediately returned to his place riding his motorcycle.

xxx xxx xxx.

His testimony was corroborated by Daclan who was in the vicinity when the shooting transpired. He witnessed accused-appellant, armed with a long rifle, and that accused-appellant fired the same towards the direction of the group. The witness saw that somebody fell down. The witness approached the group and learned that it was Marata who got hit which caused the latter's demise.[13]

From the above discussion, it is clear that accused-appellant took his gun and fired the same at the group and hit Marata, causing the latter's death.

Accused-appellant claims that Dr. Labrador, the physician who examined the victim's body testified that when the victim was shot, the assailant was near the former.

We do not agree.

Dr. Labrador testified that the probable distance between the assailant and the victim was more than four (4) feet.[14] He did categorically state that the victim was shot at close range.

Additionally, the fact that accused-appellant fled from the scene of the crime belies his claim of innocence.

Innocent persons would normally seize the first available opportunity to defend themselves and assert their innocence. Accused-appellant's flight certainly and strongly indicates his guilt.[15] Furthermore, in *People v. Deduyo*,[16] the Supreme Court held that flight by the accused clearly evinces "consciousness of guilt and a silent admission of culpability. Indeed, the wicked flee when no man pursueth, but the innocent are as bold as lion."

Hence, there can be no justification for accused-appellant's flight other than that he was driven by a strong sense of guilt and admission that he had no plausible defense.

Accused-appellant also interposes the defense of denial. He claims that someone in the group pointed a gun at him. He recalls at this juncture that he stepped backwards. As he was backing up, he tripped on something which caused him to accidentally pull the trigger of his service firearm upward. He even suggests that the fatal gunshot could have come from one of the companions of the victim. Further, he claims that the testimony of Ripdos was biased and unbelievable.

We are not persuaded.

Between the categorical statements of the prosecution witnesses on one hand, and the bare denial of accused-appellant on the other, the former must perforce prevail. An affirmative testimony is far stronger than a negative testimony especially when it comes from the mouth of a credible witness. Alibi and denial, if not substantiated by clear and convincing evidence, are negative and self-serving evidence undeserving of weight in law. They are considered with suspicion and always received with caution, not only because they are inherently weak and unreliable but also because they are easily fabricated and concocted.[17] In the instant case, the positive identification made by two (2) prosecution eyewitnesses destroyed accused-appellant's defense of denial. Such positive identification directly belied accused-appellant's contention.

In addition, accused-appellant failed to show that the witnesses were actuated by ill motive to testify falsely against them. Where there is no showing of any improper motive on the part of the prosecution witness to testify falsely against an accused, the logical conclusion is that no such improper motive exists and that the testimony is worthy of full faith and credence.[18]

Moreover, accused-appellant claims that the testimony of Endalicio Cristuta (one of the defense witnesses) would eventually show that a certain Roger Abella, a security guard of Atlas Fertilizer Corporation, probably fired the fatal shot.[19] Contrary to accused-appellant's assertion, the testimony of Cristuta does not have solid evidentiary weight since he was not present during the incident and he was not the one who conducted the investigation.

Accused-appellant claims that the trial court disregarded the testimonies of the two expert witnesses. He asserts that their testimonies proved that he could not have fired the fatal shot.

In the case of *Tabao v. People*,[20] the Supreme Court explained the evidentiary weight of an expert testimony, to wit:

Section 49, Rule 130 of the Revised Rules of Court states that the opinion of a witness on a matter requiring special knowledge, skill, experience or training, which he is shown to possess, may be received in evidence. The use of the word "may" signifies that the use of opinion of an expert witness is permissive and not mandatory on the part of the courts. Allowing the testimony does not mean, too, that courts are bound by the

testimony of the expert witness. The testimony of an expert witness must be construed to have been presented not to sway the court in favor of any of the parties, but to assist the court in the determination of the issue before it, and is for the court to adopt or not to adopt depending on its appreciation of the attendant facts and the applicable law. It has been held of expert testimonies:

Although courts are not ordinarily bound by expert testimonies, they may place whatever weight they may choose upon such testimonies in accordance with the facts of the case. The relative weight and sufficiency of expert testimony is peculiarly within the province of the trial court to decide, considering the ability and character of the witness, his actions upon the witness stand, the weight and process of the reasoning by which he has supported his opinion, his possible bias in favor of the side for whom he testifies, the fact that he is a paid witness, the relative opportunities for study and observation of the matters about which he testifies, and any other matters which deserve to illuminate his statements. The opinion of the expert may not be arbitrarily rejected; it is to be considered by the court in view of all the facts and circumstances in the case and when common knowledge utterly fails, the expert opinion may be given controlling effect. The problem of the credibility of the expert witness and the evaluation of his testimony is left to the discretion of the trial court whose ruling thereupon is not reviewable in the absence of abuse of discretion.

Contrary to accused-appellant's assertion, the expert testimony on record does not disregard the possibility that the gunshot wound sustained by the victim was caused by the M-14 rifle used by accused-appellant. There is nothing in the testimonies of the two expert witnesses presented by accused-appellant that only a .38 caliber pistol could produce the gunshot wound. It is only accused-appellant's assumption and conclusion that it was impossible for a M-14 rifle to produce the gunshot wound. As amply observed by the trial court, viz:[21]

Finally, touching on the 9th, 10th and 11th grounds of the motion for reconsideration, naturally, the victim was shot from behind because it was established that the accused was in that position relative to the victim. As to the distance testified to by the expert witnesses whom they anchored on the features of the gunshot wound and the surrounding thereof, it is merely a probability. The expert witnesses were not there at the scene of the crime. They cannot overturn the positive and categorical statement of Rodrigo Ripdos that the accused aimed and fired once a rifle he was bringing, which made Julito Marata fell [sic] down and sustained a mortal wound. And that the accused was at their back while he, the victim and the rest of the group run away from the accused.

Going by the test of the truth of human testimony the distance given by the prosecution which was 70 meters, more or less, vis-a-vis the victim and the accused, is the underlying reason on why the gunshot wound was not through and through despite the fact that the accused used a high-powered firearm. It produced the same effect of that of a low-powered firearm fired at a near distance. It is also the same reason that no slug was recovered, there was no exit wound, and tattooing with powder burns were evident. Newton has that in his laws on motion.

Hence, this Court reiterates that the two expert witnesses did not conclusively rule out the possibility that an M-14 rifle had been used by accused-appellant to shoot and kill the victim.

It is noted that the third, fourth, fifth, sixth, seventh, and eighth issues are raised for the first time on appeal. As can be gleaned from the records of the case and accused-appellant's motion for reconsideration, these issues were not raised before the lower court. It is a settled rule that issues raised for the first time on appeal are barred by estoppel. Thus, arguments not raised in the original proceedings cannot be considered on review.[22] Nevertheless, the Supreme Court in the case of *Alvarez v. Court of Appeals*[23] held:

Finally, petitioner assails the prosecution for its failure to conduct ballistics and paraffin tests. He presumes that no such tests were made by the prosecution in order to "deliberately suppress" the results thereof, which might exculpate him from the offense. This contention is untenable. The CA aptly ruled that the choice of what evidence to present, or who should testify as a witness is within the discretionary power of the prosecutor and

definitely not for the courts to dictate. In any case, the presentation of the weapon (or the slugs, as in this case) and ballistic examination are not prerequisites for conviction. Further, paraffin tests have never been considered to be foolproof. As already discussed, there are ample evidence on record to warrant petitioner's conviction for the crime of homicide.

(Emphasis Ours)

All told, the Court finds that the prosecution has successfully established the guilt of accused-appellant.

We now review the correctness of the penalty imposed on accused-appellant by the trial court.

With regard to the appreciation of the mitigating circumstance of "schizophrenia",^[24] the Court does not agree with the court a quo. In the present case, accused-appellant miserably failed to establish the deprivation of his will when he shot the victim. Therefore, the Court cannot appreciate this mitigating circumstance in accused-appellant's favor.

The penalty for homicide under Article 249 of the Revised Penal Code is reclusion temporal. In the absence of any modifying circumstance proven by the prosecution or by the defense, the penalty shall be imposed in its medium period of fourteen (14) years, eight (8) months, and one (1) day to seventeen (17) years and four (4) months. Applying the Indeterminate Sentence Law, the accused-appellant can be sentenced to an indeterminate penalty the minimum of which shall be within the range of prision mayor (the penalty next lower in degree than that provided in Article 249) and the maximum of which shall be within the range of reclusion temporal in its medium period.^[25]

Hence, applying the Indeterminate Sentence Law, the Court imposes the penalty of eight (8) years and one (1) day of prision mayor, as minimum, to fourteen (14) years and eight (8) months and one (1) day of reclusion temporal, as maximum.^[26]

We likewise review the award of damages.

We sustain the trial court in ordering accused-appellant to pay civil indemnity and moral damages in the amount of P50,000.00, respectively.^[27] In homicide cases, civil indemnity of P50,000.00 and moral damages of P50,000.00 are awarded automatically, without need of allegation and proof other than the death of the victim.^[28]

Furthermore, the Court awards P25,000.00 as temperate damages for burial expenses in lieu of actual damages and in accordance with jurisprudence.^[29] While Eufracio Marata, father of the victim, testified that he incurred funeral expenses, he, however, failed to present receipts to substantiate his claim. Settled is the rule that only duly receipted expenses can be the basis of actual damages.^[30] Nevertheless, Article 2224 of the Civil Code provides that temperate or moderate damages, which are more than nominal but less than compensatory damages, may be recovered when the court finds that some pecuniary loss has been suffered but its amount cannot, from the nature of the case, be proved with certainty.^[31]

Finally, in addition to, 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 such awards have been fully paid.^[32]

WHEREFORE, premises considered, the appeal is DENIED. The Decision dated August 28, 2009 and Order dated October 20, 2010 of Branch 29, Regional Trial Court, Toledo City in Crim. Case No. TCS-1760 is AFFIRMED with MODIFICATION. Accused-appellant is imposed an indeterminate sentence of eight (8) years and one (1) day of prision mayor, as minimum, to fourteen (14) years, eight (8) months and one (1) day of reclusion temporal, as maximum.

Furthermore, accused-appellant is also ordered to pay the heirs of the victim the following:

- P50,000.00 as civil indemnity;
- P50,000.00 as moral damages;
- P25,000.00 as temperate damages; and
- interest on all damages awarded at the rate of 6% per annum from the date of finality of this judgment until such amounts shall have been fully paid.

SO ORDERED.

Delos Santos, E.L., (Chairperson) and Maxino, P.A.A., JJ., concur.

[1] Rollo, pp. 53-73.

[2] Record, p. 1.

[3] Ibid., p. 11.

[4] Ibid., p. 18.

[5] Ibid., p. 45.

[6] Rollo, pp. 72-73.

[7] Record, pp. 1578-1593.

[8] Rollo, pp. 73-77.

[9] Ibid., pp.34-36.

[10] People vs. Rosales, G.R. No. 86390, June 30, 1993.

[11] People v. Taan, et al., G.R. No. 169432. October 30, 2006, citing People v. De la Cruz, G.R. No. 131035, February 28, 2003 and People v. Sades, G.R. No. 171087, July 12, 2006.

[12] Tsn dated November 19, 1992, pp. 11-13.

[13] Tsn dated June 29, 1994, pp. 7-9.

[14] Tsn dated November 29, 1993, p. 6.

[15] People v. Navarro, et. al., G.R. No. 137597, October 24, 2003.

[16] G.R. No. 138456, October 23, 2003.

[17] People vs. Tugahan, G.R. No. 174064, June 8, 2007.

[18] People v. Lopez, et. al., G.R. No. 176354. August 3, 2010.

[19] Tsn dated November 18, 1996, pp. 5-6. 20 G.R. No. 187246, July 10, 2011.

[21] Rollo, pp. 76-77.

[22] People v. Francisco, G.R. No. 192818, November 17, 2010.

[23] G.R. No. 141801, June 25, 2001.

[24] This defense was likewise presented before the trial court when accused-appellant utilized the testimony of a psychiatrist (Tsn dated December 13, 2007, pp. 7-12).

[25] People vs. Duavis, G.R. No. 190861, December 7, 2011.

[26] People v. Michael Bokingo alias “Michael Bokingco” and Reynante Col, G.R. No. 187536, August 10, 2011.

[27] People v. Vilbar, G.R. No. 186541, February 1, 2012.

[28] People v. Lacaden, G.R. No. 187682, November 25, 2009.

[29] People v. Rebucan, G.R. No. 182551. July 27, 2011.

[30] People v. Campos, G.R. No. 176061, July 4, 2011.

[31] People v. Vilbar, *supra*.

[32] People v. Concillado, G.R. No. 181204, November 28, 2011.

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