

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. PEDRO GULVEN, PEPITO GULVEN AND NELSON GULVEN, ACCUSED-APPELLANTS,

Ponente: SALANDANAN-MANAHAN, J.

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SALANDANAN-MANAHAN, J.:

This appeal assails the 17 May 2012 Judgment[1] of the Regional Trial Court, Branch 35, Ormoc City, Leyte, finding accused-appellants guilty beyond reasonable doubt of the crime of Murder in Criminal Case No. 7496-0, the dispositive portion of which reads:

“WHEREFORE, premises considered, judgment is hereby rendered: Conspiracy having been established by the prosecution and once the conspiracy is proven, the act one becomes the act of all regardless of who actually rendered the fatal blow on the victim, the Court finds PEDRO GULVEN, PEPITO GULVEN and NELSON GULVEN, GUILTY beyond reasonable doubt of the crime of Murder with the aggravating circumstance of abuse of superior strength having been proven and each is hereby sentenced to suffer the penalty of Reclusion Perpetua.

If the accused is a prisoner, the period of his detention shall be credited if he abides with the rules and regulations covering detained prisoner, if not then for only four-fifths (4/5) thereof.

The accused having been found to be criminally liable, they are also hereby found civilly liable, in accordance with the provisions of relevant laws. The accused are hereby ordered to pay in solidum the heirs of the late Ruben Noynay the amount of P50,000 as civil indemnity and P50,000 as moral damages.

SO ORDERED.”

THE ANTECEDENT FACTS

The Information[2], indicts accused-appellants Pedro Gulven, Pepito Gulven and Nelson Gulven of the crime of Murder which reads:

“That on December 25, 2005, at about 3:00 o'clock in the afternoon at Sitio Caningag, Brgy. Masaba II, Matag-ob, Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping with one another and taking advantage of superior strength, did then and there wilfully, unlawfully, and feloniously attack, assault and stab Ruben Noynay with the use of a knife and a gaff which the accused have provided for the purpose thereby inflicting upon the victim fatal wounds on the different parts of his body which were the direct and immediate cause of his death thereafter.

CONTRARY TO LAW.”

On 16 March 2006, the RTC issued an Order of Arrest[3] against accused Pedro Gulven, Pepito Gulven and Nelson Gulven who were already detained[4] at the Leyte Sub-Provincial Jail, Ormoc City, Samar.

Upon arraignment on 2 October 2006, accused Pepito and Nelson Gulven, assisted by Atty. Oliver, entered a plea of not guilty. On 5 October 2006, accused Pedro Gulven also assisted by Atty. Oliver, pleaded not guilty to the

crime charged.[5]

On 18 January 2007, Pre-trial[6] was deemed terminated after the parties stipulated the facts, defined the issues, marked the evidence, named their witnesses and set the trial dates.

Trial on the merits ensued.

THE EVIDENCE FOR THE PROSECUTION

The prosecution presented the following witnesses: Jomar Obando, Rogelio Noynay, Dino Obando, Dr. Yvonne Ragasa whose testimonies are summarized as follows:

On 25 December 2005, more or less 3:00 o'clock in the afternoon, Dino, the house owner, saw accused Pedro standing nearby while carrying a knife and after a few minutes, went inside his house.[7] In about ten (10) minutes, the victim Ruben also went inside Dino's house.[8] Ruben was followed by accused Pepito and Nelson in about five (5) minutes.[9] The three (3) accused who by their concerted efforts hit and stabbed Ruben. Accused Pedro stabbed first and gave Ruben a single blow on the left breast. Accused Pepito, on the other hand, stabbed Ruben twice on the abdomen with a gaff.[10] Accused Nelson assisted by holding the shirt of Ruben while his father and older brother were assaulting and stabbing Ruben. Ruben finally fell outside the house and died instantaneously.[11] Despite the presence of many by-standers both outside and inside the house, appellants left the place and walked away with the knife and gaff but threw them away in the nearby grass area.[12]

The accused-appellants Pedro Gulven, Pepito Gulven and Nelson Gulven were positively identified by the prosecution witnesses during the trial.

Based on the examination of Dr. Yvonne Ragasa and as embodied in the Autopsy Report on Ruben Noynay, the latter succumbed to cardiac tamponade secondary to stab wound at left chest causing his death.[13]

On 12 February 2010, the prosecution formally offered Exhibits "A", "C" and "E" with sub-markings which were admitted[14] by the trial court.

THE EVIDENCE FOR THE DEFENSE

The defense interposed self-defense and denial. The defense presented three (3) witnesses: accused-appellants Pedro Gulven, Pepito Gulven and Nelson Gulven.

The gist of their testimonies are as follows:

On 25 December 2005, appellant Pedro averred that after he left the cockpit, he went to the nearby store to buy cigarette. He noticed several persons playing "tong-its" so he went inside Dino's place.[15] While inside the house, the victim Ruben approached him angrily and furiously.[16] Ruben was carrying a knife, about nine (9) inches long.[17] He and Ruben had an argument, but Ruben attacked him first, so he tried to defend himself.[18] Pedro took a knife which was hacked on the wall and plunged it to Ruben's abdomen.[19] Then he left the knife at the fence and went to the Municipal Hall of Palompon to seek police assistance and to have his wounds treated.[20] He surrendered in Palompon Police Precinct not in Matag-ob since Palompon is near the hospital.[21] The police brought Pedro to the hospital and have his wounds treated. Unfortunately after treatment, he was discharged from the hospital but he has been detained since then.

On the other hand, appellants Pepito and Nelson Gulven denied having any participation in Ruben's death.[22] They claimed that on that same date and time they were busy cleaning the harvested gingers they will sell the following day. Their ginger farm is located one and a half (1 1/2) kilometers away from Sitio Caningag where the incident happened. After finishing their farm work, they went home.

Upon arriving home, Pepito's neighbor, Andot Ignacio informed him that Pedro was in trouble in Sitio Caningag

and so Pepito went to Pedro's house but the latter was not there. Pepito returned home and prepared dinner instead.[23] Contrary to Pepito's statement, Nelson alleged that it was only on 26 December 2005 or the following day when they came to know about the incident where Pedro got involved in.[24]

On 27 December 2005, Pepito visited Pedro in Matag-ob Jail, however the police also imprisoned him as he was also implicated in the case.[25]

On 3 January 2006, Nelson wondering why his father never went home, visited his father and brother in jail. Unfortunately, he was also imprisoned.

On 4 October 2011, the defense formally offered[26] Exhibit "1" with sub-markings, which the trial court admitted.[27]

On 17 May 2012, the trial court rendered the assailed Decision. Aggrieved, accused-appellants instituted the instant appeal,[28] reiterating his innocence and assigned the sole error:

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

OUR RULING

Appeal is bereft of merit.

Appellants argue that the lower court erred in failing to give evidentiary weight to appellants Pepito and Nelson's alibi, thus disregarding the constitutional presumption of innocence in their favor. Appellants alternatively argue that granting that they killed the victim Ruben, the prosecution failed to prove the conspiracy among them. There was no evidence adduced to establish how the incident that led to the stabbing began. Any doubt that they acted as co-conspirators should have been resolved in their favor.

The appellee maintains that no reversible error was committed by the trial court. The appellee avers that the prosecution's evidence has satisfactorily proven all the elements of the crime. Similarly, the conspiracy was proven by the autopsy report which corroborated the categorical testimonies of Dino and Jomar on how the appellants acted, clearly showing a unity of purpose in the accomplishment of their criminal objective. The testimonies of these two (2) eyewitnesses also reveal that the killing was attended by the aggravating circumstance of abuse of superior strength. This circumstance qualifies the killing to murder.

A review of the records fails to persuade us to overturn appellants' conviction. We have emphasized often enough that the factual findings of the trial court, its calibration of the testimonies of the witnesses, and its assessment of their probative weight are given high respect, if not conclusive effect, unless cogent facts and circumstances of substance were ignored, misconstrued or misinterpreted, which, if considered, would alter the outcome of the case.[29] Under the circumstances, we find no exceptional reason to warrant a deviation from this rule.

Credibility of prosecution witnesses' testimonies.

Appellants contend that the trial court erred in giving credence to the testimonies of prosecution witnesses, Dino Obando and Jomar Obando despite the inconsistencies in their testimonies.

Appellants belittles the testimonies of the prosecution witnesses. First, the prosecution witnesses could not actually define appellants' motive or the incident which happened prior to the act of stabbing. Second, the two (2) prosecution witnesses seem not to be in agreement on what appellant Nelson Gulven was doing while his co-appellants Pedro and Pepito Gulven were delivering the stabbing blows. Third, as to the description of the three (3) assailants, the testimonies of the prosecution witnesses also contradict each other, which put the identity

of the appellants suspicious. Fourth, there was also discrepancy as to the exact whereabouts of the knife and the gaff after being used as instruments of the crime. Finally, the prosecution witness Jomar Obando himself is not consistent in his statement as to his location in Dino's house when he saw the stabbing incident.

The appellee, argues that the alleged inconsistencies do not affect the integrity of their testimonies considering that the kind of shirt worn by the assailants or the incidents which transpired prior to the commission of the crime are not material elements of the crime of Murder. What is important is that both witnesses saw the incident and positively identified appellants as the persons who stabbed Ruben Noynay. Further, appellants failed to impute any ill-motive to cast doubt on their testimonies.

The trial court positively identified all three (3) appellants as the perpetrators in killing the victim Ruben Noynay and the description of the acts committed by them. We observed that in accepting the truth of the identification and the account of how the stabbing took place, the trial court considered the witnesses' proximity to the victim and his assailants at the time of the stabbing — they were about two to three (2-3) meters away, respectively; the well-lit condition of the crime scene; and the familiarity of these eyewitnesses with the victim and his assailants — they are customers of Dino's store.[30] Similarly, we also note that no evidence was presented to establish that these eyewitnesses harbored any ill-will against appellant Pablo and had no reason to fabricate their testimonies. The weight of jurisprudence is to accept these kinds of testimonies as true for being consistent with the natural order of events, human nature and the presumption of good faith.[31]

We agree with the trial court's findings.

Where the prosecution witnesses have no knowledge as to the events which transpired prior to the commission of the crime, or could not recall the exact position and actions of the assailants while committing the crime, or the whereabouts of the instruments used after stabbing the victim, or the exact location of the prosecution witness when he saw the incident are but minor inconsistencies deemed not fatal to the prosecution's case. A few discrepancies and inconsistencies in the testimonies of witnesses referring to minor details do not impair their credibility.

In *People vs. Bi-ay, Jr., et al.*, [32] 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.[33]

In this case, the prosecution witnesses positively identified appellants herein, as the perpetrators of the crime. Not only were appellants identified in court, the witnesses also testified as to their participation in the death of Ruben Noynay.

In *People vs. Rebucan*, [34] 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.

The defense failed to prove self-defense.

As accused-appellant Pedro claims that the killing was done in self-defense, the burden is, thus, on him to prove unlawful aggression on the part of the victim, as well as the other elements of the justifying circumstance of self-defense.

Even if events had transpired as appellant Pedro related, he still failed to show that there was unlawful aggression on the part of the victim, or the other elements of the justifying circumstance of self-defense. In fact, he stated it was after he got possession of the knife that he stabbed the victim. Thus, the aggression on the part of the victim, if it existed, would have already ceased.

As there was no longer any unlawful aggression on the part of the victim, the justifying circumstance of self-defense is absent.

The details provided by appellant Pedro are not too clear, and he failed to explain the fact that the victim suffered three (3) stab wounds, whereas he himself obtained only minor wounds. The version propounded by appellant Pedro is, thus, less credible than that related by prosecution witnesses.

Defense of alibi.

Alibi is a defense that comes with various jurisprudentially-established limitations. A first limitation fully applicable to this case is that alibi cannot overcome positive identification. For the defense of alibi to prosper, evidence other than the testimony of the accused must be adduced. Evidence referred to in this respect does not merely relate to any piece of evidence that would support the alibi; rather, there must be sufficient evidence to show the physical impossibility (as to time and place) that the accused could have committed or participated in the commission of the crime. For alibi to be given evidentiary value, there must be clear and convincing evidence showing that at the time of the commission of the crime, it was physically impossible for the accused to have been at the situs criminis.[35]

Appellants Pepito and Nelson's alibi does not also meet the requirements of physical impossibility of time and place. A scrutiny of the appellants Pepito and Nelson's testimonies failed to show that it was physically impossible for them to be at the crime scene when the stabbing took place. We note that although appellants Pepito and Nelson testified that they were at the farm at the time of the stabbing, they nonetheless admitted that their farm and the crime scene is a five (5)-minute ride away. Hence, it was possible that appellants Pepito and Nelson could have gone out of Dino's house to join appellant Pedro in assaulting the victim, and afterwards returned to the farm.

Against the prosecution's overwhelming evidence, accused-appellants Pepito and Nelson Gulven merely denied the accusation against them. It must be noted that the prosecution witnesses positively identified them in open court as the same persons who ganged up and stabbed the victim Ruben Noynay. Alibi, as a defense, is inherently weak and crumbles in light of positive identification by truthful witnesses.[36] Alibi cannot prevail over the positive identification of the accused as the perpetrators of the crime.[37]

Appellants' guilt has been proven beyond reasonable doubt due to the following circumstances:

1. Presence of conspiracy.

On the issue of conspiracy, it occurs when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.[38] It must be proved with the same quantum of evidence as the crime itself. However, direct proof is not required, as conspiracy may be proved by circumstantial evidence. It may be established through the collective acts of the accused before, during and after the commission of a felony that all the accused aimed at the same object, one performing one part and the other performing another for the attainment

of the same objective; and that their acts, though apparently independent, were in fact concerted and cooperative, indicating closeness of personal association, concerted action and concurrence of sentiments.[39]

It can be inferred from the surrounding circumstances of this case that there was conspiracy between the appellants when they carried out the crime. The prosecution witnesses positively identified the three (3) appellants at the place of the incident, in fact the prosecution witnesses saw them stabbing the victim.

To establish conspiracy, direct evidence of a previous plan or agreement to commit assault is not required, as it is sufficient that at the time of the aggression, the appellants manifested by their acts a common intent or desire to attack.[40] In this case, appellants have shown a clear common objective to kill the victim, hence, the conspiracy which was properly alleged in the Information and duly proven at the trial must be upheld.

2. Abuse of superior strength as a qualifying circumstance in the crime of Murder.

The evidence on record gives the picture of the incident at the time when Ruben Noynay was already being held by appellant Nelson Gulven. While in this position, appellants Pedro and Pepito Gulven delivered several stab blows, one (1) of which proved to be fatal.

The trial court gathered, too, from these testimonies that the killing was qualified by the aggravating circumstance of abuse of superior strength, demonstrated by the concerted efforts of appellants to overpower the victim's strength with their own in carrying out their criminal plan.

The nature of the evidence presented, there are sufficient reasons to conclude and consider as having been established beyond reasonable doubt, the existence of conspiracy and the qualifying aggravating circumstances of abuse of superior strength and employment of means to weaken the defense. First, the convergence of three (3) appellants. Second, the time when the appellants were seen together at about 3:00 o'clock in the afternoon of 25 December 2005. Third, the possession by appellants Pedro Gulven of a knife and Pepito Gulven with a gaff. Fourth, the location of the three (3) stab wounds all of which were directed against vital parts of the body indicating intent to kill the victim. The foregoing circumstances clearly proved by the prosecution evidence, when taken together with the fact that death ensued indicate that there was conspiracy on the part of the appellants that they abused their superior strength and employed means to weaken the defense. The act of one is to be considered therefore the act of the other.

The penalty for murder.

Under Article 248 of the Revised Penal Code, as amended, the penalty for murder is reclusion perpetua to death.[41] In this case, apart from the qualifying circumstance of abuse of superior strength, the prosecution failed to prove the existence of any other aggravating circumstance. On the other hand, as the presence of the lone mitigating circumstance of voluntary surrender, Article 63 of the same code mandates that the proper penalty to be imposed on the accused-appellant is reclusion perpetua.[42] The prison term imposed by the trial court is upheld.

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.[43]

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.[44] The Court increases the award of civil indemnity from Fifty Thousand Pesos (Php 50,000.00) to Seventy-Five Thousand Pesos (Php 75,000.00) in line with prevailing jurisprudence.[45]

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 warranted.[46] 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.[47]

We also award Thirty Thousand Pesos (Php 30,000.00) as exemplary damages in line with recent jurisprudence[48], 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.”[49]

The heirs of the victim failed to present evidence 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 Ruben Noynay 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.[50]

WHEREFORE, premises considered, the Appeal is DENIED. The Decision dated 17 May 2012 of the Regional Trial Court, Branch 35, Ormoc City in Criminal Case No. 7496-0 finding accused-appellants Pedro Gulven, Pepito Gulven and Nelson Gulven 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 Ruben Noynay the following:

- The amount of 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 Apolinario M. Buaya; Record, pp. 304-324; Rollo, pp. 33-50.

- [2] Dated 17 February 2006; Record, p. 1.
- [3] Order of Arrest, Record, p. 26.
- [4] On 25 December 2005, Pedro Gulven surrendered at Palompon Police Station; On 27 December 2005 Pepito Gulven was arrested upon his visit in Matag-ob Police Station and on 3 January 2006 Nelson Gulven was arrested also upon his visit in Matag-on Police Station.
- [5] Certificates of Arraignment, Record, p. 47-A for Pepito and Nelson Gulven and p. 51-A for Pedro Gulven.
- [6] Pre-trial Order dated 18 January 2007, Record, pp. 62-63.
- [7] TSN Dino Obando dated 12 November 2009, p. 16.
- [8] TSN Dino Obando dated 12 November 2009, p. 14.
- [9] TSN Dino Obando dated 12 November 2009, p. 18; Jomar Obando dated 18 July 2008, p. 18.
- [10] TSN Jomar Obando dated 18 July 2008, p. 7.
- [11] TSN Jomar Obando dated 18 July 2008, p. 11.
- [12] TSN Jomar Obando dated 18 July 2008, p. 22.
- [13] Record, p. 20, Medico legal Report: Cause of Death: cardiac tamponade secondary to stab wound at left chest.
- [14] Order dated 4 March 2010, Record, p. 215.
- [15] TSN Pedro Gulven dated 24 August 2010, p. 9.
- [16] TSN Pedro Gulven dated 24 August 2010, p. 10.
- [17] TSN Pedro Gulven dated 24 August 2010, p. 11.
- [18] TSN Pedro Gulven dated 24 August 2010, p. 12.
- [19] TSN Pedro Gulven dated 24 August 2010, p. 13.
- [20] TSN Pedro Gulven dated 24 August 2010, p. 15.
- [21] TSN Pedro Gulven dated 24 August 2010, p. 16.
- [22] TSN Nelson Gulven dated 13 September 2011, p. 7.
- [23] TSN Pepito Gulven dated 21 June 2011, p. 9-10.
- [24] TSN Pepito Gulven dated 21 June 2011, p. 11.
- [25] TSN Nelson Gulven dated 13 September 2011, p.12.
- [26] Record, pp. 295-297.
- [27] Order dated 2 November 2011; Record, p. 298.
- [28] Notice of Appeal dated 30 May 2012, Record, p. 328.
- [29] Pelonia vs. People, G.R. No. 168997dated 13 April 2007.
- [30] Rollo, p. 40.

- [31] Velasco vs. People, G.R. No. 166479 dated 28 February 2006.
- [32] G.R. No. 192187 dated 13 December 2010.
- [33] 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.
- [34] G.R. No. 182551, July 27, 2011, citing PP vs. Gutierrez, 93 Phil. 863, 874 (2000).
- [35] People vs. Amodia, G.R. No. 173791 dated 7 April 2009.
- [36] People vs. Galo, G.R. No. 187497. 22 October 2011.
- [37] People vs. de Jesus, et al., G.R. No. 186528 dated 26 January 2011.
- [38] People vs. Talaogan, G.R. No. 178198 dated 10 December 2008, citing People vs. Barcenal, G.R. No. 175925 dated 17 August 2007; People vs. Agudez, People vs. Agudez, G.R. Nos. 138386-87 dated 20 May 2004.
- [39] Ibid., citing People vs. Agudez.
- [40] People vs. Barlaan, G.R. No. 177746, 31 August 2007, citing, People vs. Tagana, G.R. No. 133027 dated 4 March 2004.
- [41] “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 in its maximum period 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.
- xxx” (Emphasis supplied).
- [42] PP vs. Rebucan, G.R. No. 182551, July 27, 2011.
- [43] People vs. Dela Rosa, G.R. No. 201723, June 13, 2013
- [44] People vs. Salcedo, G.R. No. 178272, March 14, 2011
- [45] People vs. Domingo, G.R. No. 184343, March 2, 2009
- [46] People vs. Domingo, G.R. No. 184343, March 2, 2009
- [47] People vs. Malicdem, G.R. No. 184601, November 12, 2012
- [48] People vs. Rarugal, G.R. No. 188603, January 16, 2013
- [49] Ibid
- [50] People vs. Dela Cruz, G.R. No. 183091, June 19, 2013

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