

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DIOSDADO PATAYAN, JR. @ “TATA”, ACCUSED-APPELLANT.

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HERNANDO, J:

Before Us is an Appeal from the Decision[1] dated April 18, 2012 rendered by the Regional Trial Court (RTC), Branch 49 of Tagbilaran City, finding accused-appellant Diosdado “Tata” Patayan, Jr. guilty beyond reasonable doubt of the crime of Frustrated Homicide. The dispositive portion of the assailed Decision reads:

WHEREFORE, finding accused Diosdado Patayan, Jr., a.k.a. Tata, guilty beyond reasonable doubt for the crime of frustrated homicide only, and applying the Indeterminate Sentence Law, he is hereby sentenced to suffer a penalty of imprisonment for a period ranging from four (4) years and one (1) day of prision correccional as minimum to eight (8) years of prision mayor as maximum. In addition, accused is hereby ordered to indemnify the private complainant Godofredo Ladesma the following civil liabilities, to wit:

- a.) Five Thousand Nine Hundred Twenty-eight Pesos and 65/100 (P5,928.65), by way of actual damages;
- b.) Thirty Thousand Pesos (P30,000.00), by way of moral damages;
- c.) Thirty Thousand Pesos (P30,000.00), by way of exemplary damages;
- d.) Twenty Thousand Pesos (P20,000.00), by way of attorney's fees; and
- e.) To pay the costs of suit;

but without subsidiary imprisonment in case of insolvency.

SO ORDERED.”[2]

The Antecedents:

On December 6, 2004, an Information[3] for Frustrated Homicide was filed against accused Diosdado “Tata” Patayan, Jr. before the Regional Trial Court, Branch 49 of Tagbilaran City, the accusatory portion of which reads as follows:

That on or about the 20[th] day of September, 2004, in the City of Tagbilaran, Philippines and within the jurisdiction of this Honorable Court, the above-named accused with intent to kill and without any justifiable cause, did then and there willfully, unlawfully and feloniously, with the use of a samurai sword, attack and hack one Godofredo S. Ladesma, said attack was committed at the dwelling place of said Godofredo S. Ladesma, thereby inflicting upon him injuries: Multiple Hacking wounds: 1.5 cm. Left Frontal; 5 cm. Left Antero-Lateral Chest 10[th] Rib Left, were it not of the immediate and effective medical attendance given to him would have directly cause the death of said Godofredo S. Ladesma, thus the accused had in said manner performed all the acts of execution which would have produced the crime of homicide as a consequence but which nevertheless, did not produce it by reason of cause or causes independent of the will of the accused, that is, the immediate and effective medical attendance rendered to the victim, to the damage and prejudice of said Godofredo S. Ladesma in the amount to be proved during the trial of the case.

Acts committed contrary to the provisions of Article 249 in relation to Article 6 of the Revised Penal Code and

committed with the aggravating circumstance of dwelling.

When arraigned on May 30, 2005, accused, with the assistance of his counsel, Atty. Mia Manuelita C. Mascariñas-Green, entered a plea of not guilty[4] to the crime charged.

After the pre-trial was terminated[5], trial on the merits ensued.

Version of the Prosecution[6]

On September 20, 2004, at about 6:30 in the evening, private complainant Godofredo S. Ladesma, together with his stepchild Norlyn R. Lasco and children Rhea Marjorie Ladesma and Michaela Ladesma, was at the sala of their house located at Rizal St., Tamblot, Tagbilaran City, watching a television show, when suddenly accused Diosdado “Tata” Patayan, Jr., barged inside and repeatedly hacked Godofredo S. Ladesma in the forehead and chest with the use of a “samurai” rendering Godofredo unconscious. His children, seeing their father lying in a pool of blood, shouted for help while accused hurriedly left the house.

The shouts for help caught the attention of a neighbor, Marietta Deguma, who immediately went to Godofredo's house. On her way, she saw accused Diosdado “Tata” Patayan, Jr. emerging from the house with a bloodied samurai and running towards the back portion of the house.

Godofredo was brought to the Gov. Celestino Gallares Memorial Hospital where he was treated and attended to by Dr. Rolando Po who explained that Godofredo sustained a hacking wound about 5 cm. long at the left forehead and another 5 cm. wound at the left breast. Dr. Po opined that probably, the wounds might have been caused by a sharp edged instrument and further stated that without medical attendance, the injuries could have caused the death of the victim as they were open wounds and prone to infection.

Police investigators retrieved a bolo from the house of Godofredo and brought the same to the Police Station. Accused, however, was able to elude arrest.

At about 11 in the evening of September 19, 2004, or a day prior to the hacking incident, Godofredo's house was rained with stones allegedly thrown by Pablo Amoncio, Jonathan Mandin, and accused Diosdado Patayan, Jr., who even shouted to Godofredo, “Gawas diha kay amo kang sabwon” (Get out there as we'll turn you into a soup). As a result, a complaint for malicious mischief and threats was filed on September 24, 2004 by Jocelyn Lasco, Godofredo's live-in partner, against Pablo Amoncio and Jonathan Mandin, excluding accused, as the latter was already facing the charges from which the instant case arose.

As a result of the hospitalization, Godofredo Ladesma incurred medical and hospital expenses in the amount of Php20,000.00 more or less but only the amount of Php3,477.50 had receipts. Godofredo declared that as a result of the incident, he was not able to report to his work as a bet taker in the cockpit for one (1) month and had a loss of earning in the amount of Php10,000.00 at an average of Php2,500.00 per week. He further alleged that he feared for his life up to the time of his testimony and suffered nightmares. Hence, he asked for the amount of Php100,000.00 by way of moral damages and another Php500,000.00 as exemplary damages.

Version of the Defense[7]

At around 4:00 o'clock in the afternoon of September 19, 2004, accused Diosdado “Tata” Patayan, Jr. was at the basketball court near his house. Jaosue Celerijia warned accused to be careful as he had seen private complainant Godofredo S. Ladesma roaming around the neighborhood with a bolo in his hand, looking for someone. Ladesma's house was stoned the night before. According to accused, he was not bothered by the warning since he did not have any altercation or misunderstanding with private complainant.

The following day, on September 20, 2004, at around 6:30 in the evening, accused was at his residence in

Tamblot Street, Tagbilaran City, when his two friends namely, Rein Michael C. Real and Emar Jhon P. Bangalao, arrived. The three agreed earlier to visit a certain Miszel, whom accused was courting. Accused then told his friends to wait for him while he went to buy shampoo so he could take a bath. Real and Bangalao, however, insisted that they accompany accused to the store.

At about five steps away from accused's house, private respondent Godofredo S. Ladesma suddenly sprung from the dark side of the alley and struck accused with a bolo. Accused was caught by surprise with the suddenness of the attack and was unable to run. He was hit at his left shoulder but the bolo was not able to penetrate because of the t-shirt that accused draped on his left shoulder. His two friends got scared and scampered away in different directions. The two did not know anymore what happened thereafter.

According to accused, after the first attack, private complainant again struck him with the bolo where he was hit and wounded on his upper breast portion. Thereafter, he was able to run towards his house and went inside but private complainant chased him and continued to strike him with the bolo he was holding. Accused then saw a samurai that was displayed in their sala, got hold of it and used the same to parry the blows of the private complainant who kept on striking him. He was not hit as private complainant was allegedly a little bit drunk at that time.

Accused successfully drove Ladesma out of his house but the latter allegedly kept on striking him even when they were already on the alley until they were near the house of private complainant where the latter stabbed him again, hitting accused's chest. It was at this juncture that accused retaliated by striking private complainant with the use of his samurai as the latter seemed determined to kill him (accused). He again struck private complainant for the second time resulting to the latter's injury at his left forehead and left chest.

Accused, thus, admitted to be the one who inflicted the injuries sustained by private complainant but asserted that he did so in self-defense.

Accused was also treated by Dr. Rolando R. Po. Per the latter's findings, accused sustained a superficial laceration of about .6 cm at the upper right chest and a punctured wound at the left upper portion of his chest. According to Dr. Po, these are minor wounds which could have been caused by a sharp pointed instrument.

Ruling of the Trial Court[8]

The trial court did not appreciate the claim of self-defense by accused. It held that the essential and primary element of unlawful aggression was lacking in the case as the same had ceased at the time that accused inflicted the injuries on private complainant. In so ruling, the trial court explained, thus:

Thus, the only plausible scenario that really transpired at that time is that initially the private complainant was the aggressor by hacking twice with a bolo the accused. But the attack had ceased and stopped at the very moment the accused ran towards his house. Certainly, it is foolhardy for the private complainant to continue with the attack knowing that accused is already in his own backyard.

Moreover, this explains why in the testimony of Norlyn Lasco, her step-father was already viewing the TV show at the time but was seated at the window peeping outside.

Consequently, since the unlawful aggression had already ceased, herein accused is not anymore justified to retaliate and inflict multiple injuries to the private complainant. In this vein, the case of *People vs. Rabanal*, 349 SCRA 198, is enlightening wherein the Supreme Court held:

It is a doctrinal rule that when an unlawful aggression which has begun no longer exists, the one making a defense has no right to kill or even wound the former aggressor. (underscoring supplied)

Evidently, since the perils to the life of the accused was not anymore imminent nor actual, his act of retaliation by

hacking the private complainant who was already inside his dwelling had turned and converted him (accused) into that of an unlawful aggressor.

The essential element of unlawful aggression not being present, the plea of self-defense interposed by the accused cannot therefore be appreciated.

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Hence, this appeal[9] by accused-appellant Diosdado Patayan, Jr. alias “Tata” on the ground that the court a quo gravely erred when it ruled that:

The Assigned Errors[10]:

A. THE UNLAWFUL AGGRESSION INITIATED BY THE PRIVATE COMPLAINANT HAD ALREADY CEASED AT THE TIME ACCUSED INFLICTED INJURIES ON THE PRIVATE COMPLAINANT; THUS, THE PLEA OF SELF-DEFENSE CANNOT BE APPRECIATED IN HIS FAVOR;

B. THE CAPTION OF THE INFORMATION IS FOR FRUSTRATED MURDER EVEN IF THE INFORMATION IS CAPTIONED AS ONE FOR FRUSTRATED HOMICIDE.

The Court’s Ruling:

The appeal is bereft of merit.

At the outset, this Court duly notes that the present case is one for Frustrated Homicide. Appellant was charged[11] with and arraigned for that crime.

Appellant insists that the essential elements of self-defense are present in this case. He argues that the trial court gravely erred when it ruled that the unlawful aggression ceased to exist when private complainant sustained injuries arising from his retaliation. According to him, there was no proof presented evincing a material gap from the infliction of the actual, material and unlawful aggression on his person by private complainant up to the time when he retaliated against said aggression. There was no gap from the time private complainant sprung out from the dark alley and attacked him with a bolo up to the time that he was chased by private complainant inside his house until he got hold of the samurai and inflicted injuries on the former. Appellant asserts that the attacks of private complainant was relentless. Hence, he was justified in inflicting injuries on private complainant.

Appellant's arguments fail to persuade Us.

A careful and judicious examination and evaluation of the records of the case reveals that the trial court did not commit grave or serious error when it disregarded appellant's claim of self-defense.

It is settled that when an accused admits killing the victim but invokes self-defense to escape criminal liability, the accused assumes the burden to establish his plea by credible, clear and convincing evidence; otherwise, conviction would follow from his admission that he killed the victim.[12] Self-defense cannot be justifiably appreciated when uncorroborated by independent and competent evidence or when it is extremely doubtful by itself.[13] Indeed, in invoking self-defense, the burden of evidence is shifted and the accused claiming self-defense must rely on the strength of his own evidence and not on the weakness of the prosecution.[14]

Here, appellant admitted having inflicted wounds on private complainant.[15] The burden is therefore on him to show that he did so in self-defense.[16] To escape liability, the person claiming self-defense must show by sufficient, satisfactory and convincing evidence that: (1) the victim committed unlawful aggression amounting to actual or imminent threat to the life and limb of the person claiming self-defense; (2) there was reasonable necessity in the means employed to prevent or repel the unlawful aggression; and (3) there was lack of sufficient

provocation on the part of the person claiming self-defense or at least any provocation executed by the person claiming self-defense was not the proximate and immediate cause of the victim's aggression.[17]

Primarily, appellant failed to discharge this burden. It was not clearly and convincingly proven that the unlawful aggression was still present at the time that he wounded private complainant. At the most, what was only established by appellant was private complainant's initial unlawful aggression when the latter suddenly appeared from the dark alley and attacked him. This declaration was duly supported by his companions' testimonies.

However, the narration recounted by appellant as to what had transpired next appears incredible and highly doubtful. Other than his lone testimony, nobody was ever presented to corroborate his statement with respect to how he was purportedly attacked continuously and relentlessly by private complainant which necessitated his acts of parrying the attacks and in the process eventually resulted to private complainant's injuries.

On the contrary, appellant's version was effectively belied by the straightforward and positive declaration of the prosecution's witness, Norlyn Lasco, a fourteen-year old step-daughter of private complainant, who, in no uncertain terms, testified that his step-father, private complainant, was already in their house watching television, together with her and two other siblings, when appellant suddenly barged in and hacked private complainant. Evidently, this statement is a clear and sufficient indication that the unlawful aggression on the part of the private complainant had already ceased at the time the latter was hacked by appellant wounding him in his left forehead and on the portion of his left rib.

As between the statement of appellant and that of the prosecution's witness, We are more inclined to give due credence to the latter, as what the trial court did. Notwithstanding the young age of the prosecution witness, she was able to recount and recall in a vivid and clear manner what transpired on the day when his step-father was hacked in their house by appellant. In this regard, it is well to point too the well-settled doctrine that findings of trial courts on the credibility of witnesses deserve a high degree of respect.[18] Absent any showing that the trial court overlooked, misunderstood or misapplied material facts or circumstances, which if considered would have changed the outcome of the case, this Court finds no reason to overturn the findings of the trial court thereon, as in the instant case.[19]

On this score, We further give due account to the apt observation of the trial court on matter, thus:

The court however, is not anymore sold out to the claim of the accused that the private complainant persisted and continued in his attacked by raining him with a series of hacking blows up to the time when they were inside his (accused) house. That even if he was already able to get the samurai sword which was then displayed in the sala of his house, the private complainant was not afraid and continued with the attack while he (accused) just kept on parrying the striking blows until they got out from accused' house then to the alley and lastly to the house of private complainant wherein he was finally forced to retaliate by hacking the former with his samurai sword twice thereby hitting the victim at his left forehead and left chest, since the foregoing tall-tale of the accused does not anymore inspire belief for the following reasons:

a) The same is extremely doubtful and uncorroborated anymore. Let it be stressed that as testified to by Michael C. Real, after the first hacking, he together with Eman John Bangalao immediately scampered and fled away in different directions, with the accused running towards his house. In short, they were not anymore able to witness what transpired thereafter. Along this line, it is well settled that:

“The plea of self-defense cannot be justifiably entertained where it is not only uncorroborated by any separate competent evidence but is also extremely doubtful in itself.” (Citation omitted)

b) It baffles the imagination of the court that despite the numerous (uncounted) hacking blows allegedly made by the accused and lasted for several minutes nevertheless, he just sustained two (2) superficial and minor injuries only. His claim that there was a t-shirt draped in his left shoulder that prevented the hacking blow from

penetrating and besides, that he was able to parry the blows with the use of a samurai sword is unbelievable since certainly, the t-shirt would have fallen in the course thereof. Moreover, as admitted by the accused, the private complainant have kept on attacking him several times before he was able to grab the samurai sword displayed in the sala of his house hence, it is statistically impossible that he (accused) will sustain two (2) minor injuries only.

c) If indeed it is true that the hacking and the parrying of the blows even took place in the alley of the road up to the house of the private complainant which surely would have created a commotion and invited the attention of the neighborhood, then how come no one among the neighbors had come out in the open and volunteered to testify and corroborate the claim of the accused. In fact, even their closed door neighbor Marietta Deguma did not notice the commotion, instead what she heard was the shout of the children asking for help and saw accused coming out from the house of the victim.

Thus, the only plausible scenario that really transpired at that time is that initially the private complainant was the aggressor by hacking twice with a bolo the accused. But the attack had ceased and stopped at the very moment the accused ran towards his house. Certainly, it is foolhardy for the private complainant to continue with the attack knowing that accused is already in his own backyard. (Emphasis supplied)

With the foregoing findings, appellant's insistence therefore that private complainant continuously hit him deserves scant consideration.

At any rate, even if this assertion be considered, it is well to note too that at one point during appellant's testimony, he declared that:

Q: And what happened next after you were able to have the samurai in your hand?

A: I let him went out from our house and I went after him but when he was already near in his house he faced me again and he stab me and I was hit in my chest.[20]

This statement is quite perplexing. Instead of showing that there was a continuous attack, it indicates otherwise. It merely shows that indeed the unlawful aggression on the part of private complainant ceased to exist the moment he exited from appellant's house.

It is settled that the moment the first aggressor runs away, unlawful aggression on the part of the first aggressor ceases to exist; and when unlawful aggression ceases, the defender no longer has any right to kill or wound the former aggressor; otherwise, retaliation and not self-defense is committed. Retaliation is not the same as self-defense. In retaliation, the aggression that was begun by the injured party already ceased when the accused attacked him, while in self-defense the aggression was still existing when the aggressor was injured by the accused.

Accordingly, when appellant chased private respondent when the latter went out of his house, it could no longer be deemed as self-defense but retaliation. Resultantly, appellant cannot claim self-defense and should be held liable for the injuries he inflicted on private complainant.

For these reasons, We are one with the trial court in disregarding appellant's plea of self-defense. Indeed, the element of unlawful aggression is wanting in this case. It has been held that the condition sine qua non for the justifying circumstance of self-defense is the element of unlawful aggression. There can be no self-defense unless the victim committed unlawful aggression against the person who resorted to self-defense.

Neither can incomplete self-defense be appreciated as mitigating circumstance in appellant's favor. In order that incomplete self-defense could prosper as a privileged mitigating circumstance, unlawful aggression must exist.[21] The Supreme Court in several cases[22] reiterated the well-settled rule that unlawful aggression is an indispensable requisite in appreciating an incomplete self-defense. It is any one of the two other elements of

self-defense that could be wanting in an incomplete self-defense, i.e., reasonable necessity of the means employed to prevent or repel it; or lack of sufficient provocation on the part of the person defending himself; but it can never be unlawful aggression.[23] Considering that in the present case, the element of unlawful aggression was wanting, the supposed incomplete self-defense could not be appreciated. In this wise, We need not discuss further whether or not the other elements for self-defense are present.

In like manner, the mitigating circumstance of passion or obfuscation could hardly be appreciated in appellant's favor. It is quite evident that appellant inflicted injuries on private complainant out of retaliation and did not arise from a lawful sentiment. It has been held that there is passional obfuscation when the crime was committed due to an uncontrollable burst of passion provoked by prior unjust or improper acts, or due to a legitimate stimulus so powerful as to overcome reason.[24] The obfuscation must originate from lawful feelings.[25] The turmoil and unreason which naturally result from a quarrel or fight should not be confused with the sentiment or excitement in the mind of a person injured or offended to such a degree as to deprive him of his sanity and self-control, because the cause of this condition in mind must necessarily have preceded the commission of the offense.[26]

On the other hand, the mitigating circumstance of appellant's voluntary surrender must be duly considered. The Endorsement[27] transmitted by Police Inspector Miguel Suello Jimenez to the Regional Trial Court, Branch 49 of Tagbilaran City stated that appellant Diosdado Patayan, Jr. voluntarily surrendered at around 9:30 in the morning of December 30, 2004. This endorsement effectively proves appellant's voluntary surrender.

For voluntary surrender to be appreciated, the following requisites should be present: 1) the offender has not been actually arrested; 2) the offender surrendered himself to a person in authority or the latter's agent; and 3) the surrender was voluntary. The essence of voluntary surrender is spontaneity and the intent of the accused to give himself up and submit himself to the authorities either because he acknowledges his guilt or he wishes to save the authorities the trouble and expense that may be incurred for his search and capture. Without these elements, and where the clear reasons for the supposed surrender are the inevitability of arrest and the need to ensure his safety, the surrender is not spontaneous and, therefore, cannot be characterized as "voluntary surrender" to serve as a mitigating circumstance. This Court is not unaware that in *De Vera v. De Vera*[28] citing *People v. Taraya*,[29] the Supreme Court added a fourth requisite before "voluntary surrender" may be appreciated in favor of the accused - that there is no pending warrant of arrest or information filed.

In the present case, while prior to appellant's surrender on December 30, 2004, an Information dated December 3, 2004 was already filed on December 6, 2004 before the RTC and an Order of Arrest dated December 16, 2004 was already issued by the said court, We, nonetheless, consider the surrender as voluntary. In the same case of *De Vera v. De Vera*, the Supreme Court further held that:

We would like to point out that the mere filing of an information and/or the issuance of a warrant of arrest will not automatically make the surrender "involuntary." In *People v. Oco*, the Court appreciated the mitigating circumstance because immediately upon learning that a warrant for his arrest was issued, and without the same having been served on him, the accused surrendered to the police. Thus, it is clear that notwithstanding the pendency of a warrant for his arrest, the accused may still be entitled to the mitigating circumstance in case he surrenders, depending on the actual facts surrounding the very act of giving himself up.

Here, We take notice that the Order of Arrest was only received by the Chief of Police on December 28, 2004 and the Provincial Director on January 3, 2005. On December 30, 2004, appellant voluntarily surrendered before the police authorities. Accordingly, his surrender effectively saved the authorities from further trouble and expense in their search and arrest for appellant. In like manner, the considerably short span of time from the issuance of warrant and the surrender effectively manifests appellant's voluntariness.

The statement found in the Police Report Entry No. 625 to the effect that “Suspect eluded arrest after the incident”, could not be given due weight and credence. Due emphasis must be taken into account that the police officer who entered the same could not attest to the veracity of that statement as according to him, when he recorded the entries in the police blotter, he was not the investigator of the case and merely copied the draft prepared by the duty investigator. And when another police officer testified, no statement pertaining to said entry was ever made. Accordingly, it is a mere speculation to rule, on that basis alone, that indeed appellant eluded arrest at the time of the incident. In this light, We view the matter in favor of accused-appellant.

In any event, notwithstanding the presence of the mitigating circumstance of voluntary surrender, the penalty imposed by the trial court is nonetheless within the range of the proper imposable penalty. In *People v. Lanuza*[30], the Supreme Court held that:

The penalty prescribed by law for the crime of frustrated homicide is one degree lower than that prescribed by law for the crime of homicide. Under the indeterminate sentence law, the maximum of the sentence shall be that which could be properly imposed in view of the attending circumstances, and the minimum shall be within the range of the penalty next lower to that prescribed by the Revised Penal Code.

Considering that the penalty prescribed by law for the crime of homicide is reclusion temporal, the penalty for the crime of frustrated homicide would be prision mayor. Applying the indeterminate sentence law, there being the mitigating circumstance of voluntary surrender and no aggravating circumstance, the maximum of the sentence should be within the range of prision mayor in its minimum term which has a duration of six (6) years and one (1) day to eight (8) years, and that, on the other hand, the minimum should be within the range of prision correccional which has a duration of six (6) months and one (1) day to six (6) years. Thus, the imposition of imprisonment from four (4) years of prision correccional, as minimum, to seven (7) years of prision mayor, as maximum, is in order.

Similarly in the present case, the penalty of imprisonment imposed by the trial court for a period ranging from four (4) years and one (1) day of prision correccional as minimum to eight (8) years of prision mayor as maximum, is in order. In like manner, We find no reason to disturb the findings of the trial court with respect to the award of civil liabilities in favor of private complainant.

WHEREFORE, in view of the foregoing premises, the Decision dated April 18, 2012 of the Regional Trial Court, Branch 49 of Tagbilaran City is hereby **AFFIRMED** with **MODIFICATION** in the mitigating circumstance of voluntary surrender is duly appreciated. No costs.

SO ORDERED.

Quijano-Padilla, and Francisco,[*] JJ., concur.

[*] Acting Junior Member vice Justice Marie Christine Azcarraga-Jacob per Office Order No. 15-14-GTI dated June 30, 2014.

[1] Rollo, pp. 236-243.

[2] Ibid, p. 243.

[3] Record, pp. 1-2.

[4] Record, Order dated May 30, 2005, p. 63.

[5] Record, Pre-trial Order, p. 101.

- [6] RTC Decision, Evidence for the Prosecution, Rollo, pp. 237-238; Brief for Plaintiff-Appellee, Rollo, pp. 260-261.
- [7] RTC Decision, Evidence for the Defense, Rollo, pp. 238-239; Appellant's Brief, Rollo, pp. 227-228.
- [8] Rollo, Decision, pp. 236-243.
- [9] Per Notice of Appeal; Record, p. 312.
- [10] Rollo, Appellant's Brief, p. 228.
- [11] Per Information, Record, pp. 1-2.
- [12] Razon v. People, G.R. NO. 158053, June 21, 2007.
- [13] Ibid.
- [14] Ibid.
- [15] Transcript of Stenographic Notes (TSN); August 26, 2009, p. 5.
- [16] Supra at note 12.
- [17] Ibid.
- [18] Meneses v. Venturozo, G.R. No. 172196, October 19, 2011.
- [19] People v. Ending, G.R. No. 183827, November 12, 2012.
- [20] TSN, June 3, 2009, p. 5.
- [21] People v. Gabrino, G.R. No. 189981, March 09, 2011.
- [22] Ibid, citing People v. Manulit, G.R. No. 192581, November 17, 2010; People v. Mortera, G.R. No. 188104, April 23, 2010; and Mendoza v. People, G.R. No. 139759, January 14, 2005.
- [23] Ibid.
- [24] People v. Lobino, G.R. No. 123071, October 28, 1999.
- [25] Ibid.
- [26] Ibid.
- [27] Record, p. 27.
- [28] G.R. No. 172832, April 06, 2009.
- [29] 398 Phil. 311 (2000).
- [30] G.R. No. 188562, August 17, 2011.

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